CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

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VOLUME XLVIII, PART II.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

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JOHNSON CARREST SERVICE AND ARREST AND A

SENATE.

THURSDAY, January 18, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved. WILLIAM YANCEY, ADMINISTRATOR, V. UNITED STATES (S. DOC. NO. 264).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of William Yancey, administrator de bonis non of the estate of George W. Yancey, deceased, v. The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

HAND-ROLLER PROCESS-SAMUEL GOMPERS.

The VICE PRESIDENT laid before the Senate a communireation from Samuel Gompers, the president of the American Federation of Labor, transmitting a copy of resolutions adopted by that body, petitioning that the "hand-roller" process in the manufacture of currency, etc., be not discontinued by the

Mr. HEYBURN. What is this document?
The VICE PRESIDENT. The Secretary will again read the

The Secretary. A communication from Samuel Gompers, president of the American Federation of Labor, transmitting a copy of resolutions adopted by that body petitioning that the "hand-roller" process in the manufacture of currency, and so forth, be not discontinued by the Government.

so forth, be not discontinued by the Government.

Mr. HEYBURN. What is it doing in the Senate?

The VICE PRESIDENT. It is addressed to the Vice President as President of the Senate, and the Vice President therefore lays it before the Senate. It is practically a petition.

Mr. HEYBURN. I will make the appropriate motion when the document is before the Senate.

The VICE PRESIDENT. The document is before the Senate, and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer it to the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Committee and the Chair was short to refer the Chair w

and the Chair was about to refer it to the Committee on

Mr. HEYBURN. I move that the document be not received. No document should be received by the United States Senate that comes from that source in the light of recent developments.

Mr. CULBERSON. Mr. President-

The VICE PRESIDENT. One moment, until the Chair states the motion. It is that the document be not received. The Senator from Texas will proceed.

Mr. CULBERSON. I should like the Secretary to read the

statement he was about to read when interrupted.

The VICE PRESIDENT. The Secretary concluded the reading. He will read it again, if there is no objection.

The Secretary. A communication from Samuel Gompers, president of the American Federation of Labor, transmitting a copy of resolutions adopted by that body petitioning that the "hand-roller" process in the manufacture of currency, and so "hand-roller" process in the manufacture of currency, and so forth, be not discontinued by the Government.

Mr. PENROSE. Will the Senator allow me?

The VICE PRESIDENT. Does the Senator from Idaho yield

to the Senator from Pennsylvania?

Mr. HEYBURN. It depends on the purpose. I do not want the Senator to make a motion in my time that will shut off what I desire to say at this time.

Mr. PENROSE. I have no desire to shut off the Senator. If

he will permit me simply to announce my intention, I desire to move to refer the communication to the Committee on Printing.

Mr. HEYBURN. Now, Mr. President—
Mr. PENROSE. I will ask the Senate to vote on that motion

when the Senator is through.

Mr. HEYBURN. I will be through in a moment.

No communication should be received by the Congress of the United States from Samuel Gompers because of the facts disclosed in the McNamara trial and subsequent thereto. He is not qualified to address a communication to Congress or to the Government, and he should not be permitted to until he qualifies himself. I make that statement as a text for the of anything that pertains to this class of requests. I make that statement as a text for the consideration

Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator was through.

Mr. HEYBURN. I will be through in a minute. I only desire that my sentiments, whatever they are worth, shall be that the attitude of the made plain and be a part of the record this morning. Now I

yield to the Senator from Pennsylvania, who desires to make a

motion in reference to this matter.

Mr. PENROSE. I simply desire to say in connection with the remarks of the Senator from Idaho that in my service in the Senate I have yet to find the line of demarcation on the qualification that entitles a person to communicate to a Senator or the Senate. We get communications from everybody of all classes and distinctions and under all circumstances. I therefore make my motion to refer the communication to the Committee on Printing.

Mr. LODGE. The motion to refer is debatable?
The VICE PRESIDENT. The motion to refer is debatable, but there is a question whether the motion to refer is in order until the motion which has been made that the Senate shall refuse to receive the document is disposed of. The Ckair thinks that that should be first disposed of. If the Senate chooses not to receive the document, of course it can not be referred anywhere.

Mr. LODGE. That is very true, and on that I wish to say a

The VICE PRESIDENT. The Senator from Massachusetts will proceed.

Mr. CRAWFORD. May I ask a question?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I shall take but a moment.

Mr. CRAWFORD. I simply ask what this is. Has it been laid before the Senate? I have just come into the Chamber.

Mr. LODGE. It has been laid before the Senate. I understand from what the Chair says that it is a communication in the nature of a petition.

The VICE PRESIDENT. It is a letter which, in the opinion

of the Chair, should be recognized as a petition.

Mr. LODGE. I think it has been settled that all petitions and protests are to be received. Some 80 years ago that question of petitions occupied the attention of the House of Representatives for some time, and I think it was then settled, and I believe rightly settled once for all, that a petition respectful in character was to be received; that it was the right of every American citizen, no matter what it was thought of the citizen individually, if he presented a respectful petition or protest to have it received.

I sincerely hope that the Senate will not refuse to receive petition if it is couched in proper language.

Mr. HEYBURN. Mr. President, that right of petition is confined to the citizens of the United States. I would like to see or have some evidence that the petitioner in this case is a citizen of the United States. Until that question is decided he is not at liberty to petition the Congress of the United

Mr. CULBERSON. I understand that this is a petition from the American Federation of Labor. I should like to be advised

if I am correct in that view. The VICE PRESIDENT.

It is a letter addressed to the Vice President as President of the Senate, signed by Samuel Gompers, president of the American Federation of Labor.

Mr. CULBERSON. Does it not purport really to communicate to the Senate resolutions adopted by the American Federa-

tion of Labor?

The VICE PRESIDENT. It does.

Mr. HEYBURN. Now, a word more. Can any Senator vouch for the citizenship of Samuel Gompers? I have developed this question this morning for consideration just so

far as I desire at this time, and I withdraw my objection.

The VICE PRESIDENT. The Senator from Idaho withdraws his motion, and the communication and accompanying resolu-

tions will be referred to the Committee on Printing.

Mr. REED. Mr. President, I had risen before the Chair's ruling that the petition should be referred; the Chair had failed to glance this way and hence did not see me. I wanted

to say a word.

I do not know what the purpose is of any Senator in rising in his seat and inquiring whether a petitioner is a citizen of the United States, demanding proof or voucher, and then suddenly withdrawing his opposition. If Samuel Gompers is not a citizen of the United States and is known to the Senator not a citizen of the United States and is known to the Senator not to be a citizen of the United States, if that is regarded as a material matter, then it seems to me, if the Senator has that knowledge and it is regarded by him as material, he ought to advise the Senate and not withdraw his opposition. If he has no such knowledge, if the question was asked merely to create a doubt or cause a suspicion as to that of which he had neither knowledge nor information, then is occurs to me that the attitude of the Senator reflects a strange sort of side that the attitude of the Senator reflects a strange sort of side

Mr. President, I do not take the position that this letter should be received upon the narrow ground suggested by the Senator from Massachusetts. I do not mean to characterize the attitude of the Senator from Massachusetts as narrow; I intend, rather, to refer to it as the assertion of a technical legal right. I believe there is no—

Mr. LODGE. Will the Senator allow me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. Certainly.

Mr. LODGE. I put the right of petition upon the broadest constitutional ground. It is an inalienable right, in my judgment.

Mr. REED. I perhaps misunderstood the Senator. I think

that is the ground

Mr. LODGE. The Senator certainly misunderstood me if he supposed that I put it on any narrow ground. I put it on the broad ground of a general constitutional right of a citizen of the United States to petition.

Mr. REED. Where I sat I could not clearly hear the Senator from Massachusetts. But as he has just expressed his views and as he doubtless did in the first instance-he takes the broad position which I would expect the Senator from Massachusetts to take.

I join, then, with the Senator from Massachusetts. I gladly meet him upon the broad constitutional ground. I say here and now there is no citizen of the Republic so humble or obscure that he is not entitled to have his petition presented to this body. The right of petition and the right of remonstrance was settled when the British flag was lowered at Yorktown. There is no public body in this land so great that it ought not to receive and give consideration to the petition of any man, how-ever humble he may be. The greater the body the less injury will occur to its dignity if the petitioner should happen to be a man either obscure or resting under a cloud.

But I go further than that, sir. I recognize, as every other man recognizes, the full sweep and scope and potency of the facts that were developed in the McNamara case; but I say that any man who will bring a wholesale charge against the American Federation of Labor, who will cast an aspersion upon the members of that body as such, and indiscriminately reflect upon them because one or two of the men belonging to it have committed crime, is assuming a very grave responsi-

bility indeed.

Mr. HEYBURN. Mr. President—
The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Certainly. Mr. HEYBURN. Do I understand the Senator to suggest that by any word or suggestion I have referred to the labor organization? If he does, he is mistaken. I know a great many men who are members of that organization who are entitled to the highest respect and the greatest confidence of the people, collectively or singly. I referred only to the one man-Samuel Gompers

Mr. REED. Mr. President, the Senator shall not escape by

that route.

Mr. HEYBURN. Shall not escape from what, Mr. Presi-

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. From the legitimate conclusion to be deduced from the Senator's attitude in this matter.

Mr. HEYBURN. What is that conclusion?

Mr. REED. Mr. President, the conclusion that I draw is that the Senator rose in his seat to protest against the receipt of a document signed officially by the official head of the

American Federation of Labor.

Mr. HEYBURN. I confined my criticism to the man who signed it, and not to the organization for which he spoke.

Mr. REED. But, Mr. President, how shall we separate that question ?

Mr. HEYBURN. I can separate them.

Mr. REED. The document comes here signed by Samuel Gompers as the president of the American Federation of Labor.

Mr. HEYBURN. Mr. President, if the Senator will yield—

The VICE PRESIDENT. Does the Senator from Missouri

yield to the Senator from Idaho?

Mr. REED. Just wait until I finish my sentence and then I will yield.

Mr. HEYBURN. I want to answer that question.
Mr. REED. The document is not signed by Samuel Gompers as an individual; it is signed by Samuel Gompers as the president of the American Federation of Labor; and it is signed in a manner which, if it were attached to a contract, would bind the American Federation of Labor and not the individual,

Mr. HEYBURN. Now, I should like to ask the Senator if he would sit here and passively receive a communication from the McNamara brothers signing themselves, one of them as one officer of the labor union, and another as another officer? Would he do it?

Mr. REED. Why, Mr. President, I unhesitatingly answer

Mr. HEYBURN. Then I have no further argument with any Senator who can take that position.

Mr. REED. I would receive a petition from the McNamara brothers, from the Senator from Idaho, or from the best or the meanest of God Almighty's creatures. the meanest of God Almighty's creatures. I would give it fair and just consideration, and in its consideration, if possible, would disabuse my mind from any prejudice which might attach by reason of the past misdeeds of the man who forwarded the petition.

But, Mr. President, I rose to say one word more. Samuel Gompers stands as the official head of a great body of men who are scattered over the United States of America. 'The members of the American Federation of Labor, with their allied societies and organizations, embrace every trade and practically every vocation of life. They are found in every community, in every hamlet, in every village. We count them by hundred of thousands and by millions in the United States

If they are bad men, if they are wicked men, if they are so low and so vile that the touch of their petition would be pollution to this august body, then may God save the Republic of the United States! They have not seen fit to displace Samuel Gompers, and I say now that, man for man and individual for individual, the members of the labor organizations in this country who are affiliated under the name of the American Federation of Labor will average and weigh morally and mentally with the citizens generally of the United States, and some of them will look as well in the balances of justice and right as some Members of this body, sir.

What is there against Samuel Gompers that we have the right to draw aside the skirts of our righteousness and say, "Touch me not lest virtue shall depart from me"? This man has not been indicted for either high crimes or misdemeanors. Federal grand juries have been at work in almost every State of the Union; secret service men have been hunting and searching for evidence of guilt against every man connected with the dynamite outrages. Back of the efforts of the officers and the inquiries of Federal grand juries has been a sentiment of approval by all the people of the United States. That sentiment has had its strongest adherents in the ranks of organized labor. The demand that crime shall be punished has been universal. Along with other organizations and men the labor organizations and the laboring men of this country stand as much a unit against crime and are as free from crime as any other body of citizens in the land.

After all the investigation referred to no charge has been brought against Mr. Gompers by any tribunal authorized to bring forward an indictment. The great body of laboring men throughout the United States have not withdrawn their support from Samuel Gompers; they have not turned aside from him. That fact ought to create some presumption that he is still worthy to write a letter to the Senate, nay, even to the Senator from Idaho.

Sir, the statement that Samuel Gompers, occupying his present honorable position, neither indicted by a grand jury nor charged with crime by any responsible authority, still retaining the confidence of millions of American citizens, is yet so unworthy that he should be denied the poor right of petition, should not and shall not go unchallenged. I trust such a declaration will not again be heard in this Chamber.

Mr. FLETCHER. Mr. President, the matter mentioned in the petition has been considered by the Committee on Printing in effect. It was presented to them by various members of organized labor, and the Committee on Printing has reported a bill. That bill is now in the Senate. I can see nothing to be gained by referring this petition to the Committee on Printing unless it be printed in the RECORD. I therefore move that the petition be printed in the RECORD, in order that every

Senator may have the information as to what it contains.

Mr. HEYBURN. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. FLETCHER. I make the motion.
The VICE PRESIDENT. The Senator from Florida moves that the petition be printed in the RECORD.
Mr. HEYBURN. I ask for the yeas and nays on that motion,

Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THORNTON (when Mr. Foster's name was called). announce the unavoidable absence of my colleague [Mr. Fos-Ten] and state that he has a general pair with the junior Senator from Wyoming [Mr. WARREN].
Mr. WETMORE (when Mr. Lippitt's name was called).

desire to announce that my colleague [Mr. Lippitt] is unavoidably detained from the Senate. He is paired with the junior

Senator from Tennessee [Mr. LEA].

Mr. CURTIS (when Mr. Roor's name was called). I have been requested to announce that the senior Senator from New York [Mr. Root] was unexpectedly called from the city, and that he is paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. Richardson], but I transfer that pair to the junior Senator from Oklahoma [Mr. Gore] and vote. I vote "yea."
Mr. WARREN (when his name was called). I have a gen-

eral pair with the senior Senator from Louisiana [Mr. Foster]

and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. Briggs], which I transfer to the senior Senator from Oklahoma [Mr. Owen] and vote. I vote "yea."

The roll call was concluded.

Mr. TAYLOR (after having voted in the affirmative). I am paired with the Senator from Kentucky [Mr. Bradley]. As he is not present, I withdraw my vote.

Mr. JOHNSTON of Alabama. I have been requested to announce that the junior Senator from Connecticut [Mr. McLean] is paired with the senior Senator from Arkansas [Mr. Clarke]. The result was announced-yeas 67, nays 3, as follows:

YEAS-67.

Bacon	Cummins	Mouting N. T	Smith Co
Bailey	Curtis	Martine, N. J. Myers	Smith, Ga. Smith, Md.
Bankhead	Dillingham	Nelson	Smith, Mich.
Borah	Dixon	Newlands	Smith, S. C.
Bourne	du Pont	O'Gorman	Smoot
Bristow	Fletcher	Oliver	Stephenson
Brown	Gamble	Overman	Stone
Bryan	Gardner	Page	Sutherland
Burnham	Gronna	Paynter	Swanson
Burton	Hitchcock	Penrose	Thornton
Chamberlain	Johnson, Me.	Perkins	Tillman
Chilton	Johnston, Ala.	Poindexter	Townsend
Clapp	Jones	Pomerene	Watson
Clark, Wyo.	Kern	Rayner	Wetmore Williams
Crawford Culberson	Lodge McCumber	Reed - Shively	Williams
Culberson	Martin, Va.	Simmons	WOLVE
Culioni	CONTRACTOR LAND		
	NA	YS-3.	
Brandegee	Gallinger	Heyburn	
	NOT V	OTING-21.	
Bradley	Gore	Lorimer	Root
Briggs	Guggenheim	McLean	Taylor
Clarke, Ark.	Kenyon	Nixon	Warren
Crane	La Follette	Owen	

So Mr. Fletcher's motion was agreed to.

Lippitt

The communication and accompanying resolutions are as follows:

Percy Richardson

AMERICAN FEDERATION OF LABOR, Washington, D. C., January 17, 1912.

Hon. James S. Sherman,
President of the United States Senate, Washington, D. C.

Hon. James S. Sherman,

President of the United States Senate, Washington, D. C.

Sir. At the last annual convention of the American Federation of Labor, held at Atlanta, Ga., November 13-25, 1511, there was under consideration the following preambles and resolutions:

"Whereas there is now pending in the Senate of the United States a bill (S. 2564) known as the Smoot printing bill, the main purpose of which is to codify, amend, and enact printing laws, but which contains at the end of its 110 pages an eight-line section which indirectly repeals a law of Congress enacted for the purpose of safeguarding the people's currency against the dangers of counterfeiting; and

"Whereas the maximum of safety against the evils of the counterfeiters' art is guaranteed by what is known as the hand-roller process of manufacturing paper securities; and

"Whereas a cheaply manufactured paper money, in the making of which are to be discarded, for the sake of a false economy, the high art features of the engravers' and printers' crafts, which alone render impossible reckless and widespread counterfeiting such as prevailed in the days of the 'wild-cat' currency of the long ago, would entail incalculable losses upon the common people; and as proof, experience teaches that counterfeiters apply their skill principally to producing and putting in circulation the small notes which pass current among farmers and the working classes in the cities and towns on the assumption, which is well grounc'ed, that those classes will be the least suspicious and the more easily deceived with well-executed counterfeits; and

"Whereas it is the highest duty of the Government to throw every

and
"Whereas it is the highest duty of the Government to throw every possible safeguard about the paper money which it manufactures and puts in circulation among the people to the end that their present implicit confidence in this function of government may not be misplaced or destroyed: Therefore be it
"Resolved, That the American Federation of Labor, in convention assembled, protests against the repeal of the law of Congress of 1898 which provides that the paper money, bonds, and checks of the United

States shall be manufactured in the highest style of the art by what is known as the hand-roller process. We do not believe in a cheap country, cheap men, cheap wages, or a currency cheapened to the danger point of encouraging counterfeiting. In this respect the people have implicit confidence in their Government, and our pride and interest alike demand that this confidence shall not be destroyed. The people in the last analysis are the Government, and their voice, and not that of the selfish and scheming interests, should prevail in this matter of so vast, far-reaching, and vital concern; and be it further "Resolved, That copies hereof be transmitted to the President of the United States, the Secretary of the Treasury, the President of the Senate, and the Speaker of the House of Representatives with a request that the same be printed in the Congressional Record."

The convention approved the above, and in conformity with the concluding paragraph thereof I have the honor to transmit the matter to you, which I trust may receive your favorable consideration.

Very respectfully, yours,

SAML. GOMPERS,

President American Federation of Labor.

Mr. HEYBURN. Mr. President, just a word. It seems to me that we have possibly discovered a solution to an embarrassing situation which exists in both political parties. Mr. Gompers has been vindicated so thoroughly and indorsed so highly by both sides that it might be that if it is found that he is or will become a citizen of the United States and declare to which party he belongs he may solve the solution of the conventions.

Mr. BACON. I should like to ask the Senator from Idaho

if he does not recognize that any man, whether he be a citizen or not, who is in this country and subject to its laws and within

its jurisdiction, has the right of petition?

Mr. HEYBURN. Oh, no; there is no such law. It is a citizen of the United States who may petition.

Mr. BACON. That is not the law.
Mr. LODGE. Oh, no; Mr. President—
Mr. BACON. I will read the law.
Mr. LODGE. The Constitution is perfectly plain. It is the people of the United States.

Mr. HEYBURN. Yes. The Constitution was made before the Government.

Mr. BACON. The first amendment to the Constitution of the United States is in this language:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Mr. HEYBURN. Now, is there any question—
Mr. BACON. If the Senator will pardon me for just a moment; of course this is not the occasion to go into an extended debate upon that question, but it has been very thoroughly debated, and the principle very generally established and acquiesced in, I think, that that language creates an inalienable right to petition regardless of the person. And I make the further proposition, which I think is undoubtedly the correct one, that anybody within the jurisdiction of the United States and subject to its laws, who has a grievance, if it is one within the Federal jurisdiction, has—without now considering the manner of presentation—the right of petition; and I care not whether that person be the highest in the Government or whether he be a felon in a cell.

Mr. HEYBURN. Now, if the Senator submits that proposi-

Mr. LODGE. Mr. President—— Mr. HEYBURN. The Senator from Massachusetts will pardon me for a moment. I am not in doubt in my mind as to the status of the right of petition. No court and no tribunal has held that a foreigner being within the United States is included within the language of the first amendment to the Constitution.

If the Senator will refer back to the debates that were had upon this question at the time referred to by one of the Senators this morning, he will find that no one contended that a foreigner had that right. He must approach this Government-and we are the active element of the Governmentthrough the representative of the country to which he belongs. The word "people" refers unquestionably to the people of the United States who are citizens or within the status of citizen-

ship.

Mr. BACON. The Senator says "unquestionably." That, of course, settles it, because if it is unquestionable, there is no room for difference. But I do question it.

Mr. HEYBURN. I hope the Senator will not pass by—

Mr. BACON. If the Senator will pardon me, I want to finish, but-

Mr. HEYBURN. I hope the Senator will not attempt to dispose of it because I used the word "unquestionably." It expresses merely the unquestioned judgment of the person who speaks.

Mr. BACON. I will accept it in that sense.

Mr. President, I am not going to detain the Senate with this debate, but I will simply call attention to one thing. Every foreigner, every person within the jurisdiction of this country and subject to its laws, is permitted to go into our courts to establish his rights, and that is a principle which would undoubtedly apply to the question whether or not such a person, who sought to have his redress not in the courts but at the hands of Congress, would also have the right, for the same reason, to be heard by Congress.

Mr. President, if a foreigner in this country, subject to its laws, bearing its burdens, is suffering a grievance, a grievance which is not one to be righted in a court, but which can be redressed only by the action of Congress, it seems to me by every possible principle which applies to his right to go into a court, he should be permitted to be heard by Congress.

But, Mr. President, the use of the word "people" is signifi-cant, and it corresponds in its broadness with the principle which would include everyone who is within the jurisdiction and subject to the laws of the country, because foreigners have rights, and they have obligations, and those rights may be rights which can be redressed only at the hands of Congress; and by every rule and by every principle they would have the same right to appeal to Congress that they would have to appeal to the courts.

Mr. HEYBURN. May I ask the Senator a question in that

line?

Mr. BACON. With pleasure.

Mr. HEYBURN. Suppose a thousand subjects of Russia or of Italy, not being citizens of the United States, were to seek to petition Congress that action be taken against their Government; would a petition like that be received?

Mr. BACON. The question what the petition contains is another matter. There are certain things, as suggested to me by the learned Senator from Mississippi [Mr. Williams], that would not possibly be entertained by Congress as being a matter which would violate every principle of comity. Certain things might be rejected on that account. Certain petitions, by reason of being disrespectful to this body—for instance, for being couched in improper language or casting aspersions on the President of the United States or any of the judiciary-would be rejected; but any petition couched in respectful language, by anyone whatever, not violating the obligation of comity which we owe to other nations, on any subject which affects the right of anyone within the jurisdiction of the Government and subject to its laws and entitled to the rights and subject to the obligation of all persons, whether citizens of the United States or not, would be received; and it is only some exceptional reason-not by reason of the fact of noncitizenship, but something that affects the particular petition, such as I have indicated in the references I have made-which would justify hesitation for a moment on the question of its reception when properly presented. I think it is so broad that it includes everyone within the jurisdiction of the country, subject to its laws, and regard-less of his station, whether it be high or low, or whether he be a free man in the exercise of his rights or a felon serving a sentence of the law.

Mr. LODGE. Mr. President, in the volume of precedents which we have in regard to parliamentary questions in the Senate some cases are given of petitions from foreigners. The section is wrongly headed. It states, "Petitions from foreigners not received." And yet, if you read what the action was, the action was that the petition was ordered to lie on the table. It was not referred.

I myself agree entirely with the interpretation given to the clause of the Constitution by the Senator from Georgia [Mr. I have no sort of doubt as to the right of petition by a man not a citizen of the United States but a resident here and within our jurisdiction. I do not think it is material whether he has become a citizen or has not.

The right of petition at one period in our history was the subject of great contention. The House of Representatives for a great many years undertook to exclude petitions bearing upon The great contest that John Quincy Adams made to slavery. The great contest that John Quincy Adams made to establish the right of petition is familiar to every one. It was established and the gag rule, as it is called, was repealed.

I have always believed most profoundly, Mr. President, that the right of petition is absolute. The only restriction upon it is that the petition should be couched in proper and respectful The language should not be indecent or improper. language. The language should not be indecent or improper. If it is in respectful language, whether it comes from a man in the penitentiary or whether it comes from the highest officer in the land, it should be received. The right of petition is to me a great constitutional right.

I have said this simply because I think the Senator from

Missouri [Mr. Reed] misunderstood what I said.

Mr. CULBERSON. Mr. President, with reference to the question which has just been passed upon, I desire to say that I voted to receive this petition and to print it in the RECORD upon the broad ground that it is a petition from the American

Federation of Labor, an organization well known to this country.

So far as concerns Mr. Gompers, there is nothing to indicate that he is not a citizen of the United States or the subject or citizen of a foreign government. There is a mere suggestion of such a possibility. If any Senator or the Presiding Officer of the Senate, where the petitioner is not a citizen of this country but is a citizen or subject of some foreign country, were to present a petition to the Senate from the person himself, in his individual capacity, it would raise an entirely distinct question under the rule of the Senate, and one that is provided for expressly by the rules

To make myself plainer, if it appeared as a fact that Samuel Gompers is a citizen or subject of some foreign country and submitted this petition in his individual capacity as such, it could not be presented to the Senate under the rule except through the President of the United States, the executive medium of communication between this Government and foreign countries. Rather than have this matter go over without having the rule called to the attention of the Senate, I will read a

portion of paragraph 5 of Rule VII:

But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be trans-mitted to the Senate by the President.

PETITIONS AND MEMORIALS.

Mr. KERN presented a petition of the congregation of the Church of Christ of Ashley, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Com-

mittee on the Judiciary.

Mr. HITCHCOCK presented memorials of members of the Celtic Club; of the U. S. Grant Branch of the Star-Spangled Banner Association; of sundry citizens of the eighteenth assembly district; of members of the Thomas Davis Club; of sundry citizens of the twenty-second assembly district; of members of the Brin's Hope Club, the Bunker Hill Club, and the Dalcassian Club; of sundry citizens of the eleventh congressional district; and of the United Irish-American Societies of Greater New York, all of New York City, and of the Civic League of Brooklyn, all in the State of New York, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULLOM presented 47 letters from citizens of Denver, Colorado Springs, Salida, and Grand Junction, all in the State of Colorado ; 45 letters from citizens of Richmond, in the State of Indiana; and 85 letters from citizens of New York City and Brooklyn, in the State of New York, favoring the ratification without amendment of the proposed treaties of arbitration between the United States, Great Brintain, and France, which

were ordered to lie on the table. He also presented memorials of sundry citizens of Illinois, Massachusetts, New York, Pennsylvania, and Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and

France, which were ordered to lie on the table. He also presented petitions of sundry citizens of Illinois, Ohio, Rhode Island, and New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie

on the table. He also presented a petition of members of Company K, Fifth Infantry, Illinois National Guard, of Delavan, Ill., praying for the enactment of legislation regulating the pay of the members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Post No. 240, Grand Army of the Republic, Department of Illinois, of Lexington, Ill., praying for the passage of the so-called dollar-a-day pension bill,

which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Dangola, Broadwell, and Park Ridge, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented petitions of the congregations of the First Congregational Church of Ludington, the Methodist Episcopal Church of Paris, the First Congregational Unitarian Church of Detroit, the Congregational Church of Chelsea, the Congregational Church of Atlanta, and the First Methodist Episcopal Church of Manistee, of sundry clitics of Memphis and Manistee, of members of the Twentieth Century Club, of Detroit, and resolutions adopted by the House of Bishops of the Protestant Episcopal Church of New York City Bishops of the Protestant Episcopal Church, at New York City, N. Y.; of the lay conference of the Central German Conference

of the Methodist Episcopal Church, held at Pittsburgh, Pa.; and of the board of directors of the Chamber of Commerce of Los Angeles, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 110, Switchmen's Union of North America, of Saginaw, Mich., and a peti-tion of Local Lodge No. 80, Switchmen's Union of North America, of Grand Rapids, Mich., praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Cabinetmakers' Local Union No. 1369, United Brotherhood of Carpenters and Joiners of America, of Grand Rapids, Mich., and a memorial of Cigar Makers' Local Union and Carpenters and Joiners' Local Union, Three Rivers, Mich., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Three Rivers, Mich., praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 9, Stereotypers' Union, of Detroit, Mich., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of members of the Michigan Agricultural College Woman's Club, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Kent City, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of John Gilluly Post, Department of Michigan, Grand Army of the Republic, of Fowlerville, Mich., and a petition of sundry veterans of the Civil War, residents of Chelsea, Mich., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee

Mr. BURTON presented a memorial of sundry citizens of Massillon, Ohio, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregations of the Olivet United Brethren Church, of Dayton, Ohio, and a petition of the congregation of the Trinity Reformed Church, of Dayton, Ohio, praying for the ratification of the proposed treaties of arbitra-tion between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BURNHAM presented petitions of the Woman's Christian Temperance Union of Derry and Boscawen; of the congregation of the Congregational Church of Boscawen; of members of the Granite Club of Manchester and the Tourist Club of Keene; and of sundry citizens of Antrim, Alton, Salem, Peterborough, and Nashua, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of members of the Architectural Club of Boston, Mass., praying that the site in the Mall in the District of Columbia be selected for the location of the proposed memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

Mr. CLAPP presented petitions of sundry citizens of Dodge Center, Chatfield, St. Paul, Browns Valley, Duluth, Minneapolis, Center, Chatheld, St. Faul, Browns Valley, Duluth, Minneapolis, St. Cloud, Mankato, Eden Prairie, Brainerd, Faribault, Hawley, St. Anthony Park, Winona, Northfield, Rose Creek, Taopi, Two Harbors, Alden, Warroad, Pipestone, Detroit, Plainview, and Red Wing, all in the State of Minnesota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Fosston, Minn., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented memorials of sundry citizens of Otsego and Battle Creek, in the State of Michigan, remon-strating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry business men of Gregory, Mich., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Adrian and Alma; of the Young Men's Christian Association of Adrian; and of the Young People's Society of Adrian, all in the State of Michigan, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the congregation of the Methodist Church of Belding; of the Young People's Society of Adrian, and of the Young Men's Christian Association of Adrian, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the

Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry local granges. all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the eleomargarine law, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 205), accompanied by a bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the follow-ing Senate bills heretofore referred to the committee:

- S. 57. Abel Buckingham. S. 74. Wade Beach.
- S. 115. James Goodwin.
- S. 127. James Lynch. S. 151. George I. Martin. S. 191. Peter M. Bryant.
- S. 192. James Short.
- S. 194. John H. Jarrett.
- S. 195. John Lunsford.
- S. 294. William F. McKellup.
- S. 341. Lorentz Thoreson.
- S. 354. George A. Wingrove.
- S. 355. Adam Smith.
- S. 373. John Leister.
- S. 388. William F. Clark,
- S. 400. William L. Goodsell.
- S. 411. James McCue.
- S. 434. John W. A. Lawson. S. 436. Seth H. Tolles. S. 478. Jeremiah H. Taylor.

- S. 529. Balaam C. Hornaday, S. 540. Charles W. Riggs, S. 557. George H. Slightain, S. 558. Samuel M. Heover, S. 562. Francis M. Cox.

- S. 607. David Milford.
- S. 639. Alonzo L. Baker.
- S. 650. Eunice A. Starr.
- S. 792. Benjamin F. Spencer.
- 796. William J. Davis.
- S. 869. Archie S. Blackmer.
- S. 871. Robert B. Nicol. S. 885. Henry H. Larkin.
- S. 909. Philo S. Bartow.
- S. 928. Thomas D. Sheffield.
- S. 953. Fletcher S. Dewey.
- S. 983. Benjamin R. Chisam.
- S. 993. Hiram Brooks.
- S. 994. William G. Downs.
- S. 999. Louise Schenkel.
- S. 1022. Calvin Hitt.
- S. 1024. Nancy B. Jenness.
- S. 1027. Joseph G. Marsh.
- S. 1060. Robert H. Church.
- S. 1107. Paul A. Greely.
- S. 1117. Jennie West.
- S. 1137. John Denny.
- S. 1147. William F. Hart.
- S. 1148. Spencer Ford.
- S. 1164. James A. Hibbard.
- S. 1185. Stoughton A. Cheever.
- S. 1189. John Busha. S. 1210. David J. Ryan.
- S. 1371. Francis Weaver.

S. 1467. Frederick White. S. 1488. Josiah McElroy. S. 1498. Simon C. Strickland. S. 1499. Clem Reid. S. 1521. Seth H. Shurtleff. S. 1522. Woodbury Day (alias John White). S. 1645. George L. Keach. S. 1693. William Stoneking. S. 1709. Aaron B. Mitchell. S. 1725. William E. Ross. S. 1726. William Patterson. S. 1727. John Fairbanks. S. 1879. Hiram F. Daniels, S. 1942. Isaac D. Rowden. S. 1951. David E. Banks. S. 1972. Amon H. Johnson. S. 1972. Amon H. Johnson.
S. 2082. John M. Jackson.
S. 2121. William J. Frazer.
S. 2122. Joseph F. Smith.
S. 2220. Victor Tracy.
S. 2261. Russell D. Royal.
S. 2307. Ann J. Rouse.
S. 2315. Charles H. Senseney.
S. 2349. Samuel Beatty.
S. 2349. Samuel Beatty.
S. 2349. Coargo A. Chaffee. S. 2354. George A. Chaffee. S. 2439. Daniel Burket. S. 2458. George W. Patterson. S. 2467. Oliver C. Morris. S. 2513. Hardin T. Richardson. S. 2561. Elisabeth Teel. S. 2619. Edwin D. Jones S. 2679. Frederick M. Miller. S. 2736. Edward D. Hagen. S. 2742. Henry R. Kirk. S. 2743. Joel W. Gladson. S. 2743. Joel W. Giadson.
S. 2757. Catherine S. Wales.
S. 2758. Sarah A. Peck.
S. 2784. Hiram B. Morey.
S. 2847. Austin J. Marsh.
S. 2875. Hiram N. Brann.
S. 2876. Eugene Sullivan.
S. 2882. Tilman H. Elrod.
S. 2947. Morris Johnson.
S. 2072. Pakert Martin. S. 2972. Robert Martin. S. 3032. William H. Tillson. S. 3040. Susan Berfield. S. 3056. Sarah E. Cunningham. S. 3186. Abijah S. Chears. S. 3231. William H. Peek. S. 3274. Jimeson S. Tweed. S. 3313. William Gurin. S. 3325. Sarah E. Cloud. S. 3380. William W. Gordon. S. 3388. Don Carlos Cameron. S. 3405. Anna M. Robinson. S. 3406. John A. George. S. 3439. Emmanuel Mennet. S. 3466. John L. Perkins. S. 3467. Orlando B. Douglas. S. 3468. George W. Dimond. S. 3473. Adam C. Pattee. S. 3482. James H. Morris. S. 3483, James G. Doran. S. 3487, Reuben Bellows. S. 3528. Elizabeth C. Jarrett. S. 3535. David A. Buchanan. S. 3566. Hiram S. Plummer. S. 3591. Andrew McFarland. 8. 3648. John A. Boulger. 8. 3648. John A. Boulger. 8. 3656. Martin V. B. Knox. 8. 3717. Diana Christy. 8. 3723. Henry V. Leach. 8. 3773. Augustus G. Winslow. 8. 3833. Henry Bucholz. S. 3834: Marsena R. Clark. S. 3840. Gustavus H. Mann. S. 3841. Gilman A. Whitman. S. 3874. George A. Coverdale. S. 3876. Benjamin B. D. Derickson. S. 3888. Lewis Childs. S. 4115. Charles Young. S. 4136. John H. Mullison. S. 4259. Emma E. Keyes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read Mr. CURTIS (for Mr. CLAPP), from the Committee on Indian amendment, ordered to be Affairs, to which was referred the bill (S. 1014) for the relief the third time, and passed.

of the Ottawa Indian Tribe, of Blanchard Fork and Rouch de Boeuf, reported it with amendments and submitted a report (No. 207) thereon.

(No. 207) thereon.

Mr. BURNHAM, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 206), accompanied by a bill (S. 4624) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 56. Joseph Morris. S. 190. William P. Mandeville. S. 333. Isabella S. Snyder. S. 394. Frederick L. Jones.

S. 427. Ann O. Burt.

S. 432. James A. Bean. S. 430. Ulysses J. Waunemaker. S. 516. Cora E. Ruttinger. S. 565. Robert H. Parker.

8. 565. Robert H. Parker. S. 756. Ollie M. Croghan. S. 757. Benjamin A. Yates, S. 794. Leslie Harding. S. 824. Louisa A. Thatcher. S. 840. Philip C. Elbert.

S. 842. Le Claire H. Evans. S. 1136. Libbins W. Davis. S. 1480. Joseph L. Cooper. S. 1481. James Tompach.

8. 1634. Anderson Wright. 8. 1810. Leonard C. Wiswell. 8. 2023. Mary C. Whitson. 8. 2476. Joseph P. Sullivan.

S. 2573. Mary Lillie Bauskett. S. 2537. Albert W. Kelley. S. 2616. Andrew L. Weatherford. S. 3210. Paul Lemm.

S. 3589. Otto Paulson. S. 3659. Sarah F. Maynard. S. 3943. Elizabeth S. Lewerenz. S. 4034. Anne G. Robinson.

Mr. GUGGENHEIM, from the Committee on Public Lands, to which was referred the bill (H. R. 14664) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo., reported it without amendment and submitted a report (No. 212) thereon.

Mr. LODGE, from the Committee on Immigration, to which was referred the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, reported it with amendments and submitted a report (No. 208)

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and

North Dakota, reported it without amendment and submitted a report (No. 209) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 4033) for the relief of Warren E. Day, reported it without amendment and submitted a report (No. 210) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 2192) granting an honorable discharge to George W. Quimby, submitted an adverse report (No. 211) thereon, which was agreed to and the bill was postponed indefinitely.

JOSÉ PASOS DIAZ.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 68) authorizing the Secretary of War to receive for in-Res. 65) authorizing the secretary of war to receive for instruction at the United States Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua, to report it without amendment; and I submit a written report (No. 204) thereon. I ask unanimous consent for the present consideration of the joint resolution.

ACCIDENTS IN COAL MINES (S. DOC. NO. 265).

Mr. SMOOT. From the Committee on Printing I report favorably on a paper presented by the Senator from California [Mr. Works] on the 9th instant, being an address delivered by Dr. John Randolph Haynes before the joint session of the American Economic Association and the Association for Labor Legislation, in Washington, D. C., in December last, on the subject of accidents in coal mines and the means of preventing them, with the request that it be printed as a public document.

The VICE PRESIDENT. Without objection, the order will

be entered for the printing of the document.

THE AMERICAN MERCHANT MARINE (S. DOC. NO. 263).

Mr. SMOOT. From the Committee on Printing I report favorably on a paper presented by the Senator from Minnesota [Mr. Nelson] on the 8th instant, relating to the American merchant marine and shipbuilding industry in the United States for 1909, with the request that it be printed as a public

The VICE PRESIDENT. Without objection, the order for the printing of the paper will be entered.

ALBERT S. HENDERER.

Mr. CRAWFORD. I ask that the bill (S. 2179) for the relief of Albert S. Henderer, being Order of Business 165, and which was reported by me from the Committee on Claims on the 16th instant, be recommitted to the Committee on Claims for the purpose of correcting an error.

The VICE PRESIDENT. Without objection, the bill will be taken from the calendar and recommitted to the Committee on

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous .consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 4625) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 4626) for the relief of heirs or estate of John S. Burrows, deceased;

A bill (S. 4627) for the relief of heirs or estate of Joseph Cain, deceased:

A bill (S. 4628) for the relief of heirs or estate of L. D.

Crawley, deceased;
A bill (S. 4629) for the relief of heirs or estate of Louis R. Dicus:

A bill (S. 4630) for the relief of heirs or estate of Robert

Edwards, deceased; A bill (S. 4631) for the relief of J. D. Lane;

A bill (S. 4632) for the relief of heirs or estate of J. A. Milhous, deceased;

A bill (S. 4633) for the relief of heirs or estate of Thomas G. Neal, deceased;

A bill (S. 4634) for the relief of heirs or estate of Abner Ogles, deceased;

A bill (S. 4635) for the relief of N. E. Perkins;

A bill (S. 4636) for the relief of heirs or estate of J. O. K. Williamson, deceased;

A bill (S. 4637) for the relief of Lottie Bowman;

A bill (S. 4638) for the relief of heirs or estate of Wilson Cupples, deceased;

A bill (S. 4639) for the relief of Mrs. F. M. Harris; A bill (S. 4640) for the relief of heirs or estate of Joseph Holt, deceased; A bill (S. 4641) for the relief of John Rick;

A bill (S. 4642) for the relief of heirs or estate of T. E. Robison, deceased;

A bill (S. 4643) for the relief of heirs or estate of William J. Thomas, deceased; and A bill (S. 4644) for the relief of heirs or estate of Theodrick

Webb, deceased; to the Committee on Claims.

By Mr. BACON:

A bill (S. 4645) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia; to the Committee on

A bill (S. 4646) for the relief of the estate of Epenetus Heath, deceased:

A bill (S. 4647) for the relief of heirs or estate of Thomas Cater, deceased; and

A bill (S. 4648) for the relief of Martin Ball, heir of Stephen

Ball, deceased; to the Committee on Claims.

A bill (S. 4649) granting a pension to Perry M. De Leon; to the Committee on Pensions.

By Mr. O'GORMAN:

bill (S. 4650) granting an increase of pension to William H. Hall; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4651) to amend section 171 of the penal laws of the United States, approved March 4, 1909; to the Committee on the Judiciary

A bill (S. 4652) for the relief of certain Confederate officers for improper and illegal injuries inflicted; to the Committee on

Claims

A bill (S. 4653) to authorize the extension of Fourteenth Street and Alaska Avenue, NW.; to the Committee on the District of Columbia.

By Mr. SMITH of South Carolina:

A bill (S. 4654) to regulate contracts for the future delivery of cotton; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 4655) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER:

A bill (S. 4656) granting an increase of pension to George R. Griffith (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4657) granting an increase of pension to Nancy A. Searls

A bill (S. 4658) granting an increase of pension to William

H. Johnson; and A bill (8, 4659) granting an increase of pension to Oliver D. Browning; to the Committee on Pensions.

A bill (S. 4660) for the relief of L. H. Phipps; to the Com-

mittee on Claims.

By Mr. THORNTON:

A bill (S. 4661) for the relief of the estate of T. B. Cowan and others: to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 4662) for the relief of Charles Richter (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for, and to grant the same, and the right to operate and maintain a line of railroad, telephone, telegraph and electric-transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns; to the Committee on Military Affairs.

'A bill (S. 4664) granting a pension to Sarah A. Waite; and bill (S. 4665) granting a pension to Maria L. Graves; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4666) granting an increase of pension to George H. Pierce (with accompanying papers); to the Committee on Pen-

By Mr. OWEN:

A bill (S. 4667) granting an increase of pension to Ellis C. Howe; to the Committee on Pensions.

A bill (S. 4668) for the relief of the Wickita and affiliated bands of Indians; to the Committee on Indian Affairs.

A bill (S. 4669) for the relief of S. W. Fenton; to the Committee on Claims.

By Mr. TILLMAN: A bill (J. 4670) for the relief of Mrs. Thomas G. Prioleau and others, heirs at law of Thomas G. Prioleau, deceased; to the Committee on Claims.

By Mr. PAGE: A bill (S. 4671) granting an increase of pension to Roswell Bradley (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4672) granting a pension to Gertrude Brown (with

accompanying papers);
A bill (S. 4673) granting an increase of pension to Peter

Bruner (with accompanying papers); and A bill (S. 4674) granting a pension to William H. Rogers; to the Committee on Pensions.

By Mr. GUGGENHEIM:
A bill (S. 4675) for the relief of George W. Brown (with accompanying papers); to the Committee on Military Affairs.

INTERNATIONAL EXPOSITION AT GHENT, BELGIUM.

Mr. CULLOM submitted an amendment proposing to appropriate \$25,000 to enable the United States to participate in an international exposition to be held at Ghent, Belgium, from

April to October, 1913, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

AGRICULTURAL EXTENSION DEPARTMENTS.

On motion of Mr. SMITH of Georgia, it was

Ordered, That 1,000 copies of the bill (S. 4553) to establish agricultural extension departments in connection with the agricultural colleges in the several States receiving benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, be printed for the use of the Senate.

RURAL DELIVERY ROADS.

Mr. SIMMONS. On June 21, 1911, I introduced a bill (S. 2846) for experimental improvement of rural delivery roads by the Secretary of Agriculture in cooperation with the Postmaster General, for investigating the subject of Federal registration and license of automobiles used in interstate travel, and for other purposes, and asked that it lie on the table. I now ask that that bill be referred to the Committee on Agriculture and

Forestry.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Agriculture and Forestry.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

GENERAL ARBITRATION TREATIES.

Mr. LODGE. I move that the Senate proceed to the consideration of the arbitration treaties with Great Britain and France as in open executive session,

Mr. HITCHCOCK, Mr. President

The VICE PRESIDENT. Will the Senator from Massachusetts withhold his motion?

Mr. LODGE. For what purpose?

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of-

Mr. LODGE. I do not think, in justice to the Senator from North Dakota, who has given notice of a speech, that I can

yield for the passage of bills. I do not think I ought to do it.

The VICE PRESIDENT. The Senator from Massachusetts insists on his motion that the Senate proceed to the consideration of executive business as in open session.

The motion was agreed to.

Mr. McCUMBER obtained the floor.

Mr. SMITH of Georgia. I desire to present an amendment to one of the resolutions of ratification, and I send it to the

The VICE PRESIDENT. Without objection, the amendment will be printed. Does the Senator from Georgia wish to have it referred or lie on the table?

Mr. SMITH of Georgia. Let it lie on the table. The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. SMITH of Georgia. I ask that the amendment I offered be read. It is short.

The VICE PRESIDENT. Does the Senator from North Da-

kota yield for that purpose? Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. It relates to the same subject. Mr. GALLINGER. It ought to be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read as follows:

Proposed amendment to the resolution of ratification presented by Mr. Root August 21, 1911.

Amend the first paragraph of said resolution by adding to the same the following:
"With the exception of the last clause in Article III, which reads as

"With the exception of the last clause in Article III, which reads as follows:

"It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty."

"To this clause the Senate withholds its approval."

Also amend said resolution by adding at the close of the same the following:

"Resolved further, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made a part of such ratification, that the American members of any joint high commission of inquiry provided for in said treaty shall be appointed by the President, subject to the advice and consent of the Senate."

So that said resolution, when amended, will read as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Great Britain respecting arbitration, signed at Washington on the 3d day of August, 1911, with the exception of the last clause in Article III, which reads as follows:

"It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration

under Article I of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty.

"To this clause the Senate withholds its approval.

"Resolved further, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions or other purely governmental policy.

"Resolved further, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made a part of such ratification, that the American members of any joint high commission of inquiry provided for in said treaty shall be appointed by the President, subject to the advice and consent of the Senate."

Mr. McCUMBER. Mr. President, inasmuch as any uncertainty as to proper construction of these treaties can easily be cured, either by an amendment in the body of the instruments themselves or in the resolutions adopting them, we might well relieve ourselves of all effort to maintain our particular views of the construction that ought to be accorded to them; and if there were no other reasons compelling a further discussion of construction I certainly should not ask the attention of the Senate to any further argument along that line.

But when, on the floor of this Senate, it has been openly charged that the President of the United States has with studied purpose attempted to deprive the Senate of its constitutional power as a part of the treaty-making body and to transfer its functions to a commission; when he has been accused of impliedly, at least, attempting to avoid the Constitution which he has sworn to support, I feel it is the moral duty of those who deny that any such construction should be given to those proposed treaties to make public in the same tribunal their earnest dissent from those charges.

I have sometimes differed greatly with the President of the United States on questions of internal policy, but no man canever justly challenge his sincerity of purpose, his uniform candor, or his devotion fo the Constitution and the people of this country

The President declares that there is no purpose in these treaties to limit or curtail the constitutional power of the Sen-The Secretary of State so declares; and, Mr. President, the treaties themselves negative such purpose and can only be made to support it by a process of reasoning which shall violate the three fundamental rules of construction-first, that every provision should be given effect; second, that every provision should be made harmonious; and third, that each provision should be considered with reference to the object sought to be attained and the usages and customs pertaining to it.

I was not present at the committee meeting when the majority report presented by the Senator from Massachusetts [Mr. Lodge] was adopted. I am not therefore informed as to whether it represents the views merely of a majority of those who were present at that meeting or whether it has back of it the numerical majority of the entire committee. But I am certain that it can not be sustained without violating these fundamental rules of construction; that to sustain it we can not give effect to each and every provision; that to sustain it we are compelled to leave certain provisions inharmonious and in conflict; that to sustain it we must obliterate from our minds the prime purpose of section 2 and the customary method of bringing international questions before the treaty-making body.

Mr. President, the members of the Committee on Foreign Relations are, I believe, unanimous in their desire to provide for the settlement by an arbitral tribunal of every international difference that may arise not affecting the honor, independence, vital interest, or traditional attitude of any country upon questions which it deems essential to its national safety.

The only difference that has arisen in the committee is one of construction of the arbitration agreements submitted. Every member of the committee, as well as every Member of the Senate, must agree that the Senate, as a part of the treatymaking power of the Government, can not in law, and ought not in policy, surrender its constitutional right to assent to, modify, or reject any agreement of a treaty character sub-mitted to it, or its right to insist that every such agreement shall be submitted for its action.

If it can be established beyond reasonable cavil that these treaties do not purpose to deprive the Senate of its full constitutional power as a part of the treaty-making machinery of the Government, that its constitutional authority is in no way threatened or impaired, then the only question is the broad one, Does the Senate of the United States desire to take this great and advanced step looking toward universal peace, the abolition of the horrors and devastations of war, and the removal of the onerous burden of maintaining vast armies and navies which are to-day sapping the very life of nations and requiring nearly three-fourths of the national revenues throughout the world?

Mr. President, the longer one studies and the more carefully he analyzes the provisions of these agreements the more certain he will become of the untenableness of any construction of them that will impair the constitutional right of the Senate to exercise its judgment and discretion upon the whole or any provision contained in them.

Reduced to their simplest mode of expression, these agree-

ments provide:

First. By Article I that international differences which can not be settled by diplomacy and which are justiciable in their nature shall be submitted to arbitration.

Second. That they shall be submitted by special agreements in each case.

Third. That these special agreements in this country in each case shall be made by the President by and with the consent and advice of the Senate.

Note right here that no difference can be submitted to arbitration except by an agreement, which must be submitted to the

Fourth. That the agreements shall provide that the differences shall be submitted either to The Hague tribunal or to a special arbitral tribunal whose powers, duties, and procedure shall be fixed by the agreements.

All these shall be submitted to the Senate for its advice and

consent.

These are the essential features of Article I.

So far everything is clear. So far there is no disagreement in the committee as to the proper construction to be placed upon these agreements; it, however, has been intimated that we might well dispense with Article II, the provision for the creation of a commission.

But, Mr. President, history, and very modern history, has often taught the lesson that differences may become so acute, that national sentiment or pride may be so wrought up through exaggerated statements or bellicose utterances, that it may become impossible while the tension exists for a government to submit even the most clearly arbitrable questions to any international court. And to avoid this danger, to prevent such crises, as well as to secure correct data and an unbiased presentation of the claims of each nation for use and guidance in case the matter shall be formulated into an agreement for submission to arbitration, Article II is inserted in the agreement, and I desire Senators specially to note the purposes of this Article II.

This article binds the parties, as occasion may arise, to constitute a joint high commission of inquiry composed of three nationals of each country, unless otherwise constituted in any particular case, to impartially and conscientiously investigate any controversy between the countries within the scope of Article I, and to investigate it even though they are not all agreed that it falls within the scope of Article I.

There are many occasions in which such an investigation ought to be made. I can cite one in the recent history of this country when we raised the Monroe doctrine in the Venezuelan affair, in which a question might well have been discussed, not whether there was any attempt to violate the Monroe doctrine by the other country, but whether the real question at issue was one that would come within the provisions of the Monroe doctrine.

But remember, also, that this is an investigating commission only, and that its investigation precedes and is preliminary to any agreement for arbitration. Its function is partly to apprise the Governments concerned of the facts that they may determine whether the case is an arbitrable one, and if so, the character of the agreement for its arbitration which should be submitted to the Senate by the Executive of this Government or to the proper treaty-making power of the other Government. And again I ask the Senate to note how carefully the nego-

And again I ask the Senate to note how carefully the negotiators of these agreements have guarded against the infringement of the proper functions of the treaty-making power of the Government by this joint high commission. In the second paragraph of Article III, it is declared:

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

Now, we must find somewhere a purpose to make an exception to or to modify that clear proposition. This inhibition should be kept clearly in mind in arriving at the intent and purposes of these agreements.

So far, therefore, Mr. President, the agreements not only do not challenge the constitutional right of the Senate, but everywhere recognize and uphold it, first, by positively declaring that each agreement for arbitration, whether the agreement comes through the President directly or through this joint high com-

mission, must be submitted to the Senate for its advice and consent; second, by providing that the report of the joint high commission shall in effect be adviced only

commission shall, in effect, be advisory only.

I now approach directly the paragraph in controversy with the single object of determining whether that paragraph, by sudden divergence of purpose, clearly antagonistic to the purposes so far indicated, nullifies the provisions of article 1 that these agreements shall be made by and with the consent and advice of the Senate and also nullifies the immediately preceding paragraph, that the report of the commission shall not be regarded as decisions either upon the fact or the law.

To say that the negotiators of these agreements intended by the last paragraph of Article III to destroy the clear and positive declarations of Article II and further to destroy the preceding paragraphs of Article III, the first of which declares for the submission of the agreements to the Senate, and the second carefully guards against any conclusion of the committee having more than advisory force, is, in my judgment, paying scant respect to the ability of lawyers who have held the highest judicial positions in the country.

Mr. President, this paragraph will not bear the construction

Mr. President, this paragraph will not bear the construction contended for as elucidated in the majority report; and it can not, without taking a whole clause bodily out of it, be made to conform to the construction placed upon it by that report.

Let us analyze paragraph 3, which we are asked to strike out. It reads:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1—

And I want Senators to pay attention to the words it shall be referred to arbitration in accordance with the provision of this treaty.

What is the meaning of the language "shall be referred to arbitration"? Does it mean that it shall absolutely be arbitrated without reference to anything else? Is there any magic in the word "referred" as it is used in this third subdivision that gives it greater force or potentiality than is contained in the word "submitted" as it appears in the first paragraph? One paragraph says that in case the President believes—in effect, it so says—that it is justiciable it shall be submitted to arbitration; the other says that if all, or all but one, of the commission declare that it comes within the scope of article 1, it shall be referred to arbitration. Is there any greater force in the words "referred to arbitration"? Do they carry a meaning greater than that in the preceding paragraph that it shall be "submited to arbitration"?

The Senator from Maryland [Mr. RAYNER] in his very eloquent discussion here the other day stated—and I have his words—

If it was intended that the decision of the joint high commission should not be a finality, there would not have been the slightest difficulty in so expressing it and inserting in the treaty a clear and unambiguous provision that after the decision of the joint high commission it could then be reopened in the Senate for its acceptance or rejection.

But, Mr. President, that is a double-edged sword; that is an argument which cuts deeper backward than it does forward. After a provision which has clearly declared that this finding shall not be final, if the negotiators purposed to make an exception, then we might rather look for some words that should clearly indicate that purpose. If it was intended that the finding should be final upon a particular question, I answer the Senator's argument by saying it was the easiest thing in the world for the negotiators to have declared, not that this shall be "referred to arbitration in accordance with the provisions of this treaty," but that it "shall be arbitrated without further action"; that it shall without further action be submitted either to The Hague tribunal or be submitted to some other particular tribunal.

When read in the light of both Articles I and II the purpose of the last paragraph of Article III is clearly apparent. There can be no clear line of demarcation between questions that are justiciable—that is, those which do not affect the vital interest, independence, honor, national safety, or traditional attitude of any country—and those which are not justiciable. As a rule the jealous concern of any great country for its own future will be a sufficient guaranty that no question involving its honor, vital interest, or its traditional attitude, which attitude is always based upon what it considers its vital interest, will ever be submitted to arbitration; and that both nations should by solemn compact agree to submit the destiny of their governments, involving millions and hundreds of millions of people, to the disposal of any arbitral court is unthinkable, and as such unworthy of serious consideration.

But there may be, and naturally must be, a zone where the one question merges into the other and where, without serious charge of caprice, one government may claim that a question is clearly justiciable while the other may claim that it is not. Such a case may depend upon both questions of law and fact. Such questions of law and fact may need investigation. If, after such investigation, the facts are so clear that at least five out of six, or all of the nationals of one country and all but one of the other, agree that the matter is a justiciable question, then it may be referred to arbitration, not that it shall beyond all question go to arbitration, but that it may be referred to arbitration. But how is it to be referred?

And right here is the crux of the whole question. that all the members of the joint high commission, or all but one, decide that the case is clearly justiciable, then what becomes of it? Is it immediately referred to The Hague tribunal or other arbitral tribunal? Certainly it is not. No other tribunal at this stage has even been created. It is to be referred to arbitration in accordance with the provisions of this treaty. What provisions of this treaty? Manifestly those provisions in Article I which provide for special agreement to be made between the contending countries, and in this country submitted to the Senate for its advice and consent.

What would be the mode of operation? The joint high commission having found by unanimous or almost unanimous decision that the case is justiciable—that it comes within the provisions of Article I—the two Governments proceed to draw up a special agreement to refer the case to arbitration—not to arbitrate it, but to refer it to arbitration. This special agreement must either provide for its submission to the Hague tribunal or to some other tribunal, the constitution of which will be fixed in the agreement. This agreement must then be submitted by the President to the Senate of the United States.

And when this special agreement comes before the Senate, what function is to be performed by the Senate in reference to it? If the construction contended for in the majority report is to govern, the submission to the Senate is simply perfunc-tory; the reference to it is but idle ceremony. It is submitted to it for its advice, but it is estopped from advising. is submitted to it for its consent, but it is estopped in honor from withholding its consent. I submit that is a most extraordinary and strained construction. It is a construction that does violence to every natural intendment of the positive and specific provisions contained in the instrument. When a treaty is submitted to the Senate for its advice and consent-and I speak of treaties in general-the negotiators know and understand that the power of the Senate in reference to it is unlim-When, therefore, these agreements, which are in effect separate and distinct treaties, are submitted to the Senate for its advice and consent, what warrant have we to assume that the negotiators intended that the powers of the Senate should

I purpose to more closely analyze this last provision. It is suggested that this paragraph declares that if the commission "report that the difference is within the scope of Artice I it shall be referred to arbitration," and that therefore while the Senate has the undoubted right to disagree with the conclusions of the commission it would not be acting in good faith in so doing.

Mr. President, that is giving a wrong construction to the word "referred"; that is giving the words "referred to arbitration" the same meaning as though the instrument declared positively that the difference should be arbitrated. no more justified in according those words that conclusive meaning than we are in assuming, when we use the words in the first paragraph, that it "shall be submitted to arbitration." That we therefore mean that the difference must go to arbitration, and the Senate could not act in any way antagonistic to that idea when the matter is submitted under the provisions of Article I. But, Mr. President, that is not the complete declara-tion. The declaration is that it shall be referred to arbitration. The declaration is that it shall be referred to arbitra-tion "in accordance with the provisions of this treaty," and that makes an entirely different proposition. That negatives any assumption that it should be referred to arbitration without first going through the Senate in some form. That means that it will be referred to the Senate and will be arbitrated if the Senate advises that it shall be done; and I submit that means that the Senate can use its full and unfettered judgment as to whether the case does actually come within the scope of Article I. If there is left one solitary reasonable doubt that the negotiators did not intend that the Senate should be precluded from exercising its jull judgment, if there remains a single doubt that such an exercise of judgment on the part of the Senate was not to be deemed an act of bad faith, and that the Senate should not be estopped by the finding of the commission from holding a view

contrary to its findings, that doubt is dissipated by the provision which in no uncertain words declares:

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law.

This is what the instrument says as to the finality of the conclusion of the commission. I will ascertain further whether the succeeding clause modifies that. It especially declares that it is not final. And if the decisions are not conclusive there is but one body that can make them conclusive—the treaty-making body, the President and the Senate.

am not unmindful of the particular words used in the beginning of the third paragraph, following the paragraph which is quoted, namely:

It is further agreed, however, etc., that if the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration.

But now, if you will look at the provision, you will find that this is a distinct paragraph and not a part of and not intended to modify the preceding paragraph as to the nonconclusiveness of all of the decisions of the commission. It is rather, Mr. President, a modification of the first article.

Now, let us look into that a little. Under Article I, the President could not submit a case to arbitration—that is, he could not formulate an agreement, and that is what "submit to arbitration" means, so far as he is concerned—and submit it to the Senate for its advice and consent, when he considered that such an agreement would not be within the scope of Article I, even though the whole world might believe otherwise, and though every Member of the Senate might believe otherwise. So this second article is inserted providing for a commission to investigate, and it is intended by this provision, which the majority report seeks to strike out, to insure the proper preliminary steps being taken when the question is so clearly within the scope of Article I as to receive the unanimous, or lacking but one of the unanimous, report of the commission. When the case is so clearly within the scope of Article I as to secure such a finding, then the preliminary steps shall be taken to bring the matter before the Senate for its advice, even though the President might not be satisfied that the case was clearly within the scope of Article I. In such case it is made his duty to take the initiatory steps to bring the matter before the Senate for its advice, and without that there is no duty imposed upon him to bring it before the Senate for its advice. Suppose, in the matter of the Venezuelan trouble, to which I have referred, the President of the United States, for political or other reasons, or because he wanted to have his own way, had answered the final note that came from Great Britain, in which that country disclaimed any intention to take territory other than that which it had claimed, prior to the promulgation of the Monroe doctrine, by denying the right of arbitration upon the ground that the Monroe doctrine is not an arbitrable question and therefore the subsidiary question as to whether Great Britain was seeking territory outside of what she held prior to the Monroe doctrine was not an arbitrable question. In such case the matter could never have gotten before the Senate for its consent and advice.

This is the view taken by the negotiators of these instruments, the President and the Secretary of State. And this is the only view that will harmonize all of its provisions. And between a construction which will give harmony and effect to every provision of an instrument and a construction that will leave them in conflict, or that will compel us to eliminate—as I will soon show we must eliminate-some word or words as having no purpose, the former must be adopted.

Mr. BACON. Mr. President, may I be permitted by the Senator to ask him a question at that point?

Mr. McCUMBER. Certainly.
Mr. BACON. I understand the proposition, which the Senator is arguing with great earnestness and force, to be that if the Senate, after the joint high commission has adjudged a certain question to be justiciable, should disagree with that commission, the Senate would be authorized under the terms of this treaty to refuse to submit it to arbitration?

Mr. McCUMBER. In exactly the same way as it would if it had come directly from the President in the first instance without being passed upon by the commission.

Mr. BACON. I understand the Senator. He has been very candid and very broad in his statements. I ask the Senator, in view of his interpretation of the treaty in that regard, if, to avoid all possible question of ambiguity, he would be willing to embody as a part of the resolution of ratification the provision which I will now read.

Mr. McCUMBER. Is that the amendment offered by the

Mr. BACON. I will read it if the Senator will permit menot all of it, but just a part of it, which fully expresses the idea advanced by the Senator from North Dakota. It is in this language:

Resolved further-

This is to be a part of the resolution of ratification-

Resolved further, That the Senate advises and consents to the ratification of the treaty with the understanding, to be made a part of such ratification, that the treaty does not purport or intend that there shall in any case be denied to the Senate of the United States the full exercise of all the powers and duties conferred upon it by the Constitution of the United States in advising and consenting to the making of treaties and as to each and every part of the same and as to each and every question entering therein; and that nothing in said treaty shall be construed to impose any obligation, legal or moral, upon the Senate to waive its constitutional authority and duty to consider and determine each and every question entering into treaties proposed or submitted in pursuance thereof, including the question whether the matters in difference are arbitrable.

Would the Senator agree to that?

Mr. McCUMBER. I stated the other day that while I contended that it was wholly unnecessary, I would consent to put in the resolution anything which would make certain that upon which the Senators themselves disagree.

Mr. BACON. I do not ask the Senator to go that far. I ask the Senator whether he would agree to that specific language?

Mr. McCUMBER. I agree to that specific language or something similar to it.

Mr. BACON. That is not the question I ask of the Senator. I ask the Senator will be agree to that specific language?

Mr. McCUMBER. I have no objection to the specific lan-

Mr. BACON. That is about as close, I presume, as I can get the Senator to answer.

Mr. McCUMBER. I think that is sufficient.

Mr. President, I wish briefly to answer the arguments of the majority report. By Article I the matter submitted must—

First. Relate to international matters and not to matters which are internal or which relate exclusively to what each government may properly regard as a policy, as essential to its own maintenance, life, progress, prosperity, and independence, as its internal affairs;

Second. The question must be a claim of right made by one

against the other; and

Maryland [Mr. RAYNER].

Third. The claim must be justiciable in its nature by reason of being susceptible of decision by the application of the principles

of law and equity.

I wish to give my most vigorous dissent to the rule laid down by the majority in their report of the construction of the words "law and equity," and to agree most heartily with the construction placed upon those words by the Senator from

Every country must, of course, determine for itself what policies or subjects are international and what are not, and it will naturally be supposed that no government would ever submit to arbitration a matter recognized as essential to its own safety and independence. For instance, every country by its own laws determines who may and who may not become citizens of such country. The safety of such country depends upon the solidarity of its own citizenship. A nonassimilable people have always proved to be dangerous to any country of which they are a component part. We have a living illustration of that fact in the terrible struggle between the Manchus and the Chinese in China to-day. Each country has an inherent right to determine for itself whether a people of a particular color or a particular religion is conducive to its peace and safety, and therefore to determine whether or not such people shall be excluded from its citizenship or from its territory. Therefore, no such question could be submitted to arbitration, because it is a purely internal question. It would be as improper to submit such a question to arbitration as it would to try to compel two men, one a vegetarian and one a flesh eater, to submit to arbitration which diet the other should adopt. That is a matter for each to determine and not for one to impose upon the other.

Mr. BORAH. They could waive it.

Mr. McCUMBER. Any nation can waive anything it sees fit. Russia can waive, if it sees fit, its own view as to expatriation, but we have no right to demand and to say to Russia that whether or not she shall waive it it is an arbitrable question.

Our Monroe doctrine stands exactly upon the same footing. We long ago determined that our safety as a Nation forbade the extension of the territorial domain of any European country over the Western Continent. That is declared to be a policy of this country just as essential to its welfare as the exclusion of undesirable people from its citizenship. Every country of Europe has impliedly, at least, recognized that policy. But whether recognized or not, no country could claim that from our standpoint it is a justiciable question. Therefore, no

such question could possibly be submitted to arbitration, for both countries must agree that the question is an arbitrable one.

Other questions of like character may arise. Probably in three years we shall have completed the Panama Canal. While practically a highway for all nations, it is nevertheless peculiarly an American waterway. It is our property. We may regard it as a necessary highway for the mobilization of our warships in either Atlantic or Pacific waters. We may take such means to guard and protect it as we may deem necessary. We may properly say that this is an American question, not an international question, and not one that could be submitted to arbitration.

For the same reason Great Britain holds Gibraltar; for the same reason she controls the Suez Canal; for the same reason she guards the Bosphorus and the Dardanelles. She may properly say to the world: "These are British questions solely regard the protection of this natural as well as artificial highway as necessary for the protection of our domains beyond the sea, even necessary to supply our own people with the food they can not raise. Our national safety demands that we shall not allow that highway to be threatened." She would very properly refuse to submit matters of that character to arbitration.

Again, by Article I, it is provided that these questions must be justiciable in their nature by being susceptible to decision by application of the principles of law and equity. I am compelled to disagree with the report of the majority of the committee, in which they say:

We are obliged, therefore, to construe the word "equity" in its broad and universal acceptance as that which is equally right or just to all concerned; as the application of the dictates of good conscience to the settlement of controversies.

"Law and equity," used together anywhere in the English language have a technical meaning. The words "law and equity" are never understood to mean law and justice. The phrase has its genesis in English and American jurisprudence, and when used in a legal instrument carries the technical mean-We often use French phrases in our English literature, and when so used the French significance of the words would govern. If we were dealing with Great Britain alone, as we are in one treaty, I can not conceive of there being any claim that they should have other than their technical meaning as used and always used and understood by both countries. And if we use this English and American term in a treaty with France, it should have the English and American construction, exactly the same as a French phrase should have a French construction though used in an English document.

There is a wide distinction between "law and equity" and "law and justice." All laws are not just. Therefore justice may not harmonize with positive law. We can not have an equity that is opposed to law. Equity carries out the good intent and purpose of the law, which by reason of its universality may be deficient in detail or forms of execution to meet the equitable requirements of a particular case, but, unlike "justice," equity can never conflict with positive law.

Let us elucidate this by a very late case which was before the Senate, the termination of the Russian treaty. I was surprised to note that a very popular writer in one of our magazines suggested that this was a case for arbitration. This was not and could not be made a cause of arbitration. In 1868 we declared by positive law the right of any citizen of any country in the world who came to this country and lived here, and whom we might choose to adopt, to expatriate himself from his former allegiance and to become in every respect an American citizen. That law is an internal affair that has to do with the rights of our own people and of their citizenship. No matter what the equity, neither this Government nor the Russian Government could properly submit its laws relating to its internal policies to any court of arbitration. And in that respect we have a fair demonstration of the difference between law and equity and what some people might call law and justice.

Mr. SMITH of Michigan. Then that statute repealed the

treaty of 1832

Mr. McCUMBER. That statute, by clear implication, repealed the treaty so far as we recognized the Russian claim that a citizen could not expatriate himself without the consent of his Government, and I claim that in that treaty we practically did admit that, but by our act of 1868 we declared as a positive law that we would not recognize it longer, and we forbade our officers from recognizing it.

Mr. SMITH of Michigan. Yes; but suppose the treaty Mr. McCUMBER. I have stated that only in so far as it related to expatriation the statute repealed the treaty. say it repealed anything relating to shipping or anything of that

Mr. SMITH of Michigan. Then the Senator does not contend that we could repeal a treaty by a statute?

Mr. McCUMBER. Oh, yes, I do; just as we can repeal a

statute by treaty.

Mr. SMITH of Michigan. A treaty is the paramount law. Mr. McCUMBER. Unless it conflicts with the statute. statute is likewise the paramount law.

Mr. SMITH of Michigan. That is not the rule.

Mr. McCUMBER. I disagree with the Senator about that, but I do not care to go into a discussion of the subject.

Mr. BORAH. We can repeal it, so far as the citizens of this country are concerned, but we can not annul it so far as it affects our international obligations.

Mr. McCUMBER. That is all I claim-that, so far as the internal aspect is concerned, we can.

Mr. SMITH of Michigan. Let me not be misunderstood. The act of Congress would undoubtedly be binding on the administrative officers of this Government.

Mr. McCUMBER. Yes.

Mr. SMITH of Michigan. But it would not, in international parlance, void our treaty obligations.

Mr. McCUMBER. Nobody has claimed that. I say the statute becomes the law of the land governing our internal policies, and no nation can ask us to arbitrate our internal

Mr. CUMMINS. May I ask the Senator from North Dakota

a question?

Mr. McCUMBER. Certainly.

Mr. CUMMINS. Did you say in the earlier part of your address that the President of the United States takes your view of the construction of Article III?

Mr. McCUMBER. That is my understanding, and I so de-I understand others have stated that at one time he took a different view, but I can not find any justification for that assertion in any of his public utterances.

Mr. CUMMINS. I simply want to advise the Senator that I heard him make a very well-reasoned and a very complete address upon this subject-I sat by his side-in which he took exactly the opposite view and declared that the third paragraph of Article III was intended to bind the Senate and to bind the United States with regard to the character of the controversy.

Mr. McCUMBER. I have not heard every utterance by the President, and I can not take issue with the Senator, who states that he was present when the discussion took place, but I have read the addresses as they have been published and such as purported to be given in full, and I have found nothing to

justify that claim.

Mr. CUMMINS. I am told, too, that the Secretary of State, before the Foreign Relations Committee, took the same view that the President has taken, or apparently has taken, in his

addresses throughout the country.

Mr. McCUMBER. Having been present when the Secretary of State was before the committee, I beg to state that I did not so understand the Secretary. But I do not care to go into a discussion of that. I do not even care what the purpose was. I stand upon the construction that should be given to it according to its language.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER (Mr. Townsend in the chair). Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Certainly.

Mr. BORAH. We are now engaged in making this treaty, and several Members of the Senate, who are peculiarly fitted to discuss this question from a legal standpoint, hold entirely different views as to what the treaty means.

Mr. McCUMBER. Yes.

Mr. BORAH. Have we reached the point where we are incapable of using the English language so as to express what

Mr. McCUMBER. Oh, Mr. President, I have stated again and again that I am perfectly willing either to modify the body of the treaty—and if the Senator had been listening he would have heard that I stated in this argument-

Mr. BORAH. I heard that.

Mr. McCUMBER. I am willing to make it conform to the view which I have and which I think the Senator has, at least as to the rights and duties of the Senate, either by an amendment making it clear in the body of the instrument or in the resolution to be adopted.

If it is claimed by any foreign country that it has a right to deny a citizen of its country the right of expatriation, and that country should try to make that a question of arbitration upon the grounds of equity, we would answer that equity as read in this instrument always means an equity subject to the positive law of the land, and therefore such a question could not be submitted to arbitration because opposed to the law of the land.

It might be added with equal force that in this particular case there was absolutely no occasion for arbitration, because there was no difference between the parties as to the right of either party to terminate the agreement. The instrument itself declared in positive terms the right of such termination by either Government, and therefore there was no possible controversy as to that right being exercised by either party. Not Not only this, but by the positive law of 1868 we had in effect abrogated that treaty so far as it related to the right of expatria-It had not been binding upon us since that date, and we only did by direction what we had previously done by implica-

Questions, however, may arise as to whether certain disputes are within the category of those which are excluded from arbi-

tration by reason of not being justiciable.

Had a treaty of this kind been in existence during the last Cleveland administration, the last clause of Article III could well have been made use of in determining whether or not a case was clearly within the Monroe doctrine. The Monroe doctrine excludes any European power from extending its territorial limits at the expense of any American country. A dispute arose between Great Britain and Venezuela as to whether certain territory was British or Venezuelan territory. British forces were landed, as I remember, to hold a large tract of country which was claimed by Venezuela. If such territory rightfully belonged to Venezuela then there could be no question but that its seizure and permanent holding by Great Britain would violate our Monroe doctrine. President Cleveland, in diplomatic terms, after setting forth our ancient doctrine, desired an expression from the British Government of its purpose. The very leisurely manner in which the British Government proceeded in the matter brought about the famous message of President Cleveland, abrupt and threatening, and which well might have endangered the peace of the country. In due time, or, from our standpoint, past due time, the British Government stated its purpose was to hold only such territory as it claimed actually belonged to This Government conceded that the question as to where a boundary line was located was a proper matter for arbitration; that while the Monroe doctrine itself was not an arbitrable question, still the question as to the proper location of a boundary line between a South American Republic and British territory in South America was a question of that character. We have followed the same policy since that time in adjusting our own boundary lines with Great Britain, and it is just this which calls for this joint high commission, and without which we might possibly, under some circumstances, not be able to bring a matter before the Senate when it ought to be brought before it.

It seems to be conceded by the majority report that the special agreement for submission either to The Hague or to the other arbitral tribunal must be submitted to the Senate. right here the report of the majority seems to lay itself open to the criticism that it is illogical in that it assumes that while the matter must be submitted to the Senate for its concurrence, the submission is perfunctory only and the Senate has no right to question the finding of the joint high commission.

After quoting the clause sought to be stricken out, the report

It will be seen by an examination of the clause just quoted that if the joint commission, which may consist of one or more persons, which may be composed wholly of foreigners or wholly of nationals, decides that the question before them is justiciable under article 1, it must then go to arbitration, whether the treaty-making power of either country believes it to be justiciable or not. A special agreement coming to the Senate after the joint commission had decided the question involved to be justiciable could not be amended or rejected by the Senate on the ground that in their opinion the question was not justiciable and did not come within the scope of Article I.

I answer this by saying that the treaty does not so provide. The treaty, which must be considered as a whole, declares, first:

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

The treaty further states:

If all, or all but one, of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty.

How is it to be referred in case of a finding of a commission that it is justiciable? It is to be referred in accordance with the provisions of the treaty, and the provisions of the treaty are, first, as provided in Article I, that the agreement can only be made by and with the advice and consent of the Senate, and as provided in Article III, that the report of the commission shall not be regarded as a decision on either the law or the fact, so that under the actual wording of the treaty, the Senate has a duty to perform, and it is inconceivable to me that those who negotiated this instrument should have solemnly provided that each agreement should be submitted to the Senate for its advice and consent and as solemnly intended that it should do

nothing but consent.

If the negotiators had so intended they would naturally have said, "and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be arbitrated," without further action, instead of saying, "It shall be referred to arbitration, in accordance with the provisions of this treaty."

Again the report says:

Under these circumstances to vest in an outside commission the power to say finally what the treaty means by its very general and indefinite language is to vest in that commission the power to make for us an entirely different treaty from that which we supposed ourselves to be making.

How this assertion can be made when the very right, the final right, to pass upon the question whether or not a matter shall be submitted to arbitration rests in the Senate itself, is beyond my understanding.

Again, the report says:

Again, the report says:

For instance, if another nation should do something to which we object under the Monroe doctrine, and the validity of our objection should be challenged and an arbitration should be demanded by that other nation, the vital point would be whether our right to insist upon the Monroe doctrine was subject to arbitration. And if the third clause of article 3 remains in the treaty the Senate could be debarred from passing upon that question.

If the third clause of Article III remains in that treaty the Senate would not only not be debarred from passing upon that question, but by the very terms of that last clause, providing that the matter shall be referred to arbitration in accordance with the provisions of the treaty, the Senate would be compelled to pass upon that question. I do not for a moment concede that any arbitral tribunal appointed by a President who himself had declared that the subject was not one for arbitration and who appointed the members of the joint high commission would hold that a proposition so clear as the Monroe doctrine could possibly be made a subject of arbitration, but if they should so hold, still their holding could not be final until the Senate had also so advised.

Again, the report says:

If our right to exclude certain classes of immigrants were challenged, the question would be forced before a joint commission, and if that commission decided that the question was arbitrable the Senate would have no power to reject the special agreement for the arbitration of that subject on the ground that it was not a question for arbitration within the contemplation of Article I.

I have shown that by every clause in the treaty the question must finally go to the Senate. To refer does not mean that it is actually to be arbitrated, but simply that it is to take the regular course of reference; first, in the form of the special agreement; and, second, to the Senate for its advice and consent. If that is conceded, as I understand it is, then I submit that it was not intended that referring the matter to the Senate for its advice and consent was a mere idle ceremony. And yet that is the construction that must be placed upon it to support the assertions I have mentioned in the majority

Again, the report says:

To take from the Senate, in any degree or by any means, the power of saying whether a given question is one for arbitration or not is to destroy the power of the Senate on the most important point to be decided in connection with differences arising with any other nation.

Everyone admits that proposition. This treaty not only does not take away from the Senate, in any degree or by any means, the power to say whether a given question is one for arbitration, but there is no power that could take that away from the Senate. It is a constitutional right that can not be denied. The President, who negotiated this treaty, understands that as well as any Member of the Senate. And I certainly feel that I would be showing great disrespect for his legal acumen if I supposed that he had forgotten that in making this treaty or that either he or the Secretary of State, one of the profound lawyers of the country, should have so purposed.

Everywhere in the majority report we find that the words "in accordance with the provisions of this treaty," the last eight words of the article sought to be stricken out, have been entirely ignored; have been treated as though they did not exist for any purpose whatever. If those who agree with the majority report hold that they did intend to give meaning to those words, and that those words do mean that the agreement must nevertheless be submitted to the Senate for its advice and consent, then they are forced back on the very frail argument that, notwithstanding the fact that the Senate is invited and required to exercise the function of advising and consenting by the terms of the treaty, it can only only advise in the affirmative. Such is not a reasonable construction.

I submit there is just as much reason for saying that the Senate is debarred from exercising its judgment as to whether the case is an arbitrable one when submitted by the President,

who, without the action of the commission, must of necessity and by implication does find when he submits the matter to the Senate that it is arbitrable, as to suppose that the Senate is debarred when it is submitted to it in consequence of the finding of the commission.

Mr. RAYNER. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. McCUMBER. I yield.

Mr. RAYNER. I wish to state what my construction of these words has always been, and I submit to the Senator what the Senate would do. Unquestionably it goes to the Senate, and they would determine what the arbitral tribunal should be. They would say whether it should be referred to The Hague or referred to some other arbitral tribunal. That, I think, is the duty of the Senate. I would not take any other part of that treaty in pari materia with Article III.

treaty in pari materia with Article III.

Mr. McCUMBER. I understand the Senator's position. He made it very clear, I think.

Mr. RAYNER. The Senator says the Senate would have no function to perform. He must admit that it would, at least, have that function to perform, to determine what arbitral tribunal is to determine the case.

Mr. McCUMBER. Oh, yes; and that is all, if you give it

your construction.

Does not the Senate act exactly in the same way whether the matter comes before it on a decision by the President that the case is within the provisions of Article I, or a decision by the joint high commission of inquiry that the case is within the provisions of Article I? Both the President and the commission have to find that fact. The President of his own motion will not submit the matter unless he finds it falls within the provisions of Article I, and if the President holds that it is not within the provisions of Article I, then there is no way of getting it before the Senate, unless we have some other body that may say that it does fairly come within the provisions of Article I. In each instance the purpose is to secure the initiatory steps and bring the matter before the Senate. In each instance it is declared that it shall go before the Senate for its advice and consent, and there is nothing to be found in the instrument which says that the power of the Senate shall be limited in any way when the matter is brought before it. Why are we precluded from exercising our judgment in one case more than in the other? Both Article I and the last clause of Article III say in effect that the case shall be substituded. that the case shall be submitted or referred to arbitration if found to be a proper question for arbitration, not found by the Senate to be a proper case for arbitration, but if it is found by the President to be a case for arbitration, then it is "submitted" to arbitration under the first article, and if it is found by this committee to be a case for arbitration, then it is "referred" instead of "submitted" to arbitration.

Mr. RAYNER. If the Senator does not object to a further interruption—I have listened very attentively to his speech does he draw any distinction in law between submission to

arbitration and reference to arbitration?

Mr. McCUMBER. I do not. I say there should be none. Mr. RAYNER. But the Senator has drawn a distinction. He says the first article submits it when in the other article it is referred.

Mr. McCUMBER. No; I do not say anything of the kind.

Mr. RAYNER. I understood you to say so.

Mr. McCUMBER. I say it is referred to the treaty-making power in one instance and it is submitted to the treaty-making power in the other. I give exactly and practically the same meaning to "submit" that I do to "refer." But those who support the majority, it seems to me, have to give a definite meaning, a more positive and stronger and a further meaning,

to refer than they give to submit.

Mr. RAYNER. Let me ask just one more question and then I think I will understand the Senator. I do not suppose the Senator objects. This commission has two duties to perform?

Mr. McCUMBER. Yes.

Mr. RAYNER. Two entirely distinct duties? Mr. McCUMBER. Yes.

Mr. RAYNER. The first duty is an absolutely different duty from the second duty?

Mr. McCUMBER. Yes.

Mr. RAYNER. In one set of cases the matter is referred to them for the purpose of investigation.

Mr. McCUMBER. In both cases they are for investigation.

I beg to differ with the Senator there. In every case they must investigate.

Mr. RAYNER. Undoubtedly. But under the first clause they do not give any decision. Under the second clause they give a decision. Now, the Senator brings in the first clause in reference to their duty under the second clause.

Mr. McCUMBER. Oh, no; the point is this-

Mr. RAYNER. The Senator couples the two together. That

I do not understand,

I can not separate them. They investi-Mr. McCUMBER. gate a subject. Under all of the clauses they investigate it. There may be no question whatever in their mind, no one may raise a question as to whether the matter is justiciable or within the provision of Article I. Then, as a matter of course, it is referred, but if there is a question, then it will not be referred unless all or all but one of them declare it is justiciable.

Mr. RAYNER. But under the first reference the commis-

sion can not give any decision.

Mr. McCUMBER. It finds the facts and gives its conclusion; and that is all it does under the second.

Mr. RAYNER. That is separate.

Mr. McCUMBER. It makes its finding; it concludes what the facts are; and it presents its conclusions. It does not simply gather evidence and submit the evidence, even in the first, for investigation. It reports its decision. There is a decision in both instances. The first decision is what the facts establish, and that is submitted. The other decision is, if the question is raised as to its being arbitrable, and if decided in the affirmative, that is submitted as referred. But neither instance, I submit, is the decision binding upon the Senate, and certainly no more in the one case than in the other.

Mr. RAYNER. As I understand the Senator, he takes the first clause in pari materia with the last clause of Article III.

Mr. McCUMBER. Yes.

I ask that Senators shall especially note that the declaration that the cause shall be submitted to arbitration is the same in each case. Under Article I the President decides whether the difference is justiciable, and if he so finds that article declares it "shall be submitted to the permanent court of arbitration." Under Article III the commission decides whether the question is justiciable, and if it so finds that article declares it "shall be referred to arbitration in accordance with the provisions of the While the language is general in each section, the provision being that the matter is to be submitted or referred to arbitration, the same proceeding is contemplated in each case the formation of a special agreement and its submission to the Senate for its advice and consent.

If Senators will bear in mind that the great prime purpose of the creation of the joint high commission is to investigate the facts and assure that the preliminary steps will be taken to get the matter before the Senate, when it is so clearly within the rule that all, or all but one, of the nationals of both countries so hold, the harmonious construction becomes simple and rational.

The whole question turns upon the purpose of the creation of this joint high commission. The instrument says, and I say, that the function of the commission is to investigate and to that the function of the commission is to investigate and to insure the proper preliminary steps to be taken which may eventually result in arbitration, where, without the intermediary action of the commission, no such step might be taken, either because the executive heads of the nation are disinclined to act or hold a contrary view. I think that a careful reading of the whole instrument will convince any Senator, whose mind has not already been made up on the matter, that the purpose of the creation of the commission is not to supersede the Senate in determining what is instiglable and that it is not intended in determining what is justiciable, and that it is not intended by the last phrase of Article III to make an exception to the advisory character of the report whereby on the principal question, that of the justiciability of the difference, its decision is to be conclusive; but such purpose is to investigate and assure a consideration by the treaty-making power of all questions which seem to be so clearly within the rule of Article I as to secure unanimous or nearly unanimous approval by a commission of men learned in international law and ethics.

Mr. President, just one word on the merits, and then I will

close.

Mr. BACON. Before the Senator leaves that part of his speech I should like to ask him a question. I presume the Senator has compared this proposed treaty with the existing treaty we have with Great Britain.

Mr. McCUMBER. I have not made a careful comparison, but

I remember the other treaty.

Mr. BACON. If the Senator will compare it carefully, he will find that the particuar article in which this objectionable sentence is found and which the Senator has been discussing is copied almost exactly from the existing treaty, except that this particular change is made in it. If it is not intended to change the existing treaty, why should additional language be put in it when in the treaty as it now exists there is practically the same thing, except that there is no outside commission which is given the power to determine whether or not the matter shall be arbitrated?

Mr. McCUMBER. There is the whole reason for it. There is no provision in the old treaty that will bring the matter before the Senate if the President is disinclined to bring it before the Senate. That is the purpose of the second article

Mr. President, our appropriation for the Army and Navy in 1891 was \$68,342,507. In 1911 our appropriation was \$226,791,421, an increase of 230 per cent in 20 years.

The British appropriation in 1891 was \$154,560,782. In 1911 it was \$332,931,219, an increase of 115 per cent in 20 years.

How long can this condition continue? The increase of our

population during those 20 years was but 44 per cent. The increase of the population of Great Britain was 20 per cent.

Our appropriation for our Army and Navy increased five and one-fourth times as rapidly as our population. The British increase was five and one half times as rapid as her population.
Who can fail to see that the real end must be the question of which country will first become bankrupt or paralyzed in its further efforts? The race is toward national pauperism. The nations of the Old World are to-day being pauperized to defend themselves against each other. Blindly every nation is strug-gling to outdo the other in the size of its armament and its power for aggression. Before another 20 years, at the same rate of increase in the cost of preparedness for war, the countries of Europe will reach a state where every other governmental interest must be sacrificed to yield to the single demand for the creation and maintenance of armaments.

This condition is a crime against civilization. No country in the world is so situated as is our own country, guarded as she is by the seas, independent as she is of support from any foreign source, to take the initiative, and with a strong, earnest, and brave purpose bring about a cessation of this senseless, of this worse than criminal, expenditure of human energy for the production of that which does not tend to the happiness of the world, but whose one purpose is to destroy that happiness.

Even in the United States in times of peace, without a single war cloud in the horizon, nearly three-fourths of our govern-mental receipts are immediately poured into the war coffers for the maintenance of the Army and Navy and the payment of

The pride of this city is our Congressional Library. From the lips of every person who for the first time enters its portals bursts forth an exclamation of joy and pride. It cost just onehalf as much as a completed warship, to say nothing of the maintenance of the latter after completion. This beautiful structure will last a thousand years. The warship will become obsolete and useless in 10 years. We are suffering for a want of sufficient buildings to conduct the business of the country, and enormous sums are paid annually for rent, and yet the ap propriation which we make every year for war purposes would build 30 of these libraries, 300 of them in 10 years. We are unable while we are pouring these vast sums into our armament to even appropriate the necessary funds to complete the work of our Census Bureau, and we must leave all its important data, collected at great expense, until a time when it will be obsolete and useless.

And what profit is it to us that because of our greater resources we shall be able to outstrip all other nations of the world in the construction and maintenance of a mighty navy? Every dollar that we compel them to expend in an attempt to keep abreast of our power means a dollar that might have bought our goods. We are by this race for war power destroying the ability of our customers to purchase our wares, and our people in the end will suffer the result. If the money expended for war purposes the world over could be expended in the comforts and luxuries of life, we would all be comparatively wealthy. If the vast energy expended in the maintenance of armies and navies could be utilized for the real benefit of humanity we could have a paradise of plenty on earth.

You say preparedness for war is the surest guaranty of peace. As between two nations of equal power, with no contract or agreement or understanding to bind them to a rule of conduct that would be applied to the citizens of each, it may be possibly true that the one must continue to increase its power to meet the threatening strength of the other. As against the smaller and weaker powers, however, it is the surest guaranty of war.

But where will we end? Each additional expense in the national armament of one nation invites an additional expense on the part of the other, until the whole civilized world is groanunder the enormous burden of taxes required for their maintenance.

Let us pass these arbitration treaties. Let us secure like treaties with all the nations, and we shall immediately see an ever-diminishing war budget and an ever-corresponding increase of the world's prosperity and happiness.

Mr. President, I feel that we do not fully recognize or appreciate the far-reaching influence of the confirmation of these treaties. I feel confident that as soon as these treaties with Great Britain and France are confirmed by the Senate the cause of arbitration as a settlement of all arbitrable differences will receive such an impetus that we shall be able to make like treaties with Germany, Austria, Italy, and every civilized country in the world.

Mr. President, here is another most important matter which we must not overlook, a matter that is far more important than the mere settlement of arbitrable questions. Whenever the great nations of the world agree to submit all differences which are justiciable or arbitrable in their nature to an international tribunal, it will force that tribunal and the parties who submit their differences to its adjudication to determine the line of demarcation between the vital, inherent, God-given, and sacred rights of each nation, great and small, and to recognize those rights. And when we have advanced civilization to such a degree that the great nations of the world will sign similar compacts wherein they recognize certain sacred rights of other weaker nations as nonassailable, we have done for the peace of the world a hundred times more than is secured by the mere submission of minor differences to arbitration.

With a treaty of this character, signed by all the great countries of the world, the war with Tripoli would never have been heard of. With a treaty of this kind, signed by all the great nations of the world, including Russia, the cries of Persia for justice and mercy would not now be ringing throughout the

There is nothing so powerful to-day as aroused public opinion. It makes wars and it stops wars. There is something in a written contract, though it binds countries to nothing more than that which honor should bind them, the breach of which by any nation would bring down upon it the condemnation of every other nation.

There are few countries in the world to-day which can wage a great war without borrowing from other countries. time is coming, and ought to come, when no great nation of the world shall be able to borrow money from other civilized na-tions for the purpose of carrying on an unjust war. It was due to a great world sympathy for Japan in her struggle for the maintenance of her national life that enabled her to carry on that war against a country with a population and resources five times greater than her own and with a territory 500 times greater. Flushed with victory, her inclination was to demand an indemnity, but when she had gained all she had demanded as her inherent right for her self-preservation, public opinion would not sustain her in a war continued for the purpose of securing money indemnity. And it was that public opinion that brought about peace between the contending nations.

I wish, Mr. President, that it were within my power to impress the Senate with my own conviction of the duty which we owe to the world, to humanity, to all future generations, to consummate this first great act of world statesmanship—to lay this corner stone in the temple of universal law and justice. I have little patience with those who pronounce as a fanciful dream the prophecy of the dawn of a day when nations shall be gov-erned in their relations with each other by the same code of morals which every State exacts of its own people in their interrelations. The sentiment of the people of the civilized world is to-day against all international injustice. But so long as there is no power other than the unrestrained will of a greedy government to restrain it from unjust acts, so long will the stronger of such governments rob and plunder the weaker.

In the slow evolution of the human race there came a time when the consensus of all the people declared that the individual should no longer be arbitrator of his differences with his neighbor; that justice and right should no longer be measured according to the judgment of him who could wield the biggest club. And they placed their united strength and their unbiased judgment against the distorted idea of right as entertained by

the man with the bigger club.

I fancy many men in that far-off period assumed and declared that this invasion was contrary to human proclivities, and so long as human nature retained the element of greed and injustice the strong would override the weak. And undoubtedly many of those of a bellicose disposition declared that it would be hypocritical to create a court to try those differences when, as a matter of fact, the individual did not intend to allow any tribunal to govern him in what he deemed a matter of his own business.

But they did create a court, and they did obey that court, backed, as it was, by the whole power of society. And because of that restraint we have all we know of twentieth-century civilization.

Mr. President, we have to-day reached another stage in world progression, whereby we purpose to force, by the power of the world's sentiment, supplemented by the combined obligation of national compacts of every nation to abide by the same code of morals in their international relations that they in turn exact from their subjects, namely, that they rob no other nation of its honor, that they steal not its territory, that they murder not its people; and I sincerely hope that the great Government of the United States will be the first Government that shall attempt to lay the corner stone of this edifice of international justice.

Mr. BACON. Mr. President, before the Senator takes his seat I should like to make an inquiry of him.

The PRESIDING OFFICER Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. BACON. Mr. President, we are all of us in favor of peace; all of us are in favor of arbitration of proper subjects and in a proper way. I understood the Senator to say that he had not carefully examined the existing treaties which we have for arbitration.

Mr. McCUMBER. I have read all of the treaties.

Mr. BACON. I wanted to ask the Senator if he would tell us in what particular the proposed treaty will enable the arbitra-tion of questions which are properly arbitrable which the exist-ing treaties do not now provide for? I think the Senator ought to give us that information because the speech of the Senator assumes that we have not now any arbitration treaties. I contend that we now have arbitration treaties, not only the general convention of The Hague, to which all of the leading powers of the earth have given their consent, but in specific instances, as our treaty with Great Britain, for instance; and I should like, in view of the very elaborate presentation of this question which the Senator has made, and which is to go out to the country, that there should also go out to the country now a statement by the Senator of what are the particular features of the proposed treaty which will make arbitrable questions which are not now provided for in existing treaties.

Mr. McCUMBER. There is nothing, in my opinion, in the proposed treaty which makes any question arbitrable that was not so under the old treaty. Let us not misunderstand each other in that respect. I have not claimed that, but I do say that there is that in the present treaty, Article II of that treaty, which insures, first, that all matters will be investigated which might naturally tend to irritate both nations and prevent them from being able to arbitrate a question; and, secondly, that it will compel the initiatory steps to bring all arbitral matters before the Senate that the Senate may pass upon the question of whether or not they shall be submitted to arbitration. Under our treaty as it now exists I know of no way of getting a matter before the Senate in the form of a treaty. no duty that is imposed upon the Executive to bring a matter before the Senate that he of his own sweet will does not care

to bring before it. Under this treaty it is made his duty to do so.

Mr. BACON. Well, Mr. President, I want to call the attention of the Senator to the fact, and I desire that he shall not yield the floor, because I desire that it shall be a part of his remarks to-day

Mr. McCUMBER. I had already yielded the floor, but I can

resume it, of course.

Mr. BACON. No; I asked the Senator before he yielded the floor that he would answer me before he took his seat.

Mr. McCUMBER. I will answer the Senator.

Mr. BACON. So that we will recognize that the Senator still has the floor and I am interrupting him with his permission. I want to call the attention of the Senator, if he has not examined it carefully-and I am sure the great body of the public who have been flooding this Chamber with petitions have not examined it—to the fact that we have now most elaborate machinery for the examination of these questions by a com-If the Senator will refer to the general arbitration treaties, he will find that there is elaborate machinery provided for a commission to investigate all these matters, and in that there is this provision-

Mr. LODGE. The Senator means The Hague convention. Mr. BACON. Yes. When I said "the general arbitration Mr. BACON. Yes. When I said "the general arbitration treaties" I meant The Hague convention, because that was generally acquiesced in or joined in by all the nations. I used an improper term when I said "general arbitration treaties." I meant The Hague treaty. It is most elaborate in providing page after page as to how they shall proceed to investigate all questions of difference which may arise between two countries; and I want to call the attention of the learned Senator to what might have escaped his attention when he was in the body of his address as to the present provision as to what would be the effect of the report of a commission. This idea of a commission does not originate with this treaty by any means, for we have got a treaty now providing for one of these commissions, to which all the leading nations of the earth and a great many that are not leading ones have given their acquiescence and consent and agreement. In it there is this statement now, as to what would be the effect of the report of that commission, giving full opportunity for the examination and hearing of witnesses and everything else, and it says this:

The report of the commission

Mr. McCUMBER. From what article is the Senator reading? Mr. BACON. I am reading from page 26 of this document numbered 98 of this session of Congress, and I am reading from The Hague treaty, Article XXXV.

The report of the commission-

That is, the commission of inquiry to investigate all these matters-

ARTICLE XXXV.

The report of the commission is limited to a statement of facts, and has in no way the character of an award.

I am sure the Senator will recognize the similarity of that language to the language used in the proposed treaty. language in the proposed treaty is evidently taken from that. While there is a difference of verbiage, it means that, and nothing else. But it goes on to say:

It leaves to the parties entire freedom as to the effect to be given to the statement.

The proposed treaty, using practically the same language, goes on to say this as to what the commission shall do—

Mr. OVERMAN. From what page does the Senator read?

Mr. BACON. From page 39, Article III, of the proposed The second clause of Article III of the proposed treaty . treaty. is in this language:

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

That is practically the same language as the language which I have read from the existing Hague treaty, which is different in words. The Hague treaty says, using language substantially

It leaves to the parties entire freedom as to the effect to be given to the statement.

The proposed treaty says:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty.

There is a sharp and distinct difference. In each case there is a provision for a commission; in each case there is a provision that it shall not be an award. In one case it practically says the Senate shall then determine whether or not it will ratify a treaty; in the other case it says, even though the Senate says it does not think a treaty ought to be made, it shall make it.

Mr. LODGE. In other words, if I may interrupt the Sena-

Mr. BACON. Certainly.
Mr. LODGE. Down to clause 3 of Article III the provisions of Articles II and III of this treaty now pending are taken bodily from The Hague convention.

Mr. BACON. Absolutely so.

Mr. LODGE. They are absolutely the same in substance,

but not in language.

Mr. BACON. Yes.

Clause 3 of Article III is wholly new. Mr. LODGE.

Mr. BACON. Exactly. Now, the question which I want to submit to the Senator from North Dakota is this: With the language of the two sections read by me, one from The Hague treaty which is now the law of this land-the treaty to which all the nations of the earth of any consequence have already agreed-what is the difference between the language of that in the last sentence of it and the last clause of Article III of the proposed treaty? How does the Senator reconcile these two with his statement, that under the proposed treaty there will be no obligation upon the Senate to make a treaty which this commission shall decide to be a proper treaty to be made in a case where the Senate should be of opinion that is not a proper treaty to make; how can the Senator reconcile that statement with the language which says that it shall be done? Why should there be the change in the language unless it was intended to change the interpretation? In one case it says that it shall not be binding on the Senate, while in the other case, using the same language up to that particular part of it, it says that it shall be done. Now, what is the meaning? Why the change unless it was intended to impose upon the Senate the obligation to make a treaty even though the Senate itself

might think it ought not to be made? How does the Senator reconcile the differences in those two clauses, one in The Hague treaty and one in the proposed treaty? I would be very glad to hear the Senator in explanation of that.

Mr. McCUMBER. Mr. President, I have already discussed at great length the proper construction to be placed upon the third paragraph of Article III. The Senator in his question almost directly states that the last paragraph does modify the first in such a way that it becomes the duty of the Senate to grant the award, though the Senate may differ with the commission. I do not give it the construction, to start with, that it becomes the duty of the Senate to grant the award. purpose of the last section:

It is further agreed, however-

is not intended as a modification of the preceding paragraph, that the report of the commission shall not be regarded as a decision, otherwise it would have followed immediately rather as a proviso in the same paragraph, clearly stating that provided in such cases it should be regarded as a decision, but it is intended to modify the first provision, which is that the matter can only be submitted to arbitration when the President himself is of the opinion that it should be submitted to arbitra-Without this last clause in Article III there would be no method by which the matter could be submitted to arbitration if the President took a view contrary to what most people might take or if he was disinclined to submit it.

Answering the other proposition, let me ask the Senator a question in return, because I have not read over The Hague convention for a long time and it is a very extensive document. Is there anything in that convention that compels the Executive to act or compels him to submit a question to The Hague tribunal or to a commission under The Hague tribunal in a case in which he himself may hold that it is not a justiciable ques-

Mr. BACON. Does the Senator hold that the proposed treaty will compel the President to do so?

Mr. McCUMBER. I do. I say—
Mr. BACON. If the Senator will pardon me—
Mr. McCUMBER. I say it is his duty to do so, because the treaty says it is his duty to do so.

Mr. BACON. Exactly. But the Senator will not wait until I

complete the question.

Mr. McCUMBER. Pardon me.

Mr. BACON. The language as to what shall be done applies both to the President and to the Senate. If it is compulsory on the one, it is compulsory on the other. There is no division between the two; there is no statement that the President shall send it to the Senate; there is no statement that the Senate shall ratify the treaty. There is simply the statement that it shall be done. It takes the joint action of the Senate and the President to do it.

Mr. McCUMBER. No, Mr. President-

Mr. BACON. Therefore if it is compulsory upon the one, it is compulsory upon the other.

Mr. McCUMBER. No, Mr. President; it does not say that it shall be arbitrated. It simply says that it shall be referred to arbitration-

Mr. BACON. Exactly.
Mr. McCUMBER. If the commission so holds. Now, suppose the commission did not so hold; then the President, of course, would not refer it, would he?

Mr. BACON. I ask the Senator to answer this question.

The language is this:

It shall be referred to arbitration in accordance with the provisions of this treaty.

That is language imposing an obligation. I say that that language necessarily refers both to the President and to the Senate; and the Senator is illogical when he says that it compels the President to do his part toward the making of the treaty and does not compel the Senate to do its part toward

making the treaty.
Mr. McCUMBER. I beg pardon; but the Senator, I am rather inclined to think, is illogical in making that contention.
The provision "If all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty" does not mean that it becomes, therefore, the duty of the President or of the Senate to say that the question shall be arbitrated, but it becomes the duty of the President to formulate an agreement that it may be referred to arbitration in accordance with the provisions of That is all. the treaty.

Mr. BACON. Just one minute. The Senator is writing a new treaty. There is nothing in this treaty to that effect.

Mr. McCUMBER. I beg the Senator's pardon.

Mr. BACON. I say the Senator is rewriting the treaty. Mr. McCUMBER. Oh, no; I am not. Mr. BACON. Yes; the Senator is. The language is simply

that "it shall be referred to arbitration." What is the way in which it can be referred to arbitration? It can be referred to arbitration only by a treaty made by the consent and the concurrence of the President and the Senate; and the Senator is illogical when he says that it imposes a compulsion on the

President and does not impose any compulsion on the Senate.

Mr. McCUMBER. The Senator is mistaken when he says that I say it compels the President to arbitrate. It compels the President to take the initiatory steps so that it may be considered by the treaty-making power. That is all I claim it

sidered by the treaty-making power. That is all I claim it means, and nothing more.

Mr. BACON. I will just ask the Senator one other question before I withdraw from the discussion. Did I understand the Senator to mean, then, in his general argument that the third clause in the third article of the proposed treaty, which provides what shall be done by the joint commission and what shall thereafter be done by the treaty-making power of the United States after that joint commission has made its report—does the Senator mean that it leaves to the parties—that is, to the President and to the Senate—entire freedom as to the effect to be given that statement, and they will make a treaty or not, as they see fit, after consideration? Is that the position of the Senator?

Mr. McCUMBER. That it leaves for the Senate exactly the same powers and authority that the Senate would exercise if the President, of his own motion and without the act of the joint commission, had submitted the case to arbitration?

Mr. BACON. In other words, in the language of The Hague treaty, "it leaves to the parties entire freedom as to the effect to be given to the statement" of the commission. That is the language. I read it. I did not give my language then. I read the language of The Hague treaty. What I want to ask the Senator is this: If it was not intended that it should mean senator is this: If it was not intended that it should mean otherwise than the language which I have just read and to which the Senator has assented, why was different language used in the proposed treaty in saying that it should be done, that it should be referred to arbitration? Why is there a change of language if there was no intent to change the obligation?

Mr. McCUMBER. It is answered by the question which I asked the Senator from Georgia to show me where in The

Hague treaty provision is made for the submission or the ref-erence of a case to arbitration if the President himself does not deem it an arbitral one. There is no such provision, as I remember, in The Hague agreement. This makes it the duty of the President to take the initiatory steps to make the agreement, and to submit it, even though he himself may not agree that it is justiciable, if it is so clear that five out of six men

learned in international law and ethics so hold.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I think the discussion perhaps has gone on long enough with so slim an attendance as we have here. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, January 22, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1912. PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Charles Willard Chapin to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from August 13, 1911.

Asst. Surg. Edward Ross Marshall to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from August 15, 1911.

SECRETARY OF LEGATION AND CONSUL GENERAL.

Thomas Hinckley, of the District of Columbia, to be secretary of the legation and consul general of the United States of America at San Salvador, Salvador, vice Thomas Ewing Dab-ney, resigned. The nomination of Thomas Hinckley, of Utah, to be secretary of the legation and consul general of the United States of America at San Salvador, Salvador, which was sent to the Senate on 8th instant, is hereby withdrawn.

COMMISSIONER OF EDUCATION FOR PORTO RICO.

In accordance with the provisions of the act of Congress approved April 12, 1900, entitled "An act temporarily to pro-

vide revenues and a civil government for Porto Rico, and for other purposes," I submit the following nomination: Edwin G. Dexter, of Illinois, to be Commissioner of Educa-

tion for Porto Rico, to take effect January 16. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1912. MINISTER.

Edwin V. Morgan to be ambassador extraordinary and plenipotentiary to Brazil.

RECEIVER OF PUBLIC MONEYS.

Fred V. Tinker to be receiver of public moneys at Boise, Idaho.

COLLECTOR OF CUSTOMS.

Jacob C. Pike to be collector of customs for the district of Passamaquoddy, in the State of Maine.

PROMOTIONS IN THE NAVY.

Machinists to be chief machinists: William Herzberg, Zenas A. Sherwin, Zenas A. Sherwin,
Otto Boldt,
David W. Harry,
Byron C. Howard,
William S. White, and
William D. Sullivan.

POSTMASTERS.

CALIFORNIA.

Albert L. Paulsen, Weaverville.

CONNECTICUT.

Warren W. Averill, Pomfret Center. William H. Brown, Jewett City. Edmund E. Crowe, South Norwalk. George L. Rockwell, Ridgefield.

IDAHO.

S. S. Bonham, Wardner. George L. Morgan, Mackay.

ILLINOIS.

Hugh Bennett, Coal City. Frederick P. Burgett, Keithsburg. Tilford P. Hawkins, Rushville, Joseph E. Helfrich, Carthage. Eugene L'Hote, Milford. Charles A. Trowbridge, Minooka. Charles M. Turner, Wenona. Thomas B. Williams, Sidell.

INDIANA.

Rosa Lucey, Tolleston.

KANSAS.

Ernest Hoefle, St. Paul.

Eugene A. Fairfield, Kennebunk. Horace Mitchell, Kittery Point.

MASSACHUSETTS.

Harriet M. Mudge, Bedford. Charles F. Scribner, North Chelmsford, William H. Sprague, Stoneham.

Frank M. Blatchford, Brighton. Charles H. Stannard, Dexter.

MINNESOTA.

William L. Eddy, Morristown.

MONTANA.

Robert Pearce, Baker.

NEBRASKA.

Dell Akin, Atkinson. W. J. Brunnell, Bethany. Edward M. Parker, Guide Rock.

NEW HAMPSHIRE

John S. Kimball, Rochester. Myrtle M. Marsh, Greenville.

NEW JERSEY.

Jesse W. English, Wenonah. George K. Fleming, Montvale. Richard W. Sloat, Hudson Heights. William Tate, Closter. George D. Vandenbergh, Englishtown. OHIO

William T. Cole, Leipsic. Charles S. Putnam, Conneaut. Otis Sykes, Chicago Junction (late Chicago).

OREGON.

Vaughan D. Crosby, North Portland. PENNSYLVANIA.

Caleb S. Brinton, Carlisle. George D. Clark, Blossburg. John Clinton, Natrona. Martin L. Hershey, Hershey. Edwin Hoofnagle, Penbrook. George S. Mullin, Hyndman. Elam M. Stauffer, East Greenville, Walter R. Thompson, Ebensburg. Harry L. Weamer, Quakertown.

SOUTH CAROLINA.

John W. Dunovant, Chester. E. M. Sloan, Walhalla.

UTAH.

Joseph Odell, Logan.

WASHINGTON.

Howard M. Spalding, Goldendale. Sarah E. Truax, Tekoa.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from an international convention for the unification of certain rules of law with respect to assistance and salvage at sea, concluded at Brussels on September 23, 1910, and signed by the delegates of the United States to the Third International Conference on Maritime Law. (Ex. K, 62d Cong., 1st sess.)

HOUSE OF REPRESENTATIVES.

THURSDAY, January 18, 1912.

The House met at 12 o'clock noon. The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

We come to Thee, O God, our heavenly Father, at the beginning of this new congressional day with renewed faith and confidence in Thee as the dispenser of all good. Make us clear in our conceptions, firm in our convictions, strong to do the right as it is given us to see the right, that we may be worthy of Thine approbation and the approbation of our fellow men, and glory and honor and praise be Thine forever. Amen.

The Journal of the proceedings of yesterday was read and

approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. CANDLER, for 10 days, on account of important business.

CLERK OF THE HOUSE.

Mr. HENRY of Texas. Mr. Speaker, I present a privileged report and resolution from the Committee on Rules.

The SPEAKER. The gentleman from Texas presents a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 377 (H. Rept. 238).

Resolved, That Rule III of the rules of the Sixty-second Congress be, and are hereby, amended by adding a new clause, to be clause 4, to read as follows:

"He shall, in case of temperature."

read as follows:

"He shall, in case of temporary absence or disability, designate the Chief Clerk, or some other official in his office, to sign all papers that may require the official signature of the Clerk of the House, and to do all other acts, except such as are provided for by statute, that may be required under the rules and practice of the House to be done by the Clerk. Such official acts, when so done by the Chief Clerk or other official shall be under the name of the Clerk of the House. The said designation shall be in writing, and shall be laid before the House and entered on the Journal."

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentlemen from North Carolina [Mr. Pou].

The SPEAKER. The Chair will ask the gentleman from Texas if he wants the report read?

Mr. HENRY of Texas. I do not suppose it is necessary to

read the report. It is simply a favorable report.

Mr. POU. Mr. Speaker, this is a unanimous report from the Committee on Rules, and it simply legalizes, by amendment of the rules of the House, what the Chief Clerk under the Clerk of the House is doing now and always has been doing. I think no further explanation is necessary. As I understand it, it has been the custom for years past for the principal assistant to the Clerk to perform these duties, and the Committee on Rules

have thought it proper to legalize what has been the custom heretofore and what is being done now.

Mr. HENRY of Texas. Mr. Speaker, if no gentleman on the other side desires to make any statement about the resolution, I will ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE ARMY CANTEEN.

Mr. JACKSON. I ask unanimous consent to address the House for one minute, and to print as a part of my remarks an editorial on the subject of the Army canteen.

The SPEAKER. The gentleman from Kansas asks unanimous consent to address the House for one minute. Is there

objection?

There was no objection.

Mr. JACKSON. I simply desire to say that, in my opinion, the article which was recently printed in the RECORD on the Army canteen reflected in a certain sense on the honor and manhood of the United States Army not to say of the citizenship of the country. I desire that the following editorial, written by Mr. Harold Chase, of the Topeka Capitol of last Sunday, who, by the way. I think is one of the ablest writers of the country, be printed in the Record as a reply to that article.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record. Is there

objection?

There was no objection.
The article referred to is as follows:

There was no objection.

The article referred to is as follows:

A STRONG DEFENSE OF THE ARMY CANTEEN LAW.

Again the restoration of the Army canteen is up before Congress, and powerful representations are made by Army officers in favor of beer and other mild intoxicants in the soldiers' canteen. The arguments have become familiar, although they have never yet convinced Congress that the soldiers get their booze outside Army lines, that grafters hang on to the Army posts and sell on the edges, that drunkenness and venereal disease are on the increase, etc.

There is considerable prejudice against this Army testimony, just as there is considerable prejudice against Army social standards. The social life of the Army is gay. There have been some gambling scandals in the posts, though less than might reasonably be expected, considering all the circumstances of the shut-in Army life in time of peace. There is drinking at the posts. Army officers like their champagne and whisky and wine. It is not surprising that they should also favor beer for the privates.

Col. Maus, chief surgeon and chief medical inspector of the Central Division of the United States Army, denies that the prohibition of intoxicants in the soldiers' canteen has resulted either in increased drunkenness or the increase in venereal disease or weakened discipline. "Fortunately," says this officer, "we are living to-day in a progressive age, where the alert business man finds there is no room or place in the busy world for the tippler or barroom habituf."

In his statement Col. Maus says that whereas the rate of admission to sick report for alcoholism was 41 per 1,000 in the 15 years from 1885 to 1900, it was but 26 per 1,000 from 1901 to 1910, as compared with that from 1885 to 1900, the alcoholic rate from 1901 would naturally have been much larger—if the antibeer policy had not intervened to reduce it.

"From personal observation," says Col. Maus, "I believe that the percentages of alcoholism and venereal diseases are greater among men in civil lif

Mr. SHERWOOD. Mr. Speaker, I desire to print in the Record a very able editorial from the Cincinnati Enquirer on the subject of pension legislation.

The SPEAKER. The gentleman from Ohio asks unanimous

consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

PENSION LEGISLATION.

One of the questions which is causing most embarrassment to legislators, which may confront the President in a trying way, and which is likely, however disposed of, to cut a considerable figure in the approaching campaign, is that of pensions to the Civil War veterans. Since the passage of the dollar-a-day Sherwood bill by the House there has been a great deal of criticism not only of that measure, but of the system, and it has been constantly said that no one should receive a pension unless he is disabled or needy; in short, that a pension is a charity, the only recipients of which should be paupers. There is another side to this which it is only just should be made known, and it has been recently very temperately presented by Hon. H. C. Gooding, lately chief justice of Arizona. He says: "All the dictionaries, law and English, define war pensions as based on valuable service in the past—as having the consideration of valuable services that never were fully compensated." In this they all concur. Black's Law Dictionary says: "A stated allowance for the soldlers' valuable services to the

country." Bouvier's and Anderson's Law Dictionaries have almost identical definitions. Webster says something paid or given in consideration of past services. The Standard has "An allowance on account of meritorious services." No one puts it on the basis of charity. The United States Court of Claims, in a carefully considered opinion, says: "A pension is a periodical allowance of money to a person, partly in the nature of a gratuity and partly of payment for benefits conferred; payment because it is supposed to be in consideration of previous services rendered for which the compensation before made was inadequate in proportion to the benefits received and the ability of the nation to pay. It is partly—only partly—in the nature of a gratuity, and this because it is not founded on contract and can not be demanded as a legal right until the Government has acknowledged its moral obligation and made the grant."

This places the pension on a very different basis from what it has come to assume in the minds of many through popular misrepresentation. No one will assert that the soldiers' pittance of less than 40 cents per day was any compensation for the three years he endured, let alone wounds. These men voluntarily risked their all, and they saved the life of the country. Whatever shape legislation may take, they should be fairly and generously rewarded. The Government has never confined pensions to the injured and the indigent; the pension roll has always been regarded as a roll of honor and not of mendicants. After the Revolutionary War Congress gave half pay to all officers and pensions to all soldiers for their lives. There would have been no country but for them. Besides this, Gen. Washington and other officers were voted large grants of land. Pensions and land warrants were given to all who served in the Mexican War, without restriction. They added vastly to our territory. After the Black Hawk War Abraham Lincoln, though he was never under fire, received two land warrants for his services. The soldiers of 1812,

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bill of the following title:

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4246. An act to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4246. An act to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes; to the Com-

mittee on Indian Affairs.

ENGOLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the

United States, for his approval, the following bill:
H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings

Channel.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Uinon for the further consideration of the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT in the chair.

Mr. BURLESON. Mr. Chairman, when the committee rose the Chair had under consideration the point of order made by the gentleman from Kentucky to the proviso on page 29 of the bill, and I ask to have read a memorandum furnished me by the engineer commissioner on that proviso, stating the practice of the District Commissioners and the city government under the operation of that law.

The Clerk read as follows:

Engineer Commissioner of the District of Columbia, Washington, January 17, 1912.

Memorandum for Mr. Burleson, in re paving between tracks, etc., of street railway companies.

At present whenever a street is to be resurfaced or repaired along which a street railway runs the street railway company is informed

of the fact and asked whether it will do the work itself for the space for which under the law and its charter it is responsible, namely, the space between the tracks and rails and 2 feet exterior to the outer rails. The railway company ordinarily requests that the work for which it is responsible be done by the District contractor and the cost thereof be charged against it. The whole job of paving the roadway, including the space for which the railway company is responsible, is then done by the District contractor and a bill rendered the railway company for the portion for which it is responsible. The balance of the roadway is paid for out of the appropriation for "Repairs to streets, avenues, and alleys." Upon the presentation of the bill to the railway company, it pays the amount thereof to the collector of taxes and it is deposited in the "Miscellaneous trust-funds deposit" and the contractor paid by voucher charged to the deposit. In rare cases the railway company makes the payment of the bill directly to the contractor.

railway company makes the payment of tractor.

It is therefore generally unnecessary to use the appropriation "Repairs to streets, avenues, and alleys" to pay for the paving for which the street railways are responsible, but the provision that this appropriation shall be available when necessary is a very wise one, especially where the railway company is insolvent or not in a position to pay the bill

bill.

For minor work of repairs the railway companies keep deposits on hand, and bills are rendered monthly chargeable against these deposits and not against any appropriation.

Under the last contract let for resurfacing and repairs to streets the prices paid the contractor for work done adjacent to street railway tracks and elsewhere are separated from the prices paid for work done by the District of Columbia, for the reason that it was believed the work adjacent to street railway tracks was more expensive and that the District would have to pay a higher price for this paving than for the paving of public space. When the bids were made this proved to be the case. The present practice prevents the District from paying a higher price for its own work by reason of its being averaged in with the more expensive railroad work.

W. V. Judson,

W. V. JUDSON, Engineer Commissioner.

Mr. BURLESON. Mr. Chairman, on Tuesday an inquiry was made by the gentleman from Illinois [Mr. Buchanan] as to what was meant by the expression in the law that asphalt pavements in Washington City "shall be of a quality equal to the best laid in the District of Columbia prior to July 1, 1886," and for the specification of the asphalt pavement that is now being laid in the District of Columbia under the existing contract.

I was unable to give him in detail an answer to his query. I now send to the Clerk's desk a letter addressed to the chairman of the Committee on Appropriations by Col. Spencer Cosby, Superintendent of Public Buildings and Grounds, and ask that an excerpt be read which gives this information, having secured the information from Maj. William V. Judson, Engineer Commissioner of the District. I ask the Clerk to read that part of the letter between the pencil marks. This same question arose in the consideration of the sundry civil bill, the chairman of the Committee on Appropriations [Mr. Fitz-GERALD] asked for the information from the Superintendent of Public Buildings and Grounds, and this letter was addressed to the chairman of the Committee on Appropriations by Col.

The Clerk read as follows:

The Clerk read as follows:

I find that some time prior to 1886 this department, after having experience with many types of asphalt pavements, formulated a standard pavement which was considered the best type. Some pavements of this type were laid prior to 1886 and were considered the best class of pavements laid up to that time.

When Congress sought for a standard pavement to which to apply the limit of cost it adopted this particular type, which was considered best by the department, but instead of specifying it by definite description it was described in the ambiguous phrase still employed. The word "quality" really means type, and this limitation was intended to apply to the best type of pavement laid up to that time, namely, the 3-inch asphalt pavement on a 6-inch concrete base, and this is what this expression really means. The expression might as well be "of a quality equal to the best type of pavement laid in the District of Columbia prior to July 1, 1910," as the standard pavement adopted prior to 1886 is still the standard of work of this department.

Mr. LOBECK. Mr. Chairman, I would like to ask the gentle-

Mr. LOBECK. Mr. Chairman, I would like to ask the gentleman from Texas a question. Are all of the asphalt pavements

laid 3 inches thick on the surface?

Mr. BURLESON. That is the specification.

Mr. LOBECK. The specification adopted by the national association is that they shall be 2 to 2½ inches thick. I do not think you can lay a 3-inch surface for \$1.68 or \$1.80 with a concrete base.

Mr. BURLESON. It is being done under the contract now made by the District of Columbia.

Mr. LOBECK. Will the gentleman bring in one of those cou-

tracts to-morrow?

Mr. BURLESON. The gentleman can get it by applying to the District Engineer Commissioner.

The CHAIRMAN. If there be no objection, the Chair will defer for a time a ruling upon the point of order pending when the bill was last under consideration. The Chair hears no objection. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

The authority given the Commissioners of the District of Columbia in the act making appropriations for the expenses of the District of Columbia, approved March 2, 1907, to make such changes in the lines of the curb of Pennsylvania Avenue and its intersecting streets in con-

nection with their resurfacing as they may consider necessary and advisable is hereby made applicable to such streets and avenues as may be improved under appropriations contained in this act: Provided, That no such change shall be made unless there shall result therefrom a decrease in the cost of the improvement.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if he would not deem it better to put some provision in here requiring the curb to be so located as to the planting of trees that in the future, if the pavement is to be widened, the trees will be far enough back as not to be an obstruction to the street?

Mr. BURLESON. That is the practice now being followed by the park commissioner in the planting of trees. ticular item is intended to apply to streets where the trees have already been planted and have attained considerable growth. Personally I would be glad to see the limitation apply generally, but at the other end of the Capitol there is an objection to making this of general application; but they have assented to the application of this limitation to the improvement of the streets that are provided for in the particular bill, so that consideration can be given to each particular instance where they propose to narrow the streets.

Mr. LOBECK, Mr. Chairman, I would like to ask the gen-

tleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Certainly.

LOBECK. Under this condition could they narrow Pennsylvania Avenue?

Mr. BURLESON. There is general authorization for the narrowing of Pennsylvania Avenue already in the law.

Mr. LOBECK. From here up to the Treasury?

Mr. BURLESON. To the extent that Pennsylvania Avenue has been extended.

Mr. LOBECK. The gentleman would not be in favor of narrowing Pennsylvania Avenue between here and the Treasury?

Mr. BURLESON. The narrowing has already been done, so far as Pennsylvania Avenue is concerned, and has been done under the same provision carried in former appropriation bills.

Mr. LOBECK. I realize that it is a good thing to narrow the

pavement in residence streets, because it lessens the cost of the pavement and beautifies the streets.

Mr. BURLESON. Mr. Chairman, the purpose of this is to not only save cost, but frequently by narrowing the street 1 or 2 feet a line of trees that has attained a considerable growth can be saved.

Mr. LOBECK. Mr. Chairman, I am familiar with that line of business and know that a 26 or 28 foot roadway in residence

streets is preferable to wider pavements. The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

There was no objection, and the Clerk read as follows:

For replacing and repairing sidewalks and curbs around public reservations and municipal buildings, \$7,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking the chairman of this subcommittee a question or two, with his permission. reference to sidewalks and curbings, and as one of those who have to live in that section of the city which is not served by the Herdic Co. I want to know of the chairman of the committee under what authority, under what sort of a franchise, the Herdic Co. pretends to operate? I mean the Herdic Co. that occasionally sends an archaic vehicle through Sixteenth Street. I want to know if they have any franchise of any value, how they got it, and how long their charter is to run, under what conditions it is held, and if there is not mutual obligation, if in consideration of the granting of the franchise under which they operate they did not undertake to serve the people to some degree at least?

Mr. Chairman, I am in full sympathy Mr. BURLESON. with the purpose that is evidently in the gentleman's mind, and I will say to him that the District Commissioners have sought to bring some pressure to bear upon this Herdic Co., with a view to securing an improvement of the service. Their efforts were met with a declaration on the part of the Herdic Co. that if they were required to do those things which the District Commissioners insisted should be done they would abandon the

service entirely

Mr. SLAYDEN. Do they claim they are losing money in the

operation of that vehicle?

Mr. BURLESON. They claim it is not very remunerative.
Mr. SLAYDEN. Does the gentleman believe they would be operating it still, unless forced to do so, if it were not remu-

nerative, either potentially or actually?

Mr. BURLESON. Mr. Chairman, the statement has been made to me by the District Commissioners that they are negoti-

ating with the Herdic Co. to see what can be done in the way of improving the service and are doing their utmost to prevail upon them to seeure new means of transportation, and they have some hope of success. They attempted or threatened to bring pressure to bear upon the Herdic Co. and were immediately met with a statement that if the requirements that they indicated to the Herdic Co. should be complled with were insisted upon, the company would abandon the service.

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman that I realize the difficulties in the way, and I believe that this particular committee is not charged with legislation. merely take this occasion to bring this matter to the attention of the House, because many Members are interested in having decent service in that section of the city of Washington. For some years the statement has been made here by gentlemen in charge of District legislation that negotiations were under way between the commissioners and the proprietors of this franchise and of these curious vehicles that are supposed to serve the people, but nothing has yet been done. I do not believe that the owners of that transportation line are frank and sincere in their statement that they are losing money. If they were, and were not compelled by the terms of some other charter, controlling some other property to operate, they would certainly abandon it. Business men would generally. lieve that the franchise must be either of potential or actual value to them, and their statement that they have been unable to secure proper vehicles is certainly not correct. cities of the world I have visited there are vehicles of that sort operated by storage batteries or by gasoline engines, or some other means of propelling the vehicle, that do give adequate service, and they are attractive vehicles, convenient to the public, and I sincerely hope that those gentlemen who are charged with the legislation for the District will endeavor to do something for the overburdened and much-abused public in that respect. [Applause.] The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn.

There was no objection. The Clerk read as follows:

STREETS.

Dust prevention, sweeping, and cleaning: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners of the District of Columbia, including services and the purchase and maintenance of equipment, rent of storage rooms; maintenance and repairs of stables, purchase and maintenance of horses; purchase, maintenance, and repair of wagons, harness, and other equipment, allowance to inspectors for maintenance of horses and vehicles used in the performance of official duties, not to exceed \$30 per month for each inspector, purchase, maintenance, and repair of motor-propelled vehicles necessary in operation; and necessary incidental expenses, \$245,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. SIMS and Mr. LOBECK rose.

Mr. SIMS. Mr. Chairman, I reserve the point of order simply

to make an inquiry.

The CHAIRMAN. The gentleman moves to strike out the last

Mr. SIMS. I move to strike out the last word. This is a lump sum and provides for what it may be expended. Now, in line 11 are included the words "purchase, maintenance, and repair of motor-propelled vehicles necessary in operation." Now, there is no limit, I suppose, in this paragraph or provision upon the commissioners as to the amount of money they could expend for any item included within this paragraph. Is that true?

Mr. BURLESON. Except the appropriation itself. They are limited by the amount of the appropriation.

Mr. SIMS. In other words, they must apportion the appro-

priation?

Mr. BURLESON. Yes.

Mr. SIMS. Knowing these motor-propelled vehicles might be inexpensive or exceedingly expensive, it seems to me it might be wise that some limit should be placed upon the amount that may be expended in that way.

Mr. BURLESON. I will state to the gentleman that the particular motor vehicle proposed to be purchased under this item is a three-wheeled affair intended to be used in cleaning the streets. It is called a "motor pick-up" machine and can not be used for any other than the purpose for which it is bought.

Mr. SIMS. Under this particular item could or could not the commissioners buy for themselves a \$5,000 automobile-

Mr. BURLESON. Not at all.
Mr. SIMS. I do not mean that they would.
Mr. BURLESON. They have not authority to do so. If the gentleman will notice the language:

purchase, maintenance, and repair of wagons, harness, and other equipment, allowance to inspectors for maintenance of horses and

vehicles used in the performance of official duties, not to exceed \$30 per month for each inspector, purchase, maintenance, and repair of motor-propelled vehicles necessary in operation.

Mr. JOHNSON of Kentucky. I would like to ask the gen-

tleman a question-

Mr. SIMS. I will say I am perfectly satisfied that the gentleman himself never would agree to loose language unless he was assured that it would not be abused, and I only wanted to call his attention to the fact that here is an appropriation that might be used for a very expensive purchase instead of being economically used.

Mr. JOHNSON of Kentucky. I desire to ask the gentleman if it would not be well enough to define what a motor truck is, and I ask that question for the reason that an appropriation was made at the last session of Congress for a motor truck and instead of buying a motor truck they bought what is com-

monly known as a touring car.

Mr. BURLESON. I do not know to what particular item the gentleman refers and under which he claims that a motor truck was authorized and a power car was bought, but I will say to him that under this item it would be impossible for them to do anything of that kind because it limits the purchase to motor-propelled vehicle necessary in operation," and I will and I will further say to the gentleman that we inquired of the engineer commissioner the character of the vehicle contemplated to be purchased under this item and ascertained that it was a threewheeled vehicle to be used for the purpose of picking up trash and refuse upon the streets.

Mr. JOHNSON of Kentucky. Should it not be limited, then,

to that; should not that be expressed in the bill?

Mr. BURLESON. The item in itself limits it.

Mr. JOHNSON of Kentucky. I should say the definition—
Mr. BURLESON. I do not want to place a limitation which
will prevent them getting the kind of vehicle they want for this
purpose, and I think that the language does limit it to that.

Mr. JOHNSON of Kentucky. But I think the gentleman can find, if he goes to the trouble, that an appropriation was made in the last appropriation bill for the purchase of a motor truck, and that the officer for whom it was intended purchased a touring car.

Mr. BURLESON. In what division of the city government? Mr. JOHNSON of Kentucky. The commissioners', I understand; but it afterwards was converted into a motor truck, and for that reason I think it best to define what a motor truck is and what one of these things is.

Mr. BURLESON. The point I make is that the language here is itself a limitation upon the character of motor vehicle

that can be purchased.

Mr. JOHNSON of Kentucky. I was only endeavoring to perfect the bill, and to prevent the recurrence of that which has

Mr. BURLESON. In this connection, I will also state that a motor vehicle was asked in this same item for the superintendent in charge of street cleaning, and the subcommittee, with the approval afterwards of the Committee on Appropriations, struck out the item.

Mr. LOBECK. It says here in this estimate:

Purchase and maintenance of one automobile for administrative purposes, to be immediately available, \$2,000.

That is in the estimate asked for. That is the only item in the estimate on automobiles.

Mr. BURLESON. That is in the estimate.
Mr. LOBECK. That is in the estimate. Mr. LOBECK.

Mr. BURLESON. It is not in the bill.
Mr. LOBECK. Now, Mr. Chairman, I move to strike out the last word. I have an amendment to offer.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Page 33, strike out lines 1 to 18 inclusive and insert:

"Streets—Sprinkling, washing, flushing, and cleaning: For sprinkling, washing, flushing, and cleaning: For sprinkling, and cleaning alleys and suburban streets, for hand cleaning, under the immediate direction of the Commissioners of the District of Columbia: Provided, That whenever it shall appear to the commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction in accordance with said specification, including services and the purchase and maintenance of equipment, rent of storage rooms, maintenance and repairs of stables, purchase and maintenance of horses, purchase, maintenance, and repair of wagons, harness, and other equipment, allowance to inspectors for maintenance of horses and vehicles used in the performance of official duties, not to exceed \$30 per month for each inspector, and necessary incidental expenses: Provided, That hereafter the pay of all laborers in the street cleaning department who are now

receiving less than \$2 per day shall be \$2 per day of eight hours, \$245,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein."

Mr. BURLESON. Mr. Chairman, upon that amendment I reserve a point of order.

Mr. LOBECK. Mr. Chairman, I think that heading there reads:

Strike out lines 1 to 18.

I intended to have it read:

From line 1 to line 15.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. LOBECK. Mr. Chairman, in the first line I changed the words "dust prevention" to "sprinkling." The best preventive for dust in this world, in my opinion, is water. I find by reading the estimate by the commissioners that no provision is made for dust prevention except by sprinkling, so I changed the words "dust prevention" to "sprinkling." They say they need \$13.* 151.73. I insert the words "washing" and "flushing," because the District has already bought machinery for that purpose and have it on hand, and it can be done cheaper than by machine sweeping. Last year the District was allowed \$260,000 for street cleaning, for street sweeping, and so forth, which was to pay also for \$40,000 worth of equipment, leaving \$220,000 for street sweeping, street cleaning, and snow removal.

I took the pains to ask some few days ago of the street commissioner, after they had installed the new system of cleaning by the District, what the cost was up to the present time. He gave me the cost per yard and the total up to the 1st of December, which includes five months of this fiscal year. I have taken the average cost per yard, which included not only cleaning but the sweeping of leaves and gathering up of the dirt in the fall, and I multiplied the yards I have put in this estimate by the commissioners by the cost per yard. In the estimate they said the hand cleaning would amount to \$105,652.96, giving the number of yards. I multiplied the number of yards by the average cost given by the street commissioner, and I find it amounts to \$101,600 for the year. Machine cleaning, as per the yards given in the estimate, at the cost of 16% cents per yard, instead of the figure presented-18.96-will come to \$60,676.62 instead of \$71,455.20. They asked for \$14,472.11 for alley cleaning, and according to the cost furnished by the street commissioner it would amount to \$16,375.42. On unimproved streets they estimated \$15,977.41, but it will be \$11,518.96 at the rate of cost per square yard. The sprinkling asked for was \$13,151.73. street commissioner did not give me any figures, and so I have placed that at the same amount.

For street washing in this estimate they ask for \$21,269.98,

at a cost per yard, according to the yardage, of \$3,928.52.

The CHAIRMAN. The time of the gentleman has expired. Mr. LOBECK. Mr. Chairman, I will ask for five minutes

The CHAIRMAN. The gentleman from Nebraska [Mr. Lo-BECK] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. LOBECK. For street washing the estimate is \$3,321. It will come to \$1,320 according to yardage and cost per yard.

They ask for \$15,000 for snow removal, which has been placed at \$10,000 later in another clause in the bill, so I make no estimate on that, although it cost last year not quite \$8,000, and the year before about \$9,400.

They ask for new equipment \$7,916.51. In adding this year I have used the same figures. They asked for an automobile, \$2,000. The cost up to the 1st of December averaged a little less than \$18,000 a month for 12 months in the year.

I asked the street commissioner and Maj. Judson if there would be any difference during the spring months as compared with the fall months, and I received a reply in the negative. That would be a total of \$216,000. But according to the figures and the prices per yard which it costs the city or the District at present, it would be \$216,290.86. I have added the automobile, \$2,000, for administrative purposes, which makes it \$218,290.86.

Now, I have made another proviso in my amendment; I have asked that the laborers be paid \$2 a day instead of \$1.50. I want to state that there is not a city in the northern part of the United States, with which I am familiar, which pays any less than \$2 a day to men working on the streets. In this city the District officials, I am informed, make these laboring men furnish their own uniforms and helmets, and so forth. is not a city in this country, I repeat, that pays less than

\$2 a day, and many cities pay from \$2.25 to \$2.50 a day to the

men who work on the streets for eight hours a day. [Applause.]
I want to say that within this appropriation of \$245,000 the commissioners can pay every man that works on the streets of this District \$2 a day; they can get cleaner streets and still keep within the limit of \$245,000. I want to tell you why. Men stand up and ask more compensation for men who labor. The Commissioners of this District ought never to hire a man for less than \$2 a day. It is a disgrace for the city of Washington to set that kind of an example to the other cities of this country

Mr. BURLESON. As I understand it, the gentleman's contention is that the street cleaning can be done more cheaply with a machine than by hand?

Mr. LOBECK. I will come to that.
Mr. BURLESON. What is the gentleman's contention?
Mr. LOBECK. I will show you that it can be done with water more cheaply than with machines. I will show that before I get through. I asked the auditor of the District the other day for a statement of what they paid out to the street men as wages for the year. I have his letter here. Mr. Tweedale, than whom there is no better auditor in this country, gave me this statement:

OFFICE OF THE AUDITOR OF THE DISTRICT OF COLUMBIA, Washington, January 5, 1912.

Hon. C. O. Lobeck, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.
Sir: As a response to your oral request of this morning, asking that you be supplied with information obtained from the books of this office showing the total amount paid by the District government during the fiscal year ended June 30, 1911, as wages to employees in the street-cleaning department engaged in the work of sweeping, cleaning, and sprinkling streets. I have the honor to submit the following:

The total wages paid for the purpose named above during the fiscal year ended June 30, 1911, was \$80,943.67. Of this amount the sum of \$74,907.69 was paid to street sweepers, or what are termed "white wings," at the rate of compensation per day of \$1.50, and the sum of \$6,035.98 was paid to drivers, at the rate of \$1.75 per day. The per diem rate of \$1.50 for "white wings" and \$1.75 for drivers were the only rates of compensation paid to this class of employees in the street-cleaning department during the fiscal year 1911.

Very respectfully,

A. Tweedale,

Auditor District of Columbia.

A. TWEEDALE, Auditor District of Columbia.

Now, I took the number of days that these men work and the amount of this work and I made a calculation, and I found that if we paid these men \$2 a day the additional amount would come to \$25,831.57. The total work for the streets, as per statement of the cost of yardage, would be \$218,290.86, including a \$2,000 automobile. The total of that amount would then be \$244,122.43. And, mind you, gentlemen, the equipment is already on hand, all the horses are on hand and the machinery is on hand, and they need only a little less than \$8,000 for new equipment for next year. That is not an unfair sum to ask for, because the equipment will decrease in value and new equipment will be needed.

	Estimate asked for by commis- sioners.	Amount necessary as per statement street com- missioner.
Hand patrol	\$105,652.96 71,455.20 14,452.11 15,977.41 13,151.73 21,269.98 3,321.00 15,000.00 7,719.61	\$101,600,00 60,676.62 16,375,42 11,518.96 13,151.73 3,928.52 1,320.00
TotalAutomobile	268,000.00 2,000.00	216,290.86 2,000.00
Total	270,000.00	218,290.86
Total as per superintendent's statement		218,290.86 25,831.57
Total		244,122.43

But under this appropriation of \$245,000 these laboring men can be paid \$2 a day, and I hope every man on both sides of the House will stand for it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LOBECK. I ask more time.

Mr. DYER. I ask that the gentleman be given five minutes additional time.

The CHAIRMAN. Is there objection? There was no objection.

Mr. LOBECK. Street washing is now being done in nearly a hundred cities of this country, and to a larger and larger extent every year, because it is cheaper in the long run. It cleans the streets better; it does more effective work. If that was done, even if they bought new machines enough to make a full equipment, I am satisfied the commissioners could save over \$10,000 this year in cleaning the streets of this city. You may not think I have had any experience in this line, but I want to say that for 14 years I have been connected with a city that does a great deal of work.

By the District of Columbia appropriation act for 1911, approved May 18, 1910, Congress appropriated the sum of \$10,000 "For cleaning snow and ice from streets, sidewalks, cross-walks, and gutters, including services." No authority whatever was conferred on the commissioners to purchase machinery

of any description.

January 6, 1911, the following order was issued:

January 6, 1911, the following order was issued:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE DEPARTMENT,
Washington, January 6, 1911.

Ordered, That the property clerk, District of Columbia, is hereby directed to purchase one Kindling Squegee Street Washing Machine, at a cost of \$1,200 f. o. b. Washington and six Hvass Sweeping Machines, No. 1A, at a total cost of \$1,250, f. o. b. Washington, under the limitations of \$8,000 provided for under the head of "Sprinkling, sweeping, and cleaning streets," in the appropriation approved May 18, 1910. This equipment to be used in connection with hand-cleaning work by the street-cleaning department, District of Columbia.

Also that the property clerk, District of Columbia, is directed to purchase 10 Hvass Sweeping Machines, No. 1A, at a total cost of \$2,100, f. o. b. Washington—chargeable to the appropriation for cleaning snow and ice from streets, crosswalks, etc., approved May 18, 1910. These machines to be used in connection with the prosecution of the work provided for by sald appropriation.

Official copy furnished property clerk.

By order:

By order:

WILLIAM TINDALL, Secretary.

There was no authority in law for the purchase of streetsweeping machines out of the snow and ice fund.

The 16 machines were delivered January 24, 1911, and stored in the street-cleaning department stable until July 1, 1911.

The cleaning of the streets was on a five-year contract which did not expire until June 30, 1911. There was no authority to operate these 16 sweeping machines until July 1, 1911, even if there had been authority to purchase them.
On February 3, 1911, 27 days after these 16 machines had

been purchased, the commissioners urged the Senate Subcommittee on Appropriations to allow them \$6,000, to be used in the purchase of these machines which they themselves had purchased nearly 30 days before. (See statements before the subcommittee of the Committee on Appropriations, United States Senate, on 1912 District of Columbia appropriation bill, pp. 32 and 33.)

These 16 street-sweeping machines were purchased in a secret manner, as will appear from the following order of January 7, 1911, which the property clerk was directed to send out:

JANUARY 7, 1911.

Inclosed is a voucher made out in your favor concerning the machines in question, and if you will please sign at the place indicated by pencil (x) and forward to me marked "personal," I will see that settlement is made in due course after the machines are received. Please acknowledge receipt of this order and advise date and route of shipment if accepted.

Yours, very respectfully,

Property Clerk, District of Columbia.

The auditor of the District of Columbia passed the accounts for the illegal purchase of these 16 street-sweeping machines, because he was ordered to do so by the Commissioners of the District of Columbia.

The entire transaction was illegal, because no competitive bids were solicited, although the organic act of June 11, 1878, section 5, requires that where the total cost of any work to be ordered by the commissioners exceeds the sum of \$1,000 notice shall be given in one newspaper in Washington, and no such notice was given; neither were bids invited from other firms or from any firms engaged in the manufacture of street-sweeping machines.

OFFICE OF THE ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, January 6, 1912.

Hon. C. O. Lobeck, House of Representatives, Washington, D. C.

DEAR SIR: I am inclosing herewith table showing the total area cleaned, total cost not including leaf work, extra cost during October and November on account of leaves, total cost including leaves, the cost per thousand square yards not including leaf work, the total per thousand square yards including leaf work, for hand cleaning, machine cleaning, alley cleaning, cleaning of unimproved streets, street flushing, and street washing from July 1 to December 1, 1911. Our cost-keeping records are not in shape at present to give you the accurate division of costs for the month of December, but we could give you this information in a few days if you desire it.

	Total area cleaned, July 1- Dec. 1.	leaf work,		Total cost July 1- Dec. 1,	Cost per 1,000 yards.	
					Not in- cluding leaf work,	
Hand cleaning	Sq.yards. 256,749,000 169,886,000 21,811,000	26,477.88	975.85	\$43,505.57 27,458.68 8,293.98	.155	.161
cleaningStreet flushingStreet washing	13,248,000 2,831,000 25,956,000	823.32		7,199.30 823.32 2,455.22	.290	

The total number of sweeping machines owned by the city, sixteen 2-horse and one 1-horse

The total number of flushing machines owned by the city, 2 (manufactured by the Sanitary Street Flushing Machine Co., St. Louis, Mo.).

The total number of washing machines owned by the city, 6 (manufactured by the Kindling Machinery Co., Milwaukee, Wis.).

Out of the appropriations for sprinkling, sweeping, and cleaning streets for the fiscal year ending June 30, 1912, \$40,000 of which was made available on March 2, 1911, there has been spent to January 1, 1912, for new equipment, the following:

102 horses	\$10 979
4 sets double harness	300
45 sets cart harness	1, 665
31 carts, 1-horse, 2-wheel (new)	
10 carts, 1-horse, 2-wheel (secondhand)	190
Three 1-horse sprinklers (secondhand)	75
One 1-horse sweeping machine	205
2 Kindling squeegee machines (secondhand)	1,000
	The section of

Hoping that this information will be what you desire, I am, Very respectfully,

J. W. PAXTON, Superintendent of Street Cleaning.

Pay of laborers in various American cities.

Baltimore, Md., to street sweepers, 8-hour day	\$2,00
New York City, to street sweepers, 8-hour day	2.44
Boston, Mass., to street sweepers, 8-hour day	
Buffalo, N. Y., to street sweepers, 8-hour day	2, 00
Chicago, Ill., to street sweepers, 8-hour day	2,00
New Brighton, N. Y., to street sweepers, 8-hour day	2, 00
San Francisco, Cal., to street sweepers, 8-hour day	3, 00
Omaha, Nebr., to street sweepers, 8-hour day	2, 00
Milwaukee, Wis., to street sweepers, 8-hour day	2, 00
Denver, Colo., to street sweepers, 8-hour day	2. 25
Cincinnati, Ohio, to street sweepers, 8-hour day	
Washington, D. C., to street sweepers, 8, 9, 10 hours	

And the men must pay for their own uniforms-summer and winter hats and caps, and so forth. With rent and living expenses higher than in most other cities.

Now, the balance of this amendment is the same language that was in the appropriation of last year, limiting the amount that the street sweeping and street cleaning of this city shall cost, and I believe it is a good provision.

I move the adoption of my amendment.

Mr. BURLESON. Mr. Chairman, the committee will understand that in the appropriation act of 1911 the plan for cleaning the streets of the city of Washington was continued, and full authorization given to the District Commissioners to clean the streets under municipal control, by the employment of day labor for that purpose. Prior to that time the streets of Washington were cleaned under contract. Of course, when this change was made it was objected to by the parties at interest, and the municipal authorities recognized the fact that it was obligatory upon them not only to clean these streets more effectively than they had ever been cleaned before, but that necessarily they must clean the streets more economically than they had ever been cleaned before, or the parties at interest would immediately raise the objection that it was a matter of no consequence how much it cost; that what they wanted was the service; that if they cleaned the streets more efficiently and satisfactorily to the people, and it cost more, the objection would be made immediately that it did not make any difference how clean the streets were, the question was one of economy. To state it again, they recognized the necessity not only to clean these streets more thoroughly and more satisfactorily than they had ever been cleaned theretofore, but that they must clean the streets more economically than ever had been done. On July 1, 1911, they took over, under authority of law, the cleaning of the streets. Immediately every obstacle that was possible was thrown in their way by those who had been ousted of the great privilege they had heretofore enjoyed under the contract of

cleaning the streets. Of course it was necessary that certain appliances, certain machinery, certain tools, certain instruments should be obtained by the municipal authorities for this purpose. Under the appropriation act of 1910 they utilized \$10,000 for the purpose of buying equipment for street-cleaning purposes. Under the act of 1911 they were authorized to use \$40,000 for the purchase of new equipment. They did not do that; they purchased only \$15,000 worth of equipment, making \$25,000 in all.

During the six months just passed they have not only-and I stand here to assert the fact, and I have it by the unanimous statement made by the District Commissioners—been able to clean the streets more efficiently and more satisfactorily, but they have done it more economically, and have extended the area of streets that have heretofore been cleaned under this appropriation.

In addition thereto they have been able, month by month, having apportioned this appropriation, to effect a saving of approximately \$1,000, which at the end of the year will aggregate \$12,000, which they propose to use for adding to the purchase of mechanisms for a transfer of the purchase of mechanisms.

chase of machinery for street-cleaning purposes.

I do not say that the gentleman from Nebraska has been reached by these influences to which I refer, but undoubtedly there has been great activity on the part of the gentleman who heretofore acted in the capacity of superintendent of street cleaning, who lost his job by reason of the fact that this cleaning was taken over by the municipal authorities. The gentleman from Nebraska says that the street cleaning can be done more economically by using certain machines. I do not say that the gentleman from Nebraska was aware of the fact, so I will inform him now, that right there is the bug under the chip; right there is the impetus that has been given to this attack on the municipal authorities because they have taken over the cleaning of the streets under the authorization carried in the last year's bill.

I will send to the Clerk's desk and ask to have read an editorial that appeared a few days ago in one of the daily papers. Mr. McCALL. Before that is done, will the gentleman yield

for a question?

Mr. BURLESON. I will.

Mr. McCALL. Does this street-cleaning equipment include any snow shovels or anything to clear off the sidewalks?

Mr. BURLESON. There is another appropriation provided for the removal of snow, which we will reach in a few minutes, and then I will be glad to answer any inquiry the gentleman desires to direct to that item. I now ask the Clerk to read the

The Clerk read as follows:

ECONOMY PROGRAM FOR THE DISTRICT.

ECONOMY PROGRAM FOR THE DISTRICT.

Here is a sidelight on the economy régime that the House District and Appropriations Committees are undertaking to impose on the Capital:

James M. Wood was dismissed from the supervision of the street-cleaning business for reasons deemed ample by the District Commissioners. He proceeded to lobby with members of the District Committee and to incubate such troubles as seemed possible.

He has managed to get himself listened to in certain quarters, and the new District appropriation bill puts the street-cleaning appropriation at such a figure and on such conditions that it will be impossible for the District to maintain the present standard of efficiency or to extend the area of streets cleaned. That is a bit of "economy."

Mr. Wood at the moment appears more influential in connection with street-cleaning matters than the regularly constituted authorities of the District. Therefore some interest may attach to the following illuminating circumstances, somewhat explanatory of Mr. Wood's keen desire to be potent in that department:

On January 30, 1911, Mr. Wood wrote to the Emerson Manufacturing Co., Hoboken, N. J., makers of street-cleaning apparatus, saying that he was out of the District service, and adding:

"The Army officer now in charge of the street-cleaning department sent for me and went over the plans for new specifications, etc., and he agreed that new methods should be adopted. If you want a man right on the spot to follow this thing through Congress and with the contractors, please let me know at once, as there is no time to be wasted."

Mr. Wood was out for business. The statement about conferring

wasted."

Mr. Wood was out for business. The statement about conferring with the Army officer, etc., is flatly denied by that officer.

February 6 last Mr. Wood followed this with another letter to the same firm, soliciting a retainer of \$150 "to look out for your interests in this matter," and declaring that he himself "wrote the provision" to allow the city to do the street cleaning if the bids were too high. This also is flatly denied on the very highest authority.

On December 12, 1911. Mr. Wood got himself appointed a member of a special committee of the Northeast Washington Citizens' Association to wait on the House District Committee and urge the purchase of flushing machines instead of street sweepers.

On the face of this record, Mr. Wood's influence with the District Committee does not seem especially to the advantage or credit of that body or likely to benefit municipal finances greatly.

The CHAIRMAN (Mr. Hardwick). The time of the gentle-

The CHAIRMAN (Mr. HARDWICK). The time of the gentle-

man from Texas has expired.

Mr. BURLESON. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from Texas asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I hold in my hand copies of these letters written by this gentleman to the manufacturers of the street-cleaning appliances. I do not intend to put them in the Record, but I will hand them to the gentleman from Nebraska if he wishes to see them. I do not charge him with being instigated by this obstructionist to the plan which has now been authorized for the cleaning of streets, but I do say that it is manifestly unjust and unfair to the District Commissioners, before six months of the first year when this new plan was inaugurated has passed, when they assert emphatically that they are now cleaning the streets better than they were cleaned before, and also cleaning a wider area than has ever been cleaned before, and doing it more economically than it has ever been done before-I say it is manifestly unjust and unfair that a proposition should be brought forward to return to the old plan, and that machines be bought for the purpose of cleaning the streets, and that the price of labor be increased This is subject to a point of order.

Mr. LOBECK. Will the gentleman yield? Mr. BURLESON. Certainly.

Mr. LOBECK. The gentleman says that the cost is more Mr. LOBECK. The gentleman says that the cost is more economical now than under the old contract system. The cost under the contract system, which included \$9,904 for snow removal, was only \$233,184.04, and therefore the commissioners do not need \$245,000, when, under the contract system, it cost \$233,184.04 and which should not cost more than \$225,000, as per street commissioners' report to me. Twenty thousand dollars of the money was also appropriated last year for cleaning outside streets, and additional foremen were put on, but the

work was not done, I am told.
I understand that the Committee on Appropriations had cut out two of them, where they were going to make them clerks, and I am not finding any fault with that; but, together with the snow removal, you are asking for \$255,000 this year and still have on hand \$40,000 or more of equipment, so this appro-

priation is, in fact, more than made in the last appropriation.

In regard to this man Wood, District Commissioner Maj. Judson has sent me the same notice that the gentleman from Texas [Mr. Burleson] read. Mr. Wood may be agent for street flushers or street washers. There is no law against that. If a man is out of business, there is nothing to prevent him from going into business. I have noticed that even Army officers when they get out of a position go into some kind of business, and they sometimes resign and go into some kind of business, and sometimes they are removed for cause; so I think they are in the same class as Mr. Wood when you talk about removal.

The CHAIRMAN. The time of the gentleman has expired. Mr. LOBECK. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LOBECK. I do not care whether street-washing machines or street-flushing machines are purchased; it will cost \$218,290, according to the figures I received from the street-cleaning office, to serve the department, Mr. Wood or no Mr. Wood; he is not material to this question; and if Congress wishes to pay these laboring men \$2 a day, it can be done and keep under the appropriation of \$245,000. I am more interested in these men getting \$2 a day than whether the District ever purchases street-flushing or street-washing machines. I want to say to the gentleman here and to the Commissioners of this District that street flushing or washing by water is better and cheaper. The gentleman from Illinois asked me the other day if flushing did not fill up the Chicago River with dirt. I want to tell him that every washbasin, everything in the way of a sink or a bathtub, sends dirt that goes to fill up the Chicago River just as much as anything

The CHAIRMAN. The time of the gentleman has expired. Mr. BURLESON. Mr. Chairman, I ask unanimous consent to proceed for one minute.

Is there objection? The CHAIRMAN.

There was no objection.

Mr. BURLESON. The fact remains, however, notwithstanding what the gentleman has said, that the appropriation to clean the streets is not in excess of what it was under contract; and yet we are proceeding to the acquisition of the plant necessary to the cleaning of the streets and are widening the area that is being cleaned without any additional expense to the Government and to the District of Columbia. As far as the \$2 a day labor is concerned, we have an eight-hour day in the city of Washington, and it is being strictly observed by those in charge of the street-cleaning department. I insist upon the point of order.

THE CHAIRMAN. The gentleman from Nebraska [Mr.

LOBECK] offers an amendment, which the Clerk reported. To that amendment the gentleman from Texas [Mr. Burlesow] makes the point of order that it changes existing law,

and is therefore out of order on an appropriation bill. The first provision is clearly a change of existing law, because it is provided by existing law that the commissioners themselves shall do this work, and there is no provision that it shall be let out at contract. The second provision is also contrary to existing law in that it establishes a minimum of pay, existing law does not carry. For that reason, the entire amendment being considered together, the point of order is sustained.

Mr. LOBECK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 33, line 14, after the word "dollars," insert:

"That hereafter the pay of laborers in the street-cleaning department who are now receiving less than \$2 per day of 8 hours shall receive \$2 per day."

Mr. BURLESON. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order that the proposed amendment changes existing law. The Chair thinks unquestionably it makes law, but the Chair will be glad to hear from the gentleman from Nebraska on the point of order.

Mr. LOBECK. Mr. Chairman, will the gentleman inform me if there is a limitation on wages for street laborers in the law

of the District of Columbia?

Mr. BURLESON. There is not; but the gentleman's amendment seeks to fix one.

Mr. LOBECK. Then no wages can be fixed?

The CHAIRMAN. The Chair thinks not.

Mr. BURLESON. Not on this bill. I will state to the gentleman that he is on a committee that has some jurisdiction over District affairs; and if he wants to legislate on this subject, he can get his committee to report a bill.

Mr. LOBECK. Mr. Chairman, I will ask the indulgence of the Chair for not being as acute or smart on the subject of the District of Columbia law as is the gentleman from Texas.

The CHAIRMAN. The gentleman from Nebraska offers an amendment and the gentleman from Texas makes the point of order that it changes existing law; that is to say, it makes law where none now exists. The Chair understands that there are repeated holdings to the effect that the creation of law where law does not exist is barred by the rule, and the Chair sustains the point of order.

The Clerk read as follows:

For cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners, including services, \$10,000.

Mr. SIMS and Mr. FOWLER rose.

Mr. FOWLER. Mr. Chairman, I offer an amendment— Mr. BURLESON. Mr. Chairman, I desire first to offer an

amendment to perfect the section.

The CHAIRMAN. The chairman of the committee desires to offer an amendment to perfect the section, then the Chair will recognize the gentleman from Illinois. The Clerk will report the amendment.

The Clerk read as follows:

Insert, page 33, after line 18, the following:

"Hereafter every street railroad company in the District of Columbia shall keep its tracks and the spaces between and for a distance of 2 feet outside thereof at all times free from snow and ice, and shall not pile or deposit the same on either side in such location and quantity as to impede or hinder traffic. And in the event of any street railroad company failing or refusing to comply with this act, the necessary work may be done by the Commissioners of the District of Columbia in their discretion, the cost to be paid from the appropriation for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, and collected from said street railroad company in the manner provided for in section 5 of an act providing a permanent form of government for the District of Columbia, approved June 11, 1878, and shall be deposited to the credit of this appropriation for the fiscal year in which it is collected."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BURLESON. Mr. Chairman, I will say to the gentleman from Illinois that under the law they are now required to re-move snow from their tracks and it is to their interest that they do it. When they remove this snow they pile it in front of the street crossings and obstruct the passage of persons desiring to use the street, and this is simply to require them to remove it so as not to obstruct traffic of both individuals and

Mr. MANN. What is the existing law on the subject?

Mr. BURLESON. I do not know that the law requires them to remove it from their tracks, but, of course, in the interest of the use of their own tracks they do remove it; but in accomplishing that they use a plow which piles the snow in furrows or ridges in front of sidewalks used by pedestrians and across streets used by vehicles, and this is to require them to remove it at those points. Of course, it would be perfectly impossible to require them to remove all the snow they have piled in these roads and it would be unjust to require them to do that, but the District Commissioners deem it only right and fair that they should remove the snow immediately in front of the passageway of pedestrians from sidewalk to sidewalk and where it is piled across streets so as to obstruct the passage of vehicles

Mr. MANN. Of course I have not seen the amendment, but from the reading of the amendment I thought it required the

railroad companies to remove all snow.

Mr. BURLESON. That would be utterly impossible; it would

take all the vehicles in Washington-

Mr. MANN. That is what it seemed to me, but that is what it seemed to me the amendment required.

Mr. BURLESON. No; if the gentleman will read it carefully he will see it was drawn with the particular purpose of not imposing an unfair burden upon the street railway com-It was drawn with the special view of avoiding the very condition which the gentleman has in mind.

Mr. MADDEN. I understand the amendment is to compel

the street railway companies to remove the snow from the crossings at street intersections?

That is the point.

Mr. BURLESON. The CHAIRMAN. Will the gentleman from Texas permit the Chair to call his attention to a word that appears in the amendment that evidently is misspelled?

Mr. BURLESON. Then I will ask that it be corrected. The CHAIRMAN. It reads, "shall not spoil or deposit the low." Is that intended to read "s-p-i-l-l"?

Mr. BURLESON. No; that is a technical term used by the very able Engineer Commissioner of the District of Columbia, and he used the very word which he intended to use.

The CHAIRMAN. The attention of the Chair was called to

it by the Clerk, and the Chair therefore called the gentleman's attention to it.

Mr. SIMS. Mr. Chairman, I do not want to ask a question in reference to the gentleman's amendment which is now offered, but on the paragraph.

What spaces are cleaned by this appropriation for the removal of snow in the District of Columbia? You can state it in a

Mr. BURLESON. Intersection of streets and where there is a considerable number of persons traveling; for instance, in front of public buildings, as I understand it, but in no other places.

Mr. SIMS. I want to ask the gentleman, Does the District or does the Government have the cleaning of the snow from the east plaza of the Capitol here?

Mr. BURLESON. There is no provision made in regard to that, as I understand it. By the way, I will state to the gen-tleman that the suggestion has been made that, inasmuch as we are to have a great inauguration on the 4th day of March of next year, and great suffering has resulted by reason of the fact there has been no appropriation made for the cleaning of that particular area referred to by the gentleman, an appropriation should be carried in some bill authorizing the cleaning of the plaza; and inasmuch as I am going to be interested in the who are to be present on that occasion, I would like to see it done, but I do not want to see it done in this bill. I commend it to the attention of the Committee on the District of Columbia.

Mr. SIMS. I have often seen carts hauling snow from the front of the Capitol and disposing of it somewhere, and I want to know why that is done at all.

Mr. BURLESON. That snow is not being removed by the

District authorities.

Mr. SIMS. I thought if the snow was being moved from out here in the interests of the District and the people who live here, they ought to pay at least half the cost of removing it.

Mr. BURLESON. I am in thorough accord with the idea expressed by the gentleman.

Mr. SIMS. In other words, snow removed from Government spaces is paid for exclusively by the Government?

Mr. BURLESON. And the District of Columbia.

Mr. SIMS. Not this snow out here? Mr. BURLESON. No; not on the Plaza.

Mr. SIMS. I mean the Plaza. The removal of snow from Government spaces used exclusively for Government purposes is paid for by the Government.

You mean the Capitol buildings and grounds? Mr. MANN. Mr. BURLESON. For removal of snow from in front of the Capitol Building is paid out of a different appropriation-not this appropriation.

Mr. SIMS. No part of it is paid by the District of Columbia.

I want the downtrodden people of the District of Columbia to know that the Government of the United States does pay all and-ice item is carried separately—\$10,000.

cost for some things in which they have an almost exclusive interest. We are not as oppressive as they think we are. There are some things for which the Government pays exclusively of which the people of the District of Columbia have almost the exclusive use. I do not know why they are not asked to pay one-half of those expenses.

Mr. MANN. The act provides that the street-railway company shall remove snow from their tracks and shall not deposit it so as to hinder traffic. Of course, the gentleman knows very well that sweeping the snow off a street-car track in case of a heavy snowstorm onto the side of the street hinders and impedes traffic.

Mr. BURLESON. Not where the traffic is parallel with the

road that is made.

Mr. MANN. Where the traffic is parallel with the road. Not only that, but at the time of the big snowstorm here on Lincoln's Birthday in 1899, it made the streets absolutely impassable. Everybody in town was in luck to get on the street-car track at all. They had hard work to get the snow off there.

But if the only purpose is, as the gentleman indicates-while think the language of the amendment is very different-

Mr. BURLESON. I will say that I did not prepare this amendment. It was prepared with great care by the District authorities, and I know it was prepared after I had discussed the matter with them, and I know it is their intention to remove the snow, but only at those points where it is so piled as to obstruct vehicle and passenger traffic.

Mr. MANN. If the gentleman will pardon me, while I have great respect for the District officials, I have never ascertained that they were especially apt in drafting legislation. The District Commissioners come and go, and are much more easily changed than is the legislation. However, against my judgment, owing to the persuasiveness of the countenance of the gentleman from Texas, I will withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Texas [Mr. Burleson].

The question was taken, and the amendment was agreed to. The CHAIRMAN. The gentleman from Illinois [Mr. Fow-LER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the bill, page 33, by striking out all of lines 16, 17, and 18.

Mr. BURLESON. I do not know the effect of it, but I reserve a point of order on it.

Mr. JOHNSON of Kentucky. That is all there is of it.

Mr. BURLESON. It strikes out the appropriation?
The CHAIRMAN. The Chair will suggest to the gentleman that the paragraph which the gentleman moves to strike out has not been read.

Mr. FOWLER. Yes, sir; it has been read.

The CHAIRMAN. It is the impression of the Chair that it has been read.

Mr. FOWLER. Yes; and an amendment was offered by the distinguished gentlenfan from Texas and approved by the House. The CHAIRMAN. The gentleman from Illinois is correct. The gentleman is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, on examining the hearings had before the committee on this point of the bill, it appears that there was no request made whatever for a separate appropriation for the removal of snow and ice.

Mr. BURLESON. Mr. Chairman, will the gentleman permit me to give him a little information on that point?

Mr. FOWLER. Yes.

Mr. BURLESON. It was carried in another item. It was eliminated from the trial bill submitted by the District officials as an estimate, but it was carried in the item for street cleaning. It was the judgment of the subcommittee that it ought to be carried in a separate item, so we separated it from that other item and carried it alone. Otherwise the whole of the appropriation for street sweeping would be available for cleaning snow and ice, and we did not propose that it should all be made available for that purpose.

Mr. FOWLER. Mr. Chairman, if this amendment is carried I will offer another amendment to enlarge the caption of the paragraph for street sweeping and cleaning to make it broad enough to include the removal of snow and ice. A year ago there was appropriated the sum of \$260,000 for sprinkling, sweeping, and cleaning streets, including the removal of snow

and ice.

Mr. FITZGERALD. The gentleman is mistaken. The snowand-ice item was separate.

Mr. FOWLER. Mr. Chairman, I yield to the distinguished gentleman from New York.
Mr. FITZGERALD. The gentleman is mistaken. The snew-

Mr. FOWLER. Mr. Chairman, I think I have made a correct statement. I am not in the habit of trying to deceive anybody, not even my wife. [Laughter and applause.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FITZGERALD. I hope the gentleman was not under the impression that he was speaking to his wife when he addressed [Laughter.]

Mr. FOWLER. Mr. Chairman, I hope we can have order in

this Chamber.

The CHAIRMAN. The committee will be in order.

Mr. FOWLER. I made an examination, Mr. Chairman, of the appropriation that was made for the purpose of cleaning, sprinkling, and caring for the streets and sidewalks of this city and for the removal of snow and ice, and I repeat, Mr. Chairman, that the aggregate, as I understand it, was \$260,000, notwithstanding, Mr. Chairman, the statement of my distinguished friend from New York [Mr. FITZGERALD], to whose judgment and learning I have learned to give a great deal of

respect during my short stay here. [Laughter.]
Mr. FITZGERALD. Will the gentleman yield to me for a

question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOWLER. With pleasure, Mr. Chairman, I yield to this

distinguished gentleman.

Mr. FITZGERALD. Is the gentleman speaking of the current appropriation or of the appropriation for the fiscal year which closed last June? Does he mean the fiscal year 1911 or the fiscal year 1912?

Mr. FOWLER. I am speaking of the last appropriation for

the District of Columbia.

Mr. FITZGERALD. The last appropriation for the District of Columbia is the appropriation act for the fiscal year ending June 30, 1912. That act carried \$260,000 for the cleaning of streets and \$10,000 separately for the removal of snow and ice. The appropriation act for the fiscal year which ended June 30, 1911, carried \$250,000 for cleaning streets and a reappropriation of \$10,000 for the removal of snow and ice.

Mr. FOWLER. That is the appropriation to which I refer. All the appropriation for the year 1912, has not been expended,

for the fiscal year does not end until June 30, 1912.

Mr. FITZGERALD. That is for the fiscal year 1911. I

simply wanted to get the facts stated accurately.

Mr. FOWLER. I desire to respect the gentleman, and, I repeat, his learning has charmed me. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the time of the gentleman from Illinois be extended five minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] requests that the gentleman from Illinois [Mr. FOWLER] be permitted to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, in that appropriation of \$260,000 there was included the sum of \$40,000 for the purpose of purchasing machinery, horses, and other useful articles in connection with the plant for sweeping and cleaning the streets.

Now, Mr. Chairman, with this \$40,000 worth of equipment on hand to be used by the distinguished commissioners of this District, notwithstanding all that, certain gentlemen come in here and ask now for an appropriation of \$245,000, almost equal to the sum appropriated for the fiscal year ending June 30, 1911, a saving of only \$5,000. On behalf of my district I desire to extend to this committee my thanks for their good judgment in effecting a saving of this small sum, but I believe we can go further without endangering the service of the city and make an additional saving; and if I can help to save to the people of this country only \$10 uselessly appropriated I shall be glad to carry the good news back to Illinois.

Mr. Chairman, when the committee were hearing the gentle-men who have in charge the management of this city, the question was raised as to an additional appropriation for snow and ice. I desire to read from page 122 of the hearings. distinguished gentleman from Texas [Mr. Burleson] said:

You recommend the insertion of some new language there?

Mr. Judson, one of the commissioners of the city, replied:

Yes; and also we recommend that there be no separate appropriation hereafter for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters.

Is there any other place where snow falls that ought to be removed by these people? If so, I have not been able to think I suppose that carries the whole category of cleaning snow and ice in this city, unless it is the carrying and hauling away of the snow spoken of by my distinguished friend from Tennessee [Mr. SIMS].

But let us continue the reading of the hearings on this subject

Mr. Burleson. What do you say to the suggestion that there be a limitation upon the amount to be used for the removal of snow and ice?

Maj. Judson. I do not think it would serve any useful purpose, because if we had a snow which lasted so long that we would have expended, for instance, \$10,000 on it, unless we kept on, our street-cleaning plant would be idle.

Here is your street-cleaning plant ready for the purpose of doing any work that may be required to be done in handling snow and ice. If there is to be an additional appropriation for this purpose, it is a contradiction of the testimony of the chief of the municipal service of this District. I can not understand why this \$10,000 can not be eliminated, because when you subtract from the appropriation of \$260,000 the sum that was used for the purpose of buying machinery and equipping this new plant you have the sum of \$220,000 left to do the work which is proposed to be done now by this proposed appropriation of \$245,000.

The CHAIRMAN. The time of the gentleman has again ex-

Mr. FOWLER. I should like two minutes more. The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FOWLER. But let us conclude the hearings upon that subject. The gentleman from Ohio [Mr. TAYLOR] said:

In other words, since you have taken over the work of street cleaning there is no necessity for separating those items?

Mr. Judson replied:

No. sir.

And that is all the testimony which was taken by the committee, as shown by the report of the hearings.

Now, Mr. Chairman, I appeal to the economy of this com-ittee. It has done well, but I appeal to it to go on and do better, and to eliminate this \$10,000 of useless appropriation and save that much to the taxpayers of this country. that they will consent to that and support my amendment,

which is offered on behalf of the taxpayers of the country. Mr. SIMS. Mr. Chairman, there is so much said from time to time in the newspaper press of the District of Columbia with reference to the half-and-half relationship between the District and the General Government that I want to call attention to the fact that sometimes very great minds run together. The gentleman from Texas [Mr. Burleson], as reported in a newspaper last fall, I believe, made a statement of what he thought were wise systems of taxation to be adopted for this District. I heartily approved of one of them and did not wholly disapprove of any of them. I thought he was the first man who had ever advanced the idea therein stated, but I find in a document entitled "The District of Columbia and its Relations to the General Government," issued by the Washington Chamber of Commerce January 27, 1910, the following quotation from a speech of Senator Hoar, delivered on March 6, 1901:

a speech of Senator Hoar, delivered on March 6, 1901:

It seems to me there is just one simple principle that ought to be applied to the residents of the District of Columbia. We should ascertain the average rate of taxation in well-ordered American cities, whether it be \$1\$ on the thousand, or \$10\$ on the thousand, or \$15\$ on the thousand, or whatever sum, and then apply that to the personal property and real estate of every resident here. When that is done, with such exemptions as experience suggests in all like cases, the Government should pay the rest of the reasonable expenses of this District. I do not think that having one-half paid by the District and one-half paid by the Government has any scientific merit whatever. There is nothing in reason why it should be one-half rather than two-thirds or three-fourths. The Government is a great property owner here, and the credit of the city of Washington is the credit of the Nation. It is the National Capital, and it is the great national interest to have a well-ordered and beautiful, well-ornamented and arranged city here.

The complaint that the Government pays a part of the taxes seems to me to have no foundation in reason whatever. The Government ought to pay a large part of the taxes. The people here do not govern their own city; it is governed by the Government. The public property here is enormous in amount. It seems to me that that is the only fair and just way that has ever been suggested that I know of.

Let a man who comes here to dwell pay what he would pay in Providence or in Dubuque, and when he has done that, let the Government pay the rest of the bills and spend money as lavishly or as economically as it may see fit.

Now, if the people of the District of Columbia want to work

Now, if the people of the District of Columbia want to work out a plan of taxation on the principle laid down by Senator Hoar, I want to join them in bringing it about, and inasmuch as this is put forward by the chamber of commerce, representing the people of the District of Columbia, I ask them to join in a change of the sacred organic act, which they call a constitution, and let the people of the District of Columbia, who live in the best-improved city in the United States, pay such taxes as they would have to pay for like benefits anywhere else.

Now, Mr. Chairman, I know it is not reasonable, I know it is not just for Congress to pass a law to open a great street or avenue 6 or 7 miles and make the people pay cur-

rently one-half of the improvement. If Congress sees fit to do so it ought to be done without compelling the people of the District of Columbia to pay one-half of it currently. This half-and-half principle is unjust and unfair and it hampers improvements. There is no escape from it. No bonds can be issued, no credit incurred by the District. We can not undertake great improvements here unless the District is able currently to pay one-half of the cost. On the other hand, that is no reason why the people of the District of Columbia should not pay reasonable and just taxes. Sometimes the Government's portion will be greater than one-half and sometimes less, but justice and equality will reign, and if it was settled along the line suggested here, which was put forth by the gentleman from Texas, the distinguished chairman of the subcommittee and a member of the Committee on Appropriations, all this trouble as to the half-and-half burdens complained of will end and the logical and unjust results that follow will be -done away with.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois [Mr. Fowler] proposes to strike out the provision for the removal of snow and ice, and states that if that amendment is adopted he will offer an amendment to include in a paragraph, which has been passed, an amendment which would enable that work to be done under the appropriation for clean-ing the streets. Mr. Chairman, it was to avoid that very situation that the Committee on Appropriations reported the bill in the shape in which it is now before the House. Those of us who have given considerable time to the study of the best methods of appropriating money for public service resist at every opportunity attempts of officials to include in one item authorizations for the doing of many services. The best results are always obtained by segregating, as far as conveniently can be done, appropriations for various services in the

The appropriation for the fiscal year 1911 for the cleaning of streets was, as the gentleman from Illinois has pointed out, \$250,000, and in addition there was a reappropriation of \$10,000 of the money at that time to the credit of the department for

the removal of snow and ice.

For cleaning the snow and ice, street sidewalks, and alleys there had been appropriated in 1905, \$7,500; in 1906, \$2,500; in 1907, \$2,500; in 1908, \$4,000; in 1909, \$9,000; in 1910, \$35,000. In 1911 there was reappropriated out of the available balance in that appropriation of \$35,000, \$10,000 for that fiscal year. That made for 1910, for the cleaning of streets, removal of snow and ice, an appropriation of \$285,000. The estimate for that year for the cleaning of streets was \$324,000.

Mr. FOWLER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOWLER. What part of the \$280,000 was used for the

purchase of material of various kinds?

Mr. FITZGERALD. I shall come to that later. For the current fiscal year the estimates were \$270,000 for cleaning the streets, and \$260,000 was appropriated. The estimate for cleaning the snow and ice was \$10,000, and the amount appropriated was \$10,000. Of the \$260,000 made available for cleaning the streets, \$40,000 was made immediately available, so that it could be expended in the fiscal year 1911. The intention was to provide funds out of which could be acquired the plant to enable the commissioners to do the work themselves instead of by contract.

Fifteen thousand dollars only of that sum was expended for that purpose prior to the beginning of the current fiscal year, so that there was available for the current fiscal year for this work \$245,000. The work is being done at such a rate that it is believed that probably \$10,000 will not be expended in the work of cleaning the streets, but will be utilized for the purpose of completing the plant required.

Mr. FOWLER. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FOWLER. The \$15,000 to which the gentleman refers as being expended was expended for machinery and other of the \$40,000 expended for the purchase of horses and other

equipment, was it not?

Mr. FITZGERALD. That is not my understanding. Fifteen thousand dollars was expended for the plant, including whatever machinery was necessary, horses, carts, and other materials. In addition to that, \$10,000 had been previously expended out of another appropriation, making a total expenditure of \$25,000 for the plant to do this work.

[The time of Mr. Fitzgerald having expired, at the request of Mr. Fowler, by unanimous consent, his time was extended

for five minutes.1

It is hoped that \$10,000 additional will be available out of the current appropriation to furnish further equipment and plant. My own opinion is that the appropriation of \$245,000

for the work of cleaning streets for the next fiscal year could probably have been reduced without impairing the service, and yet the desire of the committee to afford sufficient funds to enable the work required to be done and to enable the District Commissioners to round out completely the plant required induced the committee to recommend the appropriation at the sum fixed. It is not deemed wise, in the opinion of the com-

mittee, to group these items.

In the city of New York, because of narrow streets and congested heavy travel, it is necessary to remove snow completely from the streets in many localities of the city. More than \$1,000,000 a year is usually expended for that purpose. No such condition exists here in the District of Columbia. This has been an unusual and extraordinary winter, so far as the extreme weather is concerned. It is not necessary to utilize the street-cleaning plant, or to have the temptation held out to utilize the street-cleaning plant, in weather such as this for the purpose of removing snow from the roadways and the streets. It is believed to be best to have a specific appropriation made for the removal of snow and ice, so that Congress may know and determine from year to year the amount that will be utilized

for that purpose.

Mr. FOWLER. Can the gentleman designate any additional expense that would be entailed upon the municipal authorities by virtue of cleaning the snow and the ice off the streets and sidewalks other than would be incurred in cleaning the streets

of dust and other material?

Mr. FITZGERALD. I believe that there are perhaps a large number of men whose employment is by the day; but in addition to that, once the removal of the snow from the roadways or the streets is begun, the existing plant would be absolutely inadequate to do the work, and to employ such additional emergency assistance as would be required to have the work done in a manner that would be satisfactory to those who desire it would necessitate a very greatly increased appropriation.

Mr. FOWLER. The gentleman before the committee in the hearings seemed to think that it would not entail any additional

Mr. FITZGERALD. I understand. Let me say this to the gentleman from Illinois. In addition to what he has read in the hearings, several members of this subcommittee have from year to year during the past six years been discussing this question with the representatives of the District government. They have, therefore, a fund of information about the matter that it is not deemed necessary to inquire regarding when witnesses are before the committee. It is a difference of opinion as to the desirability of consolidating items. The representative of nearly every department of the Government, when appearing before the Committee on Appropriations for appropearing before the Committee on Appropriations for appro-priations for services of the Government, endeavor to enlarge the scope of items in the bill. The Committee on Appropria-tions is continually endeavoring to segregate and separate items so that it may be known and easily ascertained just what the cost of every particular service is, and so that the amount appropriated for a particular service shall be definite and can not be exceeded. The more items and the more service shall be definite and can not be exceeded. The more items and the more services of various character are grouped in one item the more difficult it is for Congress to keep control over the expenditure or to determine what the expenditure for particular services should be. For these reasons the committee is always reluctant and rarely grants the request of administra-tive officials that items be consolidated. Rather the committee seeks, wherever possible, to divide items; because it is believed, and experience demonstrates, that better administrative results are thus obtained. I hope the amendment will not be adopted.

The CHAIRMAN. Does the gentleman from Texas reserve

the point of order or desire to make the point of order?

Mr. BURLESON. Mr. Chairman, I do not believe it is subject to the point of order, and I withdraw the point of order, but I hope that the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes appeared to have it. On a division (demanded by Mr. Fowler), there were-

ayes 4, noes 26.

So the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

Disposal of city refuse: For the collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; for collection and disposal of night soil in the District of Columbia; and for the payment of necessary inspection, livery of horses, and incidental expenses, \$179,945.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order upon that section.

point of order upon that section.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order upon the section just read.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire some information in respect to the expenditure of \$179,945. want to know for what the money is being expended.

Mr. BURLESON. It is fixed by contract. A contract is now

in existence that will continue until the end of the fiscal year 1914, as I understand it-June 30, 1914—the beginning of the fiscal year 1915.

Mr. JOHNSON of Kentucky. I would like to ask the gentle-

man how much that contract amounts to?

Mr. BURLESON. This is the amount carried in the contract, \$179,945

Mr. JOHNSON of Kentucky. Then why put in here, in line 23, "and for the payment of necessary inspection, livery of horses, and incidental expenses," when somebody is to do the work?

Mr. BURLESON. It is absolutely essential that the city should have inspectors to see that this man fulfills his contract, and for that purpose there are a certain number of in-spectors appointed by the municipal authorities to represent

the Government and the District.

Mr. JOHNSON of Kentucky. But then I asked the gentleman how much the contract called for, so that we may know the difference between the contract and the \$179,945.

Mr. BURLESON. I have before me a note which says that the contract calls for \$179,945. That is the amount to be paid for this service, and out of that sum the District reserves a sufficient amount to compensate the necessary inspectors to see that the contract is complied with.

Mr. JOHNSON of Kentucky. That is what I want to ascertain, if I possibly can, how much is reserved. Has the gentleman got that there?

Mr. COX of Ohio. The hearings show that there was paid out last year \$68,400 for removing garbage, \$73,150 for removing ashes, \$17,000 for removing miscellaneous refuse, \$16,600 for removing night soil, \$2,855 for removing dead animals, and the total for the removal of this waste is approximately \$178,000, and the appropriation is \$179,945.

Mr. JOHNSON of Kentucky. And this includes the purchase of motor vehicles. I would like to ask the Chairman another question, and that is this: I see here that \$2,855 was carried for the removal of dead animals. I would like to ask the gen-tleman if it is not true that in the bids which have been made for the removal of garbage, etc., including dead animals, they were not offered \$3 apiece for the dead animals?

I have no information on the subject. Mr. BURLESON. know that under this item for removal and disposal of city refuse we have a contract obligation upon the Government and the District to the extent of \$179,945, and embraced in that sum is the amount necessary to compensate the inspectors employed by the District to see that the contract is observed.

Mr. JOHNSON of Kentucky. I will say to the gentleman I saw one of the bids for the removal of this. I have not seen that for a year, but my recollection is quite distinct that these contractors offered to take the dead horses at \$3 apiece and remove them. Everybody knows that a horsehide is worth \$3 on the animal, and yet we are paying them \$2,855 to remove that which, according to the bids I have seen, we can get removed for nothing-

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. COX of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Ohio. Will the gentleman now yield for a ques-

Mr. JOHNSON of Kentucky. Certainly. Mr. COX of Ohio. Is not this the situation? Five years ago or 10 years ago-probably not nearly as long as 10 years agothe removal and destruction of garbage and dead animals, etc., entailed a net expense upon the part of the reduction companies?

In other words, their operation was not profitable, but in the natural evolution which has been going on in that business for a good many years it has become profitable, and out of this situation has developed the very obvious wisdom of the city now putting in its own garbage-disposal plant. And while the statement of the gentleman is doubtless true, namely, that these concerns can profitably gather up the dead animals and dispose of them for fertilizer and other purposes, a very few years ago that was not the case, and the situation he speaks of is one of natural development and not such as to cast reflection upon any public official.

Mr. JOHNSON of Kentucky. The situation, Mr. Chairman, seems to me just this: As I said a moment ago, we are paying \$2,850 to have dead animals removed, when people will pay \$3 apiece for them and remove them without any expense to the Government

Mr. COX of Ohio. If the gentleman will submit further, in many cities in different parts of the country suits have been instituted against the municipalities for not delivering to these reduction companies all of the dead animals and all of the garbage. It is necessary to deliver to the reduction companies now all of the dead animals and all of the waste within the municipal limits of the District of Columbia.

Mr. JOHNSON of Kentucky. That is what I am complaining

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. Johnson] has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX of Ohio. The gentleman's complaint, then, is with reference to the contract, because if there is an abuse that grows out of the contract.

Mr. JOHNSON of Kentucky. I can not do anything about it, Mr. COX of Ohio. So it is entirely beyond the province and jurisdiction of the Committee on Appropriations.

Mr. BURLESON. I will say to the gentleman from Kentucky that under the law the contract for the removal of garbage and refuse of the city is made for five years. This contract will expire, as I now recall, on June 30, 1914, at the beginning of the fiscal year 1915, and embraced within the terms of that contract is the provise that the city shall appoint certain inspectors whose compensation and livery service, hire of buggies, horses, and so forth, shall be paid by the contractor. The amount under the contract for which the District and General Government is obligated is \$179,945, and it has been carried in the bill at that amount since 1909, the beginning of the former contract and during the term of the present con-

Mr. LOBECK. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Kentucky [Mr. Johnson] yield to the gentleman from Nebraska?

Mr. JOHNSON of Kentucky. I do.

Mr. LOBECK. The amounts that have been read by the gentleman from Ohio [Mr. Cox] are correct. But in the estimates there is included in this \$179,945 three items, namely, purchase and maintenance of two motor-propelled vehicles, \$1,440; miscellaneous expenses, \$440; and telephone, \$60 Then, they say

It is esimated that with two motor-propelled vehicles for inspectors, which can be purchased and maintained for the same amount as was paid for livery for inspectors' horses and buggies, this service can be performed for inspectors at a cost in succeeding years of only the maintenance and depreciation of two motor-propelled vehicles.

I do not think there is anything wrong about that. In fact, I believe that the inspectors ought to have these motor-propelled vehicles so that they can get around quickly and see that this

work is done properly every day.

Mr. JOHNSON of Kentucky. If the gentleman is addressing his remarks to me upon that subject I wish him to clearly understand I am raising no question about it. If it is for the purpose of convincing me, the time is wasted. I was already convinced before the gentleman began to talk.

Mr. LOBECK. I am glad of it. I only wanted to show that the vehicles they mentioned there are needed.

Mr. JOHNSON of Kentucky. I withdraw the point of order. The CHAIRMAN. The gentleman from Kentucky withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For investigating and reporting to Congress at the beginning of its next session upon the cost of the most economical method of collecting and disposing of garbage and other city waste originating in the District of Columbia, including the preparation of plans and specifications, and the employment of personal services and such other incidental expenses as may be necessary, \$10,000, to be immediately available.

Mr. FOWLER. Mr. Chairman, I make a point of order to this paragraph.

Mr. BURLESON. Mr. Chairman, I will ask the gentleman from Illinois to reserve the point of order.

Mr. FOWLER. Well, I reserve the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to re-

serve a point of order myself.

The CHAIRMAN. The point of order is reserved.

Mr. BURLESON. Mr. Chairman, the committee will understand that this provision carries no appropriation for the construction of an incinerating or garbage-reduction plant. It simply provides for the employment of experts to prepare plans for inaugurating the most economical method of disposing of the city garbage. The gentleman from Ohio [Mr. TAYLOR] is more familiar with matters of this kind than I am, and I ask unanimous consent that he may be allowed to proceed for 10 minutes in explanation of the reasons moving the Committee

on Appropriations to embody this item in the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Ohio [Mr. TAYLOR] be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. Taylor] is recognized for 10 minutes.

Mr. TAYLOR of Ohio. Mr. Chairman, I do not desire to detain the committee for any great length of time; but I have given, as have other members of the subcommittee, a considerable amount of study to the question of the proper disposal of the waste of cities. As was well stated by the chairman of the subcommittee a few minutes ago, it has been until only a very few years back a matter of great concern to the growing municipalities as to how to get rid of their waste, which includes garbage, ashes, night soil, and other forms of refuse, in a sanitary and economical way. I am somewhat interested in the subject and have the advantage over some other Members of the House in that respect by reason of the fact that there has just been completed within the past year in my the city of Columbus, Ohio-the first garbage-reduchome citytion plant that has been built under the auspices of municipal officers, a plant built by the municipality of Columbus under the direction of its municipal officers and garbage experts. operation of that plant has resulted in such a satisfactory solution of the garbage question that I feel it is no more than right that the House in committee should be advised as to what is going on in other municipalities and as to what we are not doing in the great model city of the United States—the city of Washington.

As has been stated, we have for years past been disposing of our waste here under contract with a private contractor. We have paid that company \$179,000 a year on a five-year contract to take care of the garbage, night soil, miscellaneous refuse, and dead animals of the city. A few years ago—and I remember it very distinctly this was true in my own city-it used to cost any man whose horse, cow or other domestic animal died a certain amount of money to have it hauled away and disposed of, and men made their living by hauling away and burying animals in that manner. Under modern conditions, as my colleague from Kentucky [Mr. Johnson] has stated, there is an absolute profit not only in the handling and disposal of dead animals, but also in the handling and disposal of garbage and

other forms of waste and refuse.

In my home city, the city of Columbus, we expended \$189,542.23 in the construction of a garbage-reduction plant and about \$88,443.93 in the erection of a garbage-collection plant and in the purchase of the necessary wagons and teams to collect the garbage and to haul it to the collection plant, a

total investment in round figures of about \$295,000.

That plant has been in operation a little over a year. figures for a complete year are not as yet available, but in order to give you a fair idea of what a useless waste of money is going on in Washington as compared with other municipalities that have adopted an up-to-date method of disposing of their garbage and other wastes, it is only incumbent on me to call your attention to the fact that in Washington we are paying to a private contractor for the annual disposition of our garbage alone the sum of \$68,400 and get nothing back. He takes that garbage down the river to a certain place in the district of the gentleman from Virginia [Mr. Carlin], where he has located a reduction plant, and there boils it out and extracts from it the grease and other elements and ingredients that I will later describe, and he gets from it undoubtedly a very good return for the investment he has made in his plant, so that I assume—in fact, I know—he must be making a very handsome income from it. His contract expires two years from the 30th day of June next.

It will require about a year to work out the plans and figure out the best method of disposing of our city waste under the paragraph now under discussion. This paragraph does not say that it shall be a garbage-reduction plant or a garbage-incineration plant, which is another way of disposing of garbage, but it provides for an investigation of the most economical method of disposing of garbage and waste products and the reporting back to Congress of the facts obtained for its information and action; so that this item does not confine us to any particular form of garbage collection or disposal. I am confining my remarks chiefly to the necessity of a garbage-reduction plant, because my acquaintance with the proposition convinces me that the investment in an incineration plant does not give any-

thing like a proper return, such as is given by a properly equipped and modern garbage-reduction plant.

In Columbus, Ohio, we have in the heart of the city the city stables, where the wagons and teams that haul the garbage are looked after; and next to that is a brick building to which the garbage is hauled in steel tank wagons, covered with tarpaulin in order to minimize the disagreeable odors of the contents as the wagons pass through the city. Those wagons are hauled through the city and the contents are dumped into tank cars at the collection station, and those cars when filled are then hauled about 3 miles from the collection house to the garbagedisposal plant, which is located a mile or so beyond the city limits on property owned by the city, on which property is also located the sewage-disposal plant. This is hauled there and dumped from the cars into the equivalent of an elevator, an endless chain bucket arrangement, and then goes into great tanks where it is cooked. The grease and water are extracted by pressure, and there are processes for the extraction of the grease. The balance of the product, after being cooked, is ground up and dried, and it comes out in the form of fertilizer. I asked to have some of the product sent on to me. This substance which I have in this glass jar is the product known as fertilizer. I have heard gentlemen say that these plants are a nuisance because of the nauseous odor. I will state, after having gone completely through the plant, that I defy any person living a quarter of a mile away from the plant to find any objectionable odor. There is a faint odor, like burnt sugar, which you can smell in the product, and that is noticeable in the plant; but that is the only odor, and it is by no means For that product an average of \$10.15 a ton is received, and there is a demand for all that can possibly be manufactured. The grease, after final extraction, is of a dark color, and it sells for \$100.60 a ton.

Mr. LOBECK. The product in the first bottle is used for a filler in the manufacture of fertilizer.

Mr. TAYLOR of Ohio. It is sold as fertilizer. I do not know just how they use it.

Mr. LOBECK. It is used as a filler. It is not of itself a very valuable fertilizer.

Mr. TAYLOR of Ohio. It is sold on the percentage of ammonia in it.

Mr. LOBECK. That is about 3 per cent.

Mr. TAYLOR of Ohio. It averages a price of \$10.15 a ten, and is sold altogether on the ammonia test. The grease, as I say, sells for \$100.60 a ton, and there is an unlimited demand for it.

Mr. FOWLER. Have you had it analyzed to know what is

in it?

Mr. TAYLOR of Ohio. I have not had it analyzed, but every dollar's worth of it that is sold these companies is analyzed and paid for on the analytical test.

Mr. FOWLER. I thought if you had a chemical analysis of it you could give us a statement of what productive qualities there were left in the material.

Mr. TAYLOR of Ohio. I have not the chemical analysis. know there is an absolute demand for the product and what we used to pay to get rid of we are now selling at the rate of \$10 or more a ton, so it must have some value.

Mr. SIMS. At present we are paying to get rid of it. Is

that not true?

Mr. TAYLOR of Ohio. Yes.

Mr. SIMS. That is what that \$179,000 is for? Mr. TAYLOR of Ohio. That includes everything. Mr. LOBECK. The \$179,000 will still continue for gathering

this garbage. That is all this \$179,000 is for. That is for gathering garbage, ashes, and rubbish, and that would still continue.

Mr. SIMS. If this reduction plant is established, the Government will be relieved, at least to an extent, and get something

in the way of revenue.

A certain amount of money must be Mr. TAYLOR of Ohio. paid for collection. That is always a loss. There is no profit in collecting it. There is no profit in getting the raw material to any factory; but we expect to pay back a great per cent of that, if it is properly managed, as it is in my city and other cities, by the sale of the by-products manufactured by the reduction plant from this waste material.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COX of Ohio. I ask unanimous consent that my colleague be given 10 minutes more.

There was no objection.

established in the city of Washington or near the city of Wash-

For instance, the first half of 1911 we collected 7,066.13 tons of garbage, 94 dead horses, 9 cows, and the plant was operated 155 days. We received from this garbage 206.48 tons of grease, which was paid for in the sum of \$21,413.92. We manufactured which was paid for in the sum of \$21,413.92. We manufactured 1,132 tons of tankage or fertilizer, for which we received \$10,338.42. We procured 62 hides of animals, for which we received \$253.90, and miscellaneous, \$1.50, making the total receipts \$32,007.74. We had under a previous year \$5,999 worth of grease and tankage, totaling \$38,007.14, from which was deducted certain items, making the total receipts \$29,615.62.

Now, as to the expenditures: The supervision and pay roils was \$9,724.03; coal, \$2,349.75; electric power, \$843.90; repair and renewals, \$849.24; supplies, \$548.13; office expense, \$185.78; miscellaneous, \$191.84. And then there were some unpaid bills July 1, 1911, amounting to \$839.52, making a total of \$15,532.19, from which we deduct the total receipts, and you will find that we made a profit in that six months, over and above the amount it cost us to dispose of the garbage, of \$14,608.43. Taking it for granted that the next six months will be as profitable, there will be a profit of over \$29,000 a year.

Now, it costs us about \$40,000 to collect the garbage and about \$40,000 to dispose of it. These figures will show that for every ton of garbage collected we had a net revenue of \$4.19. The net cost per ton for disposal of the garbage was \$2.12, leaving a profit of \$2.07 a ton.

The plant has a capacity for disposing of 160 tons of garbage in 24 hours. In disposing of the 45.59 tons per day the majority of the work was done during one 8-hour shift. During the second shift only such was done as required more than eight hours. If the tonnage of garbage was sufficient to operate the plant at full capacity the cost per ton would be decreased. as the same number of men are required to operate the ma-chinery irrespective of the tonnage to be disposed of.

The total amount of tankage produced during the six months was 1,188 tons. Each carload was analyzed for determining the fertilizing element on which the price per ton is based, also for the percentage of grease left in the material. From analyfor the percentage of grease left in the material. From analysis the percentage of grease left in the tankage was approximately 10 per cent. If the percolating plant which is now under construction had been in operation a recovery of 8 per cent of grease would have been made, which would have amounted to 95 tons, valued at \$9,500. The operation of the percolating plant would have required an additional expense of \$2,000, leaving a net revenue of \$7,500. The total cost for the collection of garbage for the first six months of 1911 amounted to \$17,794.99, so that with the percolating plant in operation the receipts from garbage for the six months would have been \$4,313.44 over and above the cost of collection and disposal, or a net profit of about \$9,000 per year to the people.

Now, the garbage of the city of Washington is richer in the percentage of grease than any other city in the United States. It is richer than in New York. I get this from an expert, for I know nothing about it myself. It is richer for this reason: There are more hotels, more apartment houses, and less of the tenement element, which in the great cities is so poor that they eat mighty close down to the garbage. That is a strong statement, but a fact. But let us say that the percentage would be at least fully as rich and more in quantity, and it is a proven fact that the more garbage a city can get, the more profit. My city is a city of nearly 200,000 inhabitants, while Cleveland is a city of over 500,000 inhabitants. Cleveland did not build its own plant. It was built by a private company and the city bought it. It was not a municipal plant where the odors were taken care of. In Columbus the orders are carried into a steam well and wafted out through the stack, and there is practically no odor except in the collection of the garbage where it is first dumped into the tank cars.

In Cleveland they are running their plant, as I understand it, at a cost of less than \$7,000 a year to collect and dispose of their garbage, and will soon be working at a profit, because they are modernizing the old plant they have there. they had a profit over the cost of disposal of \$42,838, and I wish gentlemen would mark this and see the rapid increase. In 1908 they had a profit over the cost of disposal of \$57,489. In 1909 they had a profit over the cost of disposal of \$71,254. See how they are eating into their collection cost. In 1910 they had a profit over the cost of disposal of \$104,064, almost equal to the amount of the collection and disposal, and that because of having put in modern, up-to-date machinery and of having

greatly facilitated the profitable working of their plant.

Mr. Chairman, I have gone into these details, although they do not deal with the point of order, simply because I think they

the Committee on the District of Columbia very properly called attention to the fact that we were paying under this contract, which has yet two years to run, cash out of pocket for taking care of dead animals, as one small item of this bill, something over \$2,000, or about \$2,500. Let me give you a little bit of experience. In my city a few years ago we had to pay \$3 to have an animal hauled away. Then some one started a private garbage plant in the country near the city, and they got to the point where they would charge you only a dollar to haul away your horse or your cow, and finally the city garbage plant got to working and the private contractor struck out any charge and commenced to advertise that they would take away for nothing your dead animals, and now the city, although refusing to pay anything for it, have a dead-animal ambulance, for want of a better term, and they hurry to the spot where there is a dead animal as fast as they can, and have put the private manufacturers who make soap and other articles on the defensive, to the extent that they are paying two or three dollars for every dead horse that they can get.

The city does not pay anything, but it makes a very great effort to get every dead horse it can, because the expert tells me that every horse they dump into this garbage plant means a clean profit on the investment of hauling the carcass of \$7

to \$8 net.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOWLER. Mr. Chairman, I ask unanimous consent that

the gentleman's time may be extended for one minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Ohio be extended for one minute.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the time of the gentleman be so extended that he may be permitted to conclude his remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Ohio. Mr. Chairman, the very complaint made by the District chairman is a very just one, and that is the reason why not only myself but every other Member of this House who has made this investigation is heartily in favor of doing in Washington what other cities are doing, not as a mere experiment, because the experimental stage of this matter has long since passed, but that we may build a modern, sanitary, up-to-date garbage-disposal plant, and get back some of this enormous outlay of \$179,000 a year in the manufacture of byproducts of grease and fertilizer.

Mr. SIMS. Is it not also a fact that unless an effort is made in time, in order to have this matter investigated and an appropriation made and the plant erected by the time the contract expires, there will be another five-year contract that will be

upon us?

Mr. TAYLOR of Ohio. Of necessity; and that is the only reason we are putting it in now. Get the plans up and be ready to build and have it completed by the time the existing contract expires.

Mr. CARLIN. Mr. Chairman, I would like to ask the gentleman whether the location of this garbage plant has ever been

considered by the committee?

Mr. TAYLOR of Ohio. Not by the committee. It has been talked of. I have heard people say that it ought to be built at Occoquan, and I would say to the gentleman frankly that that is where I want it to be placed.

Mr. CARLIN. And I will say to the gentleman frankly that that is where I do not want it placed.

Mr. TAYLOR of Ohio. I understand that, and the gentle-man so stated before the committee, but his argument did not convince me.

Mr. CARLIN. I see that it did not, but the gentleman has provided here for plans and specifications for a garbage plant. How can that be done until you have first determined upon a

site for the plant?

Mr. TAYLOR of Ohio. It could be done. The plans of a garbage-reduction or garbage-incineration plant is purely a mechanical proposition. There undoubtedly would be an additional necessity for further plans for wharves or railroad trackage or terminal facilities, dependent upon the location of the plant. It is not necessary in any sense to locate a site before the general plan or engineering scheme of garbage disposal be worked out.

Mr. CARLIN. Is not the expense of preparing the plans and estimates largely determined by the location that you desire?

Mr. TAYLOR of Ohio. I think not. I will say frankly to the gentleman I am not making this fight in order that the plant is to go to Occoquan. I do not know whether it is the best place, although it is my present judgment it is, because we will be of interest. Only a few moments ago the chairman of get cheap common labor and we have other facilities

in a most isolated place, even if it is in the gentleman's district, and it will not offend anybody's sense of smell, no matter how sensitive the person may be, because it will be built along the lines of modern plants and could be built in the heart of a city as well as anywhere else, except that it would not be economical on account of the value of city property, and the fact that cheap prison labor would not be available.

Mr. CARLIN. I understand the gentleman to contend that it is not an undesirable plant which is proposed to be constructed?

Mr. TAYLOR of Ohio. Nothing like the present one in the gentleman's district, which is a noisome place, according to the

gentleman's testimony.

Mr. CARLIN. I want the gentleman to answer this: If it is an undesirable thing, we do not want it in Virginia, and if it is a desirable thing, then the people of the District of Columbia ought not to be deprived or its benefit and it ought to be located in the District of Columbia. I will ask the gentleman if he will consent to this amendment:

Provided, That no part of this appropriation shall be expended until a site upon which to construct a garbage plant has first been selected in the District of Columbia.

Mr. TAYLOR of Ohio. I will not consent to that, and I will

tell you why.

Mr. CARLIN. Anywhere in the District of Columbia?

Mr. TAYLOR of Ohio. The gentleman from Virginia is unquestionably heartily in accord with the program of economy adopted by the majority side of this House and heartily indorsed in by the minority, including myself. Now, the reason I suggest Occoquan as the place that could be utilized is that the Government of the United States has title to 1,500 acres of land, useless land except for certain purposes, on Occoquan Creek. There we have built a workhouse where some 500 or 600 negro and white workhouse prisoners are confined. ployment must be found for these men.

We have built a brick plant there without complaint on the part of the gentleman from Virginia, because he knows there are numbers of brick plants being built at other places along the entire shore line of the Potomac. We have started a stone quarry there and we are running a farm and a truck garden there. We are running a sawmill there and building structures in which the prisoners are kept, and I, for one, believe it to be one of the greatest model prison-reform institutions in the country and I want to see as many proper municipal functions performed by these men on the site of 1,500 acres of land as can be performed, for two reasons: First, the place is as much isolated as any place can be where garbage disposal or incineration can be carried on. In the second place, there is nothing to hurt or offend the people of the gentleman's district, because within 3 miles of Occoquan is the plant of this private con-tractor who hauls \$60,000 or \$80,000 worth of garbage down to his plant there in a year and which the gentleman from Virginia stated was so offensive to the vicinity that it has ruined property within a circle of 5 miles surrounding the plant, so if we do away with the private plant we will redeem an area of more than 5 miles in circumference by establishing this plant which would not be offensive to the smell if we erect a

modern, sanitary, clean, up-to-date garbage-disposal plant.
Mr. CARLIN. What is the gentleman's objection to con-

structing this plant in the District of Columbia?

Mr. TAYLOR of Ohio. Simply because the labor, the common labor we propose to use along the line of economy, is located right at Occoquan.

Mr. CARLIN. So it is the gentleman's purpose to locate

this plant at Occoquan?

Mr. TAYLOR of Ohio. Not my purpose or the purpose of Congress at this time. I stated in the beginning that I favored Occoquan for the reasons I have given, but I am only one voice in this House of 391 Members.

Mr. CARLIN. The gentleman has stated to the House there was a private plant-

Mr. TAYLOR of Ohio. The gentleman stated it; I am taking his word.

Mr. CARLIN. Will the gentleman state to the House the difference in the responsibility of a private plant to answer in damages to citizens and that of this public plant to answer to the citizens?

Mr. TAYLOR of Ohio. I am glad you mentioned that, and I will take that up right here, and I will refer the gentleman to his own remarks. The gentleman bore down heavily before the committee that if we took this plant over the Government was not responsible in damages if we injured any private rights. He said the private contractor with the noisome plant was answerable in damages. With that proposition I agree, if damage has been done to individual rights or property rights.

And when he was asked, after a strong argument along that line, if in the 10 years, at least, that the plant had been in operation near Occoquan, if the private owner had as yet been compelled to respond in damages because of this noisome odor and pollution, he said, "Not to his knowledge."

Mr. CARLIN. I had not the knowledge then, but I have it

Mr. TAYLOR of Ohio. You did not have it then. I claim that if it was running as a commercial institution, with no regard or restriction as to offensive odor or smell, but simply to make money, it would be more liable to damage private property and rights than the plant that was built primarily as a sanitary measure, with incidental profit, such as would be erected and operated by a municipality.

Mr. CARLIN. I want to call the gentleman's attention to this fact, that if your ideas are carried out you will have to

have a receiving plant in the District of Columbia.

Mr. TAYLOR of Ohio. Undoubtedly.

Mr. CARIAN. And you will have to have a system of transportation, to consist either of barges or of sealed railway

Mr. TAYLOR of Ohio. Tank cars. The cars are not scaled. Mr. CARLIN. All of which will be an expense far in excess of the little labor cost that you would save by locating the plant at Occoquan.

Mr. TAYLOR of Ohio. As to transportation, it does not make much difference whether a car goes 1 mile or 30 miles. We haul at Columbus 3½ miles, and they charge \$7.50 a car, and we run about two cars a day. You could put it in barges here nine months in the year and haul it down for infinitely less cost, and it will be handled by cheaper labor.

Mr. CARLIN. And you would have an effluvia from one end of the river to the other while the hauling was being done.

Mr. TAYLOR of Ohio. If that is so, you have found a con-

dition which does not anywhere else exist.

Mr. CARLIN. Do you not mean to say it would be in open barges?

Mr. TAYLOR of Ohio. You would have to build your barges as garbage barges.

Mr. CARLIN. Have you ever seen a garbage barge?

Mr. TAYLOR of Ohio. No; I have not. Do you pretend to say that one can not be built?

Mr. CARLIN. I pretend to say a sanitary barge can not be

Mr. TAYLOR of Ohio. If the gentleman thinks so, I think he is mistaken.

Mr. CARLIN. I think we can build an air-tight barge, but

not an odor-tight barge.

Mr. TAYLOR of Ohio. I do not know that we are going to use barges. I am not making these plans. The gentleman says the garbage will have to be taken care of in the District. collection of garbage in the plant in the city of Columbus is in that part of the town down near the stables. That is the most odorous feature in the situation, and they have to dump the garbage into these tank cars, and there is more or less of a

smell of garbage after each dump.

Mr. FOWLER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Illinois?

Mr. TAYLOR of Ohio. I will.

Mr. FOWLER. I desire to inquire the amount your city expended on an investigation originally preparatory to building your garbage plant.

Mr. TAYLOR of Ohio. I could not give you those figures exactly. I can only give it to you in this way: Among the items of cost of the garbage plant, the collecting plant, and disposal plant—it is all one plant—and also at the same

Mr. FOWLER. I am not asking you about the cost of the building of the plant.

Mr. TAYLOR of Ohio. You want to know what the cost of the investigation was?

Mr. FOWLER.

Mr. TAYLOR of Ohio. Making up the plans and all that?

Mr. FOWLER. Yes

Mr. TAYLOR of Ohio. I am reaching that as near as I can get it. I find here among the estimates an item for "engineering," which would, of course, include investigation and drawing of plans, of \$16,143.

Mr. FOWLER. That engineering was necessary for the pur-

pose of locating the site, was it not?

Mr. TAYLOR of Ohio. Oh, no. We had the site located long before we thought of the engineering.

Mr. FOWLER. What kind of engineering did the gentle-

man's city do?

Mr. TAYLOR of Ohio. Just the same kind of engineering as is required with every other new proposition. We had engineers to come there and draft plans and prepare specifications for special machinery and for overseeing the construction of that machinery and plant, for putting up the walls and installing that machinery and putting the plant in operation, for which we paid them a salary or fee, as the case may have been. plant was built by expert garbage engineers employed by the city, not residents of the city, but experts brought from outside to draft plans and supervise the construction of the plant, so as to make it a workable institution.

Mr. FOWLER. Did you pay them \$16,000 just for the in-

vestigation?

Mr. TAYLOR of Ohio. Oh, no. We paid them that for the

investigation and for overseeing the construction.

Mr. FOWLER. Does the gentleman think it would take \$10,000 to ascertain whether it is feasible to build a garbage plant of that kind for the city of Washington?

Mr. TAYLOR of Ohio. Oh, I think that is very moderate. If the city of Washington can get off with \$10,000 and secure good plans and have a proper piece of work mapped out, it

would be economical and cheap.

Mr. FOWLER. Does not the gentleman think he could furnish experienced men who could do that work for much less than \$10,000?

Mr. TAYLOR of Ohio. Does the gentleman from Illinois

know one man who could?

Mr. FOWLER. I do not know. I am asking the gentleman

from Ohio.

Mr. TAYLOR of Ohio. There are only two or three expert garbage engineers in the country. It is a special kind of work. There are very few experts in the country. I can name only one, and he supervised the work from the preparation of plans to putting the plant into successful operation. If the gentleman can name somebody else who can do the work more cheaply, well and good. In any event, not more than \$10,000 can be expended under this item.

Mr. FOWLER. I was asking the gentleman the question on

account of his superior knowledge of the subject.

Mr. MURRAY. Mr. Chairman, may I inquire of the gentleman whether it necessarily means that the whole \$10,000 is to be expended?

Mr. TAYLOR of Ohio. No; that is the maximum amount. Ten thousand dollars is provided in this item, to be expended if it is necessary to expend it. We might have to expend all of it, or, perhaps, we might have to expend only half of it.

Mr. FOWLER. Does not the gentleman think that expert work of that character can be done for less than \$10,000?

Mr. TAYLOR of Ohio. I do not know, but I do not think so.

I do not set myself up as an expert in those matters.

Mr. FOWLER. I see no engineering work involved in connection with that proposition at the present time. But the engineering might come after the site for the plant was located and preparations made for the building of it.

Mr. TAYLOR of Ohio. The gentleman's idea would be to build the plant first and then work out the engineering problems

connected with it afterwards, would it? Mr. FOWLER. You can not do any engineering until you get

the site. Mr. TAYLOR of Ohio. But you can make your plans; and

does not that in itself require engineering skill?

Mr. FOWLER. You can draw plans, that is true, just as you

can employ an architect to draw a plan of a house.

Mr. TAYLOR of Ohio. An architect can not plan the machinery required for a garbage plant.

Mr. FOWLER. But a mechanic can.

Mr. TAYLOR of Objection

Mr. TAYLOR of Ohio. Oh, of course; an engineer can.
Mr. FOWLER. Does the gentleman think that it will cost \$10,000 simply to draw a few maps?

Mr. TAYLOR of Ohio. Oh, no. According to the theory of the gentleman from Illinois, it ought not to cost anything at all to plan and build a garbage plant, and I sincerely hope, if it is ever authorized, it will never be built under the gentleman's

Mr. FOWLER. If the gentleman will permit me, I would like to inquire if this item of \$10,000 for an investigation is a fair sample of what the garbage plant is going to cost? If so, nobody ought to be in favor of building it, whether he is a Member

Mr. TAYLOR of Ohio. Oh, well, that is only the gentleman's point of view. I am glad to get his point of view and equally glad to disagree with it.

I would like to ask the gentleman from Ohio this question: This plant can not be built without plans having first been made?

Mr. TAYLOR of Ohio. No: certainly not.

Mr. CARLIN. Mr. Chairman, if the gentleman has concluded his remarks, I would like to address the committee.

The CHAIRMAN. The gentleman from Virginia [Mr. Car-

LIN] is recognized for five minutes.

Mr. CARLIN. Mr. Chairman, I consider myself as warm a friend of the District of Columbia as any Member of this body. Both by my voice and my vote I have consistently advocated every measure that tended to the improvement of this great national city, and I propose to continue to do so; because I believe that every citizen of this great country should and does feel a proper pride in this beautiful city. But when gentlemen who live at great distances from Washington undertake to make the State or any part of it that I represent in this body the dumping ground for all the filth of the District of Columbia, they can only do it over my protest, and they must do it consistently with the rules of this House.

It is only a few short months since the Committee on the District of Columbia-which it seems to me spends more time in trying to write into appropriation bills matters that have no place there than they do in investigating matters of great con-cern to the people of this District—undertook to place another prison under the shadow of Mount Vernon in the State which I in part represent, and the gentleman from Ohio [Mr. TALOR] and his associates insisted in the presence of this body and of the American people that it was a splendid thing, and that it ought to be put there. Now, we are told that this nauseating garbage plant, the effluvia of which he thinks would be a delight to everybody passing up and down the Potomac River, ought to be placed in the State of Virginia. Mr. Chairman, if this is a bad thing, we do not want it; and if it is a good thing, for God's sake do not deprive the people of the District of Columbia of its beneficial results. You start with this garbage proposition at the foot of Seventh Street, and transport these thousands of tons of garbage all the way down the Potomac to Occoquan, and there the garbage stays, sending its effluvia throughout that whole section of country before it is put into this delightful deodorizing plant, like the one which seems to have been erected near Columbus, Ohio.

The people of this Nation, as they travel down the beautiful Potomac to Mount Vernon and other spots of interest, are to be asked to enjoy the effluvia, in order that the people of the District of Columbia may have the benefit of a few dollars' worth of convict labor.

Mr. TAYLOR of Ohio. Will the gentleman yield just for a

question?

Mr. CARLIN. Certainly.

Mr. CARLIN. Certainly.

The garbage plant that is now discovered down the Mr. TAYLOR of Ohio. The garbage plant that is now disposing of the garbage of Washington is located down the Potomac. How does the contractor get that garbage down there? Does he not haul it down the Potomac?

Mr. CARLIN. It should have been the gentleman's duty as a member of this committee to investigate that fact and tell this

committee and not expect me to do it.

Mr. TAYLOR of Ohio. Why can not the gentleman answer

that question?

Mr. CARLIN. I will tell you. He hauls it down on the railroad in these so-called air-tight contrivances, which are air tight but not odor tight, and can not be made so, and that is the most offensive spot within a thousand miles of the District of Columbia; but the people who live in that section are requiring that private corporation to respond in damages for maintaining a nuisance, and they have a right by injunction to stop it whenever they can not be compensated in damages.

The CHAIRMAN. The time of the gentleman has expired. Mr. CARLIN. I ask unanimous consent for five minutes

The CHAIRMAN. The gentleman from Virginia asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. CARLIN. What is going to happen when we do this? We have down there now at Occoquan this prison camp. I want to say, to the credit of the District Commissioners and of the management of that institution, that I believe it is managed as well as any institution of its kind in this entire country, considering the fact that it has only existed a short time. In my judgment it bids fair to effect an economy for the District. I believe we have to-day in the District of Columbia three men as conscientious in the discharge of their duty as have ever occupied the position of District Commissioner. two of them are Army officers, one a general and the other a major, and to that extent we are under military government, but the people are well satisfied with them. They are accomplishing many reforms and are urging many more. But if they undertake to relieve the District of Columbia from these terrific

odors by removing them to Virginia, it will never be done with my consent. And in order to bring this debate to a conclusion, I am going to make the point of order. I will not reserve any thing, because you will not consent to anything. I offered an amendment providing that you could have your garbage plant and your \$10,000. You could take \$20,000 or take \$50,000 and I would be heartily in accord with that proposition.

But I ask you to say that this plant when erected shall be erected in the District of Columbia, and you will not consent to Then, in the discharge of my duty, in order that the public time may not be consumed here in useless argument, as it is day after day in discussing matters which we know are subject to a point of order, I make the point of order against this paragraph.

Mr. COX of Ohio. Will not the gentleman withhold it?

Mr. CARLIN. I will withhold it for the present.

Mr. COX of Ohio. Mr. Chairman, there is scarcely anything that can be said that has not already been stated which is intrinsic to this discussion. The gentleman from Ohio [Mr. TAYLOR has made a very exhaustive and very illuminating statement. I want to submit, however, this one observation. When this matter was before the subcommittee we had extensive and exhaustive hearings. The same situation prevailed there that prevails here to-day in this respect, that no person has had the temerity to rise in his place and say that in the natural evolution of this operation the wisdom of a municipal garbage plant is not suggested. There was not a scrap of evidence submitted which did not tend to show that the waste and garbage generally in the city of Washington could be dis-posed of in a more sanitary way, and that an economy could not only be effected but that a source of revenue would be established. I hope that the facts as they are presented here to-day will soak in on the membership of this House and impress upon the members of the District committee the importance of reporting out into this House legislation which the best interests of the public now demand.

We find that there is raised but one objection, and that comes from the gentleman from Virginia [Mr. Carlin]. I have listened to his very patriotic appeal in behalf of Washington. We admit with him that so long as the public moneys are expended to build wide avenues, monumental buildings, construct splendid parks and beautiful highways that he will yield to no man in the support that he gives to these projects. He is willing that the State of Virginia shall continue to be resurrected from a State of swamps and wilderness by the aid of proximity to this splendid Capital of the Nation; he is willing to participate in all the benefits which accrue, but just as soon as the slightest suggestion comes of some situation which might not be entirely to the benefit of his part of the country, then he raises his protest. In short, Virginia is willing to receive all of the benefits without sharing any of the disadvantages, real or imaginary, from contact with this great city.

Mr. FOWLER. Mr. Chairman, I do not want any Member of Congress to think that I am opposed to this part of this bill in so far as it seeks information upon this subject. I am in sympathy with legislation seeking the best methods of handling the garbage of this great city. I am in hearty accord with any improvement that might be made or any advanced methods that may be instituted, but for the work that is proposed by this paragraph, I think \$10,000 is entirely too much, and for that reason I reserved the point of order and I now desire to press it, because it is new legislation, which is prohibited by Rule XXI.

Mr. BURLESON. Will not the gentleman reserve it for a

The CHAIRMAN (Mr. Beall of Texas). A point of order is pending against the paragraph, made by the gentleman from

Mr. CARLIN. I reserved the point of order, Mr. Chairman, Mr. FOWLER. I will reserve the point of order for a moment.

Mr. BURLESON. Mr. Chairman, I desire to say a few words to place the situation before the committee. At this time the refuse of this city is being removed at a cost of \$180,000, in round It is being done under contract. The contract will expire in about two and one-half to three years. The District and the Government are confronted with the necessity of either leaving the District in the grasp of one contractor or of taking some steps at this time to meet this situation. During the period of the contract that now exists, as a safe business man, the contractor must amortize the entire cost of his plant, and it is an expensive plant, and notwithstanding that fact, he is anxious for a renewal of his contract. In the light of the statements made by the distinguished gentlemen from Ohio [Mr. TAYLOR and Mr.

Cox], I believe that every man here is convinced that not only can this garbage and refuse be removed at a less cost, but that if we proceed at this time to take the proper step it can be removed without cost to the District and can be made an actual profit. Let the gentleman from Virginia [Mr. CARLIN] take the responsibility if he desires to do so.

Mr. CARLIN. Mr. Chairman, will the gentleman yield? Mr. BURLESON. Certainly.

Mr. CARLIN. The gentleman certainly understands that I am in thorough accord with the idea of constructing a garbage plant. I am willing to meet that situation. The gentleman says that it is important and imperative. I challenge the gentleman to accept an amendment requiring this plant to be constructed in the District of Columbia, and then I shall withdraw the point of order and the plant may be constructed.

Mr. BURLESON. Mr. Chairman, the Committee on Appropriations desires this plant to be constructed at a point that will be most economical for the Government and the District. The question thoroughly presents itself. Let the gentleman from Virginia take the responsibility. The question is whether we shall continue to expend \$180,000 year by year, and probably a larger amount at the expiration of this contract, or shall we now take steps that will relieve the General Government and the District of this burden and probably make the discharge of this function a profit rather than a burden. If we wait another year, it will be utterly impossible for us to take any action to protect us against the grasp of this monopoly, because that is what it means, because it takes the full length of the time between now and the period of the expiration of this contract to make provision for this plant. We had some expert advice on this subject. We have an able engineer officer, and he tells us that it is his deliberate judgment that we can effect a saving to the General Government and the District of approximately \$180,000 a year by taking this step. If the gentleman from Virginia wants to interpose a point of order and entail the continuance of this burden upon the Government and the District, let the responsibility rest upon him and nowhere else.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield? Mr. BURLESON. Yes.

Mr. BOWMAN. Mr. Chairman, 35 years ago I was in the employ of the State of Massachusetts when that State spent many thousands of dollars to determine what disposition should be made of the small amount of sewage, et cetera, connected with the State Insane Asylum, located at Danvers, Mass., and I may say, for the information of the gentleman from Illinois [Mr. Fowler], that the sum of \$10,000 to determine the character of the plant that should be erected to dispose of the sew-age and waste of this city would seem to an engineer as a very small sum. As was well stated by the gentleman from Ohio [Mr. Taxlor], it may cost less than that, but the expenditure of a few thousand dollars to employ engineers who are thoroughly posted on such subjects may mean the saving of hundreds of thousands of dollars, not in the erection, but in the operation and economies connected with the operation of the

One word with reference to the objections of the gentleman from Virginia [Mr. Carlin]. It seems to me from the statement of the gentleman from Ohio [Mr. Taylor] that the operation of the plant in connection with his city does not develop anything which would be offensive to any person within a quarter of a mile should be conclusive.

Mr. CARLIN. Then, why not put it in the District of Co-

Mr. TAYLOR of Ohio. I would be glad to answer that question.

Mr. BOWMAN. Just one moment. I think I understand the situation fully.
The CHAIRMAN.

The time of the gentleman from Pennsylvania has expired.

Mr. BOWMAN. I ask unanimous consent to be recognized for five minutes

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania for five minutes.

Mr. BOWMAN. I would call attention to the statement of the gentleman from Ohio [Mr. TAYLOR] that no effluvium is noticed within a quarter of a mile, and that which is thrown off is of the character of burnt sugar. I also refer the gentleman from Virginia to an examination of the product itself. which is proof of the gentleman's statement, and to the further fact which has been brought out by this discussion that in the District when the material is now disposed of an odor is produced sufficiently offensive to cause an action for damages to be brought within a very recent period of time. It does seem, in view of these facts, that the State of Massachusetts having 35 years ago spent many thousands of dollars to determine the advisability of taking care of the small amount of material referred to, that the city of Washington, upon the conduct of whose affairs especially, with regard to its sanitary improvement, depends the health not only of the inhabitants, but the Members of Congress and their families, should not be backward in this respect. I have had a very serious experience this fall in the city of Washington in connection with the health of my own family. My youngest son has been afflicted with typhoid fever since he came to this city. One month after he came here he was taken with the disease, and for nine weeks he lay in his bed, and I say this advisedly, his illness was wholly due to the fact that not sufficient inspectors had been appointed to determine the character of the milk supply of this city.

I understand there are only not to exceed seven inspectors to examine over 1,100 dairies extending from Niagara Falls to Charlotte, N. C. A city of this size and character should no longer be satisfied with its ancient method of disposal of sewage, and for the gentleman to object, when the method of disposal suggested will do away with the old one, which has caused so much trouble and distress, and when it is admitted that some more modern method would wholly do away with much of the expense of its disposal and be beneficial to the health of the city, his action is certainly beyond comprehension.

Mr. CARLIN. Mr. Chairman, I will take but a minute. distinguished friend from Texas [Mr. Burleson] mistakes lung power for argument. With great vehemence he says that I must take the responsibility for not permitting the construction of this delightful, deodorizing plant. Now, what are the real facts? I am for the construction of this plant, but the gentleman, with his usual desire to have his own way, will suffer the defeat of this great economy rather than consent to put the plant in the District of Columbia. I appeal to you, sir, in the name of economy-I appeal to you as one of the recent economists-that if you want to make this saving with the garbage plant accept the amendment and allow it to be constructed here in the District of Columbia among the people, who, if it is a good thing, ought to enjoy its benefits, and if it is a bad thing ought to suffer its inconveniences. The gentleman from Ohio [Mr. Taylor] says that the people in Virginia are willing to accept the benefits of a great city like this, but to bear none of its burdens. A splendid remark from so young a patriot. [Laughter.] I would hardly have expected so much patriotism from one so young. You would gather that the State of Ohio would suffer any burden for the benefit of the people of the District of Columbia, and yet he, Mr. Chairman, is one of the committee who asks that human flesh and human blood in the District of Columbia be employed at a price upon which it can not subsist. He asked that female school-teachers in this town, women who have given their whole lives to the education of the youth of this community, have their pay reduced from 15 to 25 per cent. And so he has shown his patriotic love for the people of the District of Columbia throughout this entire bill. He reports a bill of some \$2,000.000 less, I believe, than has ever been reported from the Appropriations Committee for the District of Columbia, and then talks about his great love and his willingness to bear great burdens for the people of the District of Columbia.

Mr. MURRAY. Will the gentleman yield?
Mr. CARLIN. Yes.
Mr. MURRAY. I have heard it suggested here during the course of debate as one very good reason why this garbage plant ought not to be put within the District is because there has been a well-defined policy against the erection of any sort of manufacturing establishment within the confines of the District. May I ask the gentleman to address his remarks to that

Mr. CARLIN. I will do so with pleasure if the gentleman is lacking information about the tendency of the times in the District, because it has only been within the past two weeks when the chamber of commerce of this community met in open and

Mr. MURRAY. Mr. Chairman-

Mr. CARLIN. Just let me answer the gentleman's question.

Mr. MURRAY. I asked for information. I do not think it is much for the gentleman to say I have not got it when I asked absolutely for it. Of course I did not have it or otherwise I would not have asked it. Will the gentleman give it to us?

Mr. CARLIN. I am not responsible for the gentleman's lack of comprehension; I am trying to give it to him.

Mr. MURRAY. I do not mean to charge the gentleman with that; I will take that responsibility; but when I ask for in-formation I do not want to be ridiculed for not having the information. I asked for the information because I did not have it.

Mr. CARLIN. But the gentleman interrupted me when I was about to give it to him.

Mr. MURRAY. Because the gentleman started out with great gusto about my lack of information. If I had had the information, I would not have asked for it.

Mr. CARLIN. Are you ready now for the information? Mr. MURRAY. I would like to get it, but I would not like

to get my head kicked off.

Mr. MANN. You must pardon the gentleman. He did not know but that you belonged permanently on this side. [Laughter.]

Mr. MURRAY. It is good to get over here once in a while

in order to get a proper perspective. [Laughter.]
Mr. CARLIN. I want to say to the gentleman, in answer to his question, that he did not realize that he was going to get the information he asked for when I was informing him that the chamber of commerce of this community in the last month has set a movement on foot to bring to this city large manufacturing plants.

The CHAIRMAN. The time of the gentleman from Virginia

[Mr. CARLIN] has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman may have time in which to conclude his remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Chairman, heretofore it was supposed to be the policy here that manufacturing industries would be disfavored. But that does not seem to be the policy now. commercial bodies of the community are seeking manufacturing industries. Only recently, in response to that sentiment, I introduced in this House a bill which will bring coal here from Cumberland at \$1.55 less a ton than we now receive it, which

will make this a great manufacturing city.

Now, so much for that proposition. This garbage proposition is a local matter. The garbage is created here; it is made here; and if there are any delights which belong to it, let them be

enjoyed here.

My friend from Ohio [Mr. Cox] rails a great deal as to how we desire the benefits from this great city and do not desire to bear any of its burdens. The people of Virginia are taxpayers of this Nation. We have always contributed our share through the half-and-half plan and are willing to continue to do it, whatever the amount of money may be, so long as it is honestly expended.

Mr. COX of Ohio. Will the gentleman yield to a question?

Mr. CARLIN. Certainly.
Mr. COX of Ohio. I do not want to divert the gentleman from his line of thought, but as I came in the gentleman rather ridiculed the reduction which the committee of a Democratic House had made in the first big appropriation bill reported for a great many years. It is true we did make a reduction. now challenge the gentleman from Virginia [Mr. CARLIN] show where in the slightest degree we have impaired the public service by this reduction.

Mr. CARLIN. I will not have the slightest difficulty in making that answer. It is perfectly apparent to everybody that when you reduce labor to a cost less than that at which it can properly live, you reduce the efficiency of the service.

Mr. BURLESON. Where was that made?

Mr. CARLIN. In the longevity of the women school-teachers. Mr. BURLESON. Does the gentleman know how much of the fund appropriated last year remains unexpended?

Mr. CARLIN. Yes; I think I know. Mr. BURLESON. How much?

Something like \$12,000 or \$14,000. How Mr. CARLIN. much is it?

Mr. BURLESON. Over \$75,000.

Mr. CARLIN. Do you reappropriate that in this bill? Mr. BURLESON. There is no necessity for reappropriating

that. It is not covered back in the Treasury within two years. Mr. CARLIN. Then why the necessity of putting the para-

graph in the bill that you have?

Mr. BURLESON. For the simple reason we do not propose to appropriate an amount in excess of what is needed. It leads to extravagance first and next to corruption. Surely the gentleman would not contend for an appropriation that leads to such ends?

Mr. MANN. How could it lead to extravagance on longevity

pay?
Mr. BURLESON. It excites those who are in charge of it to promote from one class to another in order to secure longevity pay. Mr. MANN.

Does it influence the ladies to change their ages?

Mr. BURLESON. Not at all.
Mr. CARLIN. I know the public-school authorities in this community have reported to this committee that it would take \$378,000 to pay the teachers at the same rate of pay that they are now receiving under the longevity rule. I know that your bill appropriates only \$300,000 for that purpose.

Mr. BURLESON. Who made the calculation for the gentle-

man?

Mr. CARLIN. The gentleman from Texas has the letter. Did not the superintendent of schools communicate with the gentleman on that subject?

Mr. BURLESON. The question is, Who made the calculation?

Mr. CARLIN. I will ask the gentleman from Texas to read the letter to the House, and let the House see who made the calculation.

Mr. BURLESON. The superintendent of schools does not con-

tend that he made the calculation himself.

Mr. CARLIN. Let the gentleman read the letter.
Mr. BURLESON. The same authorities that made the calculations for the years 1909, 1910, and 1911, I suppose, made the calculation for the gentleman from Virginia, and yet in the year 1909 there was an excess appropriation of \$15,317.66; in the year 1910 there was an excess appropriation of \$19,849.02; and in 1911 there was an excess appropriation of \$76,075.75. Does the gentleman from Virginia, in the face of those figures, insist that that is good administration?

Mr. CARLIN. The gentleman from Virginia insists that while the gentleman from Texas enumerates a large number of figures, he as chairman of this appropriation subcommittee has in his possession a letter from, I think, the chief officer of the schools of this city, wherein that officer informs the gentleman that the amount of the appropriation carried in this bill will not be sufficient to cover the longevity pay of the teachers.

Mr. BURLESON. I would state to the gentleman that we had that same information before we ever acted on the item. The information secured from the superintendent of public in-

struction was obtained from the auditor.

Then the gentleman had the information as Mr. CARLIN. I said he had?

Mr. TAYLOR of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield

to the gentleman from Ohio?

Mr. CARLIN. I will yield in one moment. I am told that while this matter was pending before the Committee on Appropriations not a single officer of the schools was examined in reference to it; and now, in order to settle this matter, I will ask the gentleman from Texas this question: Are you willing to amend the provision in the present bill so as to provide against any possible reduction in the salaries of these lady teachers?

Mr. BURLESON. The contention of the Committee on Appropriations is that this is the safe and sane action to take, inasmuch as \$76,000 in excess of what was needed was appropriated last year upon calculations made by the board of education; and we reached the conclusion that we would do well to seek other sources of information, and we did seek other sources of information, and acted upon that information so obtained.

Mr. CARLIN. What source of information did the gentle-

Mr. BURLESON. The District auditor. The auditor stated that he did not have the data upon which a calculation could be made, and he felt sure that a reduction of \$5,000 could safely be made. But inasmuch as an excess appropriation of \$76,000 had been made the year before, we reached the conclusion that \$300,000 was ample at this time.

Mr. CARLIN. Now, let us see how the gentleman's system of

reasoning works out.

Mr. MANN. Will not the gentleman, before he gets to that, yield to me for a question which may, perhaps, elucidate that

wery point at the same time?

Mr. CARLIN. Certainly.

Mr. MANN. The appropriation of last year being \$76,000 in excess of the expenditure, is it not a fact that at the time that appropriation was made there were pending in this House and also in the Senate bills providing that all excess appropriations for school-teachers should be used in the payment of pensions?

Mr. BURLESON. Does the gentleman from Illinois ask me

that question?

Mr. MANN. No; I am asking it of the gentleman from

Mr. CARLIN. I am not sure about that. Mr. MANN. That is the fact. And was not that a sufficient incentive to have the teachers urge an excessive appropriation for longevity, which, not being used, if the bill had passed,

would thereupon have been automatically used to pay them pensions

Mr. CARLIN. Now, Mr. Chairman, I am always glad to be interrupted by the gentleman from Illinois, and-

Mr. BURLESON. Will the gentleman yield to me for a question?

Mr. CARLIN. I will when I get to a point a little later. Then I will yield. The gentleman from Texas says he prefers a system of sane reasoning.

Mr. BURLESON. Sane legislation.

Mr. CARLIN. I am glad that the gentleman has finally reached that conclusion; but the fact remains that while they were investigating this exceedingly important item relating to the management and the very lifeblood of the schools of the District of Columbia itself, not one school official was asked a single question with reference to this important matter. The gentleman therefore argues that the school officials reason by a system of insanity. If his system is sane, then the irresistible conclusion is that these school officials are insane, and therefore ought not to be asked questions with reference to the management of the schools, or even to make a mathematical calculation

as to how much money it takes to pay the teachers annually.

Mr. SIMS. May I ask my friend a question in connection

with the schools?

Mr. CARLIN. Yes.

Mr. SIMS. If a sum sufficient to pay this extra amount should be included in the bill and be paid exclusively from the revenues of the District of Columbia, how many people, teachers or others, would be in favor of it?

I do not know. Mr. CARLIN.

Mr. SIMS. The teachers spend their money here.

Mr. CARLIN. Why does the gentleman ask hypothetical questions? This money is not paid exclusively out of the District revenues, and never will be as long as the gentleman and I live on the face of this earth.

Mr. SIMS. Do you not think it ought to be paid exclusively

out of the revenues of the District?

Mr. CARLIN. No, sir; I believe the people of the Nation ought to contribute to the cost of maintaining the capital of this great Nation.

Mr. SIMS. And the schools?

Mr. CARLIN. And the schools; yes. They are a part of the system; and if the garbage plant is to be a part of it, I am willing to have them help pay for that, provided it is kept inside the District of Columbia.

Mr. SIMS. I do not want to blame the gentleman for trying

to keep it out of his district.

Mr. CARLIN. I was diverted just for a moment, but I hope it will prove an interesting diversion. I give notice now that when that paragraph is read I will show to this House, by a sane system of reasoning, with figures and facts obtained from sane people, not one of whom is connected with an insane institution, that you have, by the language you have employed, taken from the women of this community the money which they require in order to live and which, by a statute, you promised them years ago, which statute has been lived up to upon their

Mr. BURLESON. I will suggest to the gentleman that he defer this argument until we reach that item and then discuss it.

Mr. CARLIN. I thank the gentleman. If he had deferred his remarks I would have deferred mine.

Mr. BURLESON. There was no allusion made by me to the deprivation of the school-teachers.

Mr. CARLIN. The gentleman insisted on injecting something about sane reasons.

Mr. BURLESON. I wanted to give the gentleman some information. It was apparent that he lacked it.

Mr. CARLIN. I thank the gentleman and regret that he does not possess the information, in order to be able to give it. The gentleman's intentions are perfectly good, but he falls short of his intentions in this matter.

Now, my friends, I hope I will not be put in the position of stopping a great public enterprise, such as the construction of a garbage plant, which it has taken the District of Columbia and the District of Columbia Committee over a hundred years to discover was necessary to be constructed here. My friend, the gentleman from Texas [Mr. Burleson], in proceeding upon this sane system of reform, has finally discovered that this city needs a garbage plant. I should prefer to see this city bedecked with roses, with honeysuckle, and with ivy leaves.

Mr. HAMILTON of Michigan. Then use the garbage for

fertilizer.

Mr. CARLIN. But if a garbage plant is necessary for the peace and comfort of this community and an economical and sane system of reform, then I am for that garbage plant and for its construction in the District of Columbia. I think that is sane reasoning. I am sure the people whom I represent in Congress will feel that that is sane.

Mr. MANN. Will the gentleman yield for a question? Mr. CARLIN. Certainly.

Mr. MANN. Does the gentleman believe that there ought to be manufacturing plants brought into the District to any great extent?

Mr. CARLIN. I think that a very doubtful question. I would like to see the manufacturing enterprises scattered in the vicinity of Washington rather than in the city, but if it is the desire of the citizens of Washington that they should be located here, I am in accord with it.

Mr. MANN. Does not the gentleman believe that it is desirable, if a garbage plant is to be located, that it should be

somewhere down on the river?

Mr. CARLIN. I do not, any more than it should be somewhere up the river.

Mr. MANN. It is not possible to navigate up the river. Mr. CARLIN. Oh, yes; a garbage plant can be operated up

Mr. MANN. I mean that it is not possible to convey the

garbage up river by water.

Mr. CARLIN. They can do it by rail.

Mr. MANN. You can not do it by rail so as to avoid the escape of odors. The gentleman from Virginia knows that it is much easier and cleaner and safer and less obnoxious to take garbage by boat down the river than it is to take garbage by rail anywhere.

Mr. CARLIN. I do not think so.
Mr. MANN. I think the gentleman must admit that.
Mr. CARLIN. No; the idea is this: By rail they do have closed tanks, and a great deal of the effluvia and offensiveness in the transportation is relieved by that proposition. Now, on a great river like the Potomac, where in the summer months nearly every square mile is covered by pleasure and passenger boats, to be transporting this unsightly matter, this horrible product, uncovered, with its awful effluvia renders it disagreeable to the whole community and to those who travel on the stream.

Mr. MANN. It is perfectly feasible to do away with that, as is done in many other places. They take the garbage to a place where it is dumped into a boat, entirely covered, no access to the air at all while it is being conveyed to the garbage plant.

That can not be done by rail.

Mr. CARLIN. I never knew of its being done by water.

Mr. MANN. It is done in a great many places.

Mr. CARLIN. Well, assuming that it is done, what of it?

Mr. MANN. That is another proposition. I do not say that a garbage plant ought to be located in the gentleman's district. I have a high regard for the activity of the control of I have a high regard for the activity of the gentledistrict. I have a high regard for the activity of the gentle-man in behalf of his constituents, which activity ought to keep him here, and I hope it will many years to come. [Applause.] Now, there may not be the same objection on the

other side of the river. Mr. CARLIN. Well, I could name a place, but I do not care to offend any portion or section of the city of Washington; but there are at least two or three sections in the District of Columbia where this plant could be located without serious inconvenience to its people and without more expense and very much cheaper in the matter of transportation. This theory that gentlemen advance about going to Occoquan is the result of a fad. I know the story as well as any man on top of the earth. There are many who have the idea that a prison like that we

have at Occoquan can be made a great moral force, and that a garbage plant would tend to aid the condition of affairs.

Now, this theory may work out, and I am perfectly willing for them to try anything that is not disagreeable to the community, anything that they wish to place there; but I am unwilling for that section of the country to be made the dumping ground for the people of the District of Columbia, and it shall never be

done unless it is done over my protest.

Now, Mr. Chairman, I only rose to make plain to the House the unfair argument of the gentleman from Texas when he said that I would have to take the responsibility for the defeat of this great public improvement, when I challenged him here in the presence of this body to accept the District of Columbia as the place for the construction of this plant, and if he would, it

would have my earnest support on this floor.

Mr. BURLESON. Is the gentleman willing to withdraw his point of order and let this body pass on the proposition upon

its merits?

Mr. CARLIN. I do not know, because neither the gentleman nor I can speak for this body, and there are not 50 Members here. I would be willing for the whole body to pass upon it.

Mr. BURLESON. Upon its merits? Mr. CARLIN. I think I would. Mr. BURLESON. Then let the gentleman withdraw his point of order.

Mr. CARLIN. The whole body is not here. How can I do that? Will the gentleman tell me how I can do that with safety? If he will, I might venture to do it.

Mr. BURLESON. The gentleman can make a point of no

quorum

Mr. MANN. Will the gentleman yield for a further question?

Mr. MANN. Yes.

Mr. CARLIN. Yes.

Mr. MANN. The gentleman is an able lawyer and an able

Mr. MANN. The gentleman is an able lawyer and an able constitutional lawyer. Has he taken into consideration whether the placing of the garbage plant at this prison would be contrary to that provision of the Constitution which prohibits cruel and unusual punishment? [Laughter.]

Mr. CARLIN. Mr. Chairman, I think the constitutional provision was never intended to cover such cases as that, but it ought to have been, and we ought to have some constitutional provision that will prevent this Committee on Appropriations from spending its time and our time in trying to put legislation on appropriation bills, when the rules of the House prevent such a thing. Ever since I have been a Member here I have insisted that the Committee on the District of Columbia should discharge its proper function, and that the Committee on Appropriations should discharge its proper function, but every time a bill is reported the Committee on Appropriations, for some reason or other, seems to think that the District Committee is either incompetent or unwilling to legislate, and it undertakes to perform that duty for that committee. I am not surprised that the gentleman from Kentucky [Mr. Johnson], who is the chairman of the Committee on the District of Columbia, undertakes to sustain the rights of his committee on this floor. They are being usurped. Why is this? The gentleman from Texas [Mr. Burleson] says the House is with him. Why not let the gentleman from Kentucky [Mr. Johnson] report a bill to the House if that is so, instead of having the Committee on Appropriations undertake this scheme of legislation on an appropriation bill?

Mr. BURLESON. I will say to the gentleman that I do not object to the committee doing that.

Mr. CARLIN. But the gentleman prevents it always by inserting legislation on an appropriation bill.

Mr. BURLESON. Will the gentleman yield to me for a moment?

Mr. TAYLOR of Ohio. Would not the gentleman's amendment be new legislation also?

Mr. CARLIN. No; it would be simply perfecting legislation. Mr. TAYLOR of Ohio. It would be subject to the same

objection Mr. BURLESON. Mr. Chairman, I ask unanimous consent that debate on this proposition be concluded at 20 minutes of 4

Mr. CARLIN. Mr. Chairman, I did not yield to the gentleman for the purpose of taking me off the floor.

Mr. LOBECK. Mr. Chairman, I object.

The CHAIRMAN. The Chair will state that while this de-

bate is interesting, the Chair is ready to rule.

Mr. CARLIN. Of course we could not know that unless the

Chair had so informed us. I thank the Chair and in one moment more I shall conclude.

The Chair will state to the gentleman The CHAIRMAN. from Virginia that debate upon points of order are usually intended for the information of the Chair, and in this instance, conceding that information was probably needed, the Chair has had a considerable amount of it and is ready to rule.

Mr. CARLIN. Mr. Chairman, in deference to the statement of the Chair I shall conclude, but I was about to answer the question of the gentleman from Tennessee.

Mr. SIMS. The committee gave the gentleman unlimited

The CHAIRMAN. The Chair is not seeking to take the gentleman from Virginia off the floor, but at the end of his remarks the Chair will be prepared to rule.

Mr. SIMS. Mr. Chairman, I want to ask this question because I feel that it is pertinent. Does or does not the gentleman from Virginia think that a Government garbage plant would be an improvement over the one which we now have, so far as emitting odors and being a nuisance is concerned?

Mr. CARLIN. I hope so, but neither the gentleman nor I have any information upon which to base an intelligent opinion.

Mr. SIMS. I did not know but what the gentleman had examined into the matter, and that we might by some amendment make the Government liable to damages.

Mr. CARLIN. Mr. Chairman, in deference to the suggestion from the Chair that the Chair already has sufficient information upon which to rule upon this point of order, and with great deference to the wishes as well as the opinion of the Chair, I shall therefore yield the floor in order that the Chair may make his ruling.

Mr. JOHNSON of Kentucky. Mr. Chairman, I myself, probably a couple of hours ago, reserved the right to make a point of order upon this section of the bill.

During the discussion I have prepared an amendment, which the chairman of the committee says he will accept. That being true, after I have explained my position about it in one minute, I will withdraw my point of order. My attitude in the matter is this, that I feel it to be somebody's duty, and particularly mine at this stage of the game, to look after the interest of the United States in these matters. At this time I am very strongly of the belief that this institution will save money both for the District of Columbia and for the United States, but I desire just a little more time to get information concerning it. If I had to vote now, I would vote for it, but I do desire a little more time for information. This bill asks for nothing except for an appropriation of some money with which they may investigate the matter between this time and when the next Congress convenes. Now, that will be ample time, but there may be doubt, and I think there may be a good deal of doubt, in the language of this section of the bill, as to whether or not it authorizes a future appropriation. The committee say they do not want to put this matter now in a shape that it will authorize a future appropriation, and I do not believe that it would, yet I can not say how some future Chairman of the Committee of the Whole will rule, and therefore I have prepared this amendment, which the chairman of the committee says he will accept:

Provided, That nothing in this act shall be construed to authorize the establishment of a garbage-disposal plant.

The committee has expressed their willingness to accept that,

and I therefore withdraw my point of order.

Mr. LOBECK. Mr. Chairman, this discussion has gone over a very wide range of subjects, from garbage to law and schoolma'ams. The gentleman from Virginia [Mr. CARLIN] suggested that this plant, if constructed, should be constructed inside the District of Columbia. Now, you can destroy garbage in the District of Columbia without odor and get an equal amount of benefit that you get from the garbage-reduction plant at Occoquan. I have visited the reduction plant in New York, 25 miles distant, situated on Barren Island. I have also visited a destruction plant, and in company with a gentleman from Massachusetts, a former Member of this House—I think, in the Sixtieth Congress—we investigated the plant. I have also written to Milwaukee, where they have a destruction plant, and I find out that there is more than one up-to-date method in handling garbage. I visited the Commissioner of this District, and I find that he is more in favor of the garbage-reduction plant than he would be of a destruction plant, and he is perfectly ready to give the authority for so favoring it. I have nothing against a garbage-reduction plant, and I am in favor of the \$10,000 investigation, but the gentleman from Virginia [Mr. Carlin] would like to have it in the District of Columbia. Destruction plants are being used in other countries and in a number of cities in this country, and this is one of the latest and best methods that I have seen adopted. At sewagepumping plants in this city you can have a garbage-destruction plant, and over at another pumping plant you can also have a destruction plant. You can gather your garbage, which can be burned and which will furnish its own fuel, and you will save \$40,000 worth of coal a year at these two pumping plants, and plenty of steam for use and for electricity can be created.

Mr. BURLESON. Will the gentleman permit me to inter-

rupt him for a minute?

Mr. LOBECK. Certainly. Mr. BURLESON. I desire to direct the gentleman's attention to the fact that the latest authority writing on the subject of collecting and disposal of municipal waste is Mr. William F. Morse, who is accepted throughout the country as an authority upon this subject, and he says:

Concerning the relative value of incineration and reduction methods for the final disposal of this material, much has been said and written. The problem is very complex. What is a merit in one city is a demerit in another. Generally speaking, in a city whose population is under the 100,000 mark, the returns from a reduction method of disposal are too small to warrant building a plant, unless the contract price paid by the city for the work is high and the term of contract long (10 years or more). For such cities cremation is unquestionably the method to adopt. Again, generally speaking, in a city whose population is over 100,000 reduction should be the method adopted if the cost alone is to be considered.

And in connection with the continuous statement with ref.

And in connection with the gentleman's statement with reference to Milwaukee I want to state that the engineer who

constructed the Milwaukee plant, Mr. Rudolph Hering, has recently been called into consultation by the city of Toronto authorities, and whereas he caused to be erected in Milwaukee an incineration plant, yet when he came to the erection of the plant in Toronto, because of the size of the city, because of the experience he had had in the city of Milwaukee, he advised the authorities of Toronto to adopt the reduction process rather than the incineration process.

The gentleman is undoubtedly right, that in a smaller city the

incineration process is the more economical plan, but the gentleman is wholly wrong when he contends that in a city of over 300,000 people the incineration process is the most economical, because all the authorities agree upon the proposition that in cities exceeding 300,000 population the reduction plant is the most economical method of disposing of city refuse.

Mr. LOBECK. In reply to the gentleman from Texas [Mr. BURLESON], let me read a letter from the health department of Milwaukee, dated December 29, 1911. If you count the Socialists in Milwaukee, it has more people than there are in

OFFICE OF THE HEALTH DEPARTMENT, CITY OF MILWAUKEE,
Milwaukee, Wis., December 29, 1911.

Hon. C. O. Lobeck, Committee on the District of Columbia, Washington, D. C.

Committee on the District of Columbia, Washington, D. C.

Dear Sir: In answer to your letter of December 21, Dr. F. A. Kraft has directed me to forward you a copy of the pamphlet issued by the erecting company of the Milwaukee incinerator. This pamphlet describes the incinerator in some detail.

The Milwaukee plant has proven eminently satisfactory in the opinion of engineers in charge. The plant destroys garbage and refuse without the use of additional fuel, and creates as by-products clinker and steam. Though Milwaukee is not yet making use of this surplus steam, a power plant is in contemplation and will probably be erected in the near future. Experiments are now being made with the clinker in the hope that it can be utilized for cement blocks and other building purposes.

I have seen cement blocks made from this clinker. seen houses which were built and retaining walls which were built from the residue, and I know what I am talking about.

It is probable that this by-product, too, will be made use of in the near future.

According to the plant's engineers, destruction of garbage is complete, and they have not yet found a material that can not be destroyed in the fires. About a year ago the health department confiscated and destroyed in the incinerator three carloads of green watermelons. No fuel of any kind was used to assist in this destruction. The test, as is probably apparent, was an unusually severe one.

Trusting that this will answer your inquiries of December 21, I am, Very truly, yours,

F. W. Luening.

F. W. LUENING, Chief Bureau of Publications.

There are three different ways or methods of gathering garbage in this city. First, the housewife has to have three cans—one for garbage, one for ashes, and one for rubbish. Three distinct collections are made. If only one collection Three distinct collections are made. If only one collection was made, it could be done for half the money and the householder care for only one can. There is no smoke emerging from the large chimneys in the reduction plants; there is no smell, any more than there is in here.

Mr. MADDEN. Will the gentleman from Nebraska [Mr.

LOBECK] allow me to ask him a question?

Mr. LOBECK. With pleasure. Mr. MADDEN. Does the gentleman from Nebraska think it would be practicable to dispose of garbage either by reduction or incineration unless the ashes were separated from the

Mr. LOBECK. Oh, no; it goes together. The ashes, the garbage, and the rubbish are put right together and burned together.

Mr. MADDEN. You can not burn the ashes. They are

already burned.

Mr. LOBECK. There is 25 per cent of burning quality in the ashes of this District.

Mr. TAYLOR of Ohio. Does that take care of the tin cans

and pieces of scrap iron, and so on, that get into the ordinary garbage collection?

Mr. LOBECK. But you do not put any tin cans through a reduction plant.

Mr. TAYLOR of Ohio. Of course, you do not.

Mr. LOBECK. The cans are destroyed at the same time and become part of the clinker residue.

Mr. MANN. Will the gentleman yield? Mr. LOBECK. I will.

Mr. MANN. Where the ashes and the garbage are together.

what do they use with which to keep up the fire?

Mr. LOBECK. They have a system of air drafts that play on the fire, so that it furnishes or creates combustion, and it actually burns and is destroyed. I do not understand how it is done, but I have seen the work.
Mr. MANN. Where?

Mr. LOBECK. I have seen it at New Brighton.

Mr. MANN. A small plant?

Mr. LOBECK. It is a town of 100,000 inhabitants.

Mr. MANN. Where is it?
Mr. LOBECK. Out on Staten Island; and I also went out to the reduction plant that reduces the garbage for New York

Mr. MANN. I do not see how it is possible to burn ashes

without something additional.

Mr. LOBECK. The ashes, the garbage, and the rubbish burn together. I do not know how it is done, but it does the work.

Mr. MANN. Of course, garbage is wet to begin with. Mr. BURLESON. Mr. Chairman, I make a point of order

that the discussion is not on the point of order.

Mr. LOBECK. All right. All I care for is that when the commissioner reports he will report on all the latest methods of reduction, for I find by a statement in the Star of December 17, 1911, the following, which I thought was rather strange:

It is certain the measure will contain a provision of \$10,000 for the preparation of plans for a garbage-disposal plant, to be located on the workhouse property at Occoquan.

REGARDED AS SURE THING.

In fact, the subcommittee has expressed itself in such a way that the commissioners have already selected I. S. Osborn, who built the disposal plant now being successfully operated in Columbus, Ohlo, as the man to draw up the specifications. After the plant is built Mr. Osborn will, it is expected, be retained to run it.

What I contend for is that the commissioners shall give us all kinds of plans. I do not care whether it is incineration or garbage reduction. I know that garbage has to be taken care of. It is necessary for the sanitation and health of this city and this District, and it should be done. But we want all the plans presented, all the up-to-date plans presented, on December 2 next; and I will ask the gentleman from Texas [Mr. Burnson] to amend his resolution to that effect. I do not know

whether I will get the amendment.

The CHAIRMAN. Does the gentleman from Virginia [Mr. CARLIN] or the gentleman from Illinois [Mr. Fowler] make a

point of order?

Mr. CARLIN. I make the point of order, Mr. Chairman. The CHAIRMAN. The gentleman from Virginia makes the point of order. The point of order is sustained.

Mr. FOWLER. Mr. Chairman, I desire to offer an amend-

ment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois [Mr. Fow-LER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 34, line 2, after the period following the word "dollars," by adding the following: "For investigating and reporting to Congress at the beginning of its next session upon the cost of the most economical method of collecting garbage and other city waste in the District of Columbia, including the preparation of plans and specifications and the employment of personal services and such other incidental expenses as may be necessary, \$5,000, to be immediately available.

Mr. MANN. Mr.' Chairman, I reserve a point of order on that

amendment.

Mr. BURLESON. Mr. Chairman, I desire to say that I do not think the amount is sufficient.

Mr. CARLIN. Mr. Chairman, I make a point of order against

The CHAIRMAN (Mr. GARRETT). The gentleman from Virginia [Mr. Carlin] makes a point of order against the amendment offered by the gentleman from Illinois [Mr. Fowler].
The Chair sustains the point of order. The Clerk will read.
Mr. LOBECK. Mr. Chairman, I ask unanimous consent to

extend my remarks, so that I can perfect them.

The CHAIRMAN. The gentleman from Nebraska [Mr. Lobeck] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Playgrounds: For maintenance, repairs, including labor, equipment, supplies, and necessary incidental and contingent expenses, \$3,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the point of order, I would like to ask the chairman of the subcommittee if he can say with certainty whether or not these expenditures are to be made upon grounds owned entirely by the District of Columbia?

Mr. BURLESON. As I understand it, there are 11 of these playgrounds, and 8 of them belong to the District, while the others are on property leased to the District government. I am not able to state what proportion of the amount carried in the item is to be expended upon those owned entirely by the District

government.

Mr. JOHNSON of Kentucky. Mr. Chairman, in order that a separation may be made, I am perfectly willing to reserve the point of order so that the matter can be looked into. If any part of the amount is to be expended on grounds not owned by the District, then I will make the point of order.

Mr. BURLESON. I do not think the item is subject to a point of order, because these playgrounds are owned by the Government and are being maintained and operated by the District of Columbia.

Mr. JOHNSON of Kentucky. Then by that the gentleman's position would be that there is authority given somewhere by law to expend thousands of dollars in having playgrounds operated on land that is perhaps not in the District of Columbia, and, in consequence, the District authorities have no right to fix them up.

Mr. BURLESON. I will say to the gentleman from Kentucky that all the playgrounds are within the confines of the District

of Columbia

Mr. JOHNSON of Kentucky. This bill does not say so, and I should say that they should be limited to the District. Beyond that we have no right to go.

The CHAIRMAN. Does the gentleman from Kentucky reserve a point of order against the item?

Mr. JOHNSON of Kentucky. I do.

The CHAIRMAN. What is the gentleman's point of order?

Mr. JOHNSON of Kentucky. The point of order is that there is no existing law authorizing the purchase or building up of playgrounds at all, and particularly on land not owned by the District. The burden is upon those who have charge of the bill to show that the playgrounds in question are upon land owned by the District.

Mr. MANN. Mr. Chairman, the rule provides that an appropriation is not in order for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress. Under that rule the decisions are that that would not authorize the construction of a new building upon ground which had been purchased for that purpose if the building had not been authorized the construction of the purchased for that purpose if the building had not been authorized the construction. ized at the time of the purchase of the ground; but if you have purchased the ground, or if you have a building upon the ground, you are authorized to make an appropriation for its maintenance, the distinction being quite clear, as it seems to me.

You may provide the ground and put a limit of cost upon the ground. Having acquired the ground at the limit of cost, you can still make an appropriation for its care. You may provide a building to be constructed within a certain limit of cost, and the limit of cost may have been reached in the construction of You may still make appropriations for its the building. maintenance and repair, although there is no specific warrant of law for that purpose. And that is done under that provision of the rule which provides that an appropriation shall be in order when in continuation of public works and objects already in progress.

Now, here is a case where we have the playgrounds. They may be owned by the Government or not. We have the playgrounds and the equipment on the playgrounds, and this appropriation is only for the maintenance, repair, and so forth, of those playgrounds. Under that provision it is not to be presumed that the commissioners will go beyond their authority and construct a new building which is not warranted by the appropriation, or open a new playground which is not warranted by the appropriation; but having the playground, like having a building, under ordinary circumstances, we are warranted, without specific authority of law, in maintaining it, in repairing it, in providing furniture for it, in providing the necessary equipment for it. It seems to me this proposition is on all

The CHAIRMAN. Will the gentleman permit the Chair to ask a question there? Of course, there is nothing here to show, and the Chair has no information whether or not these are Government-owned playgrounds or whether they are loaned grounds.

Mr. MANN. It would not make any difference.

Mr. BURLESON. I will state to the Chair that they are either Government owned or Government controlled, and that this appropriation is for replacing the old and worn-out apparatus.

Mr. JOHNSON of Kentucky. I should like to see the authority for it.

Mr. MANN. It would not make any difference whether the Government owns the ground, or is in control of the ground and owns all the equipment on the ground. No other authorization is necessary. The Government may own a building on leased ground, as the Chair will readily see. If it owns a build-ing upon leased ground, it is authorized to maintain the build-If it owns a playground upon leased ground, it is author-

ized to maintain the playground as a work already in progress.

The CHAIRMAN. The Chair is not very familiar with this playground situation in the District of Columbia, although it has been discussed every year for the last three or four years.

Mr. MANN. I think I have argued this point of order four

The CHAIRMAN. The gentleman would not insist, whether the Government owns it or not, unless there has been some official recognition or taking over by the Government of a spot as a playground, that it would be in order to make an appropriation for its maintenance?

Mr. MANN. Oh, not at all. Unless the Government has provided in some way for the existence of the playground and the starting of the work, it would not be authorized to start it here; but the Government has heretofore provided appropriations for the purchase of playgrounds and for their equipment, and if the

Government has equipped a playground, as it has under previous provisions, then it is in order to make an appropriation now to maintain the playgrounds heretofore equipped. My recollection is that that identical question has been ruled upon in previous vears

Mr. JOHNSON of Kentucky. The gentleman's argument is

The CHAIRMAN. The gentleman from Illinois has the floor. Mr. MANN. I have concluded what I have to say. I yield to the gentleman.

Mr. JOHNSON of Kentucky. I was going to say that the gentleman's argument that an appropriation can be made to supply or outfit a playground not publicly owned is exactly equivalent to this: That if the United States can acquire by lease for a short time, or somebody is willing to give to the United States, a piece of land in the District of Columbia, whether it is valuable or not, then that would authorize the erection of a million-dollar schoolhouse upon it.

Mr. MANN. The gentleman is mistaken.

Mr. JOHNSON of Kentucky. I do not think I am mistaken. Mr. MANN. I expressly stated my argument, and I think I made a clear differentiation between the right to construct a building upon a site already acquired for that purpose, where the building was not authorized, and the maintenance of the building when it had been constructed.

Mr. JOHNSON of Kentucky. If the gentleman from Illinois will remember, in the first few words of my statement I said I did not desire to raise the point of order against property the legal title or fee simple of which had been acquired. Now, without examination, I do not believe that that point of order would be good, but I do believe that a point of order is good against spending \$3,000, or any other sum, upon property that we do not own and which in a few years or a few months, we know not when, may be abandoned, and the permanent improvement thereon goes to the benefit of some one else.

Mr. MANN. That is a matter of argument. The very next item in the bill is an item for the equipment of a new play-

Mr. JOHNSON of Kentucky. My opinion is that the Government does own the playground in the next item, and I shall make no point of order against it.

Mr. MANN. But suppose the Government did not own it and it went into the bill for the equipment of a new playground. Does anyone contend that the Government, having equipped a playground, could not thereafter maintain it as a work in

The CHAIRMAN. Is it not the presumption that an item placed in a bill, as is this, refers to playgrounds under the con-

trol, in some way, of the Government?

Mr. MANN. It is certainly the presumption that the maintenance is for something already existing and within control of the Government

Mr. FITZGERALD. There is nothing to indicate that this money is to be used in any other way except for playgrounds owned by the Government.

The CHAIRMAN. The item before this was for the replace ment and repair of public scales, \$200. Of course the Chair knows nothing about where the public scales are or whether the District owns them, but the presumption is that it does, or else

it would not be in the bill.

Mr. MANN. They could not repair them if they did not have

them.

Mr. FITZGERALD. These playgrounds in the District of Columbia are now being maintained under the appropriations made in accordance with the law; and this appropriation is to continue the maintenance of those playgrounds.

Mr. JOHNSON of Kentucky. May I ask the gentleman a

question?

Mr. FITZGERALD. I will yield to the gentleman from Ken-

tucky.

Mr. JOHNSON of Kentucky. If under this provision it is not possible for this money to be expended, at least in part, upon schools owned and operated by sectarians?

Mr. FITZGERALD. I think not; it has nothing to do with the schools.

Mr. JOHNSON of Kentucky. It says playgrounds.
Mr. FITZGERALD. Yes; it is playgrounds, and playgrounds maintained and owned by the Government that are now in existence. The purpose of this appropriation is to maintain them. I have an authority here which says that an appropriation to repair a bridge built by the Government is in order.

Mr. JOHNSON of Kentucky. I am not making a point of order on the maintenance of playgrounds owned by the Gov-

ernment.

Mr. FITZGERALD. There is nothing to indicate that this appropriation is intended or could be used for any other grounds.

Mr. JOHNSON of Kentucky. The law is that the burden is upon you to show that there is a statute authorizing it.

Mr. FITZGERALD. It is easy to do so. There are playgrounds existing at Rosedale, one at Georgetown, and one or two other locations, purchased under appropriations made by Congress authorizing their purchase. They are now in existence, and this appropriation is for their maintenance. it is not possible that where there is any existing public service consisting of a number of units, that, in order to make in order an appropriation for the maintenance of them, it is necessary to specify every unit in the language of the appropriation.

The CHAIRMAN. The Chair is prepared to rule. It seems

to be conceded by the gentleman from Kentucky, who makes a point of order, that there are a certain number of play-

grounds-

Mr. JOHNSON of Kentucky. No, Mr. Chairman; I did not concede that. I said if there were playgrounds in this appropriation, publicly owned, I would not make the point of order.

Mr. BURLESON. The Chair is chargeable with knowledge

of that by law.

The CHAIRMAN. The Chair understands that there are a number of playgrounds established by law in the District of

As to whether there are other playgrounds that are not officially recognized the Chair has no information, but the Chair must presume that in the administration of the law those chargeable with its administration will confine their expenditures to the legal, legitimate playgrounds. The point made by the gentleman from Illinois [Mr. MANN] that for the continuation of a work, if any, in progress—that is, for the maintenance of an existing work—it is in order to make appropriation, is certainly well buttressed by precedent.

Mr. JOHNSON of Kentucky. This language is for equipment,

The CHAIRMAN. For maintenance and repairs.
Mr. JOHNSON of Kentucky. And it also says "equipment."

Therefore they may equip new ones.

The CHAIRMAN. Including labor, equipment, supplies, and necessary incidental expenses. The Chair thinks that is a fair construction of the rule, and the Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Then, Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 35, line 5, insert, after the word "dollars," the words: "Provided, That none of the money hereby appropriated shall be expended upon other than playgrounds owned by the District of Columbia or the United States."

Mr. BURLESON. Mr. Chairman, I have a substitute that I wish to offer to that amendment.

Mr. CANNON. Mr. Chairman, I reserve the point of order on the amendment offered by the gentleman from Kentucky. Are there not playgrounds now for which we do not appropriate? There are playgrounds maintained by charity and subscription, are there not?

Mr. BURLESON. I have no information upon the subject, but I am inclined to doubt that. Undoubtedly this provision is intended to equip playgrounds that are owned or controlled by the Government. I think one of them is upon a public reservation which has been set apart, under the law, by the Superintendent of Public Buildings and Grounds for playground purposes. Another one is upon a public park, which has been set apart by order of the Superintendent of Public Buildings and Grounds for that purpose.

Mr. CANNON. I have been solicited for donations, and I suppose every Member of Congress has, for the maintenance of playgrounds, and I am under the impression that there are playgrounds other than those that are cared for by existing law.

Mr. BURLESON. I think it was upon the idea that the appropriation made was inadequate for the purpose that the

gentleman from Illinois was solicited to contribute.
Mr. CANNON. What does "ownership" mean? mean owned in fee, in lease, in occupation, or otherwise? Mr. BURLESON. I think the amendment might bring about some confusion, and I have offered a substitute for it, to substitute by inserting the words "established playgrounds." I

ask for the reading of the substitute.

Mr. CANNON. Mr. Chairman, I withdraw the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the amendment proposed by the gentleman from Texas.

The CHAIRMAN. The gentleman from Kentucky proposes an amendment and the gentleman from Texas offers a substitute for the amendment proposed by the gentleman from Kentucky, which the Clerk will report.

The Clerk read as follows:

Page 35, line 5, after the word "expenses" insert the words "of established play grounds."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. Does the gentleman from Texas offer that as a substitute for the amendment offered by the gentle-

man from Kentucky?

Mr. BURLESON. As a substitute. It is not subject to a point of order because it is a limitation upon an appropriation.

Mr. JOHNSON of Kentucky. That is the point. I do not agree that it is a limitation. Mine is a limitation and is, therefore, within the rule. The gentleman's amendment is again subject to the point of order that I just made. He is wanting to get outside of playgrounds publicly owned.

Mr. MANN. Mr. Chairman, I would suggest, and I make the point of order to that effect, that it is not a substitute.

The CHAIRMAN. It seems to the Chair that this is hardly a substitute for the amendment offered by the gentleman from

a substitute for the amendment offered by the gentleman from Kentucky. Whether it is subject to a point of order, standing as an original proposition, the Chair will not at this time say.

Mr. BURLESON. Then, I ask unanimous consent that the amendment may be regarded as pending, and I hope that the amendment offered by the gentleman from Kentucky will be voted down, for the reason that it is liable to create some confusion with reference to the distribution of this fund.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by

Mr. Johnson of Kentucky), there were—ayes 5, noes 24.
Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point that there is no quorum present.

Mr. FOSTER of Illinois. Mr. Chairman, I think if the Chair will count he will find that there is a quorum present.

The CHAIRMAN. The Chair will count. Mr. JOHNSON of Kentucky (during the count). Mr. Chairman, I withdraw the point of order.

So the amendment was rejected.

Mr. BURLESON. Mr. Chairman, I offer the amendment

which is in the Clerk's hands.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 35, line 5, after the word "expenses," in line 5, insert the words "of established playgrounds."

Mr. TAYLOR of Ohio. Mr. Chairman, I would like to ask the gentleman a question. I was not here when the gentleman discussed the proposed amendment. In what way does that help this section?

Mr. BURLESON. I do not think it changes it the slightest, except it makes it a little clearer that it is to be expended upon playgrounds that have already been established by the Government or owned or controlled by the Government.

Mr. TAYLOR of Ohio. Could it be expended in any other

way than upon established playgrounds?

Mr. BURLESON. I do not think so. Mr. TAYLOR of Ohio. In other words, you can not expend it on playgrounds that are not in existence?

Mr. BURLESON. No.

Mr. TAYLOR of Ohio. I do not object, except it seems to me

to be mere surplusage.

Mr. COX of Ohio. Mr. Chairman, I suggest for the information of the gentleman from Ohio that the only playground to be equipped is carried in a separate provision, the next item, and that does not carry, by the way, maintenance. That has already been provided for, as I understand, and therefore it would be covered by this general item of maintenance of playgrounds.

Mr. CANNON. I doubt the propriety of the amendment. Perchance there may be established playgrounds other than these that are appropriated for. The paragraph does not need

Mr. BURLESON. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, for playgrounds, \$19,825.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the point of order and I would like to ask the gentleman one question. I want to ask whether or not an item exactly like this in the bill a year ago was paid wholly out of the revenues of the District of Columbia?

Mr. BURLESON. I have no information on the subject, but

am quite sure it was.

Mr. JOHNSON of Kentucky. I hope that it is; but in the report made by the District Commissioners to Congress setting out the items which were paid by the District alone this is not included in that.

Mr. BURLESON. Oh, there may have been an oversight in the preparation of that report; but I talked with one of the commissioners about it, and he assured me that the law was observed.

Mr. JOHNSON of Kentucky. I withdraw the point of order. Mr. MANN. The auditor has to pass upon that.

The Clerk read as follows:

For care, including salaries of all necessary employees, maintenance, and operation of the Washington Aqueduct, District of Columbia, filtration plant, and the plant for the preliminary treatment of the water supply, authorized water meters on Federal services, and for each and every purpose connected therewith, \$91,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman in reference to these public meters for public buildings. What authority is there for it other than carried in an appropriation act and what necessity is there for it?

Mr. BURLESON. I will state candidly to the gentleman I do not think there is any authority of law other than that carried in the appropriation act. There is a great necessity

for it.

Mr. MANN. What good does it do to put meters in a public building?

Mr. BURLESON. I will say to the gentleman that a meter materially diminishes the quantity of water that is used, especially where water is being wasted and the meter frequently enables those in charge of the water system to discover a leakage. In one public building or one service, I do not remember exactly the quantity, but thousands of gallons of leakage was stopped by reason of the fact that a meter was installed. It enabled them to discover the leakage and stop it.

Mr. MANN. It must have been a very dumb man in charge of the building who could not discover through the ordinary

methods when there is a leakage of water.

Mr. TAYLOR of Ohio. The leakage was not in the building. Mr. FITZGERALD. This item to which the gentleman has directed attention is designed to enable the employees in charge of the operation of these plants to inspect and take care of the meters already installed in Federal buildings without any in-crease in the appropriation. There are at present meters installed in three public buildings, and this language merely permits the maintenance of those meters in those publc buildings without any increase of expenditures.

Mr. TAYLOR of Ohio. These meters were put in last year. Mr. MANN. That would depend upon the construction of the phraseology as to what the language provided. Now, as I read the language I supposed that it was intended to provide authority to install meters.

Mr. FITZGERALD. Not under this paragraph.
Mr. BURLESON. This item is intended for that purpose, because it starts-

Mr. MANN. I have often seen how a paragraph starts. It is for the care of certain things, and then authorizes water meters for Federal service.

Mr. FITZGERALD. The installation of meters is contained in a different item.

Mr. MANN. It is not intended by this to provide any installation

Mr. BURLESON. Not at all. Just the care for the meters already installed.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For continuation of parking grounds around McMillan Park Reservoir, formerly known as Washington City Reservoir, \$2,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order for the purpose of inquiring of the gentleman as to what is meant, on page 39, line 25, by the use of the word

Mr. BURLESON. This is a work that has been in progress for a number of years.

Mr. JOHNSON of Kentucky. Doing what?

Mr. BURLESON. Parking the grounds around the filtration plant. The filtration plant has been called McMinan Lark, and it is going to take a number of years to complete the

Mr. JOHNSON of Kentucky. I withdraw the point of order. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For completing the purchase, installation, and maintenance of water meters, to be placed on the water services of the Marine Barraeks, Soldiers' Home, Howard University, Freedman's Hospital, Walter Reed Hospital, and Zoological Park, and for each and every purpose connected therewith, said meters to be purchased, installed, and maintained by and remain under the observation of the officer in charge of the Washington Aqueduct, \$4,850.

Mr. MANN. Mr. Chairman, I reserve a point of order on the

paragraph.

Mr. BURLESON. I will say to the gentleman that we have installed three meters in public buildings. There has been one installed in the Government Printing Office, one at the navy yard, and one at the Municipal Building, and this is continuation of that work. The engineer officer in charge of the aqueduct believes that the installation of these meters tend to decrease the waste of water and also, as I stated a moment ago, aid in the detection of leakage.

Mr. TAYLOR of Ohio.

hio. Mr. Chairman— Will the gentleman from Texas yield to The CHAIRMAN. Will the gentle nan from Ohio?

Mr. BURLESON. I will. Mr. TAYLOR of Ohio. It also enables them to determine the vast quantity of water that is used in Government buildings, in order to keep a check upon the maximum capacity of the water supply of the District. Ten years ago they thought they would have to increase the water supply by the creation of a new supply, but by this method and the method of detecting leaks that was found to be unnecessary; and we believe if they meterize these buildings, looking ahead as they have, they have 10 or 15 years of water yet. It is a check on the waste and a check on the amount of water available.

Mr. SAUNDERS. As a result of the information these meters have given, it has postponed for many years the neces-

sity for enlarging our water supply.

Mr. COX of Ohio. I would like to submit for the further information of the gentleman from Illinois [Mr. Mann] that during the hearing a request was made that these water meters be established at some 34 or 35 stated places—and when I say "stated places" I mean in stated buildings or in public grounds and it was the judgment of the committee that the meters would be allowed this year as a sort of experimental procedure to ascertain whether or not the judgment of the commissioner was well placed. So we authorized meters to be placed at the points named—the Marine Barracks, Soldiers' Home, Howard University, and so forth.

Mr. MANN. Now, Mr. Chairman, I remember when they first started to install private meters in the water service in this town, and I have gone through the experience of water meters in my home city. I am one of those gentlemen who believe as long as there is an ample water supply it is desirable to use as much water as possible. I am not in favor of having a notice posted in every hospital room warning nurses and

patients against the use of water.

Mr. BURLESON. I do not think that practice will result from

Mr. MANN. That will result when you commence to charge up against the institution the amount of water they use.

Mr. TAYLOR of Ohio. There is no charge for the water. It

is a check on the water.

Mr. MANN. You have a comparison between this one and the other one. One is using less water than the other. One is more economical in the use of water than the other. I am not in favor of commencing that kind of an experiment with the hospitals, where there ought to be perfect freedom and liberty in the use of water as long as there is plenty of water to use.

Mr. BURLESON. I am in full sympathy with what the gentleman suggests.

Mr. MANN. Then the gentleman ought to be in favor of

Mr. BURLESON. I would say to the gentleman that there is no purpose to deprive any hospital or public building or any institution of all the water that it is necessary that it should have or should use. But surely the gentleman will not say that if there is a great wastage of water, if there is a leakage, we ought not to have some means of stopping the waste or the leak. The only purpose of this item is to install these meters with a view of advising those responsible of the fact that there is probably a wastage of water or a leakage of water occurring.

Mr. MANN. I have had personal experience with the use of water and of meters. I am not sure that the gentleman has had. It does not add anything to the discovery of leakages to have a water meter installed. There is already a proposition recommended by a Cabinet officer, that there shall be charged against every department the free-delivery letters that it sends out, so as to keep an accounting and give the Post Office Department due credit for the work that it does. It will only be a short time, if meters are put into public buildings, when the proposition will come along that every public building that uses water shall be charged with the cost, to go into the water fund, and the result will be in the end that there will be a desire on the part of Congress and the people, perhaps, to stop the use of water when there is plenty of water. I think it is much more desirable in this country to stop the pollution of water and to have plenty of clean, pure water for the use of the people than it is to pollute the water and stop the use of it.

Mr. BURLESON. I can assure the gentleman that he is wholly mistaken about the purpose of this item. It is not to prevent the use of water or to limit the use of water, but to enable those who are responsible for the proper conduct of the water system to discover leakages and to stop the unnecessary waste of water. There is no purpose on the part either of the Committee on Appropriations or those charged with the conduct of the water system to make any character of charge against any hospital, against any public building, or against any insti-

tution for that water that it uses.

Mr. MANN. I think that is absolutely true. I made no such charge against the committee or against the gentlemen who urged the adoption of the item. But any man who figures upon legislation makes a mistake if he does not figure upon human nature and the inevitable logic which follows legislation. If you provide here the method of putting meters into public buildings, so that the amount of water used in each public building is known, you at once, in the first place, commence to restrict the use of water, and in the second place, you inevitably invite a charge against the particular building for all the water that is used therein. I do not believe there is any escape from that final conclusion. I do not see where it does any good, except to spend money. I make the point of order on the paragraph, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of order on the paragraph on the ground that it is new legislation. The Chair understands that it is new legislation and sustains the point of order. The Clerk will

The Clerk read as follows:

For remodeling the Georgetown Reservoir, Washington Aqueduct, to complete the works for the preliminary treatment of the water supply, and for each and every purpose connected therewith, \$58,000.

Mr. McCALL. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD by printing a memorandum or brief, which I had at hand during the reciprocity debate, concerning the application of the most-favored-nation clauses of treaties. This brief is somewhat abbreviated and slightly revised. I think the Members might like to read it.

Mr. MANN. Is it a brief prepared by the gentleman himself

or by somebody else?

Mr. McCall. I will have to vouch for it myself.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCall] asks leave to extend his remarks by printing a memorandum in the RECORD. Is there objection?

There was no objection.

Following is the memorandum referred to:

"MEMORANDUM RESPECTING THE PREFERENTIAL CHARACTER OF TARIFF REDUCTIONS BY THE UNITED STATES IN FAVOR OF

CANADIAN PRODUCTS.
"Whatever tariff concessions in favor of imports into the United States from Canada the Congress shall adopt, in return for equivalent tariff concessions by Canada in favor of American products, will constitute, on the part of the United States, an exclusive and strictly preferential trade arrangement, which will involve no violation of the tariff treatment of the most favored nation offered to the world in the statutory minimum tariff of the United States. The benefits of this preferential-tariff treatment can not be justly claimed by any third country that is unable to offer to the United States substantial equivalency. It is impossible for any country of Europe, and perhaps any country which is not contiguous to the United States, to duplicate the conditions of economic relationship with the United States that are offered by Canada. This peculiar situation is based upon the following considerations:

CONTIGUITY AND IDENTITY OF INTERESTS

"A common boundary extending over 3,000 miles, a marked homogeneity in the population on either side and identity in

their material interests in most of the activities of life, and extensive means of rapid communication by rail and water have, notwithstanding existing tariff barriers, contributed to bring about extensive and intimate commercial relations between the United States and Canada. The desirability of some special tariff arrangement involving mutual concessions for the regulation of this close neighborhood trade has long been apparent. This peculiar relationship is not paralleled in our relations with any country of Europe. Consequently, the Government of no European country can logically demand identity of commercial

"NO IMPAIRMENT OF THE PROTECTIVE TARIFF POLICY OF THE UNITED STATES.

"It has always been claimed by statesmen and economists who support the protective-tariff policy of the United States that a high scale of import duties is required by the industrial interests of this country in order to offset and countervail the ruinous competition threatened by foreign products manufactured at a lower cost of production than that prevailing in the The differential being only partially compen-United States. sated by the expense of transportation, protective duties are essential to cover the margin and thus place high-priced American labor on a footing with low-priced foreign labor.

"The wisdom and expediency of this economic policy has been recognized by many of the great commercial powers of the world, and when the governments of these powers establish a double tariff their minimum rates represent the measure of protection which they believe to be necessary in aid of the

domestic industries.

When, however, these principles of tariff legislation are applied to our relations with Canada it is recognized that, so far as regards most natural products, many secondary food products, and some articles of manufacture, this important justification of our protective-tariff policy no longer exists, for the simple reason that the conditions of production in the re-spective countries so closely approximate to each other that the

cost of raw material and labor is about the same.

"There is, moreover, great mobility in the agents of production, both capital and labor. The restraints upon their movement from country to country and back again are nonexistent. or so slight as to be negligible. Whenever a higher rate of wages prevails on one side of the boundary, a migration of labor from the other side is inevitable and a readjustment of wages must follow, for the scale of wages and the general conditions of production tend constantly toward an equilibrium. These economic facts are known to every student of the trade intercourse between the two countries, and the migration across the border of population and labor is almost equally strong in both directions. It is therefore just and proper that the tariff policy of the United States toward Canada should be differentiated, even sharply and radically, from that pursued toward European countries and the world in general. It is obvious that for the United States to extend to imports from Europe the benefits of exemptions and reductions of duty in favor of Canadan products would be destructive of the protective tariff policy so long as the differential in labor cost remains so great between the United States and Europe.

"INSTANCES OF EXCLUSIVE TABIFF TREATMENT BETWEEN NEIGHBORING COUNTRIES.

"There are several instances of mutually preferential tariff arrangements between contiguous countries, which are recognized by the rest of the world as proper exceptions from the rule of the most-favored-nation treatment, and these arrangements are not looked upon as instances of discrimination against third countries. The most important of these cases are briefly mentioned below:

" SPAIN AND PORTUGAL.

"By the terms of a treaty of commerce and navigation, concluded between Spain and Portugal on March 27, 1893 (modified by conventions promulgated, respectively, Nov. 28, 1896, and Mar. 18, 1897), these two countries extend to each other certain exclusive preferences and favors, which, on the ground of the regulation of the close neighborhood trade, are not regarded as within the purview of the treatment of the mostfavored nation in the foreign relations between either Spain or Portugal and the rest of the world.

"This treaty provides for mutual most-favored-nation treat-

ment as regards treatment of nationals, navigation laws, port dues, consumption taxes, octroi taxes, etc. As regards tariff treatment, the convention divides commodities into six great

-groups, as follows:

"Table A: Articles the product of the soil or industry of Portugal or Spain, which shall be free of customs duties on importation into the other country when imported across the land frontier or by river.

"Table B provides for the mutual free importation into the frontier zone (within 5 kilometers of the dividing line) of agricultural implements and tools, and vehicles for transporting goods belonging to proprietors within the zone and moving to other points across the frontier within the zone.

"Table C gives a list of articles which will be admitted into Portugal from Spain when imported directly by sea at reduced

rates of duty.

"Table D gives a list of Portuguese articles to be admitted into Spain at reduced rates of duty when imported directly by

sea.
"Table E enumerates the products of the soil or industry of than those established or which may be established for similar products of any other nation.

"Table F enumerates the products of the soil or industry of

Portugal which shall not be subjected to other or higher duties than those granted or which may be granted to similar products

of any other nation.
"Article 12 of the treaty provides as follows:

"The two high contracting parties reserve to themselves the privi-lege of granting to other countries the conventional duties of Tables C and D.

C and D.

"Any rebate, however, in the duties of Tables C and D is not authorized to a third country without the two high contracting parties having previously assented thereto."

"Article 22 provides:

"The exemptions from duties established in Table A will not be granted to a third country without the two high contracting parties having first assented thereto."

"Article 23 provides:

"Portugal reserves to herself the right of granting to Brazil special concessions which may not be claimed by Spain as a consequence of the fulfillment of the clauses of the present treaty."

"Article 27 provides that the treaty will remain in force 10 years and thereafter for periods of 5 years, unless denounced by either party 1 year prior to its termination.

"RUSSIA AND PERSIA.

"By the provisions of a convention between these two powers special privileges are extended in relation to the land-borne traffic between Russia and Persia, which privileges are denied to third powers.

"RUSSIA AND CHINA,

"On the Russian frontier there is a free zone extending 331 miles each side of the line. Within that zone imports and exports from either side are perfectly free. Going by land from Russia across the frontier, Russian imports will pay only two-thirds of the regular tariff duty. This is subject to certain conditions.

"Exports from China to Russia pay one full export duty only, but they do not pay the transit duty going from Tientsin to the frontier. There is some modification of the Russian agreement in the new Sungaii River regulations on the Russian frontier in Manchuria. The same free zone exists, and all exports from China to Russia pay the full duty except grain and beans and bean cake, which receive a reduction of one-third.

" CHINA AND BRITISH INDIA

"On the British Burmese frontier imports by land across the Burmese frontier from Burma into China pay 70 per cent of the Exports from China by that route pay 60 per cent of the Chinese export duty.

"CHINA AND FRENCH INDIA.

"The same arrangements exist as the foregoing between China and British India.

"THIBET AND BRITISH INDIA.

"On the Thibetan frontier the trade between Thibet and India is free.

"CHINA AND KOREA,

"When the Yalu River Bridge is completed so that there will be land transportation from Korea to China they are to enjoy the same privileges on that frontier as the most favored nation. " MOZAMBIQUE AND THE TRANSVAAL.

"By the provisions of a convention signed April 7, 1909, between the British colony of the Transvaal and the Portuguese province of Mozambique the contracting parties provided for the reciprocal free admission of all the products of each other excepting spirits. It is not certain that this agreement, which was intended to regulate neighborhood trade and to be absolutely preferential on both sides, has been terminated as the result of the formation of the Union of South Africa.

"ABYSSINIA AND FRANCE.

"A reciprocity treaty between these two countries was signed on January 10, 1908. It provides that French wines, cham-pagnes, beers, and nonalcoholic drinks shall be subjected on importation into Abyssinia to a tax of 8 per cent ad valorem instead of the 10 per cent ad valorem on all other articles. This differential treatment is in the interest of the neighborhood trade between Abyssinia and French East Africa.

" MOROCCO AND FRANCE.

"Under the provisions of the accords of 1901 and 1902 between these two countries exceptional customs privileges exist in the traffic between Morocco and Algeria.

" BRAZIL AND ECUADOR.

"By a treaty between these two countries signed May 10, 1907, it is provided that Ecuadorean products may enter Brazil and Brazilian products may enter Ecuador, in the Amazon Valley, without the payment of import duties. This treaty is made to promote the neighboring trade.

" CHILE AND LATIN-AMERICAN COUNTRIES.

"In her commercial treaty with Japan and again in the one with Switzerland, Chile has expressly stipulated that she may accord to Latin-American countries privileges which she is not bound to grant to Japan and Switzerland unless she grants them also to European countries and to the United States.

"THE COUNTRIES OF CENTRAL AMERICA.

"The ultimate free exchange of all products between all the Central American Republics is contemplated under the provisions of the Washington conventions of 1907.

" UNITED STATES AND CURA.

"One of the grounds upon which the exclusive character of the mutual tariff concessions made by the United States and Cuba in the reciprocity treaty of December 11, 1902, is maintained is the relations of proximity between them. The special considerations underlying this treaty were partly geographical and partly political. The former may be described as 'relations of proximity,' and are similar to those which existed formerly between the United States and Hawaii and which appeared in a treaty between the Governments of the two countries on January 30, 1875. The following recognition of the 'relations of proximity' involved in that treaty appears in a declaration annexed to a treaty between Germany and Hawaii concluded March 25-September 19, 1879:

"Certain relations of proximity and other considerations having rendered it important to the Hawalian Government to enter into mutual arrangements with the Government of the United States of America by a convention concluded at Washington the 30th day of January, 1875, 'the two high contracting parties have agreed that the special advantages granted by said convention to the United States of America in consideration of equivalent advantages shall not in any case be invoked in favor of the relations sanctioned between the two high contracting parties by the present treaty."

" OTHER DIFFERENTIALS.

"Several instances of exclusive reciprocal trade arrangements between noncontiguous and widely separated States might be mentioned; but perhaps these are not pertinent in this connection. Among them are the reciprocity treaties between France on the one hand and Haiti and Salvador on the other; between Germany on the one hand and Haiti and Salvador on the other; between Portugal and Brazil; and the preferential tariff reductions made by Brazil in favor of 15 or 16 classes of products of the United States. As regards these conventions it may be said that Haiti and Salvador decline to extend to the United States the benefit of their reduced rates; Portugal declines to extend to any third power the preferences in favor of Brazil; and Brazil declines to extend to any third power the reduced rates accorded to the United States.

"SPECIAL FRONTIER TRADE REGULATIONS IN EUROPE.

"In the case of several countries on the Continent of Europe special exceptions in the customs laws and regulations are made in favor of the frontier trade by the establishment of a free zone. The most important of these instances are as follows:

"GERMANY.

"The Bundesrath is authorized to grant free admission of meat, meal, and bakers' produce in limited quantities for the use of the frontier districts. In addition, there is a provision by which owners of farms across the frontier may import the produce obtained from such farms.

" FRANCE.

"There are certain free districts from which imports are admitted without the payment of duty. These are Haute-Savois and Gex. These districts are a kind of neutral territory situated between Italy, Switzerland, and France.

"SWITZERLAND.

"There are certain provisions which may be found in the Swiss customs law, article 5, letters 'M,' 'N,' and 'O.' Letter M' read as follows:

"Animals, farm implements, and other articles exported by the inhabitants of the country (Switzerland) for the cultivation of estates situated in a foreign territory not more than 10 kilometers from the

frontier and which are reintroduced or reimported into Switzerland within a fixed period; likewise animals and articles which are imported into Switzerland temporarily by foreigners for the cultivation of estates situated in Switzerland not more than 10 kilometers from the frontier; in this last case, however, on condition that the neighboring States act reciprocally toward Switzerland and in accordance with the extent of such reciprocity."

"'N' reads as follows:

"Crude products of the soil produced in a State situated on foreign territory within 10 kilometers from the frontier and which are cultivated by inhabitants of Switzerland, either themselves or by agents in their employ."

"'O' reads as follows:

"Milk, eggs, fresh fish, crabs, snails, fresh garden products and field crops, intended for the markets or for peddling, brought by sellers or introduced into Switzerland in wagons; the wagons must follow an authorized route and be reported to the frontier customs house. These products are exceptionally free of duty."

Mr. BURLESON. Mr. Chairman, the next item in the bill will probably excite considerable discussion. After it is read I will move that the committee rise. I ask the Clerk to read it. The Clerk read as follows

The Chief of Engineers, United States Army, may transfer to the Commissioners of the District of Columbia the cast-iron water mains laid under his direction for the purpose of carrying water from Georgetown Reservoir to the city, which transfer shall include the transfer of the section of the Conduit Road from Eliot Place to Foxhall Road, under which these mains are laid, which section of road the commissioners are authorized to accept as a street of the District of Columbia, and also shall include the transfer of the bridge built to carry these mains across Rock Creek at Pennsylvania Avenue.

Mr. JOHNSON of Kentucky. Mr. Chairman, inasmuch as this section gives away-

Mr. MANN. I reserve a point of order on the section.

Mr. JOHNSON of Kentucky. I reserve a point of order. I intended to do that.

Mr. MANN. I thought the gentleman was starting to dis-

The CHAIRMAN. The gentleman from Illinois and the gentleman from Kentucky both reserve points of order.

Mr. JOHNSON of Kentucky. For the reason that the first part of the section gives away Government property and the latter part of the section gives away Government property and also opens a new street I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from

Texas.

Mr. BURLESON. Mr. Chairman, before the Chair rules on the proposition I will move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Garrett, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

CHANGES OF REFERENCE.

The SPEAKER. House Document No. 394, being a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of the Navy, of December 20, 1911, reporting that the Navy Department has considered, ascertained, adjusted, and determined the amounts due certain claimants on account of damages for which the vessels of the Navy were found to be responsible, was referred in the first instance to the Committee on Naval Affairs. A thorough investigation shows that it ought to go to the Committee on Appropriations. If there be no objection, that change of reference will be made.

There was no objection.

The SPEAKER. The President's message on the needs of the Government Hospital for the Insane was referred to the Committee on the District of Columbia. That ought to go to the Committee on Appropriations. If there be no objection, that change will be made.

There was no objection.

ADJOURNMENT.

Mr. BURLESON. I move that the House do now adjourn. The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Friday, January 19, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting communications from the Director of the Bureau of Engraving and Printing and the Treasurer of the United States and revising his estimate of appropriation on page 386 of the Book of Estimates for 1913 (H. Doc. No. 465); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Santa Barbara Harbor, Cal. (H. Doc. No. 464); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of Agriculture, transmitting special report on the expenditures for drainage investigations up to June 30, 1911 (H. Doc. No. 466); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 194) granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) military reservations to the Panama-Pacific International Exposition Co., reported the same with amendment, accompanied by a report (No. 237), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same without amendment, accompanied by a report (No. 240), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 204) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 239), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 212) authorizing the Secretary of War to receive for instruction at the United State Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua, reported the same without amendment, accompanied by a report (No. 236), which said joint resolution and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8853) for the relief of John L. Baird, reported the same with amendment, accompanied by a report (No. 241), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14540) for the relief of Harriet Hamilton Pratt; Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 18068) for the payment of arrearage of pension to Claudia B. Blakeman; Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 15184) granting a pension to Thomas L. Munroe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

the Committee on Pensions.

A bill (H. R. 8559) granting a pension to Fred W. Nisbett;
Committee on Invalid Pensions discharged, and referred to the
Committee on Pensions.

A bill (H. R. 17723) granting an increase of pension to Anne Flannigan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15658) granting an increase of pension to Hugh L. Freeman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 18220) to fix the compensation of watchmen, messengers, and laborers in the Post Office Department; to the Committee on Expenditures in the Post Office Department.

By Mr. RUSSELL: A bill (H. R. 18221) to provide for the payment of a bounty of \$100 to soldiers who enlisted in the military service of the United States under the act of July 22, 1861, and who were discharged by reason of surgeon's certificate of disability or for promotion before the expiration of two years, and who have not received \$100 bounty; to the Committee on Military Affairs.

mittee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 18222) to amend section 4 of the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON of New York: A bill (H. R. 18223) providing for the publicity of the security issues of corporations engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce

By Mr. HAY: A bill (H. R. 18224) to exclude the officers of the Medical Corps of the Army from the operation of section 1222 of the Revised Statutes; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 18225) exempting from duty certain articles of food; to the Committee on Ways and Means.

By Mr. GEORGE: A bill (H. R. 18226) to provide for a complete method for the annual assessment and taxation of real property in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 18227) granting certain lands to the State of California to form a part of Redwood Park in said State; to the Committee on the Public Lands.

said State; to the Committee on the Public Lands.

By Mr. AYRES: A bill (H. R. 18228) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards; to the Committee on the Merchant Marine and Fisheries

the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 18229) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18230) to provide for preference relating to appointments in the civil service by giving preference to certain ex soldiers, sailors, and marines; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 18231) providing for the appointment of a commission to be known as the Commission on Salaries and Allowances of Postal Employees; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: A bill (H. R. 18232) authorizing the compensation of rural mail carriers or their heirs for injuries received while on duty; to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: A bill (H. R. 18233) to amend section 3618 of the Revised Statutes of the United States relating to the sale of public property; to the Committee on Naval Affairs.

the sale of public property; to the Committee on Naval Affairs.

By Mr. DOREMUS: A bill (H. R. 18234) to create a publicutilities commission and to define its powers and duties; to the
Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 18235) relating to entries on the public lands; to the Committee on the Public Lands.

By Mr. CLAYTON: A bill (H. R. 18236) to allow and regulate amendments in judicial proceedings in the courts of the United States; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania (by request): A bill (H. R. 18237) legalizing cumulative voting for directors, managers, or trustees of corporations or associations; to the Committee on the Judiciary.

By Mr. CLAYTON (by request): A bill (H. R. 18238) to establish a bureau for the study of the criminal, pauper, and defective classes: to the Committee on the Judiciary

defective classes; to the Committee on the Judiciary.

By Mr. LEVER: A bill (H. R. 18239) for the relief of employees of the Forest Service injured in fire fighting or other hazardous work; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 18240) making an appropri-

By Mr. HAWLEY: A bill (H. R. 18240) making an appropriation for the payment to the State of Oregon of an amount allowed by the Court of Claims in settlement of its claim for expenses incurred in raising volunteers for service in the Indian wars from 1862 to 1867, audited by the Secretary of the Treasury under the act of June 28, 1910; to the Committee on Appro-

Also, a bill (H. R. 18241) to amend section 3 of an act entitled "An act to withdraw certain public lands from private entry, and for other purposes." approved March 2, 1889; to the Com-

mittee on the Public Lands.

By Mr. KINKAID of Nebraska: A bill (H. R. 18242) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902; to the Committee on Irrigation of Arid Lands.

By Mr. BRADLEY: A bill (H. R. 18243) giving credit to officers and enlisted men of the Army for service in the Philippine constabulary; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 18244) providing for the construction of irrigation works for impounding the matters of the Cilla Pirror Ariz, and its tributaries for impounding the

waters of the Gila River, Ariz., and its tributaries, for irriga-tion of the lands of the Gila River Valley, and for the protection of the interests of the Pima and other Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAY: Joint resolution (H. J. Res. 216) authorizing

the Dowsett Co. (Ltd.) and its sublessees to remove the buildings erected by them on the military reservation of Schofield Barracks, Territory of Hawaii, on the expiration of their leasehold interest therein; to the Committee on Military Affairs.

By Mr. HARDY: Joint resolution (H. J. Res. 217) authorizing the appointment of a committee to investigate certain foreign and domestic shipping rings, pools, combinations, and conferences, and other matters connected therewith; to the Committee on Rules.

By Mr. CLAYPOOL: Joint resolution (H. J. Res. 218) increasing the salaries of certain employees of the Senate and House of Representatives post offices; to the Committee on

Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. ASHBROOK: A bill (H. R. 18245) granting a pension to Dayton P. Harrington; to the Committee en Invalid

By Mr. BRADLEY: A bill (H. R. 18246) granting an increase of pension to Phebe Bertholf; to the Committee on Invalid

By Mr. BROWN: A bill (H. R. 18247) for the relief of George

N. Campbell; to the Committee on War Claims. By Mr. BROWNING: A bill (H. R. 18248) granting an increase of pension to Emerson Sherwood; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18249) granting a pension to Lee Frazier; to the Committee on Invalid Pensions.
By Mr. CURRIER: A bill (H. R. 18250) granting an increase of pension to Amos S. Locke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18251) granting an increase of pension to Albert F. Baxter; to the Committee on Invalid Pensions.

By Mr. DICKINSON; A bill (H. R. 18252) for the relief of James T. Ellis; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 18253) granting a pension to F. W. Braun; to the Committee on Invalid Pensions

Also, a bill (H. R. 18254) granting a pension to Joseph W. Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18255) granting an increase of pension to Alice W. T. Groesbeck; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 18256) to correct the military record of Banks Dreese; to the Committee on Military Affairs. By Mr. FOSTER of Illinois: A bill (H. R. 18257) granting a

pension to Sarah Groves; to the Committee on Invalid Pensions, Also, a bill (H. R. 18258) granting an increase of pension to Francis M. Atwood; to the Committee on Invalid Pensions, Also, a bill (H. R. 18259) for the relief of Ella Kepner; to

the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 18260) granting a pension to Mary A. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18261) granting an increase of pension to Albert O. Neill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18262) granting an increase of pension to Isaac C. Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18263) granting an increase of pension to James J. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18264) granting an increase of pension to

John L. Meade; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 18265) granting an increase of pension to David Slonaker; to the Committee Invalid Pensions

By Mr. HAMILTON of West Virginia: A bill (H. R. 18266) granting an increase of pension to Franklin Atkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18267) granting an increase of pension to

Hannah R. Bird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18268) granting an increase of pension to John B. Oldfield; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18269) granting a pension

to Hugh B. Paige; to the Committee on Pensions. By Mr. LANGHAM: A bill (H. R. 18270) granting an increase of pension to John S. Rodgers; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 18271) granting pension to Mary C. Thurlow; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18272) granting a pension to Albert M. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 18273) granting a pension to Thomas H. Rawl; to the Committee on Pensions.

Also, a bill (H. R. 18274) granting a pension to William P. Raines; to the Committee on Pensions.

Also, a bill (H. R. 18275) granting a pension to Sinclair R. Boone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18276) granting a pension to Stanmore Y. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18277) granting a pension to James V. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18278) granting a pension to H. P. Kohn; to the Committee on Pensions.

Also, a bill (H. R. 18279) granting a pension to David T. Kirby; to the Committee on Pensions.

Also, a bill (H. R. 18280) granting a pension to Margaret Hertel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18281) granting a pension to T. P. Godfrey; to the Committee on Pensions.

Also, a bill (H. R. 18282) granting a pension to Wade H. Rucker; to the Committee on Pensions.

Also, a bill (H. R. 18283) granting a pension to Charles G. Sontag; to the Committee on Pensions,

Also, a bill (H. R. 18284) granting a pension to John B. Mc-Cravy; to the Committee on Pensions.

Also, a bill (H. R. 18285) granting a pension to John N. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18286) granting a pension to Woodbine L. McLane: to the Committee on Invalid Pensions.

Also, a bill (H. R. 18287) granting an increase of pension to Simon P. Weed; to the Committee on Pensions.

Also, a bill (H. R. 18288) granting an increase of pension to George Young: to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 18289) granting a pension to Mary W. Smith; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 18290) for the relief of C. H. Ingraham; to the Committee on Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18291) for the relief of the widow of William F. McNamara; to the Committee on Military Affairs.

Also, a bill (H. R. 18292) granting a pension to Theodora G.

McCarter; to the Committee on Invalid Pensions.
Also, a bill (H. R. 18293) granting an increase of pension to
Lorenzo C. Bitters; to the Committee on Invalid Pensions.
By Mr. MOTT: A bill (H. R. 18294) for the relief of John C.

Sullivan; to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 18295) granting a pension to Anna F. Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18296) granting an increase of pension to James Pettitt; to the Committee on Invalid Pensions.
Also, a bill (H. R. 18297) granting an increase of pension to

Henry B. Moon; to the Committee on Invalid Pensions

Also, a bill (H. R. 18298) granting an increase of pension to Jesse E. Spangler; to the Committee on Pensions. By Mr. RUSSELL: A bill (H. R. 18299) granting a pension

to Charles A. Skinner; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 18300) for the relief of Wallen W. Baker; to the Committee on Military Affairs.

Also, a bill (H. R. 18301) for the relief of Thomas Swatzel; to the Committee on Military Affairs.

Also, a bill (H. R. 18302) granting a pension to Thomas

Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18303) granting a pension to M. G. Miller, next friend of Mary E. Constable; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18304) granting a pension to Roderick S. B. Nave; to the Committee on Pensions.

By Mr. SHARP: A bill (H. R. 18305) granting a pension to Sarah A. Armentrout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18306) to remove the charge of desertion from the military record of William Earl; to the Committee on Military Affaire.

Military Affairs,
By Mr. SHERLEY: A bill (H. R. 18307) granting a pension to Teresa C. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18308) granting an increase of pension to Lafayette W. Lindley; to the Committee on Invalid Pensions. By Mr. SPARKMAN: A bill (H. R. 18309) granting an in-

crease of pension to William H. Hall; to the Committee on

Also, a bill (H. R. 18310) granting an increase of pension to George W. Lyons; to the Committee on Pensions.

Also, a bill (H. R. 18311) granting an increase of pension to

Emily Ford; to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 18312) for the relief of Samuel Lenharr; to the Committee on Military Affairs.

Also, a bill (H. R. 18313) for the relief of David Robb; to the Committee on Military Affairs.

Also, a bill (H. R. 18314) granting a pension to Mrs. T. J. Wilson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 18315) granting an increase of pension to Jesse Turrentine; to the Committee on Pensions

By Mr. TOWNSEND: A bill (H. R. 18316) providing that Lieut. Commander R. R. Riggs, United States Navy, retired, shall be eligible for appointment as a consular or diplomatic officer; to the Committee on Naval Affairs.

Also, a bill (H. R. 18317) granting an increase of pension to Francis J. Dunnion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18318) granting a pension to Eva Swayze Hotham; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 18319) for the relief of John W. Benson; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 18320) granting an increase of pension to Richard M. Johnson; to the Committee on Invalid

Pensions. Also, a bill (H. R. 18321) granting an increase of pension to John P. Lonzway; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Oelwein, Iowa, for the passage of an effective interstate liquor law; to the Com-

mittee on the Judiciary.

By Mr. BOWMAN: Petition of local unions of Pittston, Pa., and of Mount Union, Pa., United Brewery Workers, protesting against the passage of the Smoot printing bill; to the Committee on Printing.

Also, petitions of Ashley Council, No. 149, of Ashley, and Henderson Gaylord Council, Junior Order United American Mechanics, of Plymouth, Pa., for restriction of immigration; to

the Committee on Immigration and Naturalization.

Also, memorial of Mountain (Pa.) Grange, Patrons of Husbandry, against repeal of tax on oleomargarine; to the Com-

mittee on Agriculture. By Mr. BUCHANAN: Resolution of National Organization of Bluejackets' Friends, of Boston, Mass., praying for the appoint-ment of a commission to learn the causes of desertion, etc.; to the Committee on Naval Affairs.

Also, petition of J. H. Roloff and 33 others, of Park Ridge, Ill., praying for a vote against the parcel post; to the Committee on the Post Office and Post Roads.

Also, resolution of Federated Trades of Vallejo, Cal., praying for the construction of a battleship for the Mare Island Navy Yard; to the Committee on Naval Affairs.

Also, resolution of Chicago Distriktverband, praying for the passage of the Esch phosphorus bill; to the Committee on Ways and Means

Also, resolution of Chicago Civil Service League, praying for passage of House bill 5970, providing for the restoration to the Federal civil service employees of their inherent rights as citizens; to the Committee on Reform in the Civil Service.

By Mr. BUTLER: Memorial of Lionville (Pa.) Grange, Patrons of Husbandry, protesting against repeal of tax on oleo-margarine; to the Committee on Agriculture. By Mr. COOPER: Petitions of F. A. Haumerson Grocery Co.,

the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of F. G. Klein Co. and other manufacturers and dealers in ginger ale, soda water, etc., of Burlington, Wis., asking for the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CURRY: Petition of citizens of Silver City, N. Mex., against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of American Forestry Associa-

tion for certain legislation favorable to the forestry industry of

the United States; to the Committee on Agriculture.

By Mr. DYER: Papers to accompany House bill 15471; to

the Committee on Naval Affairs. Also, papers to accompany bill for the relief of Alice W. T.

Groesbeck; to the Committee on Invalid Pensions, Also, petition of Evans & Howard Fire Brick Co., St. Louis,

Mo., urging building for Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

Also, petition of American Nickeloid & Manufacturing Co., Peru, Ill., for increase of tariff duties on sheet zinc and tin plates; to the Committee on Ways and Means.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Papers to accompany bills for the relief of Josephus F. Baker and James M. Farmer (H. R. 16725 and 17792, respectively); to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany House bill 5400, for the relief of Daniel Pope; to the Committee on Invalid Pen-

By Mr. FOSS: Memorial of German Roman Catholic Central Verein, of Chicago, Ill., favoring House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, petition of Chicago Consolidated Bottling Co., asking for elimination of tariff on raw and refined sugars; to the

Committee on Ways and Means.

Also, petition of Carter Holmes and 19 other citizens of Chicago, Ill., opposing extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of S. A. Maxwell & Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Amos Johnson, of Malta, Ill., in favor of the passage of the Sulzer bill (H. R. 14) for the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Central Labor Union, of Rockford, Ill., against the passage of the Smoot bill (S. 2564); to the Committee on Printing.

By Mr. GREGG of Pennsylvania: Petitions asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Pennsylvania, in favor of old-age pensions; to the Committee on Pensions.

By Mr. HAMLIN: Papers to accompany bill for the relief of Ella Maxwell (H. R. 1842); to the Committee on Invalid

By Mr. HARTMAN: Memorial of St. George Society, of Pittsburgh, Pa., in favor of the Esch bill, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee of Ways and Means.

By Mr. HAYES: Memorial of San Francisco (Cal.) Chamber of Commerce, for control of flow of navigable rivers; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: Papers to accompany bill (H. R. 10717) for the relief of Amanzo Walrath; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13207; to the Committee on Pensions.

By Mr. KENDALL: Petition of citizens of Ottumwa and Bear Creek, Iowa, in favor of old-age pensions; to the Committee on Pensions.

By Mr. KINDRED: Memorial of a German Catholic society, urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

By Mr. COOPER: Petitions of F. A. Haumerson Grocery Co., and H. Ruetz, P. Jacobson & Son, Robert Steffenson, and Joseph C. Hamata, grocers, of Racine, Wis., asking for a reduction of 5970; to the Committee on Reform in the Civil Service.

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Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United

States; to the Committee on Agriculture.

By Mr. LAFEAN: Petition of residents of Hanover, Pa., urging the reduction of the duty on raw and refined sugars; to the

Committee on Ways and Means.

By Mr. LEVY: Memorial of District Lodge No. 15, International Association of Machinists, of New York City, for assignment of ships to Brooklyn Navy Yard for repairs; to the Com mittee on Naval Affairs.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce,

for embassy buildings at Mexico City, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs. By Mr. LINDBERGH: Petitions of citizens of Minnesota, for the deepening of the St. Lucie Inlet, Fla.; to the Committee on Rivers and Harbors.

Also, memorial of a German Catholic society, in favor of the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. LINDSAY: Memorial of Central Labor Union of Brooklyn, N. Y., for securing to the Brooklyn Navy Yard the construction of authorized battleships; to the Committee or Naval Affairs.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United

States; to the Committee on Agriculture.

By Mr. LOUD: Petition of J. G. Bain and 35 other residents of Petoskey, Mich., opposing House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. McCOY: Petition of citizens of New Jersey, for total elimination of duties on raw and refined sugars; to the Com-

mittee on Ways and Means.

By Mr. McCREARY: Petition of Philomusian Club, of Philadelphia, Pa., praying for a repeal of the legislation upon oleomargarine other than the regulations of the pure-food laws; to

the Committee on Agriculture.

By Mr. McHENRY: Petition of Turbot Grange No. 249,
Patrons of Husbandry, of Milton, Pa., asking that certain
changes be made in the Federal oleomargarine law as set forth

in said petition; to the Committee on Agriculture.

Also, petitions of Messrs. Lark & Lark and J. Wes. Henrie, of Shamokin, Pa., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of Local Union No. 49, Metal Polishers, etc., Union, of Rock Island, Ill., in favor of the passage of a parcel-post law; to the Committee on the Post

Office and Post Roads.

By Mr. McMORRAN: Petitions of the merchants of New Baltimore, Port Huron, Lapeer, Deckerville, North Branch, and Sandusky, Mich., protesting against the passage of any parcelpost legislation; to the Committee on the Post Office and Post Roads

By Mr. MAHER: Memorial of Federated Trades of Vallejo, Cal., for securing to Mare Island Navy Yard the construction of a battleship; to the Committee on Naval Affairs.

Also, petition of Central Labor Union of Brooklyn, N. Y., for securing to the Brooklyn Navy Yard the construction of authorized battleships; to the Committee on Naval Affairs.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

By Mr. MOTT: Memorial of American Forestry Association for certain legislation favorable to the forestry industry of the

United States; to the Committee on Agriculture.

By Mr. NEEDHAM: Memorial of the Federated Trades of Vallejo, Cal., for securing to Mare Island Navy Yard the construction of a battleship; to the Committee on Naval Affairs.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, for control of flow of navigable rivers; to the Committee

on Interstate and Foreign Commerce.

By Mr. PADGETT: Petitions of members of the Methodist Sunday school, D. A. Patterson, and 38 other citizens of Henry-ville, Tenn., and W. L. Powell and 35 other citizens, of Leoma, Tenn., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. REYBURN: Memorial of American Forestry Association, for certain legislation favorable to the forestry industry of

the United States; to the Committee on Agriculture.

Also, petition of Joseph H. Hause and 6 other citizens, of Philadelphia, Pa., in favor of House bill 14, for extension of the and refined sugars; to the Committee on Ways and Means.

parcel-post system; to the Committee on the Post Office and Post

By Mr. RUCKER of Colorado: Resolutions of members of First Presbyterian Church of Fort Collins, Colo., indorsing prohibition legislation and international arbitration; to the Committee on the Judiciary

Also, resolutions of the Woman's Christian Temperance Union of Colorado City, Colo., indorsing the Kenyon-Sheppard bill; to

the Committee on the Judiciary.

By Mr. SHACKLEFORD: Papers to accompany bill for the relief of the heirs of Henry Tumy (H. R. 18214); to the Committee on War Claims,

By Mr. SIMS: Petition of citizens of Parsons, Tenn., against parcel-post legislation; to the Committee on the Post Office and

Post Roads.

By Mr. SLAYDEN: Petition of citizens of Mills County, Tex., praying for the enactment of an old-age pension measure; to

the Committee on Pensions.

Mr. SMITH of New York: Resolution of the Buffalo Children's Aid Society, favoring Senate bill 252, for the establishment of a national children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of St. Louis Paint, Oil; and Drug Club, of St. Louis, Mo., for 1-cent letter postage; to the Com-

mittee on the Post Office and Post Roads.

Also, memorial of a German society of Forest Park, Ill., approving House resolution 166; to the Committee on Immigration and Naturalization.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

By Mr. TILSON: Memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

By Mr. TUTTLE: Petitions of the Woman's Christian Temperance Unions of Washington, Ledgewood, and Succasunna, N. J., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquor imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Mr. UTTER: Resolution of Local Union No. 1695, United Brotherhood of Carpenters and Joiners of America, of Providence, R. I., protesting against the passage of the Smoot print-

ing bill; to the Committee on Printing.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, favoring the bill to prohibit the interstate transportation of intoxicating liquors; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the city council of Portsmouth, N. H., against the abolishment or curtailment of the Portsmouth Navy

Yard: to the Committee on Naval Affairs.

Also, petition of O. W. Kenyon and 4 other citizens of Wakefield, R. I., against the extension of the parcel post beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petitions of Samuel T. Essex and Robert C. Carr, of Providence, R. I., for a reduction of the duty on raw and refined

sugars; to the Committee on Ways and Means.

Also, resolution of the Central Trades and Labor Unions of Pawtucket, R. I., and vicinity, favoring the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of the Rhode Island Chapter, American Institute of Architects, favoring the site and form of the Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

By Mr. WILLIS: Papers to accompany bills for the relief of Richard M. Johnson and John P. Lonzmay; to the Committee

on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Bellefontaine, Ohio, asking for the enactment of a law to prohibit the manufacture and sale of intoxicants as a beverage;

to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of the St. Joseph's
K. U. Catholic Society, of Brooklyn, N. Y., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of the American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

Also, memorial of the Central Labor Union of Brooklyn, N. Y.

favoring construction of ships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. YOUNG of Michigan: Petitions of citizens of twelfth district of Michigan, asking for a reduction in the duty on raw

HOUSE OF REPRESENTATIVES.

FRIDAY, January 19, 1912.

The House met at 12 o'clock noon. The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Take us, O God, our heavenly Father, into Thy care and keeping this day, and guide these Thy servants, the representatives of a great people, by Thy spirit through all the intricate problems which may arise for solution, to the highest and best results, that the genius of our Republic may more and more obtain; and thus may we hallow Thy name in the spirit of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and

approved.

OFFICE OF THE CLERK OF THE HOUSE.

The SPEAKER laid before the House the following communication:

House of Representatives, Clerk's Office, Washington, D. C., January 19, 1912.

To the SPEAKER OF THE HOUSE:

Desiring to be absent from my office for a short period of time, I hereby designate the Chief Clerk of the House, I. C. South, Esq., to sign all papers that may require my official signature and to do all other acts under the rules and practice of the House to be done by the Clerk of the House.

Respectfully submitted.

South Trimble, Clerk of the House.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was

To Mr. Ellerbe, for 8 days, on account of important business. To Mr. Stephens of California, for 8 days, on account of important business.

To Mr. Borland, for 10 days, on account of important business. To Mr. Bathrick, for 8 days, on account of important business. To Mr. Kopp, for 8 days, on account of important business.

THE LATE GEORGE WASHINGTON KIPP.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The Clerk read as follows:

Ordered, That Sunday, the 25th day of February, 1912, at 12 o'clock, be set apart for addresses on the life, character, and public services of Hon. George Washington Kipp, late a Representative from the State of Pennsylvania

The SPEAKER. Is there objection to its present considera-

There was no objection.

The order was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 68. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. José Pasos Diaz, of Nicaragua.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Garrett in

The CHAIRMAN. At the time the committee rose yesterday

a point of order was pending to the paragraph last read.

Mr. BURLESON. Mr. Chairman, the gentleman from Kentucky reserved that point of order.

Mr. JOHNSON of Kentucky. I will reserve the point of

Mr. BURLESON. I desire, Mr. Chairman, to make a short statement with reference to this matter. The item against which the point of order is directed was embodied in the bill for the purpose of bringing the water mains used for supplying water to the people of the District of Columbia and the public offices within this city under the control of the commissioners. It was earnestly recommended by the engineer officer in charge of the aqueduct and under whose control these particular mains are at this time. This recommendation was acquiesced in by

the mains would be brought if this item is carried in the bill. The sole purpose of the item was to bring about the unit of control of the water main supplying water to the city. Your committee believed it would result in better administration; they believed it would result in more economical handling of the situation if these mains were all under the control of one authority.

The gentleman objects to the transfer of a section of the Conduit Road from Eliot Place to Foxhall Road. That is now a public street, and whereas it is under the control of the engineer officer, it is still just as much a public street at this time as it will be if the item is continued in the bill, and it will be no more of a street and no more of a public thoroughfare than it is at this time. I hope the gentleman, in view of this statement, will not insist on the point of order, because I concede that it is subject to such.

Mr. FITZGERALD. Mr. Chairman, there were two propositions submitted to the committee relative to the control of the water supply of the District of Columbia. One was the transfer to the District Commissioners of the control of the entire aqueduct system, and this proposition, which provides for the transfer merely of the distributing mains which are now under the control of the Federal Government. My recollection is that the proportion of the mains now under the control of the Federal Government is very insignificant. Originally, when the water supply was provided for the District, the entire matter of the acquisition and distribution of water was under the Federal Government, but since 1878, and even much earlier, all the distributive mains which have been laid have been paid for, not exclusively by the Federal Government, but either under the half-and-half plan or out of the water revenues of the District of Columbia.

The engineer officer in charge of the aqueduct made a statement that the portion of the distribution system under his control was so small that it would be very easy to transfer it to the District Commissioners, and that we would then have a system by which the work of collecting and bringing the water to a point where distribution would commence would be under the War Department and the distribution itself under the District engineer. Personally I have always been opposed to taking from the War Department the control over that portion of the system which it has at present, but that is not involved in this proposition.

Mr. MANN. Will not the gentleman make clear the differentiation between this item and the proposed transfer of all of

the system from the War Department?

Mr. FITZGERALD. Mr. Chairman, in the District distributing mains were originally laid by the Federal Government, and under the law the engineer officer in charge determines the conditions under which mains might be tapped for the purpose of supplying water to the inhabitants of the District of Columbia. These mains were laid originally chiefly for the purpose of supplying the needs of the Federal Government. Since 1878, if I recall the exact date, the mains that have been laid have not been laid entirely at the expense of the Federal Government, but were laid at the expense of the Federal Government and the District government jointly, or out of the water revenues of the District, and at present the extensions of the water mains are made out of the revenues of the water department. The engineer in charge of the original mains, which were laid by the Federal Government, states that with the development of the city the increased demands for the supply of water, these mains are not used exclusively for one purpose or the other, but are drawn upon jointly for the use of the Federal Government and for the residents of the city, and that in his opinion it would be desirable that the entire distribution system should be under the one control. There is no conflict of opinion whatever about this proposed transfer. Everybody is agreed as to its desirability, and it is entirely different from the proposition to transfer from the War Department to the District Commissioners the control of the aqueduct system and the filtration plant.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.
Mr. MANN. Mr. Chairman, does the War Department now exercise active control over these water mains, and who attends

to the maintenance and repair of them?

Mr. FITZGERALD. The War Department has control of them and maintains them; but my recollection is that the supply of water from these mains now is an insignificant feature of the distribution system of the District. For instance, since these mains were laid originally it has been necessary to lay down additional distributing mains throughout the same territory. In many places they run parallel. There is at times a question the Engineer Commissioner of the District, under whose control as to the advisability of which main should be tapped, and my

own opinion is that by far the greatest number of additional taps are made on the later mains.

Mr. MANN. How are these mains originally laid by the General Government-at the expense of the General Governmentmaintained?

Mr. BURLESON. Mr. Chairman, I will state to the gentleman that these mains affected by this item are under the control of the engineer officer in charge of the aqueduct. If any injury results to them or any breaks occur, the repairs are made out of the funds furnished that officer in this bill.

Mr. MANN.

Mr. MANN. A separate appropriation?
Mr. BURLESON. A separate appropriation. If they are transferred to the Engineer Commissioner or to the District Commissioners, then any injury to the mains or the repairs will be made out of the current revenues of the water department, and no specific appropriation is carried in the bill for that purpose.

Mr. MANN. The appropriation that is now carried in the bill and in this bill for the maintenance and repair of these water mains is money paid out of the revenues of the water department, or half and half by the General Government and

the District revenue?

Mr. BURLESON. Half and half by the General Government and the District government and not out of the current revenues of the water department.

Mr. MANN. If these mains are transferred to the District Commissioners from the War Department, how will they then be maintained and repaired?

Mr. BURLESON. Out of the revenues of the water department, and that will to that extent relieve the General Government of the burden of maintaining and repairing them.

Mr. MANN. Is the gentleman able to inform the committee what the present or past expense has been to the Government in the maintenance and repair of these mains?

Mr. BURLESON. I am unable to give that information, be-

cause it is carried in a general item.

Mr. JOHNSON of Kentucky. Mr. Chairman, in looking back over the appropriation bills for a great number of years I find that each and every one of them always makes a present by the United States of several valuable pieces of property to the District of Columbia before the appropriation bill is finally We all know that there is now a very earnest and extensive movement in the District of Columbia to have the water system owned by the United States Government given over to the District of Columbia. That has been asked, and seriously asked. It was in the estimates made by the Commissioners of the District. The opinion of the War Department was asked, believing that that department would assent to it; but The opinion of the War Department the correspondence discloses that the War Department insists that before that be done the United States Government be reimbursed to some extent for the money which the United States Government has put into this water plant. In the correspondence it is said that the District of Columbia has paid one-third of that amount and that the United States Government has paid two-thirds. Now, if that were true, then I say it would still be a very large gift to the District of Columbia upon the part of the United States; but that is not true. The District of Columbia has not paid anything like one-third of this amount. To-day and for a number of years the Government has been giving to the District of Columbia a certain portion of the receipts from the water system to be used in extending the water mains throughout the city of Washington. The receipts from that source now amount to three-quarters of a million dollars a Now, in addition to that, the assertion is made that the District of Columbia has paid one-third of this amount. When you begin to look into it you will find this: That the District of Columbia has paid very little except from the receipts derived from the water system owned by the United States Government; and, further, that the sinking fund created for the purpose of retiring the 3.65 bonds, the water bonds which the District of Columbia gave and executed to purchase her interest in the water plant, to the extent of millions of dollars, have been retired and paid for and destroyed out of a fund created for the purpose of retiring the 3.65 bonds. Therefore, I say that when you take this matter and analyze it from that standpoint the United States Government has far more than paid two-thirds of the value of the cost of this plant. But, aside from that, everything that is done or looking toward a gift upon the part of the United States to the District of Columbia is done upon the installment plan. Over here on the Eastern Branch of the river there is a public property consisting of 140 acres of ground, upon which is located a million-dollar jail and other valuable improvements. The plan was conceived of removing these penal institutions from the District of Columbia; and then, as the gentleman from Virginia [Mr. Carlin]

said on yesterday, another step is taken toward putting another plant down there with a view of finally doing away not only with this million-dollar jail that is out there upon this 140-acre tract of ground, but doing away with everything else that is there; and, in that way, giving something additional from year to year to the District of Columbia.

Now, as I said a while ago, we know there has been already inaugurated a move to give over the water plant to the District of Columbia, and in this section of the bill lies the first step in carrying the proposition to give over this entire plant of the District of Columbia. Now, they take the initial step in this section of this bill to turn over to the District of Columbia a part of that system, and then next year we will find another part of that system, and then next year we will find another step to turn over another part of it probably; and I propose, in so far as I can, to stop the gift of this great and valuable plece of property to the District of Columbia right here, if I can, and stop it in its first step; and then, also, to stop, if I can, the further donation of public property as provided for in this other section as a gift to the District of Columbia.

Will the gentleman yield for a question? Mr. MANN.

Mr. JOHNSON of Kentucky. Yes. Mr. MANN. And I ask the gentleman for information. These mains having been laid by the General Government, if we turn them over to the District government do we still get the benefit of the use of the water free?

Mr. JOHNSON of Kentucky. I can not answer the gentle-man's question. This thing has been sprung so hurriedly and is attempted to be passed with such haste that I believe nobody, except the members of the subcommittee on the District appropriation bill, has any information.

Mr. MANN. Well, I take it-I had the same objection to this item that the gentleman has expressed in mind at least before

the item was reached-

Mr. JOHNSON of Kentucky. I will say to the gentleman I have not yet had an opportunity to read the hearings, I have been so busy, and they have been accessible for such a short

Mr. MANN. I would like to ask the gentleman his opinion on this supposed state of facts. If we have water mains belonging to the General Government which we use for the purpose of supplying water to the Federal buildings, and we should turn those mains over to the District of Columbia and we will still obtain all the water we want free, of course—I do not know whether that is practicable—from the mains, would not it probably be a desirable thing to do?

Well, I say to the gentleman I

Mr. JOHNSON of Kentucky. Well, I say to the g can not express an opinion and answer the question. Mr. TAYLOR of Ohio. I can answer the question is no doubt in the world that if this transfer is made the water will be furnished free to the Government buildings.

Mr. FITZGERALD. Mr. Chairman, I want to state that the engineer officer of the War Department, in charge of this portion of the distribution system, makes the statement that the mains laid exclusively by the Federal Government are insufficient to supply the needs of the Federal buildings

At present these buildings are being supplied partly from the mains laid by the Federal Government, partly from mains laid at the expense of the Federal Government and the District of Columbia-half and half-and partly from the mains laid and paid for out of the revenues of the water department. I have the same objection as has the gentleman from Illinois and the gentleman from Kentucky to the transfer of the aqueduct system.

Mr. JOHNSON of Kentucky. One of the several objections which I have to this is that this is the first step looking toward that.

Mr. FITZGERALD. I am so fixed in my opposition to the other transfer that if I believed this was the first step I would be opposed to it, but I believe this is a desirable thing to do.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order.

of order

The CHAIRMAN. The gentleman from Kentucky makes a point of order that the paragraph is new legislation. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The Chief of Engineers, United States Army, is authorized and directed to transfer to the jurisdiction of the Commissioners of the District of Columbia as a public highway the strip of land 50 feet in width, designated as lots 15 and 18, square 2527, and extending from Wyoming Avenue to Kalorama Road, said lots having been purchased in connection with the construction of the Washington Aqueduct tunnel: Provided, That when said highway is improved the air shaft now located thereon shall be turned at a sufficient depth below the street level and brought up into a vault, to be constructed under the sidewalk.

Mr. JOHNSON of Kentucky. I reserve a point of order on that section for the purpose of securing some information.

Mr. BURLESON. I will say to the gentleman that there are the same general reasons obtaining for carrying this item in the bill as for carrying the last item.

Mr. JOHNSON of Kentucky. I was simply asking for infor-

mation, Mr. Chairman, about it.

Mr. BURLESON. I will repeat to the gentleman that the same general reasons obtain for carrying this item in the bill that existed for carrying the preceding item in the bill, and I admit it is subject to a point of order. The purpose was to place it under the control of the officer in charge of the distributing mains.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to ask the gentleman a question. This section recites the fact that the United States bought this piece of land which it is herein proposed to give to the District of Columbia, and I would like to know why it is that it is now asked that the District of Columbia pay no part of the purchase price of that piece of land that is now proposed to be given to the District?

Mr. BURLESON. I will say that I am not in accord with the views expressed by the gentleman from New York [Mr. FITZGERALD] and the views expressed by the gentleman from Illinois [Mr. Mann]. I believe that the aqueduct and Conduit Road should be turned over to the District Commissioners. we could do this, it would relieve the General Government, in round numbers, of the burden of \$100,000 annually, which is carried in this bill and imposed upon the General Government, and impose that burden upon the revenues of the water system, where it properly belongs. These two were items which the Chief of Engineers and the chief officer in charge of the aqueduct recommended and insisted should be carried in the bill for the purpose of effecting the transfer to the control of the Commissioners of the District of Columbia. The Commissioners of the District of Columbia were in accord with that recommendation and assented to it, and asked that the transfer be made. The general purpose, as I say to the gentleman, was the bringing about unity of control or one authority to manage the distributing mains of the water system of the District of Columbia.

Mr. SAUNDERS. Mr. Chairman, I would like to say this situation is somewhat different from the other situation referred to by the chairman of the subcommittee, and stands upon somewhat stronger grounds. This strip is intended to be a part of a continuous highway, to be paved, and maintained. There is no reason why the Government should continue to own a little piece of land under a highway to be operated by the District of Columbia, to be paved by the District of Columbia, and to be maintained hereafter by the District of Columbia. As I have said this particular piece of property will be a part of a street. It is contemplated to be improved as a street, it is contemplated to be paved as a street, and, therefore, as a matter of symmetry it ought to be turned over to the authority that is now maintaining, improving, and operating the streets of the District of Columbia.

With respect to its value, I may say that it has some value, but the strip has no salable value. It can not be sold to a private owner, for a private owner can not put it to any use.

If the Government continues to hold it, it will receive no revenue from it, and it can not put it on the market for sale to private persons, for the reason that its location is such that it can not be utilized by a private person. As I have said I do not understand that this land is of any value to the Government and see no reason why it should not be transferred, for the

reasons given, to the District of Columbia.

Mr. MANN. Does the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SAUNDERS. Yes.

Mr. MANN. Out of what fund was this property purchased?

Mr. SAUNDERS. Originally, does the gentleman mean? Mr. MANN. I say, out of what fund was this property purchased? In other words, was this property purchased at the expense of the General Government, or partly at the expense of the General Government and partly at the expense of the District, or out of the water fund?

Mr. SAUNDERS. As I understand, without undertaking to speak by authority on the subject, it was purchased altogether

by the General Government.
Mr. BURLESON. Originally it was purchased by the General Government.

Mr. SAUNDERS. That is as I understand it. Mr. MANN. If it was purchased by the General Government and is of any value and is now to be turned over as a street, why should not the District government contribute half the expense?

Mr. SAUNDERS. Oh, it is a small matter. The General Government owns a strip of land at this point which has value,

you may say, with reference to its use as a street, but no value outside of that. You can not sell it. It has no market value. If offered for sale, it will not be taken by private bidders

Mr. MANN. That may be true, but suppose this was private property and was taken by the Government as a street. In that case, on the half-and-half principle, one-half of the expense would be paid by the District.

Mr. SAUNDERS. I concede that that would be so, and we do not make any claim to the contrary.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Tennessee?

Mr. SAUNDERS. Yes.

Mr. SIMS. This lot, as I understand, lies between Wyoming Avenue and Columbia Road?

Mr. SAUNDERS. Yes.

Mr. SIMS. Does that lie near that apartment house known as Windsor Lodge and other neighboring places?

Mr. SAUNDERS. I can not say as to that

Mr. SIMS. Have not the District authorities been trying to open an alley back of those apartments? And is it not a fact that because this property is owned by the Government that alley can not be opened?

Mr. SAUNDERS. I can not say about that.

Mr. SIMS. There is great opposition to that alley being opened up, if I am not mistaken as to this 50 feet of land.

Mr. SAUNDERS. So far as the committee is concerned, we have no objection whatever to the District paying one-half of the price of this property.

Mr. SIMS. Those people do not want the alley opened up, if it is where I think it is, no matter who pays for it. That alley will permit the running of market wagons back of this apartment house, making a great deal of noise. But I admit that I do not know where Kalorama Road comes in.

Mr. BURLESON. I would say, Mr. Chairman, that this proposition did not come from the District Commissioners, but from the other end of the line. It came from the engineer

officers in charge.

Mr. SIMS. Yes; and I understand that a gentleman connected with the Government service has a house there, and wants this alley opened up for his benefit, and that on that account he is anxious to accomplish this. I live there, and I know that there is a great deal of complaint against that alley being opened, if it is where I understand it to be.

Mr. SAUNDERS. Permit me to read an extract from the

Maj. Judson. There is an item that we would like to have inserted on page 107.

(The item referred to by Maj. Judson follows:)

The Chief of Engineers, United States Army, is hereby authorized and directed to transfer to the jurisdiction of the Commissioners of the District of Columbia as a public highway the strip of land 50 feet in width, designated as lots 15 and 18, square 2527, and extending from Wyoming Avenue to Kalorama Road, said lots having been purchased in connection with the construction of the Washington Aqueduct Tunnel: Provided, That when said highway is improved the air shaft now located thereon shall be turned at a sufficient depth below the street level and brought up into a vault to be constructed under the sidewalk. The following correspondence regarding the accompanying item has been had between the commissioners and the Secretary of War:

United States Engineer Office, 920 Seventeenth Street NW., Washington, D. C., October 30, 1911.

The CHIEF OF ENGINEERS UNITED STATES ARMY, Washington, D. C.

The CHIEF OF ENGINEERS UNITED STATES ARMY, Washington, D. C.

Sir: 1. I have the honor to invite your attention to the suggestion contained herein regarding the disposition of a certain piece of ground belonging to the Washington Aqueduct, being a strip of land 50 feet wide situated between Connecticut Avenue and Twenty-third Street NW., and extending from Wyoming Avenue to Kalorama Road.

2. This piece of land was purchased at the same time as other parcels of land in connection with the construction of the Washington Aqueduct. Tunnel of the Washington Aqueduct. At the present time in the section of the parcel of land facing Kalorama Road is contained a concrete shaft with an opening 6 inches in diameter, serving as an air shaft to the tunnel beneath.

3. The general elevation of the surface of the ground of this piece of land is higher than the improved property adjacent to it on both sides, and to make it presentable and to keep it in such condition would require a considerable expenditure of funds from the regular appropriation for the maintenance of the aqueduct, which it is desired to avoid if practicable. The land in the vicinity is being occupied by residences of the first class, and the ground itself would probably bring, if sold, more than \$1 per square foot. It would not, however, be possible to sell to private parties the section of land facing Kalorama Road containing the air shaft.

4. It is recommended that this property be improved by opening a street over it by the engineer department of the District of Columbia, provision to be made for the air shaft by turning it at a sufficient depth below the street level and bringing it up into a vault to be constructed under the sidewalk, as has been done in the case of the air shaft to the tunnel at Thirteenth Street.

5. It is believed that in order to accomplish this it will require the action of Congress, and it is therefore suggested that if the recommendation meets with your approval that this paper be referred to the Commissioners of the District o

street in this location be submitted for the action of Congress, as in the case of the opening of any other streets in the District of Columbia. Very respectfully,

Licutenant Colonel, Corps of Engineers. "[First indorsement.]

WAR DEPARTMENT, OFFICE CHIEF OF ENGINEERS, Washington, November 8, 1911.

Respectfully submitted to the Secretary of War, recommending reference to the honorable the Commissioners of the District of Columbia for their consideration.

W. H. BIXBY, Chief of Engineers, United States Army. [Second indorsement.]

WAR DEPARTMENT, November 9, 1911.

Respectfully referred to Hon. Cuno H. Rudolph, president Board of Commissioners of the District of Columbia, for the consideration of the commissioners.

ROBERT SHAW OLIVER, Assistant Secretary of War.

[Third indorsement.]

ENGINEER DEPARTMENT, November 13, 1911.

I move the within paper be returned to the Secretary of War with the following indorsement:

Respectfully returned to the Secretary of War.

The commissioners believe that eventually the land referred to within should be paved as a street. The improvements, it is thought, however, should not be made until some time in the future, when the utility of a street would be greater than now. There are many miles of streets dedicated within the District and now publicly owned which are not yet improved, and the improvements made each year are of those street lands publicly owned which are most necessary in any one year.

W. V. Judson,

Engineer Commissioner.

Mai Judson Col Langfitt wrote a letter to us, asking whether we

Maj. Judson. Col. Langfitt wrote a letter to us, asking whether we did not think there should be transferred to us a piece of land that belongs to the water department. It is a strip of land 50 feet wide, connecting Wyoming Avenue with Kalorama Road, about the middle of a very long block. We think it should be turned over to us, and to do that will require the action of Congress.

Mr. SIMS. If there is no intention of opening it immediately, I see no immediate need of the transfer of this property.

Mr. SAUNDERS. I repeat the committee is perfectly willing for the District to pay one-half of the expense carried in this

Mr. SIMS. I am not talking about who shall pay for this. We do not want it at all. Mr. Chairman, is the point of order

Mr. JOHNSON of Kentucky. Mr. Chairman, I insist upon

my point of order.

The CHAIRMAN. The point of order is insisted upon. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

GREAT FALLS WATER POWER.

The Secretary of War is authorized and directed, through the Corps of Engineers of the United States Army, to investigate and report to Congress at the beginning of its next session on the questions of the present water supply in the District of Columbia and the sufficiency of its source at the Great Falls of the Potomac River to supply the present and future needs of the United States and of the District of Columbia for water; also the availability of the water power at said Great Falls or vicinity on the Potomac River, or between Great Falls and the District of Columbia, for the purpose of supplying light and power for uses of the United States and of the government of the District of Columbia, and to prepare complete plans, maps, specifications, and estimates for the production, distribution, and utilization of the maximum electrical power that can be economically created and employed for such uses, including street lighting in the District of Columbia; said plans, maps, and specifications shall be sufficient in detail to form the basis of a contract or contracts for the execution of the work, and the map, supplemented if necessary by a report, shall indicate all of the lands that are required to be taken or flowed and the water and water rights that are required to be taken or flowed and the water and water rights that are required to be taken for the purpose of the execution of the project. For expenses of this investigation and report, including all necessary expert and other personal services, there is appropriated the sum of \$10,000, or so much thereof as may be necessary. necessary

Mr. JOHNSON of Kentucky. Mr. Chairman, for the purpose of getting some information upon the subject, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a

point of order on the paragraph.

Mr. BURLESON. Mr. Chairman, during the last fiscal year the daily consumption of water in the District of Columbia reached the enormous figure of 60,380,000 gallons, or 178 gallons per day for every man, woman, and child in the District. Unless something can be done to diminish the consumption of water, by the installation of meters not only for private residences, but also in public buildings, the necessity confronts the Congress of the United States of taking some step looking toward an additional source of water supply.

Under present conditions the water system of the District of Columbia is not only one of the most efficient systems in the country, but we are furnishing the people of the District of Columbia with the cheapest water service in the entire United States, if not in the world.

The lighting system of the District is not so advantageous or favorable as the water situation, and we were impressed with the idea that inasmuch as the General Government now owns a considerable amount of the property at Great Falls, an item of this character should be carried in this bill for the purpose of having a thorough investigation to see what can be done toward the utilization of the power up there, for the purpose of furnishing, through municipal control, light as well as water to the people, and to the officials living within the confines of this city. The gentleman from Ohio [Mr. Cox] is thoroughly acquainted with this situation, and I ask that he be permitted to continue without interruption for 10 minutes, for the purpose of further explaining this item.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Ohio [Mr. Cox] be permitted to proceed for 10 minutes. Is there objection?

Mr. FOWLER. Before that is done I want to ask the gen-

tleman from Texas a question.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois [Mr. Fowler]?

Mr. BURLESON. Certainly. Mr. FOWLER. The point I am interested in is this: Has the Geological Survey ever made any investigation of this question?

Mr. BURLESON. The gentleman from Ohio [Mr. Cox] is fully acquainted with the situation, and will explain to the

committee, including that very point.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Texas. The gentleman from Ohio

[Mr. Cox] is recognized for 10 minutes.

Mr. COX of Ohio. Mr. Chairman, your subcommittee, in presenting for the consideration of this House the bill now before the Committee of the Whole, recommended three provisions that were incorporated into the bill, which provisions, in my judgment, marked great progress in the municipal operations of the District of Columbia, namely the garbage-disposal plant, the municipal asphalt plant, and now the Great Falls water-power project.

It should be stated at this juncture that the only objection raised now to this provision of the bill is the same and the exclusive objection which was raised to the other projects I have named-merely a parliamentary objection, the question of jurisdiction as between two committees. Your subcommittee, in pre-paring this bill, exercised the greatest possible care in the securing of information. Not only were the principal officials of the District brought before the subcommittee, but we called before us the subordinate officials in the various departments for the purpose of ascertaining whether there were cumbersome business methods in the municipal operations of this city and District. This was not intended as a reflection upon the present administration in the District of Columbia, but it was our aim to gain the fullest possible benefit of the provision known as the Holman amendment to the rules.

After extensive and exhaustive hearings a subcommittee is very often enabled to discover, without a large amount of difficulty, the presence of obsolete methods of administering government, and by a slight change in legislation accomplish tremendous economies. That is what prompted your subcommittee to report these three projects. No one has doubted their wisdom. No one has disputed the statement that great economies can be effected through their adoption.

The only objection raised is a parliamentary one, the belief that these projects should go to the District of Columbia Committee. And now we are faced with this situation: The chairman of that committee admits that the only committee from which this legislation can come has been unable to procure a quorum for the consideration of this or any other legislation. So that the Holman amendment will not accomplish the great things in this House which we thought it might.

With respect to the Great Falls project, I intend to make this as comprehensive as I can, to present it in such a way as to leave upon the minds of the Members of this House the same impressions which were made upon my mind, the mind of a layman.

Great Falls is located about 12 or 13 miles above the city of Washington. Its elevation is 150 feet. The next important point in connection with that great project is the Dalecarlia Reservoir, now maintained for water purposes, just a mile or two out of the city. The distance intervening between Great Falls and this reservoir is about 10 or 11 miles. The elevation of Great Falls is, as I say, over 150 feet. The elevation of this

reservoir is only 131 feet.

It is planned to divert a volume of water equal to 800 cubic feet per second from the dam already owned and operated by the Government for water purposes at Great Falls. This water,

in volume 800 cubic feet per second, will be conveyed through a canal from Great Falls to Dalecarlia Reservoir, the difference in grade being sufficient to induce the flow by gravity. When the water once reaches the reservoir, which is a simple engineering proposition, we find this situation: Dalecarlia Reservoir rises above the Potomac River in a great bluff at that point. These waters are now ready to be delivered into power wheels of the great power plant, and the drop for power production is 135 feet.

Now, gentlemen, we have heard much stated in this House and in past Congresses with respect to the expediency of developing greater water-power plants in Alaska and throughout Western States. Here we have within 15 miles of the Capital the most natural facilities that are afforded anywhere for a great water plant. The gentleman from Illinois [Mr. Fowler] inquired whether a survey had been made by the Geological Survey. Two preliminary and incomplete surveys have been made under governmental auspices, one by Army engineers about 20 years ago. It was not completed because of insufficient available funds. Within the last year the Secretary of the Interior, pursuant to a request from the District Commissioners, called upon the Geological Survey for a report on the availability of Great Falls for power production, and it has

As I have said before, it is not exhaustive, it is not complete, because they did not have the necessary funds available to carry out the great work. But they report it as their positive conclusion that by diverting the waters-and there is abundant volume there the year around to make a perennial flow of 800 cubic feet per second-into the canal, carrying it to Dalecarlia Reservoir, and emptying it into the power plant there will be developed 12,000 horsepower. That would be sufficient to meet the lighting necessities-and when I say the lighting necessities of the city of Washington I mean that it will take care of the street lights and the lighting of all public buildings and have an abundant surplus. This surplusage can be easily sold, but it will in time be taken up by increased public necessities. ever, the capacity of 12,000 horsepower will be sufficient to meet the lighting necessities until 1935.

The CHAIRMAN. The time of the gentleman from Ohio has

Mr. BURLESON. I ask unanimous consent that the gentle-

man may be permitted to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Texas asks that the gentleman from Ohio be allowed to proceed for 15 minutes. Is there objection?

There was no objection.

Will the gentleman yield? Mr. FOWLER.

Mr. COX of Ohio. Certainly.

Mr. FOWLER. The matter I was interested in was the extent to which the Geological Survey has investigated this proposition. I understand the gentleman to say that there has been an incomplete survey made and that it was not complete because of want of funds. I desire to inquire if the Geological Survey has not men already on a salary who could make the investigation without this additional appropriation?

Mr. COX of Ohio. Mr. Chairman, I will say for the information of the gentleman that we went into this very subject, except in a different way. The original provision made the available for the purpose of employing experts, and in the interest of economy and, as we believed, in the interest of improved efficiency, we provided that the work should be done under the control and authority of the Army engineers. With respect to the report which has been made by the United States Geological Survey, I would say this: The engineers made a topographic map; they made charts and profiles, show-ing the amount of land which is owned by the Government at Great Falls and by private and corporate parties, and the report showed the elevation of the Potomac River at certain points and the drainage area of the Potomac. There were pointed out also the opportunities for the construction of reservoirs along the Potomac River, both north and south of the Great Falls, and then the Gelogical Survey report elaborated on the natural facilities which make the project practicable. The opinion was expressed without reserve that there was no possible question, from an engineering standpoint, about the feasibility of the plan. Then there was submitted a statement with respect to the cost of installing a plant. It carried also the details of maintenance and depreciation, overhead cost, and

Mr. FOWLER. What is it that the War Department can do that the Geological Survey has not already done or could not do in the future, if this question were submitted to it?

Mr. COX of Ohio, I would state for the information of the gentleman that in discussing this project we were in conference many times with the engineer commissioner-and, by the way,

he is one of the most competent Army engineers in the country. He was called in to the advisory board in the construction of great works at Keokuk, Iowa. We were constrained in large degree to take his advice. It is his opinion that an appropriation even of \$10,000 is insufficient, because plans and specifications are to be made; but, following the general plan of economy of this House, we cut the estimate to \$10,000 and threw it into the hands of the Army engineers, because they are having more to do with these operations than is the Geological Survey.

Mr. FOWLER. That does not answer my question. not desire to take the gentleman's time, but I want to know what the Army department or the Engineer Corps could do that could not be done by the Geological Survey?

Mr. COX of Ohio. In the Geological Survey they have geologists. Naturally they are competent to submit contours and topographic maps. Quite naturally that must be the operation precedent to the work of engineers. It was desirable to see what the natural facilities were. When the Geological Survey reports the lay of the land, then the engineers come in and play their part and prepare plans. It is not a thing to be carried out finally by the Geological Survey. They can be very useful, however, in the initial operations.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentle-

man yield?

Mr. COX of Ohio. Certainly, Mr. TAYLOR of Colorado. I would like to ask what the attitude of the Geological Survey toward this project is. Do they favor it or not?

Mr. COX of Ohio. The Geological Survey reports that it is a practicable project, that ample water power can be developed, and that the cost of construction will be of such an amount as to make it a matter of economy for the Government.

Mr. TAYLOR of Colorado. Do they report any reason why they did not do this a great many years ago?

Mr. COX of Ohio. There has been no authority of Congress given for anyone to prepare a great water plant at Great Falis. Mr. TAYLOR of Colorado. I do not mean a great water plant, but I mean a recommendation in relation to it.

Mr. COX of Ohio. They have never been called upon to make a recommendation until this last year. The Geological Survey has never been called into this operation or into the subject at

all until some time within the past year.

Mr. TAYLOR of Colorado. The reason that I ask is that the Geological Survey calls itself into operation in relation to all of the streams in the West, and recommends the withdrawal from public entry of every little stream that has a foot fall in our country.

Mr. COX of Ohio. That is the public domain. There is the most logical distinction as between the two situations.

Mr. TAYLOR of Colorado. The streams and waters in them are not public domain. The land itself may be, but I was wondering whether or not the power is as important in the East as in the West, in the estimation of the Geological Survey.

Mr. COX of Ohio. There is no department of the Govern-

ment that could go into this project without the authorization of Congress. The situation stated by the gentleman from Colorado [Mr. TAYLOR] and this situation are entirely different. I am sure they are not on all fours at all.

The cost of installing the plant-and there is no variance in views with respect to this—would be \$2,700,000. The cost of installing the lighting facilities, stations, and so forth, would be \$1,900,000. The total cost of the plant, then, putting in the facilities for delivery of light to the streets, would be \$4,600,000. Figuring the interest charge at 3 per cent, the interest upon bonds in this amount would be \$138,000. Operation, maintenance, and depreciation of the power plant would be \$178,000; the depreciation of the lighting plant, \$190,000.

The interest as stated is \$138,000, making a total of fixed

charges, \$506,000. Now, let us see what we have on the credit The street lighting now costs \$386,000 per year: would be, with a horsepower capacity of 12,000, a night excess of 10,120,500 kilowatts. Selling this at 1 cent per kilowattand the Government is now paying 3 cents-the income would be \$101,250. Then there would be a day excess which would take in substantially the entire capacity of the plant, or 15,678,000 kilowatts. Figuring this at 1 cent, you have another item of income of \$156,780, or a total income of \$644,000, more than \$100,000 above all fixed charges, overhead expenses, and so forth. Now, there is a further thing which enters into this. This present plan also provides that there shall be diverted into the aqueduct an additional quantity of water to be consumed through the waterworks department of the city of Washington. The added flow of water for the purpose will be about 100 cubic feet per second, so that this plant will obviate the necessity of extending the waterworks department within the next few years, and that alone will cost, it is estimated, \$1,500,000

Mr. SIMS. Will the gentleman yield for a question in that

connection?

Mr. COX of Ohio. Yes; with pleasure.

Mr. SIMS. If this is done and the water supply is increased, then it will not be necessary to put meters in private houses, will it?

Mr. COX of Ohio. Well, that would be purely a matter of

There would not be any necessity for it. policy.

Mr. SIMS. It is now contended that it is necessary, so as to economize on the water supply to the end that the present facilities may furnish a sufficient amount. With these large facilities, I take it, there will be no need to put meters in private houses.

Mr. COX of Ohio. That is purely a matter of policy and administration. What the gentleman seeks to find out, I think, is this: This would give an almost unlimited water supply to the city of Washington. Mr. SIMS. Well, I hope it will.

Mr. COX of Ohio. Now, some one has said that lands down about the Great Falls are owned by private and corporate interests and that this might be construed as a plan to enable those people to unload their possessions on the Government. my deliberate judgment that the Government will not find it necessary to buy a single acre of ground. I have here a plan and profile, which shows that on the Virginia side of the river, at the end of the dam, the Government owns 6.2 acres. It, of course, owns the dam. On the other side of the river, immediately where the dam itself ends on the Maryland side, the Government owns 19.5 acres. It owns 5.5 acres at what is called the Gate House. There is then a large tract of ground extending from Great Falls down to what is called Cupid's Bower. The extent of this tract of land is 11 miles. The Government has an undivided half interest in this property. In short, the Government owns 84.5 acres of ground immediately adjacent to the Great Falls dam.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman still another question before he closes. Are there any rights granted to private interests or corporations by the Government the value of which this legislation would affect or would lay us liable to any claim for injury under some congressional grant

that has heretofore been made?

Mr. COX of Ohio. The information is that there would not be the slightest conflict in that respect in developing this power, and this one feature only presented itself as a possible complication: Certain interests in Washington-I assume they are in Washington, because there is a great deal of land owned by the Great Falls Power Co. below the Falls—might contend that by the diversion of this water into the canal there will remain an insufficient supply of water south of Great Falls; that they purchased this land for the purpose of power development and the price which they paid was determined by the project they had in anticipation, and that the Government plan now inter-feres with their development to such an extent that they might seek to claim damages.

Mr. SIMS. I want to ask the gentleman further.

The CHAIRMAN. The time of the gentleman from Ohio has

Mr. MANN. How much more time does the gentleman need? Mr. COX of Ohio. I have concluded unless some of the gentlemen want to ask questions.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Now, Mr. Chairman, I want to ask the gentleman this: Has this power company rights there that it obtained by special authority of Congress? Are we estopped, in other words?

Mr. COX of Ohio. My information is that they have simply purchased for the most part the tract of ground that was owned by the late Gen. Ben Butler.

Mr. SIMS. That was acquired from private individuals and

not under special authority of Congress?

Mr. COX of Ohio. They have absolutely no franchise rights from Congress.

Mr. SIMS. I am in sympathy with the object and purpose of the legislation and hope there is nothing which will block it.

Mr. COX of Ohio. I want to say for the information of the gentleman, and likewise for my other colleagues here, that the report shows that, by raising the dam, water power to the extent of 80,000 horsepower can be developed, and in the elaboration of that idea this statement is made:

The contemplated use of the power to be created is: First, all public service in Washington; second, electrification of transportation lines

between Alexandria and Baltimore; third, service of manufacturing enterprises in this vicinity; fourth, the possible electrification of the Baltimore & Ohio Railroad east of Cumberland and of the railroad from Alexandria to Richmond.

So the possibilities apparently are boundless.

Mr. SIMS. The gentleman does not want to do anything to encourage manufacturing in the District of Columbia?

Mr. COX of Ohio. No, sir; nothing whatsoever. Mr. SIMS. Unless it is material to be used by the District in some of its municipal functions?

Mr. COX of Ohio. I will say primarily it would be the desire to put this power plant in here for the purpose of lighting the streets, thoroughfares, and public buildings. Such surplusage as there might be could be disposed of to the electric light company, private consumers, or transportation companies.

Mr. SIMS. Electric railways operated in or out of the Dis-

trict?

Mr. COX of Ohio. And there is sufficient here and about Washington to more than take up the capacity of the plant in contemplation. But the plant which is recommended new, in the first instance, only has a capacity of 12,000 horsepower.

Mr. SIMS. But may be increased as the needs arise? Mr. COX of Ohio. Yes, sir; by the construction of reser-

voirs.

Mr. SIMS. The Government owns all the property that will be needed, as I understand, in this construction and operation? Mr. COX of Ohio. Absolutely.

Mr. SIMS. It dother proceedings? It does not have to go through condemnation or

Mr. CARLIN. The Great Falls Power Co. owns all the land at the falls on the Virginia side of the river and the Government does not own an inch of it.

Mr. BURLESON. You are mistaken about that.
Mr. CARLIN. I beg your pardon, I am not mistaken.
Mr. BURLESON. We have sources of information that are quite as reliable as the sources of information of the gentleman from Virginia [Mr. Carlin]. There is a chart here submitted by the colonel of engineers, Mr. Elliot.

Mr. CARLIN. Of what date is that?

Mr. BURLESON. Three days ago.

Mr. CARLIN. I happen to represent the power company on that side of the river, and, although the gentleman may not consider this reliable, I know they contend they own every inch of that land. And I know they had several suits in reference to it, in which I was present as counsel, and nobody has been able to maintain a suit against them up to the present time.

Mr. COX of Ohio. I imagine the Great Falls Co. is enthusi-

astically in favor of this project?

Mr. CARLIN. I should think so.
Mr. COX of Ohio. I will state for the information of the gentleman that the Government owns 6.2 acres on the Virginia side of the river. On the opposite side of the river they have an undivided half interest in a stretch of ground that runs from Great Falls to Cupid's Bower.

Mr. CARLIN. Six and one-half acres is hardly a speck on the map in comparison with that which belongs to the Great Falls

Power Co

Mr. COX of Ohio. The Government owns in all 85 acres at the dam.

Mr. CARLIN. The gentleman is mistaken,

Mr. COX of Ohio. I am not mistaken.

Mr. CARLIN. I think you are. The Great Falls Power Co.

owns the property at Great Falls.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

Mr. COX of Ohio. I will state that I have concluded my remarks, Mr. Chairman.

Mr. CARLIN. Mr. Chairman, I understood a point of order had been made against the paragraph.

Mr. BURLESON. It was reserved.

The CHAIRMAN. A point of order was reserved against the paragraph. Does the gentleman from Kentucky [Mr. Johnson] insist upon his point of order?

Mr. CARLIN. I reserve the point of order, Mr. Chairman.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am not opposed to this investigation. In fact, I think it ought to be made, provided it can be made within the cost that is now set out in the bill; that is, \$10,000. I am apprehensive, however, that when the question comes up again an additional sum of money will be asked for to carry on this investigation, and then the Chair will hold that, this having been done, it authorizes the completion of that investigation once begun. I am desirous of limiting the amount to \$10,000, and I have been conferring with the gentleman from Texas [Mr. Burleson] and with the gentleman from Illinois [Mr. MANN] about an amend-

ment that will reach that. If that can be reached, I will withdraw my point of order.

CHAIRMAN. The gentleman from Kentucky JOHNSON] states that under a certain contingency he will withdraw his point of order.

Mr. CARLIN. Mr. Chairman, reserving the right to object, want to call the attention of the House to this fact-

The CHAIRMAN. One moment. Let the Chair understand the situation.

Mr. CARLIN. I reserved a point of order. There is pending now before the Committee on Rivers and Harbors of this House this identical legislation, and in addition to it information is called for as to whether the Potomac River can be made navigable from Cumberland, Md., to Washington. I am advised that all of that information can be had for about \$10,000.

Now, this matter is plainly a matter for the Committee on Rivers and Harbors to deal with. The Committee on Appropriations and the subcommittee thereof on the District of Columbia has nothing to do with it. But I do not want to interfere with these matters, which seem to have a good public motive behind them, and interpose an objection. But if we are going to have river and harbor legislation engrafted by the Committee on Appropriations upon the District of Columbia appropriation bill, then let us have such legislation as will comprehend the whole subject and which will give the House the information that it desires upon the whole subject, and not have the Engineering Department of the Government making an investigation and spending the Government's money at one time under a bill coming from the Committee on Rivers and Harbors and at another time under a paragraph like this upon the District of Columbia appropriation bill, thus duplicating the expense to the Government. So that, in order to save expense, I want to add this line to the paragraph now under consideration, if the gentlemen will consent to it. I do not know whether they will or not. They seem usually to want to have their own way about things, and if they can not have their own way then they say somebody else must take the responsibility of defeating legislation. But here is a bill which I introduced on January 16, and if Members will take this paragraph now under consideration and compare it with what I shall read they will find that the very same item is included in that paragraph. My bill reads:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the Potomac River from Washington, D. C., to Cumberland, Md., with a view to obtaining slack-water navigation, including a full consideration of water-power development and utilization.

Now, what is the difference between this bill and the paragraph now under consideration, contained in the District of Columbia appropriation bill? You include a consideration of waterpower development and utilization, but in order to get that legislation you have got to go to the headwaters of the Potomac River at Cumberland, Md., and make the very survey and estimate which this bill provides for. Therefore I ask the chairman of the subcommittee if he would be willing to include this line as an amendment to his paragraph, providing that at the same time that they make this report they shall make an examina-tion and survey of the Potomac River from Washington, D. C., to Cumberland, Md., with a view to obtaining slack-water

Mr. BURLESON. I will say to the gentleman that I have no authority from the committee to accept an amendment of that character. The gentleman can offer it as an amendment when it is brought before the committee upon its merits. Surely he does not want to sandbag the Committee on Appropriations into the acceptance of an amendment. I am perfectly willing that after this item of the bill has been passed the gentleman shall offer his amendment. He has a perfect right, if the gentleman from Kentucky [Mr. Johnson] withdraws his point of order, to offer that as an amendment to this item and have it passed

Mr. CARLIN. I thank the gentleman for his information. The gentleman seems to think I do not know what rights I have in the House. The gentleman from Texas has a perfect right, when I offer my amendment, to make the point of order that it is not germane.

Mr. BURLESON. Does the gentleman want to engraft upon this item a provision that is not germane to it but wholly

Mr. CARLIN. Not at all; but I do not want the chairman of this subcommittee to suggest to me that I can offer an amendment without at the same time advising the House what he

proposes to do when I do offer the amendment.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. CARLIN. Yes.

Mr. COX of Ohio. I want to submit an inquiry, in order that the record may be as complete as possible with respect to

important information on this subject. The gentleman made the observation that the Government owns no land on the Virginia side of the river in the vicinity of the Great Falls.

Mr. CARLIN. That is my understanding.

Mr. COX of Ohio. We do not agree as to that; but conceding that the gentleman is right, I would then like to have the gentleman from Virginia tell me the necessity of the Government having any land on the Virginia side, because the water will be diverted into the canal on the Maryland side, and we now own the right of way for the canal down to the reservoir.

Mr. CARLIN. I should dislike very much to tell the gentleman all that I do know on that subject and all that I think with reference to this subject; but I had passed from that to this simple little request, that while expending \$10,000 of the people's money the committee give us the full information on the subject. I do not ask that you include another cent of cost in your bill. I do not want to increase your cost; but when for the same cost, the same \$10,000, you can give Congress the full

the same cost, the same \$10,000, you can give congress the funinformation, why not do it?

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. CARLIN. Yes; I will yield.

Mr. FITZGERALD. The gentleman from Virginia [Mr.
CARLIN] has not indicated that unless this arrangement be
made he will make the point of order against the pending
provision in the bill, but I assume that is what he contemlates. The pending provision in the bill is a matter which was plates. The pending provision in the bill is a matter which was inserted by the committee because it has a distinct, positive association with the administration of the District government. An exhaustive investigation convinced the committee that it might result in great economy in the administration of the District government. From time to time during this session of Congress it is quite likely that the Committee on Appropriations will make such recommendations to this House for its consideration, and it might just as well be distinctly understood now as at any other time that in order to secure legislation of the character contained in the bill in the pending provision I shall not agree to make any bargain by which extraneous matters shall be included. Those who desire to antagonize provisions, whatever their reason be or whatever reason they assign, have a perfect right to do so. I have never complained of anybody exercising his right on these bills under the rules of the House; but I do not propose to have this committee, so far as I can prevent it, placed in a position where it must bargain with Members to obtain legislation that is universally conceded to be desirable.

Mr. GARNER. Will the gentleman from New York yield to

me to allow me to ask a question?

Mr. CARLIN. I yielded to the gentleman from New York.

Mr. GARNER. Will the gentleman from Virginia yield to me?

Mr. CARLIN. Yes. Mr. GARNER. The There was one statement made by the gentleman from Virginia [Mr. Carlin] that attracted my attention, and I think possibly attracted the attention of other members of the committee, and that was that the River and Harbor Committee are preparing to have this work done at a total

expense of not exceeding \$1,000.

Mr. FITZGERALD. Mr. Chairman, the gentleman's bill was introduced on the 16th day of January and this is the 19th day of January. This item has been under consideration not for three days, not for three weeks, but it has been discussed for several years in the Committee on Appropriations. I do not know the source of the information which I believe the gentleman is sincere in giving to the House, but I do know from my experience that it is more satisfactory to rely on recommendations as to cost of various services after investigations such as have been made regarding the pending provision than on voluntary information obtained on the floor of the House. I will say very frankly to the gentleman from Virginia, because I will not take advantage of him or anybody else on matters of this kind, that if the amendment, which he has indicated he will offer, is offered as an amendment to the pending provision of the bill, I shall make the point of order that it is not germane.

Mr. CARLIN. The gentleman does not give me any informa-

tion that I did not possess before.

Mr. FITZGERALD. I wanted to state publicly what I have already stated to the gentleman privately

Mr. CARLIN. I am sure that my friend from Texas [Mr. Burleson] did not know that when he suggested to me to withdraw the point of order and offer it as an amendment, or he

would not have made the suggestion.

Mr. BURLESON. I want to say that as to the jurisdiction of the River and Harbor Committee it has no jurisdiction whatever over the Potomac River above Great Falls, because it is not a navigable river, and the River and Harbor Committee could not deal with the subject matter that we are dealing with The gentleman will admit that the amendment he pro-

poses is not germane to the item that is carried in this bill.

Mr. CARLIN. The position of the Appropriation Committee in notifying Members of this House that they will not consent to have items which they bring in upon their appropriation bill changed at the request of Members of the House is a declara-tion of arbitrary power that they might be able to enforce under some conditions and under some circumstances, but when they stand before this House with a provision put in their bill in violation of its rules, then they have no right to complain if a Member asks as a concession that an amendment be allowed by agreement.

This paragraph is in this bill in violation of the rules of this House. It comes from a committee that has no jurisdiction to consider this subject and is an arbitrary exercise of power. They have no right to complain if a Member asks for the privi-

lege or consent of the committee for an amendment.

Mr. FITZGERALD. The committee has not found any fault

with the gentleman from Virginia.

Mr. CARLIN. The gentleman did not find fault, but he wanted to have it appear that somebody was asking something wrong when they asked that the paragraph in the appropria-

tion bill be amended by agreement on the floor.

Mr. FITZGERALD. I beg the gentleman's pardon; I did nothing of the kind. It is possible that the gentleman might offer some amendment to a paragraph that would be in order and which the committee might think would be an improvement,

but it is very doubtful.

Mr. CARLIN. Yes; I think it is very doubtful! I do not think any suggestion could be offered the committee in its present state of mind that they would accept. The position of the gentleman's committee, it seems to me, is that "You will take what we offer or you will get nothing." We are not in that frame of mind, and we are not to be frightened against making points of order, because the gentleman can not always have his

Mr. FITZGERALD. I have not objected to the gentleman's making a point of order. I have said repeatedly that I never find fault with a Member for exercising his rights under the rules of the House. He takes that responsibility as an individ-ual Member. But I do not propose that gentlemen shall take advantage of a particular rule in order to get certain things of which the committee has no knowledge ingrafted on the bill.

If the gentleman is to be charged with all the good in legislation, I am afraid, with the limitations of his mind, that we will never be able to finish the business of the session, because no man can speak for all the good intentions of 400 Members of this body.

Mr. FITZGERALD. So far as the conduct of this bill has disclosed, the gentleman who assumes to exercise a discriminating veto on all matters relating to the District of Columbia is not the gentleman from New York, but the gentleman from Virginia.

Mr. CARLIN. I have not taken this position since my own Democratic associates have been in control of the Appropriation Committee, but when gentlemen on the other side of the Chamber were in control of this body it was a common complaint that when the appropriation bill for the District of Columbia was presented it always contained as many matters of

legislation as it did of appropriation.

It is a common disease with the Committee on Appropriations to undertake to usurp the functions of other committees of this House and then tell Members that they will not consent to have them violate the rules; that they will invoke the rule against any proposed amendment and make the point of order because it is not germane, when, as a matter of fact, the whole subject matter of the paragraph is not germane. I ask in the name of good conscience to what section of this bill this paragraph is germane?

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield? Mr. CARLIN. Certainly.

Mr. COX of Ohio. If I have understood the gentleman correctly, he is in favor of this legislation. He simply opposes its being made a part of an appropriation bill. The gentleman has heard the statement made by the chairman of the Com-mittee on the District of Columbia that he has been unable to get a quorum of his committee. We are agreed as to the wisdom of this legislation, and we all know the only way it can be procured is in the Committee on the District of Columbia, unless it is procured in this way. The gentleman has information that that committee can not get a quorum, and I ask the gentleman why it is not a part of wisdom to permit it to become a law in this way?

Mr. CARLIN. The gentleman is mistaken. I have just tried

to make it plain that this is a matter that the Committee on

Rivers and Harbors have control of, and I expect they have never been without a quorum in the history of this Congress. But, gentlemen of the Appropriations Committee, I do not want to interfere with your legislation, though you seem to think that anybody who wants to perfect and improve it is hostile to what you desire to do. I have no such purpose as that.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. CARLIN. Yes.
Mr. SAUNDERS. If this amendment in which the gentleman is interested and has offered is objected to, is the gentleman

going to make a point of order to the section?

Mr. CARLIN. Oh, my colleague is anticipating.

Mr. SAUNDERS. If the gentleman is going to do that, I just want to bring matters to a head, so that we may go on to

Mr. CARLIN. That is another thing that the Committee on Appropriations can not do until other gentlemen are through. They can not bring matters to a head until other gentlemen bring them there.

Mr. SAUNDERS. We can raise the point of order ourselves. Mr. CARLIN. Oh, yes; the gentleman can make a point of order himself. I do not want to make this point of order. I have no desire to interfere with the wish of the Committee on Appropriations in this matter. I simply object to the criticism which was administered and the inference that anybody who offered an amendment could understand that no agreement could be reached if the amendment were in violation of the rules of the House. I want to call the attention of the House to the fact that the whole paragraph is in violation of the rules of the House and that the gentlemen must have known that when they introduced the bill.

One word more and I am done. The gentleman from Ohio [Mr. Cox] asked me on yesterday if I could find any cause to complain of the committee for a reduction of salaries in the District government. At that time I was diverted by another discussion, but I desire to call the gentleman's attention to the fact now that an order has been issued by the District Commissioners within the last three days reducing the salaries of all the employees at Occoquan from 15 to 25 per cent, because, said the evening papers of the city of Washington on yesterday, the

District Committee-

Mr. COX of Ohio. Because of a deficiency in last year's bill.

Mr. CARLIN. I think that is true.

Mr. COX of Ohio. Then why blame this committee having in charge this bill?

Mr. CARLIN. I do not blame the committee.

Mr. COX of Ohio. We have nothing to do with that deficiency. Mr. SAUNDERS. We did not reduce those salaries.

Mr. COX of Ohio. There was not a single reduction made at

Mr. CARLIN. I do not blame the committee for that. I shall blame the committee if it is allowed to continue any longer. That is where the committee will be to blame-if these men are to be allowed to remain out of employment, if their salaries are to be reduced 15 to 20 per cent, and prisoners are to be allowed to escape from that institution because of lack of employees. The committee can not escape that responsibility any longer.

Mr. BURLESON. Mr. Chairman, I make the point of order that the gentleman is not confining himself to a discussion of

the subject in hand.

Mr. CARLIN. The gentleman need not make the point of

order, for I have finished.

Mr. MANN. Mr. Chairman, the gentleman from Virginia [Mr. Carlin], who has just taken his seat, is entirely within his rights if he chooses to make a point of order on this paragraph. I think he is also entirely within his rights if he agrees with the members of the Committee on Appropriations not to make the point of order, if they will agree to an amendment. I think the gentleman from Texas [Mr. Burleson] inadvertently referred to sandbagging the committee. It has always been considered in the House where an Appropriation Committee reports an item in an appropriation bill that is subject to a point of order, that it was perfectly within every right of a Member who objected to the form of that provision to reserve the point of order and ask whether the committee would accept an amendment, but that is not sandbagging a committee at all. That is proper legislation, because proper legislation is compromise legislation. I hope that will help to soothe the feelings of my friend from Virginia.

Mr. CARLIN. Oh, my feelings were not all lacerated. gentleman from Texas seems to be offended about something.

Mr. MANN. I hope the gentleman from Virginia will not make the point of order. I do not know whether the water power at Great Falls can be made available for the use of the District of Columbia or not. No one else knows.

But everybody who is at all familiar with the situation does know that there is a large water power here now which is not With the development of water power in the being utilized. country and the creation of electric power through water power there has been a great change of feeling and sentiment in the country with reference to the utilization of water power which is going to waste, not only in the West but in the East. We have here at Great Falls this power, now going to waste, which, if we can utilize it so that as a result we obtain power at a less cost than we now pay in the way of lighting and in other ways, we ought to do that. There have been surveys by the Geological Survey for the purpose of ascertaining certain advance information, and it is absolutely certain that in order to know whether this power can be utilized properly it is necessary to obtain the services of some expert engineers who are familiar with the development of water power. There are no such engineers in the employ of the Government. We have no occasion to develop water power generally, but there are expert engineers in the country who are able to say, after an examination of falls or a stream, whether it can be properly developed and utilized in the form of electric current, and I hope, therefore, that the gentleman from Virginia will not make the point of order. If the Committee on Rivers and Harbors presented a project to this House in a river and harbor bill for the development of this power it would be subject to the point of order. The gentleman from Virginia has intro-duced a resolution which has gone to the Committee on Rivers and Harbors. He and his constituents are as much interested as anybody in the development of this, and the gentleman from Virginia knows that the Committee on Rivers and Harbors does not report these resolutions, as a rule, by themselves, but they come in a river and harbor bill, and in a river and harbor bill the item which the gentleman proposes is subject to the point of order, because the Committee on Rivers and Harbors has no jurisdiction over the subject of the development of water power for use in the District of Columbia.

The CHAIRMAN. Does the gentleman from Virginia make

the point of order?

Mr. BURLESON. Mr. Chairman, I desire to say one word. Evidently the remark I made was misunderstood, because had no purpose of saying that the gentleman from Virginia did not have the right to offer this amendment. The purpose I had in mind was to make it clear, as the man in charge of this bill, that I had no right to accept an amendment of the character offered by the gentleman from Virginia, because it was not germane to the item under consideration. The gentleman from Kentucky [Mr. Johnson] has expressed to me a willingness to withdraw his point of order-and he is chairman of the Committee on the District of Columbia and is not complaining that we are trenching upon the jurisdiction of that committee, because he recognizes the fact that action ought to be taken on this item at this time-if a certain amendment which he will offer will be accepted by the committee; and in view of that statement I now ask the gentleman from Virginia if he will not withdraw his point of order and let the item in the bill be voted down?

Mr. CARLIN. Mr. Chairman, I had no disposition to sand-bag the committee. I had no desire to prevent the passage of this paragraph in the bill. I had but one motive, and that was that the Government should not be made to pay twice for the same information. I had but one desire, and that was the desire of economy, and as my friend had recently become the great apostle of economy I did entertain the hope that he would be willing to economize along that direction; and as evidence that I am a well-disposed man and not inclined to interfere with improvements in Washington City, or even with the arbitrary will of the Appropriations Committee, except occasionally, I withdraw the point of order. [Applause.]

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 42, line 16, after the word "project," insert: "Provided, That the total cost of the investigation and the services authorized by this paragraph shall not exceed the sum of \$10,000."

Mr. BURLESON. Mr. Chairman, I have no objection to the amendment

Mr. CARLIN. One moment, if you please. I would like to know of the chairman of the Committee on Appropriations if that amendment is by agreement with the committee?

Mr. BURLESON. We think it is a germane amendment to this item, and for that reason we are perfectly willing the

committee should pass on it.

Mr. CARLIN. I understand you have agreed to this amendment.

Mr. BURLESON. I say I have no objection to it. I have no authority to accept the amendment and decline to accept the amendment.

Mr. FITZGERALD. I suggest to the gentleman from Virthat the gentleman considers this amendment more effective to do what was intended by the committee-to limit the cost of this investigation to \$10,000.

Mr. CARLIN. I just wanted to inquire if the gentleman from Kentucky had the temerity to ask the Committee on Appropria-

tions to consent to an amendment?

Mr. FITZGERALD. I have already suggested that perhaps the gentleman from Virginia could suggest an amendment and offer it that would be germane to this provision and which would improve it.

Mr. CARLIN. But the gentleman has not answered my question. But I will not press for any further answer.

Mr. FITZGERALD. What is the gentleman's question? Mr. CARLIN. My question is whether this amendment was

by agreement with the Committee on Appropriations?

Mr. FITZGERALD. It was not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. Johnson].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

PUBLIC SCHOOLS.

Officers: Superintendent of public schools, \$5,000; 2 assistant superintendents, at \$3,000 each; director of intermediate instruction, 13 supervising principals, and supervisor of manual training, 15 in all, at a minimum salary of \$2,200 each; secretary, \$2,000; clerk, \$1,400; 2 clerks, at \$1,000 each; clerk to carry out the provisions of the child-labor law. \$900; 2 stenographers, at \$840 each; messenger, \$720; in all, \$52,700.

Mr. LOBECK. Mr. Chairman, I have an amendment to offer to the second line.

The CHAIRMAN. The gentleman from Nebraska [Mr.

LOBECK offers an amendment, which the Clerk will report.

Mr. LOBECK. Amend, in line 2, by striking out the word "five," after the word "schools," and inserting the word "six." Mr. BURLESON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 2, page 43, strike out the word "five," after the word "schools," and insert in lieu thereof the word "six."

Mr. BURLESON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FITZGERALD. Has a point of order been reserved on

The CHAIRMAN. A point of order was reserved on the amendment by the gentleman from Texas [Mr. Burleson].

Mr. LOBECK. The superintendent of public schools, who was engaged to come here this year, was under an implied promise that he was to receive \$6,000 per year. He left a positive that he was to receive \$6,000 per year.

tion that paid him the latter amount.

Mr. MANN. Will the gentleman yield?

Mr. LOBECK. Yes.

Mr. MANN. Who had authority to make that promise, and who did make it?

Mr. FOSTER of Illinois. Where did they get the authority? Mr. LOBECK. They probably took the authority, as they do

Mr. FOSTER of Illinois. Do we have to carry out their promises?

Mr. LOBECK. It was public talk at the time in the press. Mr. FITZGERALD. Public talk does not bind the Government.

Mr. MANN. While it may have been public talk, that is the

first I have heard of it.

Mr. LOBECK. It was in the public press, and that is where I got it. I did not get it from the superintendent of public schools, for he has not even mentioned the subject to me. But I only state in fairness to this gentleman that he ought to be entitled to the wages that it was understood he should be

Mr. MANN. Is the gentleman able to inform the House whether the school board has reported to the House or the Committee on Appropriations in any way that they made such a promise?

Mr. LOBECK. All I know is that \$6,000 was asked for in

this estimate here.

Mr. MANN. What I inquired was whether they had reported to the House or the committee in any way that they had made such a promise.

Mr. LOBECK. That I do not know, sir. I could not tell you that.

Mr. MANN. If they made a promise of that kind, common etiquette would require that they report the fact.

Mr. BURLESON. There was no authority. Nobody was

authorized to make such a promise.

Mr. SIMS. I would like to ask the gentleman a question. Does the gentleman say the estimate provided for \$6,000?

Mr. LOBECK. My recollection is to that effect.

What authority have those who make estimates Mr. SIMS. in the District of Columbia to bring in estimates exceeding what the law allows to be paid?

Mr. LOBECK. All I know is this:

Superintendent of public schools, increase of \$1,000. Submitted under the act of June 11, 1878.

Mr. SIMS. Who makes that estimate or suggestion here?

Mr. LOBECK. I suppose the Commissioners of the District of Columbia sent the estimate in.

Mr. SIMS. Do they make suggestions as to what shall be done in the way of legislation or increase?

Mr. MANN. They submit it.

Mr. SIMS. It is in the nature of a suggestion, then, or argument?

Mr. MANN. The estimates show that it is in the nature of a suggestion.

Mr. SiMS. I did not know who was doing all this stirring up of increase of salary. I thought maybe it was some Member I did not know who was doing all this stirring who had a friend at court.

Mr. LOBECK. I only got this from the estimate. the talk in the public press at the time. I bring this matter up, and if the Members here do not care to adopt the amendment, I have made my statement.

The CHAIRMAN. Does the gentleman from Texas make a

Mr. BURLESON. I will state, Mr. Chairman, that the super-intendent of schools is undoubtedly a very competent and worthy gentleman, but he has just recently been called to the District of Columbia and placed in charge of the District schools, and the committee did not deem it necessary at this time to make an increase of this salary. Next year, when we have an opportunity to receive the recommendations made by the superintendent of public schools—

Mr. MANN. And after the election is over—
Mr. BURLESON (continuing). And know how he is managing and conducting the schools, if it is shown and demonstrated that he is receiving a less salary than he ought to receive I have no doubt that the Committee on Appropriations will then increase his salary. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN The point of order is sustained. The

The CHAIRMAN. The point of order is sustained. The

Clerk will read.

The Clerk read as follows:

Librarians and clerks in class 1, five in all, at a minimum salary of \$500 each.

Mr. CARLIN. Mr. Chairman, I desire to reserve a point of order against the paragraph about to be read, entitled "Longevity pay."

The CHAIRMAN. We have not reached that paragraph yet, will suggest to the gentleman. On line 17, page 45, is the last paragraph that was read.

When we reach it I desire to be recognized, Mr. CARLIN. Mr. Chairman.

Mr. BURLESON. I will state, Mr. Chairman, that when that paragraph is reached I desire myself to be recognized. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Longevity pay: Longevity pay for director of intermediate instruction, supervising principals, supervisor of manual training, principals of the normal, high, and manual-training schools, principals of the grade manual-training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, and kindergartens, teachers, clerks, librarians and clerks, and librarians and the paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, and May 18, 1910, \$300,000.

Mr. BURLESON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. Did the Chair understand the gentleman

from Virginia to say that he desired to be recognized to make a point of order?

point of order:
Mr. CARLIN. Yes, sir.
The CHAIRMAN. The Chair suggests that the gentleman

from Virginia make it.

Mr. CARLIN. Mr. Chairman, yesterday I stated to this House that to-day I would be able to demonstrate that the appropriation of \$300,000 for longevity pay for teachers would create either a deficiency or deprive those teachers of their

Mr. FITZGERALD. Mr. Chairman, I ask for the regular der. The gentleman in charge of this bill has offered an amendment, and we propose that the consideration of this bill shall be carried on in the regular order.

The CHAIRMAN. Does the gentleman from Virginia reserve

the right to make a point of order?

Mr. CARLIN. I reserve the point of order, Mr. Chairman. The CHAIRMAN. The Chair would suggest that the gentleman make his point of order now.

Mr. CARLIN. Before I do so, Mr. Chairman, I want to inquire about this amendment. I have not had an opportunity to see it. The gentleman from New York [Mr. FITZGERALD] does not seem to be willing to give anybody an opportunity to understand these things.

Mr. FITZGERALD. Mr. Chairman, I call for the regular order. The pending paragraph of this bill should be considered in its regular order. Other paragraphs to the bill can be considered in their order later.

Mr. BURLESON. Mr. Chairman, I ask that the amendment

offered be read.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Texas [Mr. Burleson].

The Clerk read as follows:

On page 46, in line 11, after the word "dollars," insert ", together with the unexpended balance, \$75,878.06, of the appropriation made for 'longevity pay' for the fiscal year 1911."

Mr. BURLESON. Mr. Chairman, in 1909, upon estimates furnished to the Committee on Appropriations by the school board-

Mr. MANN. Is that the reappropriation of \$75,000?

Mr. BURLESON. That is the reappropriation. Upon estimates submitted by the board of education, the sum of \$146,900 was appropriated for longevity pay. At the end of the fiscal year it was ascertained that \$15,317.56 of that appropriation remained unexpended.

For the fiscal year 1910 the school board submitted an estimate to the Committee on Appropriations, through regular channels, for \$210,000, which was appropriated, and of that sum \$190,150.98 only was expended, leaving an unexpended balance of \$19,849.02.

In 1911 the school board submitted, through regular channels, to the Appropriations Committee another estimate, and an appropriation of \$355,000 was made for longevity pay. At the end of the fiscal year it was ascertained that \$76,075.73 remained unexpended.

Mr. GILLETT. May I ask the gentleman a question for information?

Mr. BURLESON. Certainly.
Mr. GILLETT. Was there any change in the law during that time?

Mr. BURLESON. Between the time that the estimate was submitted and the appropriation bill was finally passed there were certain teachers added to or advanced to certain classes, which gave them increased longevity pay, necessitating an increase of the amount to be utilized for longevity pay, but not-withstanding that fact there remained unexpended of this appropriation \$76,075.73, as stated to the Appropriations Committee by the auditor when he was called upon for data bearing

on this subject matter.

I will not go into the reasons for this overestimate. The probable reason was suggested by a gentleman upon this floor yesterday. I do not care to discuss it. It is sufficient to say that an overestimate was made of the amount actually needed of \$76,075.73. Consequently when the Committee on Appropriations considered this item this year we reached the conclusion that we would seek other sources of information. Whereas the auditor of this District prior to this year did not have the data upon which estimates could be made, he was, at the request of the Committee on Appropriations, put in possession or put himself in possession of the data, making a card index of the teaching force of this city, and he has submitted to us an estimate which shows that we can easily make available the amount of excess of appropriation made last year for the fiscal year 1913 and not endanger in the slightest the pay of a single teacher within the confines of the District of Columbia.

The committee will understand that under the law when an

appropriation is not fully expended the balance remains available for two years. Consequently this excess of \$76,000 will continue tied up in the Treasury of the United States under and by virtue of the law of 1911 unless this amendment which I have offered is adopted by this House. Unless I am forced to do so, I do not care to go into the reasons why this excess of estimate was made, but I believe there was a reason for it, and if it becomes necessary I can state what that reason was.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.
Mr. CANNON. The bill as reported to the House carries for this purpose an appropriation of \$300,000. Is that right? Mr. BURLESON. Yes.

Mr. CANNON. Providing for the service for the coming

fiscal year.

Mr. BURLESON. For the fiscal year ending June 30, 1913. Mr. CANNON. Three hundred thousand dollars. Now, the Mr. CANNON. gentleman finds that there was appropriated last year \$76,000

more than was expended.

Mr. BURLESON. In round numbers, \$76,000.

Mr. CANNON. This amendment reappropriates that amount. Mr. BURLESON. Makes it available for the fiscal year 1913.

Mr. CANNON. So that when the aggregate of the appropriation is footed up it will fail to show the amount of \$300,000 plus \$76,000, because of the subterfuge-I do not say that offensively-of reappropriating this amount of \$76,000.

Mr. FITZGERALD. We give credit for that amount that is

reappropriated.

Mr. BURLESON. I will state to the gentleman from Illinois that we were not attempting to keep anything under cover. We wanted to direct attention to the fact that the Committee on Appropriations were aware that year by year the school board have been overestimating for longevity pay. That was the purpose of it. We believed that it would result in better administration in the future and in economy.

What was the estimate for 1913? Mr. CANNON.

Mr. BURLESON. The first estimate that reached the Committee on Appropriations, and did not come through the board of education, was \$375,000.

Mr. CANNON. The former official estimate was \$375,000.

Mr. BURLESON. Three hundred and seventy-eight thousand dollars.

Mr. CANNON. Now the amount recommended is \$300,000, and the gentleman proposes to reappropriate \$76,000 plus the \$300,000. Does he propose, if that amendment should be agreed to, in lines 9 and 11, to change the \$300,000 to \$376,000?

Mr. BURLESON. That would be wholly unnecessary.

Mr. CANNON. And yet, when you come to foot up the appropriations this \$76,000 that is reappropriated rather than

appropriated does not appear in the appropriations.

Mr. FITZGERALD. I want to say that that is not an unusual thing, and in the estimates submitted by the administra-tion to Congress this session the aggregate of the estimates apparently are considerably reduced by virtue of the fact that the administration itself has requested very large reappropriations.

Mr. CANNON. That is all right if the gentleman will allow me

Mr. BURLESON. Let me answer the gentleman's suggestion. I want to assure the gentleman from Illinois that there was no consideration of politics in this matter. The committee did not do it for the purpose of covering up anything or diminishing the total appropriations of the bill. It was done for the purpose of pointing a moral and to bring attention to the fact that the school board has been overestimating that item for longevity pay for three or four years. I want to inform the gentleman that this morning I ascertained from the auditor that the last appropriation made is in excess of what will be needed by probably \$30,000. In next year's bill, if I can influence the situation, it is my purpose to reappropriate that \$30,000 just as we reappropriate this, in order that there may not be an un-expended balance for teachers' pay that can be used as a basis for operation by some other bill that is before a committee of this Congress

Mr. CANNON. Mr. Chairman, the gentleman from Texas, strong of voice and clear of mind, has now informed the House that the estimate last year was too large, and that there was appropriated \$76,000 more than was needed, and which \$76,000 is in the Treasury and would lapse under the law. He now offers this amendment of \$76,000, and says we are asked to reappropriate it. If it is not reappropriated, it will not be available. If this amendment is defeated, and we make it an appropriation of \$376,000, then the appropriation will be available, and no more so than if we reappropriated it.

There will only be this difference: When the chairman of the Committee on Appropriations arises on the last day at the adjournment of this session of Congress and gives the statement of appropriations in toto, and shows how much less the appropriations are than they were last year or how much they have been increased over last year, and apologizes therefor and explains there will be \$76,000, so far as the District of Columbia appropriations are concerned, that will not be covered by that statement. It will make no difference which way it is to the House before I could call attention to the error. But I

done, whether by reappropriation or by appropriation. The teachers will be paid. But the country will be informed of \$76,000 in the aggregate less than the truth of the appropriations.

Mr. BURLESON. Will the gentleman allow me to interrupt him?

Mr. CANNON. Certainly. Mr. BURLESON. I will state to the gentleman that at the end of this session of Congress we will have reduced the appropriations of this Congress far beyond the petty sum of \$76,000, and we will not have to do so by reappropriating unexpended

Mr. CANNON. Oh, that is thundering in the index. propose to impose on the country \$76,000 by way of reappropriation, which will give that much more than the bill carries on its face. It is not a great matter, but, after all, it looks to

me to be a little peanutty. [Laughter.]

Mr. MANN. Mr. Chairman, I would like to make an inquiry of the gentleman from Texas in reference to the reappropriation. Under the law, as I understand it, at the end of the fiscal year money that has not been expended is applied, so far as the District's share is concerned, on the floating debt due from the District to the United States. There is a floating indebtedness from the District to the United States which draws 2 per cent interest.

Mr. BURLESON. That is true.

Mr. MANN. Is the gentleman able to tell us when this charge on the books is made for the fiscal year 1911?

Mr. BURLESON. It will not be made until two years after the appropriation has been made, because the unexpended balances are available for the year for which the appropriation is made until the expiration of two years thereafter.

Mr. MANN. So that the District keeps on paying 2 per cent on this fund, although, as a matter of fact, it is in the Treasury, not available for the District, but, in fact, available for the

Government of the United States.

Mr. BURLESON. That is true, and I thank the gentleman for the suggestion. That is an additional reason why this amendment should be adopted.

Mr. MANN. I do not think it is any reason one way or the other, so far as that is concerned.

Mr. BURLESON. In fairness to the District, they ought to be relieved of the burden of the 2 per cent at as early a period as possible.

Mr. MANN. But the reappropriation will run it two years

longer.

Mr. BURLESON. No; the reappropriation will utilize the fund that will stay in the Treasury, and they will not be burdened with the 2 per cent interest. They will be relieved of

Mr. MANN. The reappropriation will have the same effect upon this sum of money as though it were an original appropriation.

Mr. BURLESON. That is true.

Mr. MANN. It will not lapse into the Treasury until two years after the end of the fiscal year 1913.

Mr. BURLESON. Provided it is not expended during the fiscal year 1913.

Mr. MANN. That portion that is unexpended. I have often heard so much criticism here about how the District was imposing upon the Government that it seemed to me proper to bring out the fact that this seems to be a case where the Government is using the money itself and still makes the District pay interest upon it.

Mr. BURLESON. That is right.

Mr. CARLIN. Mr. Chairman, I think it is well for the House to understand that we can not always safely rely upon the sys tem of reasoning which my good friend the chairman of this committee yesterday denominated sane reasoning, and of which he boasted. He told this House, in response to my statement, that economy had been perfected and that corruption had perhaps been avoided. I made the statement to the House that to-day I would produce the figures to show that if the paragraph for which the gentleman was contending in the bill become a law, the good women school-teachers of this community would lose \$75,000 in their salaries. He stated that that was not the case. The appropriation referred to, to be exact, in the paragraph is \$300,000. To-day, while I was on my feet, in order to elicit the fact that the Appropriation Committee, through this "sane" system of reasoning, had actually made a mistake of \$75,000, the chairman of the Committee on Appropriations called for the regular order in order to take me off my feet, so as to give the gentleman from Texas [Mr. Burleson], the chairman of the subcommittee, an opportunity to make his explanation

happened to know that although the regular order took me off my feet at that time it can not take me off my feet now.

Mr. Chairman, let us see if we are right. I am not so sure that we are correct now. I understand that the actual amount of money paid last year for longevity pay was \$355,000. If that is true, then there is not an unexpended balance of \$75,000.

Mr. BURLESON. Mr. Chairman, does the gentleman want

information upon this subject?

Mr. CARLIN. Yes; of course I do. I am trying to save these ladies their pay.

Mr. BURLESON. I have it here. For the fiscal year 1911,

\$278,924.27 was paid.

Mr. CARLIN. I understand that. Mr. BURLESON. This is a statement furnished the committee by the auditor of the District.

Mr. CARLIN. Yes; and here is what the gentleman said yesterday. I quote from the gentleman, in what he said yesterday, on page 1129 of the RECORD:

Mr. BURLESON. The District auditor. The auditor stated that he did not have the data upon which a calculation could be made, and he felt sure that a reduction of \$5,000 could safely be made. But inasmuch as an excess appropriation of \$76,000 had been made the year before, we reached the conclusion that \$300,000 was ample at this time.

Mr. BURLESON. As we have demonstrated.

Mr. CARLIN. As you have demonstrated. Now, let us see what the gentleman said in addition to that. In response to my question of what the necessity was for putting the paragraph in the bill, he said:

For the simple reason we do not propose to appropriate an amount in excess of what is needed. It leads to extravagance first and next to corruption. Surely the gentleman would not contend for an appropriation that leads to such ends?

Again, I wish to quote from the gentleman. I insisted upon his reading a letter which I supposed to be in his pockets. had been informed that he had a letter from the auditor which would show that it would require at least \$373,000 to pay the ladies this year, and despite that statement from the auditor, he was insisting upon the paragraph appropriating only \$300,000, and this is what he said:

Mr. Burleson. The same authorities that made the calculations for the years 1900, 1910, and 1911, I suppose, made the calculation for the gentleman from Virginia, and yet in the year 1909 there was an excess appropriation of \$15,317.66; in the year 1910 there was an excess appropriation of \$19,849.62; and in 1911 there was an excess appropriation of \$76,075.75. Does the gentleman from Virginia, in the face of those figures, insist that that is good administration?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BURLESON. Mr. Chairman, I ask that the gentleman

be given five minutes further.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Virginia may be given five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. CARLIN. Again the gentleman from Texas stated:

I will state to the gentleman that we had that same information before we ever acted on the item. The information we secured from the superintendent of public instruction was obtained from the auditor.

Now, gentlemen of the House, I have but one desire in this matter, and that is to see that these good women receive their pay. I was sure that the gentleman had fallen into an error and I wanted to point it out.

Mr. BURLESON. Will the gentleman permit?

Mr. CARLIN. Certainly.

Mr. BURLESON. The ge statement from the RECORD. The gentleman has not read any erroneous

Mr. CARLIN. Well, let us see. The gentleman asked for an appropriation of \$300,000, and after I called attention to it The gentleman asked for yesterday he asked for \$75,000 more this morning before I had a chance to say a word. Something happened between yester-day afternoon and this morning. If the gentleman had that information yesterday, and the gentleman intended to change that item, the gentleman would simply have had to state so and that would have ended a long controversy covering an hour.

Mr. BURLESON. The gentleman will bear me witness, I re-

quested that the gentleman delay until we reached this item when I told him this matter would be fully discussed. We did have the information that is furnished in the letter alluded to by the gentleman. We had it from the auditor. We knew exactly what we were doing when we appropriated the \$300,000. We intended to make available the excess, the unexpended balance, for 1911 in order to bring notice home to the people who had been making these excessive estimates that the Committee on Appropriations knew exactly what was being done.

Mr. CARLIN. I will say, Mr. Chairman, then we can understand that it is the policy of the Committee on Appropriations that whenever they are going to ask for \$376,000 they will print in the bill \$300,000 and then offer an amendment on the

floor. That is the gentleman's "sane system" to which he

referred yesterday.

Mr. BURLESON. I am not responsible for the gentleman's

process of reasoning

Mr. CARLIN. Why, surely not; and sometimes the gentleman does not seem to be responsible for his own. [Laughter.] The fact remains before the committee that we are told this morning by the chairman of the committee that he put deliberately a paragraph in this bill appropriating only \$300,000 for the school teachers of this town, with the intention of making it \$376,000. I accept the gentleman's statement. I have only to express the regret that the gentleman did not give us the benefit of his good intentions before and we would not have had occasion for this controversy; and I congratulate the House, finally, upon the fact that its good purposes will be carried out and the teachers of this town will receive their longevity pay to which they are entitled under the law. I only rise now, Mr. Chairman, to say to the chairman of the sub-committee on appropriations that I am informed—and this is not for a subject of controversy; I have gotten this from a committee that ought to know-that the actual amount paid last year under the longevity pay was \$355,000. If that is correct, then there is not enough money here now to pay the balance of

Mr. BURLESON. I will say to the gentleman that he confuses in his mind the amount appropriated and the amount ex-I have read to him two or three times a statement from the auditor that for the fiscal year 1911, \$350,000 was appropriated and that \$278,924.27 was expended, leaving an unexpended balance of over \$75,000; and I would like to ask the gentleman if he thinks that it is good administration to appropriate largely in excess of the amount which is to be used for

a given purpose?

Mr. CARLIN. Mr. Chairman, I-had but one object, my principal object being accomplished, and that was to give this House the benefit of the facts. You can judge, gentlemen, whether or not it is good administration to ask for \$300,000 when you intend to make it \$376,000, or whether it is good administration to ask in cold type for what you intend to ask in order that the House may be informed. I was under the impression that a mistake had been made, and I wanted to correct it.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Mr. Chairman, I ask that the gentleman may have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears

Mr. CARLIN. I did not want to be captious yesterday, and to say to the gentleman that if anybody seems to differ with him it should not be the occasion for hostility-

Mr. BURLESON. Oh, not at all; it always gives me pleasure to set the gentleman straight; it always gives me pleasure to

Mr. CARLIN. It would give me great pleasure if the gentleman would do so. I leave it to the committee in this case if

have not set the gentleman straight, somebody has. Mr. MANN. Will the gentleman yield for a question?

Mr. MANN. Will the gentleman yield for a question?
Mr. CARLIN. Certainly.
Mr. MANN. Will not the gentleman give some information
about this longevity pay? Last year the amount of longevity
pay was \$278,000, and for the next year it is to be \$378,000. Will not the gentleman tell us how rapidly it increases and what the longevity pay is?
Mr. BURLESON.

I can give the gentleman the information. Mr. MANN. The gentleman from Virginia [Mr. CARLIN] has

the information.

Mr. CARLIN. I can say this: That at this time I am informed it is very difficult to tell in what amounts it progresses. The number of teachers who would be entitled to longevity pay is affected by resignations, deaths, discharges, and sometimes by matrimony.

Mr. MANN. What is the basis of longevity pay? How much

is it?

Mr. CARLIN. The maximum is \$150 a month, and the minimum is governed by the time of service. But the maximum longevity pay is \$150 a month.

Mr. MANN. That is the maximum pay?

Mr. CARLIN. For any teacher, under the longevity act, the

maximum pay is \$150 a month, as I understand.

Mr. MANN. Is the gentleman able to tell how much the longevity pay increases the pay of teachers? We are constantly told that the teachers are not as well paid in Washington as sewhere. How much increase comes from longevity pay?

Mr. CARLIN. It depends on how long they serve. It means elsewhere.

to the teachers of Washington \$370,000 a year.

Mr. MANN. We paid to them last year \$278,000.
Mr. CARLIN. Two hundred and seventy-eight thousand dollars. The point I was trying to make when the gentleman from Texas [Mr. Burleson] interrupted me was in reference to his irresistible inference that the item of \$355,000 appropriated last year would lead to corruption, or might do so, and yet this year he appropriates \$376,000. It seems to me the gentleman did not intend to use the word "corruption." I do not think

he used it advisedly.

Mr. BURLESON. I used it advisedly. I make the statement that the practice of appropriating amounts largely in excess of the amounts required affords a temptation to administrative officers to absorb that fund. If it is not necessary, and the desire overcomes their consciences, they will first resort to extravagance in order to absorb it, and extravagance will ultimately lead to corruption. I still assert that it is all wrong to appropriate amounts largely in excess of what is needed for a given purpose

Mr. CARLIN. How much are you appropriating now in

excess of what is needed for the given purpose?

Mr. BURLESON. In 1912, as I have stated to the gentleman, according to the estimates of the auditor, \$30,000 in excess of what was needed was appropriated; in 1911 an excess of \$75,000 was appropriated; in 1910, \$19,000; in 1909, \$15,000; with a bill pending in the Congress providing that unexpended balances for teachers' pay be used to pension teachers,

Will the gentleman do me the kindness to Mr. CARLIN. answer my question? My question was: How much in excess

of what is necessary are you now appropriating?

Mr. BURLESON. Thanks to the activity of the sane action of the Committee on Appropriations, we are not appropriating a dollar in excess of what will be needed, or we give them a margin, prabably, of \$2,000.

Mr. CARLIN. Then we have an increase in the longevity

earnings of the teachers of nearly \$100,000 over last year?

Mr. BURLESON. The gentleman could not give the gentleman from Illinois [Mr. Mann] the information that he asked, and he was not expected to do it, but I can give, with the permission of the gentleman, exactly what it is.

The CHAIRMAN. The time of the gentleman from Virginia

has expired.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARLIN. This discussion seems to excite my friend.

Mr. BURLESON. Not at all.

Mr. CARLIN. I told you a moment ago I was not hostile in any way. I am ready to get at the real truth.

Mr. BURLESON. I wish to assure the gentleman he is doing no harm.

Mr. CARLIN. I seem to excite you, and I do not want to do it, because a gentleman at your age of life ought not to get But I do state that it is a remarkable thing to me, and I can

not understand it, how the longevity pay was over \$278,000 this year and it is now proposed to appropriate \$376,000, and we are not willing that any unexpended balances— Mr. MANN. Mr. Chairman, will the gentleman yield for a

question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. CARLIN. I will yield to the gentleman if he will get me more time.

Mr. MANN. The gentleman can get more time. The gentleman wanted the amount increased, did he?

Mr. CARLIN. I did.

The gentleman has called the attention of the Mr. MANN. Committee of the Whole House on the state of the Union to the necessity of increasing the amount. He has forced the Committee on Appropriations to recommend an increase of \$78,000. What more does the gentleman want, for goodness [Laughter.]

Mr. CARLIN. Nothing on earth, except to show my friend from Texas that I did not want him to get unduly excited.

The CHAIRMAN. The time of the gentleman has expired. Mr. SAUNDERS. Mr. Chairman, I move to strike out the

I want to say, Mr. Chairman, that the Committee on Appropriations has done what it had in mind to do all the time, namely, provide sufficient appropriations to pay the salaries of all the school-teachers. It has not been the intention of the committee to reduce the salary of a single teacher. I know that such was not the intention of a single member of the subcommittee, and am equally assured that this was the attitude

of every member of the full committee. We did not have in mind that as a result of the legislation that we recommended the salaries of these teachers would be reduced, and, as I have stated, it was not our intention to reduce them. The excitement that has been created in that regard has been purely unnecessary. If the parties who thought that they would be affected had come to us with the information that they have presented to other Members outside of the committee, we would have allayed their apprehensions at once. The committee did not set out to reduce these salaries, and are not now receding from a position which, as a matter of fact, we never held. Now what was the situation?

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SAUNDERS. Certainly.

Mr. MANN. Do I understand the gentleman to state that the subcommittee, or the Committee on Appropriations itself, when this bill was reported to the House intended at that time to offer this amendment?

Mr. SAUNDERS. No; I did not say that.

Mr. MANN. I think that is what the gentleman stated.

Mr. SAUNDERS. No. I said the committee never had in mind a reduction of the salaries of these teachers.

Mr. MANN. But, as I understood him, the gentleman stated that the committee intended to pursue the course that they have pursued

Mr. SAUNDERS. In respect to caring for the teachers, yes, Our original attitude was not to reduce these salaries. Hence the moment we have ascertained that our appropriation may be possibly insufficient to care for these salaries in full, we are proceeding to make it sufficient. But I may say in this connection that the teachers would have received their salaries in any event, and if a deficiency arose, that deficiency would be provided for. What I was going to say was that the information that was before us in the way of figures from the auditor's office justified our action.

All the information that was before us supported the conclusion reached that the appropriation which we reported was sufficient to pay in full the salary of every teacher on the rolls of the District. The facts that have been developed since our action was taken show that possibly the information secured and on which we acted was misleading. But the very moment that the necessary additional information was brought to our attention, showing that our action on the information before might cause a result not intended at any time, the committee and every member of it was ready to make whatever additional appropriation was needed. Hence the committee is doing what it always intended to do—namely, take care of the teachers to the extent of the salaries they are entitled to and are receiving under existing law. In the past, as the result of excessive estimates, we have appropriated more than was necessary for longevity pay. We are now proposing to utilize these unexpended balances to the extent that they may be needed for the payment of teachers' salaries. These balances in the aggregate are considerable. There should be no unexpended balance; certainly no large balances of this character. If the estimates in this connection heretofore given to Committee on Appropriations had been measurably correct, the committee would have been under no misapprehension with respect to the present item.

But since ascertaining that our action on the information before us, which I may say was ometar, may be we have taken the steps necessary to meet the situation. No we have taken the steps necessary to meet the situation. The before us, which I may say was official, may have misled us, mischief has been done, and none was ever intended. The situation has at all times been within our control, and the teachers' salaries have never been for a moment in danger.

Mr. CARLIN. Mr. Chairman, will the gentleman yield to me for a question, for a moment?

The CHAIRMAN. Does the gentleman from Virginia yield to his colleague?

Mr. SAUNDERS. Certainly.

Mr. CARLIN. I do not like to see the school authorities resting under the strictures that the gentleman has placed upon them. If my information is correct, then-

Mr. SAUNDERS. I was speaking of the information, the official information that was before the committee, relating to estimates for preceding years and the expenditures under the appropriations made on those estimates.

Mr. CARLIN. I am informed that the school authorities, when before the Committee on Appropriations, were not asked any questions about this longevity pay, and that for that reason only they did not give the committee any information on that Mr. BURLESON. I will say to the gentleman that we had that information at the time.

Mr. CARLIN. What information?

Mr. BURLESON. The information with respect to the ex-

cess appropriations of 1909, 1910, and 1911.

Mr. SAUNDERS. Now, Mr. Chairman, to use the shoe-maker's aphorism, let us stick to our last. So many things So many things have been stated outside of the House that we are likely to get away from the discussion of the precise matter in hand. This matter is whether the committee was justified in considering that the amount asked for longevity pay was not necessary, when we found large unexpended balances under the appropriations of preceding years for this item. In one year the unexpended balance was about \$75,000.

If the present estimates were affected with errors of this character and extent, it was manifest that it was not necessary to appropriate the full amount asked. I ask this Committee of the Whole if the Committee on Appropriations were not justified in making the appropriation that they did make, and in holding that appropriation to be ample to cover the salaries of all the teachers affected?

If they were justified in that conclusion on the information before them, what proper criticism can be now directed toward

the committee for the action actually taken?

Mr. GILLETT. Will the gentleman yield for a question? Mr. SAUNDERS. Certainly,

Does the gentleman think it was quite fair Mr. GILLETT. to claim to the House that you were making a reduction in expenses in this bill when here was the sum of \$76,000 which you knew was not a real reduction, but simply an apparent reduction, because you had the money, as you thought, in

Mr. SAUNDERS. It is a reduction, because that money now utilized would have gone to some other purpose than the payment of these teachers. But that is a purely collateral matter to the proposition I am discussing. As I have said, the trouble is that when one proposition is up for discussion, outside and irrelevant matters are injected into it to such an extent as to lead the debate away from the main proposition. As to whether we have succeeded in making an actual reduction, that is a question which may be debated at the appropriate time.

At present I am discussing the proposition whether the committee was justified in making this appropriation, on the facts before them. In that connection I am ready to answer any question that may be asked. Of its own motion the committee has taken the steps necessary to meet the situation, and to correct any possible mischief that might ensue from an inadequate appropriation. I will conclude as I begun with the assertion that the committee is now doing what it has always had in mind to do, to report a sum sufficient to pay the teachers the salaries to which they are entitled under the law.

The Committee on Appropriations is always ready to correct a possible injustice growing out of its action, even when that action was taken on apparently satisfactory and sufficient in-formation. The amendment offered by the committee meets the

situation. Mr. CARLIN. When did the committee arrive at that conclusion?

Mr. SAUNDERS. The very first moment we secured the necessary information.

Mr. CARLIN. Was that after yesterday's debate?

Mr. SAUNDERS. I do not know. Possibly the final information may have been received since then.

Mr. FITZGERALD. Mr. Chairman, some Members of the House seem to labor under the delusion that this additional money is put in the form of a reappropriation for the purpose of misleading either the House or the country as to the aggregate of this bill. As I recall, this is the only instance in this bill where the committee recommend a reappropriation of an unexpended balance. It is the first time in my service in the House that there has been such an unusually small number of reappropriations in a bill. In the estimates for fortifications for the next year the War Department itself requests the reappropriation of unexpended balances aggregating \$164,000. the sundry civil appropriation act for the current year, in the very first two items in it, one for the support of the so-called Tariff Board and the other for the so-called Economy Commission, there are not only appropriations for the services, but reappropriations of the then unexpended balances. For the Tariff Board the sum of \$225,000 is appropriated, "together with the balance unexpended July 1 next of the appropriation made for this purpose for the fiscal year 1911." For the socalled Economy Commission there is an appropriation of \$75,000, "together with any unexpended balance of the appropriation for this purpose for the fiscal year 1911." For the

fiscal year 1911 the appropriation for the so-called Economy Commission was \$100,000. In the message transmitted by the President to the Congress on Wednesday of this week he called attention to the fact that before March 3, 1911, when he asked the continuation of the Economy Commission, only \$12,000 of the original \$100,000 has been expended.

Mr. GILLETT. I want to ask the gentleman if he would claim that he was achieving an economy, compared with another bill, when he reappropriated the noney instead of appropriating it outright? Does he think that is a fair comparison?

Mr. FITZGERALD. I have not said that.

Mr. GILLETT. That was what was done in this case Mr. FITZGERALD. No one has ever questioned or criticized the action of a committee in making these reappropriations, or charged that it was for the purpose of reducing the apparent

amount of the appropriations.

The original appropriation for the enforcement of the antitrust act of \$500,000 was hardly touched the first year it was made available, and a Republican Congress kept reappropriating the unexpended balances year after year. It was never charged in the total of appropriations, and this side of the House never criticized the policy. It is too picayune a matter to assume that there was any desire to reappropriate this unexpended balance simply for the purpose of making a good showing in appro-

There was a very good and substantial reason for the action. I shall state it so that the Members of the House will understand the committee's action. There has been pending before Congress for several years a bill to provide a retirement sys-There has been pending before for the teachers of the District of Columbia. One little provision in the bill is that as a nucleus, as a basis for the fund from which these pensions shall be paid, the unexpended balances in the appropriations for longevity pay and the ordinary pay of the teachers shall be placed.

The time of Mr. FITZGERALD having expired, by unanimous

consent it was extended five minutes.]

Nobody in the House would be informed as to the amount of such unexpended balances. Few Members would think of seeking out information to ascertain to how much they would amount; and yet, in that ingenious way, upon the theory that it would not cost the Government anything, or very little, there would be placed as a basis of the pension fund a very substantial amount of money without attention being called to it.

The committee believed, in view of the fact that the legislation was still being pressed, that if it is to be enacted it should be enacted in a manner that would make clear the part of the burden to be borne by the Government; and to remove the temptation, it was believed desirable to use up all of these unex-

pended balances.

I undertake to say that in my experience in this House, if there were added to the aggregate of the appropriations the reappropriated balances in the annual statements, they would have increased the aggregates very substantially. I have always been opposed to that method of appropriating money. The sub-committee eliminated every recommendation from this bill for reappropriations of unexpended balances. There are some reappropriations of unexpended balances. There are some classes of service in which it is proper—temporary service lasting a very short time—where it is desirable to know exactly how much is to be used to continue the reappropriation of the After an investigation of the appropriation for the enforcement of the antitrust law, which disclosed that it was impossible to keep track of the expenditures, Congress ceased that method of appropriation and made a specific appropriation.

So far as the criticism of the committee is concerned, it is an empty one and does not affect the substantial fact that the manner in which it is proposed to provide the means to pay schoolteachers of the District the sum to which they are entitled by law is the best that could be devised.

Mr. YOUNG of Kansas. Will the gentleman yield? Mr. FITZGERALD. Certainly.

It has been developed in the discus-Mr. YOUNG of Kansas. sion of this matter that this year the longevity amount to be paid will be \$100,000 more than that of last year. chairman of the committee tell us why that is?

Mr. FITZGERALD. It is due to the fact that the longevity pay increases with the length of service of the teachers. My recollection is that it depends upon the basic pay which the teachers receive. As a teacher advances in service the amount appropriated becomes greater.

Mr. YOUNG of Kansas. Has it been increasing to the amount of \$100,000 from year to year during the last few years?

Mr. FITZGERALD. Oh, no; it has not. Mr. CARLIN. Mr. Chairman, I am afraid that we are still making a mistake. I do not know whether we are right or not.
Mr. FITZGERALD. Mr. Chairman, I was in conference this morning with the auditor for the District of Columbia, and he stated that he had checked up from a card system that he had and that this sum would be sufficient. The appropriation for

the current year is \$355,000.

Mr. BURLESON. That is correct.

Mr. FITZGERALD. And based upon the expenditures made thus far, it will be \$30,000 in excess of what is required, so that \$325,000 will be sufficient to meet the requirements of service under this item, and for next year the increase will be \$50,000, not \$100,000.

Mr. YOUNG of Kansas. I have no objection to the reappropriation of this \$76,000, but I would like to know why there is

his large increase in a single year?

Mr. FITZGERALD. The law fixes the compensation. The longer teachers serve the greater is their compensation.

Mr. YOUNG of Kansas. Then, if there is any fault anywhere

it is in the law.

Mr. FITZGERALD. It is a system that I think is universal in the school systems of all large cities. The compensation of school-teachers is based, to some extent, upon the length of their service, and experience has demonstrated the wisdom of the system.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Mr. Chairman, I first want to congratulate the gentleman from Virginia [Mr. Carlin] on having succeeded in extracting this additional \$76,000 from the Treasury—possibly. My attention was called to this longevity appropriation a year or two ago in discussing the teachers' pension bill. All of the teachers' pension bills which have been proposed in Congress I think, have contained a provision that a certain for years. amount shall be deducted from the salaries of the teachers an amount wholly inadequate to pay pensions—then an additional provision in reference to certain funds which probably will never materialize, and then a provision that all excess or surplus of appropriations for teachers' pay shall be turned over to the fund for the pensions to become a part of the pension fund. A year or two ago I charged on the floor of this House, in the consideration of a teachers' pension bill, which I believe never came to a final vote, that owing to the fact that no one could tell what longevity pay would amount to, because of resignations and new appointments which would affect the total, and no one could tell what resignations might happen during a current year, it offered opportunities to pad the appropriation, and that that opportunity had been deliberately availed of, in the expectation that they were thereby able to get a large surplus under the longevity pay appropriation, which, if the pension bill passed, would be utilized for the purpose of paying pensions. The bill on its face purported to provide that the pension fund should come out of the teachers' and a very limited amount out of the Treasury, but in fact it intended to take it out of the Treasury. I have never been opposed to a reasonable and proper teachers' pension bill, but have always been opposed to any crooked methods of deceiving Congress in legislation, and, in my judgment, the provision in the teachers' pension bills which were then pending, and some of which have been pending since, covering this very point, was deliberately intended to deceive Congress into the belief that the pension fund was being contributed one-half by the teachers, but with the expectation of continuously padding a longevity-pay

provision and thereby getting a sufficient fund to pay pensions.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Allowance to principals: Allowance to principals of grade school buildings for services rendered as such, in addition to their grade salary, to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, \$33,000.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word. I desire to direct the attention of the committee to the fact that for the fiscal year 1910 there was appropriated under this item \$35,890; that there was an expenditure of \$32,224, leaving an excess of \$3,675.50 unexpended. Also, that for the fiscal year 1911 there was appropriated \$38,500, and there remained unexpended at the end of that fiscal year \$5,906. The school board this time estimated for this particular item \$36,120, and your committee allowed \$33,000, having the assurance that there would not be the slightest danger of diminishing any teacher's compensation. I bring this to the diminishing any teacher's compensation. I bring this to the attention of the committee in order that the board of education may know that the Committee on Appropriations is advised that excess of estimates for teachers have been repeatedly brought before the Congress.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Western High School, janitor, \$900; laborer, \$420; three laborers, at \$360 each; in all, \$2,400.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Do not you increase the salary there of one laborer?
Mr. BURLESON. What line?

Mr. MANN. Line 11, page 48. I am not complaining of it.

Have not you increased-

Mr. BURLESON. No. I will state to the gentleman there is no increase of compensation, but an additional laborer was allowed, for the reason that there have been recent additions to the Western High School, and it was necessary that additional services should be rendered and that the high school be provided with an additional employee.

Mr. MANN. I am afraid the gentleman will have to revise his explanation. You have no more laborers there in this bill than in the current law. The only difference is, you have taken one out of the \$360 class and put him in the \$420 class. Now, I congratulate the committee that in addition to the wages of two washerwomen it has increased the salary of one laborer in con-

nection with the high schools.

Mr. BURLESON. I want to assure the gentleman-Mr. MANN. Was this an accident; does the gentleman intend to bring in an amendment to cut this salary down?

Mr. BURLESON. No. The committee is not entitled to the credit which the gentleman desires to give the committee. will state to the gentleman it was the purpose of the committee to allow an additional laborer there, for the reason that there was a recent extension of the Western High School, and representations were made that an additional laborer was needed in order to properly care for the building.

Mr. MANN. Is it the intention to add an additional laborer?

Mr. BURLESON. He was added.

Mr. MANN. The gentleman must be mistaken about that. The existing law, as I understand it—and if I am not correct I will be glad to be informed-carries three laborers for the Western High School, at a salary of \$360 each.

Mr. BURLESON. I will state to the gentleman that I have the law before me of last year, and for the Western High School it provides one laborer at \$420 and two laborers at \$360,

and we now provide for three laborers at \$360.

Mr. MANN. Well, I have the last year's bill, and it is the

same number of laborers that are in this.

Mr. BURLESON. Permit me to read to the gentleman and see if we can not understand each other. I have before me the law. For the Western High School we provided one janitor at \$900, one laborer at \$420, and two laborers at \$360 each. Now we provide three laborers at \$360 each.

Mr. MANN. I know, and that is precisely what is in this bill. You provide in this bill a janitor at \$900, laborer at \$420,

but you have added three laborers

Mr. BURLESON. Yes; instead of having two laborers, as was carried in last year's bill, we add an additional laborer, because they assured us that it was necessary, and we accepted their statement.

Mr. MANN. I was mistaken.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

There was no objection. The Clerk read as follows:

Bunker Hill, Deanwood, Hamilton, McCormick, Orr, Reno, Reservoir, Smothers, Stanton, Threlkeld, Military Road, and Burrville Schools; in all, 12 janitors, at \$300 each.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am very anxious, if possible, to relieve Congress or the House of attempting to only increase the salaries of two washerwomen. I want to ask the gentleman whether there have been any increases of salary to these janitors, to whom it is proposed to pay the enormous sum of \$300, to two men who receive that great advance from \$150 a year to the plutocratic sum of \$300

a year.

Mr. BURLESON. I will state to the gentleman I can explain

that to his complete satisfaction, I think.

Mr. MANN. All I want to know is the fact. It meets my complete satisfaction to know that the committee has finally decided to give a man \$300 a year to live on instead of requiring him to live superbly on \$150 a year.

Mr. BURLESON. There are additions to two new schools provided in last year's appropriation bill, and by reason of those additions the two janitors have moved into a higher class, which entitles them by reason of the increased labor imposed upon them to an additional compensation, and no additional compensation is allowed here

Mr. MANN. Is not additional compensation? The gentleman just stated they were entitled to receive additional compensation. That I agree to, but will not they receive an additional

Mr. BURLESON. The pay is based upon the amount of work they do, the number of rooms placed under their charge, and inasmuch as these additions will entail additional work upon them they become entitled to this increased compensation, and they justly deserve it, and I hope the gentleman will not

make any point against it.

Mr. MANN. I did not make a point of order against it. I was afraid some member of the Appropriations Committee would make a point of order, and therefore I rose and moved to strike out the last word, so that a point of order could not be made. I was quite certain that if some gentleman on that side of the House discovered that the Committee on Appropriations had deliberately proposed to increase the salary of two men now receiving \$150 each to \$300 each some one might object to it and make a point of order.

Mr. BURLESON. I assure the committee there was an additional burden placed upon these laborers, and by reason of this additional burden in the way of care of these additional rooms

their compensation was increased.

Mr. MANN. I think the increase was proper. I only wish the committee had followed that course in some other cases where additional burdens are placed and additional efficiency is demanded, and had recognized that fact in those cases as well as in this case.

The Clerk read as follows:

For amount required to equip temporary rooms for classes above the second grade, now on half time, and to provide for the estimated increased enrollment that may be caused by the operation of the compulsory-education law, and for the purchase of all necessary articles and supplies to be used in the course of instruction which may be provided for atypical and ungraded classes, \$5,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this amount is reduced from \$13,000 to \$5,000. May I ask the gentleman why?

Mr. BURLESON. I will state to the gentleman that we transferred from this item to another part of the bill item calling for an appropriation of \$6,000.

Mr. MANN. Which item is that?

Mr. SAUNDERS. It was an item under "miscellaneous," for the repair shop, storage, and stock rooms, and so forth.

Mr. MANN. You increase that item for rent?

Mr. FOSTER of Illinois. Last year we provided for the rent in this, but do not now.

Mr. MANN. I see.

The Clerk read as follows:

For text-books and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, including one bookkeeper and custodian of text-books and supplies, including one bookkeeper and custodian of text-books and supplies, at \$1,200, and one assistant, at \$600, \$65.000: Provided, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Texas [Mr. Burleson]. I note in the appropriation for 1912, \$68,500 is appropriated for the purchase of textbooks and supplies for the use of those who are not at the time supplied with the same. The estimate here is \$69,000, while this item is cut down to \$65,000. It seems to me that it is a very important item—the furnishing of textbooks and other school supplies for pupils who are not at the time supplied and who may be too poor to supply themselves. Why is that reduction made?

Mr. BURLESON. As the result of investigation made by the Committee on Appropriations, we reached the conclusion that there had been an unnecessary and unwarranted destruction of the books used as textbooks. In fact, the former superintend-ent of schools, during the progress of the hearings, has made the statement that they had disposed of the rejected school-books they had used and concluded to abandon, and it had been their practice to offer them for sale, and that they had discovered when these schoolbooks had been sold they were being used in other schools as textbooks; and in order to prevent that practice and to prevent the use in other schools of the books that had been abandoned here in the District of Columbia they now were destroying the schoolbooks without offering them for sale. And your committee, considering that matter, reached the conclusion that this item could be properly reduced by the amount that we have reduced it.

Mr. WILLIS. Then the gentleman gives it as his opinion that the \$65,000 will be perfectly ample to provide textbooks

for these pupils during the year?

Mr. BURLESON. It is the deliberate judgment of the committee that prepared this bill, and I have not the slightest doubt

Mr. WILLIS. Mr. Chairman, that being the case, I withdraw my amendment.

The Clerk read as follows:

For equipment, grading, and improving six additional school play-grounds, \$900.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I do that simply for the purpose of getting information. It seems to me that the provision for playgrounds is one of the most important things in appropriations for public schools. Last year there was appropriated \$1,000, and \$1,000 is asked for this year; but that is cut down here to \$900. Why is this? Is it the judgment of the committee that the children do not

need to play as much as they did?

Mr. BURLESON. Oh, no. I do not remember the number of playgrounds we provided for last year, but we reached the conclusion that \$900 was ample for the equipment of school playgrounds, and I think there is not a Member on this floor who will reach any other conclusion if he will consider what is to be purchased for the complete equipment of the school grounds,

but that \$150 is ample for that purpose.

Mr. MANN. While the gentleman is on his feet, will he yield for a question in reference to the item ahead of this, that has just been passed over, for the purchase of flags?
Mr. BURLESON. Certainly.

Mr. MANN. Did the committee in recommending the amount that might be needed for the purchase of flags take into consideration the fact that the flags are all going to be changed, owing to the admission of two new States?

Mr. BURLESON. I will state to the gentleman that no particular inquiry was made with respect to this item. We allowed

the estimate that was submitted.

Mr. MANN. That matter was not taken into consideration? Mr. BURLESON. It was not; no.

Mr. MANN. Probably an additional amount will be required if they carry out the desire to have the flags brought up to date. Mr. BURLESON. I think they will use the old flags until they are worn out.

Mr. MANN. I suppose they are waiting until Arizona comes. I notice the flag that hangs over the Speaker's desk is out

of date now

Mr. BURLESON. I will say to the gentleman from Illinois that this appropriation will not be available until the end of the fiscal year 1912, which is June 30, 1912. This appropriation is for the fiscal year 1913, which commences on July 1, 1912, and by that time we shall doubtless know exactly how many stars ought to be on the flag, and then the school authorities can buy the flags bearing the requisite number of stars.

Mr. MANN. We know already how many stars there will be in the flag for many years to come. There is now one new State, and shortly there will be another. That is settled. will have to change the flag accordingly.

Mr. BURLESON. I have no doubt that they will purchase

flags with the proper number of stars upon them.

Mr. TAYLOR of Ohio. I will state for the information of the gentleman from Illinois that the board estimated \$800, and we did not cut it at all. That estimate did not contemplate a change of the flag, but there are a number of old flags now in use, and I presume this \$800 will be applied to the purchase of flags with the proper number of stars. At the end of that time the present flags will be replaced by correctly starred flags

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn.

There was no objection.

The Clerk read as follows:

For maintenance and repairing 36 playgrounds now established, \$1,500.

Mr. JOHNSON of Kentucky. Mr. Chairman, as to the item for grading, equipping, and improving six additional school playgrounds, \$900, I reserved a point of order long enough to ask the Chair

The CHAIRMAN. The Chair would state to the gentleman from Kentucky that the gentleman from Ohio [Mr. Willis] moved to strike out the last word, and that was adopted.

Mr. JOHNSON of Kentucky. Mr. Chairman, how could be get the floor to move that amendment when somebody else had the floor?

The CHAIRMAN. The Chair will always recognize anybody who desires to reserve a point of order and will give preference

Mr. JOHNSON of Kentucky. I think I would have a right at least to make that motion and withhold it if I could get the floor. But somebody else, whom the Chair had previously recognized, had moved to strike out the last word.

The CHAIRMAN. Of course, it is a familiar rule of the

House that a point of order must be either reserved or made.

The Chair was not aware of the fact that the gentleman from Kentucky sought to make a point of order. The Chair will ask the gentleman did he seek recognition of the Chair?

Mr. JOHNSON of Kentucky. I did not, because the Chair recognized somebody else, and I thought while the Chair recognized somebody else I was not entitled to recognition.

The CHAIRMAN. The Chair desires information. Does the

gentleman from Kentucky desire to move to strike out the last word?

Mr. JOHNSON of Kentucky. No. I desire to know if the Clerk has finished reading lines 20 and 21, on page 54?

The CHAIRMAN. The Chair is informed that the Clerk has

completed the reading of those lines. Does the gentleman desire to make any motion relative to those lines?

Mr. JOHNSON of Kentucky. I do not. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For utensils, material, and labor, for establishment and maintenance of school gardens, \$1,000.

Mr. WILLIS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read.

Mr. JOHNSON of Kentucky. Mr. Chairman, did I not just ask the Chair if the Clerk had finished reading lines 20 and 21? The CHAIRMAN. The gentleman did ask that question, and the Chair stated that he was informed that the Clerk had completed the reading of those lines; and then the Chair desired to know if the gentleman wished to make any motion or point of order in regard thereto.

Mr. JOHNSON of Kentucky. No; I asked if the gentleman made any point of order as to the line covering the equipment, grading, and improving six additional school playgrounds.

The CHAIRMAN. If the gentleman desired recognition to make a point of order as to lines 20 and 21, or to elicit information in relation thereto, the Chair will recognize the gentleman. The gentleman from Ohio [Mr. WILLIS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 23, page 54, strike out the words "one thousand" and insert in lieu thereof the words "twelve hundred."

Mr. BURLESON. I reserve a point of order on that, Mr. Chairman

Mr. MANN. Mr. Chairman, I ask to have the point of order disposed of

Mr. BURLESON. The gentleman may dispose of it. It is not subject to a point of order, but I want to discuss the

Mr. CARLIN. Mr. Chairman, I must ask for the regular order.

Mr. WILLIS. Mr. Chairman, the gentleman can discuss the Why is that reduction made? matter.

Mr. BURLESON. I will state to the gentleman-

Mr. CARLIN. I demand the regular order on the point of

Mr. BURLESON. I will withdraw the point of order. The CHAIRMAN. The gentleman from Texas withdraws the point of order.

I will state to the gentleman from Ohio Mr. BURLESON. that for a number of years this item has been carried, appropriating \$1,200. It attracted the attention of the subcommittee, and the matter was considered, and we reached the conclusion that for the service that was being rendered, for the persons being served by the conduct of these school gardens, \$1,000 was ample for the fiscal year 1913. It has become recognized as a ample for the fiscal year 1913. It has become recognized as a part of the school system of the District of Columbia to conduct these school gardens, but the \$1,000 is appropriated for the purchase of implements and seeds, and our understanding is that they have gone to the extent of employing certain labor that we thought ought to be performed by the pupils who are being taught; that for the pupils to get the full benefit of the appropriation it should be reduced, so that they should not employ the ordinary labor that they are now employing, and that the pupils themselves should be permitted to benefit by the performance of these light labors that are required in the management of these school gardens. That was the consideration which moved the Appropriations Committee to make the reduction. We really believed those who are to be benefited by them would receive a greater benefit if this reduction was

Mr. WILLIS. Mr. Chairman, I have no doubt at all that the committee were moved by the loftiest considerations in making this reduction, but the explanation now offered by my friend from Texas is at any rate not satisfactory to me. At a time when this movement in favor of teaching agriculture in the schools is extending all over this country-

Mr. BURLESON. This has no relation to agricultural education at all.

Mr. WILLIS. The gentleman is mistaken about that, because I have taken the pains to inquire, and that is precisely what it does relate to. I talked this morning to the person who has charge of this work, and that is precisely what it does relate to. And at a time when every other city in this country, so far as I um informed, is taking an interest in this matter, is appropriating more money, is doing the best it can to get the boys and girls in the cities interested in country life, bringing them in touch with the soil and getting them to have their gardens and to raise vegetables and flowers, and get the advantages that come to the boy who lives in the country, I think it is a very poor time to practice economy in this particular to the extent of a couple of hundred dollars.

Mr. BURLESON. The very purpose of this reduction was to bring these children into more intimate contact with the soil. It is in order to give them the practical advantages that really ought to come to them. And if the gentleman's own children are interested in this item-

They are not. Mr. WILLIS.

Mr. BURLESON. If the gentleman would consult with his own children about it, I am quite sure they would approve of the reduction that is being made in this item.

Mr. WILLIS. Can the gentleman tell me how many school children there are in the city of Washington? I have not had time to look up the statistics.

Mr. BURLESON. There is an enrollment of about 55,000. Only about 53,500 come from within the confines of the District of Columbia. About 1,450 live beyond the limits of the District of Columbia, but are attending schools here.

Mr. WILLIS. Say there are 50,000 children. Mr. BURLESON. The appropriation heretofore carried for this item has been expended to supplement the salaries of certain teachers who interested themselves in this work, which is right and proper, and then a certain amount is used for the purchase of garden seed, and a certain amount is used for the purchase of the lighter garden utensils. Then, as I understand it, a small amount of it is used for labor. A part of it should properly be used for labor; but, as we understand it, an excessive amount has been used for labor, and we reduced it in order that the pupils themselves should not be deprived of the benefits of actually coming in contact with the soil, as the gentleman says is necessary in order that they may derive the full benefit from this appropriation.

Mr. WILLIS. Mr. Chairman, the gentleman's explanation is ingenious

The CHAIRMAN. The time of the gentleman has expired. Mr. WILLIS. I ask unanimous consent that I may have five minutes more.

There was no objection.

Mr. WILLIS. It seems to me that when it is admitted that there are something like 50,000 pupils in this city that an appropriation of \$1,000 can not be said to be a very good reason that further facilities and better advantages will be afforded by cutting down this meager appropriation. I have taken a little time to investigate this, and no doubt the committee has. There are conducted in this city, I think, five of these school gardens. There is one down on the Speedway, two in the northeast section, one in the southeast section, and another at Deanwood. I am not informed as to the exact number of pupils that participate in this work, but I do know that the pupils and teachers in this city have contributed out of their own funds in the past year more than \$3,000 to carry on this work. I do know that teachers have worked when the law did not require them to work; that they have given their time, their substance, and their money to this work.

This appropriation is expended in the purchase of implements, soil, and fertilizers to be used in these gardens. I will say that the bulbs and shrubs that are necessary to be used in this work are purchased almost entirely by teachers out of the fund raised by their own efforts and by the pupils. This work has been going on within the past summer. In the hot season, when Members of Congress were running away to the seaside to keep cool, the boys made a percentage of attendance of 97 and 98 per cent working in the school gardens in the

hot sun Mr. BURLESON. Will the gentleman yield?

Mr. WILLIS. Certainly.
Mr. BURLESON. Is the gentleman aware of the fact that all of the 55,000 enrolled pupils do not interest themselves in the school gardens? They are conducted only through the

summer months,
Mr. WILLIS. There the gentleman from Texas is mistaken; they are conducted the year round, except, of course, in the dead of winter, when it is not possible.

Mr. BURLESON. To what extent are they conducting them? Mr. WILLIS. Well, I know that you can not put onion sets in the ground in December, but so far as such work can be carried on they do it. They have boxes in the schoolhouse and in the laboratory in which the germination of seeds and the various phenomena of plant life are studied.

Mr. BURLESON. Of course they are conducting it during the period when it is necessary that vegetables and flowers should be planted, which is in the early spring, but the real

service is had during the summer months.

Mr. WILLIS. The best service is had during the summer months, of course, but the work is carried on throughout the

Mr. BURLESON. Is the gentleman aware of the fact that we have appropriated year by year \$1,200, and that for the last year we have appropriated over \$5,800 for the purchase of utensils, and does not the gentleman think that is amply suffi-

cient to supply all the garden utensils necessary?

Mr. WILLIS. Mr. Chairman, I certainly have been unfortunate in the use of the English language if I have not made it clear that I do not think it is enough. I think the committee is very unwise if it cuts down this appropriation. Here in the Capital City, which should be a model for the whole Republic, when we are teaching agriculture in the schools, in the county institutes, when we are teaching it in agricultural colleges, and when everybody is interested in this except the Committee on Appropriations, it seems to me bad judgment to undertake to cut down this appropriation.

Will the gentleman yield? Mr. YOUNG of Kansas.

Mr. WILLIS. Certainly.

Mr. YOUNG of Kansas. Has the gentleman in mind the number of pupils who avail themselves of the opportunity that

is afforded in teaching agriculture in the city?

Mr. WILLIS: I will say that I have not any very definite information. I asked one of the teachers this morning, and he said that at least 300 were engaged in the work. They are not engaged occasionally, but they take the work and stay by it. They plant their vegetable and flower gardens; they raise the vegetables; they carry the vegetables and flowers home to their parents; and it is proposed that next year they may sell them and use the proceeds in further equipment for their school gardens.

Mr. YOUNG of Kansas. We might be able to determine whether this is a reasonable appropriation if we were informed as to the number of pupils who were availing themselves of the opportunity. If there are only 12, 15, or 20, the amount, of course, is ample. Mr. WILLIS.

Mr. W least 300. I can assure my friend that there are at

Mr. BURLESON. Well, at 300, that is \$4 apiece. [The time of Mr. Willis having expired, by unanimous con-

sent it was extended five minutes.]

Mr. WILLIS. That is precisely the point I want to make—that if there are only 300 pupils out of 50,000 in this city who are engaged in this work the poorest way in the world to encourage more of them to engage in it is to cut off the appropriation and say to them that they can not have the tools or the soil or the fertilizer.

Mr. YOUNG of Kansas. Would the gentleman be in favor of making an appropriation more than is necessary to supply

those who avail themselves of the opportunity?

Mr. WILLIS. I am in favor of making the appropriation at least as much as it was last year; and, as I understand, every penny of that money has been expended, and the people in charge of this work tell me that the work is going to be tremendously hampered unless the funds can be provided.

Mr. SAUNDERS. Oh, they always tell you that. Mr. WILLIS. The gentleman from Virginia says they always tell that. I have taken some pains to investigate this thing, and I investigated it before I ever saw the Halls of this Congress, and I say to you that you can not equip in any decent manner any considerable proportion of the pupils of a great city like this to do work of that kind with an appropriation of

Mr. SAUNDERS. But the very figures that the gentleman adduces show that that has not been attempted, and the fact that he mentions that but 300 of these pupils are availing themselves of the opportunity shows the limit of the work. We found that within the limits of the work being actually conducted, in our judgment, so far as we could get information upon the subject, \$1,000 was ample. If you are going into an extensive proposition, in an attempt to reach the 50,000 pupils of the city, then you must increase this appropriation many times.

Mr. WILLIS. I am not unreasonable about this. I do not

suppose you are going to reach 50,000 pupils with an appro-

priation of \$200 more, and it is not expected that will ever be done, but I do say it is the tendency in the educational work of this country that the teaching of agriculture in the schools shall be encouraged, and to cut off the appropriation is a mighty poor way to encourage it. These teachers have taken of their own substance, as I have said, to further this work. The teachers and the pupils have paid at least \$3,000 out of their own money in the past year to carry on the work, to buy shrubbery to beautify the school grounds, to buy seeds and bulbs to help along the work, and the teachers have taken time out of their vacations when they did not need to work to carry on these school gardens.

Here is another thing. The biggest proposition in this whole thing is not the flowers that will grow about the school grounds, or the shrubbery, but the biggest proposition is the boy or the girl. If we can induce one boy or ten boys or a hundred boys, that otherwise would be idling away their time, to go into partnership with the soil, if we can take them away from evil habits and places and get them to admire the beauties of a single beautiful flower, to raise a single little garden of vegetables, we shall have accomplished very much and shall have started them on the road to good citizenship. I hope, Mr. Chairman, that this amendment which I have offered will prevail. It is not unreasonable. It simply puts the appropriation back where it was last year—simply adds \$200 more than is recommended by the committee for the boys and girls and teachers of the schools of this great city.

It is announced that this District bill works a saving over the bill of last year of \$1,642,378.50. I call attention to the fact that possible on this great city.

fact that nearly one-half of this amount, or \$764,800, is taken from the appropriation for the schools of this city. It is a

false and mistaken economy.

I desire to submit as a part of my remarks portions of the reports of the board of education to the Commissioners of the District of Columbia and a statement on the value of school gardens as set forth in Farmers' Bulletin 218. The matter referred to is as follows:

REPORT ON SCHOOL GARDENS.

referred to is as follows:

REPORT ON SCHOOL GARDENS.

The appropriation by Congress of a definite sum for school gardens marks this year as distinctive in the history of the movement. It allowed the continuance of the work already established and the formation of seven new gardens in which children cultivate individual plots. These gardens are located at the Blow, Sayles J. Bowen, Cranch Annex, Birney, Jones, and Cardozo Schools, and one on a vacant lot at Seventeenth and Gale Streets NE., rented by the Noel House Committee. The gardens at all of these schools are continued by the children through the summer. A statement of the average amount of products raised in such gardens will be found in the last report.

It is to be regretted that by the terms of the appropriation no teachers can be employed to organize and systematically carry the work on during the summer. A summer garden school under the guidance of competent teachers familiar with grade work would give valuable opportunities to practically apply the regular grade work in number, literature, and geography.

There has been a marked advance in the use for educational purposes of the gardens around school buildings. The teachers are realizing their value in nature study and are letting the children bear more of the responsibility, the janitor less, except in summer. But few instances were noted last spring where the gardens were planted by the fanitors.

More intelligent work has also been done in the classroom preparatory to planting both home and school gardens. Teachers' meetings for all grades, both colored and white, were held in March, at which were presented simple experiments to teach principles of plant growth, soil culture, and plant chemistry. Very generally these experiments were repeated in the classrooms.

More and more each year the cultivation of individual plats is restricted to sixth-grade boys as a form of industrial work. During January and February all classes selected for the spring outdoor work were given half-hour lessons each we

experiments. The lessons were carefully planned to be within the grasp of the children, and from the grade teacher's point of view were successful.

The first tree planting by the city schools was held on March 27. Mr. David B. Fairchild, agricultural explorer for the Department of Agriculture, presented a Japanese flowering cherry tree to every building in the city. Instructions were given a representative from each building on the correct method of tree planting.

The exhibit of flowers in the fall is still considered a necessary feature of the garden work. The home gardens are legitimate school work. Their success or failure should be known to the teachers. It is not possible to make personal examination of them, so their products are brought to school. There should be no plants exhibited not raised by children, and there should be no excessive effort at display. The element of competition does not enter, as in many places. These exhibits offer excellent opportunity for parents and teachers to become acquainted early in the year. Where principals and teachers have been so guided, the flower shows have been productive of much good.

The formation of a school-garden committee by the board of education, with Mrs. Justina R. Hill as chairman, gave official recognition the past year to the work. Largely due to Mrs. Hill's efforts, the first appropriation (\$1,000) was secured from Congress.

In October the children were granted the privilege to purchase bulbs to plant in the school gardens. This strictly voluntary contribution was sufficiently generous to make creditable displays of tulips, hyacinths, and narcissus. Many teachers gave lessons in bulb' planting in window boxes and flowerpots for winter blooming in the schoolroom. The purchasing of the bulbs and seeds by the children affords the teachers the opportunity to give lessons in plant life, to encourage civie improvement and civic pride, and to teach most valuable ethical lessons.

By this means the rights of ownership are practically taught. The children are the owners and the planters of the gardens. They are taught to protect their own and to respect the property of their companions. Experience the last four years proves this to be the only way to successfully combat vandalism. There are numerous instances of school gardens having been ruthlessly destroyed the first year of their existence, but reports from the principals of buildings show that since the feeling of personal ownership has been developed such instances are rare. Reports are given of the influence of such teaching being felt in the neighborhoods adjacent to school buildings.

The school yards of the District have improved vastly since the garden movement was organized. The principals of buildings have worked faithfully to accomplish what has been done under many difficulties.

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VALUE OF SCHOOL GARDEN WORK.

worked faithfully to accomplish what has been done under many difficulties.

VALUE OF SCHOOL GARDEN WORK.

In any phase of educational work, the first question which presents itself is, What is the effect of the exercise or the study upon the pupil? Those who have had most experience in the school garden movement are emphatic in their statements regarding the educational value of this work. It is claimed that quick discrimination is one of the pronounced qualities resulting from it. Skill with the hands is necessarily an outcome. The handling of small seeds and of various tools naturally develops skill and agility. Systematic methods also follow from the natural order in which the operations conducted in the garden must be taken up. This not only develops a very important faculty, but at the same time teaches the young mind a logical sequence based upon the natural order of things. Industry is not an unimportant result which comes from school garden work. The idea of ownership and the rights of ownership, which come from the possession of a garden, induce the pupil to exercise his ability to make his possession as good or better than that of his neighbor. The natural result of this is industry. Business experience is an important result of harvesting and accounting for the products which are grown. The right of ownership and a respect for property rights are more largely developed from the possession of individual gardens than in community gardens. The idea that "what's mine is my own" becomes very strongly developed, with the natural sequence that such possessions must be properly protected and all rights concerned respected. On the other hand, a party interest in a community garden does not so emphatically develop the idea of individual responsibility, and each one has a tendency to care less for the plants which another has shared in producing, with the result that responsibility is shirked, and there is lack of interest, with a consequent lack of industry. For this reason, in our work from the very inceptio

ments connected with the cultivation of crops are of no mean significance.

In connection with these operations, the teacher can illustrate the good and evil effects from certain methods of cultivation, of working soil when in good and bad condition, with the consequent effects upon growing crops; can demonstrate the value of deep and shallow tillage, together with the importance of maintaining a loose soil mulch for the conservation of moisture. In fact, the school garden should be looked upon as a laboratory in which the different steps in the life of the plant are to be illustrated and demonstrated. The nature of soil, the importance of fertilization, and the conditions essential to germination, as well as the conditions conductive to growth, can all be illustrated in a logical and impressive manner in the school garden.

Field excursions may be an ideal way for conducting nature study with reasoning minds that have been trained to a logical system and in a consecutive systematic fashion, but school gardens offer facilities not to be approached in field excursions. Field excursions give disconnected fragments of the history of natural objects, while the school garden furnishes opportunities for observing plants from seedtime to harvest. In addition to the actual operations in the school garden, a number of schoolroom studies and experiments may be conducted, which will be of decided interest and value.

The CHAIRMAN. The question is on the amendment offered

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. Willis) there were—ayes 20, noes 31.

So the amendment was rejected. The Clerk read as follows:

Buildings and grounds: For the purchase of land adjacent to the Brookland School, \$3,000, or so much thereof as may be necessary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the point of order there to inquire of the chairman of the committee how much ground is now attached to that school for the purpose of recreation?

Mr. BURLESON. Mr. Chairman, I am unable to state the number of square feet that they have available for a play-ground, but I will say to the gentleman that the subcommittee on appropriations passed by this school during their investigations of the street, and we made an examination of the situation, and were unanimous in agreeing that this purchase should be made.

Mr. JOHNSON of Kentucky. The gentleman thinks that the other is too small?

Mr. BURLESON. It is entirely too small.

Mr. JOHNSON of Kentucky. How much does this acquire? Mr. BURLESON. It acquires two lots of a certain dimension. I will state to the gentleman that the people who own

these lots have no desire to sell them to the school for this purpose, and that the amount carried in the bill is the assessed value of the lots at this time.

Mr. JOHNSON of Kentucky. The gentleman and his com-

mittee visited the premises and examined them?

Mr. BURLESON. We did.

Mr. JOHNSON of Kentucky. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order and the Clerk will read.

The Clerk read as follows:

For completion of a normal-school building for colored pupils, \$125,000.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 55, after line 18, by inserting as a new item the following:
"For the construction of a four-room addition to the existing Chevy Chase School building, \$36,000."

Mr. BURLESON. Mr. Chairman, I reserve the point of

Mr. MANN. Mr. Chairman, I am quite willing the gentleman shall make the point of order.

Mr. CARLIN. Mr. Chairman, I shall have to ask for the regular order. I think we ought to know what the point is in

order not to consume time.

Mr. BURLESON. Mr. Chairman, I will ask for a rereading of the amendment

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. BURLESON. If it is for an addition to a building already in existence, I do not think it is subject to a point of

Mr. Chairman, in the estimates which were made and in the hearings I understand the District Commissioners asked for \$36,000 to construct an annex to this school building to be connected with the school building, stating that it is not practical to construct an addition, and that said annex was to be connected with the building. I consider that it could properly be called an addition, and thinking that possibly one item would certainly be subject to the point of order and the other might not be, I drew the item so that it will not be subject to the point order, and if the item goes into the bill an annex can be constructed as requested by the school board and connected with the building. Now, I have no complaint with the Committee on Appropriations in reporting this bill in the main. I have no doubt that, so far as the ordinary current work of the District is concerned, it will be performed under this appropriation bill as well as it is under the current law, but so long as we collect a certain amount of taxes from the people of the District which do not depend at all upon the amount we appropriate for governmental expenses in the District, the amount of the taxes being a fixed rate, it seems to me that we might every year do something in the way of public improvements and possibly expend the money which otherwise would simply pay off the floating indebtedness for this yearwhat it will be hereafter I do not know; I do not believe that the place to economize entirely is the school system. It was stated here the other day by the distinguished gentleman in charge of this bill that there were more accommodations for pupils in the schools of the District than were needed. Certainly that can not apply to Chevy Chase. What advantage is it to have an idle schoolroom in the center of Washington when you wish to educate children at Chevy Chase? Does anyone here pretend that the people who live at Chevy Chase have not the right to proper school facilities, or that they must send their children downtown to Washington that they may be edu-We have the money levied by taxation upon those peocated? ple, and it seems to me that we may well construct those buildings which are necessary for school purposes out of this money which we receive, and here we receive half of it by way of taxation.

I am willing to economize on a great many things. I recognize the fact that economies can be found and made in every department of the Government. I have no doubt that economies can be found and made in the school department in Washington and elsewhere, but we know what becomes of the money when it is put into a school building, where it can be used by school children, and it seems to me that is not the proper place to economize. I would not construct too many school buildings or spend too much money in any one year, but we can afford to spend money every year for school buildings when additional school buildings are needed. I hope that the committee will not resist the construction of this school building, which everyone who spends a summer in Washington ought to know is needed by reason of the development out in that part of the city. There has been a tremendous growth in population out there, and I believe we can well afford to authorize the appropriation of this money.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. MANN Certainly.

Mr. COX of Ohio. Has the gentleman any means of knowing whether there are not many children attending the Chevy Chase School who reside in Maryland without paying any

Mr. MANN. I do not know. I know there are many children going to school in Washington belonging to Members of

Congress, and I hope they will not be required to pay tuition.

Mr. SAUNDERS. The law gives them that right.

Mr. MANN. The fact that the law gives the right may give the right to anyone to attend this school, so far as I know; that is another proposition. I do not consider that it is an answer to the proposition to construct a school building for the benefit of school children in the locality to say that some other school children may use the building. I have observed from passing on the street cars a tremendous development of that portion of Washington, of actual population, and that population is entitled to school facilities. The last place at which we ought to stop those school facilities is here.

Mr. BURLESON. Mr. Chairman, I want to assure the committee that there is not the slightest desire upon the part of a single member of it to give one dollar less than is actually needed for the proper conduct of the schools in the District of Columbia; and especially were we anxious to provide ample seats for all the pupils attending schools within the confines of the District. This particular school to which the gentleman has alluded, and to which this amendment he has offered applies, is on the boundary line of the District, near the State of Maryland. At this time there is no excessive crowding in that school. On the contrary, the school has only about an average of 45 pupils to a room, and the proposed addition was to meet the future requirements of the school. But that was not the only consideration that moved your committee in denying an appropriation for this school. During the hearings the facts were disclosed showing that in the immediate neighborhood of this school there are residents of the State of Maryland who are contributing 1,450 pupils to the schools of the District of Columbia. These pupils avoid the payment of tuition which would aggregate, as stated by one of the school officials, a sum equaling between \$50,000 and \$60,000 by palpable evasion of the law

Mr. DYER. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. DYER. I want to ask the gentleman if any of these pupils of which he speaks come from Baltimore? That is the city he gave us the other day in comparison with the District as to the question of schools,

Mr. BURLESON. I am not sure whether any of them come from Baltimore or not, but I am quite sure, accepting the statement of the members of the school board, that there are 1,450 nonresident pupils attending the schools of the District of Columbia. I want to state in this connection that our attention was first called to the lack of economy in the use of publicschool buildings by a message from the President of the United States directing attention to the fact that we have an excessive number of schools in the District of Columbia, and directing attention to the fact that there was not proper economy used in the employment of the school buildings we now have in the District of Columbia. And I brought to the attention of the committee the other day, in the opening statement I made, the fact that we have a seating capacity at this time in public schools, owned, authorized, and in course of construction, to the number of 61,159, I believe, and that the average attendance, according to the school board and as stated in the commissioners' report, is only 45,000, or a small number in excess of 45,000. We made an actual test of the matter during the time that the committee was holding the hearings by calling upon the school board to furnish us data that would show the average attendance upon certain given days of last month.

The largest average attendance at that time was only about 49,000, or 12,000 less than the seating capacity of the schools now in existence. And we did not take into account portable schools or schools that are being rented by the school board in the District of Columbia.

We carry in this bill a provision that is going to relieve the stress upon the schools by providing that nouresidents shall pay tuition if they attend these schools. And when you consider the further fact that the power rests with the school

board to rearrange the school districts in the city of Washington so as to relieve the pressure upon any particular school, so as to utilize the excess of seating capacity which now exists and is in excess of 12,000 seats, I can not understand the necessity, and I do not believe the committee will deem there is a necessity, at this time for constructing any additional schools.

Mr. CARLIN. Will the gentleman yield for a question, Mr.

Chairman?

The CHAIRMAN. Will the gentleman yield?
Mr. BURLESON. Certainly.
Mr. CARLIN. I understood you to state that there were 1,450 nonresident pupils in the public schools of Washington. Of course, the gentleman knows the law permits nonresidents in case of officials and Government employees, and so forth, to send their children to the schools. Can you tell us how many of those are children of Representatives in Congress, Senators, and Government employees?

Mr. BURLESON. Under the law the children of Government

employees are permitted now to attend the schools, and under the amendment we are proposing the children of Government

employees will be permitted to attend the schools, and we have no desire to deprive them of that privilege.

Mr. CARLIN. But they are called "nonresident," and they are included in the 1,450, I assume, and I am asking if you know how many of the 1,450 are members of that class you have mentioned?

Mr. BURLESON. I will read to the gentleman the information we have upon that subject.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Mr. Chairman, I ask unanimous consent that

the gentleman have five minutes more.

Mr. BURLESON. I will read to the gentleman exactly the information we have on the subject. Speaking of nonresident children, the question was asked, "How many there are in the And a member of the school board answered:

There are between 1,450 and 1,500 pupils who are not residents and get free tuition, and there are between 40 and 45 who are not exempted, and hence pay tuition.

Then the dialogue continues:

Then the dialogue continues:

Mr. Saunders. If the 1,400 were required to pay, what would be the amount they would have to pay per capita?

Mr. Hine. I think the average would be about \$40 a pupil.

Mr. Saunders. That would be over \$56,000?

Mr. Blair. I have the act of April 14, 1906, before me, which is the act that covers the matter we are discussing.

Mr. Burlesson. Was that act passed in 1907?

Mr. Blair. No; April 14, 1906. The language is as follows:

"That hereafter pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia, or whose parents do not reside or are not engaged in business or public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia."

He sets forth the law which we propose to amend in this bill, which will relieve not the distress that exists at this time because I can assure the committee that there is no particular crowding of the schools at this time in that section of the city but the condition in anticipation of the future growth of the schools. As stated by the gentleman from Illinois [Mr. Mann], there is indeed a rapid development taking place at this time, but it is largely beyond the confines of the District of Columbia, and is in the State of Maryland, whereas this growth is

Mr. MANN. Oh, I think the gentleman will find that the growth is in the District of Columbia. I frequently visit that part of the city. There is more growth here than there is on the other side. The gentleman from Kentucky [Mr. Sherley] shakes his head at that, but I prefer to take my own opinion

rather than accept his.

Mr. SHERLEY. It is largely a matter of opinion, of course. Mr. CARLIN. As I said before, Mr. Chairman, there are about 500 Members of Congress and Senators in Washington whose children are eligible to admission to the schools of the whose children are eligible to admission to the schools of the District of Columbia, and likewise the children of the large body of other Government officials, and I take it that those are included in this nonresident class. It seems to me that we may not be giving any relief at all to the congested condition that exists unless we have the exact facts in relation to the matter.

Mr. BURLESON. I think the impression of the gentleman from Virginia [Mr. CARLIN] is erroneous. But even if it is not, even if these 1,450 nonresident students are permitted to attend the schools, I should say, in view of the fact that the disclosure is made before the committee that we have an excess of seating capacity of from 12,000 to 16,000, that there is no necessity for appropriating money for additional schools in the District of Columbia at the present time. It would be an easy matter to re-form the school districts, so that if there is a crowding of a particular school we could relieve the stress of that particular school by requiring the excess number of children who are now attending that school to attend another school, which may be located, in all probability, not more than a block or a block and a half away

Mr. Chairman, will the gentleman yield? Mr. HAYES.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from California?

Mr. BURLESON. I will yield in a minute. I brought out from the committee room a map which shows, as I am informed, the various districts of the schools now in existence, and a casual examination of that map will show that many of these schools are close to each other, and that it would be a very easy matter for the school board to re-form these districts so as to prevent the crowding of a particular school. During the recent investigation which the committee made in regard to the schools of the District of Columbia the attention of the assistant superintendent of schools was directed to the fact that we had an excess seating capacity at this time; and in answer he said, Oh, yes; if we could move the schools it would be many years before we would ask for additional buildings." You can not move the schools, but I submit to intelligent members of this committee this proposition, that it is a very easy matter to move the lines of the school districts so as to equalize the attendance of the enrolled pupils of the District of Columbia upon the various schools that are now in existence.

Now I will yield to the gentleman from California.

Mr. HAYES. Is it not true that the bulk of this excess seating capacity is in the older parts of the town, whereas the rapid growth is in the newer portion of the town?

Mr. BURLESON. That is true.

Mr. HAYES. That does not make any excuse, however, for not providing sufficient capacity in the newer sections of the

Mr. BURLESON. I would say to the gentleman that the rearrangement of the school districts that I speak of would permit the excess of pupils to be removed from the districts that are now crowded and allow them to be accommodated in districts where there is no congestion of pupils.

Mr. HAYES. But the gentleman would hardly advocate making it compulsory on students in Chevy Chase to come down to the center of Washington where this excess seating

capacity is.

Mr. BURLESON. I invite the attention of the gentleman to the map, and he will see that between Chevy Chase and the section he refers to there are probably 40 schools. The Committee on Appropriations would not ask the children to go from Chevy Chase to the center of the city, but we would ask them to go to one of the schools nearer by, and we think that is reasonable. I confidently submit to this body, in view of the fact that the District Commissioners have brought information, right in the presence of the school board, that we have an excess of seating capacity now of from 12,000 to 16,000 seats, there is no necessity at this time for additional school buildings,

Mr. HAYES. One more question, if the gentleman please?

Mr. BURLESON. Certainly.

Mr. HAYES. I gathered from the statement that of the 1,450 nonresidents only 50 are liable to pay tuition under the

Mr. BURLESON. Under the law as it exists now.
Mr. HAYES. And the gentleman can not advise us as to the other 1.400?

Mr. BURLESON. I think there is a palpable evasion of the law on the part of many of those who are benefiting by it. In fact, one of the school board stated that 5, 6, 8, 10, or 12 heads of families would chip in and buy a \$50 lot in the District of Columbia, and then avail themselves of the letter of the law, and claim that their children should be permitted, under this law, to attend the schools of the city of Washington. I think, as a matter of fact, that is a violation of the law. say the least of it, it is a palpable evasion of the law. Now, I submit this map to the careful scrutiny of the members of this committee, and I confidently believe that we are not hampering the schools in the slightest, that it is only fair economy to refuse the appropriation for additional school buildings until they utilize the seating capacity that they have at this time.

Mr. TAYLOR of Ohio. Mr. Chairman, this amendment goes to the extension of the school at Chevy Chase. As I stated in discussing the general terms of the bill, the committee were by no means unanimous on the question of the schools. minority members thought that all but one of these projects for new school buildings should have been included in the bill. I agree with the gentleman from Illinois [Mr. MANN] that the withholding of this appropriation is not economy. Some of these schools may not be as necessary as the others, but I have a

distinct recollection of the information brought out before the committee, and my recollection is that the Chevy Chase school is not one of those where there are any empty seats. On the other hand, that school is full up, and complaint is being made that the children across the District line in Maryland who have access to the schools are crowding out the children living in the District who desire to go to the Chevy Chase school and other outlying schools and making it impossible for them to have comfortable school facilities.

To bear out that statement there is an amendment proposed in this bill which does away with this influx of 1,400 or 1,500 nonresident pupils, and that was put in by the committee after discussion of the advisability of giving to the children actually residing in the District the first chance to have comfortable school facilities, and not permit these outlying schools like Chevy Chase to be overcrowded by children from Maryland, who are allowed, by a very loose law, to come in and take the

benefit of education in the District schools.

We are told that there is an excess of seats. excess of seating capacity. I have no doubt that that very condition applies in greater or less degree to every growing municipality where the center of population is shifting; but it is evident that the excess of seats largely applies to that portion of the city which at one time was residential, but which by the natural change of a growing city has become more or less a business community, and where the families which for-merly furnished the school children have moved away to outlying portions of the District, surrendering that more central portion to business purposes.

In other words, we have buildings here that should be sold, because they are not placed right for children; and in these buildings is where the empty seats and rooms exist. Again, in taking care of the rapid growth out in the suburbs we have built schools not just for the actual number of children living there when they were authorized to be built, but schools in anticipation of the normal growth of the immediate community in which the schools are placed, and in those outlying schools are vacant seats and rooms. There is one at Randle Highlands which has a number of vacant seats. It was built in a sparsely settled neighborhood, which is growing up to it.

Now, at Chevy Chase, if they are crowded out, where are they There is no school within several blocks-I do not know whether it is colored or white-but the great bulk of schools are in the heart of the city, and children should not be compelled to ride from what is really the country into the city and back

again at night to get an elementary education.

Mr. CARLIN. And pay car fare. Mr. TAYLOR of Ohio. Yes; and pay car fare or walk. When the committee was out investigating this matter, there had been a lot of mud and the roads were frozen up sufficiently for the committee to make the trip. I remember calling attention of those in the car in which we were making our inspection to a little girl walking along with a lunch basket way out near the District line somewhere, who was covered with mud up to her knees. That child had been to school, and it was in a portion of the District where there was no sidewalk and no pavement, and she was walking through the mud to and from school.

Now, the children ought not to be permitted to suffer that discomfort. I believe in bringing the schools to the children. I have objected, as I stated in my remarks the other day, to the vast number of schools of a small type. I believe we should reduce the buildings by building larger schools and taking care of more children under one roof. It costs more to build a large schoolhouse, but it costs less to run one with a number of large units than it does to run a multitude of small schools. This is for an extension of a school, and for one I voted against its exclusion, and I believe that it should be placed in the bill, as provided for in the amendment.

Mr. SAUNDERS. Mr. Chairman, I desire to call attention to certain facts in this connection. The House can not act wisely, unless it is apprised of the facts. The members of the Appropriation Committee have as much interest in the schools, and in affording school facilities in the District of Columbia as any other Members on this floor, and when they took up this investigation they earnestly desired to arrive at the essential facts.

There is a tendency on the part of most school authorities to multiply schools. We had that trouble in my own State to such an extent that we had to set to work to remedy it. It has been admitted that this tendency has operated in the past in Washington—that an unnecessary multiplication of schools has taken This is admitted on all hands.

With respect to this particular proposition namely the Chevy Chase School I wish to bring to the attention of the House the fact that so far as any information has come to the committee, it is the least deserving of all the requests for additional buildings. Should we grant the request of this particular school, there are a number of other requests which rest upon a stronger foundation of merit, and which it would be impossible for this House to refuse to grant when they are reached. This I repeat is one of the least deserving propositions of a number of the same character.

With respect to the facilities for children at Chevy Chase, there is no desire on the part of the Appropriations Committee to limit these facilities, but it is easy enough by a rearrangement of tributary school territory to afford school facilities to every child in the city of Washington, and at the same time not require any one of these children to travel an unreasonable dis-

What the committee has in mind, having reference to another branch of the discussion this evening, is to reach by an amendment which is proposed in the bill, an abuse in this city. is no intention to interfere with the people entitled to the use of the schools, who have been referred to by my colleague from Virginia [Mr. Carlin]. We have no desire to take away from a single person now entitled to send his children to these schools, any right to which he is entitled under existing law. But there is an abuse in progress which was called to our attention in connection with this very Chevy Chase schools hearing, and that is the influx into the District schools of children from outside of the District who are not fairly entitled to the use of the schools. Under construction of the present law any parent paying taxes in the city however trifling or insignificant those taxes may be, has the right to send his children into the city, and load up these schools. This I say is an abuse, and that abuse accounts for the supposed overcrowding of some of the We propose to reach that situation. So far as the committee can do so, we do not propose to allow a man to buy \$5 worth of property in the city of Washington, and then claim the right to send an unlimited number of children to the schools of the District of Columbia. Yet that is the situation which is

possible to-day under existing law.

Mr. DYER, Mr. Chairman, I would like to ask the gentleman if he has the figures there as to the number of vacant seats

and when this estimate was made?

Mr. SAUNDERS. Vacant seats where?

Mr. DYER. In the public schools.
Mr. SAUNDERS. They were furnished in the course of the hearings. So far as we could get them they are with reference to the existing year.

Mr. BURLESON. They are at page 283 of the hearings.

Mr. DYER. Does that include the portable schools and the schools held in the basements of buildings?

Mr. BURLESON. The gentleman speaks of "basements of buildings." We examined some of the basements of these school buildings and found that they are really the first story of the building. The use of the word "basement" is calculated to leave a false impression.

Mr. SAUNDERS. It is absolutely misleading, and that is

all there is about it.

Mr. BURLESON. I will read to the gentleman exactly what was said upon this subject:

Mr. Thurston. I do not know exactly. We have the information in the office and can furnish it.

Maj. Judson. In Nowember, 1911, there were 58,963 desks in schools publicly owned.

The CHAIRMAN. The time of the gentleman from Virginia

Mr. MANN. Mr. Chairman, I ask unanimous consent that

the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURLESON. I continue to read:

Mr. Burleson. In November, 1911? Maj. Judson. Yes, sir; 58,963; 1,824 desks to be provided in build-ings under construction and 396 in buildings appropriated for and about to be constructed.

That makes 61,183 in publicly owned buildings, exclusive of portable schools and rented schools.

Mr. DYER. And that was at what time?

Mr. DYER. And that was at what time?
Mr. BURLESON. In November, 1911.
Mr. DYER. And the total enrollment was what at that time?
Mr. BURLESON. The total enrollment at that time was something in excess of 50,000, according to the school-board report, which is mentioned in the report of the District Commissioners. The average attendance last year was something in excess of 45,000.

Mr. DYER. Has the gentleman there the report of the school

board upon that question?

Mr. BURLESON. The report of the school board has never been lodged with us. I do not think it is ready.

Mr. DYER. I think the gentleman's estimate is wrong. I

think the information is wrong.

Mr. SAUNDERS. We got it from the school people.
Mr. BURLESON. This statement was made in the presence of the school board, and there is absolutely no division of

opinion about it.

Mr. DYER. I will say to the gentleman that my information from some examination of this is that in October, 1911, the total number of seats in schoolhouses owned by the District was, outside of those in basements and portable houses, 54,039 and the total enrollment 52,771. That makes an excess of 1,268 seats over the total enrollment, excluding those in basements or in portable houses.

Mr. BURLESON. I will state to the gentleman that I now hold in my hand the report of the commissioners, and on page 20 the statement is made, speaking for the fiscal year 1912, that at the beginning of that fiscal year the average daily attendance was 45,436, which was distributed as follows, etc., and that was taken from the school-board report.

Mr. MANN. For 1911.

Mr. BURLESON. For the beginning of the fiscal year 1912.

Mr. MANN. For a year ago—not for this winter. Mr. DYER. The gentleman does not mean for October, 1911? Mr. BURLESON. That was for the beginning of the fiscal year of 1912; and in November, 1911, they had a seating capacity of 61,183, or 16,000 in excess of this number.

Mr. CARLIN. But the gentleman does not seem to understand he is quoting the daily attendance and not the enroll-The total enrollment is in excess of the daily attendance.

Mr. SAUNDERS. That is true but that does not mean any-That does not give you the attendance which is always less than the enrollment, and frequently much less. Now, Mr. Chairman, the statement made by the gentleman from Missouri [Mr. Dyer] illustrates what I said a moment ago as to how necessary it is to have the essential and real facts for an intelligent opinion. The suggestion that some children are being taught in the basements would carry to the minds of the average Member of this House the idea that there was something undesirable in that situation, and yet when we come to ascertain what is meant by basement we find that it is the first story of the building.

So far as my own judgment goes, it is often the most desirable portion of the building. When we went through the city looking over the public-school buildings we found out for the first time what a basement really was. I wish to say further, in connection with the Chevy Chase proposition, that the representatives of the schools merely said in that connection that they were getting ready for what they thought would necessarily come by reason of the growth circumjacent to Chevy Chase, and not that there was such a present pressure that this was necessary at this time to add to the Chevy Chase building. As a matter of precaution, they said they wished to get ready for the future. get ready for the future. I repeat, with respect to this proposition, that it is less meritorious than other propositions that were before us for extensions and additions to buildings. Should we give Chevy Chase what is asked, there are others that in reason we can not deny. I will read for the informa-tion of the House what Mr. Blair said in connection with Chevy Chase

The CHAIRMAN. The time of the gentleman from Virginia

has expired.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent that my time may be extended. My five minutes has been taken up by other gentlemen.

Mr. BURLESON. I ask unanimous consent that the gentle-

man's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Blair said:

The next is the Chevy Chase School, where conditions are such that we are simply preparing for what is certain to be inevitable. We started out there with a new four-room building, and then we added four more, and now we have an enrollment there that averages 45 to the room.

Without giving any idea what the actual attendance is.

That section is growing very rapidly. Under the law, as the committee knows, any resident of Maryland who obtains a livelihood in the District of Columbia has the right to send his children to the District schools, and Chevy Chase is growing very rapidly on both the Maryland and District sides.

This will answer the statement made on the floor that Chevy Chase was growing more rapidly on the District side than on the Maryland side. Mr. Blair did not seem to see any distinction in that respect. He further says:

That school out there is one of the rapidly growing schools. This will make a 12-room school. As you know, a large number of people have gone out there for their homes and live in that neighborhood almost exclusively. They are now property owners there and are permanently located at that point.

This presents the situation with respect to Chevy Chase. The same sort of situation only in stronger form exists with respect to a number of other schools. We denied these extensions, because the situation can be met in another way, and there is in contemplation the erection of buildings of such a character, and so located that they will meet the situation for years to come. In the meantime we should not multiply needless small buildings. Such a policy is most unwise, when by adjusting the territories tributary to the schools the whole situation may be adequately met without hardship. I submit therefore to this House that a case has not been made out for Chevy Chase, and the figures that have been given by others of the available school room in the District, very clearly indicate that at this time we do not need to erect more buildings. Mr. COX of Ohio rose.

The CHAIRMAN. If the gentleman from Ohio will permit, the Chair assumes that the gentleman rises to oppose the amendment?

Amendment?

Mr. COX of Ohio. Yes.

The CHAIRMAN. Perhaps, under the custom, it would be proper for the Chair to recognize some one in favor of the amendment before the gentleman from Ohio speaks.

Mr. COX of Ohio. I have no objection.

The CHAIRMAN. If some gentleman desires to address the

The CHAIRMAN. It some gentleman desires to address the House in favor of the amendment—

Mr. DYER. Mr. Chairman—

Mr. CARLIN. Mr. Chairman, will the gentleman yield for me to make a motion? I want to move that all debate upon the paragraph and this pending amendment be closed in the next 10 minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on the paragraph-

Mr. MANN. I shall want some time.
Mr. CARLIN. Well, I will make it 15 minutes.
The CHAIRMAN. The gentleman from Virginia moves that all debate on the paragraph and pending amendment be closed in 15 minutes

Mr. CARLIN. I do this, Mr. Chairman, because there are four or five others, and we want to get through with this if

Mr. BURLESON. Mr. Chairman, I think this is an important matter, and I hope there will not be a limitation upon the debate. Two members of the Committee on Appropriations desire yet to be heard, and the gentleman from Illinois [Mr. Mann] is entitled to conclude the discussion on that side.

Mr. CARLIN. I withdraw my motion.

The CHAIRMAN. Without objection, the motion of the gentleman from Virginia [Mr. Carlin] is withdrawn, and the gentleman from Missouri [Mr. Dyer] is recognized.

Mr. DYER. Mr. Chairman, I want to call the committee's attention for a minute to what I believe is the unjust and unfair policy of the Subcommittee on Appropriations of the District of Columbia with reference especially to the public schools.

I have examined the figures and facts set out in various reports of various cities, and I do not find the extravagance of which the gentleman from Texas, the chairman of that committee, endeavored to convince the House in his statement. I believe the city of Washington should have as good—if not better—public schools as any other place in this country, because of the fact that it will be a benefit to the whole country. The children who are educated here, a great many of them at least partially, live here for a year or more, because of their parents being in the public service, in Congress, or somewhere else, and if they get the benefit from the public schools here it will be a benefit to the whole country.

The Congress of the United States in 1906 appointed what was known as a schoolhouse commission for the purpose of studying the situation here as to the schools in the District of Columbia. That commission has its report in Senate Document No. 338, and they go into great details as to various cities that they visited, the schools that they examined, the buildings and everything in connection with the public-school system. That commission made its report to Congress, and I want to call the committee's attention for a minute to one portion of their recommendation, especially with reference to the question that is now before this House, namely, cutting down the estimates for the erection of school buildings and the importance of building additions to those that are now erected. This commission in its report in part says:

At this point it seems desirable to the commission to make some recommendations in regard to the size of the appropriations. It is recognized that the expenses of conducting the public-school system in Washington are probably higher than in any other community, whether measured either by amount expended per child enrolled or amount expended per 1,000 residents of the District.

The commission sets out what it believes should be done and why it costs more here. Then it goes on and makes a recommendation to Congress in regard to appropriations which vitally affect this question at issue. The commission says further, in part:

The commission believes that an authorization for new school buildings and grounds for the fiscal year of 1909 should be made of about \$1,000,000, and that about the same sum should be appropriated for each of the three or four succeeding years, after which time a normal basis will be reached of about \$600,000 a year for new buildings, and from \$100,000 to \$150,000 for repairs to buildings—

And so forth.

These are the recommendations of the committee that examined the public schools of practically every city in this country, and which submitted their report in a number of volumes upon these questions, with illustrations of the various schoolhouses that they visited and examined in the various cities of

I feel, Mr. Chairman, that Congress, if it passes this bill, will not have done as much as it ought to do in this respect for the District of Columbia public schools. I do not believe that money is wasted in the public schools of the Nation by pro-viding superior buildings and equipments, and by providing good, living wages for the teachers. I come from a city [St. Louis] that is recognized by educators, public-school teachers, and those engaged in public-school work, as having the best public-school system as well as the best buildings in the country.

The CHAIRMAN. The time of the gentleman has expired. Mr. DYER. I ask unanimous consent for five minutes more. The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. This commission, Mr. Chairman, that made the examination under the authorization of Congress and at its direction, reported that it had examined all these schools and found the school buildings and the architecture, and so forth, in the city of St. Louis better than in any other place they had visited.

Now, Mr. Chairman, let me call the attention of the committee to some figures as to cost, and so forth, of the St. Louis and Washington schools, taken from a report of the United States Commissioner of Education for 1910, which, from comparison, will show that the Washington schools are not overly expensive, when we understand the general scheme for education in Washington, with its requirement for two entirely separate systems of school buildings, and so forth, to wit:

CITY OF ST. LOUIS.

Total population, 1910, 687,029; school-census age, 6 to 20 years; children of school-census age, 195,966; pupils in private schools, largely estimated, 30,000; number of high schools, 5. Supervising officers: Men, 79; women, 45; total, 124. Regular teachers: Men, 153; women, 1,834; total, 1,987; kindergarten, 267; elementary, 1,380; high schools, 246; all other, 94. Different pupils enrolled in day schools: Boys, 43,500; girls, 44,431; total, 87,931. Number of days schools actually in session, 200; average number of days' attendance, 13,518,600; average daily attendance, 67,908.

RECEIPTS OF SCHOOL SYSTEMS.

End of fiscal year, June 30; from State appropriations, levies, and permanent funds distributed by State, \$309,039; general city or district tax levies for school purposes, \$2,977.487; income from permanent funds held by city district, including rentals, \$82,948; special taxes, licenses, poil tax, excise, and other privilege taxes, \$697,972; nonresident tuition fees, \$5,335; interest on bank balances and sinking funds available for current use, \$40,775; sale of property, including insurance adjustments, \$80,848; other sources, \$59,991; total from current sources, \$4,254,395; available balance from previous fiscal year, \$175,005; grand total, \$4,429,400.

EXPENDITURES FOR DAY SCHOOLS.

Salaries of teachers, \$1,950,368; supervising officers, \$88,784; janitors, \$221,861; office employees, \$44,752; all other employees, \$37,168; fuel, water, power, and light, \$83,138; textbooks, stationery, and school-room supplies, \$105,566; rent and insurance, \$10,392; ordinary repairs and renewals, \$105,679; furniture and furnishings, \$26,830; general supplies, manual-training and laboratory materials, \$28,896; transportation of pupils, \$6,650; all other expenses not specifically named, \$225,857; total current expenses, \$2,935,941; grounds, buildings, and permanent improvements, \$1,187,161; grand total, \$4,123,102.

EVENING SCHOOLS.

Number of evening schools in session, 60; length of session in hours, 2. Teachers in all public evening schools: Men, 51; women, 90; total, 141; number included in total of 141 who taught in day school, 134. Pupils in elementary classes: Male, 1,216; female, 4,042; total, 5,258. In high-school classes: Male, 610; female, 1,766; total, 2,376. Total enrollment in all classes, both sexes, 7,634; total average attendance, all classes, both sexes, 3,121. Expenditures: Salaries of teachers, \$29,649; supervising officers, \$720; faultors, \$2,020; purchase of textbooks, etc., \$2,475; purposes not classified, \$230; total, \$35,094.

DISTRICT OF COLUMBIA.

Population, 1910, 331,069. Number of supervising officers: Men, 24; women, 19; total, 43. Number of teachers: Men, 189; women, 1,470; total, 1,659. Enrollment in public day schools, 56,136; aggregate number of days' attendance of all pupils, 8,085,888; average daily attendance, 44,627; enrollment in private schools (largely estimated), 6,000.

SUMMARY OF EXPENDITURES FOR DAY SCHOOLS.

Supervision and teaching, \$1,553,645; all current purposes (including salaries of teachers and supervising officers), \$2,038,034; grounds, buildings, and permanent improvements, \$641,530; all purposes out of funds available for expenditures during the year, \$2,679,564.

VARIOUS ITEMS BELATING TO SCHOOLS.

Ratio of private-school enrollment to enrollment in all schools, public and private, 9.7; ratio of average daily attendance to enrollment (public schools), 79.5; average number of days' attendance to each pupil enrolled, 161.8; average length of school term (in days), 181.2; average number of pupils in attendance to each teacher, 26.9; average number of teachers to each supervising officer, 38.6.

SUMMARY OF STATISTICS OF EVENING SCHOOLS.

Teachers: Men, 55; women, 66; total, 121. Elementary classes: Men and boys, 1,588; women and girls, 1,008; total, 2,596. Secondary classes: Men and boys, 384; women and girls, 169; total, 553. Vocational classes: Men and boys, 358; women and girls, 767; total, 1,125. All evening schools, 4,274; average daily attendance, 1,766.

SCHOOL CENSUS, ATTENDANCE, AND PERSONNEL IN PUBLIC SCHOOLS.

Total population, 1910, 331,069; pupils in private schools (largely estimated), 6.000; number of high schools, 7. Supervising officers: Men. 24; women, 19; total, 43. Regular teachers: Men. 189; women, 1,470; total, 1,659—kindergarten 128, elementary 1,099, high school 203, all other 229. Different pupils enrolled in day schools, boys 27.066, girls 29,070, total 56,136; number of day schools actually in session, 181; aggregate number of days' attendance, 8,085,888; average daily attendance, 44,627.

RECEIPTS OF SCHOOL SYSTEMS,

End of fiscal year, June 30, Federal appropriation, \$1,519,705; appropriations out of general municipal funds. \$1,519,705; total from current sources, \$3,039,410; grand total, \$3,039,410.

EXPENDITURES FOR DAY SCHOOLS.

Teachers' salaries, \$1,460,594; supervising officers, \$93,051; janitors' salaries, \$111,099; salaries of office employees, \$22,937; salaries of all other employees, \$9,858; fuel, water, power, and light, \$87,322; text-books, stationery, and schoolroom supplies, \$62,374; rent and insurance, \$23,901; ordinary repairs and renewals, \$75,402; furniture and furnishings, \$22,428; library maintenance and purchases of books, \$68,57; general supplies, manual training and laboratory materials, \$62,871; all other expenses not specifically named, \$5,512; total current expenses, \$2,038,034; grounds, buildings, and permanent improvements, \$641,530; grand total, \$2,679,564.

EVENING SCHOOLS.

Number of evenings schools were in session, 71; length of session, in hours, 2. In all public evening schools: Men, 55; women, 66; total, 121. In elementary classes: Men and boys, 1,588; women and girls, 1,008; total, 2,596. In high-school classes: Men and boys, 384; women and girls, 169; total, 553. Vocational classes: Men and boys, 358; women and girls, 767; total, 1,125; total enrollment in all classes, both sexes, 4,274; total average attendance, all classes, both sexes, 1,766; salaries of teachers, \$13,870; salaries of supervising officers, \$651; salaries of janitors, \$2,477; purposes not classified, \$2,367; total, \$19,365.

Mr. Chairman, when the chairman of this subcommittee compared the public-school system of Washington with those of other cities, with regard to cost of maintenance, and so forth, he selected cities either much smaller than Washington or with inferior public schools, as well as some cities that have about 50 per cent of their children of school age not attending school. occurs to me that the gentleman should have taken the schools of such cities as St. Louis, Boston, and New York. No one wants the public schools of Washington, the Capital of the Nation, to be inferior to those of the best.

The board of education is charged with asking for too much money for the education of the children in the public schools of

the District of Columbia. I do not think so.

The estimates for the year ending June 30, 1911, were \$4,677,721. Almost one-half of this amount, \$2,263,130, was for school buildings and grounds made necessary by the neglect of the past and the natural increase in enrollment. The board has never claimed that all this money is called for on account of the increase in school attendance.

THE NEGLECT OF THE PAST.

On the contrary, it is chiefly for betterments demanded on account of past neglect and to carry out the recommendations of the schoolhouse commission appointed by Congress in 1906, to get rid of 124 half-day schools above the first grade, to replace 18 portable schoolhouses with modern structures, and to make it possible to give up 96 rooms in rented properties which are insanitary and unfit for school purposes that money is

To show how the public schools of Washington have suffered from neglect it is only necessary to recall the fact that from 1805 to 1878—73 years—the schools did not receive a dollar of money or a single acre of public land, whereas up to 1906 the Government had given to the States and Territories 150,000,000 acres of public land for educational purposes. It is easy to see how far behind the Washington schools must have fallen in these 73 years, supported only by the taxes of its citizens and without any Government aid whatever.

The schoolhouse commission was appointed by Congress in

1906 and reported in 1908. It was made up of the then superintendent of schools, the Architect of the Treasury, and the engineer commissioner. The report of this commission sheds

some light on the large estimates for buildings made by the board of education for the past three years and for which it is now censured. The money asked for by this governmental commission for school buildings was far in excess of that asked in any one year by the board of education.

A fair index of the condition and needs of the Washington

schoolhouses is found in these facts:

The commission promptly condemned and recommended the abandonment of 24 buildings.

2. It also recommended the erection of new and modern high

schools in place of the Eastern and Central.

3. It specifically recommended the appropriation of \$3,655,000 for buildings, fully one-half of which was to replace the dilapidated structures which were condemned as unfit for use.

4. On page 22 of its report the commission says:

It is, however, certain that Washington has not been spending as much money in the construction of new buildings as have most other progressive cities of the country. It is believed by the commission that in 10 years the District has fallen behind in the construction of new buildings to the extent of at least \$2,000,000.

On page 30:

In Washington, notably in the older schools, playground space is notably delicient. Instead of an eight-room building having 12,000 square feet of play space, not a few have scarcely 1,000 square feet. About half of the buildings should have additional playgrounds. The commission recommends an appropriation of \$200,000, in order to acquire for certain selected schools additional playgrounds, and that in future appropriation bills provision be made for the playground extensions to other schools until every elementary school shall have a proper playground. playground.

HALF-DAY SCHOOLS.

It will take \$500,000 to erect buildings enough to accommodate 126 half-day schools which should be whole-day schools.

RENTED BUILDINGS.

It will take \$600,000 for buildings to take the place of 96 rented rooms, none of which are suitable for school purposes

I feel great interest in the schools of Washington, Mr. Chairman, because of my membership upon the Committee on the District of Columbia. During the discussion here it has been hinted that the committee of which I am a member has failed in discharging its important functions. I have noticed two or three important items stricken out of this bill on points of order, and I have no criticism to make of those who made the points of order, because they were perfectly within their rights. But upon the question of doing their full duty the members of the District Committee have received some criticism.

I want to say to those upon the other side of the aisle that the members of the minority in that committee, of which I am a part, have been at all times ready and willing to do their full The committee consists of 21 members. The Democratic majority has taken 14 of those and given the Republicans 6 and the Socialist 1, so that the responsibility for anything that is accomplished on behalf of that committee, or not accomplished,

goes to those who have it in charge.

I have devoted some time to visiting the public schools, examining the buildings, the equipment, and so forth, and seeing the children at work in the normal schools, the high schools, and all, and I am satisfied that the Government is not to-day doing as much as it ought to do for the public schools. The public schools of the United States are the great bulwarks of intelligence, liberty, and free speech, and do more to preserve peace and prevent war, sickness, and distress than all other agencies combined. Hygiene, cleanliness, preventions of disease, as well as knowledge of reading, arithmetic, and sciences of all kinds, are taught in the schools. The children are taught to honor and love their coutnry, and, in my judgment, Congress should be liberal in appropriating money for the public schools and for We should have the best buildings obtainable, the best equipments, and the best teachers. There is no other force in the world that does as much good for our country and its institutions as does that of the public-school teachers.

I ask permission, Mr. Chairman, to extend my remarks by inserting an editorial from the St. Louis Times of the 13th instant, upon the subject of the teachers of the public schools,

as being fully in line with my remarks upon this bill.

The CHAIRMAN. The gentleman from Missouri [Mr. Dyer] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

THE TEACHERS OF THE PUBLIC SCHOOLS.

Civilized as we are in many ways, we have never gotten away from that barbaric instinct which exalts war as the greatest and most admirable expression of patriotism. Prompted by this instinct, we spend over 70 per cent of Federal revenues upon war, its preparations, and its results.

This is done under the specious name of patriotism, that the country may be saved and preserved.

Meanwhile the real potent forces that are actually saving and making possible our advance in civilization are working in quiet and with but scant recognition of their service. Not only are the public schools of the country the most important factors in making American citizens of our own children, but they are doing likewise for the children of that vast number of foreigners that annually flood our shores.

Without this transforming we should have vast spots in our country of congested foreign-born population where American ideas and ideals were unknown. Under such conditions it is easy to see how difficult it would become to obtain an impartial and intelligent verdict at the polls on those numerous and serious problems which the voters of this country must finally solve, and how every effort of reform and progress would be continually thwarted and obstructed by ignorance and prejudice.

of this country must finally solve, and how every effort of reform and progress would be continually thwarted and obstructed by ignorance and prejudice.

Lest this picture be thought a mere figment of the imagination, we have only to examine the situation in the Province of Quebec, Canada, where the schools are in the hands of the reactionary elements and where the French-Canadian patois is the only language taught. As a natural result, the masses of the population are very much in the same state as when Wolfe and Montcalm battled on the Plains of Abraham, a century and a half ago.

Owing to the influence of the public schools in America, we find that the children of foreign-born parents usually refuse to learn the language of their parents, much less imbibe their ideas, and this because of their association with English-speaking children at the public schools.

There is a deep and fundamental connection between language and racial persistence and integrity, for in no way can inherited ideas be so transmitted as by language. All conquered races have realized this fact, and cling obstinately to their mother tongue as the last remnant of their nationality, because of the consciousness that the disuse of their language is but the prelude to amalgamation with their conquerors.

The church does not help us very much in the matter of assimilation of that crude material that is constantly thrust upon us in the shape of emigration, since the church is naturally a conservative rather than a constructive force, and segregates the different elements into bodies speaking their own language and officiating in their own tongue.

National solidarity can only be had with an universal and common language, and this is the spirit of advanced thought, of scientific education, of progressive methods, and, best of all, of democratic ideas which the public-school teachers so thoroughly inculcate. When we talk of those who are "saving the country," let us not forget that the public-school teachers lead all the rest.

Mr. COX of Ohio.

Mr. COX of Ohio. Mr. Chairman, the gentleman from Illinois [Mr. Mann] shows clearly that he purposes making an issue of the economies worked out by the subcommittee in dealing with the public-school system here. The friends of this bill will meet that, and I make the prediction now, that with the developments of the next 12 months, revealing as they will the extravagances in the public schools in the city of Washington, the position of this committee will be eminently and well justified.

The subcommittee gave to no other part of this bill as much attention as it gave to the part relating to the public schools. It was the belief of the committee that extravagance has run wild in the conduct of the public schools of the District of Columbia. The committee, I should say at this juncture, was greatly pleased with and impressed by the strong executive force of the new superintendent of schools, Dr. Davidson; and we believe that as the result of his administration here our opinion in this matter will be shown to have been well based

Mr. WILLIS. Mr. Chairman, will my colleague yield to me for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. COX of Ohio. Yes; with pleasure.

Mr. WILLIS. It is stated in the report of the committee that the sum saved by this bill is \$2,200,000 or more. By subtraction I find that the amount cut off on the item of public schools alone is \$764,000. In other words, one-third of the total amount claimed to be saved in this bill comes from the public schools. Does my colleague think that that is about the appro-

priate proportion for the schools?

Mr. COX of Ohio. I think my amiable colleague from Ohio will agree perfectly with the committee when he knows the facts. The apparently large decline in the amount of the appropriation for the public schools is brought about almost entirely by lopping off two high-school buildings, because there was not any necessity for them, as was demonstrated by the evidence submitted to the committee.

We are perfectly willing to meet that issue when we come to There were carried in the bill two very large items, one for a colored high school and one for a white high school, and I think this committee can fully justify its position in cutting them out of the bill for this year.

The subcommittee sought to bring to its deliberations on the schools nothing more nor less than common sense and common business prudence. It developed that between 1,400 and 1,500 pupils were attending the schools in this District without any right to do so, because they were not paying tuition charges. We found this most startling situation, and I will read from the hearing what Mr. Blair says:

I know of one instance where four gentlemen paid \$50 for a lot in the District and had it put in their joint names, and then claimed the privilege of tutelage.

I ask my amiable friend from Ohio [Mr. WILLIS] and my distinguished colleague from Illinois [Mr. MANN] whether the committee were not acting within their rights and clearly in behalf of their constituencies when they sought to wipe out this Under existing law, if a person pays a dollar in taxes he is privileged to send his children to school free. It became a practice for a number of persons to join together in some purchase, involving a ridiculously low investment on their part, and in this way they made a travesty of the law. These are features of the present situation which this bill corrects.

Mr. MANN. Mr. Chairman, just a word. I offer a simple amendment for an addition to a school building. Thereupon my friend, the distinguished gentleman from Ohio [Mr. Cox], commences to talk about "issues." He says, "We accept the issue." Why, everybody in the country has always known that the Republicans were in favor of education and the construction of school buildings, and that a large portion of the Democracy were opposed to both. It is not a question of accepting an issue. It did not require the statement of the gentleman from Ohio [Mr. Cox] that the mere offering of an amendment to provide for an addition to a school building was to be considered a national issue by the Democracy. One would have supposed that they might permit the employment of an additional teacher or an addition to a school building without considering it a national issue; but as long as they say they accept the issue we are willing to accept the issue.

The gentleman from Virginia [Mr. SAUNDERS] says there are other places more in need of a school building than this. The gentleman from Virginia is one of the best-informed and ablest Members of the House. Will he not tell us what the other places are?

Mr. SAUNDERS. Yes; with pleasure. I say this is one of the least meritorious.

Mr. MANN. The gentleman said a few moments ago there were others more meritorious. What are they?

Mr. SAUNDERS. I say this is one of the least meritorious, and I propose to put in the facts which justify that proposition.

Mr. MANN. I ask the gentleman which ones are more meritorious. Mr. SAUNDERS. If you will let me put in my facts, I think

you will find the others which are more meritorious. Mr. MANN. I will not yield unless the gentleman is willing

to answer my question.

Mr. SAUNDERS. I would have given the gentleman the desired information by this time, if he had permitted me to go ahead.

Mr. MANN.

MANN. Very well. SAUNDERS. According to the evidence before the committee upon which was based the request for an addition to the Chevy Chase School, that school has an enrollment that averages 45 to the room. If you will look on page 311 of the hearings you will see that the Petworth School has an enrollment of 64 pupils to the room.

Mr. MANN. There was no building recommended for Petworth?

Mr. SAUNDERS. Yes; they wanted one near there. the Takoma School building, that has an enrollment of 50 plus I can give you several more cases. to the room.

Mr. MANN. Very well, let us have them, where buildings were recommended. Which ones are the most meritorious? Mr. MANN. The gentleman has named the Petworth School, which is not in issue at all, because no addition was recommended there.

Mr. SAUNDERS. It is in issue, because the facts show that it is more desirable to have an addition there than at Chevy Chase.

Mr. MANN. I am discussing the estimates.

Mr. SAUNDERS. I am giving you the figures. Mr. MANN. Now, the gentleman spoke of the Takoma School. Mr. SAUNDERS. I gave you figures, and I can give you some more.

Mr. MANN. The gentleman gives figures, but he might as well give me an arithmetic. Giving me an arithmetic would not furnish any information on the subject of the schools of Washington.

Mr. SAUNDERS. The gentleman asked me a question, but he does not give me a chance to reply.

The gentleman does not answer my question. Mr. MANN. Mr. SAUNDERS. The gentleman from Illinois does not give me an opportunity.

Mr. MANN. The gentleman from Virginia has used most of my time so far.

Mr. SAUNDERS. I will leave it to the House to say how much of the time given me has been consumed on your part. Now in reply let me call the attention of the gentleman from Illinois to the following item: The next item for new construction is the Birney School building. That school is across the Anacostia River. In the main building at the present time is Anacostia River. an enrollment of 309. In this school is an enrollment of almost 100 more than the seating capacity in the annex. The gentleman will bear in mind that additional buildings are asked for here. Now this is a much stronger case than that of Chevy

Mr. MANN. That is what I want; give me the rest.
Mr. SAUNDERS. Well, I have given you three, and that is nough. The figures as to others are not immediately available.

Mr. MANN. Oh, the gentleman declines to give the information when he has the license to do so, if he wishes. I have asked him courteously for the information. A gentleman sitting near him who does not take the floor suggests to him that he decline to give it. The gentleman who does not take the floor is opposed to the expenditure of any money for schools. [Laughter.]

Mr. SAUNDERS. I do not care to consume the time of the House in such badinage as is now in progress. I am trying to give the House serious information, to which it is entitled.

Mr. MANN. And I am trying to get from the gentleman

serious information.

Mr. SAUNDERS. I have given the gentleman the facts in relation to the Birney School, the Petworth School, and the Takoma School.

Mr. MANN. Yes; now give us the others, if the gentleman has anv.

Mr. SAUNDERS. I will rest my case on those three schools.

Mr. MANN. Are there any other schools?
Mr. SAUNDERS. Yes; but I will rest my case on those.
Mr. MANN. The gentleman says that he has information of

other schools, but he declines to give it.

Mr. SAUNDERS. I have given you the facts as to these three schools. They are sufficient to support the statement I made in the first instance as to the relative merits of Chevy Chase and the other schools for which additions are asked.

Mr. COX of Ohio. Will the gentleman from Illinois yield?

Mr. MANN.

Mr. COX of Ohio. I am sure that the gentleman does not want to confuse the situation by any misstatement. What I said about an issue was the issue as between the opponents and the friends of this amendment; and I want to make this statement for one simple reason: There was no politics in this bill, and if the remark made by the gentleman with respect to my statement went unanswered, it would be unfair to the Republican members of the subcommittee, who gave us the most splendid cooperation in the preparation of this bill. There was

no politics in it.

Mr. MANN. Now, Mr. Chairman, the only excuse that has been offered against this amendment is that there are too many school seats now vacant in the District of Columbia and by a rearrangement they could provide all the school facilities at rearrangement they could provide all the school facilities at Chevy Chase, which everybody knows are needed. Here is Chevy Chase away out here on this map. What good does it do to have school seats in the heart of the city of Washington? You might as well have them in Texas, although goodness knows that they might not be used there. [Laughter.]

Mr. BURLESON. They are not needed in Texas quite as badly as they are in some other States that I know of.

[Laughter.]

Mr. MANN. They are not appreciated as much. No one can look at the map which my friend from Texas brought on the floor and say that any rearrangement of the school districts of Washington would provide for the necessary school facilities at Chevy Chase. Now, here is a proposition which the school board recommended of six additional school buildings this yeartwo to commence and four to appropriate for. There is not a line with reference to any of these new buildings in this bill. That is easy economy. It is pure political economy, however. There are no politics in the bill, and there ought not to be any politics in the bill, but the gentleman brings politics into the bill.

Mr. FOWLER. Will the gentleman yield?

I will. Mr. MANN.

Mr. FOWLER. I want to ask my friend and colleague if the statistics do not show that in the city of Washington there is an average of less than 22 pupils to a teacher?

Mr. MANN. Well, I would not be surprised if that was the case. I would not be at all surprised if they had too many teachers in the city of Washington.

Mr. FOWLER. If that be true, I want to know if there

could not be an arrangement whereby all the pupils in the city of Washington could be well accommodated by making changes in the boundaries of the different districts.

Mr. MANN. I will ask my colleague if he has ever had the pleasure of going out to Chevy Chase?

Mr. FOWLER. That does not answer my question.
Mr. MANN. I think it would. If the gentleman has never been there I would say to him that Chevy Chase is way out on Connecticut Avenue, at the District boundary line. It is not possible to rearrange any school districts in the District of Columbia so as to get additional facilities for the people who live at Chevy Chase.

Mr. FOWLER. Mr. Chairman, I would be very glad to have the gentleman answer my question.

Mr. SAUNDERS. There is somebody else now who will not furnish information.

Mr. MANN. I thought I had answered the gentleman's

Mr. FOWLER. I understand that nobody lives at Chevy Chase except the aristocrats. [Laughter.]

Mr. MANN. Mr. Chairman, if the gentleman had made that remark before I would not have asked him if he had ever been out there. [Laughter.] It is perfectly patent out there that

the population is not composed of aristocrats. Mr. FOWLER. Mr. Chairman, if there are any people in the

United States who need education it is the aristocrat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Mann) there were—ayes 12, noes 36.
Mr. MANN. Mr. Chairman, I make the point that there is

no quorum present.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ALEXANDER having assumed the chair as Speaker pro tempore, Mr. Garrett, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. Brown to withdraw from the files of the House, without leaving copies, papers in the case of the heirs of Edmund H. Chambers, Sixtysecond Congress, an adverse report having been made thereon.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until Saturday, January 20, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, recommending modifications to the estimates of appropriations for the office of the Assistant Treasurer of the United States at New York as contained in the Book of Estimates for 1913 (H. Doc. No. 468); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Interior, stating as soon as the records can be copied the information called for by House resolution 270 on the subject of Lake Tahoe will be transmitted to the House (H. Doc. No. 467); to the Committee on the Public Lands and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOSTER of Illinois, from the Committee on Mines and Mining, to which was referred the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, reported the same with amendment, accompanied by a report (No. 243), which said bill and report were referred to the House Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering ground, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes, reported the same without amendment, accompanied by a report (No. 242), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAMILTON of West Virginia, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 1835) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War, etc., accompanied by a report (No. 245), which said bill and report were referred to the Private Calendar.

Mr. BURKE of Wisconsin, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 18336) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War, etc., accompanied by a report (No. 246), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 18337) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War, etc., accompanied by a report (No. 247), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17705) granting a pension to Mrs. H. E. Armstrong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17634) granting an increase of pension to William Stewart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. LEVER: A bill (H. R. 18322) to provide for the erec-

By Mr. LEVER: A bill (H. R. 18322) to provide for the erection of a monument to Maj. Gen. Thomas Sumter; to the Committee on the Library

mittee on the Library.

Also, a bill (H. R. 18323) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. PAGE: A bill (H. R. 18324) for the purchase of a site and the erection of a public building thereon at Thomasville, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. SISSON: A bill (H. R. 18325) to authorize a survey of Yalobusha River, Miss.; to the Committee on Rivers and Harbors.

By Mr. KENT: A bill (H. R. 18326) for improvement of Sacramento River and tributaries, California; to the Committee on Rivers and Harbors.

By Mr. PICKETT: A bill (H. R. 18327) authorizing the preparation and printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY: A bill (H. R. 18328) to authorize, empower, and direct the Secretary of Commerce and Labor to construct certain tidal indicators in Boston Harbor, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEDMAN: A bill (H. R. 18329) to increase the limit of cost of the purchase of a site and the erection of a public building at Winston Salem, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Illinois: A bill (H. R. 1830) to increase the limit of cost of the public building at Mount Vernon, Ill.; to the Committee on Public Buildings and Grounds

to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 18331) for the relief of certain persons who attempted to obtain homesteads upon certain

Wisconsin Central Railroad land grants; to the Committee on the Public Lands.

By Mr. GLASS: A bill (H. R. 18332) to erect a customhouse and post-office building in the city of South Boston, Va.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 18333) to provide for the erection of a public building at Litchfield, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 18334) to create an Indian code commission to codify the laws relating to Indians taxed and not taxed, and to define more exactly the privileges and disabilities of the several classes of Indians in the United States; to the Committee on Indian Affairs.

By Mr. DALZELL: A bill (H. R. 18338) to provide for the completion of the improvement of the Youghlogheny River, Pa.; to the Committee on Rivers and Harbors.

By Mr. BYRNES of South Carolina: A bill (H. R. 18339) to provide for an experiment in the improvement of post roads by the Secretary of Agriculture in cooperation with the Postmaster General, and for other purposes; to the Committee on Appropriations.

By Mr. KINKAID of Nebraska: A bill (H. R. 18340) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902; to the Committee on Irrigation of Arid Lands.

By Mr. CARY: A bill (H. R. 18341) to provide for the condemnation, acquisition, and construction by the United States of America of telegraph lines, properties, and holdings in the several States and Territories of the United States and the District of Columbia, and to provide for the operation of said telegraph lines and properties by the United States; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: A bill (H. R. 18342) to regulate the imministration of the Committee of the United States).

By Mr. FOCHT: A bill (H. R. 18342) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. PAGE: Resolution (H. Res. 380) to provide for the printing of wall chart on hookworm and soil pollution; to the Committee on Printing.

By Mr. SISSON (by request): Resolution (H. Res. 381) directing investigation into the practice and procedure of the Court of Appeals of the District of Columbia, to determine whether the act of Congress creating it requires further amendment; to the Committee on Rules.

By Mr. WATKINS: Joint resolution (H. J. Res. 219) to create a joint committee to continue the consideration of the revision and codification of the laws of the United States; to the Committee on Revision of the Laws.

By Mr. GARDNER of Massachusetts: Joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince; to the Committee on Immigration and Naturalization.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 221) directing the Secretary of Agriculture to cause a survey and investigation to be made of the swamp and tidal lands of the second congressional district of South Carolina, to determine the feasibility and cost of leveeing and draining said lands, and the benefits to agriculture and the public health which would result therefrom; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON of West Virginia: A bill (H. R. 18335) granting pensions and increase of sensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BURKE of Wisconsin: A bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. RUSSELL: A bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

and sailors of said war; to the Committee of the Whole House.

By Mr. BARNHART: A bill (H. R. 18343) granting a pension to Maidorn C. Parker: to the Committee on Pensions.

sion to Maidora C. Parker; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 18344) granting an increase of pension to Helen D. Harrison; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 18345) for the relief of F. W. Schultz; to the Committee on Claims.

By Mr. BYRNES of South Carolina: A bill (H. R. 18346) for the relief of the heirs of Matthew Ready, sr.; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 18347) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 18348) for the relief of the heirs of Samuel Dunagan; to the Committee on War Claims. By Mr. COVINGTON: A bill (H. R. 18349) to pay certain

claims due navy-yard employees; to the Committee on Claims.

By Mr. COX of Indiana: A bill (H. R. 18350) granting a
pension to Lenuei E. Whitsitt; to the Committee on Pensions.

Also, a bill (H. R. 18351) granting a pension to Cornelius W.

Morrison; to the Committee on Pensions.

Also, a bill (H. R. 18352) granting an increase of pension to Clyde J. Hackney; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 18353) granting an increase

of pension to Henry Huffine; to the Committee on Invalid Pen-

By Mr. DONOHOE: A bill (H. R. 18354) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 18355) granting an increase of pension to George W. Moyer; to the Committee on Invalid

Pensions.

By Mr. GLASS: A bill (H. R. 18356) authorizing the restoration of Lieut. W. S. Faulkner to his former position in the list of first lieutenants; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 18357) to correct the military record of Jesse L. Meeks; to the Committee on

Military Affairs

By Mr. GREENE of Massachusetts: A bill (H. R. 18358) granting a pension to Stephen Easterbrooks Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18359) granting a pension to Arthur W. Martin; to the Committee on Pensions.

Also, a bill (H. R. 18360) granting a pension to Nathan S. Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18361) granting a pension to Mary E. Bacon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18362) granting an increase of pension to Agnes Taylor; to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 18363) granting a pension to Henry F. Baldwin; to the Committee on Pen-

By Mr. HAWLEY: A bill (H. R. 18364) granting an increase of pension to John Stieger; to the Committee on Invalid Pen-

By Mr. LEGARE: A bill (H. R. 18365) for the relief of A. Menke; to the Committee on War Claims.

Also, a bill (H. R. 18366) for the relief of Mrs. Thomas G. Prioleau and others, heirs at law of Thomas G. Prioleau, deceased; to the Committee Claims.

By Mr. LEVER: A bill (H. R. 18367) granting a pension to Wade H. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 18368) for the relief of Samuel S. Gardner;

to the Committee on Military Affairs.

Also, a bill (H. R. 18369) for the relief of Powell S. Boatwright; to the Committee on War Claims.

Also, a bill (H. R. 18370) for the relief of George W. Newman, guardian of Joseph W. Newman; to the Committee on

Also, a bill (H. R. 18371) for the relief of the University of

South Carolina; to the Committee on War Claims.

Also, a bill (H. R. 18372) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased; to the Committee on War Claims

Also, a bill (H. R. 18373) for the relief of F. F. Felder; to

the Committee on War Claims.

Also, a bill (H. R. 18374) for the relief of the trustees of the German Lutheran Church of Orangeburg, S. C.; to the Committee on War Claims.

Also, a bill (H. R. 18375) for the relief of Polly Hayes; to the Committee on War Claims.

Also, a bill (H. R. 18376) for the relief of E. P. Gibson; to the Committee on War Claims.

Also, a bill (H. R. 18377) for the relief of St. Stephens

Church of Lexington, S. C.; to the Committee on War Claims.

Also, a bill (H. R. 18378) for the relief of heirs of Micheal H.

Brennen; to the Committee on War Claims.

Also, a bill (H. R. 18379) for the relief of the heirs of Miles

Busbee; to the Committee on War Claims.

Also, a bill (H. R. 18380) for the relief of the heirs of Adolphus Feininger; to the Committee on War Claims.

Also, a bill (H. R. 18381) for the relief of the heirs of Louisa Hook, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18382) for the relief of the heirs of John Harman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18383) for the relief of the heirs of John W. Brown, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18384) for the relief of the heirs of Jesse Bouknight, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18385) for the relief of the heirs of Nathaniel Kleckley, deceased; to the Committee on War Claims. Also, a bill (H. R. 18386) for the relief of the heirs of Daniel Drafts, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18387) for the relief of the heirs of A. J. Geiger, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18388) for the relief of the heirs of Harriet Holman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18389) for the relief of the heirs of Joshua Kyser, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18390) for the relief of the heirs of Eras-

mus Harsey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18391) for the relief of the estate of

Joseph Funderburk, deceased; to the Committee on War Claims.
Also, a bill (H. R. 18392) for the relief of the legal representatives of Naloti Biraghi; to the Committee on War Claims.
Also, a bill (H. R. 18393) for the erection of a monument to the memory of Capt. James Butler and others for heroism during the Revolutionary War; to the Committee on the Library.

By Mr. McGILLICUDDY: A bill (H. R. 18394) for the relief of the owners of the schooner Dorothy B. Barrett; to the Com-

mittee on Claims. Also, a bill (H. R. 18395) granting a pension to Georgianna Peabody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18396) granting a pension to Nina L. Eaton; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 18397) granting an honorable discharge to Edwin H. Moyer; to the Committee on Military Affairs.

By Mr. McMORRAN: A bill (H. R. 18398) granting an increase of pension to Charles Pettys; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18399) granting an increase of pension to James Quick; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 18400) for the relief of the heirs of Salvador Costa; to the Committee on War Claims. Also, a bill (H. R. 18401) to pay the several sums of money

found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 18402) granting an increase of pension to A. N. Hopkins; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 18403) granting an increase of pension to Ellen Smith; to the Committee on Invalid Pen-

By Mr. POWERS: A bill (H. R. 18404) granting a pension to Charles M. Green; to the Committee on Pensions.

Also, a bill (H. R. 18405) granting an increase of pension to

Joshua Jones; to the Committee on Invalid Pcusions.

Also, a bill (H. R. 18406) to remove the charge of desertion from the military record of William Smith; to the Committee

on Military Affairs.

Also, a bill (H. R. 18407) to remove the charge of desertion from the military record of Thomas Wells; to the Committee on Military Affairs

By Mr. PRINCE: A bill (H. R. 18408) granting a pension to Mary De Kreiger; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 18409) granting a pension to Joseph Erit; to the Committee on Pensions.

Also, a bill (H. R. 18410) granting a pension to William Kral;

to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 18411) for the relief of Sidney G. Sherwood; to the Committee on Claims.

By Mr. STEPHENS of California: A bill (H. R. 18412) granting an increase of pension to John H. Vandercook; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18413) granting an increase of pension to Nathan D. Johns; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 18414) granting an increase of pension to Robert E. Fishpaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18415) granting a pension to William Hinker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18416) granting an increase of pension to Joseph A. Harris; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 18417) granting an increase of pension to Henry Kaneman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18418) granting an increase of pension to John H. Holm; to the Committee on Invalid Pensions,

Also, a bill (H. R. 18419) granting an increase of pension to Martha Lance: to the Committee on Invalid Pensions.

Martha Lance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18420) granting an increase of pension to

Peter Foster; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 18421) for the relief of Rosa M. Wyatt: to the Committee on War Claims.

Rosa M. Wyatt; to the Committee on War Claims.

By Mr. WATKINS: A bill (H. R. 18422) for the relief of heirs of Robert F. Moore: to the Committee on War Claims.

heirs of Robert F. Moore; to the Committee on War Claims. By Mr. WHITE: A bill (H. R. 18423) for the relief of Guernsey County, Ohio; to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 18424) granting a pension to John Tully; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager; to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 18426) for the relief of Jacob M. Cooper; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of W. G. Schmidt and others, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. AYRES: Memorial of citizens of the Bronx, in favor of the Berger old-age pension; to the Committee on Pensions.
By Mr. BURKE of South Dakota: Petition of citizens of

By Mr. BURKE of South Dakota: Petition of citizens of Garden City, S. Dak., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, memorial of St. Mary's Society, of Epiphany, S. Dak., in favor of the Esch bill, to provide for a tax upon white-phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, petition of C. C. Johnston and 8 other citizens of Badger, S. Dak., opposing extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Memorial of the Wisconsin Federation of Labor, favoring the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

Also, memorial of Wisconsin Federation of Labor, praying for the enactment of an old-age pension measure; to the Committee on Pensions.

By Mr. BYRNS of Tennessee (by request): Petition of citizens of Robertson County, Tenn., for passage of law prohibiting shipment of liquor into "dry" territory; to the Committee on the Judiciary.

By Mr. CARY: Resolutions of the executive committee of the Wisconsin State Federation of Labor, favoring the Esch phosphorus bill; to the Committee on Ways and Means.

Also, resolution of the executive committee of the Wisconsin State Federation of Labor, favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. CATLIN: Memorials of St. Liborius's Branch, No. 306, and St. Joseph's Branch, No. 427, Catholic Knights of America; also of a German Catholic society of St. Louis, Mo., in favor of the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. CRAGO: Memorial of Grange No. 785, Patrons of

By Mr. CRAGO: Memorial of Grange No. 785, Patrons of Husbandry, against removal of the tax on oleomargarine; to the Committee on Agriculture. By Mr. FARR: Petition of George W. Sharp and others, of

By Mr. FARR: Petition of George W. Sharp and others, of Lackawanna County, Pa., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOCHT: Petition of citizens of Mifflin County, Pa., favoring House bill 13114; to the Committee on Pensions.

Also, petition of citizens of Swengel, Pa., in favor of reduction of duty on raw and refined sugars, etc.; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the American Forestry Association, for the protection of forests, etc.; to the Committee on Agriculture.

Also, petition of citizens of Morris, Ill., favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of Raymond Long, of Marseilles, Ill., in favor of the passage of House bill 8141 and Senate bill 1996, for increased efficiency of the militia of the United States; to the Committee on Military Affairs.

By Mr. GLASS: Petition of sundry citizens of Virginia, against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of Bowling Grocery Co. and others, of Lynchburg, Va.; J. D. Shelton and others, of Cambria, Va.; and E. A. Hall, of Floyd, Va., favoring the reduction of duty on raw and refined sugars: to the Committee on Ways and Means

refined sugars; to the Committee on Ways and Means.

Also, memorial of Lieut. W. S. Faulkner, requesting decision as to his rank when promoted to a captaincy; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: Petitions of citizens of Arkansas, for the passage of House bill 14, to extend the parcelpost system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Arkansas, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. GRAHAM: Memorial of St. Paul's Catholic Society, of Springfield, Ill., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petitions of citizens of Illinois, asking for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Springfield (Ill.) Federation of Labor, against the passage of the Smoot printing bill; to the Committee on Printing.

Also, petitions of citizens of Hettick and Springfield, Ill., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Memorial of Academy Seventh-day Adventist Church, of Harvey, N. Dak., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Petition of citizens of Tullahoma, Tenn., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Alexandria, Tenn., against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of E. H. Button and others, of Myton, Utah, asking for the establishment of a parcel-post system; to the Committee on the Post Office and Roads.

By Mr. JACOWAY: Petitions of citizens of Arkansas, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LEGARE: Papers to accompany bill for relief of A. Menke; to the Committee on War Claims.

By Mr. LINDBERGH: Petition of citizens of Sylvan, Minn., in favor of the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Mark N. Davis and other manufacturers and dealers in ginger ale, soda water, etc., of Baltimore, Md., asking for the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Petition of F. A. Bowie and 271 other citizens of Maine, favoring old-age pensions; to the Committee on Pensions.

By Mr. MOTT: Petition of American Nickeloid & Manufacturing Co., of Peru, Ill., for increase of tariff duties on sheet zinc and tin plate; to the Committee on Ways and Means,

By Mr. MATTHEWS: Memorial of Willard Grauge, No. 1440, Patrons of Husbandry, New Castle, Pa., against removal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Willard Grange, No. 1440, Patrons of Husbandry, New Castle, Pa., favoring passage of a parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petitions of the Second United Presbyterian Church, of New Wilmington, Pa., and of the Green Valley and Mount Zion Methodist Episcopal congregations, of Beaver, Pa., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union, of New Wilmington, Pa., and West Side Woman's Christian Temperance Union, of Newcastle, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany bills for the relief of Oliver C. C. Pollock, alias John E. Douglass, and Catherine Berkebile (H. R. 15543 and 18115, respectively); to the Committee on Pensions.

By Mr. PADGETT: Petition of citizens of Elkton, Tenn., against the extension of the parcel post beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. PAGE: Petition of citizens of Waxhaw, N. C., for an effective interstate liquor law; to the Committee on the Judi-

By Mr. PICKETT: Papers to accompany bill for the relief of Ellen Smith; to the Committee on Invalid Pensions.

By Mr. REHLLY: Memorial of Chesire Literary Club, for investigation of diseases caused by dairy products; to the Committee on Agriculture.

Also, memorial of a German Catholic society of New Haven, Conn., for the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. SHACKLEFORD: Papers to accompany bill for the relief of Mount Zion Methodist Church, Boone County, Mo.; to the Committee on War Claims.

By Mr. SMALL: Petitions of citizens of Ayden and Bethel, N. C., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of numerous residents of Buffalo, N. Y., protesting against the passage of H. R. 9433, for the observance of Sunday in United States post offices; to the Committee on the Post Office and Post Roads.

By Mr. STEDMAN: Petition of citizens of Greensboro, N. C., urging passage of Kenyon-Sheppard interstate liquor bill; to

the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorials of the Chambers of Commerce of Long Beach, Los Angeles, San Francisco, and Santa Ana; also of the Merchants and Manufacturers' Association of Santa Ana, Cal., against reduction in duties on sugar; to the Committee on Ways and Means.

Also, petition of citizens of El Centro, Cal., protesting against the passage of any parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, memorial of citizens of Los Angeles, Cal., favoring House bill 2896, to provide for a tax upon white-phosphorus matches, and for other purposes; to the Committee on Ways

Also, petition of H. Jevne Co., Los Angeles, Cal., for amendment to corporation excise-tax law; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of the committee on historic spots of the Daughters of the American Revolution, praying for the preservation of the house of Francis Scott Key, Washington, D. C.; to the Committee on Appropriations.

Also, memorial of Harlem Maennerchor Society, of Forest Park, Ill., in favor of the passage of House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorial of the Emanu-El Brotherhood, of New York City, indorsing bill for Federal children's bureau; to the Com-

mittee on Interstate and Foreign Commerce. Also, petition of Mrs. G. Cleveland, of James, Ga., favoring House bill 14, for extension of parcel-post system; to the Com-

mittee on the Post Office and Post Roads.

By Mr. THOMAS: Petition of sundry citizens of Glasgow, Ky., requesting the passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Adairsville, Ky., and vicinity, requesting Congress to pass the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of 43 members of Company K, Third Infantry National Guard, New York, and others, urging the passage of the militia pay bill (H. R. 8141); to the Committee on Military Affairs.

Also, petitions of citizens of Cohocton and Wayland, N. Y., against removal of duty on potatoes; to the Committee on

By Mr. WATKINS: Papers to accompany bill for relief of Sallie P. Moore et al., heirs of Robert F. Moore; to the Committee on War Claims.

By Mr. WILLIS: Petitions of citizens of Union County, Ohio, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Dr. H. S. Lehr, of Ada, Ohio, asking for the enactment of a law to provide for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of New York: Petition of Joseph A. Weil and 20 other citizens of Brooklyn, N. Y., favoring the Berger old-age pension bill; to the Committee on Pensions,

HOUSE OF REPRESENTATIVES.

SATURDAY, January 20, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, as the years come and go which bring us nearer to the close of our earthly existence, make us wise and strong and pure, that with increasing faith in Thee and unbounded hope in the immortality of the soul we may run the race set before us with patience, courage, fortitude, and in all the relationships of life quit ourselves like men, and be fully prepared to enter upon the work Thou hast prepared for us in the great beyond. And eons of praise we will ever give to Thee in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STERLING for one week, on account of death in family.

SHERWOOD PENSION BILL.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to insert in the Record a resolution adopted by the Illinois Division Officers and Camp 100, Sons of Veterans, United States of America, approving the Sherwood pension bill and thanking the membership of the House for passing it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, if we adopt the policy of printing in the Record resolutions adopted by every association in the country, expressing its opinion of the Sherwood pension bill, the Record will be of such size that it will be impossible to handle it. I object.

The SPEAKER. Debate is out of order. The Chair asked if there was any objection, and heard none.

Mr. FITZGERALD. I object, Mr. Speaker.

The SPEAKER. But it is too late.

Mr. FITZGERALD. Mr. Speaker, I did not have an opportunity. The Chair did not give me time to object. I was on my feet to object.

The SPEAKER. If the gentleman was on his feet to object, he is within his rights. The gentleman from New York objects.

ALEXANDER HAMILTON.

Mr. KENDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an address delivered by Hon. SAMUEL W. McCALL, a Member of this House from the State of Massachusetts, before the Alexander Hamilton Memorial Association, in Washington, on January 11, 1912, upon the subject of erecting in Washington a monument to Alexander Hamilton.

The SPEAKER. The gentleman from Iowa asks unanimous consent to insert in the RECORD a speech delivered by Hon. SAMUEL W. McCall upon the subject of erecting in this city a monument to Alexander Hamilton. Is there objection?

There was no objection.

The address is as follows:

ADDRESS ON ALEXANDER HAMILTON.

"It is proof that Alexander Hamilton has taken his place among what we call the immortals when more than a century and a half after he came into the world and more than a century after he left it his birthday is celebrated in so many places throughout the Nation he did so much to establish. In a strict sense, it is the beginning and not the ending of a career which we commemorate to-night. The beginning is enveloped in hope and fear; it has all the chance of failure or success, while the end has the certainty of achievement; the dangers have been passed, and the completed record is spread in the Lord Rosebery said upon the hundredth anniversary of the death of Burns that it was perhaps more fitting to celebrate the end and not the beginning, for 'the coming of these figures is silent. It is their passing that we note.' And yet we find ourselves to-night as if we stood on the day of the birth at Nevis filled with the spirit of prophecy and looking forward, tracing the full flight of the spirit until it came to its rest. We feel the fresh hopes of the coming and the gathering shades of the going, the dawn and the sunset and all the glory that lies between them, and we see, too, the workings of the great test of time, the estimates of the later generations of men. So when we celebrate the beginning we celebrate it for what came after; we celebrate the life and the deeds of the statesman, not merely as they were unrolled but as they appear in the light of their results.

"When men deal greatly with the eternal human problems, so far as such problems may be eternal, they are apt to involve their fame in almost eternal controversy. They put it on the their fame in almost eternal controversy. They put it on the ebb and flow of the ever-shifting tides of opinion. Systems of government are fundamental in their importance. They involve questions upon which men always have differed and probably always will differ. Those differences are greater where a sys tem is not the slow growth of centuries and adapted by time to conditions, but is a creation contrived at one time and set in motion by a single group of men. It was Hamilton's fortune to be identified with basic theories and basic policies of government perhaps more closely than any other statesman in our history. At a time when we had no real Federal authority and the affections of a large majority of our people were centered upon the States, he was the very genius of nationality. He, more than any other man, was the aggressive champion of a central government strong enough to establish with certainty a real unity among the States and to put an end to the discordant policies, the weakness, and even anarchy which then existed. He breasted the pride of patriotism held toward 13 small nations. He shocked the prejudices of men and achieved a political hostility which has not even now wholly disappeared. And then in that most critical time when the Constitution was to be put in operation as a practical mechanism, when the invention, which was only upon paper, was to be converted into a living instrument and the new and untried system was called upon to meet the most delicate questions in foreign policy and almost insuperable difficulties in our domestic affairs, Hamilton was preeminent in the part he took in setting the wheels of the Government in motion and starting the new Nation in the right direction. It required two generations to win forgiveness for the commanding part he played to secure a nationality which should have no ambiguity about it. Until the Civil War had defined the Nation to be what Hamilton desired to make it in the first instance, and what he strove to make it in Washington's administration, the estimates of the character of his work were almost equally divided between violent abuse on the one side and as violent panegyric on the other. Thus more than that of any other of our statesmen his fame has been in danger of partisanship both from friend and foe.

"In what may we best see the characteristic quality of his statesmanship? To my mind it is in his swift and unerring comprehension of complex and difficult situations and the surprising rapidity of his genius in providing a fit remedy. was not what might be called a political philosopher; at least he wasted little time in evolving abstract theories of government. But he brought his mind to bear upon exact conditions, and in dealing with them he showed himself to be the greatest practical statesman America has ever produced. The barest outline of his work will show its remarkable character.

When called to the Cabinet of Washington, it was not to administer an existing institution but to create one. It was necessary that the Government should have income, that it should have fixed the ways of collecting and paying out money; myriads of details were to be provided and great fiscal policies to be adopted. In the five years when Hamilton was at the Treasury he established that institution for all time. The most convincing arguments used in the campaign of 1896 against the silver monometalism that was put forth under the name of bimetalism were drawn from Hamilton's report upon the mint, in which he established the double standard. His funding of the debt against a powerful opposition created that marvelous thing, the credit of the United States, and the assumption of the State debts gave a most needed strength to nationality by leading public creditors to look to the National Government instead of to the States. His report upon the bank remains today as a model for a sound banking system. In his report on manufactures he marked out such an industrial nation as his

country finally came to be.
"Hamilton was, in fact, Washington's prime minister and took the leading part in the important work of the other departments. When the war came between Great Britain and France there was a popular clamor almost irresistible in favor of our taking part in the struggle. Under Mr. Jefferson's policy we should have been swept into the vortex as an ally of France. Hamilton was, under Washington, the aggressive force which brought about the resolution of neutrality and saved us from a war that would have threatened our independence. leveled at him the taunt-terrible in those times-that he was a friend of England. But when English ships began to harry our commerce he instantly made a report to Washington recom-

mending the fortification of our harbors, the raising of troops, and preparation for war. No country ever had a truer or a more vigilant friend, and when her interests were threatened he was ready on the instant to champion them against France or England or the world.

"It was a fortunate thing that there were then two schools to combat each other—the school of Hamilton and the school of Jefferson-but it was even more fortunate that the school of Hamilton had absolute dominion during the first eight years. Nothing less aggressive and strong could have coped with the appalling difficulties of that time. It was necessary that a hard impact should be made upon the governmental chaos in order to set the new orb grandly moving. Had the opposite school dominated at the beginning, its motion must have been feeble and erratic, and it is doubtful whether the Government would have continued for a generation.

"I have spoken of the attitude of Mr. Jefferson toward neutrality. Mr. Jefferson was a great philosopher, an unrivaled politician, but he was dreamy and contemplative, where Hamilton was practical and direct; and it was not strange that he rarely agreed with the policies of the latter. The difference in the mental operations of the two men was constantly showing itself, and it is well illustrated by their divergent views upon France. Mr. Jefferson for the five years preceding 1790 was in France as our minister. Hamilton was never there in his life, nor, indeed, anywhere outside of America and the West Indies. Two years before the French Revolution Jefferson made a tour of France, carefully investigating social and political conditions, and he wrote very amiably and philosophically about them. But, as Mr. Oliver says, he passed over the crust of the lava without reporting any sign of danger, and even after the fall of the Bastille he did not appreciate the gravity of the crisis. Yet Hamilton, before the news of that event had reached America, wrote a letter to Lafayette forcibly pointing out the elements of danger in the French situation. As Talleyrand said. Hamilton 'divined Europe.' His sure penetration and his celerity of action reminds one of nothing so much as of Napoleon in his early campaigns, when he astorished men by the energy of his genius.

"Hamilton had in him very little of the mere political theorist, of the kind of man who will unravel theories of government while you wait, who will open up beautiful vistas, but when you ask for a remedy will be nebulous and vague. He had an instinct for the real difficulty; his eye would instantly penetrate to the vital point, and he would pounce down upon it as unerringly as an eagle upon its prey. For him to think was

"Nearly all men were impressed by the grave perils that enveloped the country after the treaty of peace. Most statesmen were overwhelmed by them, but Hamilton made himself a mighty force in our deliverance by at once proceeding to work for a central government. He is criticized for having proposed a constitution with strong centralizing features; but was it not just such a government as a great practical statesman would have proposed to meet the evils of that time? By his vehement stand it is probable that the Constitution was given the strength that it finally had. One has only to glance superficially at the condition of anarchy that pervaded the country for a half dozen years before the Constitution was established to appreciate the course of Hamilton.

"There was nominally a central government, but it had no real power. It had made a treaty of peace recognizing our independence, and it was unable to carry out its obligations. In spite of its agreement, States were passing laws in the very teeth of the treaty, and Loyalists whom the confederation had agreed to protect were hanged and shot and beaten and robbed. Laws were passed by the different States making it difficult for British merchants to collect debts. The soldiers who had fought on the fields of the Revolution were unpaid and dissatisfied; States were levying tariffs against each other, were disputing with each other over claims, furbishing up flintlocks, and some of them were upon the brink of war. They were hopelessly in debt and had nothing resembling public credit. Poverty was general and trade and commerce were near the point of extinction.

"The one unfailing resource usually called into play when public credit is gone was still left; they could issue paper money, and the printing presses were set in motion. There was indeed an era of magnificent prices. The farmer received \$4 a pound for his meat, but when he desired to buy a suit of clothes he was compelled to carry his money with him in bales. This state of things could not have continued much longer without civil war and the destruction of our independence

either by force from the outside or as a result of our own appeal to some foreign nation to deliver us from anarchy. The one thing that could deal with this condition of chaos was a central government which should have certain jurisdiction over the common concerns and be strong enough to stand before the world as a nation. Hamilton, with his practical statesmanshig, dealt his blow at the vital point. He proposed to meet fully the conditions that then existed; he proposed to put it beyond question that the laws of the National Government should operate upon individuals and that States should not have the power to nullify national laws or national treaties. Under his plan neither Mr. Jefferson nor Mr. Madison could have drawn up Virginia or Kentucky resolutions in which the doctrine of nullification was scarcely veiled and which lent strength to the forces of disunion. If it had not been for his powerful appeals after the convention in his speeches and in the Federalist, it is probable that the Constitution would never have been ratified, just as it is probable that it would never have been adopted but for his efforts before the convention was held.

"We are told to-day that he proposed too strong a central government. In the light of the development which a century has given us, it is probable that he did, but he was very frankly for the Nation. He had seen enough of 13 independent sovereigns operating under a single confederacy. It can at least be said that no war would have been necessary in order to adjudicate

his meaning.

"The Constitution has shown its sufficiency to maintain a nation, because it has been developing in the direction of Hamilton's idea. It is certain that, as construed by Madison and others of the great men of that time, it did not clearly fix the relations of the National Government to the States. The Virginia and the Kentucky resolutions and the Hartford convention reflect the opinion, very commonly held before 1831, that the States under certain conditions might assume to nullify national laws. It was left to the eloquence of Webster to make popular the idea of union and the complete supremacy of the National Government within its sphere to animate millions of men to rally behind Lincoln in support of that certain nationality for which Hamilton had contended.

"There has been an important extension of national powers by reason of enlarged construction, changed conditions, and the great increase in the importance of the subjects to which those powers were directed. Some of us think that development has gone too far. Through the power of taxation, the regulation of commerce, and the other expressed and implied grants, and through the final supremacy which war has decreed, the central authority has greatly reduced the practical importance of the States. Thus the genius of Hamilton astonishingly persists even in that portion of his plan which was most generally disapproved. There has been with the lapse of time some shifting of sides. The most extreme encroachments upon State powers are sometimes proposed or sanctioned by his theoretical enemies, who each year plously and with many prayers render homage to his great political foe. Jeffersonian in theory, they would carry the centralization of Hamilton to practical lengths of which he probably never dreamed.

"Hamilton was very little of a politician and certainly not a great party leader. He was too direct and earnest; he was no master of intrigue; and if he could not manage men by an appeal to reason he could not manage them at all. He could not cajole and flatter, nor pretend to listen and sympathize when he did not believe. He entirely lacked the pose. He could not fade into the dim distance when the time came for bearing an unpopular responsibility. He was ready bravely to avow what he did. After his party, under his leadership, had accomplished its great work it was scarcely able to maintain its organization, but the results of his ideas survived in the

existence and growth of the Nation.

"He was a fervent believer in free government. He would have men breathe the mountain air of free institutions and develop by liberal laws a powerful and diversified state such as alone should occupy our superb domain. He would have all power proceed from the people, but so proceed that it should not reflect mere impulse and immature opinion, leading to bad government, and thus make necessary the reaction to a less liberal form. The checks and limitations upon such hasty action as he had so often seen the States adopt he believed were necessary to the stability and success of a free government.

"His policies led to an amazing and many-sided development. Instead of having a nation composed only of cultivators, he aimed to develop a nation of cultivators and artisans, of merchants and traders; he contemplated a borrowing and a lending, an agricultural, a manufacturing, and a commercial

state, in which all classes should contribute to the good of the whole. He would not have a system under which the few could oppress the many nor the many oppress the few, and to that end he advocated representative government.

"'The ancient democracies,' he said, 'never possessed one feature of good government; their very character was tyranny.' Under their system of direct government 'it became a matter of contingency whether the people subjected themselves to be led blindly by one tyrant or by another.' In the interest of real freedom and of popular rights he believed profoundly in

the representative system.

"He easily takes his place among the greatest statesmen of history, but I imagine he would have made an even more superb and classical figure if he could at the same time have been a Member of one or the other of our two Houses and of Washington's Cabinet and have identified with his policies his commanding talent for parliamentary leadership. Without this blending of speech and action there is something wanting fully to season the fame of a statesman to our inherited tastes tastes which I think still linger in us despite an artificial distribution of the functions of our Government. The Executive thunders a message at Congress from one end of the Avenue and Congress roars back its answer in speeches from the other, and probably each a little more loudly because neither participates in the entire transaction, and because the whole event is not centered in one place where the leaders on each side contend for the issue. Such a system would have increased the appeal which Hamilton makes to the imagination. He undoubtedly was a very great debater. His achievement in the New York convention would alone establish that. It is true that events outside powerfully aided him. State after State had ratified, and while the convention was still sitting New Hampshire furnished the decisive vote, and Virginia, for good measure, was added. It was hardly credible that New York, then only the fifth State in population, should remain out of the Union, with Rhode Island for her only company in the North. But even then the conversion of an assembly which began more than 2 to 1 against him was an extraordinary achievement. His whole career as a writer and speaker demonstrated that his powers of reasoning and expression were remarkable. He would have shown himself in Congress unsurpassed as a debater. I doubt that he would rank so high as an orator. did not have quite the requisite touch of imagination and the genius for coloring. I question if there can be found in his speeches and writings passages which schoolboys learn with pleasure and which haunt and sweeten our memories throughout our lives, passages such as are scattered through Burke and Webster, and that carry you upon an easy wing as does that one from the Bunker Hill speech: 'Let it rise! let it rise, till it meet the sun in his coming; let the earliest light of the morning gild it, and parting day linger and play on its summit.

"In one respect no statesman was ever more fortunate than Hamilton. Probably he would have produced his financial and economic policies without the aid of Washington, but he never would have been able to put them into effect. Washington was the greatest man of his time. He has been surpassed by many other men in some single element of greatness. But there was never in any other man such a blending of great qualities, each in its due and exact proportions, and he had a regular and balanced genius that makes him unique among all figures of In the most trying times of peace and war he had revealed himself to his countrymen and they knew him as he was. Thus he had a degree of authority among masses of the people which was probably never attained by any other statesman. The policies of Hamilton were carried by the magic of Washington's name, and those policies were so out of touch with the ideas and passions of the times that even the influence of Washington was none too great. Washington knew Hamilton as only he could know one who, during long years of war, had held the most confidential place upon his staff. He knew Hamilton's strength and weakness. He knew how to direct and His marvelous good sense could provide the restrain him. His marvelous good sense could provide the needed touch to make the difference between success and failure. There were no two great men of history whose careers were more intimately blended. What a fortunate thing their union was for America. When we regard the one we are sure to think of the other. We look upon the grandeur of Washington's fame with the awe and reverence which a near approach to perfection inspires. We do not find in Hamilton that balanced greatness. But he had creative qualities in which he very structure and fiber of the Nation and of its Government. And his countrymen even yet feel the light and heat of his splendid genius." stands peerless among our statesmen. He survives to-day in the INSTRUCTION AT UNITED STATES MILITARY ACADEMY, WEST POINT.

The SPEAKER. The Chair lays before the House the following Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 68) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua.

West Point, Mr. Jose Pasos Diaz, of Nicaragua.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Mr. José Pasos Diaz, of Nicaragua, to receive instruction at the United States Military Academy, at West Point: Provided, That no expense shall be caused to the United States thereby, and that the said José Pasos Diaz shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction: And provided further, That in the case of the said José Pasos Diaz the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. HAY. Mr. Speaker, I move that the House take up for consideration the joint resolution just read.

The SPEAKER. The gentleman from Virginia asks the present consideration of the Senate joint resolution.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is it necessary for the gentleman to move; can not he ask it be laid before the House?

The SPEAKER. It is not necessary for him to move it. The Chair will consider the gentleman's motion as a request to lay

the joint resolution before the House.

Mr. HAY. And I will state, Mr. Speaker, that the Committee on Military Affairs has reported a similar resolution, which is now on the House Calendar, and if there is no discussion about it I will move that the bill be passed.

The Senate joint resolution was ordered to be read a third

time, was read the third time, and passed.

On motion of Mr. Hay, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The SPEAKER. Without objection House joint resolution 212 of similar tenor will be laid on the table.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

ing June 30, 1913, and for other purposes.

The question was put.

Mr. MANN. Mr. Speaker—

Mr. GARNER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas [Mr. GARNER] makes the point that there is no quorum present. The Chair will count. [After counting.] Eighty-nine Members are present, not a quorum. The Doorkeeper will close the doors and the Clerk will call the roll.

The question was taken; and there were—yeas 220, nays 0, answered "present" 5, not voting 166, as follows:

	YEA	S-220.	
Adair	Crago	Garrett	Kendall
Adamson	Cravens	Gillett	Kent
Ainey	Crumpacker	Godwin, N. C.	Kinkaid, Nebr.
Akin, N. Y.	Cullop	Good	Knowland
Alexander	Curley	Goodwin, Ark.	Konop
Allen	Curry	Gray	Korbly
Anderson, Minn,	Dalzell	Green, Iowa	La Follette
	Daugherty	Gregg, Pa.	Lamb
Anderson, Ohio Austin	Davis, Minn.	Gregg, Tex.	Lee, Ga.
	Davis, W. Va.	Hamill	Lenroot
Ayres Barnhart	Dent .	Hamilton, Mich.	Lever
Bartholdt	Dickinson	Hamlin .	Lindbergh
Bartlett	Dickson, Miss.	Hammond	Littlepage
Bathrick	Dies	Hardwick	Lloyd
Beall, Tex.	Dodds	Hardy	Lobeck
Bell, Ga.	Doremus	Harris	McCall
Blackmon	Doughton	Harrison, Miss.	McCoy
Boehne	Draper	Haugen	McCreary
Booher	Driscoll, M. E.	Hawley	McDermott
Bowman	Dwight	Hay	McGillicuddy
Brown	Dyer	Hayes	McKenzie
Bulkley	Evans	Heflin	McKinney
Burke, S. Dak.	Faison	Helgesen	McLaughlin
Burke, Wis.	Farr	Helm	McMorran
Burleson	Fergusson	Henry, Conn.	Macon
Burnett	Ferris	Henry, Tex.	Madden
Byrnes, S. C.	Finley	Hinds	Maguire, Nebr.
Byrns, Tenn.	Fitzgerald	Holland	Maher
Callaway	Flood, Va.	Houston	Martin, Colo.
Cannon	Floyd, Ark.	Howell	Martin, S. Dak.
Cantrill	Fordney	Howland	Mays
Carlin	Foster, Ill.	Hubbard	Miller
Catlin	Foster, Vt.	Humphrey, Wash.	
Claypool	Fowler	Jackson	Moon, Tenn.
Clayton	Francis	Jacoway	Moore, Tex.
Collier	French	Johnson, Ky.	Morgan
Cooper	Fuller	Johnson, S. C.	Morrison
Copley	Gardner, Mass.	Jones	Morse, Wis.
Cox. Ohio	Garner	Kahn	Moss, Ind.

Mott	Rauch	Smith, Tex.	Thistlewood
Needham	Redfield	Speer Stanley	Towner
Nelson	Rees	Stanley	Townsend
Nelson Nye Oldfield	Richardson	Stedman	Tribble
Oldfield	Roddenbery	Steenerson	Tuttle
O'Shaunessy	Rothermel	Stephens, Miss. Stephens, Tex.	Underhill
Page	Rubey	Stephens, Tex.	Volstead
Page Patten, N. Y.	Rucker, Mo.	Stevens, Minn.	Webb
гауце	Russell	Stone	Wilder
Pickett	Saunders	Sulloway	Willis
Porter	Sherwood	Sulzer	Wilson, Pa.
Pou	Sims	Switzer	Witherspoon
Powers	Sisson	Taggart Talcott, N. Y.	Woods, Iowa
Prouty	Sloan	Talcott, N. Y.	Young, Kans.
Raker	Smith, J. M. C.	Taylor, Onlo	Young, Mich. Young, Tex.
Randell, Tex.	Smith, Saml. W.	Thayer	Young, Tex.
	ANSWERED "	PRESENT "-5.	
Andrus	Higgins	Sheppard	
Difenderfer	Mann		
		TING-166.	
Aikon S C	Estopinal	Langley	Rodenberg
Aiken, S. C.	Fairchild	Lawrence	Rouse
Ames Ansberry	Fields	Lee, Pa.	Rucker, Colo.
Anthony	Focht	Legare	Sabath
Ashbrook	Fornes	Levy	Scully
Barchfeld	Foss	Lewis	Sells
Bates	Gallagher	Lindsay	Shackleford
Berger	Gardner, N. J.	Linthicum	Sharp
Pingham	George	Littleton	Sherley
Bingham Borland	Glass	Longworth	Simmons
Bradley	Goeke	Loud	Slayden
Brantley	Goldfogle	McGuire, Okla.	Slemp
Broussard	Gould	McHenry	Small
Browning	Graham	McKellar	Smith, Cal.
Buchanan	Greene, Mass.	McKinley	Smith N V
Rurgess	Griest	Malby	Sparkman
Burgess Burke, Pa.	Gudger	Matthews	Stack
Butler	Guernsey	Moon, Pa.	Stephens, Cal.
Colder	Hamilton, W. Va.	Moore, Pa.	Stephens, Neb
Calder Campbell	Honno		Sterling
Candler	Harrison, N. Y.	Murray	Sweet
Carter	Hartman	Murray Norris	Talbott, Md.
Cary	Heald	Olmsted	Taylor, Ala.
Clark, Fla.	Hensley	Padgett	Taylor, Colo.
Cline	Hill	Palmer	Thomas
Connell	Hobson	Parran	Tilson
Conry	Howard	Patton, Pa.	Turnbull
Covington	Hughes, Ga.	Pepper	Underwood
Cox, Ind.	Hughes, N. J.		Utter
Cox, Ind. Currier	Hughes, N. J. Hughes, W. Va.	Plumley	Vreeland
Danforth	Hull	Post	Warburton
Davenport	Humphreys, Miss.	Pray	Watkins
Davidson	James	Prince	Wedemeyer
De Forest	Kennedy	Pujo	Weeks
Denver	Kindred	Rainey	Whitacre
Dixon, Ind.	Kinkead, N. J.	Ransdell, La.	White
Donohoe	Kitchin	Reilly	Wickliffe
Driscoll, D. A.	Konig	Reyburn	Wilson, Ill.
Dupre	Kopp	Riordan	Wilson, N. Y.
Edwards	Kopp Lafean	Roberts, Mass.	Wood, N. J.
Ellerbe	Lafferty	Roberts, Mass. Roberts, Nev.	
Esch	Langham	Robinson	

The SPEAKER. Two hundred and twenty-five Members are present—a quorum. The Doorkeeper will open the doors, The motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. Fornes with Mr. Bradley.

Mr. RIORDAN with Mr. ANDRUS. Mr. Adamson with Mr. Stevens of Minnesota.

Until further notice:

Mr. LITTLETON with Mr. DWIGHT.

Mr. Hull with Mr. WARBURTON. Mr. Murray with Mr. Vreeland.

Mr. Murray with Mr. Vreeland.
Mr. Burgess with Mr. Tilson.
Mr. Watkins with Mr. Weeks.
Mr. Turnbull with Mr. Wood of New Jersey.
Mr. Taylor of Alabama with Mr. Utter.
Mr. Broussard with Mr. Smith of California.
Mr. Sherley with Mr. Sterling.

Mr. SHACKLEFORD with Mr. PRAY

Mr. RUCKER of Colorado with Mr. PLUMLEY.

Mr. RAINEY with Mr. OLMSTED.

Mr. LINTHICUM with Mr. SLEMP.

Mr. Levy with Mr. Roberts of Nevada. Mr. Lee of Pennsylvania with Mr. Reyburn.

Mr. Kitchin with Mr. Moon of Pennsylvania.

Mr. Konig with Mr. Murdock.

Mr. Hughes of New Jersey with Mr. Malby.

Mr. Howard with Mr. Lafferty. Mr. Harrison of New York with Mr. McGuire of Oklahoma. Mr. Hamilton of West Virginia with Mr. Hughes of West

Mr. GRAHAM with Mr. HEALD. Mr. GOLDFOGLE with Mr. HANNA.

Mr. Goeke with Mr. Guernsey. Mr. Glass with Mr. Hill.

Mr. George with Mr. Gardner of New Jersey. Mr. Dupre with Mr. Danforth.

Mr. Dixon of Indiana with Mr. CARY.

Mr. Cox of Indiana with Mr. CALDER. Mr. Covington with Mr. Browning.

Mr. CONNELL with Mr. BUTLER.

Mr. Brantley with Mr. Burke of Pennsylvania.

Mr. BORLAND with Mr. BINGHAM.

Mr. AIKEN of South Carolina with Mr. AMES.

Mr. LEGARE with Mr. LOUD. Mr. McHENRY with Mr. FOCHT. Mr. UNDERWOOD with Mr. MANN. Mr. ELLERBE with Mr. CURRIER.

Mr. Hobson with Mr. Fairchild. Mr. Wickliffe with Mr. Wedemeyer. Mr. McKellab with Mr. Greene of Massachusetts.

Mr. Conry with Mr. Campbell.

Mr. SLAYDEN with Mr. STEPHENS of California.

Mr. Kopp with Mr. Hensley.

Mr. Sparkman with Mr. Davidson. Mr. Buchanan with Mr. Wilson of Illinois. Mr. Talbott of Maryland with Mr. Parran.

Mr. TALBOTT OF Maryland with Mr. Farka Mr. Daniel A. Driscoll with Mr. Ainey. Mr. Lewis with Mr. Anthony. Mr. Padgett with Mr. Foss. Mr. Fields with Mr. Langley. Mr. Difenderfer with Mr. Esch. Mr. PEPPER with Mr. PRINCE.

Mr. CLARK of Florida with Mr. SIMMONS.

Mr. Gallagher with Mr. McKinley, Mr. Bathrick with Mr. Roberts of Massachusetts.

Mr. Donohoe with Mr. Matthews.

Mr. REILLY with Mr. HIGGINS. Mr. SMALL with Mr. RODENBERG.

Until Monday: Mr. Denver with Mr. Griest.

Until Tuesday: Mr. Rouse with Mr. Lafean.

For to-day:

Mr. Cantrill with Mr. Moore of Pennsylvania. From January 19 until notice:
Mr. Kennedy with Mr. Edwards.

Until January 21: Mr. James with Mr. Longworth.

Until January 23:

Mr. SHEPPARD with Mr. BATES.

Until January 25:

Mr. Stephens of Nebraska with Mr. De Forest. From January 19 to January 29:

Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.

Mr. KINDRED with Mr. HARTMAN. Mr. CANDLER with Mr. BARCHFELD.

Until February 1:

Mr. ASHBROOK with Mr. LANGHAM.

Mr. ASHBROOK WITH Mr. LANGHAM.

Mr. ANDRUS. Mr. Speaker, I voted "aye." I find I am paired with the gentleman from New York, Mr. RIORDAN, and I would like to change my vote to "present."

The SPEAKER. The vote will be changed accordingly.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union for the consideration of H. R. 17681, the District of Columbia appropriation bill, with

Mr. Garrett in the chair.

The CHAIRMAN. When the committee rose on yesterday the question was on the amendment proposed by the gentleman

from Illinois [Mr. Mann].

Mr. MANN. Mr. Chairman, I ask unanimous consent that

the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection. The Clerk read as follows:

Amend, page 55, after line 18, by inserting as a new item the following:

"For the construction of a four-room addition to the existing Chevy Chase School building, \$36,000."

The CHAIRMAN. The question is upon the amendment.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. Burleson and Mr. Mann were appointed tellers.

The committee again divided; and the tellers reported-ayes 55, noes 99.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the further amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 55, after line 18, by inserting as a new item the following:
"For the construction of a four-room addition to the existing Birney Building, \$35,000."

Mr. MANN. Mr. Chairman, in making their recommendations for this year the District Commissioners and the school board recommended six new school buildings, as I understand. The committee has just voted down a proposed amendment for an

addition at the Chevy Chase School.

In the consideration of that amendment yesterday the gentleman from Virginia [Mr. SAUNDERS], a member of the Committee on Appropriations, stated that there was a much stronger reason for constructing this addition to the Birney School as now proposed than there was for the construction of the addition to the Chevy Chase School. I have no doubt that the able and versatile gentleman from Virginia will be able this morning to give excellent reasons why this addition to the Birney School should not be constructed. It is always perfectly patent that any gentleman can give reasons when he is determined to find reasons.

The schools of the District of Columbia are entitled to proper consideration at the hands of Congress. With six new buildings or additions proposed, the Committee on Appropriations has recommended not one. While I have no desire to detain the committee, it seems to me that we may well afford, having raised the money, to provide some new school buildings. I do not believe that the school board or the District Commissioners have recommended six new buildings when not one was re-

I would be perfectly willing to take the judgment of the Committee on Appropriations as between these buildings. the committee had recommended the construction of a single new building, or a single addition to an existing building, I should have been content to suppose that the committee had exercised its judgment in determining what ought to be done. But this situation is clearly the result of a determined purpose on the part of the Committee on Appropriations, or the majority members of that committee, to make no expenditures for school buildings, under the false theory that the people of the country will sustain them in a plan of so-called economy. The purpose in striking out all proposed new school buildings was not to take care of the necessities of the schools of the District but to make campaign thunder in reference to the amount of the appropriation. So far as the cuts are made on that side of the House or by the committees in the interest of true economy, I stand ready to support them, as I always have. But when, for the purpose of a campaign issue in the country, these gentlemen endeavor to strike down proper school facilities for the children of the land, I can not follow them. [Applause on the Republican side.]

Mr. SAUNDERS. Mr. Chairman, I will not fatigue the House this morning with any extensive discussion of a matter that has already been thoroughly thrashed over. I will say, however, in respect to the suggestion of the gentleman from Illinois [Mr. Mann], that it is the fixed and determined purpose of the Committee on Appropriations not to appropriate one cent for the schools that we do not think is justified by the necessities of the case. Having fully investigated this situation, so far as we could, and being assured that there was no such existing urgency as to justify at this time the erection of the buildings that were asked for, we have denied these applications and refused to recommend them.

This is all that there is to the situation. The gentlemen who think that the Committee on Appropriations has failed to provide needed facilities will vote against our findings. On the other hand the gentlemen who are satisfied that we have supported our recommendations by sufficient facts and argument, and that we are not treating the schools unjustly, will support

the recommendations of the Committee on Appropriations.

The committee, at least a majority of it, is entirely satisfied that by a slight rearrangement of the districts tributary to the schools, every child in this District can be provided with adequate school accommodations. No school child as the result of that rearrangement will be required to go an unreasonable dis-tance to attend an appropriate school. For the above reasons we have denied the request of the school authorities for additional buildings, and justify our action on the grounds which have already been presented to the House. There is no necessity for these additions. We rest our case, and leave the dedision to the House.

Mr. MANN. Mr. Chairman, just one word. The Committee

on Appropriations are necessarily limited in the amount of time they can give to hearings. They have not given hearings to the people of the District of Columbia in reference to these school buildings, and I have no criticism of that. Ferhaps it was impossible to do it; but they have had some hearings on the subject. They have had the statement made before the committee by Mr. Blair, who represented the school board. I believe his statement was the principal one made before the committee, and I leave it to the Committee of the Whole now to judge of the necessity of the addition which the amendment proposes. Mr. Blair said:

The next item of new construction is the item for the Birney School. That school is a colored school, situated in the southeast section, just across the Anacostia River; there is in the main building at the present time an enrollment of 309 and seats for 170, and an enrollment of 258, almost 100 more than the seating capacity, in the annex, which is a 4-room building and in which six classes now have to be taught. So that we are asking you for a 4-room addition to the Birney School for the purpose of taking care of an enrollment of about 565 in buildings that have a capacity for about 500.

Do gentlemen wish to take the position that these school children ought not to have seats in the schoolroom provided by us? The fact that they are colored children ought to be an additional reason for providing them with schools and an edu-

Mr. BURLESON. Mr. Chairman, I desire to assure the Committee of the Whole that your Committee on Appropriations, in adopting the policy we have with reference to the schools. were not controlled by any consideration of hostility to the public schools or the public-school system. Neither were we moved by a desire to hamper them in the slightest in a proper discharge of the important functions which they are discharging toward the people of the District of Columbia. And I want to doubly assure the gentleman from Illinois that political considerations did not enter and were not taken into consideration in the slightest degree in determining the action that we took with reference to these school buildings.

The gentleman speaks about the hearings that we had. Your committee had certain data before them, which were controlling. We had the report of the Commissioners of the District of Columbia, showing that at this time we have 150 permanent schools and 18 portable schools owned by the District; that we also have 27 rented school buildings, or an aggregate of 195 school buildings in use in the District of Columbia at this time. Taking into consideration the fact that Baltimore, with nearly twice the population of the District of Columbia, has only 102 schools, with the same divisions there as to the races as in Washington, and taking into consideration the further fact that in Baltimore, after the children pass through the grades and reach the high school, there is, in addition to race division, a division as to the sexes, we were overwhelmed with the belief that it is unnecessary at this time to provide additional school buildings for the District of Columbia.

Mr. PAYNE. I should like to ask the gentleman a question.

Mr. BURLESON. Certainly.
Mr. PAYNE. I understand the gentleman's apology to be that they have a greater number of school buildings here than I want to ask the gentleman what Baltimore in Baltimore. has to do with this question, in view of the statement of the gentleman from Illinois, from the evidence before the committee, that in this particular school building there are at least 100 more children than there are seats to accommodate them? What has Baltimore got to do with that?

Mr. BURLESON. I want to assure the gentleman from New York that we are not here in an apologetic attitude. On the contrary, we are here to justify the action that we have taken. I will say to him that Baltimore has this to do with it-we utilized Baltimore for the purposes of comparison, just as the President of the United States used Baltimore for the purpose of comparison, that there was not a proper economy in the use of school buildings. That is the position of your committeethat there is not a proper economy at this time in the use of the school buildings we now have, and we reach that conclusion by instituting a comparison between Baltimore and Washington and other cities, and the President of the United States reached the same conclusion.

Mr. PAYNE. The President of the United States has not used Baltimore as a comparison with Washington on this specific question raised by the gentleman from Illinois. In this instance the undisputed proof is that there are 100 more children than there are seats in this school building. The President has a logical mind, and he could not use Baltimore as a comparison on that question.

Mr. BURLESON. I am willing to concede that the President of the United States has a logical mind, and I am not only willing to accept that proposition but to go a step further and accept the conclusion of the President of the United States when he asserted positively that there was not a proper economy in the use of school buildings.

As was well said by the gentleman from Virginia [Mr. SAUNDERS], this issue was thrashed out yesterday afternoon !

to a complete finish, and when the test was made before those who were present at that time the proposition offered by the gentleman from Illinois was defeated by a vote of three to one, and I hope that this proposition will be voted down by a substantial majority.

[The time of Mr. Burleson having expired, by unanimous consent it was extended five minutes.]

Mr. COX of Ohio. Will the gentleman yield?

Mr. BURLESON. I will.

Mr. COX of Ohio. Is it not true that in the hearings the subcommittee was likewise overwhelmed with information which led us seriously to question the correctness of the enrollment figures presented to us?

Mr. BURLESON. Undoubtedly there were certain statements made there that led us to believe that the statistics gathered by the school board could not be implicitly relied upon. But, accepting the data furnished by the board, just as the President of the United States accepted the data furnished by the board, we reached the conclusion that there was no necessity for additional schools at this time, and no necessity for more school buildings until there was a proper economy in the use of the school buildings now in existence.

Mr. NYE. Will the gentleman yield?

Mr. BURLESON. Certainly.
Mr. NYE. I was unable to hear the discussion yesterday, being detained on my committee, but I understood the gentleman from Virginia [Mr. Saunders] to say this morning that there could be a readjustment of the districts in such a way as to accommodate all of the pupils of the city. What I want to ask for information is as to this particular school. Here seems to be inadequate facilities for nearly half of the school population in that particular locality. How would you dispose of those children; where could they go?

Mr. BURLESON. By contracting the school district tributary to this school and enlarging the districts tributary to some other school, thereby filling the vacant seats in other schools and relieving the excess attendance on this particular school.

Mr. NYE. What other school is there that you could send these pupils to? I am not familiar with the geography of the

Mr. BURLESON. We had a map in here yesterday afternoon, showing the schools of the District of Columbia and their proximity to each other, and no man who made a casual examination of that map could escape the conclusion that we had too many schools now in the District of Columbia.

Mr. MANN. Many of us did examine it, not casually but

thoroughly, and did not reach that conclusion.

Mr. BURLESON. There were less than a baker's dozen

that did not reach that conclusion, and an overwhelming majority the other way.

Mr. MANN. Called in from the cloakroom.

Mr. BURLESON. Now, Mr. Chairman, we have recently brought to the District of Columbia a new school superintendent, and it is the purpose of this committee to give this new man an opportunity to seriously acquaint himself with the situation and work out the problems which he thinks ought to solved in connection with the schools of the District of Columbia, and that was another reason that influenced the committee at this time to take no action in the construction of additional schools. Mr. Chairman, I ask for a vote.
Mr. LA FOLLETTE. Mr. Chairman, I will ask the gentle-

man from Texas if in arriving at his conclusion he has taken into consideration the number of schools or taken into considera-

tion the seating capacity?

Mr. BURLESON. Mr. Chairman, we took into consideration both factors. They have only 102 schools in the city of Baltimore with an enrollment of 80,363 pupils, while here, with an enrollment—not taking into consideration the actual attendance—of only 55,000, we have 195 schools.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Mann) there were-ayes 32, noes 57.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 55, after line 18, by inserting as a new item the Takoma School building, \$36,000."

Mr. MANN. Mr. Chairman, this was another one of the schools cited yesterday by the gentleman from Virginia [Mr. SAUNDERS] as being so much more worthy of additional facilities than the Chevy Chase School. It is a remarkable occurrence to me that on these amendments for the construction of new school buildings the Republican side of the House votes unanimously for the schools and the Democratic side of the House, with the exception of one Member, votes unanimously against the schools.

Mr. FITZGERALD. Well, that settles the propriety of the

vote, does it not?

Mr. MANN. I think so. That settles it.

Mr. FITZGERALD. Because the Republican side is usu-

ally in the wrong.

Mr. MANN. In the opinion of the gentleman the Republican side is often in the wrong, but in this particular case even the gentleman himself, while he is compelled to vote with his committee, believes in my judgment; and I give him a chance to reply that we ought to have the school buildings, and he knows, and every Member of the House knows, that it is mighty poor consolation to people in a particular locality of the District of Columbia who have children who want to go to school to be told that there are vacant rooms and vacant seats in some other part of the District. I have lived in a city long enough to see great school buildings entirely vacated for lack of children to fill them—abandoned because in the growth of the city the population had moved farther out and the down-town districts no longer required school facilities which they had

In the Takoma School, in one of the outlying parts of the District, in a growing community, there are now more than 50 pupils to every room, with insufficient capacity in those rooms to accommodate 50 pupils. It is a great consolation to the parents and children there to tell them that there are vacant schools down here in the heart of the city of Washington! That is the only consolation they receive. I can not but believe that the difference between the two sides of the House on this school proposition is a fundamental difference. We believe in educating the people, in furnishing facilities to the youth of the land. You prefer to keep them in ignorance, because on ignorance Democracy thrives best. [Applause on the Republican

side.]

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois is more successful when he undertakes to express his own opinion than when he undertakes to express the views of anyone else in this House. If I were of the opinion that these additional schools were needed, I should advocate them; it would not be necessary for the gentleman from Illinois or anyone else on that side of the House to propose amendments to furnish school facilities. The policy of the Committee on Appropriations is to recommend in these appropriation bills every dollar that is honestly required properly to conduct the Government; and that committee will do that regardless of the effect upon the aggregate of appropriations in this Congress. If, after thorough investigation, it is found that it is proper to appropriate an additional sum to that appropriated in the extravagant Congresses in the past, the committee will not hesitate to perform its full duty and shoulder the responsibility for it.

There is no justification whatever for the building of the school now proposed. The Takoma School is crowded because 1,450 nonresident pupils, who should be educated at the expense of neighboring States, are being educated at the expense of the Federal and District Governments. The Citizens' Association of Takoma Park within a few days, according to information furnished to me, adopted resolutions protesting against the condition under which these nonresident pupils, the children of nontaxpayers in the District, having no connection with the District or Federal Governments whatever, have been permitted to be placed in these schools to the exclusion of the children entitled to be educated in them. The Committee on Appropriations has recommended a provision that will eliminate There is in this bill a provision which will prevent the education in the District schools of these nonresident children, who have no right in the schools unless they pay the tuition fee that they should to obtain their education. need be alarmed that any child in the District of Columbia is suffering from opportunity to get proper education because of lack of proper facility. It is pure buncombe, for the purpose of cheap political effect, to talk about this committee denying ade-quate school facilities in the District of Columbia. That has not been the policy on this side of the House in the past, and it will not be in the future; and whether gentlemen criticize the committee for its recommendations or its lack of recommendations, the committee will assume the responsibility for what it does, and when it is convinced that what it is doing is in the interest of proper administration, carrying out a proper system of education, it will not fear criticism of its action.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MILLER. As I understood the gentleman, he stated there were 1,450 now receiving instruction at the Takoma Park School who had no right there. Am I correct in that understanding?

Mr. FITZGERALD. I did not intend to say 1,450 were in the Takoma School, but there are 1,450 nonresident children being educated in these outlying schools, part of whom are in

the Takoma School, crowding out the other children.

Mr. MILLER. Can the gentleman furnish us an estimate as the number in this particular school receiving instruction at the Takoma Park School? That is, how many of these nonresidents affect the situation in the Takoma Park School?

Mr. FITZGERALD. I have not the figures at hand, but my recollection is there is a sufficient number to affect the school which otherwise would furnish ample accommodation to those

entitled to be educated in the school.

Mr. MILLER. Is it not rather remarkable that the Takoma Park School would receive such a large number who had no right there, so as to seriously impair the efficiency of the school and the lives and health of the District children there?

Mr. FITZGERALD. It is a remarkable condition, and there is a provision in this bill which, if adopted, will eliminate that condition and will enable those entitled to school facilities in

this district to have them.

Mr. MILLER. One other question. Has there been provided in the Takoma Park district any additional school facilities in the last two or three years for regular District pupils?

Mr. FITZGERALD. I do not recall when the last addition

Mr. MILLER. Does not the gentleman know that the Ta-koma Park suburb has increased in population perhaps 100 per cent, and that in the natural course of things there must be added school facilities for children who have a right to go

Mr. FITZGERALD. That, perhaps, is true; but when facilities were provided they were for an excess of the number then needed. Allowances were made for some normal growth.

Mr. MANN. Mr. Chairman, this statement about 1,450 pupils in the District, children of nonresidents, is a mere bogie. I used to have one of those myself in the public schools of Washington, and the gentleman from New York [Mr. Fitzgerald] used to have several entitled to admission here, and no one has yet discovered on the Committee on Appropriations how many these 1,450 are children of Members of Congress or children of other officials. The Committee on Appropriations and no member of it knows.

Mr. FITZGERALD. That is not the class that is aimed at.

Mr. MANN. That is included in the 1,450. Mr. FITZGERALD. I beg the gentleman's pardon; it is not. Mr. MANN. It is a matter of opinion. The gentleman can not cite any authority for the statement that he makes, and he knows that no member of the Committee on Appropriations knows how many of these are at the Takoma School. The only information the committee has on the subject is the statement furnished that 1,450 nonresident pupils go to District of Columbia schools who pay no tuition and 40 or 50 who do pay tuition. The gentleman from New York and the committee have no information further on the subject. They can not say and they did not dare say to the gentleman from Minnesota how many nonresident pupils were at the Takoma School.

Mr. BURLESON. The gentleman is mistaken about that; the gentleman from New York just stated the resolution adopted the Takoma Park Citizens' Association protesting against children living within the District from being crowded out of the school by nonresidents, as was done at the Takoma Park

Mr. MANN. How many are there, does the gentleman know?

Mr. BURLESON. I think-

Mr. MANN. How many?

Mr. BURLESON. A sufficient number to crowd out a lot of those living in the District.

Mr. MANN. The facilities there are so scant they are crowded out, and no wonder the people want a new one constructed. Neither the gentleman nor the gentleman from New York can give it. No one knows how many there are. know that the people of Takoma Park have set up a complaint because the school facilities there in the way of buildings were insufficient, and in the face of that complaint the gentleman from Texas and the gentleman from New York decline to give them proper school facilities, decline to give them school buildings enough.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. MANN. They object to an addition to the school build-gs, which would provide ample school facilities for these children. Certainly, I will yield to the gentleman from Ohio.

Mr. COX of Ohio. If the gentleman will refer to the hearings, it will be perfectly clear to him.

Mr. MANN. Refer to them where?

Mr. COX of Ohio. Page 313. Mr. MANN I have read that.

Mr. COX of Ohio. Then do you deny that this is the situation to this committee? The law was definitely stated there by Mr. Blair, and he said that the 1,500 pupils attending school here illegally were beyond the pale of the law. That ought to be sufficient.

Mr. MANN. This is the statement that he has made. I will leave it to the committee to judge:

There are between 1,450 and 1,500 pupils who are not residents and get free tuition and there are between 40 and 45 who are not exempted and hence pay tuition.

That is the information upon which this committee acted in order to decline to put a school building where the needs of the pupils demand it. No one knows how many of those nonresident pupils are children of officials here, which, under the committee's own proposal, would still be entitled to school facilities. Mr. CANNON rose.

The CHAIRMAN. Will the gentleman from Illinois [Mr. Mann] yield to his colleague?

Mr. MANN. Oh, certainly.
Mr. CANNON. Will the gentleman turn to page 56 of the bill. He will find the law is to some extent amended, but very slightly.

Mr. MANN. Yes: I am familiar with the provision.

Mr. CANNON. It says:

Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District.

And later on they can be admitted if they pay tuition, with the consent of the commissioners:

Or, who during such tutelage do not own property and pay taxes in excess of the amount of the tuition.

That would let them in. Here is another provision:

Or whose parents do not reside or are not engaged in public duties

I apprehend that most of the children outside of the District are children of clerks and employees of the departments, living adjacent, and although they do not own a foot of property or pay a cent of taxes, the children are admitted without charge. How many of them there are I will say frankly I do not know.

So it seems the slight change in this clause, which is exceedingly slight, will not shut out a great many children. It was stated, as I recollect, in the hearings before the committee that occasionally three or four people would buy a cheap piece of property and thereby have their children attend the schools, who live in Maryland or in Virginia.

Now, that will be prohibited unless the taxes amount in excess of the tuition. It seems to me that this will not shut out 5 per cent of the children that have been heretofore attending the schools.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for just two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. My colleague means it would not shut them out if the law was enacted.

Mr. CANNON. Precisely.

Mr. MANN. Of course, everyone in the House knows that that item will go out on a point of order. But even if it were the law, it would not make the difference which my colleague says of 5 per cent; certainly not 25 per cent. Nearly all of the 1,450 are entitled to the school facilities under the provision which the committee itself reports, but if that were not the case, it is no answer to the proposition to provide school facilities for the children who are entitled to it, because you gave the school facilities somewhere else to children who are not entitled to it.

Mr. MILLER. Mr. Chairman, I move to amend the amendment by striking out the words "thirty-six thousand" and inserting in lieu thereof the words "twenty thousand."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the last two lines of the amendment by striking out the ords "thirty-six thousand" and inserting in lieu thereof the words twenty thousand."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. MILLER. Mr. Chairman, there is certainly no question connected with the administration of affairs in the District of Columbia of greater importance than that of education. We can get along, of course; and by "we" I mean the people who are to live here long after I have ceased to have the honor of living in this particular part of the world. People can live here if the amount of police protection is reduced; they can live here if the streets are not as clean as they are in other places; they can live here if the artistic features are not what some of us may desire them to be; but the people can not live under a free Government and under a free flag unless they are educated.

I am surprised that the gentlemen who have the burden of preparing and advocating this bill have found it impossible, in harmony with their judgment, to make any provision for the expanding need of educational facilities in this District.

Now, I know that the gentleman from New York [Mr. Fitz-gerald], in harmony with the reputation he has for sobriety and seriousness of statement in this House, does not want any misinformation to get abroad, and does not want anything stated as a fact which is not a fact; and for that reason in particular I desire to direct his attention to one statement that he made. namely, that in the Takoma Park suburb the citizens there the other day had a meeting and protested because a large number of pupils were now receiving instruction there, within the District lines, who had no right to be there. I am reliably and fully informed that the statement is a mistake-made, of course, unwittingly. All that was considered at that meeting was

Mr. BURLESON. What is the source of the gentleman's

information?

Mr. MILLER. I will give it, if desired, in a moment. that was considered at that meeting was an arrangement of rooms wherein could best be given instruction to the children in the lower grades. Not one word was said about any nonresident children being there. Not a single resolution was passed with respect thereto. On the highest authority, I beg to state that the conditions in the Takoma Park district today are not such as Members had been led to believe by some recent discussions on this floor. There are practically no children there who have not the right to be there, and of the fifty and odd who are in each schoolroom, practically every one is there by right. To be sure, there may be a few whose parents live just outside the District. In Maryland, but every one of them is the son or daughter of a department clerk in the city of Washington and in the employ of the Federal Government, Surely gentlemen would not prohibit such children from attending school in the District.

As everyone knows, that little suburb has shown great growth in the last two or three years. The schools have become crowded, no increased facilities have been provided, till a condition has been reached that cries out for relief. There is no farming community in that region. There are no farmers' children in that immediate vicinity to go to school anywhere; and where else nonresident children could from, Mr. Chairman, I know not, unless it should be from the city of Baltimore, where apparently they lack school facilities, and may have come down here in the hope of getting some instruction at a place where it is to be had. It seems to me, when the committee in charge of the appropriations for the District of Columbia comes in and says that that growing suburb, already suffering for several years, shall not receive any additional facilities for instruction, they are saying, in effect, "We stand here to block the growth of Takoma Park and prevent the youth of that part of the District from securing such fundamental education as every boy and girl in America has the right to receive." And I say it is cheeseparing carried down to a mighty thin wafer. It is laying down a proposition that will certainly rise to bump good and hard at some future day.

For one, Mr. Chairman, if there is to be an amendment of

this bill anywhere between the first line and the last, I am in favor of that amendment being one to give to the children of this District who now lack educational facilities those reasonable and proper for them to have.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota [Mr. MILLER] to the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. MANN) there were-ayes 25, noes 40.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment. The CHAIRMAN. The gentleman from Illinois offers an

amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 55, after line 18, by inserting as a new item the follow-

ing:
"For the construction of an eight-room extensible school building on the site purchased west of the Soldiers' Home grounds south of Rock Creek Road, \$66,000."

Mr. BURLESON. I make a point of order on the amendment. Mr. MANN. Will the gentleman reserve it for a minute? Mr. BURLESON. I will reserve it. Mr. MANN. This is for the relief of the Petworth School, which was referred to yesterday by the gentleman from Virginia [Mr. Saunders].

Mr. BURLESON. My recollection is that this school was

asked for last year and was refused by those in control of the bill at that time. I make the point of order.

Mr. MANN. We provided a number of other new buildings

last year.

The CHAIRMAN. The gentleman makes a point of order. The Chair will hear the gentleman from Illinois on the point of order.

I think it is subject to a point of order. Mr. MANN.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 55, after line 18, by inserting as a new item the follow-

"Toward the construction of a new M Street High School building for colored pupils on the site heretofore acquired, \$150,000; toward the construction of a new Central High School building on the site heretofore acquired, \$250,000."

Mr. BURLESON. On the amendment I reserve a point of

Mr. MANN. I desire to be heard either on the point of

order or on the amendment, I do not care which.

Heretofore Congress provided for the purchase of two new high-school sites, one for a new colored high school on M Street and one for the Central High School. I am not sure whether I am discussing the point of order or the amendment. In the opinion of Congress at that time—and the matter, I remember, was very carefully considered both by the Appropriations Committee and the House itself—it was then necessary to provide for new high-school facilities. Congress made the appropriation for those sites. The sites have been purchased. Naturally, in the orderly conduct of business the next thing to do is to make an appropriation to commence the construction of these buildings. That is the amendment which I have offered.

Every one who is familiar with the situation knows that the high-school facilities for the colored pupils are entirely inade quate in the District to-day. Everyone who is familiar with the M Street High School knows that the present school building is entirely inadequate. I remember last year—I wish I might hear them now—gentlemen on that side of the aisle told how much needed was the new high-school building for the M Street High School. Where are those gentlemen now? I shall not call their names, because I will not be that mean. I remember the discussion, how some gentlemen on that side the aisle told of the dire necessity of a new high-school building on M Street; and yet, when the proposition is made to put one there, those gentlemen are silent in the effort to make a record of false economy. The gentleman from New York [Mr. FITZGERALD] a while ago, falling away from his usual manner, referred to propositions as buncombe. The usual manner, referred to propositions as buncombe. cheapest thing I know of in debate anywhere is to call somebody's else proposition buncombe.

Mr. BURLESON. Will the gentleman yield? Mr. MANN. I will yield to the gentleman.

Mr. BURLESON. If there was such a pressing necessity for these two schools at that time, why was not adequate provision made in that bill for the erection of the school buildings?

Mr. MANN. It was thought sufficient to make an appropriation that could be expended in one year, and it was assumed—I admit that we were grossly in error—that you could expect some decency to come out of the Democratic side on school questions. We provided last year for the purchase of sites. There is on the calendar a bill containing a provision to use the surplus fund appropriated for sites in the preparation of school plans. It is on the calendar, and the Committee on Appropriations might have proposed to use that money, utilize it in the preparation of plans for the school buildings.

Mr. BURLESON. The gentleman will admit that if we embodied in the bill an item of that character, it would be

subject to a point of order.

Mr. MANN. I will admit that the gentleman has embodied a whole lot of other items in the bill subject to a point of order;

and if I had been in his place, I should be the last one to make a point of order on school buildings and fool away the time on water pipes. The gentleman brings in a proposition about the water pipes, subject to a point of order, but trembles with fear that some one will make a point of order on a school proposi-If the gentleman had come in here with clean hands, with no point of order in his bill, there would be no criticism; but the bill is filled with propositions subject to a point of order, and one more would not have hurt the gentleman and would have helped the bill.

Mr. BURLESON. I will ask the gentleman, who has had long experience here, if he has ever seen an appropriation bill brought before the House that did not have a number of items

embodied in it subject to a point of order?

Mr. MANN. No; and I am only complaining because this did not have one more. I never saw an appropriation bill come before the House that was not subject to a point of order in some of its provisions. I do not object to that at all. I believe it is the duty of the committee-I believe it was the duty of this committee-to have provided for the preparation of plans, at least, for the construction of these two new high-school buildings upon ground which we have already bought and paid

Mr. BURLESON. The gentleman from Illinois has had a long experience in Congress, and I would like to have him state if he has ever known a District appropriation bill brought before the House that had as little legislation in it as this bill has?

Mr. MANN. I can not remember about that. This has plenty of legislation in it. Appropriation bills usually have, and I think this is very much similar to the others.

Mr. COX of Ohio. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX of Ohio. Is the gentleman prepared to admit the proposition that an area of 10 acres is necessary upon which to construct a school building with a capacity of 2,000 scholars?

Mr. MANN. We have already purchased the school sites, and the gentleman from Ohio was here when we did it. He had notice of what was being done, and he did not raise his voice in opposition to it. Now the gentleman wants me to go over that last year's question, when the question is whether we will construct a building upon that site. We need not use the whole site, and the gentleman can propose to sell the balance of it.

Mr. COX of Ohio. Oh, the gentleman is unfair in his statement. The site was bought last year, but nothing was said ment. about the size of the school.

Mr. MANN. The gentleman is mistaken about that.

Mr. COX of Ohio. Let me conclude.

Mr. MANN. I am willing to let the gentleman conclude, but the gentleman has not the floor.

Mr. COX of Ohio. I think the time of the gentleman from Illinois had expired and he was proceeding by unanimous consent.

Mr. MANN. When the Chair informs me that my time has expired I will take my seat; but I am not proceeding by unani-

The CHAIRMAN. The Chair will state that the Chair is hearing the gentleman from Illinois on the point of order and his time is not limited.

Mr. MANN. Well, Mr. Chairman, I think my time ought to have expired, and I will yield the floor.

Mr. TAYLOR of Ohio. Mr. Chairman, I spoke on this highschool question at some length a day or two ago. All of this argument about vacant seats, which has been the basic idea that has brought about the leaving out of the present bill provision for any school construction, is admitted by the gentlemen of the committee who are in charge of the bill not to apply to the high schools in any sense of the word. There never was any evidence before our subcommittee—and the hearings will disclose that fact-but that both the white high school, known as the Central High School, and the M Street High School, the colored high school, are terribly overcrowded, and have been not only this year but for several years past; that it is imperative that they should have new quarters and larger quarters at once. I tried to keep these two items in the bill-the one now offered as an amendment and the one which will be offered succeeding it, I think.

Mr. MANN. They are both included in this amendment. Mr. TAYLOR of Ohio. The colored high school was originally the old Business High School here, and after having been used for many years for that purpose-an old building, to begin with—it was turned over to be used as the colored academic high school. It was built to accommodate 450 pupils. That is its entire capacity to-day; and yet it has an enrollment and attendance of 798-practically two pupils for every seat in the place. It is said that it is not necessary this year to do this, in spite of the fact that we have bought the site and it is stand-

ing there idle and our money is invested in it.

The white high school was built for about 600 or 700 pupils and has 1,200 pupils enrolled. Almost the same condition exists there as at the colored high school, and that is certainly not a proper condition for children who are taking a high-school We received \$250,000 out of the appropriations last year with which to buy a plot, to purchase a site, for a white high school. We received \$60,000 for the purchase of a site for a colored high school. In both cases after the purchase of the site there was a balance left of money unexpended, \$15,000 out of the \$250,000 appropriation and \$24,000, in round numbers, out of the appropriation of \$60,000. As was said in debate the other day, there is pending and on the calendar a bill from the Committee making available those balances for the preparation of plans and specifications for these two buildings. It is on the calendar, and I have not the faintest idea that it will ever come off the calendar. I think gentlemen understand what I mean. We have a 10-acre plot, probably the handsomest plot of land bought for school purposes that this city has ever purchased. It is a park, practically, and on that it is proposed to construct a white high school. It is quite true that the hearings before the committee developed the fact that the school board and the commissioners had about decided to erect a building, costly and monumental, almost, very beautiful, and one that was appropriate to the site, but which was going to accommodate only 1,600 pupils. It would take a couple of years to erect that building, at a cost of something like \$690,000. I do not object to that. It should be a fine, modern, model high school, but it should not be built as a unit which can not be extended or enlarged or increased, because by the time it is finished there will have been an enrollment in the white high school which will entirely fill the building, and we would be on the market for more sites and buildings. For that reason in my remarks the other day I stated that we ought to go ahead with this work, leaving it to the good judgment of the board of education and District Commissioners, after an expression of our views on the subject, to erect a building there that will accommodate all of the pupils now enrolled and those that will be enrolled for the next few years. A building should be erected that can be extended as one building, or so that other additional buildings can be erected on this site, to take care of an enrollment of five or six thousand pupils, if necessary just as they do in other cities where real estate is valuable and the purchase of a multitude of sites and the erection of small buildings is not an economical thing to do. This simply says, here is \$250,000 to start your work on.

No plans have been made, but the Commissioners of the District are not the kind of men who would turn their backs upon a sane suggestion. They would naturally make an effort to follow the idea of utilizing the 10 acres of ground and making it available for school purposes for many years to come.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FITZGERALD. Will the gentleman yield?
Mr. TAYLOR of Ohio. Certainly.
Mr. FITZGERALD. Did not one of the commissioners who urged this most strongly state to the committee that he would oppose placing on that 10-acre plot a building that would accommodate more than 1,600 pupils?

Mr. TAYLOR of Ohio. He did; and I have stated that; and I stood here for half an hour the other day and argued that I

would oppose his views on that subject.

Mr. FITZGERALD. And is that not the attitude of the commissioners and the position that will be taken if this building be authorized without determining in advance just what should be done at that place?

Mr. TAYLOR of Ohio. No; I do not know that it would be. That was the statement of the commissioner, but I do not believe, however, that he would fly in the face of Congress if

he found that his ideas did not jibe with those of this House.

Mr. FITZGERALD. The only way that any official would know what the idea of Congress would be would be to specify with such distinctness in the authorization that there would be

Mr. TAYLOR of Ohio. I will say to the gentleman frankly that I entirely agree with him because the gentleman himself in our conferences in committee suggested that there should not be a waste of this site, that a building should be constructed either as an extensible building or, by adding units, to take care of 5,000 or 6,000 pupils. The gentleman cited the case of a high school in the gentleman's city of Brooklyn which takes care of a great many pupils, and I agreed with him, and I followed the gentleman; in fact, I was converted by the gentle-man's argument to that sort of a building, but I desired to see a sufficient sum put into this bill to begin this work, and if

whoever had charge of making the plans should make the plans other than we think they should be we can stop it by legislation if we have to do so, or by moral suasion if we can.

Mr. COX of Ohio. Mr. Chairman, I want to state for the information of the committee that when we started on the subject of schools we had in hand the highest authority in the land with respect to two important elements-efficiency and economy in the conduct of the Washington schools. The highest authority, the President of the United States, stated that the conditions are indefensible, and I quote from his message now this literal language as disputing the very contention that has just been made by the gentleman from Illinois. The President says:

If I may say so, there seems to be a lack of definite plan in the expansion of the school system and the erection of new buildings and of proper economy in the use of those buildings that indicates the necessity for a concentration of control.

So that when we approached this subject we did so with a great deal of precaution. We soon ran into that part of the bill which related to the Cochran School. The request was made in the estimates for an additional sum of \$11,000 to buy some land, the request coming from the school board and not the commissioners. We went back to last year's hearings and as-certained that the board of education had requested \$9,000, with which it was to purchase, as it stated, 7,200 square feet. Now, the facts developed this year are that with the \$9,000 appropriated, instead of purchasing 7,200 square feet, they purchased 2,200 square feet, and they requested this year an additional \$11,000 to procure the remaining 5,000 feet. Then we found another situation, that of illegal school attendance. Mr. Blair stated to the committee what the present law was with respect to legal and illegal attendance in the public schools. It provides that the children of any person or persons who are engaged in public duties here are regarded as legal attendants of the schools. Following that, Mr. Blair makes the direct statement that between 1,400 and 1,500 illegal attendants are now in the public schools, showing clearly that in that 1,400 or 1,500 pupils they did not classify the children of Members of Congress. When we came to the high-school proposition, we were impressed with the gross extravagance in the plan begun last year in this one respect: A 10-acre tract was purchased in a beautiful part of the city, and the plan now is to erect on this 10-acre tract one building. I stated awhile ago that the capacity was to be 2,000 pupils. I was mistaken; it is to have a capacity of only 1,400 to 1,600 pupils. We suggested that plans and specifications should be so drawn as to provide for what is known as an extensible building, so that when the occasion demanded an additional building could be erected to accommodate 500 pupils or 1,000 pupils. That did not seem to appeal to the æsthetic tastes of the board of education in the city of Washington. The trouble is that the public purse is being Washington. drained for \$600,000, with which there is to be constructed a monumental building in this beautiful part of the city. Then this further fact developed: When we were seeking to ascertain the necessity or the nonnecessity for an additional white highschool building, this thing crept out, and it is very important. There is being developed now a new hobby in the Washington schools; at least many people regard it as a hobby.

It contemplates the institution of an elaborated vocational school, the plan being that as soon as a little chap gets into the grades the teacher decides whether he is to be a plumber, a carpenter, a lawyer, or, perchance, a statesman, and then the purpose is to develop the child in accordance with his bent.

Dr. Davidson was asked-

Mr. TAYLOR of Ohio. Will my colleague yield a moment?

Mr. COX of Ohio. With pleasure.

Mr. TAYLOR of Ohio. I notice in the various vocations mentioned by the gentleman in his remarks the vocation of statesmanship was mentioned. Does the gentleman think statesmanship is a vocation?

Mr. COX of Ohio. It has been a very useful profession in our State. It was developed, at least so far as the judgment of a good many members of the subcommittee is concerned, that this high school was a forerunner for the development of this hobby. The price had something to do likewise with the de-termination of the committee on this subject. It was insisted that the building would cost \$690,000. We submitted the drawings of a model high-school building, erected in Springfield, Ohio, with a capacity of 1,400 pupils, that cost considerably less than \$300,000.

Dr. Davidson has been here but a brief time. It is the belief of the committee that many practices and features of school life and operations in this District will be corrected as soon as he has been able to properly organize the schools. And in the face of all the conditions I have attempted to enumerate, we believe the time had come to stop buying grounds and stop appropriating money for additional buildings until we could get back to a sane base for economy in the District of Columbia.

Mr. BURLESON. Mr. Chairman, just a word. pending on the calendar at this time a Senate bill setting apart an unexpended balance of an appropriation made in the last appropriation bill for the purchase of these two high schools for the preparation of plans and specifications for the new school buildings. When that bill comes before the House for consideration the members of the Committee on Appropriations who deal with this particular subject matter have in mind to offer certain amendments seeking to throw around the preparation of these plans certain restrictions and conditions looking to the accommodation of a larger number of pupils in the high-school buildings to be erected than is now contemplated by the school board. For the reason that we want to give a greater care and greater consideration to the matter of the character of plans that are to be provided for these two school buildings, I insist upon the point of order.

The CHAIRMAN (Mr. Pou). The Chair sustains the point

of order. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: Provided, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education, with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. CARLIN. Mr. Chairman, I desire to make a point of order against the paragraph. I think it is controlled by the ruling of the Chair which was made day before yesterday. It plainly is new legislation. It changes the existing statutes regulating this subject matter. I do not believe at this time I ought to discuss it at any length, because of the very plainness of the opinion that it is in violation of the rule, and will not discuss it further unless I am compelled to do so by discussion on the other side.

Mr. SAUNDERS. Mr. Chairman, the Committee on Appropriations contends that this paragraph is within the Holman rule. I wish to submit the following considerations to the Chair: Upon the face of this proposition it reduces the amount carried by the bill; it reduces the attendance in the schools. It reduces thereby the expense of operating the schools. It reduces the number of pupils to be cared for in the schools of the District of Columbia. As a matter of course, of logical necessity, it reduces the burden imposed upon the District of Columbia and the appropriations carried in this bill for the maintenance of the schools. A paragraph that effects such a reduction, as a matter of necessary sequence, is within the plain and manifest purpose of the Holman rule. This rule intended to afford the Committee on Appropriations the power to make concrete legislation, provided that the concrete legislation showed on its face, as this does, that a reduction is effected. It certainly requires a less appropriation to provide for a reduced number

of pupils than for a larger attendance.

Mr. CARLIN. Mr. Chairman, that is the most remarkable statement I have ever heard my friend from Virginia make, namely, that this paragraph shows upon its face a reduction or accomplishes an economy. The fact remains that the paragraph does not make an appropriation of any sort or kind, and the

only way a reduction can be at all considered in connection with this paragraph is by argument.

The present statute of the District of Columbia fixes the status of nonresident children, namely: If their parents are taxpayers in the District of Columbia, they are entitled to enter the District schools. This provision seeks to make other conditions, and provides that the board of education shall, with the approval of the Commissioners of the District, require nonresident pupils to pay such an amount as will cover the expense of tuition and the cost of textbooks and school supplies used by such pupils, and all payments under this provision shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia. It provides, in other words, that they shall fix a tuition fee. There is no statute now which permits that to be done, and therefore this is plainly a proposal to enact new legislation

Mr. SAUNDERS. Mr. Chairman, just one word in response to the arguments of my colleague. The ground of the objection that these gentlemen are making to the provision recommended on our part, is that it will reduce the number of potential school children entitled to admission to these schools.

Mr. CARLIN. I never made such an objection.

Mr. SAUNDERS. We know very well the ground on which the objection is made. My friend will not deny that I have stated it correctly. If this provision did not affect somebody by reducing the number of school children, no point of order would be made. The very fact that it is a change of existing law is relied upon by the opposition to support their point of order, but the fact that it changes existing legislation by reducing the burden imposed by that legislation is relied upon by those who recommend the proposition, to bring it within the parliamentary rule.

Permit me to give an illustration in this connection. I understand there is no maximum age limit fixed in the District of I understand that a man 50 years old is eligible to admission to these schools. I even understand that men of greater age than 50 have actually attended the schools here. Would anyone contend that if we reduced the age limit, fixing the maximum say at 18 years, we would not thereby reduce

Mr. CARLIN. I want to interrupt the gentleman right there, while he is on his feet, to call his attention to the provision of the rule that the reduction must be in the amount of money

covered by the bill.

Mr. SAUNDERS. The amount of money covered by the bill is the amount that will be necessary to conduct certain pre-scribed operations of government under the law, provided no changes are made in the law by the bill. To give another illustration: Should we reduce the number of school-teachers in the District of Columbia we might, as the result of that action, seriously impair the effective operation of the schools of the District, but we would certainly reduce the amount of money covered by the bill, because to the extent of the reduction in the force, we would not be required to pay out any money on salary account.

Mr. CARLIN. You have not reduced it in the bill.

Mr. SAUNDERS. We have reduced the number of pupils by the bill, and that reduction in pupils effects a reduction in the amount necessary to carry on school operations in the District of Columbia.

One further illustration in this connection. Suppose we had made further reductions in the number of children eligible to attend the schools. Suppose we had gone so far as to cut out one-half of the school children of the District of Columbia. Would anyone undertake to say that as the result of action, we would not reduce the amount necessary to support the school system of the District of Columbia? That amount is a part of the amount covered by the bill? The committee submits to the Chair that the committee is empowered to report concrete legislation if the necessary legal effect of that legisla-tion will reduce the amount that would otherwise be carried in

that is covered by the bill.

Mr. CARLIN. Mr. Chairman, I am sure no further argument is necessary, but it is perfectly apparent that the reductions which the gentleman seems to think are carried in the bill exist only in the gentleman's imagination and in his argu-The rule itself provides the character of reduction and specifies for what purposes those reductions must be made.

It says, first:

By the reduction of the compensation of any person paid out of the Treasury of the United States.

That is not in this paragraph.

Or by the reduction of amounts of money covered by the bill.

There is no amount of money named in that paragraph. Money is not referred to, except to increase the tuition fees of children.

Now, how can it be argued that this bill, upon its face, carries any reduction? It may be that in years to come a reduction of teachers might be accomplished, but so far as this bill is concerned there is no reduction of a teacher or the salary of any teacher, so far, especially, as this paragraph is concerned. Indeed, when we come to read the section we find an increase of appropriation for the teachers of something like \$50,000 more than was carried in the bill for the previous year. So the reduction of the amount of money, so far as the bill is concerned, is purely argumentative, speculative, and does not take this paragraph out of the Holman rule.

Mr. BURLESON. Mr. Chairman, I want to direct the attention of the Chair to the fact that the effect of this provision is to place an additional limitation upon the appropriation made for school purposes. The effect of it is to narrow the class of those who are now under the law permitted to attend the public schools in Washington free of charge. The effect of it is to narrow the class of those who are entitled to participate

in the appropriation or to enjoy the benefits of the appropriation made for textbooks and for school supplies; and you can not escape the conclusion that the effect of this amendment is clearly a limitation upon the appropriations made. It is provided that those heretofore under the law permitted to participate in the benefits of the appropriations made for textbooks and school supplies shall be narrowed by changing the law and limiting those facts.

Mr. CARLIN. By increasing the cost of tuition. Mr. MANN. Mr. Chairman, while it seems to me clear that the paragraph is subject to the point of order, at least under the proviso in it, I wish to submit an observation following the statement of the gentleman from Virginia as to the effect of

That portion of the rule which would affect this proposi-

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States or by the reduction of amounts of money covered by the bill.

The gentleman from Virginia, Mr. Saunders, and the gentleman from Virginia, Mr. Carlin, both seem to assume that the provision-

Or by the reduction of amounts of money covered by the billmay be a proposition in the original bill iteslf. I think that is not the case, and that all of the precedents under this rule are to the effect that in providing both for what may be in the bill and for an amendment to the bill, so far as this provision is concerned:

Or by the reduction of amounts of money covered by the bill-

That that refers only to an amendment proposed to the bill

Mr. CARLIN. I think the gentleman is right about that.

Mr. MANN. And that there can be no reduction in the amount of money covered in the bill itself. The amendment must cover the provision. Otherwise it would be a mere matter of argument, which no one could decide, as to whether the bill itself carried more money or less money by reason of some legislative provision in the bill.

Mr. SAUNDERS. I do not desire to weary the Chair, but it seems to me the gentleman is patently in error in part. agree with the gentleman that when the reduction claimed is purely a matter of argument, when it may be fairly denied that the operation of a particular concrete proposition reported in the bill will reduce expenditures, then such a proposition does not come within the Holman rule. I entirely agree with the gentleman from Illinois on that proposition. But I maintain that you can look to existing law, to make your compari-You can look to the appropriations that are made neces sary by existing law, and when a concrete proposition reported by the committee reduces the amount otherwise to be reported, or carried under existing law, then the bill does retrench expenditures by reducing the amount covered by the bill. We make this claim for the item under discussion, and insist that it is within the Holman rule.

The words "covered by the bill" may be given a very narrow interpretation on the part of the Chair, or it may be interpreted in a broader and larger way. On the one hand, if you interpret it narrowly, as the gentlemen opposing the pending proposition claim that you should do, then you destroy the obvious purpose of the enactment of this rule. On the other hand, If a little larger and more liberal interpretation be given to the words "covered by the bill," the effect of such an interpretation will enable the committee to present concrete propositions to this House which will not be supported by argument only, but with reference to existing conditions, and from existing law, will retrench expenditures. Take, for instance, a proposition to reduce the number of teachers in this city. Should that be done, is it not patent, that as a necessary result of that action, a reduction would be effected in the amount that would otherwise be covered by the bill? The pending proposition we submit, stands on as strong a foundation. We present a proposition which eliminates a certain proportion of children that clog the schools, that make it necessary for gentlemen, like my friend from Illinois, to ask for additions to the school buildings. These additions which in the result are inevitable, unless conditions are changed increase the public burden with reference to the schools. We reduce this burden, by reducing the number of children to be cared for under existing law. I maintain that according to the reasonable intent of the rule and the purpose we had in view in its adoption, the proposition submitted, even if legislation, and this is admitted, is in order.

I have an authority to which I wish to direct the attention of the Chair. Under the original Holman rule there was an amendment offered on the floor of the House with respect to the cost of carrying the mails. This was fixed by existing law. The proposition was that the mails should be carried for a less amount. It was held in order. Suppose the bill itself had provided that the mails should be carried for a prescribed amount, which on examination would be ascertained to be less than the amount required under existing law, would that provision of the bill have been subject to a point of order?

Mr. MANN. That was an amendment offered from the floor. Mr. SAUNDERS. I understand that perfectly well and I so stated. I am opposing the contention that an amendment from the floor will be more potent than a report of the committee

Mr. MADDEN. Will the gentleman yield?

Mr. SAUNDERS. Certainly.
Mr. MADDEN. Will the gentleman argue the question whether the Holman rule applies to a report of the committee as well as to an amendment from the floor?

Mr. SAUNDERS. The very purpose of this rule, as I argued yesterday, was that it should apply to a report of the committee. The opponents of the rule seek to destroy its plain intent by insisting that its provisions do not allow the Committee on Appropriations to report concrete propositions of law effecting reductions.

Mr. CARLIN. Mr. Chairman, the principal delight I take in making this point of order is to prevent the committee from doing the very thing which the gentleman from Virginia [Mr. SAUNDERS] thinks would result in so much good.

Mr. SAUNDERS. That presents the issue.

Mr. CARLIN. The gentleman says that if the statements of the committee were accepted when propositions of this kind come before the House that great reforms would be accom-

Mr. SAUNDERS. I did not state that,
Mr. CARLIN. He used the words "concrete legislation."
My idea is that it is not the duty of the Committee on Appropriations to legislate for this House; it is for the House to do It is the duty of this committee to propose legislation within its rules, and not in violation of its rules. A great committee like the Committee on Appropriations has power enough without wanting to usurp more power. I am opposed to build-ing up in a Democratic House a committee such as existed in a former House, where they came in with concrete propositions, as they term it, all of them contended to be for the public good, and stated that they were to produce economies. My friend from Virginia [Mr. SAUNDERS] is a most eloquent gentleman, of fine education, one of the best parliamentarians, having had many years' experience in the house of delegates of the great State of Virginia, but how on earth he can bring himself to the conclusion that this paragraph does not change existing law-

Mr. SAUNDERS. I admit that it does.

Mr. CARLIN. When every line of it changes existing law, and how he can conclude that it carries economy and reduction on its face, when the paragraph increases the cost of the conduct of the schools, I can not conceive.

Mr. SAUNDERS. How?

Mr. CARLIN. Because it imposes an additional sum of money for teachers, and it imposes new duties, namely, the fixing of different rates and regulations, which would require the employment of additional clerks. There is nothing here to justify a semblance of the statement that upon its face it carries a reduction of money in the bill. I know my friend has worked himself up to the belief that he is going to accomplish a reduction somewhere at some time. I have no objection to that being accomplished in a proper way, but so long as I am a Member of this body I shall, if a point of order will prevent it from being done, prevent this great committee, with all of its powers of unbuckling and opening the doors of the Treasury, from usurping the functions which properly belong to other committees of equal responsibility. Therefore, Mr. Chairman,

I insist upon the point of order.

The CHAIRMAN. The Chair has had occasion to read with some care the decision of the permanent Chairman of the committee when this same question was up for consideration some days ago, and the Chair feels constrained to follow the ruling of the permanent Chairman. This paragraph follow the ruling of the permanent Chairman. This paragraph is clearly new legislation. That is conceded. The question to be determined by the Chair is whether or not this legislation retrenches expenditures.

Mr. BURLESON. Will the Chair permit an interruption there? Our contention is that it does retrench expenditures for the reason that it prevents a certain class of pupils coming into the schools who would use the schoolbooks appropriated for in this bill. Inasmuch as it lessens the number which may avail themselves of the privileges of the school, it will decrease the expense dependent upon the purchase of textbooks and school

The CHAIRMAN. The Chair can not hold, upon reading this paragraph, that it appears sufficiently clear upon its face that it is a retrenchment of expenditures. The Chair therefore feels constrained to sustain the point of order. The Clerk will read. constrained to sustain the point of order. The Clerk will read.

Mr. BURLESON. Mr. Chairman, I will ask to delay for a

minute to see whether we can not rewrite this and put it in the form of a limitation. I ask unanimous consent to temporarily pass this item.

Mr. MANN. Reserving the right to object, where is the gentleman from Virginia [Mr. Carlin]? He seems to have left

the Chamber.

Mr. SAUNDERS. We are only going to pass it temporarily. Mr. MANN. But in the absence of the gentleman from Virginia, I think it would be better to ask unanimous consent later to return to it, when he comes into the Chamber. I do not think we ought to take advantage of his absence.

The CHAIRMAN. The Chair will inform the committee that the gentleman from Virginia [Mr. Carlin] is now in the

Mr. CARLIN. Mr. Chairman, I object. This is a paragraph that relates to the point of order?
The CHAIRMAN. Yes.

Mr. CARLIN. The Chair has already ruled on the point of order?

The CHAIRMAN. Yes.

Mr. CARLIN. I object to any unanimous consent being given.

Mr. BURLESON. Then I will ask that we may delay for a few minutes until we can prepare an additional amendment.

Mr. CARLIN. I object to any delay of a few minutes with reference to that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the total cost of the sites and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

Mr. MANN. Mr. Chairman, I reserve the point of order on Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph to ask the gentleman whether this applies to anything that is now in the bill?

Mr. BURLESON. I will say to the gentleman from Illinois that there is a building provided for a normal school.

Mr. MANN. I think the gentleman is mistaken. There is no building provided for in the bill for a normal school.

Mr. BURLESON. And also for a girls' reform school.
Mr. MANN. There may be for a girls' reform school. Where

Mr. BURLESON. It is in the bill. The gentleman will

Mr. MANN. Is it a new building? If it has application, I do not object to it. I withdraw the point of order. It does not mean anything, anyway.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

School buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exits. No part of any appropriation carried in this act shall be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Mr. BURLESON. Mr. Chairman, I move to strike out the last This item in the bill relating to the construction of school buildings and giving certain directions in reference to the construction of the doors-that they open outward-was embodied in the bill about three years ago as the result of a very serious conflagration which took place in a school in Cleveland, Ohio, and which resulted in the death of a number of pupils. Under the item the municipal architect has been extremely careful in the preparation of his plans to conform to this law. As a result of this accident, which occurred in a Cleveland school, we appropriated a very large amount of money for a number of years for the purpose of making the schools already erected fire-proof, by tearing out all of the wooden stairways and replacing them with iron or fireproof material. At the time this accident occurred it was a source of considerable alarm to the people of the District of Columbia whose children were attending the public schools, because of the lack of fireproof construction of the school buildings.

Since that time, as a result of the appropriations we have made, these buildings have been put in a fair state of repair, in so far as it affects their proof against fire, and I simply want to submit this observation in order to consume a little time and to allay any fears of the people of Washington in reference to the fireproof construction of school buildings

Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman can not offer an amendment; he has one amendment pending

Mr. BURLESON. I withdraw the amendment to strike out

the last word.

Mr. MANN. That can only be done by unanimous consent, The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will report the amendment.

There was no objection. The Clerk read as follows:

Amend page 57, line 16, by adding, at the close of line 16, the fol-

Amend page 57, line 16, by adding, at the close of line 16, the following:

"Provided, That no part of any money appropriated by this act for public schools shall be expended for the tutelage or otherwise of any pupils who do not reside in said District, or who, during said tutelage, do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: Provided, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupils; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

Mr. MANN. Mr. Chairman, I make the point of order on

Mr. MANN. Mr. Chairman, I make the point of order on the amendment at the request of the gentleman from Virginia [Mr. Carlin]. The amendment, I think, is plainly subject to the point of order, but I am perfectly willing, as far as I am

concerned, that it may go over and be argued by him.

Mr. BURLESON. All right, Mr. Chairman, I ask unanimous consent that it may be passed. I am willing the gentleman may be heard, and therefore I ask unanimous consent that it may

be passed over until he returns.

Mr. FOWLER. Mr. Chairman— Mr. MANN. The gentleman said he had to go to a committee meeting

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the amendment be passed over and be con-

sidered as pending.
Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. FOWLER. Does this bar any further amendment to
this paragraph if this passes?
The CHAIRMAN. The Chair thinks not.
Mr. BURLESON. Has the Chair submitted the request?
The CHAIRMAN. The Chair has stated the request of the
gentleman from Toyse. Is there chieffing?

gentleman from Texas. Is there objection?

Mr. SAUNDERS. Here is the gentleman from Virginia now.

Mr. CARLIN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order has already been made. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For the maintenance and tuition of colored deaf-mutes of teachable age belonging to the District of Columbia, in the Maryland School for Colored Deaf-Mutes, as authorized in an act of Congress approved March 3, 1905, and under a contract to be entered into by the Commissioners of the District of Columbia, \$4,500, or so much thereof as may be necessary

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I desire to call this to the attention of the gentleman from Texas. I notice in this section it provides an appropriation for the maintenance and tuition of colored deaf-mutes of teachable age. The appropriation before was \$6,000, and that is the amount asked for. I simply want to find out what is the reason for the reduction to \$4,500.

Mr. BURLESON. That is a very proper inquiry, and I am very glad to give the gentleman the information. In 1909, \$5,000 was appropriated and only \$3,850 was expended. In 1910, \$6,000 was appropriated and only \$3,987.50 was expended. 1910, \$6,000 was appropriated and only \$3,987.50 was expended, In 1911, \$6,000 was appropriated and only \$3,987.50 was expended, leaving a surplus of \$2,000 unexpended. We made inquiry in regard to it, and we reached the conclusion that \$4,500 was the proper amount to be appropriated.

Mr. SAUNDERS. I may say, if the gentleman from Ohio will yield, that the commissioner who came before us asked that \$4,500 be the amount put in the bill. Commissioner Rudels asked that the control of the first of the sill.

dolph asked that that amount be fixed in the bill.

Mr. WILLIS. Mr. Chairman, the explanation is satisfactory, and I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

After June 30, 1912, there shall be no appointments, except by promotion, to fill vacancies occurring in classes 1, 2, and 3 of privates in the Metropolitan police until the whole number of privates in all of said classes shall have been reduced to 640.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to reserve a point of order on this.

Mr. BARTHOLDT. Mr. Chairman, I intended to make a motion to strike this out. If I am correctly informed, this paragraph has been inserted to meet the following situation-

The CHAIRMAN (Mr. GARRETT). Does the gentleman from Missouri offer an amendment?

Mr. MANN. There is a point of order reserved.
Mr. BARTHOLDT. The discussion might just as well take place now. The paragraph purports to meet this situation. Twenty-one policemen were withdrawn from the White House Grounds and were detailed to police duty in such parts of the city as they may be assigned or detailed to. My first question is as to whether it is entirely safe to withdraw from the White House these 21 men. It has been reported in the newspapers and the gentleman who originated the idea is claiming credit for the economy involved in it-

Mr. BURLESON. I will ask the gentleman who is claiming

the credit?

BARTHOLDT. I understand the gentleman from Texas is

Mr. BURLESON. The gentleman from Texas has made no

Mr. BURLESON. The gentleman from Texas has made no such claim whatever in reference to this item.

Mr. BARTHOLDT. Then the newspapers were misinformed.

Mr. BURLESON. They frequently are.

Mr. BARTHOLDT. I will not go so far as to say that. I am a newspaper man myself. But these 21 men were withdrawn from the White House and were assigned to some other part of the city, and because of that temporary increase in the force of the city it is provided here that for a certain length of time no new appointments shall be made until the force shall be reduced to 640, or by, altogether, 21 men. Am I correct in that?

Mr. TAYLOR of Ohio. Perfectly.
Mr. BARTHOLDT. I wish to sumbit, Mr. Chairman, that this is a plan of economy in which I do not believe. The White House may approve of it, and I do not know what they are going to say. I have seen no one connected with the White House as to this matter, but quite naturally, if some one would suggest to the President that his 21 guards were unnecessary, that he could do without them, he would say, "Take them away." The gentleman from Texas [Mr. Burleson], if he were President, would probably say the same thing.

Mr. JOHNSON of South Carolina. How many are still there?

there?

Mr. BARTHOLDT. I do not know. Mr. JOHNSON of South Carolina. Do you know how many

were there before the "strenuous" folks came along?
Mr. BARTHOLDT. I only know this, that it is a matter of very doubtful economy and very doubtful safety to withdraw 21 men from the White House who have acted there as guards for the protection of the President of the United States. And I want to call attention to the fact in this connection that we are approaching a time when hundreds of thousands of people will come to the National Capital to witness the inauguration of a President, and that at such times certainly these additional men will be needed. And I now refer, not to the White House, but to the fact that the force is to be reduced by this paragraph. I do not think it is the proper time to reduce the police force in this city, and I especially believe it would be poor economy to take the protection away from the President of the United States. They may not be necessary for 10 years; they may not be necessary for 20 years; but there may be a moment when their presence in the White House grounds will be very essential for the protection of the Chief Executive of the Nation. And for that reason, Mr. Chairman, I intended to move to strike out this paragraph.

Mr. FOSTER of Illinois. Can the gentleman inform us when this increase in the police force of the White House was made?

Mr. BARTHOLDT. I can not.

Mr. TAYLOR of Ohio. I was told there was some increase during the administration of Mr. Roosevelt. It has been a

matter of slow growth.

Mr. FOSTER of Illinois. Was that made by the request of

the President?

Mr. TAYLOR of Ohio. I have no knowledge of that. I do ot know. I do not think so, because, knowing President Roosevelt and his character, I do not think he is the kind of a man that would have requested protection or help or that he be sur-rounded by a force of police. Neither would President Taft have done so, nor any other President. If anyone would go

down to the White House and ask the President to relieve him of his guard it would be the natural thing for him to say, " away as many as you want."

Mr. FOSTER of Illinois. Did the President ask that these

men be taken away

Mr. TAYLOR of Ohio. I am informed that when the gentleman from Texas [Mr. Burleson] made certain representations to the President as to the number of men he had there, the President very willingly called in his aids and told them to relieve as many men as possible

Mr. BURLESON. I will state to the gentleman from Ohio that I have made no representations about the necessity of those men on the street, but I do not think they are needed on

the street.

Mr. TAYLOR of Ohio. I have no intention, of course, to misquote the gentleman. I said before that I was not present. Mr. FOSTER of Illinois. So far as I know, the danger to the present President has never occurred in the White House. The danger has usually occurred on the outside.

Mr. TAYLOR of Ohio. The President is always subject to

contact with dangerous people.

Mr. BARTHOLDT. I believe, Mr. Chairman, my time has not yet expired. I would like to ask the gentleman from Texas how many men are left there now for the protection of

Mr. BURLESON. Twenty-six, as I understand.
Mr. BARTHOLDT. That is including all the inside men?
Mr. BURLESON. Twenty-six of the police force are still at
the White House, still remain at the White House after the order of the President was issued to reduce the force.

Mr. BARTHOLDT. Can the gentleman from Texas tell us

where those 21 men were stationed who were detailed for duty

in the White House?

Mr. BURLESON. I understand they had very soft berths in the inside of the building, although I am not in a position to state exactly where these men were stationed whose services have been dispensed with.

Mr. BARTHOLDT. Does not the gentleman think that on a question of such importance as this he ought to have definite

information?

Mr. BURLESON. I will state to the gentleman that we had definite information with reference to the number of police at the White House prior to the action taken by the Committee on Appropriations. I want to state to the gentleman also that whatever action was taken in regard to this matter, while I do not intend to quote the President of the United States as to what was said, no representations were made to the President about additional men being needed on the street, or about the services of those men being needed anywhere else. The attention of the President was directed simply to the fact of the number of men that were at the White House, and I will not attempt to describe the astonishment of the President, or what was said by him at that time, but whatever action was taken was taken by the President after a most careful investigation of the facts, and with the assurance from the members of the Committee on Appropriations that if his judgment was that these men were needed, or that if he had a desire that these men should be continued there, the matter need only be brought to the attention of the Committee on Appropriations and no allusion would be made to the matter on the floor of this House.

The truth is that the police force in the city of Washington has become somewhat of an industry. As a matter of fact, instead of having 640 patrolmen left the city of Washington ought not to have 500 patrolmen. The city of New Orleans, which is the only city which is fairly comparable with the city of Washington, but having a larger area, having a more diffipopulation to deal with, has less than one-third of the number of policemen which the city of Washington has at this time. I can give the gentleman the names of a number of cities, with larger populations, large industrial centers, large commercial cities, that have necessarily populations much more difficult to deal with than the population of the city of Washington, where they do not begin to have the number of policemen that we have here. We have taken no radical action in this matter.

Mr. FOWLER. Mr. Chairman-

Mr. BARTHOLDT. Mr. Chairman, I have the floor, and I merely want to say in reply to the gentleman from Texas that I do not regard the police force in Washington as in any way excessive in numbers. And even if it be large, the results show for it. I do believe that Washington is the most secure and the safest city on the American continent. When you compare the number of crimes committed in proportion to the population in this city and in other cities you will find that life and property are more secure in the city of Washington than anywhere else.

For that reason I think it is not right to cast any reflections upon the police force of this city. I think Washington has not only the best police force of any city in the country, but it has the best chief of police in the United States, in my judgment. As a demonstration of this fact I refer to the election and reelection of that gentleman as the president of the Association of Police Chiefs. Considering the growth of the city of Washington in the outlying sections, and considering the rapid increase of population, I do not believe that the police force of Washington is too large, especially in view of the fact that every month thousands and thousands of people come here from all sections of the country as visitors, which is not the case in the cities referred to by the gentleman from Texas. And in view of the fact that every four years Washington has a great inauguration, attended usually by 200,000 or 300,000 people, it seems to me that the police force as it exists is neces-

sary and certainly should not be reduced.

Mr. BURLESON. I will state to the gentleman that, anticipating that the argument would be made that we will soon have an inauguration, when a large number of people will visit Washington, we did not take the action that we really thought ought to be taken with reference to the police force; but I want to assure the gentleman that, so far as I am concerned, the reduction of the force will not stop with the item carried in this bill. I do not believe the police force of Washington ought to consist of over 500 patrolmen at the outside, and it is my belief

that that number would be grossly excessive.

Mr. FOWLER. Mr. Chairman, I want to ask the distinguished gentleman from Texas a question.

Mr. BURLESON. Certainly.

Mr. FOWLER. In the reduction of this police force, do you not endanger the guarding of the vacant mansions of the idle

rich at various times during the year?

Mr. BURLESON. I hardly think there is any such danger. I do not anticipate that there will be any danger to those buildings occupied by the class referred to by the gentleman. In fact, after this reduction is made, we have a larger number of policemen continued in the service of the District of Columbia than any other city in the United States of like size. In fact, I do not hesitate to say that Washington has the largest police force in the world compared with the population that is being served, and I challenge contradiction of that proposition.

Mr. SAUNDERS. For some time to come there will be a larger force actually patrolling the city than heretofore, because these 20 men go into the force of patrolmen, and it will be years

before the reduction the gentleman speaks of will be effected.

Mr. BURLESON. That is true.

Mr. FOWLER. Are there not a number of wealthy people who stay in Washington only about three months annually, during the fashionable season, and that during the other portion of the year these mansions are closed up and need patrolmen to guard them; and is it not necessary for the city to pro-

vide such patrolmen for them?

Mr. BURLESON. The protection will be ample. not want to commit myself on the proposition with reference to the wealth of the people who live in this city or any other city. As we all know, people are prone to exaggerate the amount of money that other people have. I do not know whether they are extremely wealthy or not, but I do know that there are a number of vacant houses in Washington during the summer months, and I know that the force we still provide for the District of Columbia will be more than adequate to protect those vacant residences. I assure the centlemen that there is those vacant residences. I assure the gentleman that there is not the slightest danger to those vacant houses.

Mr. FOWLER. With that assurance, Mr. Chairman, I feel perfectly content with the reduction that the distinguished committee and the distinguished chairman of the subcommittee are

trying to make in this police force.

Mr. TAYLOR of Ohio. Mr. Chairman, I will take only a minute. Like the gentleman from Missouri [Mr. Bartholdt], I am not convinced in any way that there should be a reduction of this police force; and, while not coming from Missouri, a gentleman at my right suggests that I, too, want to be shown. The fact of the matter is, I have been a member of the Appropriations Committee for several years. The gentleman from Texas [Mr. Burleson], chairman of the subcommittee, will bear me out in the statement that we have not increased the police force to any appreciable extent for the last eight or nine years. In fact, including the years 1907, 1908, 1909, 1910, 1911, and 1912, in six years the total number of employees in the police department altogether has been increased just at the rate of one a year, or six more employees now than there were six years ago.

These are mostly patrolmen. Now, much has been said about the great size of this police force. It is a good-sized police force. The city has grown enormously in seven or eight

years, and the police force has remained stationary. Now, it is sought by this proviso, to which I do not subscribe, to establish a total cessation of appointment on the police force until 20 men shall have been dropped by reason of death, retirement, or some other cause. In other words, by gradual processes, which the gentleman from Virginia says will take years to bring about, they propose to reduce this force by 20. I do not agree with they propose to reduce this force by 20. I do not agree with the gentleman. I think it will come within one year, because a prominent official of the government told me that there were or 10 men who would have to go out right away anyway, and think you will find the other 10 out before the year is out if this becomes a law. In other words, they expect to reduce this force from 660 to 640.

Commissioner Johnston, in discussing the needs of the police force in the hearings, which bears upon the argument made by the gentleman from Texas as to the area of New Orleans and

the small police force that that city has, said:

Mr. Johnston. I think we make a very strong argument in this matter. It is true that New Orleans has a much larger police area, but it is equally true that the District area, including the water area policed, is much larger than many other cities of about the same population, as will be seen by inspection of the data herewith submitted, contained also in the commissioners' report last year and largely compiled from Census Bureau data. I very much doubt if the patrolling force of any other comparable city is depleted to the same extent by detailed and post duty as here, where of 660 privates, only 367 at this time are available for patrolling service.

That is true with reference to Washington. It can not be fairly compared with any other city. It is no argument to say that New Orleans and Milwaukee and other cities have a certain number of police and then compare those cities with the Capital City. Many of the reasons against this were set forth by the gentleman from Missouri [Mr. BARTHOLDT]. It is the Capital City, and we should have an up-to-date police force. Now, in spite of the fact that we have not increased the force in seven years, the committee proposes to reduce it by 20, and according to the statement of the gentleman from Texas, if they continue to have the power, they will eventually reduce it to 500. It is said that there is no city in the country where they have so many policemen falling over each other and getting in each other's way as in Washington. Let us see. Here are tables introduced in the hearings by Mr. Commissioner Johnston.

Average number of policemen per 10,000 of population of whole area patrolled, allowing 6½ per cent for absence on sick leave, and so forth, in 1907 and 1908—bear in mind that the police force was as big in 1907 as it is now—Washington had 12 patrolmen per 10,000 population, San Francisco had 14 for every 10,000 population, Baltimore had 10 for every 10,000 population, Boston had 14½ for every 10,000 population, St. Louis had 15½ for every 10,000 population, Philadelphia had 13 for every 10,000, and New York 12.

Is that a poor comparison? I think not. It merely shows that with other great municipalities Washington is fairly and

properly policed.

I know nothing of the conditions in New Orleans, but if such an area of something like 122,000 acres is policed by 300 policemen, it is not any police force at all.

Mr. BURLESON. The gentleman

The gentleman inadvertently gives New

Orleans 100 more police than she has.

Mr. TAYLOR of Ohio. Well, I had not the figures before me, If New Orleans has only 204 policemen, she has not any more than the city of Columbus, where we have 200,000 people and We do not consider there that we have a a compact area. large enough police force, and there is a constant demand on the part of the people who pay the taxes that there should be better policing and more men on the force. I can not understand the situation at New Orleans. They must be a mighty law-abiding people down there.

Will the gentleman yield?

Mr. MANN. Will the gentleman Mr. TAYLOR of Ohio. Certainly.

Mr. MANN. If they have so many more policemen in the District of Columbia than they have in corresponding cities, where do they manage to hide themselves?

Mr. TAYLOR of Ohio. I was about to ask that question.

I never see any. Mr. MANN.

Mr. TAYLOR of Ohio. I never see many. I see a few crossing policemen and occasionally a policeman patrolling his beat, and I have never been bothered or distressed by policemen or by not being able to find them when I wanted them.

Mr. BURLESON. Mr. Chairman, will the gentleman yield to me to answer the question of the gentleman from Illinois?
Mr. TAYLOR of Ohio. Certainly; if the gentleman can

Mr. BURLESON. A few years ago one of the most efficient men who ever served on the Committee on Appropriations, who comes from a large city, in answer to this same query, responded that as far as his information went, they were out

in the suburbs, and as a general thing they hunted in pairs and trios; that he never saw one that he did not see two or

Mr. TAYLOR of Ohio. Mr. Chairman, I do not take the view of the police force that some people do. I know that there are certain classes of men, even Members of Congress, who do not like policemen [laughter], and I think those that I have met casually and socially here are a very superior set of men. I think Washington has the best-looking men, and the men I have met personally have been better equipped mentally than any police force I have ever come in contact with.

Mr. BURLESON. I understand the necessity of some people standing in with the police force [laughter], and I can readily understand that they will extol the virtues of a particular police force with which they are in immediate contact.

Mr. TAYLOR of Ohio. That is quite true. I hope I may

always stand in with the police force. While I do not need it to-day, there is no telling when I may. But I am going also to try and stand in with them in order to protect the gentleman from Texas [Mr. Burleson], who, I have no doubt, is not on the best terms with some 600 policemen in this District.

There is another table here, giving the average number of actual patrolmen per 1,000 acres, allowing 6½ per cent for absence on sick leave, et cetera. Washington has 9½ policemen per 1,000 acres, Milwaukee has 18, Cincinnati 12, Detroit 15, San Francisco 19, Buffalo 16, Cleveland 15, Pittsburgh 29, Baltimore 36, Boston 28 plus, St. Louis 23, Philadelphia 15, and New York 26. Out of that whole list of cities Washington has by far the smallest number of policemen per 1,000 acres

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.
Mr. BARTHOLDT. Does not the gentleman think that in view of the change in the political complexion of this House an increased police force might be necessary?

Mr. BURLESON. Mr. Chairman, I did not quite hear the whispered colloquy taking place between the gentleman from Missouri and the gentleman from Ohio. [Laughter.]

Mr. TAYLOR of Ohio. I am about to answer no. I do not

think that. I would not want to say that about men for whom I have such high respect as I have for the Members of the majority side of the House. I do not think we need any more policemen by reason of the last Democratic victory than we needed prior to that time.

Mr. BURLESON. The gentleman need have no fear. He is

not going to get them.

Mr. TAYLOR of Ohio. That is the question that has not yet been fully decided. I am not asking for any additional I did not offer the amendment under discussion, policemen. but I do think that the force as it stands to-day should be let You have added 20 men to the active patrol force of the District by taking them away from the White House, and I have no criticism to make of that. They should be put on the streets in active patrolling duty if they are not needed at the White House. You have your 20 extra men. You do not need any new ones, but I do not believe it is right to cut the force You have your 20 extra men. You do not need a single man, considering that we have stood stiffly against this increase for seven years and the force is practically the same as it was in 1907.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe I have point of order reserved, and while the burden is upon the other side of this question to produce authority for this legis-lation, inasmuch as other people have addressed themselves to subjects other than the point of order, I hope I may be indulged for a few minutes to do the same thing. I, too, am one of those who believe that the District of Columbia already has a sufficient number of policemen, but I do not believe that those police are properly distributed, and because they are not properly distributed is, in my judgment, due to the acts of Congress and not to the chief of police. For instance, under an act of Congress one of these policemen is detailed to enforce the child-labor law; 44 have been detailed to the White House, but that has been reduced to about 20, I think. To court vans, as guards, there are 2, 1 to inspectors of licenses, with the assessor 1, police headquarters 6. There ought to be some men idle at police headquarters. For instance, if a hurry-up call is sounded anywhere in the city, if a policeman is wanted at some place in a hurry, there must be some men kept at the station house to answer that call and go with the patrol wagon. Then, under the law which is already written, some of these police are sent down as bailiffs to courts.

Mr. BURLESON. I will state to the gentleman that he is mistaken about that; there is no law that requires that; that is in the discretion of the chief officer.

Mr. JOHNSON of Kentucky. I think the gentleman is mistaken; and he will find at the Casualty Hospital, for instance, one is detailed there. Instead of taking a policeman and put-

ting him there there ought to be a guard, if they need one, charged up to the expenses of that institution. go along through a long list. Let us see what we have after these special details have been made; how many we have left. We have 143 policemen on day duty. While the number, as I have just stated, of total policemen is perhaps large enough, perhaps too large, yet these other calls of duty reduce the number of day private policemen who are on public duty to 143. That I maintain is not enough. Then at night we have 204, and with the harbor master, on the water, we have 6. Now, something has been said about the policemen going in pairs. My information from police headquarters and also from their report is that they do not go in pairs except in the red-light district, where there is danger. But going away from that question, this item is, I think, subject to the point of order. We find in what is commonly denominated as the organic act, passed June 11, 1878, this language:

That from and after the 1st day of July, 1878, the board of Metropolitan police and the board of school trustees shall be abolished and all the powers and duties now exercised by them shall be transferred to the Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

There it seems that the police commission was abolished and the duties and powers that they had were conferred upon the Commissioners of the District of Columbia, and the act says they shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act." Now, I go further. By the act of Congress approved on December 23, 1878, which is some six months thereafter, we find this language:

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police until otherwise provided by law.

The reorganization of the police force can be found in volume 34, part 1, Statutes at Large, on page 221, and it says this, repeating almost identically the language of the act of 1878:

peating aimost identically the language of the act of 1878:

Paragraph 1. The Metropolitan police district of the District of Columbia shall be coextensive with the District of Columbia, and shall be subdivided into such police districts and precincts as the Commissioners of said District may from time to time direct.

Paragraph 2. The Commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force according to such rules and regulations as said commissioners, in their exclusive jurisdiction and judgment, may from time to time make, alter, or amend.

Now Mr. Chairman without this 1 contend that this rore.

Now, Mr. Chairman, without this I contend that this paragraph is legislation, and that it is not only new legislation, but it is legislation contrary to law, and can not be reached in the manner in which it is now attempted to reach it.

The CHAIRMAN. Does the gentleman from Texas care to

be heard?

Mr. BURLESON. Mr. Chairman, I think it is clear we have the right to reduce the number of police or offer an amendment to reduce their compensation, even if the Holman law did not exist. Clause 2 of Rule XXI undoubtedly does give that right, because upon its face this is a reduction.

The CHAIRMAN. The Chair will ask the gentleman from Kentucky-it seems to the Chair that from the law read by the gentleman from Kentucky that there is discretion given to the commissioners to appoint a certain number of policemen.

Mr. JOHNSON of Kentucky. There is no number fixed such as they think. Quoting from the act of June 11, 1878, I will

again repeat the language which I just read:

Sec. 2. That from and after the 1st day of July, 1878, the board of Metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

That is, the powers conferred upon the commissioners who took the place of the old board which was abolished.

And the act of June 20, 1876, says:

And the commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police until otherwise provided by law.

Then comes the act in regard to the Metropolitan police, which repeats almost that same language. It says:

which repeats almost that same language. It says:

Paragraph 1. The Metropolitan police district of the District of Columbia shall be coextensive with the District of Columbia, and shall be subdivided into such police districts and precincts as the Commissioners of said District may from time to time direct.

Par. 2. The Commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force according to such rules and regulations as said commissioners in their exclusive jurisdiction and judgment may from time to time make, alter, or amend

Mr. FOSTER of Illinois. I ask the gentleman if, in his judgment, according to those acts, the commissioners have the right to appoint the number of police that in their judgment is necessary and that Congress has to appropriate for them?

Mr. JOHNSON of Kentucky. If those acts embrace the law, then the only way that I see that this bill can curtail the number of policemen is to limit the amount of the appropriation.

Mr. FOSTER of Illinois. And we have no right in any

other way to do this?

Mr. JOHNSON of Kentucky. That is what these acts just quoted say

Mr. FOSTER of Illinois. That when they are appointed Congress has no power to reduce that force? That is a very

strange law. Mr. JOHNSON of Kentucky. Mr. Chairman, it is strange, and I have been insisting here now for nearly two years that little by little-little by little-authority has been given to the commissioners, and that no man can now hardly tell where their authority ends. We all know where it began. It began in the act of 1874, which practically limited their jurisdiction to determine where hacks should stand, and that they should have no authority other than was given in that act. But from time to time, at every session of Congress, their powers have been increased, until now they are practically without limit. As I say, without this, Mr. Chairman, in my opinion, this is legislation. If it be not legislation contrary to law, it is new

legislation. If it be not legislation contrary to law, it is new legislation.

The CHAIRMAN. The Chair is prepared to rule.

vision of the bill to which the point of order is made reads: After June 30, 1912, there shall be no appointments except by promotion to fill vacancies occurring in classes 1, 2, and 3 of privates in the Metropolitan police until the whole number of privates in all of said sections shall have been reduced to 640.

The provision shows clearly upon its face that it is a reduction of the number of employees. It also carries with it, by clear inference, an eventual reduction of the amount covered by the bill. In ruling upon a point of order a few days ago, and construing what is commonly called the Holman rule, the Chair held that it was not in order for the Committee on Appropriations to bring in as an integral part of an appropriation bill, nor would it be in order for any Member acting in his individual capacity to offer upon the floor, an amendment carry ing substantive legislation; that such proposed legislation must come as the report of the committee which under the rules of the House would have jurisdiction; and that the Committee on Appropriations and any individual Member is confined by the rule to the simple proposition of the reduction in the number and salary of the officers of the United States or to the reduction of the compensation of any person paid out of the Treasury of the United States or to the reduction of the amounts of money covered by the bill.

It seems very clear to the Chair that this provision is simply a reduction of the number of employees, and as such is clearly in order under the first part of the so-called Holman rule; and

the Chair overrules the point of order.

Mr. JOHNSON of Kentucky. The Chair said something in making his ruling, that I did not quite catch, about taking money

out of the United States Treasury.

The CHAIRMAN. The Chair will state that the Chair rested his decision mainly upon the proposition that it reduces the

number of employees.

Mr. JOHNSON of Kentucky. My question was as to whether the fact that it did take money out of the Federal Treasury would change the Chair's opinion about it.

The CHAIRMAN. The Chair does not think that would be necessary. The Chair thinks it could rest wholly upon the single proposition that it reduces the number of employees. It is true that the rule says, "The reduction of the number and salary of the officers of the United States"; but the Chair thinks that expression, "officers of the United States," should be given a liberal construction, and that clearly the spirit of the rule is that the Metropolitan police here would come within The Chair overrules the point of order. The Clerk

The Clerk read as follows:

To aid in the support of the National Bureau of Criminal Identification, to be expended under the direction of the Commissioners of the District of Columbia, provided the several departments of the General Government may be entitled to like information from time to time as is accorded the police departments of various municipalities privileged to membership therein, \$200.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike

out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. Foster] moves to strike out the last word.

Mr. FOSTER of Illinois. I notice that last year \$3,000 was appropriated for this fund and this year only \$200 is provided. I would like to know why that great discrepancy in the

Mr. BURLESON. I will state to the gentleman that last year was the first time the item was carried in the bill. We secured a report from this organization, and ascertained that the maximum sum contributed by any officer of any police department of any city was \$100, and that the aggregate sum of all the amounts contributed was \$3,300. Inasmuch as we thought that that was out of proportion to what the District should contribute to this fund, we reduced the amount to just double the amount that any official of any police department or any municipality contributed to it.

Mr. FOSTER of Illinois. Was this amount all used as it

was used in the past?

Mr. BURLESON. It was carried in the last year's bill for the first time.

Mr. TAYLOR of Ohio. I think it was carried in the bill

twice, according to my recollection.

Mr. BURLESON. I would say to the gentleman from Illinois that we have not had any report from this organization for the fiscal year 1912, which will not expire until the 30th day of June, and consequently we can not secure a report covering

of state, and consequency we can not seems a report covering the operations of the whole year.

Mr. TAYLOR of Ohio. That is not material. I would say to the gentleman from Illinois [Mr. Foster] that I am largely responsible for the presence of the item in the bill. I am the father of that item. I myself brought forth the discussion as to whether we should reduce the amount, and I opposed the reduction at the time. It was shown by the report of the chief of the bureau or police association that the total amount of the subscriptions, I think, was about \$4,400, and therefore the gentleman from Texas is in error in his figures.

Mr. BURLESON. I think it was \$3,300. Mr. TAYLOR of Ohio. That is not material. The largest individual subscription was \$100, and the amounts of the other subscriptions varied from that down as low as \$15, contributed by the police departments of various cities and chiefs of police. The Government was paying under this item of \$3,000 practically one-half of the total amount contributed. This organization, known as the National Bureau of Criminal Identification, is a sort of national clearing house for the identification of criminals.

Mr. MANN. Where is this located? Mr. TAYLOR of Ohio. Here in Washington. They pay rent, and they keep a man employed as an expert at a salary who collates all the Bertillon measurements, and so on, and that makes the information obtained in that line handily available to the police of the various cities of the United States for their information.

Mr. MADDEN. Does not every other city in the country

maintain its own bureau?

Mr. TAYLOR of Ohio. Yes; other large cities do. merely a central clearing house. It is a National Bureau of Criminal Identification.

Mr. BURLESON. The cities of Chicago, New York, and Philadelphia do not participate in it at all?

Mr. TAYLOR of Ohio. No; the cities of Chicago, New York, and Philadelphia do not participate in it, and do not contribute to it. I still insisted, however, that we should put up the usual amount of \$3,000, when I was confronted with the fact, which I afterwards verified, that the associations embraced in the bureau had an unexpended surplus of \$3,600 or \$3,700. This is a lump sum of money which is turned over to them and is not drawn out except upon their own order. The consequence was that their argument that they needed \$3,000 this year was not clearly brought out, and the committee took the ground that the District of Columbia, which gets only a limited benefit from the operations of this bureau, ought not to subscribe more than any other city subscribes. The War Department and the Navy Department use this bureau frequently in detecting deserters, as does the Post Office Department in detecting deserters, as does the Fost Onice Department in de-tecting criminals, and we thought the Federal Government should pay an adequate share. Possibly the appropriation should be larger, but personally I do not desire to see govern-mental money turned over to any organization of this kind, to be used at its own discretion as a special fund of its own, and for that reason I made no serious objection to the reduction.

Mr. FOSTER of Illinois. I withdraw the amendment.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase of horses, horse and vehicle for superintendent, bicycles, motor cycles, police equipments and repairs to the same, harness, forage, repairs to vehicles, van, and patrol wagons,

motor patrol, and saddles, mounted equipments, and expenses incurred in the prevention and detection of crime, and other necessary expenses, \$34,000; of which amount a sum not exceeding \$500 may be expended by the major and superintendent of police for the prevention and detection of crime, under his certificate, approved by the Commissioners of the District of Columbia, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: Provided, That the War Department may, in its discretion, furnish the District Commissioners, for the use of the police, upon requisition, such worn mounted equipment as may be required.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 60, in lines 22 and 23, I move to strike out the words "modern revolvers.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 60, in lines 22 and 23, strike out the words "modern revolvers."

Mr. JOHNSON of Kentucky. Mr. Chairman, this item provides for the purchase of modern revolvers. I do not believe that a greater mistake could be made than to equip the police force, or, as far as that is concerned, to equip an individual, with a modern revolver. The modern revolver is an automatic pistol which fires a small steel-jacketed bullet.

Mr. SISSON. And fires 10 shots automatically.
Mr. JOHNSON of Kentucky. They fire very rapidly, but
that is not important. No man should fire a steel-bullet gun of any description for use in a crowded street, or anywhere else where there is a crowd. If one of these weapons, which will shoot a mile or more, is fired in a crowded street, the man who is fired at may be killed, but nobody can tell how many other people will be killed away up the street. In the next place, it is not a weapon that a policeman ought to have for his own defense. If I were engaged in a pistol duel with a man I would very much prefer that he should have one of these modern revolvers. In every instance that any of you can recall where a modern revolver, shooting one of these small steeljacketed bullets, has been used, the man who was hurt with it has been able to stand up long enough to have killed his adversary.

In my county but a little more than a year ago a city marshal killed three men with one of these modern revolvers. He shot one of them four times in the breast. Every bullet went clear through. That man walked blocks before he fell. Another was shot three times through. He walked a greater distance, was undressed and put to be a undressed and put to bed, sent for a doctor, and did not die until in the night. The other man was shot twice and lived a day or two. So if it is protection you want for the policemen, or if the intent is to disable a criminal, then you want the oldfashioned, big, soft bullet, and that will do the work. Every man struck by one of those soft bullets, although not in a vital place, is sure to be put out of the contest. But when, as I have just said, you shoot him with one of these little steel-jacketed bullets, if the man who is thus shot wants to fight, he can stand up long enough to kill the man who has shot him. know of one instance where a man was struck directly on the spinal column with a steel-jacketed bullet, and his neck was instantly broken, but in every other case I have read of and in all the cases you see recorded in the papers the man shot with a steel-jacketed bullet has stood up after receiving shot after shot. A short time ago a prominent man who lived in this city was killed in New York. He was shot, I think, seven times with one of these automatic pistols. Yet he did not fall. If he had been armed and had been game to the core, he could have stood there and killed the man who had shot him so often.

Therefore I think this provision to arm the police with "modern pistols" ought to be stricken out. They should not be permitted to have them; first, for their own safety, and, next, for the safety of the people on the crowded streets where these pistols may be fired. One of these steel bullets, although fired at a man who should be shot, would penetrate the ordinary brick wall of a residence or storehouse and might kill some one within. The bullets will kill, but they do not quickly disable. I once heard of a fellow who had a big Smith & Wesson .44 caliber, and somebody asked him why he carried that kind of a pistol. He said in answer, "That kind of a pistol excludes dying declarations." The burglar who has a pistol which dying declarations." The burglar who has a pistol which carries a big, soft bullet has the better of a policeman who has the "modern pistol." Besides, the innocent bystander has many more chances to "stop a stray bullet" fired from a pistol of great penetration than from one of lesser penetration. of the States forbid the use of a long-range rifle in the forests when deer are being hunted for fear of killing a man over in the next county.

Mr. TAYLOR of Ohio. The gentleman proposes to strike out the words "modern revolvers." Why strike out both words? Mr. SAUNDERS. Simply strike out the word "modern."

Mr. TAYLOR of Ohio. You want to leave the right to purchase revolvers

Mr. JOHNSON of Kentucky. May we not assume that these men already have revolvers

Mr. TAYLOR of Ohio. There are new men coming in all the time, and old men dying.

Mr. JOHNSON of Kentucky. I think you have just provided that new men shall not come on.

Mr. TAYLOR of Ohio. I have not provided that.

Mr. JOHNSON of Kentucky. The bill does. Mr. TAYLOR of Ohio. But then there will be changes, in spite of that fact.

Mr. JOHNSON of Kentucky. If revolvers are to be purchased, there ought to be a provision that these steel-jacketed bullet pistols shall not be purchased to be used by the policemen in crowded streets.

Mr. TAYLOR of Ohio. The gentleman does not contend that the words "modern revolver" necessarily mean weapons that fire steel bullets. There are plenty of revolvers of ordinary

make that do not fire steel bullets.

Mr. JOHNSON of Kentucky. Those are the ones I want used by the police; but from inquiry at the municipal building I understand that they desire the pistol which carries the steel bullet, and the policemen around the House Office Building are armed with that kind of weapon.

Mr. TAYLOR of Ohio. The language of the bill does not confine them to the purchase of automatic revolvers, it merely

means an arm of modern make.

Mr. SAUNDERS. Mr. Chairman, just one word in this con-With no predilection for the steel bullet, or the pistol that fires the steel bullets, I think this may be taken to be true; that the police of this city, and of every city, ought to be equipped with that form of pistol which will most effectively enable them to cope with desperate criminals, using the most effective small arms of modern type. If the pistol described by the gentleman from Kentucky is the most effective, then that is the one with which they should be equipped with; if, on the other hand the modern pistol is the most effective, then that is the one with which they should be provided. Authority ought to be given to the officials in control to determine the type of pistol proper to be used in the District. This is a proper function of the police authorities, and one that this House should ot invade. We are not experts on small arms. Mr. SIMS. Will the gentleman yield? not invade.

Mr. SAUNDERS. Certainly.
Mr. SIMS. Is it not a fact that the police, when they are compelled to use firearms, are most always in very close quarters?

Mr. SAUNDERS. I say that whenever a policeman has occasion to use an arm of this kind, when opposed to an armed criminal, he ought to have a weapon fully as good as that in the possession of the criminal.

Mr. JOHNSON of Kentucky. I insist that he ought to have a better one.

Mr. SAUNDERS. Yes, if one can be secured. Mr. JOHNSON of Kentucky. If he has one with a soft-nose bullet, and that bullet strikes the arm or the leg, the criminal is down and out, but if a steel bullet strikes him on the thigh it bores a hole through it, but he does not fall.

Mr. SIMS. And it does not stop at the criminal's thigh, but keeps on and goes through the thighs of the rest of them.

Mr. JOHNSON of Kentucky. If a soft-nosed bullet strikes the man it knocks him down.

Mr. SAUNDERS. Mr. Chairman, there seems to be no dif-ference between us on the main proposition, that the police ought to have the most effective form of small arm. Without entering into a discussion of what that most effective form may be, I think the paragraph ought to so read that the authorities charged with the selection of these arms may be free to purchase those which in their judgment are the most effective.

Why not put in a proviso that they shall not use Mr. SIMS. the steel bullet?

Mr. SAUNDERS. Because I am not prepared to admit that the conclusion reached by the gentleman from Kentucky is correct. He may be right; I am not prepared however to admit that he is. But if the police authorities were heard from, they might be firmly of the opinion that the particular arm using this particular bullet, is the one best suited for the conditions of modern police service.

Mr. SIMS. There is no doubt that the steel bullet is effi-

cient, but it may kill half a dozen men.

Mr. SAUNDERS. I am speaking of the effective capacity. If the police authorities believe, and are able to support their belief by sufficient facts that the pistol to which the gentleman from Kentucky refers, is the one of all others that they need, surely we ought not to provide that they will be excluded from

its use. All that is required to give the authorities the necessary discretion in the purchase of small arms for the police, is to strike out the word "modern," and leave in the word This will allow the authorities charged with this "revolver." particular function, to purchase such revolvers as they may deem best suited to the exigencies of the service. It seems to me unwise to prescribe to the police authorities the particular kind of weapon they shall, or shall not use. They ought to be given a discretion, and permitted to select in conformity with their own judgment, the most effective firearm for the use of the patrolmen.

Mr. SHERLEY. Mr. Chairman, I have no desire to enter into a discussion on the respective merits of different kinds of revolvers; but inasmuch as something has been said, I felt called upon to enter my protest against policemen carrying any kind of revolver, whether it be deadly or not. [Applause.] In England, which is noted for obedience to the law, I know of no police officer who is permitted to carry such a deadly small arm.

Mr. SAUNDERS. Mr. Chairman, that undoubtedly was the rule in England for a long time, but I understand that it had to

be abandoned.

Mr. SHERLEY. I can not speak with authority, for it is some years since I was in England. I know then the police on the streets were not armed with revolvers, and I was surprised, almost shocked, when I heard the statement made that the police around the Office Building and in the Capitol are armed with revolvers. I appreciate that it is the duty of the police to maintain order and arrest criminals, but I do not think that it is necessary, in order to perform those duties, that they should be given charge of a weapon which is used on many occasions when it ought not to be used. Men who are guilty of misdemeanors, men who are guilty of what might be called minor felonies, are shot at and sometimes killed by these police officers; and I believe we would be going a long step toward better order, better law, more security of life, if we prohibited the use of pistols by police officers instead of undertaking to determine the most effective kind of weapon that they shall I simply wanted to say that, and inasmuch as the amendment offered by my colleague from Kentucky is to strike out the words "modern revolvers," and as it will, in some degree, result in the reform that I favor, though not in effecting what think he advocated-the use of a certain type of revolver-I shall be glad to see the amendment adopted.

Mr. SAUNDERS. Mr. Chairman, with respect to the statement made by the gentleman from Kentucky [Mr. Sherley] that the policemen in Great Britain do not carry pistols, I wish to say that formerly this was true, just as at one time the English railroads did not allow the engine drivers to have any form of protection from the weather, upon the theory that service under such conditions made the men more vigilant, and efficient. But public opinion in both particulars has undergone The railroads no longer deem it necessary to expose their engineers to the fiercest vicissitudes of the weather without any form of cab protection, and in police circles a realizing sense of the fact that the patrolmen are often required under circumstances of the greatest danger to grapple with desperate criminals armed to the teeth with modern and rapid-firing small arms has caused a modification of the original attitude. Patrolmen are no longer inhibited, as I understand, from carrying pistols where occasion requires that it should be done. Surely Washington is not to be made the only city where policemen are forbidden firearms as a part of their usual equipment while

Mr. SIMS. Mr. Chairman, I wish to emphasize what the gentleman from Kentucky [Mr. Sherley] has said. It is true that at times policemen undertaking to make arrests of dangerous criminals ought to be armed with a deadly weapon, but unless the policeman has a warrant to execute, or has knowledge that he is going to undertake such dangerous business, he should not be permitted to go through the streets a walking arsenal, drawing a pistol and firing it where the bullet may strike numerous people, simply in order to arrest a criminal who perhaps has committed only a misdemeanor.

Mr. SAUNDERS. He is not required to have a warrant in order to make an arrest.

Mr. SIMS. Not at all.

Mr. SAUNDERS. And he can never know in the discharge of his regular duties when one of these occasions of preency may arise, when the possession of a weapon is essential.

Mr. SIMS. He may sometimes meet an armed man and

undertake to arrest him in the ordinary discharge of his duty.

But I want to speak of the other matter which has been referred to. What is the advantage of this steel bullet? It is in its penetration. You can take one of these modern rifles, loaded with a steel bullet, and penetrate a tree 3 feet thick.

That is the trouble with these bullets and with shooting in a crowded street. You may not only kill the man at whom you shoot, but you may kill or wound a dozen innocent people, and I have always entertained the idea that it is better to let a guilty man go free occasionally than to kill or wound several innocent people in order to arrest him. I think the gentleman from Kentucky [Mr. Johnson] is exactly right, and that we should not permit under any circumstances the use of such a weapon by a policeman or anyone else in the District. Its penetration is so great and terrible that this of itself should prohibit its use. We should adopt whatever amendment may be necessary to prohibit the policemen of the District from using such a weapon, and to do so would be humane. I think it would be in accordance with modern morality.

Mr. MANN. Mr. Chairman, will the gentleman yield? Mr. SIMS. Certainly.

Mr. MANN. If the gentleman were himself a policemanand God forbid that he ever shall be anything but a states-man—and should see a burglar at night in a dark alley, whom he knew to be armed with a modern gun, the gentleman as a policeman having nothing but a club, what would the gentleman do?

Mr. SIMS. I would be just as afraid of him if he had an old-fashioned pepper-box pistol and I had nothing but a club.

It would not take a modern one to alarm me.

Mr. MANN. The gentleman is not a coward at all, but the gentleman knows very well that a policeman would not undertake to arrest at night a burglar who was armed when the policeman was not.

Mr. SIMS. Then let us provide that they may carry deadly weapons at night or when they are going to make an arrest, but not in the ordinary duties of walking around this Capitol and up and down the streets, preventing people from being run over street cars, automobiles, and other deadly instrumentalities

Why, there is no need of going around with a modern pistol that can kill a man 5,000 yards away and shoot through, possibly, 50 people. That is uncivilized and ought not to be tolerated anywhere. No frontier town should tolerate such a thing as that, and I think it is better to let a few burglars escape than to kill a lot of innocent people, which might take place by the use of these so-called modern pistols or guns.

Mr. MARTIN of South Dakota. I would suggest to the gentleman that the innocent bystanders are generally hit by poor

marksmanship rather than by spent bullets.

Mr. SIMS. The gentleman must admit that a bullet that will penetrate 3 feet of wood will penetrate 15 feet of men.

Mr. MARTIN of South Dakota. What rule would the gentleman prescribe by which policemen could be guided so that they may know when they are going to make an arrest?

Mr. SIMS. They could not always know, I will admit that, but I would rather have fewer arrests made than to kill or wound innocent people in making such arrests.

Mr. MANN. Require the burglar to publish his intentions in

The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. I ask unanimous consent that my time may be extended to enable me to answer the gentleman from Missouri.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. BARTHOLDT. Of course the gentleman understands there is a law against the carrying of concealed weapons in this District?

Mr. SIMS. A very poor law. Mr. BARTHOLDT. And the gentleman is undoubtedly aware that that law is being violated constantly; that a large number of persons, in spite of that law, are carrying concealed weapons. Does not the gentleman think that if you deprive the police of the revolvers it will be necessary not only to en-force that law more strictly but also to repeal any permit or every permit that has ever been issued to allow a person to carry concealed weapons; and should we not, in case we find anyone unauthorized carrying such concealed weapons, punish him more severely and send him to the penitentiary instead of letting him off with a small fine?

Mr. SIMS. Mr. Chairman, I introduced a bill several years ago, and also one which is now pending in the District Committee, to make it a felony for persons to carry concealed weapons, other than officers of the law or the military or the Navy, in the District of Columbia. I make it a felony for them to be carried by any person not authorized to do so. The idea of allowing a permit to carry pistols in the District of Columbia is absurd. What do you want a permit to go armed for? If my life is in danger I have got the Army and the Navy and the police and my friend from Missouri to protect meMr. BARTHOLDT. Oh, yes.

Mr. SIMS. In addition to my own efforts in that direction. It ought to be made a felony in this District to carry concealed weapons, and no man, unless he is an officer of the law, should be permitted to carry them; and it ought to be made a felony to sell them to those not authorized to carry them, and that will remove a great deal of the danger to policemen and also any necessity for carrying pistols. If it is a felony to carry a pistol, the burglar will go up to the penitentiary for carrying it, and every man in the District who draws a pistol will go to the penitentiary, and therefore policemen will not be confronted with the danger of meeting an armed man if it is made a felony for anyone to carry a pistol unless he was authorized by law to do so. If it was a felony to carry or sell, or offer to sell, pistols, regardless of the use to be made of them, in this District and searches made by the police of all suspected persons, day or night, crimes of all character would be reduced to a minimum.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to say that I do not wish to be understood as being in favor of the policemen not being armed. I think they should be. The modern weapon is, in my judgment, a very inferior weapon to the one of 10, 15, or 20 years ago. I am in favor of the modern battleship, the guns of which have penetration; but I am opposed to the modern pistol, because it has too much penetration. The less it has the more effective it is.

Mr. BURLESON. Mr. Chairman if the contlemen will yield.

Mr. BURLESON. Mr. Chairman, if the gentleman will yield, if we can bring this discussion to an end, I will agree that the word "modern" be stricken out.

Mr. JOHNSON of Kentucky. If this is to provide them with modern weapons, then the two words should be stricken out. Let them keep the weapons they have, not only for their own sake, but for the sake of the public. Do not provide them with these modern weapons of great penetration.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kentucky [Mr. Johnson].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 10.

So the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, on page 60, line 23, after the word "revolvers," I move to strike out the comma, so there will be only one comma left after the words "modern revolvers" are stricken out.

The CHAIRMAN. The gentleman from Illinois offers an

amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the comma after the word "revolvers."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Miscellaneous: For repairs and improvements to engine houses and grounds, \$12,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to make an inquiry of the gentleman in reference to the amount of this appropriation for repairs and improvements to engine houses and grounds.

Mr. BURLESON. We appropriated in this bill exactly the

amount that was carried in last year's bill.

Mr. MANN. What was the estimate this year? Mr. BURLESON. Seventeen thousand dollars.

Mr. MANN. I noticed in a discussion here the other day that some gentleman, I think, on that side of the House, statedand I have no doubt it was correct, because he is a colleague of mine-that some of the buildings here were very insanitary and ought to be put in proper condition; that it was a disgrace to any Government to maintain those buildings in the shape in which they are now. Can the gentleman give us any information of the subject?

Mr. BURLESON. I will say to the gentleman from Illinois that I think the language was a little strong, but some of the Mr. BURLESON. engine houses are not in the condition they should be—probably one or two of them. The gentleman will understand that just at this time we are in a process of evolution, as it were, in the use of motor-drawn fire apparatus and horse-drawn fire apparatus, and the insanitary features of these fire-engine rooms is occasioned by the proximity of the horses to the men who are engaged in the fire department service, and we thought at this time that we would not appropriate any further money for the purpose of correcting these conditions until we could determine what policy we would adopt with reference to the use of motor-drawn fire engines.

Mr. MANN. How many motor-drawn engines are to be paid

for out of this appropriation?

Mr. BURLESON. None at all. I will say to the gentleman that we have one motor-drawn vehicle now in use, and at the end of the next fiscal year we will be able to tell not only its effectiveness, but what economy can be effected, or the comparative cost of the horse-drawn fire engine with the motordrawn vehicle.

Mr. MANN. The gentleman will remember but a few years ago Congress had a spasm, and a very proper one, and provided for the inspection of all meats, and the further provision that there should be no lavatories or anything of the sort in the rooms where meats were being handled. Now, here is the situation, as I understand it: Horses and men practically sleep together, eat together, and live together, and the only claim that the gentleman makes now is that we may change our policy and do away with the horses and provide that all fire engines shall be drawn by motors.

Mr. BURLESON. I will say to the gentleman candidly that I do not think this condition jeopardizes the health of these

men in the slightest.

I have a great deal of confidence on matters of Mr. MANN. this sort in the opinion of my colleague from Chicago, Mr. BUCHANAN, who may be very enthusiastic at times with reference to such matters, but still is quite capable of forming an accurate opinion, and I am sure, from what he stated here the other day, that he considered this a very great disgrace. Will not the gentleman be willing to amend the amount and make it \$17,000, so that conditions can be corrected?

Mr. BURLESON. I will state to the gentleman from Illinois that I do not deem it necessary at this time. We made a personal inspection of these fire-engine rooms or halls, and it is not true that the men and horses sleep together. The men have very comfortable quarters on the second floor of the buildings occupied by the fire engines, and we were of the opinion that it was unnecessary at this time to change them. And I can not consent, and I do not think that the committee ought to consent, to this expenditure at this time, in the interest of proper economy in the use of public money.

Mr. MANN. Well, I dislike very much to be run over when I know I am right, but I suppose I will have to take it. Chairman, I withdraw my pro forma amendment and offer an

amendment which I send to the Clerk's desk.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Illinois will be withdrawn.

There was no objection.
The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.
The Clerk read as follows:

On page 64, line 4, strike out the word "twelve" and insert the word "seventeen."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and, on a division (demanded by Mr. Mann), there were-ayes 12, noes 28.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HEALTH DEPARTMENT.

Health officer, \$4,000; assistant health officer, who shall be a physician, and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position, \$2,500; chief clerk and deputy health officer, \$2,500; clerk, \$1,400; 5 clerks, 2 of whom may act as sanitary and food inspectors, at \$1,200 each; 3 clerks, at \$1,000 each; clerk, \$720; chief inspector and deputy health officer, \$1,800; assistant chief inspector, \$1,600; 14 sanitary and food inspectors, at \$1,200 each; 2 inspectors, at \$1,000 each; 2 inspectors, at \$1,000 each; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, \$1,200; 4 inspectors of dairies and dairy farms, at least 2 of whom shall be veterinary surgeons, at \$1,000 each; 2 inspectors of dairies and dairy farms, at least 1 of whom shall be a veterinary surgeon, at \$1,000 each; 5 sanitary and food inspectors, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, \$900; sanitary and food inspector, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, \$900; sanitary and food inspector, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, \$900; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist. \$1,800; messenger and janitor, \$600; skilled laborer, \$600; driver, \$600; poundmaster, \$1,200; laborers, at not exceeding \$50 per month each, \$2,000; in all, \$62,620.

Mr. TAYLOR of Ohio. Mr. Chairman, there is a mistake on

Mr. TAYLOR of Ohio. Mr. Chairman, there is a mistake on line 18, page 65, where the first word is misspelled. The word "thousand" is misspelled by the omission of the letter "t." I only ask that it be corrected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. TAYLOB].
The Clerk read as follows:

Insert a "t" in the word "thousand," at the beginning of line 18. page 65.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BURLESON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 65 strike out all after the word "each," in line 23, down to and including the word "dollars," on line 1 of page 66.

Mr. BURLESON. Mr. Chairman, it is simply to correct a mistake in the printing of the bill. They included an employee who was not authorized by law.

Mr. MANN. We can not tell from the reading of the amend-

ment what is proposed to be done. What is it?

Mr. BURLESON. Mr. Chairman, I will ask for the reporting of the amendment again.

The CHAIRMAN. The Clerk will report the amendment

The amendment was again read.

Mr. TAYLOR of Ohio. It strikes out but one employee?

Mr. BURLESON. Yes.

Mr. MANN. What is the purpose?

Mr. BURLESON. It was a mistake in including the em-He was not authorized by the appropriation.

Mr. MANN. Here is an employee who is to assist in the enforcement of the milk law and of the pure-food law. I do not know whether it was authorized by the committee or not, but I know very well they have not got enough inspectors in Washington now, either for the enforcement of the pure-food law or of the milk-inspection law.

Mr. BURLESON. If the gentleman from Illinois will desist for a moment, I have a letter here which will throw some light on the subject, and after having it read I propose to submit a few observations on the subject. I send the letter to the Clerk's desk and ask that it be read.

The Clerk read as follows:

WASHINGTON, D. C., January 17, 1912.

Washington, D. C., January 17, 1912.

My Dear Mr. Burleson: Splendid work has been done in the bacteriological laboratory of the health department since Congress authorized the examination of milk and water. More than 300 cows that were affected with tuberculosis have been detected by the limited investigations that have recently been instituted. In one herd of 135 cows 80 were found to be infected with tuberculosis. The milk from this herd was largely used in the raw state for infant feeding. These cows had to be killed at the expense of the owner. This entailed a severe loss. Inclosed please find a copy of my remarks at the Monday Evening Club. I sincerely trust that after reading them you will feel that you can restore the items for the health office.

Yours, truly,

G. Lloyd Magruder.

Mr. BURLESON. In this connection, Mr. Chairman, I desire to state that it is the purpose of the committee to allow every employee that is asked for the dairy and milk inspection service. As a matter of fact, this is a very confusing item, and we requested the chief of the health department for a redraft of this item, but he begged that we do not insist upon it at this time, but that we should give him another year in order that

he might rearrange the items carried in this bill.

I recognize the urgency of the service mentioned in Dr. Magruder's letter. Undoubtedly the nonexamination of the butter and milk that has been disposed of in the District of Columbia has been a prolific source of disease, and on that account we have been affording the health department every facility, as far as we can, for the examination of milk and butter, with a view of protecting the people of the District of Columbia from the terrible disease which comes through the use of butter which is not inspected.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a

question?

Mr. BURLESON. Certainly.

Mr. MADDEN. Are there a sufficient number of inspectors to enable the health department to send inspectors out to the various farms which furnish milk and butter to the District of Columbia, and to inspect the sanitary condition of the stables, and the kind of food that is given to the cows, and all that, before the milk is used?

Mr. BURLESON. It was our purpose to furnish an adequate number of inspectors. It was our desire to allow every in-spector of milk and dairy products asked for by the health department. The inspectors that are carried in this item are designated as food inspectors, sanitary inspectors, milk inspectors, and dairy inspectors. At nearly every session of Congress there is a request from the health department that a change of designation be made, or a shifting of the titles be made, of these various inspectors. We clearly indicated our desire and purpose to give every milk and dairy inspector that was asked for by the head of the health department, and I think we have done so. We feel quite sure that we have furnished at this time an adequate force for the purpose.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for

another question?

Mr. BURLESON. Yes.

Mr. MADDEN. Are milk inspections made at the sources of

supply?

Mr. BURLESON. We have a number of inspectors who go to the sources of supply, who examine the dairies themselves, not only within the limits but beyond the limits of the District of Columbia. For that reason we carry quite a large appropriation for the transportation of these men.

The CHAIRMAN. The time of the gentleman from Texas

Mr. BOWMAN. I ask unanimous consent that his time be extended sufficiently to enable him to answer an inquiry that I wish to make

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Bowman] asks unanimous consent that the time of the gentleman from Texas be extended as stated. Is there objection? There was no objection.

Mr. BOWMAN. In connection with a case of typhoid fever which occurred recently in this city I visited the health department and asked them what arrangement they had to inspect dairies. I stated in my remarks yesterday that there were seven inspectors, but upon consulting the record I find that there are only six to inspect 1,100 dairies. In response to my inquiry as to what facilities they had for examining the dairies, they stated that they were not anything like sufficient. I see by referring to the hearing before the committee that a request is made for seven. If this is the additional inspector referred to,

I trust that the committee will permit him to remain.

Just one word in that connection. I am satisfied from the conversation I had with the health department that there are not anything like sufficient inspectors properly to protect the milk supply of this city. The product of every dairy sending milk to this city should be examined. The case of typhoid of which I have spoken was that of a young boy who had lived 14 years in a town of nothing like the size of Washington. He had reached the age of 14 years in perfect health, but on coming to Washington was exposed to the milk of one of these dairies which was supposed to be the very best. A special price was paid for the milk. Even in view of the fact that it came from a special dairy and was supposed to be subjected to special examination, it developed that the milk was of varying quality, showing that there was not sufficient examination made of the milk. Any gentleman here who is a parent can appreciate the expense and anxiety connected with a sickness of this kind. This one case cost upward of a thousand dollars, to say nothing about the anxiety. I ask the committee to permit this extra inspector to remain in the bill.

Mr. BURLESON. I am in full sympathy with the purpose the gentleman has in view. I recognize that there is no more prolific source of disease than milk and butter sold without being properly inspected. In fact, I have been for years an earnest advocate of putting upon the market at a cheap price a wholesome food product in competition with this unwholesome butter that is being offered for sale. I want to assure the gentleman that as far as the committee is concerned it has been our purpose at all times to give adequate inspection of milk and dairy products for this District. Instead of having 11, there are 13 milk and dairy inspectors provided for in this bill. I think the gentleman from Illinois [Mr. Mann] is now trying to make a calculation of the number, but it is a very difficult matter to find.

Mr. MANN. The gentleman is mistaken.

culation before the bill came on the floor of the House.

Mr. BURLESON. The gentleman is always up to date. Mr. MANN. I thought the committee in their liberality had succeeded in concealing one extra new man, and they had in the bill, but now they propose to strike him out.

Mr. BURLESON. Yes; because that is not our purpose, in-asmuch as we have 13 inspectors at this time, and we think that is a sufficient number.

Mr. BOWMAN. There are not 13, according to the information given to me by the department. There are only 6.
Mr. BURLESON. You could not visit any department or bureau in Washington and make an inquiry about the labor being performed by that particular bureau, department, or division, where they would not tell you that they needed more men and more money, and that they ought to be given additional assistance.

I assure the gentleman that I am just as earnestly in favor of what he has in mind as he can possibly be, and it was the desire and purpose of the Committee on Appropriations to allow all of the milk and dairy inspectors that were asked for, and I think we did it.

Mr. BOWMAN. The fact still remains that the inspectors who go outside to examine dairies only number six.

informed upon special inquiry that there are only six to go outside and examine eleven hundred dairies.

Mr. BURLESON. They have 13, and why do they not send out 7?

Mr. BOWMAN. Because they are needed in the city, I suppose, for other inspections.

Mr. BURLESON. The gentleman said that we had 11 inspectors and he wanted 12, and now when I inform him that there are 13 he wants more.

Mr. BOWMAN. I think we should have 20 in order to properly protect the health of the city. It would all be saved in Would the gentleman think that \$20,000 would compensate him for the loss of a son or a daughter?

Mr. MANN. Where are these eleven hundred dairies that the gentleman speaks of?

Mr. BOWMAN. They supply the city of Washington.

Mr. MANN. Where are they located?

Mr. BOWMAN. The department stated that they extended from Niagara Falls to North Carolina.

Mr. MANN. That is what I thought. Does anybody believe that we ought to send inspectors to Niagara Falls and North Carolina for the benefit of those localities?

Mr. BURLESON. The committee is satisfied that it has given adequate inspection for the service to be performed.

Mr. LOBECK. Mr. Chairman, I find that there are 8 inspectors, with some other titles attached to them, on dairies and dairy farms, and 4 sanitary inspectors, who shall see to the enforcement of the milk and pure-food law, and that makes 12. Then there is a sanitary food inspector to assist in the milk and pure-food law, and that makes 13.

So there are 8 men that have to see directly to the dairies and dairy farms, and the others attend to their duties and at the same time attend to the enforcement of the milk and pure-

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was considered, and the amendment was agreed

The Clerk read as follows:

The Clerk read as follows:

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health officer of said District, and for the prevention of other communicable diseases, including salaries or compensation for personal services not exceeding \$10,000 when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, purchase and maintenance of necessary horses, wagons, and harness, rent of stables, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, \$23,000: Provided, That any bacteriologist employed under this appropriation shall not be paid more than \$8 per day and may be assigned by the health officer to the bacteriological examination of milk and of other dairy products and of the water supplies of dairy farms, whether such examinations be or be not directly related to contagious diseases.

Mr. LOBECK. Mr. Chairman, I move to strike out the last

Mr. LOBECK. Mr. Chairman, I move to strike out the last I want a little information from the chairman of the The board of commissioners asks for an appropriation of \$25,000 for this item, and I understand they had

\$24,500 last year. What is the reason for the decrease?

Mr. BURLESON. I will state that we cut the limit of cost for personal services from \$15,000 to \$10,000, and we thought that would afford an additional amount that could be expended for other purposes; and consequently we reduced it.

Mr. LOBECK. I might say, in addition, that there has always been a provision for a bacteriological man to examine into the milk and milk supply of the dairy farms and all other dairy

Mr. FOSTER of Illinois. Mr. Chairman, I observe the appropriation for personal services for contagious and communicable diseases and examining the sputum of tuberculosis has been reduced from \$15,000 to \$10,000. It occurs to me, in view of the fact that extra precautious are being taken in reference to these diseases, that this appropriation ought not to be reduced. would like to ask the chairman of the committee if he can give us some reason why that should be cut down \$5,000.

Mr. BURLESON. The reason is we did not think the fund should be absorbed by paying for personal services, and, furthermore, we have recently established a tuberculosis hospital, which obviated the necessity for inspection to be made under this particular item.

I will state, further, that three years ago the Committee on Appropriations limited this sum to \$6,000, because we found that gradually the entire sum appropriated was being absorbed for personal services. It was not the intention of Congress that that should be done. We carried it at \$6,000 in the bill for one year, and upon representations being made to the committee we increased the amount. We had information that led us to believe that we could safely make this reduction from \$15,000

to \$10,000 at this time; that there was no necessity for this being absorbed in the way of compensating physicians.

Mr. FOSTER of Illinois. Mr. Chairman, I will say to the gentleman that in communicable diseases of the character mentioned here a large part of the money would naturally be expended for personal services and in looking after and investigating these diseases. I do not believe that the gentleman has fully answered the question, when we take into consideration the number of diseases that are enumerated. Then, further, the tuberculosis hospital being established may take in some cases, yet it does not relieve the natural inspection that would come of this disease throughout the city and in the District.

Mr. BURLESON. Mr. Chairman, I do not care to go into the details of the extravagances that were brought to our attention, but I shall mention one.

Mr. FOSTER of Illinois. That is what I would like to have. Mr. BURLESON. They had a Filipino, who was a leper, confined out here. They had three men at one time engaged in watching him continuously when there was no danger of anybody breaking in to get to the leper and the leper had absolutely no desire to leave.

Mr. MANN. And he could not have communicated the dis-

ease if he had gotten out.

Mr. BURLESON. And he could not have communicated the disease if he had left. It was the judgment of the committee that this sum would be sufficient. We did not strike in the dark at this proposition. We thought we knew what we were doing, and we did not propose that the money should be unnecessarily expended for personal services, and consequently we put this limitation upon it, because we thought it was a proper limitation to be placed upon the amount to be expended for that purpose.

Mr. FOSTER of Illinois. I would state that I fully agree with the statement of the gentleman with reference to the men set to watch the Filipino leper, when nobody could contract the disease, and that it was a useless expenditure of money; but this is cutting down the appropriation 331 per cent, and I wanted some information about it.

Mr. BURLESON. I have given it to the gentleman. Mr. FOSTER of Illinois. And I thank the gentleman for his kindness in answering my inquiry.

Mr. BURLESON. I have not given all of the information

that I have, but I think enough to satisfy him.

Mr. MANN. Mr. Chairman, I would like to resist the motion to strike out the last word for the purpose of getting some additional information. I would ask the gentleman from Texas whether, in the consideration of this paragraph, they took into account the danger of bubonic plague in this country next summer or the year thereafter?

Mr. BURLESON. Within the District of Columbia?

Mr. MANN. In the country. The effect will be the same—also in the District. If we have bubonic plague, is it not likely that it would be cared for under an appropriation like this?

Mr. BURLESON. Undoubtedly; but the gentleman is also aware of the fact that quite a large appropriation is carried under a provision of the bill which provides for the maintenance of the Marine-Hospital Service.

Mr. MANN. I understand, but they do not contribute the money which the local communities are supposed to contribute

out of that fund, I would say to the gentleman.

Mr. Chairman, I am not in the habit, I hope, of making sensational statements, and I hope this one will not be considered sensational; but my advices are that there is every reason to believe that bubonic plague will get into the country within the next year or so. If it should get in, undoubtedly there will be a great clamor, and properly so, for the expenditure of money for the protection of cities and the prevention of the spread of the disease. I do not think the plague will get beyond control, but I think there ought to be a fund in the hands of some one when Congress is not in session to help take care of a situation of that sort, and the appropriation for the Public Health and Marine-Hospital Service will not cover it.

Mr. FITZGERALD. Why not?

Mr. MANN. It is not designed to take the place of the expenditure of local money at all.

Mr. BURLESON. They are using it in the State of Cali-

They are using it in part in California, but the Mr. MANN. great bulk of the expense out there is paid for by the State of California.

Mr. FITZGERALD. California is not paying any of the ex-

Mr. MANN. Oh, the gentleman is mistaken about that as to

the bubonic plague. I have been over that subject carefully.

Mr. FITZGERALD. My information is that the last Legislature of California passed a bill to appropriate money for this purpose, and that bill was vetoed by the governor.

Mr. MANN. They have not any bubonic plague there.

Mr. BURLESON. And the Federal Government has appropriated a million dollars for the purpose.

Mr. MANN. When they had bubonic plague in San Francisco they contributed very largely to the expense.

Mr. FITZGERALD. Oh, we are expending a very large sum of money now for the purpose of ridding several counties in the State of California of rats and squirrels.

Mr. MANN. That is very true.
Mr. FITZGERALD. It is costing, I think, a thousand dollars a rat, and the State of California has declined to contribute a

Mr. MANN. That is to prevent spread of the disease; that is

not because anyone has the disease there.

Mr. BURLESON. Right in that connection I want to state to the gentleman that last year the bill carried an appropriation for the extermination of rats

Mr. MANN. And I think it ought to be in this bill, too. Mr. BURLESON. And I suppose it was effectively expended, because the authorities did not ask for its continuance this

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly; I yield. Mr. KAHN. Mr. Chairman, I happen to know something about the expenditures of money in the State of California for the purpose of stamping out the bubonic plague. The counties have all contributed their quota toward this work. When the Public Health and Marine-Hospital Service first announced that they had found cases of the plague in San Francisco the leading citizens met the officers of that service and subscribed a large fund for the purpose of helping to exterminate the rats which carried the infected fleas that spread the disease. I am quite aware of the fact that some of the counties of the State have made application to the Government, or, rather, have appealed to the Congress to make appropriations for the purpose of exterminating squirrels. It has been found that ground squirrels, like rats, carry the fleas which spread the plague. do not know just how far the work has progressed, but I believe the entire country is vitally interested in that matter. It is not alone a local question. If ever the bubonic plague gets its hold upon the people of this country it will cost millions of dollars to exterminate it, and I think it hardly fair to say that it costs \$100 to exterminate a rat or a squirrel, because the value of the elimination of the death-spreading rodents can not be calculated by dollars and cents. There have been a number of cases of death on account of the plague, and it is in the interest of the health of the citizens of the entire country that

Mr. COX of Ohio. Will the gentleman yield?
Mr. KAHN. Certainly.
Mr. COX of Ohio. I would like to make the suggestion to the gentleman that in the very wonderful exhibit which San Francisco proposes to make they are overlooking something—

Mr. KAHN. I did not hear the gentleman's statement. Mr. COX of Ohio. I would like to suggest that the State of California is overlooking doubtless its most wonderful exhibit. Of all the rats and squirrels which were destroyed not nearly 10,000 were found to be infected with the plague. Those 10,000 rats and squirrels cost \$1,000,000. In other words, you have the distinction of having \$100 rats, because the 10,000 rats

cost the Government \$1,000,000.

Mr. KAHN. Well, if it did cost that much to exterminate the rats it was worth it to the country at large. Of course, they exterminated a great many more than 10,000. They probably exterminated a half a million, but in that number they found only 10,000 infected rats. If these rats had been carried beyond the confines of the State of California, which could easily have been done in cases where the vermin had sought refuge in freight trains, and if the disease had been carried to any distant section of the Union, I dare say the Congress would have been called upon to expend many millions of dollars to stamp out the disease, and the country would have been very glad to have had the money expended to stamp it out. The counties and municipalities of California are all voting money for the purpose of helping the Federal officials, and in that respect I may say that California has invariably done her share

toward any public work—

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MANN. The gentleman from Ohio has stated that the extermination of 10,000 rats cost \$1,000,000. I would like to inquire of the gentleman from California how much the gentleman thinks it would cost the Government if they had one case of bubonic plague in Dayton, Ohio?

Mr. KAHN. The gentleman from Ohio would be the first gentleman on this floor to arise and request an appropriation in order to stamp out the plague there and prevent its spread to

the other States of the Union.

Mr. COX of Ohio. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. COX of Ohio. I think it should be stated for the information of the committee that neither the gentleman from California nor the gentleman from Chicago, living in those god-forsaken parts of the world, are the least mindful of the blessings of nature which we enjoy around about Dayton, Ohio, and we are absolutely impervious by reason of them to the plague. I think it would be impossible really in this country, except in Chicago and San Francisco.

Mr. MANN. I have sometimes wondered if people ever died in Dayton. I think most of them leave there before they come

to the dieable age.

Mr. KAHN. That is very true. They do not live there any longer than they have to, and many of them have gone to California and have grown up with that State and are among our leading citizens. We are proud of them, and they are glad they left Dayton and came to California.

Mr. COX of Ohio. You mean her Chinese citizens have all

gone to California, where rats are plentiful?

Mr. KAHN. If the gentleman were familiar with the subject he would not say "Chinese citizens," because there are none. The native-born Chinese is an American citizen, and the Chinaman born in China can never become a citizen of this country.

[The time of the gentleman from California having expired, by unanimous consent he was granted five minutes additional.]
Mr. BURLESON. I wish to read the law showing that authority exists to take care of the bubonic-plague situation:

Prevention of epidemics: The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation act approved June 25. 1910, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, including pay and allowances of all officers and employees of the Public Health and Marine-Hospital Service assigned to duty in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force. and in such emergence may be then in force.

Mr. KAHN. How much money is left in the unexpended balance under that act?

Mr. BURLESON. I do not know to what extent California has ravaged the fund, but, as I understand it, it was considerably in excess of a million dollars at one time.

Mr. MANN. The gentleman does not deem that has anything to do with the fiscal year of this appropriation act, does he?
Mr. BURLESON. Oh, no; but the law is still in force.

Mr. MANN. What is the use of quoting it now, then? Mr. BURLESON. The law is still in force.

For the fiscal year 1913 it is not.

Mr. FITZGERALD. Appropriations have not been recommended yet. The expenditure would not be under the District Commissioners, as there is a law for the prevention of epidemics in any part of the United States, and the services are rendered by the Public Health and Marine-Hospital Service. Since 1899 Congress has appropriated for that purpose \$3,350,000. gentleman seems to be indignant that anybody should reflect on what the State of California is doing or how much it is costing per rat or squirrel to do this work. I would like, with his permission, to call attention to some information recently quired. The Assistant Secretary of the Treasury was before the Committee on Appropriations some time in December. He made the statement that infected squirrels were found in 12 counties in California. In 1907 a movement was started to eradicate the rats infected with the bubonic plague, and in the cities of San Francisco, Berkeley, and other places it was found the infection came from a peculiar flea that infected the rats that infected the food that would in turn infect the individual.

Mr. KAHN. The gentleman does not mean to say that the flea infected the food? The flea bites the individual just as the

yellow-fever mosquito does.

Mr. FITZGERALD. And lives on the rats and squirrels. And then they undertook to eliminate these rats from these cities. of 12. cities. They say they have cleaned them from 3 counties out of 12. The Federal Government has to-day in California an organization engaged in the work that is costing \$23,000 a month. The statement by the Assistant Secretary of the Treasury was

to the effect that he had information that during the last session of the California Legislature a bill passed the lower house calling for \$100,000, that the amount was afterwards reduced, and that the bill went to the governor and the governor vetoed it.

Mr. KAHN. The present governor?

Mr. FITZGERALD. Yes. And the State of California declined to spend a dollar to eliminate this danger to its own citizens and is willing the Government should do it. United States Government has spent millions of dollars on this work, and there is a divided opinion as to its necessity. Marine Hospital officials believe it should be done; that it is very important it should be done or it will result in a very serious situation. A large number of the people of California, evidently some of them in the executive mansion there, do not

think this matter serious at all, but think it a waste of money.

The assistant secretary stated to the committee that one of two things should be done. Either the appropriation should be doubled, or the work should stop. He added that it would require an appropriation of \$500,000 a year to effectively clean

up this situation.

It seems to me that the State of California is under some obligation, if it is going to invite people from all parts of the world to come there for the purpose of participating in a great exposition, to do its share toward eliminating danger from this disease, and it should not attempt to shoulder the entire burden upon the United States

Mr. KAHN. Mr. Chairman, has the gentleman concluded?

Mr. FITZGERALD. I think I have said all I have to say, except this, that I believe there is an obligation upon the State, and unless the State shows some disposition to do its share of the work I shall not have much inclination to urge that the Federal Government shall do any more along the line indicated. Mr. KAHN. Mr. Chairman, I am not advised as to what

action the present executive of the State of California has taken upon this matter; but the communities have all made their contributions, and it seems to me that so long as the citizens of California are doing their share it does not matter whether the work is done by the State or by the counties or by the cities. California is situated geographically in a position where she

faces the Orient. These disease-bearing rats come in vessels that cross the Pacific. They get to the shore from the ropes that tie the vessels to the docks, and they carry the fleas which subsequently infect individuals. The whole country is interested in preventing the spread of a loathsome and terrible disease such as the bubonic plague—a disease that is fatal in so many instances. Surely the gentlemen of the committee do not expect the State of California, which, by reason of its geographical location, receives this oriental plague before any of the Eastern States could possibly be subjected to the danger, to bear the entire burden. We are willing to bear our share of it. The people of the State of California have demonstrated that. Not only have appropriations been made by the counties where the disease-infected rat or squirrel is found, but the citizens themselves as individuals have contributed from their private funds for the purpose of stamping out this evil.

Mr. FITZGERALD. I do not wish to ask an unfair question of the gentleman, but is the gentleman in a position to give any information as to what is being done along this line at this time

in California?

Mr. KAHN. I know that in some of the counties, particularly in the southern and south-central part of the State, there is a campaign being waged against the ground squirrel. How

far it is being carried on I am not advised.

Mr. FITZGERALD. I am informed that if these counties would take this question up seriously and organize there would be very little difficulty; that with the cooperation of the people of the counties and the Federal Government, without a very great expenditure, all of these infected or suspected rats or squirrels could be eliminated. But the difficulty is the want of that cooperation which makes effective work possible.

Mr. KAHN. These counties that are infested by the squirrels and rats are some two or three hundred miles away from San Francisco, and the supervisors of those counties have officially passed resolutions petitioning Congress to make some appropriation to help them exterminate those pests. The work is not being done, I may say, by the physicians of California. It is being done by a Federal bureau—the United States Marine Hospital and Public-Health Service. I want to say here and now that, in my opinion, that service has conferred upon this country a great benefit by the splendid manner in which it has carried on its campaign for the extermination of these disease-carrying rodents. The health conditions of the city of San Francisco to-day, due largely, no doubt, to the active work of the Marine Hospital and Public-Health Service, are better probably than those of any other city in the Union. I think

the death rate is about one in a thousand, and I think no other city has a less rate. I think the Marine Hospital and Public-Health Service has done much to bring about that very excellent condition.

Mr. BURLESON. Mr. Chairman, if the gentleman from California has concluded his remarks, I will ask that the Clerk read.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For maintenance of the disinfecting service, including salaries or compensation for personal services when ordered in writing by the commissioners and necessary for the maintenance of said service, and for purchase and maintenance of necessary horses, wagons, and harness, and rent of stable, \$6,000.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Garrett, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. Bartlett, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of M. Birdsong, H. R. 1086, Sixty-first Congress, an adverse report having been made thereon.

CHANGE OF REFERENCE.

The Committee on Irrigation of Arid Lands, by unanimous consent, was discharged from further consideration of the bill (H. R. 17251) to authorize further advances to the "reclamation fund" and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes, and the bill was referred to the Committee on Ways and Means.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until Monday, January 22, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the president of the Chesapeake & Potomac Telephone Co., transmitting to Congress the annual report of that company (H. Doc. No. 469), was taken from the Speaker's table, referred to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of (S. 1650) to amend section 110 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 248), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16992) granting an honorable discharge to Dennis O'Brien; Committee on Military Affairs discharged, and

referred to the Committee on Naval Affairs.

A bill (H. R. 5729) to authorize the reconveyance of certain lands to Abel Ady and wife, in Klamath County, Oreg.; Committee on Irrigation of Arid Lands discharged, and referred to the Committee on the Public Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 18427) to change the name of oleomargarine to butterine, and to change the rate of tax on butterine and renovated butter; to protect the consumers, dealers, and manufacturers of all kinds of butterine and renovated butter against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud

and the collection of the revenue; to the Committee on Agri-

By Mr. CANNON: A bill (H. R. 18428) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., to authorize a change in the permanent system of highway plans, to provide for the condemnation of certain streets, and for other purposes; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 18429) to provide for appointments to the grade of major in the Pay Corps of the Army of the United States; to the Committee on Military Affairs.

By Mr. RODDENBERY: A bill (H. R. 18430) to provide for the refunding of cetter tax; to the Committee on Military Affairs.

the refunding of cotton tax; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 18431) making an appropriation for the deepening and widening of the channel and for snagging and wing-dam construction for the improvement of

the Sacramento River from Sacramento to Red Bluff, Cal.; to the Committee on Rivers and Harbors.

By Mr. GARNER: A bill (H. R. 18432) for the erection of a post-office building at Beeville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. COVINGTON: A bill (H. R. 18433) providing for a survey of Pocomoke River from its mouth to the head of navigation, with view to widening channel and removing bars, in the State of Maryland; to the Committee on Rivers and Harbors.

By Mr. AIKEN of South Carolina: A bill (H. R. 18434) to repeal section 4716 of the Revised Statutes of the United States; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 18435) to equitably adjudicate the land-suit controversy in the eastern judicial district, Oklahoma; to the Committee on Indian Affairs.

By Mr. BEALL of Texas: A bill (H. R. 18436) to provide for the extension of the post-office and courthouse building at

Dallas, Tex., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 18437) to authorize the con-struction of a road in Crater Lake National Park, Oreg., and to appropriate \$100,000 for the commencement thereof; to the

Committee on Appropriations.

By Mr. BOEHNE: A bill (H. R. 18438) for the erection of a post-office building at Mount Vernon, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. COX of Ohio: A bill (H. R. 18439) to provide for the erection of a public building at Oxford, Ohio; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 18440) granting an increase of pension to Milton Trout; to the Committee on Invalid Pen-

Also, a bill (H. R. 18441) granting an increase of pension to

Daniel B. Vose; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: A bill (H. R. 18442) for the relief of estate of the late Edgar S. Dudley; to the Committee on War Claims.

By Mr. ANDRUS: A bill (H. R. 18443) granting an increase of pension to Rachael E. Ward; to the Committee on Invalid

By Mr. ASHBROOK: A bill (H. R. 18444) granting a pension to Joseph I. Dunn; to the Committee on Pensions.

Also, a bill (H. R. 18445) granting a pension to Benjamin Coe; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 18446) for the relief of Sidney Winsor; to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 18447) for the relief of the widow and heirs of Williamson Gahaza Clemmons, deceased; to the Committee on War Claims.

By Mr. BYRNES of South Carolina: A bill (H. R. 18448) for the relief of the legal representatives of W. F. Matthews, de-

ceased; to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 18449) granting an increase of pension to George H. Davis; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 18450) for the relief of James S. Clark; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 18451) granting an increase

of pension to Alfred S. Mason; to the Committee on Pensions. By Mr. CATLIN: A bill (H. R. 18452) granting a pension to Mary McKelvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18453) granting an increase of pension to Benjamin F. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18454) granting an increase of pension to John J. Driscoll; to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 18455) for the relief of William E. Bradshaw; to the Committee on War Claims. Also, a bill (H. R. 18456) granting an increase of pension to

Oscar Ernst; to the Committee on Pensions.

Also, a bill (H. R. 18457) to equalize the pension of Edwin D. Bates from March, 1883, up to the time of the special act granting him \$24 per month; to the Committee on Invalid

By Mr. COX of Indiana: A bill (H. R. 18458) granting a pension to Alfred C. Knable; to the Committee on Pensions.

By Mr. DRAPER: A bill (H. R. 18459) granting a pension to

Patrick J. Hanrahan; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18460) granting an increase of pension to Jay Lewis; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18461) granting an increase of pension to Holly A. Young; to the Committee on Invalid

By Mr. FRENCH: A bill (H. R. 18462) granting an increase of pension to Lissette M. Minden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18463) for the relief of T. S. Williams; to the Committee on Claims.

By Mr. GREGG of Pennsylvania: A bill (H. R. 18464) granting an increase of pension to George W. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18465) granting an increase of pension to

John W. Ramsey; to the Committee on Invalid Pensions. By Mr. GREGG of Texas: A bill (H. R. 18466) granting a pension to Jane Anderson; to the Committee on Pensions.

By Mr. HOLLAND: A bill (H. R. 18467) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Appropriations.

By Mr. KINKEAD of New Jersey: A bill (H. R. 18468) granting an increase of pension to Hugh Lappin; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 18469) to place on the citizenship roll of the Cherokee Nation of Indians the names of Emily C. Howell and her children and the children of Catherine E. Howell; to the Committee on Indian Affairs.

By Mr. LENROOT: A bill (H. R. 18470) for the relief of Hugh P. Strong; to the Committee on the Public Lands.

Also, a bill (H. R. 18471) granting a pension to Hilda Furbom; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 18472) granting an increase of pension to Robert G. Knox; to the Committee on Pen-

By Mr. PATTON of Pennsylvania; A bill (H. R. 18473) granting an increase of pension to John H. Friday; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 18474) granting an increase of pension to John M. Oldham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18475) to correct the military record of Samuel B. Dump; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 18476) granting a pension to Thomas J. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18477) granting a pension to James Brake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18478) granting a pension to Lucy A.

King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18479) granting a pension to Washington Craft; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 18480) granting an increase of pension to Thomas McNally; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18481) granting an increase of pension to Sarah E. Leaycraft; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18482) for the retirement of Henry R. Drake, captain, Philippine Scouts; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 18483) granting a pension to Charles H. Brisbin; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 18484) granting an increase of pension to Benjamin F. Twiggs; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of citizens of Missouri, in favor of the total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of J. B. Corey, of Pittsburgh, Pa., for economy in the administration of the Government; to the Committee on Appropriations.

By Mr. AINEY: Petition of citizens of Pennsylvania, asking for reduction of duty on raw sugar, etc.; to the Committee on

Ways and Means.

Also, petitions of Union Grange, No. 152; Ulster Grange, No. 173; Indian Orchard Grange, No. 1020; Open Hand Grange, No. 153; and Central Grange, No. 194, Patrons of Husbandry, objecting to the removal of the special tax of 10 cents on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. BARTLETT: Memorial of the Georgia State Veterinary Association, relative to veterinary service in the United States Army; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of Atlanta, Ga., for legislation to protect cottonseed products against discriminating duties; to the Committee on Ways and Means.

By Mr. CANNON: Memorial of the Danville (Ill.) Trades and Labor Council, urging the passage of the Esch phosphorus

bill; to the Committee on Ways and Means.

Also, petition of J. W. Ward, of Greenup, Ill., praying for a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Dudenhoher Bottling Co. and sundry citizens of Danville, Ill., for the total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means,

By Mr. COX of Ohio: Paper to accompany bill to provide for the erection of a public building at Oxford, Ohio; to the Com-

mittee on Public Buildings and Grounds.

By Mr. CURRY: Petition of Woman's Christian Temperance Union of Clovis, N. Mex., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of Pioneer Mercantile Co., of Raton, N. Mex.,

against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Papers to accompany House bill 18252, for the relief of James T. Ellis; to the Committee on Military

Also, petition of 17 merchants of Montrose, Mo., against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Resolutions of the Borough Council of Knoxville, Pa., favoring resolution introduced by Representative Wilson for relief of the survivors of the Austin flood; to the Committee on Appropriations.

By Mr. FOCHT: Petition of Grange No. 1001, Patrons of Husbandry, of McConnellstown, Pa., asking that the oleomargarine law be so amended as to contain certain provisions set forth in said petition; to the Committee on Agriculture.

By Mr. FRENCH: Petition of citizens of Idaho, in favor of

old-age pensions; to the Committee on Pensions.

Also, petition of T. T. Brock, of Troy, Idaho, for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Peru Plow & Wheel Co., in favor of the passage of House bill 14489, concerning proposed amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Illinois State Federation of Labor, for an investigation of the causes of nonemployment of labor; to

the Committee on Labor.

Also, petition of Union No. 252, Brotherhood of Painters, Decorators, and Paperhangers of America, of Rockford, Ill., for the removal of the tax on oleomargarine; to the Committee on Ways and Means

By Mr. HAMILTON of Michigan: Petition of citizens of Wayland, Mich., for the passage of an effective interstate liquor

law; to the Committee on the Judiciary.

By Mr. HARTMAN: Memorial of Juniata Grange, No. 889, Patrons of Husbandry, of Juniata, Pa., praying that special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter be permitted to remain, etc.; to the Committee on Agriculture.

By Mr. HAYES: Petition of citizens of Los Angeles, Cal.,

urging the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. HOUSTON: Petition of citizens of Petersburg, Tenn., in favor of the passage of an effective interstate liquor law; to

the Committee on the Judiciary.

By Mr. KALANIANAOLE: Petition of J. H. Conly and other citizens of the island of Kauai, Territory of Hawaii, for the erection of a breakwater and the establishment of a harbor at Nawiliwili, Kauai; to the Committee on Rivers and Harbors.

By Mr. KINDRED: Memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

Also, memorial of the American Automobile Association, favoring the Lincoln memorial road; to the Committee on Ap-

propriations.

Also, memorial of Woman's Republican Club of New York, in favor of Federal children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Memorial of Board of Aldermen of Jersey City, N. J., for removal of navy yard to the waters of New York Bay on the shores of Jersey City; to the Committee on Naval Affairs.

Also, memorial of board of education of Harrison, N. J., for preservation of naval and other flags in possession of the United States at the Naval Academy; to the Committee on Naval

By Mr. LENROOT: Petition of residents of Wisconsin, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means. By Mr. LINDBERGH: Memorial of Sacred Heart Aid

Society, of Freeport, Minn., in favor of the Esch bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of residents and business men of New Boston, Ill., for a reduction of the duty on raw and

refined sugars; to the Committee on Ways and Means. By Mr. MANN: Memorial of the American Forestry Association, for certain legislation favorable to the forestry industry

of the United States; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of citizens of Beebe, S. Dak., against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MORSE of Wisconsin: Resolution of Local Union of the American Society of Equity, of Hamburg, Wis., in favor of the adoption of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the German Catholic Society of Marshfield, Wis., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial from business men of Hurley, Wis., protesting against the passage of any bill with reference to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Wisconsin State Federation of Labor, urging the passage of House bill 11372, known as the seamen's act; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Central Labor Council of Ashland, Wis.,

favorable to the passage of the Esch bill (H. R. 2896), which is a measure designed to prevent the use of poisonous phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, memorial received from citizens of Wood County, Wis., protesting against the passage of House bill 9433, an act for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Papers to accompany bill granting a pension to Lucy A. King; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of citizens of California, favoring the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of California, urging the passage of the Esch phosphorus bill; to the Committee on Ways and

By Mr. SMITH of New York: Petition of citizens of New York State, urging the reduction of the duty on raw and refined

sugars; to the Committee on Ways and Means. Also, petition of prominent physicians of Buffalo, N. Y., in favor of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Abraham Lincoln Camp, No. 91, United Spanish War Veterans, for certain campaign badges authorized by Congress; to the Committee on Military Affairs.

Also, resolution of the Chicago Backer Gesang Verein, of Chicago, Ill., urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of Volunteer Retired List Association, of Washington, D. C., in favor of House bill 9837; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: Memorial of Utica (N. Y.) Ministers' Association, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of citizens of Corning, N. Y.,

in favor of the passage of House bill 14, for the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United

States; to the Committee on Agriculture.

By Mr. WILLIS: Petition of A. N. Johnson and 35 other citizens of Hardin County, Ohio, protesting against the enactment by Congress of any legislation for the extension of the parcelpost service; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Papers to accompany House bill 14652, granting an increase of pension to William Latourette; to the Committee on Invalid Pensions.

SENATE.

Monday, January 22, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of the proceedings of Thursday last was read and approved.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 469).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co., of the District of Columbia, for the year 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes

The Trustees of the Beulah Primitive Baptist Church, of Johnston County, N. C., v. United States (S. Doc. No. 267);
Francis Beckett v. United States (S. Doc. No. 268);

The Washington Loan & Trust Co., administrator of the estate of Edward McK. Hudson, deceased, v. United States (S. Doc. No. 266);

H. W. Dresser, de bonis non cum testamente annexo of the estate of William C. Forbush, deceased, v. United States (S. Doc. No. 269); and

Thomas L. Casey and Edward P. Casey, surviving executors of the estate of Thomas L. Casey, deceased, v. United States (S. Doc. No. 270).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 68) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 14944) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of College Place, State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of College Place, State of Washington, remonstrating against the observance of Sundays in post offices, which was referred to the Com-

mittee on Post Offices and Post Roads.

He also presented a memorial of Cigar Makers' Local Unions Nos. 14, 15, 217, and 227, all of Chicago, in the State of Illinois, remonstrating against the enactment of legislation which will subject to the internal-revenue laws cigars consumed for personal use by employees of cigar factories, which was referred to the Committee on Finance.

He also presented a memorial of the board of trustees of the Fairmount Park Art Association, of Philadelphia, Pa., remonstrating against any substitute for the proposed memorial to Abraham Lincoln, in monumental form, as recommended by the Washington Park Commission, to be placed on a site in the Mall, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Ossian, Iowa, Carrier Mills, Ill., and New Roads, La., remonstrating against the extension of the parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented petitions of sundry citizens of Illinois, California, Colorado, and Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Illinois, New York, Montana, New Jersey, Massachusetts, Pennsylvania, and Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the

He also presented a petition of the Illinois State Veterinary Medical Association, praying for the enactment of legislation to consolidate the veterinary service of the United States Army and to increase its efficiency, which was referred to the Com-

mittee on Military Affairs.

He also presented a resolution adopted by the Illinois Division, Sons of Veterans, and of Camp No. 100, Sons of Veterans, of Dwight, Ill., favoring the passage of the so-called dollar-aday pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Fairmount Park Association, of Philadelphia, Pa., praying that an appropriation be made for the erection of a national memorial to Abraham Lincoln, in monumental form, on the proposed site in the Mall, in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a memorial of the Congress Heights Citizens' Association, of the District of Columbia, remonstrating against the purchase of Fort Davis and Fort du Pont for park purposes, which was referred to the Committee on Appropriations.

He also presented a petition of the Fairmount Park Art Association, of Philadelphia, Pa., praying for the selection of the site for the proposed memorial to Abraham Lincoln as designated by the Washington Park Commission, which was referred to the Committee on Appropriations.

He also presented the petition of Andrew B. Duvall, of Washington, D. C., praying for the enactment of legislation provid-ing for the transfer to the jurisdiction of the Commissioners of the District of Columbia of a strip of land designated as lots 15 and 18, square 2527, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Woman's Progress Club, of Meredith, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Clearing House Association, of New Orleans, La., praying that the appropriation requested by the Secretary of the Treasury be made for the Bureau of Engraving and Printing at New Orleans, La., which was referred to the Committee on Appropriations.

He also presented a petition of Dickerman & Co., of Concord, N. H., praying that a change be made in the date on which corporations are required to make their annual reports, which

was referred to the Committee on Finance.

He also presented petitions of Randall Spaulding, superintendent of the public schools of Montclair, N. J.; of Peter Olesen, superintendent of the Cloquet High School, of Cloquet, Minn.; of H. D. Hoover, president of Carthage College, Illinois; and of the State Public School Officers' Association of Tennessee, praying that an appropriation be made for the extension of the work of the Bureau of Education, which were referred to the Committee on Appropriations.

Mr. BRISTOW presented a petition of sundry citizens of Eminence, Kans., praying for the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Sterling, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. CRAWFORD presented memorials of sundry citizens of Philip and Badger, in the State of South Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented a memorial of Local Union No. 1695, United Brotherhood of Carpenters and Joiners of America, of Providence, R. I., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was ordered to lie on the table.

He also presented a petition of members of the Rhode Island Medical Society, of Providence, R. I., praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Sarsfield Literary Association, of Woonsocket, R. I., and a memorial of the Robert Emmet Literary Association, of Warren, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

Mr. GRONNA presented a memorial of sundry citizens of Bottineau County, N. Dak., and a memorial of sundry citizens of McHenry County, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Carson, N. Dak., and a memorial of sundry citizens of Wildrose, N. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the North Dakota National Guard, of Lisbon, N. Dak., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. OLIVER presented a memorial of Major William G. Lowry Post, No. 548, Department of Pennsylvania, Grand Army of the Republic, of Wilkinsburg, Pa., remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the borough councils of Bradford, Coudersport, Renovo, and Knoxville, all in the State of Pennsylvania, praying that an appropriation be made for the relief of the sufferers from the flood at Austin and Costello, in that State, which were referred to the Committee on Appropriations

He also presented a memorial of members of the Emmet League, of Shenandoah, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France as recommended by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of the Samuel McAllister Literary and Military Association, of Philadelphia, Pa., and a petition of the Christian Endeavor Union of Franklin, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of Local Granges No. 810, of Hanover; No. 889, of Juniata; No. 785, of Smithfield; No. 89, of Union City; No. 182, of Troy; No. 875, of Columbus; No. 1329, of Londonderry; No. 314, of Burgettstown; No. 947, of Edinboro; No. 1018, of Uniondale; No. 110, of Spartansburg; No. 1280, of North Orwell; No. 309, of Granville; No. 19, of Kennett Square; No. 1088, of Westfield; No. 1074, of Wayne County; No. 1294, of Belle Valley; No. 1188, of Meshoppen; No. 1111, of Cambridge Springs; No. 27, of Hughesville; No. 482, of Greene County; No. 237, of Gillett; No. 1367, of Hickory Corners; No. 1399, of Clifford; No. 1315, of Jefferson County; No. 1429, of Sugar Run; No. 1463, of Tarentum; No. 881, of Greentown; No. 1001, of Huntingdon County; No. 96, of Center Hall; and No. 1187, of Rasselas, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Unions of Wilkinsburg, New Wilmington, New Castle, and Fishertown; of the congregation of the First Presbyterian Church of Wilkinsburg; of Pride of Wayne Division, No. 232, Sons of Temperance, of White Mills; of the Adult Bible Class of the First United Presbyterian Church of Braddock; of the Christian Endeavor Union of Franklin; and of the Woman's Home Missionary Society of the Methodist Episcopal Church of Pittsburgh, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. KERN presented a petition of members of the Woman's Progressive Club of Logansport, Ind., and a petition of members of the Monday Club, of La Fayette, Ind., praying for the

ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Post No. 37, Grand Army of the Republic, Department of Indiana, of Elkhart, Ind., and a petition of Local Post No. 423, Grand Army of the Republic, Department of Indiana, of Waveland, Ind., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of Local Post No. 150, Grand Army of the Republic, Department of Indiana, of Angola, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Typographical Union No. 128, of South Bend, Ind., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was ordered to lie on the table.

He also presented petitions of the congregations of the Friends Church of Fountain City; the United Presbyterian Church of Hebron; and of members of the Sunday Schools of the Christian Church and the Methodist Episcopal Church of Fountain City, all in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WATSON presented a petition of members of the Current History Club, of Huntington, W. Va., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Stony Bottom and Clover Lick, in the State of West Virginia, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 457, Iron Molders' Union of North America, of Huntington, W. Va., and a memorial of Local Union No. 77, National Brotherhood of Operative Potters, of Mannington, W. Va., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were ordered to lie on the table.

Mr. MARTINE of New Jersey presented a petition of the congregation of the First Congregational Church of Jersey City, N. J., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the New Jersey State Board of the Ancient Order of Hibernians, of Elizabeth, N. J., and a memorial of Local Division No. 12, Ancient Order of Hibernians, of Hudson County, N. J., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

He also presented a memorial of members of the New York State Society of Certified Public Accountants, remonstrating against the employment by the Government of chartered accountants to the exclusion of certified public accountants, which was referred to the Committee on Naval Affairs.

He also presented a petition of the New Jersey Society, of Newark, N. J., and a petition of the board of education of Harrison, N. J., praying that an appropriation be made for the preservation of captured flags and banners in the possession of the United States Naval Academy, Annapolis, Md., which were referred to the Committee on Naval Affairs.

Mr. HITCHCOCK presented a petition of members of the Woman's Club of Omaha, Nebr., praying for the establishment of a children's bureau in the Department of the Interior, which was ordered to lie on the table.

He also presented a petition of members of the Nebraska National Guard, of Omaha, Nebr., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. JOHNSON of Maine presented a petition of the congregation of the First Congregational Church of Farmington, Me., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France,

which was ordered to lie on the table.

Mr. McLEAN presented petitions of the Association of Congregational Ministers of Fairfield County, of the Young People's Christian Endeavor Society of the Congregational Church of Litchfield, and of the Christian Endeavor Union of Bridgeport, all in the State of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the

He also presented memorials of sundry citizens of New Haven, Bridgeport, and Naugatuck; of the Robert Emmet Club, of Bridgeport; of the Robert Emmet Social Club, of Ridgefield; of the Shoemakers' Union of Bridgeport; of Local Division No. 2, Ancient Order of Hibernians, of Ansonia; of the United Irish American Societies of Bridgeport; and of the Celtic Literary Association, of Ansonia, all in the State of Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, as reported by the Senate Committee on Foreign Relations, unless amended so as to include Germany, which were ordered to lie on the table.

He also presented a petition of the Fairmount Park Art Association, of Philadelphia, Pa., praying that an appropriation be made for the erection of a national memorial to Abraham Lincoln, in monumental form, on the proposed site in the Mall, in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a petition of Local Division No. 29, Order of Railroad Telegraphers, of New Haven, Conn., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of the Literary Club of Cheshire, Conn., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a petition of members of the Basin (Wyo.) Progress Association, praying for the enactment of legislation providing for the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of members of the Thermopolis Club, of Thermopolis, Wyo., praying for the enactment of legislation providing for the opening for settlement of the Crow Indian lands, in the State of Montana, which was referred to the Committee on Indian Affairs.

Mr. BRANDEGEE presented a petition of members of the Cheshire Literary Club, of Cheshire, Conn., praying that an investigation be made into the conditions of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Third Division, Ancient Order of Hibernians, of New Haven; of the Second Division, Ancient Order of Hibernians, of New Haven; of the Celta Library Association, of New Haven; of sundry citizens of the ninth senatorial district of New Haven; of the United Irish-American Societies of Bridgeport; of the Emmet Club, of Bridgeport; of the Shoemakers' Local Union of Bridgeport; of the United Irish Language Society, of Bridgeport; and of sundry citizens of Naugatuck, all in the State of Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, as reported by the Senate Committee on Foreign Relations, unless amended so as to include Germany, which were ordered to lie on the table.

He also presented a memorial of members of the Robert Emmet Social Club, of Ridgefield, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of the Christian Endeavor Union of Bridgeport, the Association of Congregational Ministers of Fairfield County, and of the Young People's Society of Christian Endeavor of the Congregational Church of Litchfield, all in the State of Connecticut. praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Redlands, Corona, Fresno, and Palo Alto, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the directors of the Chamber of Commerce of Long Beach, Cal., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of California and of the Chambers of Commerce of Ventura and San Diego County, Cal., praying that an appropriation be made for the protection of the Sacramento and San Joaquin Valleys in that State, which were referred to the Committee on Commerce.

He also presented a petition of the Real Estate Association of Oakland, Cal., praying that an appropriation be made for the

construction of a bridge between San Francisco and Oakland, in that State, which was referred to the Committee on Commerce.

Mr. BROWN presented a petition of members of the Woman's Club of Omaha, Nebr., praying for the establishment of a children's bureau in the Department of the Interior, which was ordered to lie on the table.

Mr. POMERENE presented a memorial of the Associated Irish Societies, of Cincinnati, Ohio, and a memorial of the United Irish Societies, of Cincinnati, Ohio, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, as reported by the Senate Committee on Foreign Relations, unless amended so as to include Germany, which were ordered to lie on the table.

He also presented a memorial of Lemert Post, No. 71, Department of Ohio, Grand Army of the Republic, of Newark, Ohio, remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of International Molders' Union No. 145, of Columbus, Ohio, remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was ordered to lie on the table.

turing paper currency, which was ordered to lie on the table.

He also presented petitions of the Woman Teachers' Association of Cincinnati; of the congregation of the Ninth Street Baptist Church, of Cincinnati; of the faculty of Kenyon College, Gambier; of the Friends' Society of Xenia; of the First Congregational Church of Mansfield; of the Tuesday Club, of New Paris; of the Arbitration Peace Society, of Cincinnati; and of the Methodist Episcopal Church of Cincinnati, all in the State of Ohio, and of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. ROOT presented memorials of sundry citizens of Antwerp, Avoca, Buffalo, Cohocton, and New York City, all in the State of New York, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Woman's Christian Temperance Union of Little Genessee, of the Ministers' Association of Utica, and of the Woman's Christian Temperance Union of Syracuse, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of members of the Woman's Progress Club, of Meredith, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the New Hampshire State Woman's Christian Temperance Union, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the

Committee on the Judiciary.

Mr. LODGE presented petitions signed by Lemuel H. Merlin, president of Boston University, and of over 500 citizens of the State of Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the

Mr. CLAPP presented a petition of members of the Cosmopolitan Literary Club, of Owatonna, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Buffalo, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of the philanthropic committee of the Wilmington Monthly Meeting of Friends, of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of sundry citizens of Brooklyn, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Commercial Club of Owen, Wis., and a memorial of sundry business firms of Racine, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the General Merchants' Association of South Milwaukee, Wis., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of members of the Woman's Club of Monroe; of the First Unitarian Society of Madison; of the Woman's Literary Club of Evansville; and of sundry members of the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, all in the State of Wisconsin, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of members of Company A, Third Infantry, Wisconsin National Guard, of Neillsville, Wis., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of members of the Wisconsin State Federation of Labor, residents of Milwaukee, Wis., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions

He also presented a petition of J. E. Perkins Post, No. 98, Grand Army of the Republic, Department of Wisconsin, of Augusta, Wis., praying for the passage of the so-called dollar-aday pension bill, which was referred to the Committee on

He also presented a petition of the Common Council of Mani-towoc, Wis., praying that the Government in the future regulate and control the improvement of the Manitowoc River in that State, which was referred to the Committee on Commerce.

He also presented a petition of members of the Commercial Club of Mineral Point, Wis., praying that an appropriation be made for the erection of a public building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. BOURNE. I present some papers and ask that they be referred to the Committee on Pensions for consideration in connection with Senate bill S. 3330, granting a pension to Harry

The VICE PRESIDENT. Without objection, the papers will be so referred.

CARE OF INDIGENT SICK IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER presented the views of Gen. George M. Sternberg, president of the board of directors of the Garfield Memorial Hospital, relative to the care of indigent sick in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 3813) to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes, reported it with amendments and submitted a report (No. 213) thereon.

He also, from the same committee, to which was referred the bill (S. 2160) to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes, submitted an adverse report (No. 214) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 108) to authorize the sale and disposition of the surplus and unallotted lands in the Chevenne River Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported it without amendment and submitted a report (No. 216) thereon.

He also, from the same committee, to which was referred the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, reported it with an amendment and submitted a report (No. 217) thereon.

Mr. CLARKE of Arkansas, from the Committee on Military Affairs, to which was referred the till (S. 2269) to correct the military record of Jeremiah Morgan, submitted an adverse report (No. 218) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 461. A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States (Rept. No. 219); and S. 2848. A bill authorizing the sale of certain lands to the

Dwight Mission School on Sallisaw Creek, Okla. (Rept. No. 220). Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 4179) to amend section 73 of chapter 5 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment and submitted a report (No. 221) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 3241) for the relief of Harry T. Herring, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (S. 69) for the relief of William O. Mallahan, reported it with an amendment and submitted a report (No. 223) thereon.

OREGON AVENUE, CITY OF WASHINGTON (REPT. NO. 222).

Mr. GALLINGER. On the 13th of December last the Senator from Georgia [Mr. Bacon] introduced a resolution (S. Res. 165). which was passed by the Senate and came to the Committee on the District of Columbia instructing that committee "to inquire and report to the Senate what authority of law, if any, exists under which the Commissioners of the District of Columbia have undertaken to change the name of the street in the city of Washington heretofore known as Oregon Avenue and to make in said report such recommendation as may be deemed proper in regard thereto."

The Committee on the District of Columbia have made a careful inquiry into this matter, and I submit the result of that inquiry in the shape of a written report, which I ask to have printed and lie on the table.

The VICE PRESIDENT. The report will be printed and lie

COAL AND ASPHALT LANDS IN OKLAHOMA.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, and I submit a report (No. 215) thereon. It is proposed to amend the House bill by striking out all after the enacting clause and to substitute Senate bill 2831, with certain changes desired by the department. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from Oklahoma asks

unanimous consent for the present consideration of the bill now reported by him. It will be read for the information of the Senate.

The Secretary. The committee amendment proposes to strike out all the text of the House bill after the enacting clause and in lieu to substitute the following:

out all the text of the House bill after the enacting clause and in lieu to substitute the following:

That the value of the coal and asphalt lands of the Choctaw and Chickasaw Nations in the State of Oklahoma, segregated and reserved by order of the Secretary of the Interior dated March 24, 1903, under paragraph 58 of the act of Congress approved July 1, 1902, whether leased or unleased, shall be ascertained and appraised under such rules and regulations as may be prescribed by the Secretary of the Interior and approved by the President. Said appraisal of the segregated coal and asphalt lands shall be made by a board of three appraisers to be appointed by the Secretary of the Interior and whose appointment shall be approved by the President. Said appraisers shall be paid such compensation as the Secretary of the Interior may direct, which shall not exceed \$20 per day and necessary expenses, but not to exceed \$2,000 to each of such commissioners for the completion of the work. Said appraisers shall return to the Secretary of the Interior a report, sworn to by them, setting forth the value of the lands so appraised, and in making said appraisal the surface shall be classified as for farming and grazing purposes in such Government areas as were prescribed by the Government survey for allotment purposes, and in such ascertainment the value of the surface and the value of the mineral rights shall be separately found and returned. Such classification shall also show the quality and value of each such tract, and where a tract has improvements thereon belonging to the Choctaw and Chickasaw Nations, the value of the land and the improvements, not including property used for mining purposes, shall be separately ascertained, and the value of the land shall be fixed by said appraisers at the price a fee-simple title to the same would bring in the market at the time the valuation is made, and the value of any improvements hereon belonging to the Choctaw and Chickasaw Nations, except such improvements as have been placed th

ately sold, as provided herein, and sald appraisements shall become effective when approved by the Secretary of the Interior. The surface shall be supported by the Secretary of the Interior. The surface shall be supported by the Secretary of the Interior. The surface shall be supported by the Secretary of the Interior of said appraisers, in the process of said appraisement, and the approval thereof, the Choctaw and Chickasaw Nations may present for consideration facts, so that the Secretary of the Interior shall designate and reserve from sale such tract or tracts as he may deem proper and necessary to embrace improvements actually used in present mining operations or saphalt despoists available, and thereafter, under rules and regulations to be approved by the President, after three months' public notice, shall sell the surface of said lands by sealed blok at not less than the application of the surface of said lands by sealed blok at not less than the application of the surface of said lands by sealed blok at not less than the application of the surface of said lands are located to as to render the said of said the surface of said lands are located so as to render the said of said the same in such smaller sized fracts as he may determine? Provided further than the said surface of the surface of and tracts as he may determine? Provided further than the said surface of the surface of and surface of the surface of and the surface of the surface of and the surface of surface of and the surface of the rules and regulations of the

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

A bill (S. 4676) granting an increase of pension to Edward H.

A bill (S. 4677) granting an increase of pension to Daniel W. Coan (with accompanying paper); and

A bill (S. 4678) granting an increase of pension to Rachel T. Beck (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4679) to amend section 95 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying papers); to the Committee on the Judiciary

By Mr. GAMBLE:
A bill (S. 4680) for the relief of Patrick Lyons; to the Committee on Indian Affairs.
By Mr. DILLINGHAM:

A bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co.: to authorize a change in the permanent system of highway plans; to provide for the condemnation of certain streets, and for other purposes; to the Committee on the District of Columbia.

By Mr. DU PONT:

A bill (S. 4682) granting a pension to David Moore; A bill (S. 4683) granting an increase of pension to Otho Lock (with accompanying papers); and

A bill (S. 4684) granting a pension to William C. White (with accompanying papers); to the Committee on Pensions. By Mr. STEPHENSON:

A bill (S. 4685) to correct the naval record of Micheal Philbin; to the Committee on Naval Affairs.

A bill (S. 4686) granting an increase of pension to Thomas

A bill (S. 4687) granting an increase of pension to Matthew J. McRaith;

A bill (S. 4688) granting an increase of pension to Joseph Elmore (with accompanying papers);

A bill (S. 4689) granting an increase of pension to George Phinney (with accompanying papers);

A bill (S. 4690) granting an increase of pension to John Scherff (with accompanying papers);

A bill (S. 4691) granting an increase of pension to Thomas M. F. De Laney (with accompanying papers); and A bill (S. 4692) granting an increase of pension to W. A. Owens (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4693) for the relief of R. W. Branson; to the Committee on Claims.

A bill (S. 4694) granting an increase of pension to Wesley C. Harvey; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4695) for the relief of Charles J. Fuller; to the Committee on Claims.

A bill (S. 4696) granting an increase of pension to George A. Lindall (with accompanying papers); to the Committee on

By Mr. LIPPITT:

A bill (S. 4697) granting an increase of pension to Chrisopher H. Alexander;

A bill (S. 4698) granting an increase of pension to Albert

A bill (S. 4699) granting an increase of pension to Mary

Clark; and A bill (S. 4700) granting an increase of pension to Theresia Meyer; to the Committee on Pensions.

By Mr. NELSON:
A bill (S. 4701) granting an increase of pension to Reason R. Henderson (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4702) granting an increase of pension to Joseph B. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON: A bill (S. 4703) granting an increase of pension to Henry

Thomas; and
A bill (S. 4704) granting a pension to Margaret R. Birchfield (with accompanying papers); to the Committee on Pen-

By Mr. TAYLOR:

A bill (S. 4705) directing computation of longevity pay to retired Army officers (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 4706) granting a pension to Adam Diehl; to the

Committee on Pensions.

By Mr. KERN:
A bill (8. 4707) for the relief of William Schindler; and
A bill (8. 4708) for the relief of Madison A. Thomas (with
accompanying papers); to the Committee on Military Affairs.

A bill (S. 4709) granting an increase of pension to James Roberts (with accompanying papers);

A bill (S. 4710) granting a pension to Rose E. Umholtz (with

A bill (S. 4710) granting a pension to Rose E. Chinoitz (With accompanying papers);
A bill (S. 4711) granting a pension to Charles W. Purvis (with accompanying papers); and
A bill (S. 4712) granting a pension to Charles Dilden (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4713) relating to bills of lading in commerce with foreign nations and among the several States; to the Committee on Interstate Commerce.

By Mr. MARTINE of New Jersey:
A bill (S. 4714) for the relief of Martha E. Conklin (with accompanying paper); to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 4715) granting an increase of pension to Sarah A. Haskell (with accompanying papers);

A bill (S. 4716) granting an increase of pension to William

H. Hunt (with accompanying paper);
A bill (S. 4717) granting an increase of pension to James

Dillon (with accompanying papers); A bill (S. 4718) granting a pension to Henry M. Libby; A bill (S. 4719) granting an increase of pension to Philinda

Lewis (with accompanying papers);

A bill (S. 4720) granting an increase of pension to Alexander

A. Richardson (with accompanying paper);
 A bill (S. 4721) granting an increase of pension to Darius S.

Sanborn (with accompanying papers);
A bill (S. 4722) granting an increase of pension to John M.

Mower (with accompanying papers); and
A bill (S. 4723) granting a pension to Eva M. Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 4724) for the relief of heirs or estate of Moses Camak, deceased (with accompanying paper);

A bill (S. 4725) for the relief of heirs or estate of Isaac Stinnett, deceased (with accompanying paper); and

. A bill (S. 4726) for the relief of heirs or estate of John U. Brown, deceased (with accompanying paper); to the Committee on Claims.

By Mr. BURTON:

A bill (S. 4727) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Manufactures.

A bill (8. 4728) to authorize the change of name of the steamer Salt Lake City; to the Committee on Commerce.

A bill (S. 4729) granting an increase of pension to Abraham Smock :

A bill (S. 4730) granting a pension to Izora E. Dwire (with

accompanying paper); and
A bill (S. 4731) granting a pension to Lucy West; to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 4732) to authorize the Secretary of the Treasury to abate, remit, or refund certain internal-revenue taxes and penalties levied against or incurred by hospitals; to the Committee on Finance.

By Mr. CLAPP:

(By request.) A bill (S. 4733) for the relief of the estate of Israel Folsom; and A bill (S. 4734) for the relief of Mary G. Brown and others; to the Committee on Indians Affairs.

A bill (S. 4735) granting an increase of pension to Anthony Barrett (with accompanying papers); to the Committee on

By Mr. CLAPP (for Mr. Kenyon): A bill (S. 4736) granting an increase of pension to David

Curfman; and
A bill (S. 4737) granting an increase of pension to David
Cleaver; to the Committee on Pensions.
By Mr. PAGE:
A bill (S. 4738) granting an increase of pension to Franklin E. Sawyer (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 4739) granting a pension to Joseph K. Lafin; and A bill (S. 4740) granting a pension to Caroline L. Johnson (with accompanying papers); to the Committee on Pensions. By Mr. CHILTON:

A bill (S. 4741) granting an increase of pension to John S. Hall:

A bill (S. 4742) granting a pension to Samuel O. Johnson; A bill (S. 4743) granting an increase of pension to George A. Porterfield; and

A bill (S. 4744) granting a pension to John A. Harden; to the Committee on Pensions.

By Mr. BOURNE: A bill (S. 4745) to consolidate certain forest lands in the Paulina (Oreg.) National Forest; to the Committee on Public Lands.

By Mr. STEPHENSON: A bill (S. 4746) granting a pension to Ora Belle Sherman (with accompanying papers); to the Committee on Pensions. By Mr. NELSON:

A joint resolution (S. J. Res. 69) authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States; to the Committee on Commerce.

By Mr. GORE:

A joint resolution (S. J. Res. 70) providing for a joint committee of the two Houses of Congress to investigate the presidential campaign funds of 1904 and other presidential campaign funds, and for other purposes; to the Committee on Privileges and Elections.

LANDS IN PETTIS COUNTY, MO.

On motion of Mr. STONE, it was

On motion of Mr. Stone, it was Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill (S. 6059) to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns, there having been no adverse report thereon.

ALTA E. WILEY.

Mr. CULLOM. I ask unanimous consent for the present consideration of Senate resolution 185.

There being no objection, the Senate proceeded to consider Senate resolution 185, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment in line 2, after the word "pay," to insert "out of the contingent fund of the Senate," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Alta E. Wiley, widow of Lemon H. Wiley, late fireman in the Maltby Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

ANNA MATILDA JORGENSEN.

Mr. GALLINGER. Mr. President, immediately preceding on the calendar the resolution which has just been passed is one of similar nature, being Senate resolution No. 186, for the present consideration of which I ask unanimous consent.

There being no objection, the Senate proceeded to consider Senate resolution 186, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment in line 2, after the word "pay," to insert "out of the contingent fund of the Senate," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Anna Matilda Jorgensen, widow of Joachim Christian Jorgensen, late a skilled laborer in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

COMMITTEE ON NAVAL AFFAIRS.

Mr. GALLINGER. I move that the membership of the Committee on Naval Affairs be increased to the number of fifteen. The motion was agreed to.

COMMITTEE SERVICE.

Mr. Lea, on his own motion and by unanimous consent, was excused from further service on the Committee on Agriculture

and Forestry

Mr. MARTIN of Virginia. Mr. President, there has been some unavoidable delay in providing committee assignments for the Senator from Georgia [Mr. SMITH] and for the Senator from Maine [Mr. GARDNER]. I am able this morning to offer a resolution providing committee appointments for these two Senators, which I send to the desk and ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent,

and agreed to, as follows:

and agreed to, as follows:

Resolved, That the following assignments of Senators to the standing committees of the Senate be made, namely:

Mr. Hoke Smith, of Georgia, on the Committee on Agriculture and Forestry, Committee on Coast Defenses, Committee on Coast and Insular Survey, Committee on University of the United States.

Mr. Obadiah Gardner, of Maine, on the Committee on Agriculture and Forestry, Committee on Conservation of National Resources, Committee on Cuban Relations, Committee on Pacific Railroads, Committee on Public Health and National Quarantine, Committee on University of the United States.

Mr. Luke Lea, of Tennessee, on the Committee on Naval Affairs.

Mr. MARTIN of Virginia. Mr. President, the Senator from Nevada [Mr. Newlands] has been for some time anxious to be relieved as chairman of a minority committee, and it has been arranged that an exchange be made between him and the Senator from Missouri [Mr. STONE]. I send to the desk a resolution carrying out the wishes of these two Senators, for which I ask present consideration.

The resolution was read, considered by unanimous consent,

and agreed to, as follows:

and agreed to, as follows:

Resolved, That unanimous consent is hereby given to the request of the following-named Senators to be respectively relieved from further service as a member and chairman of the following-named committees:

Mr. Newlands as chairman and member of the Committee on Corporations Organized in the District of Columbia.

Mr. STONE as chairman and member of the Committee on Revolutionary Claims.

Resolved further, That such vacancies in the committees of the Senate bc, and the same are hereby, filled by the appointment of the following-named Senators to the respective vacancies as follows:

Mr. STONE as a member of the Committee on Corporations Organized in the District of Columbia, and to be chairman thereof.

Mr. Newlands as a member of the Committee on Revolutionary Claims, and to be chairman thereof.

HEARINGS BEFORE THE COMMITTEE ON PENSIONS.

Mr. McCUMBER submitted the following resolution (S. Res. 192), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the Committee on Pensions, or any subcommittee thereof, be authorized to send for persons and papers, and to administer oath, and to employ from time to time a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

JUDICIAL DECISIONS AND PUBLIC FEELING (S. DOC. NO. 271).

Mr. SUTHERLAND. I present an address by Hon. ELIHU Roor, as president of the New York State Bar Association, delivered at the annual meeting in New York City, January 19, 1912, on the subject of "Judicial decisions and public feeling." I move that the address be printed as a Senate document.

The motion was agreed to.

Mr. SUTHERLAND submitted the following resolution (S. Res. 193), which was referred to the Committee on Printing:

Resolved, That 25,000 copies of Senate Document No. 271, Sixty-second Congress, second session, being an address by Hon. ELIHU ROOT, as president of the New York Bar Association, at the annual meeting in New York City, January 19, 1912, entitled "Judicial decisions and public feeling," be printed for the use of the Senate.

SERVICE OF CERTAIN LINE OFFICERS OF THE ARMY.

Mr. DU PONT. I ask unanimous consent that Senate reso lution No. 171 directing the Secretary of War to furnish the Senate certain information, passed on the 9th instant, be recalled from the War Department.

The VICE PRESIDENT. Without objection, that will be

Mr. DU PONT. From the Committee on Military Affairs, I offer the resolution I send to the desk, and ask unanimous consent for its present consideration.

The resolution (S. Res. 191) was read, considered by unani-

mous consent, and agreed to, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a statement showing the names, rank, and organizations of all officers of the line of the Army who, during the six years ending July 31, 1911, had not served two years in the organizations in which they were respectively commissioned, or who, during the 12 years ending on same date, had not served four years in said organizations, and who, on November 30, 1911, were still absent from said organizations; also showing in the case of each officer so absent

the nature and duration of all of his detached service as a commissioned officer, the total amount of such detached service, the total time during which he was present for duty with the organization or organizations in which commissioned, and the total length of his commissioned service, all to be computed to the first day of January, 1912.

DESERT-LAND ENTRIES IN WELD AND LARIMER COUNTIES, COLO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (H. R. 14664) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo.

The VICE PRESIDENT. Is there objection to the request

of the Senator from Colorado?

Mr. OVERMAN. Mr. President, the Senator from Florida [Mr. Beyan] has given notice that he would speak at this hour. I shall not object to this bill, but I shall object to any other bills being considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On January 13, 1912:

S. 2653. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

On January 18, 1912: S. J. Res. 11. Joint resolution authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

On January 22, 1912: S. 2509. An act to amend section 1004 of the Revised Statutes of the United States;

S. 3484 An act to authorize the construction of a bridge across t Snake River, between Walla Walla and Franklin Countie in the State of Washington, by the Oregon-Washington across f Railre 4 & Navigation Co.; and S. 4 .6. An act to amend an act entitled "An act to authorize

the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884.

PROPOSED PENSION LEGISLATION.

Mr. BRYAN. Mr. President, during the course of my remarks I shall decline to yield. After I, shall have concluded, I shall be glad to answer any question which may be propounded to me that I can answer.

Mr. President, I find myself unable to support any of the pension bills now pending before the Committee on Pensions, of

which I am a member.

House bill No. 1 proposes to grant to each of the survivors of the War with Mexico who served 60 days an annual service pension of \$360, and to each of the survivors of the Civil War who served 90 days an annual service pension of \$180; 6 months, but less than 9 months, \$240; 9 months, but less than 1 year, \$300; 1 year or more, \$360.

A survivor of the Civil War, who was wounded and is unfit for manual labor, due to any cause other than his own vicious habits, or who is now unable to perform manual labor, due to any cause in line of duty, is to receive an annual pension of \$360, although he may not have served as much as 90 days.

Members of State organizations that are now pensionable under existing law, as well as those in the military or naval service of the United States in the Civil War, are made eligible to participate in the benefits of this act. The Commissioner of Pensions estimates that the passage of this bill would cause an average annual increase in the pension roll of \$58,700,000 for the next three years.

The rallying cry of proponents of increased pensions for the survivors of each of the wars in which this country has been engaged has ever been: "Let us prove to the world that republics are not ungrateful." Has this Republic indeed been ungrateful to the survivors of the Civil War in the matter of pension legislation? Let us lay aside for the moment the culogies that have been represented when the suldiers and consider in brief outline. been pronounced upon the soldiers and consider in brief outline the legislation that has been enacted. It would not be possible within the limits of reasonable discussion to recite the substance even of this legislation. Casual reference, in order to get a starting point, might be permitted to the wars in which this country was engaged prior to the Civil War. At the time of the Civil War we had apparently passed the stage where any new idea could be introduced into pension legislation. The Court of Claims has defined a pension to be a periodical allowance of money, partly in the nature of payment for services rendered, for which the compensation before made was inadequate to

the benefits conferred by the soldier and received by the public, and partly in the nature of a gratuity, because not founded on a legal right of the soldier to demand it until the Govern-ment has acknowledged its moral obligation.

The various kinds of pensions granted by the Government from time to time have been disability pensions, on account of injuries received during war; invalid pensions, granted to those in need of assistance for support who are unable to trace injuries to the war, but who are unable because of sickness to earn a support; service pensions, both to those who may be dependent upon them for support and to those who are independent; age pensions; dependent pensions, paid for the benefit of relatives of those who lost their lives on account of the war, and also to those whose claim is based simply upon service or age or the fact that the soldier had been upon the pension roll.

In the War of the Revolution, pensions were early provided on account of known wounds received in battle. It was not until 1818 that Congress granted pensions to those in need of assistance for support. Immediately after the passage of the act of 1818 the pension roll was so greatly increased that popular indignation was aroused. In order to correct abuses, Congress in 1820 passed a bill requiring the pensioner to submit a sworn schedule of his income and to take oath that he had not disposed of any part of his property in order to bring himself within the provisions of the law. This act resulted in thousands of pensioners being stricken from the rolls. The Congress of that day was brave enough to meet fraud and imposition upon the generosity of the Republic, but only remained so until 1823, when it provided that those who had been stricken from the pension roll because of the act of 1820 should be restored thereto. Then began an agitation for service pensions, regardless of the condition in life of the survivors of the It was opposed with conspicuous ability for a time, but finally triumphed by the passage of the service-pension act of 1832. Official records immediately following will furnish to the inquiring mind conclusive evidence of further fraud and imposition. Congress was urged again, as it had been in 1820, to purge the pension roll of the unworthy, but bearing in mind possibly the short-lived act of 1820 and possibly preferring to be generous rather than overcritical, failed to meet the demand to make the pension roll, indeed, a roll of honor. It is not a pleasant task to point out that among the heroes of the Revolution were to be found those who would take advantage of the bounty of the Government, but when we overcome the glamour of reverence and appeal to the stubborn facts of history, we are bound to come to the conclusion that scandals did exist, which may be explained if for the moment we can bring ourselves to a calm consideration of the fact that after all human nature is pretty much the same. Instead of purging the pension rolls Congress, in 1836, developed the further principle in pension legislation of providing for the widows of Revolutionary soldiers who married prior to the treaty of peace; later, the time of marriage was extended to 1794; then to 1800; and, finally, in 1855, pensions were granted to all Revolutionary widows, regardless of date of marriage.

It was not until 1871 that service pensions were granted to the survivors of the War of 1812. At first, service of 60 days was required; widows who had been married before the treaty of peace were given pensionable status, but in 1878 the limit was removed as to date of marriage, and the length of service was shortened to 14 days. Widows not born until after the war were pensioned; record evidence was waived and claims were allowed to be established upon evidence satisfactory to the Commissioner of Pensions. In the War with Mexico a dis-ability pension was passed in 1887, and in 1893 the monthly allowance was increased. Provision had also been made, prior to the Civil War, for the survivors of the various Indian wars. In addition to pensions granted to survivors and their widows bounty-land laws were passed from time to time, and the Commissioner of Pensions, in his report for 1911, reports that 598,685 bounty-land warrants had been issued, covering 68,791,550 acres of public lands.

The legislation above referred to was applicable to the volun-er. By acts passed in 1802, 1816, and 1836, provision was made for the Regular Army and Navy, differing somewhat in principle and scope from the pension legislation applicable to the volunteer; in that, provision was made for half pay to the

officers and men of the Regular Army.

This, in brief, was the pension system in force at the time the Civil War began. We now come to a consideration of the

pension legislation incident thereto.

As early as 1861 the Volunteer Army was placed on the same basis of pay for disability as applied to the Regular Establishment. A year later \$8 was fixed for noncommissioned officers and privates and \$30 for officers of the rank of lieutenant col-

onel and above. To widows during widowhood, or, if none, to children under 16, then to mothers, then to dependent sisters under 16 pensions were granted. In 1864 an elaborate specific disability pension bill was passed, providing a table of rates for certain-named injuries ranging from incapacity to perform manual labor to the loss of hands, arms, feet, legs, hearing, and eyesight, the rates of which have been increased from year to year. General provision was made for those who had not suffered such serious loss but who for any reason were so disabled as to render them incapable of performing manual labor, and it was left to the Commissioner of Pensions to determine this general class. On page 122 of a compilation prepared by the Commissioner of Pensions in 1905 will be found the rates fixed by him for disabilities not specified by this act of 1864. The allowance fixed for inability to perform manual labor, due to the military or naval service, was \$15 per month. This amount was increased in 1883 to \$30 per month, and it has been the law since 1883 that anyone so disabled in the service as to be incapacitated to perform manual labor shall receive a pension of \$30 per month. In 1866 brothers and fathers were added to the pensionable class. In 1868 arrears of pensions were allowed to pensioners on account of death, disease, or diswere anowed to pensioners on account of death, disease, or discharge, but in this act was included a provision that the application must have been filed within five years after the date of death or disability. It would seem that five years ought to be sufficient time within which any person might ascertain whether he had been wounded or disabled, and if within such time a person had not complained of wound or injury the presumption ought to be conclusive that he had not been wounded or disabled during the war.

From 1874 to 1878 the amounts paid out for pensions began to decrease year by year. In 1878 an effort was made to allow arrears in pensions, and claim agents and pension attorneys became active. The Commissioner of Pensions, in his report for 1878, called attention to this agitation and pointed out the great inducements to fraud and imposition. Notwithstanding this the arrears act of 1879 was passed by Congress. It provided that all pensions granted, or to be granted, in consequence of death, wounds, injury, or disease received or contracted during the Civil War, should commence from the date of the death or discharge from service of the person on whose account the or discharge from service of the person on whose account the ciaim had been or should be granted, or from the termination of the right of the party having prior title to such pension. The bill as it passed the House fixed no time limit for filing applications. The Senate proposed an amendment to the effect that the application must have been filed by July 1, 1880. This amendment was finally agreed to, although it was vigorously opposed in the House on the ground that it would be despicable on the part of the Government to limit the time of application for pension. The Government was sought to be plead in the The Government was sought to be placed in the for pension. unpopular attitude of a debtor in a lawsuit on the common counts, pleading the statute of limitations in order to avoid the payment of his just debts. In the circumstances usually attendant upon the enthusiasm aroused by pension oratory provisions of the act of 1868 were forgotten. The almost irresistible impulse to take inventory of all the ills and aches that flesh is heir to and attribute them to imaginary disabilities due . to a war that had passed into history 15 years before was ignored. At last war neurasthenia was recognized. The commissioner, in his report of 1879, pointed out the easy method of obtaining pensions and the temptation to commit fraud. An amendment was offered to have the United States represented and not allow the proceedings to continue ex parte. amendment was rejected. The Government was not to be represented; no reflection was to be cast upon the imagination of an applicant or the diagnosis of his friendly physician. It was considered undignified to question the right of any pensioner to receive in a lump sum compensation for disabilities which he might suppose originated 14 or 18 years before. It would have been remarkable if weak human nature had not yielded to this temptation. That it did yield is shown by the remarkable increase in the pension roll. I ask leave to insert table of first payments for the years 1878, 1879, 1880, 1881, 1882,

ши	1000.	
Zagr	ending June 30:	First payments.
Lear	1878	\$2, 992, 352, 17
	1879	5, 763, 758, 60
	1880	12, 468, 191, 20
	1881	23, 628, 176, 61
	1882	26, 421, 669, 19
	1009	29, 906, 753, 94

These first payments increased from less than \$3,000,000 in \$30,000,000 in 1883. Of course it requires time for the Pension Bureau to pass upon these claims. In 1879 the applications were more than double those of any previous year except 1866, when the Army was disbanded, and almost double the rate of that year. The Commissioner of Pensions complained that his office force was unable to keep up with the correspondence. Congress has been appealed to since the passage of this act to repeal the limitation with reference to the time of application, but it has so far resisted the appeal except as to widows. In 1888 the act, in so far as they were concerned, was repealed, and they have thus been enabled ever since that time, by complying with the terms of that act, to receive in a lump sum a pension for the full period of widowhood. Commissioner Evans, in his report of 1899, cites an instance of a widow who had remarried collecting in one sum the accrued pension which was allowed to her on account of the death of her soldier husband. By the beneficence of this provision in the act of 1888 she was enabled to collect nearly \$4,000 for the use and benefit of her second husband.

In 1890 the so-called invalid-pension act was passed, granting to anyone who had served 90 days or more, and who then or may thereafter suffer from a mental or physical disability, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to prevent him from earning a support, pensions ranging from \$6 to \$12 per month, according to the degree of disability. The disability need not be due to the service; it may have been caused by any act not due to the vicious habits of the applicant. This pension act constitutes both a health and accident policy, issued by the Government. Reference to the table of disbursements, which will be hereafter incorporated, shows an immense increase in the pension roll, on account of this act of 1890. Let it be borne in mind that provision had already been made for disabilities due to the service, and let it also be borne in mind that by act of 1883 the rate allowed for disability due to the service was \$30 per month; in other words, the rates under the general law are higher than the rates under the act of 1890; and yet we are forced to meet, face to face, the fact that immediately 110,000 more persons were pensioned under this act than under all the others combined; and that, beginning with 1890, we were placing on the pension roll a class that could not show, even by ex parte proceedings, disability due to service. By this act widows were pensioned at the rate of \$8 per month who were without other means of support than their daily labor. In 1900, however, they were given a pensionable status, if they were dependent upon their labor for support, and had only a net income of \$250; and in 1908 they were pensioned irrespective of whether they were dependent upon their labor for support, and irrespective of whether they had an income. In 1892 the Army nurses were pensioned at \$12 per month. In the pension appropriation bill of 1906 a provision was made that the age of 62 should be considered a permanent, specific disability within the meaning of the pension laws. By the act of 1907 pensions were granted to any person who served 90 days or more in the Civil War, or 60 days in the War with Mexico, upon the sole ground of age. Those who have reached the age of 62 are entitled to a pension of \$12 per month; 70, \$15 per month; 75 or over, \$20 per month.

It has been a curious incident of our pension legislation that whenever the pension roll shows a decrease, legislation has been enacted the result of which has been to increase the annual amount; as the numbers have decreased, the allowances to those yet surviving have been so increased as constantly to require an increased expenditure.

If, temporarily, this matter has been overlooked for any reason, early opportunity has always been embraced to more than make up for the oversight. I ask leave to print, without reading, table of disbursements from 1866 to 1911.

Disbursements for pensions and for maintenance of pension system, 1866 to 1911.

Fiscal year.	Paid as pensions.	Cost, mainte- nance, and ex- penses.	Total.	Number of pen- sioners.
1866	\$15,450,549.88	\$407,165,00	\$15,857,714.88	126,722
1867	20,781,789,60	490,977.35	21,275,767,04	155,474
1868		553,020.84	23,654,529,70	169,643
1869		564,526,81	29,077,774.08	187,963
1870	29,851,488,78	600,997.86	29,952,486.64	198,686
1871	28,518,792.62	863,079.00	29,381,871.62	207,493
1872	29,752,746.81	951,253.00	30,703,999.81	232,220
1873	26,982,063,89	1,003,200.64	27,985,264.53	238,411
1874		966,794.13	31,173,573.12	236,241
1875		982,695.35	30,253,100.11	234,82
1876	27,936,259.53	1,015,078,81	28,951,288.34	232,137
1877	28,182,821.72	1,034,459.33	29,217,281.05	232, 10
1878	26,786,009,44	1,032,500.09	27,818,509.53	223,998
1879	33,664,428.92	837,734.14	34,502,163.06	242,75
1880	56,689,229.08	935,027.28	57,624,256.36	250,80
1881	50,583,405.85	1,072,059.64	51,655,464.99	268,830
1882		1,466,236.01	55,779,408.06	285,697
1883		2,591,648,29	63,019,222.10	303,658
1884		2,885,181.00	60,747,568.47	322,756
1885	65,171,937.12	3,892,576.34	68,564,513.46	345,12

Disbursements for pensions and for maintenance of pension system, 1866 to 1911—Continued.

Fiscal year.	Paid as pensions.	Cost, mainte- nance, and ex- penses.	Total.	Number of pen- sioners.
1886	\$64,091,142,90	\$3,245,016.61	\$67,336,159.51	365,783
	73,752,997,08	3,758,400.91	77,506,397.99	406,007
1888	78,950,501.67	8,515,057.27	82,465,558.94	452,557
1889	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1890	106,093,850.39	3,526,882.13	109,620,232,52	587,944
1891	117,312,690,50	4,700,636,44	122,013,326,94	676,160
1892	139,394,147.11	4,898,665.80	144,292,812.91	876,068
1894	156,906,637,94	4,867,734,42	161,774,372.86	966,012
	139,986,726,17	3,963,976.31	143,950,702.48	969,544
1896	139,812,294.30	4,338,020.21	144,150,314.51	970,524
	138,220,704.46	3,991,875.61	142,212,080.07	970,678
1897 1898 1899	139,949,717.36 144,651,879.80	3,987,783.07 4,114,091.46	143,937,500.42 148,765,971.26	976,014 993,714
1900	138,355,052,95	4,147.517.78	142,502,570.68	991,519
	138,462,130.65	3,841,706.74	142,303,887.39	993,529
1902	138,531,483,84	3,868,795.44	142,400,279.28	997,785
	187,504,267,99	3,531,378.96	141,335,646.95	999,446
1904	187,759,653,71	3,993,216.79	141,752,870.50	996,545
1905	141,003,571.49	3,849,866.25	144,942,937.74	994,762
1906	141,142,861.33	3,721,832.82	144,864,694.15	998,441
	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909 1910 1911	161,973,703.77 159,974,056.08	2,852,583.73 2,657,673.86	164,826,287.50 162,631,729.94	946,194 921,083
Total	157,325,160.35 4,133,936,285.93	2,517,127.06	159,842,287.41 4,254,816,147.67	892,098

Generally speaking, subject only to minor exceptions, no pension law repeals the provisions of any other pension law.

Actual hostilities in the Civil War began with the firing on Fort Sumter, April 12, 1861, and ceased by the surrender of the Confederate forces under Gen. Kirby Smith, May 26, 1865. Anyone who served 90 days prior to August 20, 1866, is eligible to receive a pension. It is estimated that the individuals engaged in the Civil War aggregated 2,213,363, of which 126,587 were Regulars. It is not necessary in order to receive a pension that the applicant should have taken part in the actual war. From time to time pensions have been granted to volunteers of State militia and members of home guards.

In war the penalty of desertion is death. In the Civil War there were 125,000 deserters from the Union Army. In time of peace we have by general legislation removed the charge of desertion in favor of those who served to May 1, 1865, and from the records of those who deserted earlier than that and within a reasonable time voluntarily returned to the service. Under this law a soldier could have deserted just before hostilities ceased, and then, after all danger was over, could have reenlisted, and unless such reenlistment was for the purpose of securing a bounty such deserter is placed upon the pension roll. This was generous enough to the deserter in all conscience. But Congress has not stopped there. In addition to these general laws, passed for the purpose of removing the charge of desertion, many special acts to "amend" and "correct" military records have been passed from time to time, granting the privilege of the pension roll to the deserter who could not comply with these liberal provisions of the general law. A more appropriate title for such a bill would be "A bill to straighten a crocked record."

And so it has come to pass that the record which the de-

And so it has come to pass that the record which the deserter in reality made crooked on his country's battle fields in time of war his country makes straight in theory in the halls of legislation in time of peace. He thereby become a legally constituted hero, and, incidentally, is enabled to read his title clear to the sacred roll of honor in the Pension Bureau.

Ever thereafter the great heart of a grateful republic will be permitted by legislation to swell with pardonable pride in hallowed memory of his unequaled imaginary record.

At almost any time he visits his country's capital, with entire legal modesty, he can appropriate to himself some such passing remark by his Senator or Congressman as this:

Permit not bim who, in the pride and vigor of youth wasted his health and shed his blood in freedom's cause, with desponding heart and palsied limbs to totter from door to door, bowing his yet untamed soul to meet the frozen bosom of reluctant charity.

Or he can stay at home and read it in the Congressional Record. Ten national homes, accommodating about 25,000 survivors, are now maintained at the expense of the Government, and in 30 State soldiers' homes there are about 20,000 survivors maintained at the expense of the Government. In the treatment of this question it should also be remembered that while there were no bounty land warrants issued by the United States, they were issued by several of the loyal States, and laws exempting their property from taxation are usually to be found in the statutes of these States. Also, I deem it worthy of men-

tion that to many of those who enlisted in the Union Army of the Civil War cash bounties were paid by cities, States, and by the United States. As another evidence of consideration for the survivor of the Civil War it is not out of place to call attention to the act of August 15, 1876, which provides in substance that wherever, in the judgment of the head of any department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class, the number of clerks of the higher class shall be diminished and the number of clerks of the lower class shall be increased. Then comes this provision, that in making any reduction of force in any of the executive departments the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors. The following provision is found in the appropriation act of March 15, 1898:

Pension Office * * *. That in making a reduction of force from the number before provided for, the head of the bureau and department shall in preference retain those persons who have been honorably discharged from the military or naval forces of the United States and the widows and orphans of deceased soldiers and saliors, unless there be other just cause for not retaining the same than said reduction.

Those who were not disabled would not be benefited by a disability pension; those of independent means would not be benefited by a dependent or an invalid pension; but we do our duty by providing pensions for the disabled and the dependent, and then include the uninjured and the independent, and thus com-

promise by providing pensions for all.

It is the most liberal pension legislation ever enacted in the history of the world. It is as universal in its indiscriminate benefits as the sunshine upon the evil and the good, or as the rain which falls alike upon the just and the unjust. It has abolished all distinctions between the dependent poor and the independent rich; between invalidism and health; between the wounded and the uninjured; between the warworn Regular of 100 battles and the bought and paid for substitute who served in some State militia and never saw a battle field; between the disabled Volunteer, who quickly answered the President's proc-lamation and bore the heat and burden of the battle, and the mercenary bounty jumper, who was never in any battle if he could help it, and whose services were merely nominal; be-tween the "battle-scarred" veteran and the "battle-scared" deserter, his widow, child, brother, or father; between the de-pendent old widow, who lost her soldier husband in the clash of battle, and some holiday home guardsman's independent

or battle, and some nonday nome guardsman's independent young widow, born after the war was over.

Some of this legislation is just, some of it is more generous than just, some of it is of doubtful propriety, and some of it is absolutely wrong and indefensible from any standpoint of justice, gratitude, or charity, either in law, equity, morals, or seed experience.

good conscience.

What has it all cost? I quote from the report of the Commissioner of Pensions, June 30, 1911:

missioner of Pensions, June 30, 1911:

PENSIONS OF THE SEVERAL WARS AND OF THE PEACE ESTABLISHMENT.

The amounts that have been paid for pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives on account of military and naval service in the several wars and in the regular service since the foundation of the Government to June 30, 1911, are as follows:

War of the Revolution (estimate) \$70,000,000,000
War of 1812 (service pension) 45,853,024, 19
Indian wars (service pension) 11,192,205.52
War with Mexico (service pension) 45,279,686.83
Civil War 3,985,719,836.93
War with Spain and insurrection in Philippine Islands 34,142,976.37 War with Spain and insurrection in Philippine Islands Regular establishment Unclassified

_ 4, 230, 381, 730, 16 Total disbursements for pensions____.

During this year we paid out for pensions on account of the Civil War, exclusive of the expense of administration, \$148,231,665.51. In other words, the total amount of pensions paid out on account of the Revolutionary War is less than one-half; the pension cost of the War of 1812 and the pension cost of the War with Mexico is each less than one-third; and the total cost, so far, of all the wars prior to the Civil War is only slightly greater than the pension roll on account of the Civil War for the single year of 1911; and if either of the bills now proposed shall be enacted, the cost of pensions in the next few succeeding years, on account of the Civil War, will be greater each year than the total amounts paid out for pensions

greater each year than the total amounts paid out for pensions on account of all the old wars combined.

War with Spain commenced April 21, 1898; actual hostilities ceased August 13, 1898. While the total number of individuals enlisted was 312,000, yet the army which invaded Cuba under Gen. Shafter consisted of less than 30,000 officers and men. There were 23 officers and 257 men killed; 113 officers and 1,464 men wounded; deaths from all causes, from May 1 to

September 30, were 107 officers and 2,803 men, making an aggregate of 2,910 out of the total number enlisted. In the Navy there were 2 men killed and 2 wounded. Yet on June 30, 1911, there were 28,490 on the pension roll and 8,386 applications pending on account of the War with Spain. We boast that we are not required to support a standing army, but depend upon the patriotism of the citizen soldier, and all the standing advantage over the nations of Europe; but with all the standing army maintained by Great Britain, the German Empire, France, Japan, Austria, and Hungary, the amount paid by the United States in 1910 exceeds the amount paid for army and navy pensions of all these countries combined. In a speech delivered in the House of Representatives, Mr. Fitzgerald shows that for periods of years extending from 14 to 30 years pension payments for the United States have exceeded that of any of the countries named, except Japan. He might also have included Japan and added that for the years named it exceeded pensions paid by all those countries combined. But, it is said, the United States do not fashion their policies after those of foreign countries, and should not be governed by practices prevailing there; it is said that we are a Republic and can afford to be generous.

May I be pardoned, Mr. President, if I call to the attention of the Senate the amount paid during the last fiscal year to the survivors of those who fought on the other side? The 11 Southern States which formed the Confederacy introduced into the Civil War their youth, manhood, and old age. After that war was over the survivors on the Confederate side began life over again under much less favorable circumstances than did the

survivors of the Union Army.

After the war came reconstruction, as after death comes the judgment,

It would not be fair, of course, to compare the amounts paid by way of pensions to the survivors on the side of the Confedby way of pensions to the survivors of the side of the confederacy with the amounts paid for the same purpose to the survivors of the Union Army during the period up through which the South struggled with uncomplaining, splendid patience from poverty to wealth, but now that the Southern States are rich again and are amply able to provide liberally for the survivors of the war who need aid and for the widows of those who were killed, or died as a result of wounds, a comparison at this time, it seems to me, would not be out of place. It is true that in the South those who do not need help are not given it. With this difference, compare the pension roll of the Union Army with the pension roll of the Confederate Army for the year 1911, and you have the figures for the survivors of the war on the Union side, \$148,231,665.51; for the survivors on the Confederate side, \$5,780,833.58. If we might carry the comparison a step further, it would be interesting to contrast the amount of pensions paid to the survivors of the Confederate Army with the amount paid to the survivors of the Union Army now residing in these 11 States, and I submit a table for that purpose, which I ask leave to insert without reading:

	Confederate pensions.	Federal pensions.
Alabama	\$875,000.00	\$596,445.74
Arkansas	531,139.50	1,642,605,59
Florida	650,000,00	815,836.77
Georgia	944,694,08	543,352.41
Louisiana	175,000.00	1.024,613.60
Mississippi	400,000,00	724,961.82
North Carolina	450,000.00	654,072.49
South Carolina	264,000,00	302,562.44
Tennessee	520,000,00	3,190,810.87
Texas	521,000.00	1,504,851.68
Virginia	450,000.00	1,489,553.80
Total	5,780,833.58	12,489,667.21

In the above table are included pensions paid on account of the War with Mexico and the various Indian wars to residents of these States, under the heading Federal pensions. Of course, for the purposes of fair comparison, pensions other than Civil War pensions should not be included. I regret that I have been unable to ascertain from the Commissioner of Pensions in formation upon which a proper deduction could be based. If, however, all pensioners of these other wars were residents of these 11 States, which, of course, they are not, there would have to be deducted-

On account of War with Mexico \$1, 322, 918. 11 On account of Indian wars 575, 086. 52 Making a total of 1, 898, 004. 63

If this overestimated amount be subtracted, we would have in these States the following result:

Federal pensions on account of the Civil War_____ \$10,591,662.58 Confederate pensions on account of the Civil War____ 5,780,833.58

A difference in 1911 of_____ 4, 810, 829.00

1167

So, therefore, it is safe to say that the amount paid out last year by the Federal Government, on account of Civil War pensions, to residents in the 11 States which constituted the Confederacy, is at least double the amount paid out by these States on account of State pensions to ex-Confederate soldiers.

Mr. President, there is the kindliest feeling in every community of each section for the survivors of this war, and they would not be permitted to suffer for the necessities of life if there were no pensions. It is idle to say that all the meri-torious survivors of either army need financial assistance for support. They were strong in war, and they have not been weaklings in peace. They have kept pace with the citizens of our country generally in the various business pursuits of life and

have shared in the prosperity and development of the country.

That this is true in the South is shown by the pension roll based on need, small in comparison with the pension roll of the

survivors of the Union Army.

That this is true among the survivors of the Union Army is shown by the report of the Pension Committee of the House on this particular bill. It is there estimated rather indefinitely that from 20 to 30 per cent of the pensioners enjoy an annual net income of more than \$1,000.

This would mean an annual reduction of from \$20,000,000 to \$30,000,000. Is either of these sums such a bagatelle as not to be considered worth saving to the taxpayers of the country?

As compared with the pension rolls of other armies which this country has sent to war, as compared with the pension rolls of foreign countries, as compared with the pension rolls of those who opposed the Union Army, can any man, in fairness and in justice, make the charge that this Republic has, indeed, been ungrateful to the survivors of the Civil War?

Notwithstanding these indisputable facts, under any of the proposed bills, there is to be no single, solitary reduction, no repeal, no revision, no correction of any of the existing evils in this jumbled mass of legislation; this is cumulative, supplementary, additional legislation. The pensioner, as has ever been his privilege from the beginning, may select the particular act that will yield him the greatest amount of revenue out of the Public Treasury.

Mr. President, I do not indulge the hope that I can so state my position as that it will not be misrepresented, but I do entertain the belief that I can state it with such clearness as

that it need not be misunderstood.

First, I am in thorough accord with the policy of granting pensions based upon meritorious service and need. I think it would be a Government hardly worth saving that would not provide, out of the abundance of its wealth, for the necessities of those who, in waging war in its behalf, have been injured in body or in health, and who are on that account dependent upon their labor for support. In every great war there are those who believe in the righteousness of their country's cause or who believe in their country, right or wrong; their patriotism needs not to be stimulated by hatred, fear, reward or the hope thereof; they enlist at the first opportunity and stay until the end; they fight while the war lasts, and when it is over they return to their homes to share in the yet greater victories of peace. For soldiers such as these and for the dependent families of such as lose their lives in or on account of war I would make the amplest provision. I would prefer to overestimate rather than underestimate the amount that would be sufficient.

Second. On principle, meritorious service and need should

coexist as a prerequisite to a pension.

It follows, of course, that I am opposed to granting pensions for even meritorious service to those of independent means. know it is said that to strike this class of pensioners from the pension roll is to penalize thrift. I do not share that view.

I prefer to believe that the citizen owes a duty to the Government no less than the duty the Government owes to the citizen. Our Government, which, in time of peace, protects the citizen in his inalienable rights of "life, liberty, and the pursuit of happiness," "deriving its just powers from the consent of the governed," has the right when war comes to command the services of the citizen, who is bound by the very fact of citizen-ship to obey that command. Why, the very reasons for the founding of this Republic were-

to form a more perfect union, establish justice, insure domestic tran-quillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

It seems to me to be true that the people of this country have always shown their appreciation for meritorious service in private and in public life, in peace and in war. The survivors of the Civil War on both sides have been the especial favorites of the people of both sections of our country. I am not complaining of it; I am proud that it is so. I refer to it because I think it indicates that there is a higher honor to be conferred than it would be if taxes were levied

can be measured by money, and a better way to show appreciation than by taking from the Public Treasury the wealth that has been placed there. Everybody knows it to be true that in town, in county, and in State the meritorious survivors of the Civil War have been greatly honored in public life; they have been our legislators, our State cabinet officers, our Congressmen, our Senators, our governors, and in our national life you have but to call the roll of the Presidents.

The Revolutionary War furnished Washington and Monroe for two terms each; the War of 1812 gave us Andrew Jackson; the Indian war furnished Gen. Harrison, of "Tippecanoe" fame; Polk, Taylor, and Pierce came from the Mexican War to the head of the Parable of the to the head of the Republic; the Civil War gave us Grant, Hayes, Garfield, Harrison, and McKinley; and finally, out of the War with Spain Roosevelt emerged a veteran thereof to rule over us.

I realize that it would not be practicable to take away a gratuity of the Government from some of the classes now receiving it, and therefore I would be willing to continue on the pension roll all those dependent upon their pensions for a support who rendered service and those of extreme old age who

are unable to support themselves.

But there is no justification on principle, in my judgment, for the policy of granting pensions to those who need them but who rendered no actual service, even though they enlisted and were willing to render such service, nor to those who became invalids after the war but who can not trace their loss of health to the service. Their intentions were good, but they suffered no injury because of their patriotism. I may be wrong about it, but I am unable to see in what respect their claims differ from those of other equally worthy but unfortunate citizens. What better right has a dependent daughter of such a soldier to be supported by taxation than the daughter of any other worthy destitute citizen of the Republic?

Mr. GALLINGER. I know the Senator asked not to be

interrupted, but the Senator is making a mistake when he says that we vote pensions to daughters of soldiers. We do not do

that.

Mr. BRYAN. According to law, is it not. Mr. GALLINGER. The children of soldiers are not pensionable by law unless they are under 16 years of age.

Mr. BRYAN. I understand that; but if the Senator from New Hampshire will visit any day the committee room of the Committee on Pensions he will see plenty of them 50 years old. Yet how often do we allow our feeling of sympathy for dis-

tress to becloud our sense of public duty. Cases just as meritorious of people equally worthy arise everywhere every day. Every city, every county, and every State has to make provi-

sion for the destitute.

Mr. GALLINGER. I am very sure, Mr. President, that no such bill has passed the Senate for a great many years, except for a dependent child.

Mr. BRYAN. I reported such a bill out of the Committee on

Pensions a week ago.

Mr. GALLINGER. For a daughter?

Mr. BRYAN. Yes, sir; and she was 50 years old.

Mr. GALLINGER. Well, that must have been a child that was incapacitated from birth-

Mr. BRYAN. Oh, certainly; they have to be dependent.

Mr. GALLINGER. An imbecile, or something of that kind. Mr. BRYAN. No.

These are some of the reasons, Mr. President, which make it impossible for me to support any bill of the character proposed increasing expenditures for pensions.

Mr. McCUMBER. Mr. President-

Does the Senator from Florida The VICE PRESIDENT.

yield to the Senator from North Dakota?

Mr. McCUMBER. Will the Senator yield to me to ask a question for information—something about the southern pensions?

Mr. BRYAN. I yield to the Senator. Mr. McCUMBER. I ask for information only. I understand that the State of Florida grants pensions to the ex-Confederate soldiers of that State. I have been informed that the amount paid is nearly \$800,000 per annum.

Mr. BRYAN. Six hundred and fifty thousand dollars in 1910, while the payments to Federal soldiers in that State were

\$815,836.

Mr. McCUMBER. But the point I wanted to get at is this: Will not that amount paid by the State of Florida to the Confederate veterans make as high a percentage of the property of the State, against which it must be levied, as the amount that is paid to all Union soldiers of the Civil War bears to the

upon all of the property in the United States to provide for the payment of pensions to Federal soldiers?

Mr. BRYAN. I am not sure.

Mr. McCUMBER. I ask for information only.

Mr. BRYAN. I am not sure about that. I am not discussing this question solely from the standpoint of cost. I am trying to discuss it from principle. I believe that the expense to the people of my State for the support of Federal pensioners is greater than the amount they pay by direct taxes on account of the Confederate soldiers. However, as I have said, I am not sure about that.

There are many here who do not agree to the soundness of the position that pensions should be based upon meritorious service and need, but it seems to me that there ought not to be two opinions as to the necessity for revision upon some equitable basis. The policy of these laws will lead inevitably to civil pensions for Government employees. That may be right, but, without committing myself until I have had the opportunity to give further thought and study to the question, my present opinion is that those who do not make their living out of the Government have as much right to claim a pension as Government employees have, who in preference seek Government employment. If the present policy is allowed to continue and more liberal pensions are to be granted, no man can tell what additional burden will be placed upon the public revenues. We have but to glance at the \$34,000,000 spent on account of the War with Spain in the 13 years that have elapsed to see the tendency of the present policy of pension legislation. We ought certainly to find some ground upon which we can all stand.

It ought not to be necessary to consider as best we can the flood of private pension bills. I ask leave to insert a table, taken from the report of the Commissioner of Pensions for 1911, showing the number of pensions granted from 1861 to 1911, so we may understand to what extent the practice of introducing private pension bills has grown.

The VICE PRESIDENT. Without objection, permission is

granted.

The table referred to is as follows:

Number of pensions granted by special acts each Congress since March

	Number.
Thirty-seventh (1861-1863)	12
Thirty-eighth (1863-1865)	27
Thirty-ninth (1865-1867)	138
Fortieth (1867-1869)	275
Forty-first (1869-1871)	85
Forty-second (1871-1873)	167
Forty-third (1873-1875)	182
Forty-fourth (1875-1877)	98
Forty-fifth (1877-1879)	230
Forty-sixth (1879-1881)	96
Forty-seventh (1881-1883)	216
Forty-eighth (1883-1885)	
Forty-ninth (1885-1887)	856
Fiftleth (1887-1889)	1. 015
Fifty-first (1889–1891)	1, 388
Fifty-second (1891-1893)	217
Fifty-third (1893–1895)	119
Fifty-fourth (1895–1897)	378
Fifty-fifth (1897-1899)	694
Fifty-sixth (1899–1901)	1, 391
Fifty-seventh (1901–1903)	
Fifty-Seveliti (1901-1909)	2, 171 3, 355
Fifty-eighth (1903–1905)	
Fifty-ninth (1905–1907)	6, 030
Sixtieth (1907–1909)	6, 600
Sixty-first (1909–1911)	9, 649
Total	35, 987

Mr. BRYAN. During the extraordinary session of the Sixtysecond Congress out of the 3,296 bills introduced 2,494 were private pension bills.

Other private bills, calling for appropriations, constitute by far the greater part of the remaining 25 per cent.

It seems to me there ought to be a provision for the publica-

tion of the pension roll. If fraud exists, it is unfair to the tax-payer that it should not be exposed; if it does not exist, it is unfair to the pensioner that such a charge should be permitted to go unchallenged.

It is perhaps natural that those who reap benefits from this legislation should be active in its support. They are here in person or by their official representatives. The great body of the people, whom we also represent, are not active in opposi-They are not present. We have been chosen to be present in their stead.

Of course, "it is more blessed to give than to receive," provided the cheerful giver gives away his own property and with-out compulsion from the recipient. We have no right to be generous with other people's money. Yet, Mr. President, we have had it suggested to us in this debate that this enormous increase of millions of dollars to be collected out of the neces-

sities of the people, should have been voted before the holidays by way of a Christmas gift to the pensioners.

The people of the country seem to be confused over the two methods of direct State taxation and indirect Federal taxation. And so it is that he is considered the best member of the State legislature who leaves the most money in the State treasury, while too often he is considered the most successful Congressman who takes the most money out of the Federal Treasury. The one is rewarded for his economy, the other for his extravagance.

One thing is certain, when we reach the limit of expenditure for pensions by just so much as we pay out to the undeserving and to those of independent means by just that much do we have to decrease the amounts that can be paid to the meritorious and the needy. Have we not about reached that limit? The pension roll is now nearly one-half the amount collected through the tariff. If the Sherwood bill passes, it will be nearly two-thirds that amount.

Both parties are pledged to a reduction of the tariff. Money

has to be collected in so that it can be paid out.

We can not reduce the high cost of living and at the same time increase pension expenditures. Extravagant expenditure means extravagant taxation.

It seems to me, therefore, that this is a poor bill for the

meritorious and the needy pensioner to advocate.

If I be wrong in the contention that the time has come when the pension legislation should be revised, at least, I am sure the time has not come when the pension roll should be further increased.

Mr. President, the Psalmist acknowledged a bit of haste in his attack upon the general reputation of men for even truth and veracity

Neither history nor tradition, nor both combined, have been able to drag from his hiding place the unknown cynic who first gave voice to the cruel charge that "every man has his price." Men everywhere, of governments good, bad, and indifferent,

have lived firm in the hitherto unshaken faith of the centuries that patriotism, like virtue, is its own reward. Now, however, men are not ashamed to undertake to fix a price upon patriotism.

I do not believe this strange new doctrine that patriotism can only be calculated by the sordid commercialism of an overgrown pension roll.

This is no time to prefer personal or political advantage over a manifest public duty.

Let us meet appeal with appeal.

Let us meet the appeal for increased expenditure with the appeal for reduced taxation.

Let us meet the appeal for an increase of pensions with the

appeal for a reduction in the high cost of living.

Let us meet the ungenerous appeal that the Republic should not be ungrateful to its pensioners with the generous appeal to the pensioners not to be ungrateful to the Republic.

GENERAL ARBITRATION TREATIES.

Mr. WILLIAMS. Mr. President, there has been very much argument of late as to whether or not repudiated or scaled State debts could be properly submitted to arbitration as growing up out of "claims of right" against the Federal Government.

In that connection I desire to ask unanimous consent to insert in the Record certain matters. On February 8, 1853, the United States Government entered into a convention with Great Britain whereby they submitted to a "mixed commission" Britain whereby they submitted to a "mixed commission" claims of British subjects against the United States Government and claims of American citizens against the British Gov-ernment. Before that commission appeared certain claimants who held certain State bonds of the States of Florida and Texas.

The matter which I desire to have printed in the Congres-SIONAL RECORD are the arguments pro and con by the attorneys for the claimants and for the Government; the statement or brief, if you may so call it, of the British commissioner; the statement of the American commissioner; and the decision of the "umpire" which constituted the decision of that mixed commission. The result was that it was held that in a convention submitting claims against the United States Government claims against State governments on account of outstanding unpaid bonds could not be considered, even though there were special reasons urged in these two particular cases to take them out of the general rule.

Even the British commissioner did not hold that a repudiated State debt, a debt made by a State, could in anywise become a claim against the Federal Government or be considered as arbitrable by a mixed commission for this purpose of considering claims of right

But it was contended by the British commissioner in the case of Texas that as Texas had made this debt as an independent Republic, and as the United States Government had entered into an agreement with Texas prior to her admission into the Union to the effect that she was to keep her State lands and was to pay all her own debts, and that as by a subsequent transaction the United States Government had agreed to pay the State of Texas some \$10,000,000 for the surrender of the claim of Texas to some territory, and as \$5,000,000 of that amount had been retained in the Federal Treasury, there was a connection closer than in the ordinary case between the Federal Government as a Government and the claims of these creditors than does or could exist in the case of a sovereign State contracting its own debt without any contractual or quasi contractual relation or ownership relation of the Federal Government toward the transaction.

In the Florida case it was contended by the British commissioner that it was taken out of the rule somewhat by the fact that Florida had made the debt as a Territory, and that as Territories were subject to the "disposition" and government of the Congress of the United States, the Federal Government had in that way become responsible for the acts of the Territory, and that as the Federal Government appointed the governor, who had a veto upon the act, and as he had signed the act creating the debt, the Federal Government was indirectly and by overlordship a party to the transaction; in that case it was a lot of bonds floated for the purpose of helping some banking institution.

Notwithstanding this rather strong presentation of the special circumstances characterizing these two cases, the umpire decided that the claims could not be submitted under that convention and that the United States Government could in no way be held liable, it not being a difference to which the United States Government was a party.

The question from the standpoint of international and constitutional law is fully argued pro and con in what I desire to print for general use in the RECORD.

With that explanation, Mr. President, I ask unanimous consent to have inserted in the RECORD a part of Volume IV of "Moore's History and Digest of International Arbitrations," which has been published as a House miscellaneous document, but is rather rare now, beginning where I have put a capital A, on page 3591 of the fourth volume of that work, and going down to where I have placed a capital B, on page 3612, near the top of the page. This contains all of the case. I want all of it published, though some of it is irrelevant. I have thought that better than to have any question about what is and what is not irrelevant.

Mr. President-Mr. BACON.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. BACON. May I ask the Senator from Mississippi to read enough of that agreement to show what were the matters submitted to arbitration.

Mr. WILLIAMS. I am going to submit it all.

Mr. BACON. I know, but I wish it now, in order that I may call attention to the difference between the two cases—that is, the difference between the terms of the agreement to arbitrate in 1853 and the terms of proposed arbitration treaties now pending before the Senate.
Mr. WILLIAMS. I can do that, too.

Mr. BACON. What were the matters bitration under the convention of 1853? What were the matters to be submitted to ar-

Mr. WILLIAMS. I think I can do that. The first matter in the Texas case is the presentation by counsel for the claimants, then the contention of the British commissioner, then the contention of the American commissioner, then the decision of the umpire. Later on the Florida case is presented in precisely the same way. I read the beginning of the chapter:

"On the 24th of October, 1838, a contract was entered into between James Holford, of London, and Messrs. Williams and Burnley, commissioners of Texas, who were authorized to negotiate a loan under the provisions of an act of the Congress of Texas of May 16, 1838.'

That is the beginning of the Texas indebtedness and claim.

Now, in the Florida case-

Mr. BACON. The Senator from Mississippi misunderstands I am asking what was the matter specified in the agreement between the two Nations to be arbitrated. general?

Mr. WILLIAMS. It was general.

Mr. BACON. I want to hear that language.
Mr. WILLIAMS. On the 8th of February, 1853, the United States and Great Britain entered into a "convention," whereby

they agreed "to submit to a mixed commission" claims of British subjects against the United States Government and claims of American citizens against the British Government.

Mr. BACON. That is exactly what I want to know.

Mr. WILLIAMS. Yes?

Mr. BACON. Mr. President, I am not going to argue the question now, because we will probably go into it a little more fully hereafter. But I simply wanted to call attention, in connection with the remarks of the learned Senator, to the fact that that was an arbitration limited specifically to questions of claims of British subjects against the United States Government and of claims of United States citizens against the British Government. But in the proposed treaties now pending before the Senate there is, or will be if they are agreed to, a very much wider submission. It is not limited to claims of citizens of the United States against the Government of Great Britain, or to claims of citizens of Great Britain against the Government of the United States, but, under the proposed treaties now pending, it is a question of the submission of "all differences" of every kind arising between the high contracting parties. Under the convention of 1853 it was a sufficient answer to any demand that it was not a claim against the Government of the United States or against the Government of Great Britain, because the convention of 1853 did not authorize any other question to be arbitrated.

Mr. WILLIAMS. Mr. President, of course I, too, do not wish to enter into a general discussion, but the proposed treaties of arbitration with Great Britain and France submit, first, only "international" questions; second, only "justiciable" questions—that is, questions which are capable of being decided by principles of law or equity, or, to put it so that anybody can understand it, questions which, if they had arisen between individuals instead of between independent greatments. viduals instead of between independent governments, would have been decided in courts of justice. That is all.

They furthermore limit the scope of arbitration by saying that they shall be "claims of right." This particular question is whether or not a repudiated State bond or a scaled State bond or a not-paid-off State bond—in the Texas case the bonds were finally paid and, I think, in the Florida case, too, but however that may be—can in any sense be "a claim of right" against the Federal Government. The French and the British treaties both use that very phrase—"a claim of right," "accruing from a claim of right." But I do not want to discuss the general question now. I will take care of that later.

I merely want now to have inserted in the RECORD the documents I have referred to, so that everybody may read them, constituting what I regard as an international precedent very largely persuasive of conclusion in the consideration of the question which will soon confront the Senate.

Mr. President, I submit the request for unanimous consent to

insert in the RECORD what I have indicated.

Mr. BACON. Mr. President, I wish to add just a word. My only object in interrupting the Senator at this time was to call attention to the fact that in the treaty of 1853 the arbitration was limited exclusively to the question of a demand against the Government in either case—against the Federal Government of the United States or the Government of Great Britain—and that that necessarily turned upon the question that however just the claim might be against Texas or Florida, it was not within the scope of the arbitration provided for, whereas, in this instance, under the proposed arbitration treaties now pending, "all differences" which are deemed justicable are arbitrable, and, therefore, all questions of differences between the contract of the contract o ference between this Government and the other Government, whether relating to State matters or Federal matters, are within the control of the arbitration, and if we do not agree that any claim made by the other Government is arbitrable, that question is to be decided by the outside commission and not by the Senate.

But I think that will be discussed very fully hereafter; I have no disposition to go into it now, and simply wanted attention called to it in connection with the remarks of the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, of course I think that neither one of these proposed treaties does include all questions. But the treaty speaks for itself. Moreover, the Federal Government can not submit a "State question" to arbitration, because the Federal Government can not amend the Constitution of the United States. They alone can do that, not it. But, going back to 1853, the language used was, "for the adjustment of claims." So that that question is answered.

The VICE PRESIDENT. Is there objection to the request

of the Senator from Mississippi [Mr. WILLIAMS]. The Chair

hears none, and the order is entered.

The matter referred to is as follows: CHAPTER LXIV. BOND CASES.

On the 24th of October, 1838, a contract was entered into be-tween James Holford, of London, and Messrs. Texas bond cases. Williams and Burnley, commissioners of

Texas, who were authorized to negotiate a loan under a provision of an act of the Congress of Texas, of May 16, 1838. By this contract Holford was to purchase for the Republic of Texas a steamer, then lying at Philadelphia, and provision and deliver her at Galveston, in Texas. This Holford did, and the contract was afterwards approved by an act of the Congress of Texas, of January 10, 1839, and bonds were issued to Holford, dated July 1, 1839, for the payment of which the faith and revenues of the Republic were solemnly pledged by acts of its Congress of November 18, 1836, and May 15, 1838. Provision was also made by an act of January 22, 1839, that a certain portion of the sales of the public lands should be annually reserved as a permanent and sinking fund for the payment of this debt until the whole should be paid.

It was alleged that payment had not been made of either principal or interest on these bonds.

In 1845 Texas was admitted into the Union as one of the

United States.

By the Constitution of the United States the General Government has power "to regulate commerce," and "to lay and collect taxes, duties, imposts, and excises"; and the several States are forbidden to "enter into any treaty, alliance, or confederation," or, "without the consent of the Congress," to "lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.

According to the terms agreed upon between the United States and the Republic of Texas, whereby the latter became one of the United States of America, the vacant and unappropriated lands within its limits were to be retained by the State and "applied to the payment of the debts and liabilities of the Republic of Texas; and the residue of the lands, after discharging the debts and liabilities, were to be disposed of as the State might direct, but in no event were said debts and liabilities to become a charge upon the Government of the United

Subsequently, in modifying the boundary of Texas, the United States, in 1850, on condition of the cession by Texas of certain large tracts of land to the United States, agreed to pay Texas \$10,000,000, but stipulated that "five millions of the same should remain unpaid until the creditors of the State holding bonds and other certificates of stock of Texas, for which duties on imports were specially pledged, should first file at the Treasury of the United States releases of all claims against the United States for or on account of such bonds or certificates, in the form prescribed by the Secretary of the Treasury and approved by the President of the United States."

Up to 1854, when a claim against the United States for the payment of Holford's bonds was presented to the mixed commission organized under the convention between the United States and Great Britain of February 8, 1853, difficulties between the United States and Texas as to the manner of appropriating the sum in question had prevented its payment to Texas, and new measures in regard to it were then pending before Congress, the British Government had never treated any of the claims of the holders of Texas bonds as a subject

of interposition with the United States.

Thomas, the agent of the United States, protested against the commission's entertaining Holford's claim on the follow-

ing grounds:

"Because it is no proper sense a claim on the Government of the United States, embraced or contemplated by the convention of February 8, 1853, for the settlement of outstanding

"Because the second of the resolutions for the admission of the Republic of Texas into the Union as a State, among other things, declares that 'in no event are the debts and liabilities of Texas to become a charge upon the Government of the United States.'

"Because the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in the resolutions above referred to,

and thereupon she was admitted into the Union as a State.
"Because it is not true, as is asserted in the statement of the claim presented to the commissioners, that Texas is incorporated into and subjected to the dominion of the United States Government so as to destroy her responsibility for debts con-tracted while an independent Republic or her ability to meet

them; but, on the contrary, she is, for the purpose of fulfilling these obligations, as clearly responsible for their payment by the law of nations, by her separate and distinct organization, and by her solemn agreement with the United States as she ever was, and is fully able to discharge them; and this commission is not authorized to interfere to shift any such obligation from Texas upon the United States.

"Because this commission has nothing to do with any law or act of the United States addressed to the government or people of Texas, designed or tending to induce that State to perform her obligations entered into while an independent Republic; and hence to take jurisdiction of this claim would be a palpable and unwarrantable violation of the spirit and intention of the convention establishing this commission, to which the United States would have a perfect right to take exception, as much as if this commission were to pass laws for the Government of the United States or do any other thing wholly without

the limits of its authority."

The case was argued at length in reply to the protest of Mr. Thomas, as well as on the merits, by Mr. Hannen, British agent, and Mr. Cairns. On the application of one of the claimants it was reargued before the commissioners and the umpire by Messrs. Reverdy Johnson and Hannen for the claim, and Mr. Thomas against it. The arguments of counsel and the opinions of the commissioners, who differed as to the liability of the United States for the payment of the bonds, covered a wide range. In the printed report of the proceedings of the commission the umpire's opinion is not given, but it is stated that he dismissed the claim on the ground "that cases of this description were not included among the unsettled claims that had received the cognizance of the Governments or were designed to be embraced within the provisions of the convention. and were therefore not within the jurisdiction of the commis-Whatever may have been the meaning intended to be conveyed by this vague statement as to what the umpire held the language is misleading. The umpire's awards on the Texas bond claims are on file and are textually as follows:

"LONDON, 29th November, 1854.

"The umpire appointed agreeably to the provisions of the convention entered into between Great Britain and the United States on the 8th of February, 1853, for the adjustment of claims by a mixed commission, having been duly notified by the commissioners under the said convention that they had been unable to agree upon the decision to be given with reference to the claims of the heirs of James Holford against the United States in relation to Texan bonds, and having carefully examined and considered the papers and evidence produced on the hearing of the said claim, and having conferred with the said commissioners thereon, hereby reports that this commission can not entertain the claim, it being for transactions with the independent Republic of Texas prior to its admission as a State of the United States.

"JOSHUA BATES, Umpire." "LONDON, 29th November, 1854.

"The umpire appointed agreeably to the provisions of the convention entered into between Great Britain and the United States on the 8th of February, 1853, for the adjustment of claims by a mixed commission, having been duly notified by the commissioners under the said convention that they had been unable to agree upon the decision to be given with reference to the claim of Messrs. Dawson, of Baltimore, in the United States relating to Texan bonds-against the Government, and having carefully examined and considered the papers and evidence produced on the hearing of the said claim, and having conferred with the said commissioners thereon, hereby reports that in his opinion Messrs. Dawson have no right to claim before this commission, being, according to the law of nations, citizens of the United States and not British subjects, and were they British subjects, the claim being for transactions with the independent Republic of Texas before it became a State of the United States, the claim can not be entertained by this commission. "JOSHUA BATES, Umpire."

Commission under the convention between the United States and Great Britain of February 8, 1853. (S. Ex. Doc. 103, 34th Cong., 1st sess., 382-426.)

In 1835 the Territorial government of Florida incorporated the Union Bank, with a capital of \$1,000,000, with power to increase its capital to \$3,000,000. To aid in raising the capital Florida bond cases. stock the Territory issued bonds acknowledging its indebtedness to the bank, which bonds were signed officially by the governor and the treasurer of the Territory, and were intrusted to the bank with authority to dispose of them for its benefit. The stockholders of the bank were to consist entirely of citizens of Florida. They were required to mortgage personal property and real estate to an amount equal in value to the stock subscribed for by them, and this property was to be held by the bank and applied to the payment of the principal and interest of the bonds of the Territory as they fell due.

A charter with provisions of a similar character was granted about the same time to the Southern Life Insurance & Trust Co. This company issued bonds or "certificates," as they were called, which were guaranteed by the Territory, and the property of the stockholders which was held by the company was pledged for their payment.

Through misfortunes and mismanagement these institutions failed, for the most part, to pay either the principal of the bonds and certificates issued to them by the Territory or the interest upon them, and up to the time when the present question arose payment had not been made either by the Territory or the State of Florida. Some of the bonds and certificates were negotiated in Europe, and, in default of their payment by Florida, a claim was made before the commission under the convention between the United States and Great Britain of February 8, 1853, for their payment by the United States.

The following articles in the constitution of Florida of 1838 were adverted to in the arguments of counsel and the opinions

of the commissioners and umpire:

"We, the people of the Territory of Florida, by our delegates in convention assembled at the city of St. Joseph on Monday, the 3d day of December, A. D. 1838, and of the Independof the United States the sixty-third year, having and claiming the right of admission into the Union as one of the United States of America consistent with the principle of the Federal Constitution and by virtue of the treaty of amity, settlement, and limits between the United States and the King of Spain ceding the Provinces of East and West Florida to the United States, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness, do mutually agree, each with the other, to form ourselves into a free and independent State by the name of the State of Florida.

"ARTICLE 1.

"DECLARATION OF RIGHTS.

"Clause 19. That no law impairing the obligation of contracts shall ever be passed.

"ARTICLE 8.

"TAXATION AND REVENUE.

"Clause 2. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of government.

"ARTICLE 11.

"PUBLIC DOMINION AND INTERNAL IMPROVEMENT.

"Clause 2. A liberal system of internal improvements being essential to the development of the resources of the country shall be encouraged by the government of this State, and it shall be the duty of the general assembly, as soon as practicable, to ascertain by law proper objects of improvement in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements.

"ARTICLE 17.

"SCHEDULE AND ORDINANCE.

"Section 1. That all laws or parts of laws now in force, or which may hereafter be passed by the governor and Legislative Council of the Territory of Florida, not repugnant to the provisions of this constitution, shall continue in force until by operation of their provisions or limitations the same shall cease to be in force, or until the general assembly of this State shall alter or repeal the same, and all writs, actions, prosecutions, judgments, and contracts shall be and continue unimpaired; and all process which has heretofore issued, or which may be issued prior to the last day of the first session of the general assembly of this State, shall be as valid as if issued in the name of the State; and nothing in this constitution shall impair the obligation of contracts or violate vested rights either of individnals or of associations claiming to exercise corporate privileges in this State."

Mr. Rolt, Queen's counsel, and Mr. Cairns argued the case for the claimants, assisted by Mr. Hannen, the special agent and counsel for Her Majesty's Government.

The following points were taken by Mr. Rolt:

"1. The principles of equity, reason, and public morals required the United States to pay this debt of Florida contracted while Florida was a Territory.

"2. The terms of the treaty of cession of Florida by Spain to the United States in 1819, Articles II and VI, conduced to the same result.
"3. The debt, from its origin, was a debt of the United

States as well as of the Territory.

"4. In any event, the United States confirmed and assumed

this debt when Florida was admitted into the Union.'

Mr. Thomas, the agent of the United States, said that the claim for the payment of the interest and ultimately of the principal of the bonds was now for the first time presented against the Government of the United States. Florida was ceded to the United States by Spain on February 22, 1819, and it was agreed that the inhabitants should be incorporated into the Union as soon as consistent with the Federal Constitution and admitted to the enjoyment of all the rights, privileges, and immunities of citizens of the United States. By section 3, Article IV, of the Federal Constitution Congress is empowered "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.'

In 1822 Congress by law established a Territorial government for Florida. In this, as in all previous Territorial governments, the legislature had no power over the primary disposal of the soil, or any power to tax the lands of the United States, nor to interfere with claims to lands within the Territory. Nevertheless, the government created for the Territory was not an agency of the United States, but a government by which the people could execute their purposes. Its officials were officers of the Territory and not of the United States. It had executive, legislative, and judicial departments, possessing the powers usually exercised by the government of a State. Process ran in the name of the Territory. It had complete civil and criminal jurisdiction and possessed the power to lay and collect taxes. In the exercise of these ample powers it chartered the

bank and the trust company in question.

The failure of the government of Florida to pay the bonds and certificates did not, said Mr. Thomas, impose on the Government of the United States any obligation, nor had that Government any authority to pay them. Its powers were limited by the Federal Constitution. It had power to borrow money on the credit of the United States to pay the debts of the United States, but none to borrow money on the credit of a Territory or to pay the latter's debts. It was true that in the act authorizing the Territorial government Congress reserved the power to disapprove the acts of the legislature; but this was not a new principle, and it did not render the United States liable for all the acts of the legislature and what was done under them. In the bill to charter the Union Bank there was a clause requiring the express sanction of Congress before the act should take effect. The governor objected to this clause as derogating from the powers of the legislature, and it was stricken out. This fact was before the world when the bonds were sold, and if anything were wanting to show that it was understood that the credit of the United States was in no way involved it was the circumstance that the bonds were sold and purchased at 10 per cent below par, while the obligations of the United States were selling above it. The bonds on their face pledged the credit of the Territory of Florida and not of the United States. The implication of liability in the case of the British Government in respect of colonial bonds was much stronger than in the case of the United States in respect of Territorial bonds; and yet no one supposed that the British Government was bound for colonial bonds, unless it had expressly assumed liability for them, as in the case of the "guaranteed loan" of Canada. In support of his position, Mr. Thomas cited Williams v. Bank of Michigan (7 Wendell, 539); opinion of J. C. Spencer (5 Wendell, 481); State v. New Orleans Navigation Co. (11 Martin (La.), 300).

Mr. Cairns, for the bondholders, assisted by Hannen, agent and counsel for Great Britain, in reply, supported the claim on

the following grounds:

"1. On the general ground of the subordinate power and position of a Territory under the General Government. The United States, it was pointed out, held the supreme power over Territories, appointed their chief executives, had a large interest in their lands, and in numerous respects held such a responsibility and charge over them, and such control over their legislation that in justice and equity the General Government should be responsible for their debts.

"2. That the article in the constitution of Florida limiting the right of taxation to the necessary expenses of government might be construed, and probably was designed to be construed, such a manner as to prevent the State government from making the necessary appropriations for the payment of the debts of the Territory, and that Congress by the admission of the Territory with such a provision became accessory to the wrong, and should be held to have pledged the resources of the

United States for the payment of such debts.

"3. It was further contended that under all the circumstances of the case the United States was morally bound to pay these debts; that a moral obligation was as high a claim as could be set up against a sovereign power, and was in such case fully as binding as a legal obligation, since a moral obligation was the only kind of a claim that could exist against a sovereign.

Mr. Upham, the American commissioner, delivered the fol-

Opinion of lowing opinion:
Mr. Upham. "I have liet "I have listened attentively to the arguments urged in this case, but have been unable to see

any just grounds on which the claim is based,

To sustain the claim, one of two propositions must be maintained-either that the act of the Territory of Florida pledging her credit originally bound the United States, or that Congress subsequently approved and sanctioned the law of the Territory, so as to make it obligatory on the whole people of the Union.

"I. Could the Territory of Florida bind the United States originally by her acts? This depends entirely on the power vested in her as a government. Florida had been originally colonized by Spain, and had long been subject to her authority. It was ceded by that power to the United States on the 22d of February, 1819, with a provision that it 'should be incorporated into the Union as soon as it should be consistent with the principles of the Federal Constitution.'

The power of holding Territories is evidently given to the General Government. The Constitution of the United States provides that Congress shall have power 'to make all needful

rules and regulations respecting its Territories.'

"The course of proceeding by Congress in such cases has been to constitute, within any given Territory, whenever the number of inhabitants will justify it, a Territorial government, with power to establish its own laws, subject only to such reservations and restrictions as are specifically named in the charter bestowed upon it.

The governors of Territories have been uniformly appointed by the President of the United States; and in some instances, for a short time, a territorial council has been appointed in the same manner, having the usual powers and authority of a

legislature.

"A council was appointed in this manner in Florida until 1826, when it was provided that the inhabitants should elect their Territorial council; or, in other words, their legislature annually. By the act constituting the Territory of Florida the governor was invested with the powers of a chief executive magistrate; and the council or legislature was authorized, in express terms, 'to legislate on all rightful subjects of legisla-' provided that its laws were to be reported to Congress annually, and 'if they were disapproved by Congress they were thenceforth to be of no force.'

'Under the authority thus conferred courts were established having the highest civil and criminal jurisdiction; and her own laws, within her own jurisdiction, subject only to the Constitution of the United States and the negative of Congress, con-

stituted the supreme laws of the Territory.

"Florida exercised under this charter all the ordinary powers of a government. She regulated her own policy, assessed her own taxes, granted numerous acts of incorporation, and established various institutions deemed essential to her welfare and prosperity until 1835, when she passed the acts under which

the indebtedness of the Territory was incurred. Can the United States be said to have enacted either of these laws or to be holden, as a government, responsible for the payment of the obligation created by them? No evidence has been shown to sustain such a proposition and no theory of government countenances it. Various suggestions have been thrown out as bearing on this point, to which we propose to

advert.

"One suggestion which has been made is: That the governor of Florida was appointed by the President of the United States.

"In like manner the governors of every Province of Great Britain are appointed by the Crown; but it was never understood that such Provinces had not full power of enacting valid, binding laws, within their constituted sphere of action, to the same extent as other governments. It is wholly immaterial in this respect how the chief executive magistrate of a Province or the other branches of its government are appointed. When constituted they form the government of the Province, with the ordinary rights, duties, and powers of a government. One of the very least of these powers is the capacity to contract debts in aid of the functions for which it was constituted. Each gov-

ernment possesses this power as one of its attributes, in common with every other public or private corporation, except so far as it may be expressly restricted in its exercise by some or-ganic or other law, and no such law is here intimated or pre-

"Another suggestion made is that the laws of Florida might be disapproved by the General Government. But this does not make the laws of the Territory the laws of the Union or bind the Union to the obligations they impose. Such laws, when approved, only operate on the people of Florida. They have no power beyond her limits. If disapproved, they are a mere nullity. The power of approval of colonial laws before they take effect has always existed in the Crown of Great Britain from her earliest territorial acquisitions and in every other government having colonies or subordinate possessions. laws made by the colonies are, notwithstanding, their own laws and have never been holden to bind the mother country,

"The capability of incurring debts for certain objects ordinarily exists in parishes, towns, cities, counties, etc.; and though they may be under the control of the General Government, their contracts and their debts incurred by them are nevertheless their own. A different doctrine would confound all principles of just and accurate responsibility and would seriously impair the advantages devised, through a variety of subordinate organizations, to secure the essential ends of good

government.

"Again it is said that the lands belonging to the United States within the Territory of Florida were not liable to be taxed. This is so. The public lands, however, of the United States are graduated at a price best calculated to insure their rapid settlement, and they become at once liable to taxation on their being sold and improved. The same policy exists in other governments. Public lands and public property are nowhere taxed, but such an exemption was never construed to render the General Government liable for the debts of any town, county, or province within which such lands or property might be situated.

It has been also said, and numerous authorities have been cited to the point, that the original power of the General Government over the public territory was absolute and unlimited.

"So the people of the United States had originally unlimited power to adopt the form of government they preferred; and they may still change and modify their Constitution at pleasure, but this does not alter the facts as to the binding character of the acts of the Government when once established.

The United States has chosen to extend to her Territories, in the outset, the right of self-government, and has intrusted them, as in the case of Florida, with powers 'to act in all rightful subjects of legislation.' This power once granted is complete. From 13 original States the Union has thus extended to 31 States, formed mostly from new Territories, each of which is wholly independent of the other as to the contracts and liabilities they may make and the legislation they may adopt, saving only their obligation to the general Constitution of the Union. The government of a Territory does not depend so fully and perfectly on the action of its own people as that of the individual States, but its laws, once enacted and not disapproved, have precisely the same binding power and efficacy, within its limits, as those of a State. No one of these suggestions to which we have adverted, or the whole combined, tends to show that the acts of Florida are the acts of the General Government or that her responsibilities are the responsibilities of the American people.

"II. It remains to consider the second point raised-whether Congress subsequently approved and sanctioned the local law of Florida so as to make it a provision binding generally on the people of the Union. It is not contended that this local law was adopted or liability incurred by any direct act of the General Government assuming the debt. It is said, however, that the Government has rendered itself liable for its payment, because she admitted Florida into the Union as a State without first compelling her to make payment of these debts.

The argument proceeds on the ground that the United States can not admit a portion of its territory into the Union while in debt without becoming responsible for such indebtedness. It asserts, in substance, the principle that whenever the Government has in its power, by the conditional denial of any privilege, to compel a Territory to make payment of a debt it must insist on such compulsion or it shall be holden to have assumed such debt.

This is a new responsibility imposed on governments.

"It is quite clear to me, on the other hand, that the United States might well assume the position that she had nothing to do with the contracts between her Territories and individuals, and that it is not a part of her duty to constitute herself into a judicial tribunal to pass upon the pecuniary relations existing

between them. Florida might well contend that this should not be done and that she will not be dictated to or interfered

with by the United States on the subject.

"But this point is put still stronger. It is said that a provision was inserted into the constitution of Florida, preparatory to her admission as a State, that 'no other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of government,' and it is contended that this provision expressly prohibits the payment of any prior existing debt, and that the United States, by admitting Florida into the Union with such a clause in her constitution, became accessory to the wrong done and should be held responsible for it. But this is a far-fetched construction of the clause in question, and forms altogether too remote a claim to impose a legal pecuniary liability. The most necessary expenses of a government are the payment of its obligations as they fall due. It can hardly be pretended if a tax should be assessed by the State of Florida upon its citizens to raise funds to meet such obligations, that an individual could resist payment of such tax on the ground that it was unconstitutional. No court would give such a construction to this provision of constitution, and unless we hold that such would necessarily be the decision of the court, then the objection is without foundation and constitutes no ground for the assertion that the United States, by admitting Florida into the Union with this provision, should be held to have assumed the debts of the Territory.

But whether such be the interpretation of the clause in the constitution or not, the inference attempted to be drawn from it would not follow. If Florida has repudiated her debts for any cause, it was her act, and it was not incumbent on the United States to compel her, by any denial of the ordinary right of admission into the Union, to pay such debts. She had no more rightful control over the acts of a Territory so situated

than she had over a State.

"The creditors of the Territory had no power, either legal or moral, to interpose any such bar to her admission. It is not a remedy for coercing the payment of debts which was contemplated by any party to the contract when entered into. The United States therefore violated no principle of law or equity or moral obligation in admitting Florida into the Union, and is guilty of no laches for which she could be holden responsible in not disapproving the acts passed by her as a Terri-

"The several States and Territories are independent sovereignties for the ordinary purposes of local government. They have the power over the liberty and lives of their citizens and the formation of their own civil and social relations

within their precinct.

"They can incur obligations for all expenditures coming within their appropriate sphere as fully as the General Government. Their delinquencies in any matter coming within the range of their powers are their own, and however grievous a wrong they may inflict by such delinquencies on their creditors the precedent of holding the General Government responsible for such wrong would be still more disastrous. It would impose burdens on individuals having no immediate share or interest in the benefits received, would constitute taxation without representation, and would confound the necessary and rightful distinctions in the partition of responsibility and accountability essential for the maintenance of government.

"The wrong complained of is not one which can be charged against the United States; she is not amenable for it, and a proper appreciation of the distinct agencies of different organizations in government will fully exonerate the United States from the claim set up in this case. In my view, therefore, the claimants have shown no ground entitling them to recovery against the General Government."

Mr. Hornby, the British commissioner, contended that the United States was liable for the bonds, first, be-Opinion of cause the Territories were "subject to the absolute government of Congress." Not only, he said, did the right of government belong to Congress, but the United States also owned the unsettled lands, the funds derived from the sale of which were at the absolute disposal of the National Government, and were applied to national purposes. (Citing 1 Kent Comm., 276; Story on the Constitution, par. 1327; State v. New Orleans Navigation Co., 11 Martin (La.), 313; Opinion of Butler, At. Geu. Op., 1006; Opinion of Sherman (Senator), Williams v. Bank of Michigan, 7 Wend., 554.) From an early period in its existence the Territorial government of Florida created a great number of corporations for public purposes. The acts for that purpose were duly submitted to Congress; some were disallowed while others were permitted to stand, after having been the subject of discussion in that body. Amon these was the one establishing the "Union Bank of Florida

(1833). This act, though declared by a committee of the Senate to contain some objectionable provisions, was suffered to stand.

Mr. Hornby contended that Congress had thus "authorized and ratified" the various acts relating to the corporations whose bonds were before the commission, and the discussion had, he said, "entirely turned upon the extent to which Congress is affected by having given such authority and ratification.

On this subject Mr. Hornby said:

"Up to the 1st July, 1841, the interest on the bonds was duly paid at the time and places appointed, but from that date to the present time no payment whatever has been made on account of them, and the corporations have become completely insolvent. Upon this payment of the interest on the bonds was sought to be obtained from the Territorial government, in accordance with the terms of the bonds; but the claim was refused, and in 1842 the Territorial legislature passed resolutions declaring that the governor and council were 'never invested with authority to pledge the faith of the Territory so as to render the citizens responsible for the debts or engagements of any corporation chartered by the Territorial legislature.' The revenue laws of the Territory were also suspended, 'so far as they authorize the assessment and collection of a Territorial revenue in future,' with certain specific exceptions. These acts of the Territorial legislature were submitted to Congress, and were permitted to pass into law without disapproval.

"From this time, then, until the admission of Florida into the Union as a State, the territorial legislature persisted in its repudiation of the engagements contracted on the bonds; and although the subject was repeatedly brought before Congress in various ways—in some cases by memorial of the bondholders praying for relief—no action of Congress took place, and the

bondholders remained without redress.

'Let us pause for a moment to consider what the position of the bondholders and Congress would have been had the facts

already stated constituted the whole case.

"The bondholders advanced their money on an engagement entered into by the agents duly constituted by Congress for the government of the Territory, for the payment of money by the Territory; such engagement being sanctioned by Congress, its acquiescence in the passing of the bank act having induced the public, in the language of Mr. Chancellor Kent, to invest property and make contracts upon the faith and validity of the charter. The Territory acknowledged itself to be indebted in the amount of the bond, and the 'faith of the Territory' was pledged for the payment. Now, what is the meaning of a Territory or State acknowledging itself to owe a debt and pledging its faith for the liquidation of it? It plainly means this-or it means nothing-that the governing power engages that the revenue, resources, and property of the Territory or State are pledged for the debt and shall be applied to its discharge. In other words, an obligation was created on the part of Florida by the executive, as the agent of the sovereign power, and by the legislature, as the agent of the people, which was sanctioned by Congress to pay the debt; that obligation, in fact, operating on all the property of the Territory of Florida.

"It has been already shown that the government of the Territory was at the absolute disposal of the United States (represented by Congress), in whom the right of eminent domain was vested, and that Congress assented in the fullest manner to the pledge which was given by the Territorial government. There was then an engagement to apply the resources of the Territory for the payment of a debt incurred with the assent of the sovereign power. Upon this state of facts it is obvious that, if those principles of equity which are binding on individuals be applicable to States, it became the duty of Congress to see that the funds which it had permitted to be pledged should be applied to the discharge of the debts they were intended to secure, and the bondholders were entitled to call upon the United States Government to cause those funds to be anplied to their relief or to indemnify them for loss arising from the failure to do so.

"The duty of thus protecting the interests of the bondholders was the more incumbent on Congress from the fact that, by reason of its being the owner of by far the greater portion of the soil of the Territory, it was the party most benefited by the introduction of the bondholders' capital into the Territory

"But if the position of the bondholders was such as I have stated it to have been while Florida continued a Territory, it will be found that their claim assumed an entirely new form and acquired immeasurably more force from the moment that the Territory was admitted to the Union as an independent State.

This admission took place on March 3, 1845.

"By the second section of the eighth article of the constitution of the new State, which received the assent of Congress, it was declared that 'no other or greater amount of tax or revenue shall at any time be levied than may be required for the

necessary expenses of the government.'
"By the introduction of this clause into the constitution Congress appears to have designed to lend effect to the repudiating resolutions of the Territorial legislature, to which it had already

given its assent.
"It has, indeed, been denied in the course of the argument that this clause was intended to have or had the effect of preventing the State from raising revenue in order to pay debts of the Territory; but if any doubt could exist on this point it must be removed by the fact that those best able to judge of the meaning of the constitution of Florida and having the power to enforce its own interpretation, viz, the legislature of the State, have declared that they are precluded by the article of the constitution in question from levying any tax to provide for the payment of the interest or principal of these bonds or from entering on any consideration of the question

"It was then, when Congress admitted the insertion of this clause with a full knowledge of the injustice it would work, that the power to pay was taken away from the State that was then being called into existence. But this was not all, for the power which had hitherto been vested in Congress by virtue of its very sovereignty, whenever it chose to exercise it, to compel a Territory to observe the obligation of a contract or to do that which it was legally and morally bound to do was also divested by the change thus effected in the form of the government of Florida.

"While, then, Florida remained a Territory the means existed of compelling it to perform the contracts entered into in its name, but from the moment that it became a State the creditors of the former Territory were deprived of all means what-

ever of enforcing their just demands.

"For the State of Florida, to whom it is said the debts of the Territory have been transferred, can not be sued by the creditors, for the Constitution expressly enacts that no State can be sued in the United States courts, and, of course, a State can not be sued in its own courts.

"Nor can Congress compel Florida to pay its debts, for it is an independent State, and can not be coerced by the others, either singly or collectively, into doing even that which is its

"And, lastly, not only has Congress, by admitting Florida as a State, deprived the creditors of the means of enforcing their rights, but it has bestowed upon the State a constitution which actually prevents it from paying its debts.

"The debt, then, is at present practically confiscated. This is the wrong which is complained of, and we have to determine whether it is one for which the United States is answerable. The possibility of a better state of public opinion inducing the inhabitants of Florida at some future time to remodel their constitution, so as to rescind the existing confiscation, can not affect the rights and liabilities arising out of the present state of facts.

"The principal arguments advanced in opposition to the claim, which I have not already adverted to, are these:

"1. That Congress, having only the powers enumerated by the Constitution, can do no more than is to be found within that document, and that the power to pay the debts of a

Territory is not specified or to be implied.

"2. That Congress had not the power of rejecting the clause of the constitution of the proposed State of Florida which forbade the collecting af revenue for any other purpose than the necessary expenses of government, but that it was bound to admit the new State with this clause in its constitution, however objectionable it may be.

"The first of these objections tends to raise a discussion on a point which has long been definitely settled in the United States.

"In the first place, it assumes the whole question at issue in this case. If the United States have, by the acts of Congress, incurred an obligation to indemnify the present claimants, then a debt has arisen and Congress has express power to levy taxes in order to pay its debts. I presume that it is not necessary to show by argument that a technical meaning is not to be attached to the word 'debts,' but that it signifies any pecuniary claim, whether for a sum certain or for unliquidated damages. But, secondly, the Constitution only prescribes the purposes for which taxes, and so forth, are to be levied. It is wholly silent as to the appropriation of national funds arising from other sources, such as the sale of public lands; and it has been shown that this is a source of revenue which is peculiarly proper to be applied to the relief of the present claimants. And, lastly, the Constitution has never been construed in the United States in the narrow spirit in which it is now sought to in-

terpret it. It is fully established by Mr. Justice Story, in his Commentaries on the Constitution, book 3, chapter 14, that Congress has full power to apply the funds of the Nation, from whatever source derived, to all purposes which they may deem national.

"That learned writer concludes his remarks with these words, 'In regard to the practice of government, it has been entirely in conformity to these principles. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in their broad or narrow sense. And in an especial manner appropriations have been made to aid internal improvements of various sorts, in our roads, our navigation, our streams, and other objects of a national character and importance. In some cases, not silently, but upon discussion, Congress has gone the length of making appropriations to aid destitute foreigners and cities laboring under severe calamities, as in the relief of the San Domingo refugees in 1794, and the citizens of Venezuela who suffered from an earthquake in 1812.' So also in the case of three cities in [the District of] Columbia—Washington, Georgetown, and Alexandria—Congress assumed the debt which the cities had incurred, and for the liquidation of which their public faith had been pledged, and the Secretary of the Treasury was ordered to

pay it.
"It is a misapprehension of the power of Congress to suppose that it was bound to admit the Territory of Florida to the Union without any discretion as to the terms upon which the admission was to take place. The time and mode of admission were entirely for Congress to determine. Story, in his Commentaries, section 1321, shows that precedents and judicial decisions 'have established the rightful authority of Congress to impose restrictions upon the admission of new But, without citing authorities, it is obvious that Congress can not be regarded as having merely administrative functions on such admission, to record the event without control over it. It would be powerless to discharge the most important of its functions as the guardian of the national interests, if it were bound to admit every new State with any constitution its inhabitants might think fit to propose for themselves, however inconsistent it might be with the general welfare of the Union,

with private morality, or with public honor.

"It will not be necessary to examine the history of the Pensacola Bank and the Southern Life Assurance Co., whose obligations were also guaranteed by the Territorial government. As against that government, the claim of the holders of the Pensacola Bank bonds is strengthened by the circumstance that that company gave the Territorial government very considerable security on real and personal property against the liability which was incurred by pledging the public faith. The claim, however, as against the United States Government, is the same in each case.

"I am of opinion, therefore, upon these facts, that the United States Government is bound to pay to the British subjects hereunder enumerated the principal of the bonds of which they are holders when the same shall become due, and to pay to them forthwith the arrears of interest on such bonds, with interest at 5 per cent on such arrears, up to the 14th of September, 1854, amounting in the whole to the sums set opposite their

names.'

The commissioners having disagreed, the umpire rendered the following decision:

"This claim has been brought before the commissioners by the holders of bonds issued by the 'Territory of Florida,' while it was under a Territorial government and before Florida was admitted into the Union as one of the States of the United

"At the time of the issue of the bonds in question the Territory was governed by a legislative council chosen by the people, the governor being appointed by the President of the United States. All the acts or laws of the legislative council were required, by the law of the United States, to be laid before Congress, and if not disapproved of they became law in Florida.

"For one portion of these bonds the claimants contended

that, by the right which Congress claimed to reject or veto any law passed by the legislative council of Florida, the United States Government rendered itself liable to pay the interest and principal of these bonds should Florida fail to do so.

For another portion of the bonds the claim on this ground was abandoned and their claim was based on the fact that the United States had, in the session of Congress of 1843-44, admitted Florida into the Union with a constitution having the following clause in it: 'No greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of government.' (Art. 8 of Florida constitution.)

"The first ground of claim need hardly be treated seriously; it might as well be contended that the British Government is responsible for all the Canadian debentures, because all the acts passed by the Canadian Parliament require the sanction of the home Government before they become laws. It will be seen, however, that at the time these bonds were bought it was never imagined by the buyers that the United States were

in any way liable. "With regard to the second ground of claim—that the United States, by having admitted Florida into the Union as a State, with the article in her constitution above referred to, were rendered liable to pay the debts of Florida—it may be remarked that Congress could not justly refuse to admit Florida into the Union with such a constitution; there was nothing in it contrary (to) or in violation of the Constitution of the United States; Congress had only the power to fix the time of admission, and reject any constitution that was contrary to the Constitution of the United States: nor does it appear that the bondholders are in any way damaged by this article in the constitution of Florida.

"If the people of Florida refused to pay or neglected to pay as a Territory, would they be less likely to pay as a State? There would be the same people to deal with; the members of the convention that formed the constitution were chosen by the people; and the legislature, chosen by the people, would not be likely to be very different from the convention. means clear that the eighth article of the constitution forbids any taxes for liquidating the liabilities of the State; and if that be so, there is no difficulty in amending the constitution. Most of the States have amended their constitutions from time to time. The bondholders have the same remedy against the State

as they had against the Territory. They have a just claim. But they are under the well-known disadvantage in both cases—they could not sue the Territory; they can not sue the State.

"It has been urged that there is no way of getting at a State government except through the Government of the United States; this is a mistake. There is no difficulty in the way of individuals dealing with the separate States in any matters that concern the State alone; nearly all the States have public works and contract loans with individuals, American and foreign, and any person aggrieved may petition the governor or legislature for relief. A State can not deal with a foreign

government; the intercourse with foreign nations belongs to the General Government.

"To show that the Florida bondholders never supposed the United States in any way responsible, attention is called to the prospectus issued by the agents for the sale of the bonds created

for the Union Bank. It is as follows: "'Florida 6 per cent sterling bonds—interest and principal payable at the house of Messrs. Palmers, MacKillop, Dent & Co.

"'These are the bonds of the Territory of Florida, payable to the order of the Bank of Florida, and indorsed by the bank. They are in sums of \$1,000 each, bearing interest at the rate of 6 per cent per annum, payable half yearly—the interest and principal payable in London at the rate of 4s. 6d. sterling per dollar. The bonds are payable on the 1st of January, 1862, 1864, 1866, and 1868. The proceeds of the sale of the bonds form an addition to the active capital of the Union Bank. The bank commenced business on the 16th of January, 1835, with a capital of \$1,000,000, with a privilege of increasing it to \$3,000,000; and it is to complete that increase of capital that these bonds are to be sold. The profits of the bank, after paying interest of bonds and expenses of management, are retained to accumulate as a sinking fund until that fund shall be equal in amount to the bonds issued.

'On the 1st of January, 1839, upon a bank capital of \$1,000,000, the amount of the sinking fund exceeded \$300,000. Owing to peculiar circumstances, the profits of the past year have been very large, but previous experience has proved that in ordinary years (after paying the interest of its capital and the expense of management) the annual surplus profits of the bank (which will be added to the sinking fund) will exceed 4 per cent, which annuity, compounded at the bank interest at 82 per cent, will cause the sinking fund to effect its object in 14 years. Indeed, the present amount of that fund, compounded at the bank interest, would pay off the whole \$3,000,000 of bonds in 28 years without any aid from the future annual profits of the bank, the average maturity of the bonds being 26 years.

"'The capital of the bank, equal in amount to the bonds and the sinking fund, are to be retained and held as security for the repayment of the bonds. Another ample security for their payment is provided by a mortgage of the property of the stockholders of the bank to the extent of \$3,000,000. The value of the property mortgaged for that object was first ascertained by the appraisement, upon oath, of five commissioners in each county, appointed for that purpose by

the governor and the legislature of the Territory; and these appraisements were again subjected to the revision of a board of 12 directors, of whom 5 are appointed by the governor and legislature. So great has been the rise in value of every kind of property in Florida that the property mortgaged to the bank would, even now, sell for thrice the amount of the bonds, and each succeeding year necessarily enhances its value; the holders of the bonds have, therefore, a fourfold security for their pay-

ment, viz:
"'1. The capital of the bank, equal in amount to the bonds. "'2. The sinking fund, which will effect its object in 14

years.

"'3. The property of the stockholders, originally appraised at three millions, with its increased value.

"'4. The faith and credit of the Territory and State of

"'By the direction of an act of Congress a convention is now

in session for the purpose of framing a constitution for Florida, and she will probably become a State this year.

'In extent of territory she will be the sixth State in the Her soil and climate are adapted to the profitable productions of sea-island and short-staple cottons, sugar, rice, Cuba tobacco, indigo, cochineal, corn, and all the other agricultural staples of the Southern States, as well as many of the productions of the West Indies. She is rapidly increasing in numbers and wealth.

"'Her export of cotton in the past year has exceeded 110,000 bags and, with her growth, is greatly extending. She possesses the only good harbors on a coast of near 2,000 miles in the Gulf of Florida, which, with the contiguity of the West Indies, gives her great commercial advantages and will insure her

becoming a great commercial State.'

"The securities enumerated in this document are four, and they were ample if honestly administered; but not the slightest allusion is made to any liability of the United States, nor is there discoverable the smallest foundation for the claim of the bondholders before this commission, which is constituted for the purpose of settling the claims of British subjects against the Government of the United States or of the citizens of the United States against the British Government. The bondholders have a just claim on the State of Florida; they have lent their money at a fair rate of interest, and the State is bound by every principle of honor to pay interest and principal; and it is to be hoped that sooner or later the people of Florida will discover that honesty is the best policy and that no State can be called respectable that does not honorably fulfill its engage-

Bates, umpire, Florida bond cases, convention between the United States and Great Britain of February 8, 1853. (S. Ex. Doc. 103, 34th Cong., 1st sess., pp. 246-300.)

THE CALENDAR.

Mr. NELSON. I ask unanimous consent that we may proceed to the consideration of the calendar under Rule VIII.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota that the Senate proceed to the consideration of the calendar under Rule VIII? The Chair hears no objection. The Secretary will report the first bill on the calendar under Rule VIII.

VOLUNTEER FORCES OF THE UNITED STATES.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

The VICE PRESIDENT. The bill was read in full July 8 last and in part amended. The Secretary will state further amendments that were not then acted upon.

The SECRETARY. On page 13, in the amendment of the com-

mittee, in line 9-

Mr. OVERMAN. Before unanimous consent is given for the consideration of the bill, I should like to have the chairman of the committee express his views upon what is proposed by the measure.

Mr. BACON. What is the bill?

Mr. OVERMAN. It is the bill to provide for raising the vol-unteer forces of the United States.

Mr. BACON. The bill is on the calendar?

Mr. OVERMAN. It is.

The VICE PRESIDENT. It is the first bill on the calendar. Mr. BACON. It will be impossible to consider the bill under the five-minute rule. I therefore object. I do not object to its being taken up at the proper time, when we can give full consideration to it, but it is a very important matter, and can not possibly be considered on the call of the calendar.

Mr. DU PONT. Mr. President-

The VICE PRESIDENT. The Senator from Georgia objects.

I do not object to its consideration at any time when the Senate may see proper to proceed to its consideration, but I object to its consideration under the fiveminute rule.

Mr. DU PONT. The Senator from Georgia may overlook the fact that the Senate has already partially considered the bill and passed several sections of it. In July last it went practically a third through the bill. A third of the bill has been already considered.

The VICE PRESIDENT. The Senator from Georgia objects to its consideration at this time, and the bill goes over.

Mr. BACON. I wish to repeat, in order that I may not be misunderstood, that I shall not object at any time when the Senate may see proper to take up the bill for a full considera-I do not think it is practicable to do so under the fiveminute rule.

The VICE PRESIDENT. The hill will go over.

Mr. DU PONT. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The Senator from Delaware moves that the Senate proceed to the consideration of the bill, the objection of the Senator from Georgia to the contrary notwithstanding.

. Mr. GALLINGER. Mr. President, I raise this question of order. Under the request made by the Senator from Minnesota the Senate agreed to proceed to the consideration of unobjected cases on the calendar. I submit that the motion is scarcely in order.

Mr. NELSON. The Senate agreed to proceed by unanimous

consent.

Mr. GALLINGER. By unanimous consent.

Mr. NELSON. I want to supplement what the Senator from New Hampshire said. I think at this time, in view of the request made, the motion is out of order.

The VICE PRESIDENT. The Senator is correct.

was the request of the Senator from Minnesota. The bill will go over.

RILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

The next business on the calendar was Senate resolution 109, providing for a certain program of legislation and for a recess of Congress.

Mr. SMOOT. Let the resolution go over.

Mr. GALLINGER. I ask that the resolution may go to the calendar under Rule IX.

The VICE PRESIDENT. Without objection, the resolution will be transferred to the calendar under Rule IX. The Chair hears no objection.

The next business on the calendar was the Senate concurrent resolution 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. POMERENE. One of the Senators who desires to be heard on the resolution is not present. I did not understand that the calendar was to be called except after the close of the morning business. For that reason I suggest that the resolution go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in

Mr. BRISTOW. May I inquire if the bill adds so many more officers to the naval establishment?

Mr. PERKINS. It does. Mr. BRISTOW. I ask t I ask that the bill may go over. The VICE PRESIDENT. It will go over.

LAND IN CITY OF WASHINGTON.

The bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, was considered as in Committee of the Whole.

Mr. OVERMAN. I should like to ask the chairman of the Committee on the District of Columbia how much money would be appropriated under the bill?

Mr. GALLINGER. Not any; I will say to the Senator. Mr. OVERMAN. It says that there shall be an award, what-

ever that is.

Mr. GALLINGER. I will state the facts in the case. There were damages properly due certain parties because of the change of grade in the construction of the Union Station, and these two or three parties were either nonresidents or else did not notice the advertisement and did not put in their claims. We have passed two or three similar bills. This is simply to waive the statute of limitations and let them go into court and bring their claims. The advertisement was in very small type, and there were a few people who had just claims who failed to observe it, or in a few cases were nonresidents and were not notified of the fact. It is entirely a proper bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

DISTRICT OF COLUMBIA CLAIMS.

The bill (S. 3587) providing for the payment of certain sums found due by the auditor of the Supreme Court of the District of Columbia under the provisions of the act approved March 4, 1909, chapter 306, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of

The bill was reported from the Committee on the District of Columbia with an amendment, on page 1, line 4, after the word "pay," to insert the word "wholly," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay, wholly out of the revenues of said District, to the several persons as found entitled thereto by the auditor of the Supreme Court of the District of Columbia under the provisions of the act approved March 4, 1909, entitled "An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, as amended July 19, 1897" (chapter 306), their heirs or legal representatives, the sum of \$1.840.14, which amount is hereby appropriated for the purpose of making the payments herein provided for.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CADDO LAKE BRIDGE, LOUISIANA.

The bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUPPORT AND MAINTENANCE OF BASTARDS.

The bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, on page 1, line 5, after the word "repeal," to insert "or modify," so as to make the section read:

That every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, but this shall not be deemed to repeal or modify section 957 of the Code of Law of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 2, on page 1, line 7, after the word "woman," to insert "who is pregnant with child"; in line 9, after the words "District of Columbia," to insert "or on page 2, line 1, after the word "time," to insert "during pregnancy or"; and in line 2, after the word "person," to strike out "residing in said District," so as to read:

That any unmarried woman who is pregnant with child may go before the clerk of the juvenile court of the District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time during pregnancy or within two years after the birth of the bastard, and accuse any person of being the father of the child.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 16, after the word "examination," to strike out "if the child be yet living and under two years old"; in line 21 to strike out the word "trial" and insert "preliminary examination"; in line 23, after the word "who," to insert "upon each preliminary to the word "trial" and insert "preliminary examination"; in line 23, after the word "who," to insert "upon each preliminary to the word "trial" and insert "preliminary examination "trial" to the word "trial" and insert "preliminary examination "trial" to the word "trial" and insert "preliminary examination "trial" to the word "trial" and insert "preliminary examination "trial" and "trial" examination"; on page 3, line 3, after the word "next," to insert "or any succeeding"; and in line 5, after the word "court," to insert "but in the event that the woman be preg-nant at the time of the arrest, final trial shall not take place until after the birth of the child," so as to make the section read:

SEC. 3. That on such examination a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of

the District of Columbia, requiring the person accused to be arrested and brought for preliminary examination before the judge of the juvenile court, District of Columbia, who, upon each preliminary examination, may require the accused to enter into bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed \$2,500, for his appearance and trial in the juvenile court, District of Columbia, on the first day of the next or any succeeding term thereof, and to perform the judgment of said court, but in the event that the woman be pregnant at the time of the arrest, final trial shall not take place until after the birth of the child. If the person accused shall fall to give bond required of him, the judge shall forthwith commit him to the Washington Asylum and Jail, there to remain until he enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this act, the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. OVERMAN. I inquire of the chairman of the committee if he desires this legislation now, in view of the general bill which is coming before us?

Mr. McCUMBER. I think we should go right on with this

special legislation.

The bill was considered as in Committee of the Whole and

was read to page 20, line 5.

Mr. McCUMBER. On page 20, line 5, before the word "dollars," I move to insert "four," so that the rate will be \$24 per month.

The VICE PRESIDENT. The amendment will be stated.
The Secretary. On page 20, line 5, before the word "dollars," insert the word "four," so as to read:

The name of Lucy E. Culp, widow of Edward C. Culp, late major, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SMITH of Georgia. I should like to ask the Senator from North Dakota how many names are provided, because I think as read there seemed to be only one on each page. watched the Secretary as he read the bill, and there seemed to be about half a dozen names. I should like to know how many there really are.

Mr. McCUMBER. I think there are over 100. Mr. GALLINGER. All told. Mr. McCUMBER. All told.

Mr. SMITH of Georgia. Then the bill has not been read yet,

I suppose?

The VICE PRESIDENT. If the Senator from Georgia raises the point that the bill has not been read, the Chair will direct the Secretary to read the bill in full from the beginning.

Mr. SMITH of Georgia. All right.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. LODGE. If there is no objection, I think it would save time and give us an opportunity to get to other bills on the calendar if the words "in lieu of that he is now receiving" should be omitted, those words being repeated with every name on the list.

The VICE PRESIDENT. It is a part of the bill, and the Senator from Georgia asked that the bill be read in full.

Mr. SMITH of Georgia. I do not object to that part of it being omitted. I only wanted to gather some conception of what the bill was carrying, and I had not been able to gather it from the reading at the desk.

The Secretary resumed the reading of the bill and read to

line 8 on page 3.

Mr. SMITH of Georgia. To save time, I desire to object to the consideration of this bill under the five-minute rule. I want to look through the bill and see how much is the total increase.

The VICE PRESIDENT. Objection is made, and the bill goes over. The next bill on the calendar will be reported.

POST-LANTERN LIGHTS ON ST. CROIX RIVER.

The bill (S. 3856) relative to the establishment of post-lantern lights on the St. Croix River, including Lake St. Croix, Wisconsin and Minnesota, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF ASHTABULA, OHIO.

The bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs-collection district of Cuyahoga, Ohio, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTSHIP OFF CAPE BLANCO, OREG.

The bill (S. 296) to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF HOLEB, ME.

The bill (S. 3160) to establish at Holeb, Me., a subport of entry in the customs-collection district of Bangor, Me., and for other purposes, was announced as next in order on the calendar.

Mr. BURNHAM. Let the bill go over for the present. The VICE PRESIDENT. The bill will go over.

STEAM YACHT "DIANA."

The bill (S. 1653) to provide American register for the steam yacht Diana was considered as in Committee of the Whole.

Mr. BACON. I will ask the Senator in charge of the billdid not catch the reading of it entirely-whether or not the proportion of repairs which the law now requires was made on this vessel?

Mr. BRIGGS. The yacht had \$170,000 expended on it, \$35,000 after it was purchased, which was expended in this country. Then the yacht burned and nothing was left save the hull, and it was entirely rebuilt at an expense of \$135,000.

Mr. BACON. I thought it was due that that statement

I thought it was due that that statement

should be made.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and passed.

KOOTENAI RIVER BRIDGES, MONTANA.

The bill (S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "three," to strike out "steel or iron," and in line 6, after the word "bridges," to strike out "without draw or opening," so as to read:

That the consent of Congress is hereby granted to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges, and approaches thereto, across the Kootenai River, suitable to the interests of navigation, at the following points, all in Lincoln County, Mont.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 17, after the word "county," to insert the words:

Provided, That the aforesaid bridges shall be constructed, maintained, and operated.

So as to read:

So as to read:

Near the town of Rexford, Mont.: From a point on the south bank of said river in the northwest quarter of sec. 21, T. 36 N., R. 28 W., Montana meridian, in Lincoln County, Mont., to a point on the north bank of said river in sec. 21, T. 36 N., R. 28 W., Montana meridian, in the same county.

Near the town of Libby, Mont.: From a point on the south bank of said river in the northwest quarter of sec. 3, T. 30 N., R. 31 W., Montana meridian, to a point on the north bank of said river in sec. 3, T. 30 N., R. 31 W., Montana meridian, to a point on the north bank of said river in sec. 3, T. 30 N., R. 31 W., Montana meridian, in the same county.

Near the town of Troy, Mont.: From a point on the south bank of said river in the northeast quarter of sec. 12, T. 31 N., R. 34 W., Montana meridian, to a point on the north bank of said river in the northeast quarter of sec. 12, T. 31 N., R. 34 W. Montana meridian, in the same county: Provided, That the aforesaid bridges shall be constructed, maintained, and operated in accordance with the provisions of the act entitled "An act to regulate the construction of bridges upon navigable waters," approved March 23, 1906.

The amendment was agreed to.

Mr. DIXON. I have in my hand a telegram I received from the county attorney of Lincoln County this morning regarding this bill. He said that a mistake was made in the description of a quarter section in two places. I offer as an amendment, on page 2, line 6, to strike out the word "northwest" and insert the word "northeast."

The amendment was agreed to.
Mr. DIXON. Also, in line 12, I move to strike out the word
"northeast" and insert the word "southeast."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SLAVO RAMADANOVITCH.

The bill (S. 462) for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased, was considered as in Committee of the Whole. It proposes to pay to Slavo Rama-danovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased, formerly a Montenegrin subject, the sum of \$6,396, recommended by the President in his message to Congress dated July 5, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEMOTED EMPLOYEES OF THE POST OFFICE DEPARTMENT.

The Senate proceeded to the consideration of the resolution (S. Res. 161) directing the Postmaster General to furnish a statement of demoted employees of the Post Office Department, which had been reported from the Committee on Post Offices and Post Reads January 15, 1912, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to furnish the Senate with a statement of the number of railway mall clerks and other post-office employees who have been demoted since January 1, 1911, for conduct deemed detrimental to the service or subversive of discipline, and how much in the aggregate per month the loss of pay has amounted to in the cases of men so demoted.

The resolution was agreed to.

MILITARY AND NAVAL RECORDS OF THE REVOLUTIONARY WAR.

The bill (S. 271) to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication was announced as next in order.

Mr. OVERMAN. That bill calls for a very large appropriation, and I believe I will object to its consideration for the

The VICE PRESIDENT. Being objected to, the bill will go

Mr. DIXON. Mr. President, I do not want to dissuade the Senator from North Carolina-

Mr. OVERMAN. I see that the bill proposes to appropriate \$50,000.

Mr. DIXON. I want to ask the Senator whether he was pres ent at the meeting of the Military Committee when this bill was reported and heard the testimony?

Mr. OVERMAN. I am not on the Military Committee.

Mr. DIXON. Excuse me. Mr. OVERMAN. I do not know whether I shall object to the bill, but it carries such a large appropriation that when we are acting under the five-minute rule we can not pass it, and there are probably others bills on the calendar which are not objectionable and which do not appropriate so much money.

Mr. DIXON. I will say to the Senator from North Carolina that the bill was unanimously reported from the Committee on Military Affairs. The records of the War Department, so far as the Revolutionary War is concerned, are in a lamentable

Mr. OVERMAN. Has there never been any publication of the Revolutionary War records?

Mr. DIXON. There never has been. The evidence showed that probably as to a fourth of the records from the various organizations of troops serving in the Revolutionary Army the War Department is wholly without any information regarding them, except as they find it in the records of the State historical societies, the Society of the Cincinnati, or other sources of that kind. The bill merely authorizes the Secretary of War to complete the compilation of the troops serving in the Revolutionary armies. The report was made that the longer the matter was put off and delayed the more difficult it would become to obtain the full records. The Military Committee was unanimous in reporting the bill.

Inasmuch as my State, I think, furnished Mr. OVERMAN. more soldiers for the Revolutionary Army or as many as any other State, and as I should like to know the facts, I withdraw my objection, except that I want to ask the Senator from Montana, why would it cost so much money? Fifty thousand dol-

lars is a very large amount of money.

Mr. DIXON. A bill precisely similar to this passed the Senate two years ago. The Adjutant General made a very full report on the subject at that time. Some of these records can only be obtained in France and in England, in the archives of the French and British Governments. No man can forestell what the work may possibly cost; but this limitation was put on so that there should be no temptation to go into any vast expendi-

ture of money. Considering, however, the fact that the entire records of the Revolutionary War are involved, we thought the measure was meritorious.

Mr. OVERMAN. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "collect," to strike out "and compile" and to insert "or copy and classify," and in line 7, after the word "collect," to strike out "and compile" and to insert "or copy and classify," so as to make the section read:

That the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, and the Secretary of the Navy is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered naval records of the Revolutionary

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 7, after the words "Navy Department," to insert:

Provided. That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

So as to make the section read:

SEC. 3. That there is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, \$50,000 for the War Department and \$10,000 for the Navy Department: Provided, That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

Mr. BACON. I should like to ask the Senator from Montana what is the purpose of that last amendment? I do not know

that I caught it exactly.

Mr. DIXON. That limitation was put in the bill as it passed the Senate a year ago, providing that no part of this money should be used for the purchase of old records.

Mr. BACON. "The purchase." I did not catch that.

Mr. DIXON. Yes; it was inserted out of abundance of caution. We did not want anybody to appear with muster rolls and sell them to the Government. It appears from the evidence taken by the subcommittee that on the disbandment of some of the regiments in some of the States the regular muster-out rolls were made up; but the officers took them with them to their own homes, and they were not returned to the War De-This amendment was merely to guard against some man with the notion of making money selling these old muster rolls to the Government.

Mr. OVERMAN. Does this propose to publish the names and history of the troops in the States where the soldiers who fought the battles did not belong to the Continental Army, but were only State troops? Does it propose to get those facts and publish them also?

Mr. DIXON. This covers all of the troops included, as I understand, both in the Continental forces and in the State

Mr. OVERMAN. Very well. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication."

Mr. DIXON subsequently said: Mr. President, I should like to ask unanimous consent, after conferring with some Senators interested in the bill which just passed, to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, in order to offer an amend-

ment which I think is rather important.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent to reconsider the votes by which Senate bill 271 was ordered to be engrossed for a third reading, read the third time, and passed. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. DIXON. Now, Mr. President, after the word "War," in line 6, page 1, section 1, I offer an amendment to insert "including all troops acting under State authority."

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. In section 1, page 1, line 6, after the word "War," it is proposed to insert "including all troops acting under State authority."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BIG SANDY RIVER BRIDGE, W. VA.

The bill (H. R. 13112) authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy River, was considered as in Committee of the Whole,

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN,

The bill (H. R. 14108) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city, was considered in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 14109) to authorize the city of Minneapolis,

in the State of Minnesota, to construct a bridge across the Mississippi River, in said city, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 14110) to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

The bill (H. R. 14111) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

LITTLE RIVER BRIDGE AT LEPANTO, ARK.

The bill (H. R. 14125) to authorize the construction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark., was considered as in Committee of the

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE IN BELTRAMI COUNTY, MINN,

The bill (H. R. 15920) to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River, was considered as in Committee of the Whole.

The bill was reported without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE FOR MASSACHUSETTS.

The bill (S. 1150) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Massachusetts, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district.

Sec. 2. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for an additional judge of the district court for the district of Massachusetts."

ARANSAS PASS LIGHT STATION.

The bill (S. 4251) to authorize the Secretary of Commerce and Labor to purchase from the State of Texas certain land required for lighthouse purposes at the Aransas Pass Light

Station, Tex., was announced as next in order.

Mr. NELSON. Let that bill go over in the absence of the Senator from Texas.

The VICE PRESIDENT. Being objected to, the bill goes

MISSOURI STATE CLAIMS.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. I should like to have the Senator reporting the

bill make a statement in regard to it.

Mr. OVERMAN. A bill precisely similar to this has passed a number of times. It is a bill introduced by the Senator from Missouri [Mr. STONE], who desires the Secretary of the Treas-

ury to examine into the war records. It calls for no appropriation whatever, and I see no objection to it.

Mr. SMOOT. What is the object, then, of the examination,

can the Senator state?

Mr. OVERMAN. I suppose the State of Missouri is asking that the examination of these records be made. The State thinks it has some claims against the Government, but does not know whether it has or not. The State officials want to see if they are not entitled to what other States have been getting. There has been some confusion about the records. The bill does not call for a single dollar of appropriation.

Mr. SMOOT. I have not had time to read the report, but can the Senator say whether the bill is favorably reported upon by

the department?

Mr. OVERMAN. I think the Senator will find that information in the report which he has before him.

Mr. SMOOT. I was looking to ascertain.
Mr. OVERMAN. There is a full report which can be read, if the Senator desires to hear it. A similar bill has passed here numbers of times

Mr. SMOOT. Would the Senator have any objection to let-

ting the bill go over at this time?

Mr. OVERMAN. No. The Senator from Missouri is not here, and I should like for him to be here if there is going to be any objection.

The VICE PRESIDENT. The bill will go over.

ELIZABETH MUHLEMAN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, which had been reported from the Committee on Claims with

which had been reported from the Committee on Claims with an amendment on page 1, line 7, before the word "thousand," to strike out "five" and insert "one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, in full compensation for the death of said Samuel A. Muhleman on February 14, 1898, caused by injury received on the 9th day of June 1893, while employed as a clerk in the Record and Pension Office, War Department, while located in Ford's Theater at the time of its collapse.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN SURETY CO. OF NEW YORK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3469) for the relief of the American Surety Co. of New York. It directs the Secretary of the Treasury to pay to the American Surety Co. of New York \$115.51, as reimbursement in full of a payment made by that company as surety on the bond of John W. Coltrane, a railway postal clerk, to cover the sum embezzled by him, the payment having been made to the Postmaster General and covered into the Treasury of the United States without knowledge of the fact that a like sum to cover the same embezzlement had already been paid by John W. Coltrane to the clerk of the United States District Court for the Eastern Division of North Carolina and turned into the Treasury of the United States.

Mr. SMOOT. Mr. President, in the file of reports which I have here I see no report from the Treasury Department as to

this case

Mr. CRAWFORD. There is such a report. It is the most simple case in the world of a double payment. The party liable had paid in one jurisdiction, and the American Surety Co., not knowing that fact, paid in another. The only thing we can properly do is to refund the money. A report was made to us by the department.

Mr. LODGE. The report is here.
Mr. SMOOT. I will only say that it is not before me in the file that I have; but if there is such a report I have no objection at all to the bill.

Mr. CRAWFORD. The report is there.

Mr. SMOOT. Very well. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERBERT THOMPSON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1293) for the relief of Herbert Thompson. It directs the Secretary of the Treasury to pay to the Virginia Trust Co., of Richmond, Va., guardian of Herbert Thompson, minor and only child of Charles J. Thompson, deceased, \$701.12, in full compensation for the loss of his father, late a master rigger at the Norfolk Navy Yard, and who was killed by an accident while in line of duty on September 14, 1899, while engaged in removing the battery of the U. S. S. Newport,

at the navy yard in Norfolk, Va.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ROBERT S. GILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2127) for the relief of the heirs of Robert S. Gill, which had been reported by the Committee on Claims with an amendment, in line 6, after the word "of," to strike out "ten thousand" and insert "twenty-five hundred and twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert S. Gill, of Memphis, Tenn., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of \$2,520, to compensate them for injuries received by Robert S. Gill while in the employ of the Government on the Panama Canal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLEVADORAH STEELE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (8. 2311) for the relief of Bellevadorah Steele, which had been reported from the Committee on Claims with an amendment, in line 6, after the word "of," to strike out "ten thousand" and insert "one thousand two hundred and fortyeight," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bellevadorah Steele, out of any money in the Treasury not otherwise appropriated, the sum of \$1,248, in full compensation for injuries received by Horatio N. Steele, husband of the said Bellevadorah Steele, while performing his duties as a master mechanic in the gun-carriage shop of the navy yard at Washington, D. C.

Mr. SMOOT. Mr. President, I should like to ask the chairman of the committee if the accident causing the injury of Mr. Steele happened before the general statute was passed relating to such cases?

Mr. CRAWFORD. It happened just a short time before that. We have made the allowance on the basis of the statute-one

Mr. SMOOT. That covers the \$1,000, and the remainder is for expenses incurred, doctors' bills, and so forth, I suppose?

Mr. CRAWFORD. In this case I am not sure that there were any expenses. In another case the cost of an artificial foot and certain hospital expenses were allowed; but instead of allowing the amount claimed in the bill, we followed the statute sub-

stantially by giving one year's pay.

The VICE PRESIDENT. The question is on agreeing to the

amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIBBIE ARNOLD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2628) for the relief of Libbie Arnold, which had been reported from the Committee on Claims with an amendment, in line 5, after the word "five," to strike out "thousand" and insert "hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Libbie Arnold for injuries sustained by her on the Senate elevator on the 2d day of December, 1895, and expenses of medical attendance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE RATCHFORD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4050) for the relief of Catherine Ratchford. It proposes to appropriate \$900 for the relief of Catherine Ratchford, because of the death of her son, James Ratchford, on or about the 7th day of August, 1895, caused by injuries received by him on or about the 24th of July, 1895, while an employee of the United States Government, riprapping on the Missouri River, near Leavenworth, Kans., because of the negligent and careless acts of omission of his foreman in using a rotten and defective rope after he had notice of the same, and after they had promised to replace the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, I notice on reading the report on the bill which has just been considered that there was nothing whatever from the department to show that there was a record made of the injury. Does the Senator know whether

that information was given?

Mr. CRAWFORD. I can not answer the Senator's question with reference to this particular bill. The Senator from Pennsylvania [Mr. Oliver] made the examination and the report. I do not personally recall whether that information was furnished. The report accompanies the bill.

Mr. SMOOT. There is nothing on that point in the report.

It is merely a recommendation.

Mr. CRAWFORD. The bill may be passed over until the Senator from Pennsylvania is here, because he is perfectly familiar with it.

Mr. SMOOT. I ask that the bill go over.

In the absen

The VICE PRESIDENT. In the absence of objection, the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, will be reconsidered and the bill will go over at the request of the Senator from Utah.

ESTATE OF JOHN STEWART.

The bill (S. 2611) for the relief of the estate of John Stewart, deceased, was considered as in Committee of the Whole. It proposes to appropriate \$2,000 to pay to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ELIZA B. HAUSE.

The bill (S. 1508) for the relief of the estate of Eliza B. Hause was announced as next in order, and the Secretary read

Mr. SMOOT. Mr. President, let that bill go over. I should like to see the report in that case.

The VICE PRESIDENT. The bill will go over.

CLAIM OF THE STATE OF RHODE ISLAND.

The bill (S. 269) referring the claim of the State of Rhode Island to the Court of Claims for adjudication was considered as in Committee of the Whole. It provides that the items of the claim of the State of Rhode Island, for reimbursement for expenditures made in aiding the United States to raise its Voluntary Army in the War with Spain, and which are comprehended and described in the acts of Congress approved July 8, 1898, and March 3, 1899, and which were disallowed by the accounting officers of the Treasury Department, shall be referred to the Court of Claims for adjudication and report to Congress. And the certificate of the governor or the adjutant general of Rhode Island that the expenditures named in the items were necessary, just, and reasonable, and were incurred in good faith for the purposes mentioned, shall be sufficient evidence to authorize the adjudiciation under the provisions of the acts cited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PUBLIC PRINTING AND BINDING LAWS.

The bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. SMOOT. Mr. President, it is too late in the day to sta

Mr. SMOOT. Mr. President, it is too late in the day to start the consideration of this bill, and so I ask that it go over. The VICE PRESIDENT. The bill will go over, at the request

of the Senator from Utah.

GIFTS FROM FOREIGN GOVERNMENTS.

The bill (S. 2749) authorizing the State Department to deliver to certain persons gifts from the Governments of foreign States was considered as in Committee of the Whole. It authorizes E. C. Hadley, light keeper at The Graves, Winthrop, Mass., to accept a watch tendered to him by the Canadian Government through the Department of State of the United States; and authorizes the Department of State to deliver to the widow or heir at law of Albert Whitten, deceased, former light keeper at Cape Ann, Rockport, Mass., a watch tendered to him by the Canadian Government through the Department of State of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GENERAL ARBITRATION TREATIES.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiciable controversies or disputes, submitted by Mr. Cummins on the 8th instant, was announced as next in order.

Mr. LODGE. Let that go over, Mr. President.
The VICE PRESIDENT. The resolution will go over.

MESSENGER FOR COMMITTEE ON MINES AND MINING.

The resolution (S. Res. 184) authorizing the Committee on Mines and Mining to employ a messenger, submitted by Mr. Poindexter on the 15th instant, was announced as next in order, and the Secretary read the resolution as follows:

Resolved, That the Committee on Mines and Mining is hereby authorized to employ a messenger at a salary of \$1,200 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

Mr. WARREN. I should like to have the resolution again read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary again read the resolution.

Mr. WARREN. I had understood that the Committee to

Audit and Control the Contingent Expenses of the Senate would provide such employees for the session of Congress

rather than "until otherwise provided by law."

Mr. BRISTOW. Mr. President, the Committee on Mines and Mining has but two clerks, and this resolution provides a third.

Mr. WARREN. My objection is not to granting the Committee on Mines and Mining three clerks, but heretofore we have had innumerable cases where an employee has been put on the rolls "to be paid from the contingent fund of the Senate until otherwise provided for by law." Provision for the place does not appear in the appropriation bills, and, in consequence, the incumbent who holds it goes on forever almost, sometimes for 25 or 30 years, drawing salary, because the resolution states that "until otherwise provided for by law" he shall be paid out of the contingent fund. My idea is that such employees ought to be paid in the same way that other clerks are paid—by a regular appropriation provided for in an annual appropriation bill. That being the case, there is no need for the wording "until otherwise provided for by law."

Mr. BRISTOW. Certainly I think that is correct, but the chairman of the committee is not here.

Mr. WARREN. Mr. President, I have no objection whatever to the resolution, except as to that feature; and if the Senator from Kansas, who is a member of the committee, is not ready to change it, I will ask that the resolution go over.

Mr. BRISTOW. The chairman of the committee was really in charge of it, and I would not want to suggest a change in

his absence.

The VICE PRESIDENT. The resolution will go over at the request of the Senator from Wyoming.

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS.

The resolution (S. Res. 169) authorizing the Committee on Foreign Relations to employ a stenographer was announced as the next business in order and was read.

Mr. WARREN. The pending resolution merely refers, as it should with every other committee, to the present Congress. Therefore, of course, I do not make the same objection as in the previous case.

Mr. SMOOT. This is for a stenographer to report hearings. The resolution was considered by unanimous consent and agreed to.

ROSE H. COLLINS.

The resolution (S. Res. 166) to pay Rose H. Collins, widow of the late Walter F. Collins, was considered. The resolution had been reported from the Committee to

Audit and Control the Contingent Expenses of the Senate with an amendment, in line 2, after the word "pay," to insert "from the contingent fund of the Senate," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to Rose II. Collins, widow of Walter F. Collins, late assistant in folding room, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER TO SENATOR THOMAS P. GORE.

The resolution (S. Res. 126) authorizing the Committee on

Railroads to employ a messenger was considered.

The resolution had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, in line 1, after the word "That," to strike out "the Committee on Railroads" and insert "Senator Thomas P. Gore," and in line 2 strike out "it" and insert "he," so as to make the resolution read:

Resolved, That Senator THOMAS P. GORE be, and he is hereby, authorized to employ a messenger at a salary of \$1,200 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

Mr. WARREN. Am I to understand that the amendment changes the resolution as to this being "until otherwise provided for by law" chargeable to the contingent fund of the Senate?

The VICE PRESIDENT. That provision is in the resolution. Mr. WARREN. I ask that the resolution may go over without prejudice.

Mr. BRISTOW. The amendment which the Senator from Wyoming has suggested to the resolution would be acceptable to make it for this Congress instead of until otherwise provided for by law.

Mr. WARREN. If the Senator from Kansas, speaking for the committee, is willing, I should like to have such an amendment made-that it shall be for the present session.

Mr. BRISTOW. Strike out the words "until otherwise pro-

The amendment to the amendment was agreed to.

Mr. GALLINGER. I will inquire if the Senator named in this resolution is chairman of the Committee on Railroads?
Mr. BRISTOW. He is.

Mr. GALLINGER. Then why not allow the resolution in its original form to stand? If we commence giving clerks to individual Senators, it will get us into endless trouble. We, of course, all know the reason for the proposed change in this case, but I hope the words originally in the resolution will stand.

Mr. BRISTOW. The committee, in considering this resolu-tion, thought that the reasons presented in this case made the change peculiarly necessary, and for that reason the change was proposed.

Mr. GALLINGER. Would it not answer the same purpose if the resolution were to remain in its present form-"the Committee on Railroads"?

Mr. BRISTOW. The committee objected to that because the Senator who is now the chairman might not be its chairman for more than two or three or four months, and then the committee would have this additional clerk when it was not absolutely necessary. It was thought that the Senator who is at the head of this committee at the present time is entitled to have this messenger.

Mr. GALLINGER. I think he is. I shall not object to it. But I do dislike to have the Senate, even in this case of great

merit, give clerks to Senators by name.

Mr. BRISTOW. That was considered by the committee, but it was thought, under all the circumstances—

Mr. GALLINGER. I will not object.

Mr. WARREN. I think we all understand the reasons why the resolution should be changed in this respect, but I should like to ask if the amendment confining it to the present session was agreed to?

The VICE PRESIDENT. It has been. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to. The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

The resolution (S. Res. 164) authorizing the Committee on Commerce to conduct hearings, etc., was considered.

The resolution had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, after the word "stenographer," at the end of line 3, to insert "from time to time," so as to make the resolution read:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be authorized to send for persons and papers and to administer oath, and to employ a stenographer from time to time to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

The resolution (S. Res. 179) authorizing the Committee on Interoceanic Canals to conduct hearings, etc., was considered.

The resolution had been reported from the Committee to

Audit and Control the Contingent Expenses of the Senate with an amendment, in line 3, after the word "stenographers," to insert "from time to time," so as to make the resolution read:

Resolved, That the Committee on Interoceanic Canals, or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ
stenographers from time to time to report such hearings as may be
had in connection with any subject that may be pending before said
committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and
said committee and subcommittees thereof may sit during the sessions
of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

The resolution (S. Res. 182) authorizing the Committee on Education and Labor to conduct hearings, etc., was considered.

The resolution had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, in line 3, after the word "employ," to "from time to time," so as to make the resolution read: to insert

Resolved, That the Committee on Education and Labor, or any subcommittee thereof, be authorized to send for persons and papers and to
administer oath, and to employ from time to time a stenographer to
report such hearings as may be had in connection with any subject
which may be pending before said committee, and to have the same
printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee
thereof may sit during the sessions of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

CAPT. JOSEPH HERRING, UNITED STATES ARMY.

The bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired, was considered as in Committee of the Whole. It proposes to pay \$402.30 for the relief of Capt. Joseph Herring, United States Army, retired, said sum having been

paid out of his own personal funds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

PENSIONS AND INCREASES OF PENSIONS.

The bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as the next business in order.

Mr. SMITH of Georgia. I desire to ask that the bill go over. The bill (S. 4624) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill go over. The VICE PRESIDENT. The bills indicated by the Senator from Georgia will go over.

OTTAWA INDIAN TRIBE.

The bill (S. 1014) for the relief of the Ottawa Indian Tribe of Blanchard Fork and Rouch de Boeuf was announced as next

Mr. LODGE. I ask that the bill go over in the absence of the Senator in charge of it.

REGULATION OF IMMIGRATION.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as the next in order on the calendar.

Mr. LODGE. Let it go over.

The VICE PRESIDENT. It will go over.

HOMESTEADERS ON FORMER INDIAN RESERVATIONS.

The bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reser-

vation, in the States of South Dakota and North Dakota, was considered as in Committee of the Whole.

Mr. OVERMAN. I should like to ask right here whether there was not fixed a definite time for these payments?

Mr. GAMBLE. The law provided for annual installments, and this bill provides for an extension of one year. But all payments must be paid within the limitation of time, which was five years. I may state that unusual conditions existed in that section of the State. It was extremely dry.

Mr. OVERMAN. I do not object to the bill, but only to the

unlimited time.

Mr. GAMBLE. There is no unlimited time. All the pay-

ments must be made within five years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WARREN E. DAY.

The bill (S. 4033) for the relief of Warren E. Day was considered as in Committee of the Whole. It proposes to pay to Warren E. Day \$1,200 for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory under the orders and approval of the Commissioner of Indian

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. ROOT. Mr. President, I see on the calendar, under the head of resolutions over under the rule, a resolution (S. Res. 58) directing that there be printed as a public document the testimony taken by the Illinois Senate in the case of the junior Senator [Mr. Lorimer]. It was introduced by me. It is ancient history, the occasion has passed, and I should like unanimous consent to take up the resolution and have it indefinitely postponed.

The VICE PRESIDENT. Without objection, the resolution will be indefinitely postponed. The Chair hears none, and it is

so ordered.

PROPOSED PROGRAM OF LEGISLATION.

Mr. GALLINGER. Preceding that resolution is a resolution (S. Res. 41) by the Senator from Nevada [Mr. Newlands] declaring what measures ought to be considered by Congress dur-ing the "present extra session." I make the same motion— that it be taken from the calendar and indefinitely postponed.

The VICE PRESIDENT. In the absence of objection, that

order is entered.

GENERAL ARBITRATION TREATIES.

Mr. SMITH of Georgia. I desire to ask that the title of the amendment which I proposed last Thursday be corrected. As printed it indicates that the Senator from New York [Mr. Root] offered an amendment to his own resolution, and I make the correction in order that he may be relieved of that. reads, "Proposed amendment to the resolution of ratification presented by Mr. Root." It should read, "Amendment proposed presented by Mr. Root." by Mr. SMITH of Georgia to the resolution of ratification presented by Mr. Root."

I ask leave that the amendment with this correction be re-

printed.

The VICE PRESIDENT. That will be done.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 23, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1912. PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Benjamin Maurice Chiswell to be captain in the Revenue-Cutter Service of the United States, to rank as such

from July 6, 1911, in place of Capt. Howard Emery, promoted.
Second Lieut. George Clayton Alexander to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from August 21, 1911, in place of First Lieut. William Albert Whittier, deceased.
Second Lieut. Thaddeus Greaves Crapster to be first lieuten-

ant in the Revenue-Cutter Service of the United States, to rank as such from June 19, 1911, in place of First Lieut. John Giveen Berry, promoted.

Second Lieut. Hiram Rex Searles to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 6, 1911, in place of First Lieut. Benjamin Maurice Chiswell, promoted.

Third Lieut. John Stansbury Baylis to be second lieutenant in

the Revenue-Cutter Service of the United States, to rank as such from July 6, 1911, in place of Second Lieut. Hiram Rex Searles, promoted.

Third Lieut. Eugene Auguste Coffin to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 19, 1911, in place of Second Lieut. Thaddeus Greaves Crapster, promoted.

Third Lieut. Wilfred Neville Derby to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 13, 1911, in place of Second Lieut. Joseph Tillotson Drake, resigned.
Third Lieut. William James Keester to be second lieutenant

in the Revenue-Cutter Service of the United States, to rank as such from December 19, 1910, in place of Second Lieut. Edward

Joseph Donohue, deceased

Third Lieut. Charles George Roemer to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from August 21, 1911, in place of Second Lieut. George Clayton Alexander, promoted.

MINISTER.

Cyrus E. Woods, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States of America to Portugal, vice Edwin V. Morgan, nominated to be ambassador extraordinary and plenipotentiary to Brazil.

UNITED STATES DISTRICT JUDGE.

William H. Pope, of New Mexico, to be United States district judge, district of New Mexico, under the provisions of section 13 of the act of Congress approved June 20, 1910.

UNITED STATES ATTORNEYS

Harry Eugene Kelly, of Colorado, to be United States attorney, district of Colorado, vice Thomas Ward, jr., whose term

expires February 17, 1912.

Stephen B. Davis, jr., of New Mexico, to be United States atattorney, district of New Mexico, under the provisions of secton 13 of the act of Congress approved June 20, 1910.

UNITED STATES MARSHAL.

Cornelius P. Swain, of Delaware, to be United States marshal, district of Delaware, vice William R. Flinn, deceased.

RECEIVER OF PUBLIC MONEYS.

Louis W. Pierson, of Havre, Mont., who was appointed September 8, 1911, during the recess of the Senate, to be receiver of public moneys at Havre, Mont., vice Robert X. Lewis, resigned.

REGISTER OF THE LAND OFFICE.

Myron W. Hutchinson, of Havre, Mont., who was appointed September 8, 1911, during the recess of the Senate, to be register of the land office at Havre, Mont., vice Florian A. Carnal, resigned.

TREASURER OF PORTO RICO.

Allan H. Richardson, of Connecticut, to be treasurer of Porto Rico, vice Samuel D. Gromer, resigned.

MEMBER OF THE CALIFORNIA DEBRIS COMMISSION.

Maj. Charles H. McKinstry, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Capt. Charles T. Leeds, Corps of Engineers, United States Army, to be relieved.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Thomas Ridgway, Coast Artillery Corps, to be colonel from January 17, 1912, vice Col. Samuel E. Allen,

detached from his proper command.

Maj. Morris K. Barroll, Coast Artillery Corps, to be lieutenant colonel from January 17, 1912, vice Lieut. Col. Thomas Ridgway,

promoted.

Capt. George A. Nugent, Coast Artillery Corps, to be major from January 17, 1912, vice Maj. Lawrence S. Miller, detailed as paymaster on that date.

First Lieut. Harry L. Morse, Coast Artillery Corps, to be captain from January 17, 1912, vice Capt. Charles E. Kilbourne, detached from his proper command.

Second Lieut. Thomas J. Cecil, Coast Artillery Corps, to be first lieutenant from January 17, 1912, vice First Lieut. Harry L. Morse, promoted.

SIGNAL CORPS.

Lieut. Col. George P. Scriven, Signal Corps, to be colonel from January 19, 1912, vice Col. Richard E. Thompson, retired from

active service January 18, 1912.

Maj. Frank Greene. Signal Corps. to be lieutenant colonel from January 19, 1912, vice Lieut. Col. George P. Scriven, promoted.

Capt. Carl F. Hartmann. Signal Corps, to be major from January 19, 1912, vice Maj. Frank Greene, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from January 17, 1912.

Fred Warren Bailey, of Missouri. Byron Clary Darling, of New York. Charles Edwin Donlan, of Massachusetts. Elmer Moses Eckard, of Illinois. Charles Lincoln Furbush, of Pennsylvania. Abram Barnes Hooe, of the District of Columbia. William Albert Jolley, of Colorado. Harvey Augustine Kelly, of Massachusetts. Clarence Wilbur Leigh, of Illinois. William Henry Maley, of Illinois. Herman Lewis Neitert, of Missouri. Eryl Smith Peterson, of Michigan. Walter Augustine Wells, of the District of Columbia. Charles Whelan, of Massachusetts. Arthur Frank Wilhelmy, of Illinois. Henry McClure Young, of Missouri.

PROMOTIONS IN THE NAVY.

Lieut. Charles T. Wade to be a lieutenant commander in the Navy from the 14th day of September, 1911, to fill a vacancy.

Lieut. Roe W. Vincent to be a lieutenant commander in the Navy from the 17th day of October, 1911, to fill a vacancy.

Lieut, Hollis T. Winston to be a lieutenant commander in the Navy from the 26th day of October, 1911, to fill a vacancy.

Lieut. Frederick R. Naile to be a lieutenant commander in the Navy from the 14th day of December, 1911, to fill a va-

Passed Asst. Surg. Morton W. Baker to be a surgeon in the Navy from the 17th day of November, 1911, to fill a vacancy

Pay Inspector James S. Phillips to be a pay director in the Navy from the 8th day of December, 1911, to fill a vacancy.

Paymaster Joseph Fyffe to be a pay inspector in the Navy from the 8th day of December, 1911, to fill a vacancy.

POSTMASTERS.

ALABAMA.

Alice A. Sartin to be postmaster at Oakman, Ala., in place of Charles M. Sartin, resigned.

CALIFORNIA.

William G. Hawley to be postmaster at San Jose, Cal., in place of William G. Hawley. Incumbent's commission expired January 9, 1912.

Arthur Spencer Fleming to be postmaster at Auburn, Cal., in place of Arthur Spencer Fleming. Incumbent's commission expires February 18, 1912.

Arthur B. Steel to be postmaster at Redondo Beach, Cal., in

place of S. D. Barkley, removed.

COLORADO.

Frank E. Baker to be postmaster at Fort Morgan, Colo., in place of Frank E. Baker. Incumbent's commission expires February 4, 1912.

Fannie Pearl to be postmaster at Aguilar, Colo. Office be-

came presidential July 1, 1911.

Ellen E. Potter to be postmaster at Castle Rock, Colo. Office became presidential January 1, 1912.

Lawrence Brown to be postmaster at Milton, Fla., in place of Lawrence Brown. Incumbent's commission expires February

21, 1912.
Simeon C. Dell to be postmaster at Alachua, Fla., in place of Simeon C. Dell. Incumbent's commission expires February

Eugene D. Lounds to be postmaster at Crescent City, Fla. Office became presidential January 1, 1912.

Stalker Clubb to be postmaster at Mullan, Idaho, in place of Ray E. Newbury, resigned.

ILLINOIS.

John F. Donovan to be postmaster at Kinmundy, Ill., in place of John F. Donovan. Incumbent's commission expired December 19, 1909.

Thomas S. Green to be postmaster at Gardner, Ill., in place of Thomas S. Green. Incumbent's commission expired December 18, 1911.

Isaac W. Parkinson to be postmaster at Stockton, Ill., in place of Isaac W. Parkinson. Incumbent's commission expires February 12, 1912.

Charles J. Daugherty to be postmaster at Crown Point, Ind., in place of Floyd E. Farley. Incumbent's commission expired December 11, 1911. Harriet C. Graham to be postmaster at Bloomfield, Ind., in

place of John W. Graham, deceased.

IOWA.

Robert P. Osier to be postmaster at Clarion, Iowa, in place of Robert P. Osier. Incumbent's commission expired December 11, 1911.

KANSAS.

Edgar B. Dykes to be postmaster at Macksville, Kans., in place of Edgar B. Dykes. Incumbent's commission expired December 11, 1911.

A. W. Robinson to be postmaster at La Crosse, Kans., in place of Charles L. O'Neal. Incumbent's commission expires February 19, 1912.

Albert L. Utterback to be postmaster at Caney, Kans., in place of Albert L. Utterback. Incumbent's commission expired January 9, 1912.

James J. Yapp to be postmaster at Esbon, Kans., in place of Thomas J. Wright, resigned.

MAINE.

Guy S. Baker to be postmaster at East Millinocket, Me. Office became presidential January 1, 1912.

Arthur A. Dinsmore to be postmaster at Dover, Me., in place of Arthur A. Dinsmore. Incumbent's commission expires February 18, 1912.

George L. Hovey to be postmaster at North Anson, Me., in place of George L. Hovey. Incumbent's commission expires February 18, 1912.

Jonathan F. Jefferds to be postmaster at Livermore Falls, Me., in place of Jonathan F. Jefferds. Incumbent's commission expires February 4, 1912.

Thomas T. Rankin to be postmaster at Alfred, Me., in place of Grace L. Akers, resigned.

MARYLAND.

Robert R. Walker to be postmaster at Easton, Md., in place of Robert R. Walker. Incumbent's commission expired January 10, 1911.

MASSACHUSETTS.

Erwin E. Carpenter to be postmaster at East Douglass, Mass., in place of Erwin E. Carpenter. Incumbent's commission ex-

pired December 10, 1911.

John F. Mitchell to be postmaster at North Grafton, Mass., in place of John F. Mitchell. Incumbent's commission expires February 24, 1912.

Everett I. Nye to be postmaster at Wellfleet, Mass., in place of Everett I. Nye. Incumbent's commission expired January 20, 1912,

George H. Seymour to be postmaster at Monson, Mass., in place of George H. Seymour. Incumbent's commission expired January 13, 1912.

Edward G. Spooner to be postmaster at Fairhaven, Mass., in place of Edward G. Spooner. Incumbent's commission expires January 29, 1912.

MICHIGAN.

Edgar B. Babcock to be postmaster at Kalkaska, Mich., in place of Edgar B. Babcock. Incumbent's commission expired December 18, 1911.

Andrew B. Glaspie to be postmaster at Oxford, Mich., in place of Andrew B. Glaspie. Incumbent's commission expired December 11, 1911.

Xerxes A. Jones to be postmaster at Hamtramck, Mich. Office became presidential January 1, 1912.

Hosea A. Lewis to be postmaster at Frankfort, Mich., in place of Charles S. Collier. Incumbent's commission expired December 11, 1911.

Clarence J. Buckley to be postmaster at Delano, Minn., in place of Clarence J. Buckley. Incumbent's commission expires February 4, 1912.

John H. Carlaw to be postmaster at Balaton, Minn., in place of John H. Carlaw. Incumbent's commission expires January 23, 1912.

Fred N. Corey to be postmaster at Elk River, Minn., in place of Fred N. Corey. Incumbent's commission expires February 4, 1912.

Hakon E. Glasoe to be postmaster at Lanesboro, Minn., in place of Hakon E. Glasoe. Incumbent's commission expired January 20, 1912.

John A. Hawkinson to be postmaster at Parkers Prairie, Minn., in place of John A. Hawkinson. Incumbent's commission expired January 20, 1912,

Justin E. Stiles to be postmaster at Wells, Minn., in place of Justin E. Stiles. Incumbent's commission expired January 13,

MISSOURI.

William E. Burns to be postmaster at Appleton City, Mo., in place of William E. Burns. Incumbent's commission expired January 13, 1912.

Elsie Frost to be postmaster at Ilasco, Mo., in place of Joseph

Bernstein, resigned.

William Howe to be postmaster at Hardin, Mo. Office became presidential January 1, 1912.

NEBRASKA.

Calvin Bradshaw to be postmaster at Farnam, Nebr., in place of Calvin Bradshaw. Incumbent's commission expired January 16, 1912.

James M. Fox to be postmaster at Gretna, Nebr. Office became presidential January 1, 1912.

George B. Guffy to be postmaster at Elgin, Nebr., in place of George B. Guffy. Incumbent's commission expires February 12,

NEVADA.

J. H. McCracken to be postmaster at Lovelocks, Nev., in place of Julius R. Hunter. Incumbent's commission expired December 11, 1911.

NEW JERSEY.

Henry S. Garretson to be postmaster at Dunellen, N. J., in place of Henry S. Garretson. Incumbent's commission expired January 13, 1912.

Felix S. Jacobson to be postmaster at Arlington, N. J., in place of James Freeman. Incumbent's commission expired December 17, 1910.

William H. Williams to be postmaster at Smithville, N. J., in place of William S. Kelley. Incumbent's commission expired January 31, 1905.

NEW YORK.

Valentine Bahn to be postmaster at Liverpool, N. Y. Office became presidential January 1, 1912.

Sarah H. Banks to be postmaster at Cornwall Landing, N. Y., in place of Sarah H. Young, name changed by marriage.

Delano D. Cottrell to be postmaster at North Cohocton, N. Y., in place of Delano D. Cottrell. Incumbent's commission expires January 22, 1912.

George T. Eveland to be postmaster at Franklin, N. Y., in place of George T. Eveland. Incumbent's commission expired January 13, 1912.

Jerome H. Freeman to be postmaster at Savona, N. Y. Office became presidential January 1, 1912.

Hans C. Hansen to be postmaster at Fishers Island, N. Y., in place of Hans C. Hansen. Incumbent's commission expired

December 11, 1911. Walter E. Johnson to be postmaster at Saranac Lake, N. Y., in place of Richard H. McIntyre, resigned.

Charles T. Knight to be postmaster at Monroe, N. Y., in place of Charles T. Knight. Incumbent's commission expires January 22, 1912.

Samuel H. Parsons to be postmaster at East Hampton, N. Y., in place of Samuel H. Parsons. Incumbent's commission expires January 28, 1912.

William H. Prangen to be postmaster at Hornell, N. Y., in place of William H. Prangen. Incumbent's commission expires January 27, 1912.

Charles E. Turner to be postmaster at Cato, N. Y. Office became presidential January 1, 1912.

Loren Webster to be postmaster at Delanson, N. Y., in place of William J. McClure, deceased.

Theodore C. Wethey to be postmaster at Savannah, N. Y., in place of Theodore C. Wethey. Incumbent's commission expires

January 27, 1912. Henry P. Wilcox to be postmaster at Cohocton, N. Y., in place of Henry P. Wilcox. Incumbent's commission expires January

Seraph E. Wolcott to be postmaster at Kesseville, N. Y., in place of Seraph E. Wolcott. Incumbent's commission expired January 13, 1912.

Peter H. Zimmerman to be postmaster at Wayland, N. Y., in place of Peter H. Zimmerman. Incumbent's commission expired January 14, 1912.

NORTH CAROLINA.

Robert D. Douglas to be postmaster at Greensboro, N. C., in place of Robert D. Douglas. Incumbent's commission expires January 27, 1912.

J. N. Powell to be postmaster at Southern Pines, N. C., in place of Bernard W. Leavitt. Incumbent's commission expired February 14, 1909.

NORTH DAKOTA.

John S. Gee to be postmaster at Flaxton, N. Dak., in place of John S. Gee. Incumbent's commission expired January 16, 1912. H. M. Haakenson to be postmaster at Hatton, N. Dak., in

place of Tobias R. Tobiason, resigned.

John E. Jenks to be postmaster at Souris, N. Dak., in place of John E. Jenks. Incumbent's commission expired January 13, 1912

August H. Wahl to be postmaster at Washburn, N. Dak., in place of August H. Wahl. Incumbent's commission expired January 13, 1912.

OHIO.

Charles E. Fenton to be postmaster at Newton Falls, Ohio, in place of Charles E. Fenton. Incumbent's commission expired December 16, 1911.

Otis T. Locke to be postmaster at Tiffin, Ohio, in place of Otis T. Locke. Incumbent's commission expired January 14, 1912.

Levi Roscoe to be postmaster at Milan, Ohio, in place of Levi Roscoe. Incumbent's commission expired December 16, 1911.

William E. McGuire to be postmaster at Pawhuska, Okla., in place of William E. McGuire. Incumbent's commission expires February 21, 1912.

PENNSYLVANIA.

John N. Dersam to be postmaster at McKeesport, Pa., in place of John N. Dersam. Incumbent's commission expired January 13, 1912.

Edelbert U. Eaton to be postmaster at Ulysses, Pa., in place of Edelbert U. Eaton. Incumbent's commission expires January 27, 1912.

RHODE ISLAND.

Benjamin B. Martin to be postmaster at Warren, R. I., in place of Benjamin B. Martin. Incumbent's commission expired January 13, 1912.

SOUTH CAROLINA.

Rufus C. Gettys to be postmaster at Blacksburg, S. C., in place of Rufus C. Gettys. Incumbent's commission expires January 28, 1912.

Wilmot L. Harris to be postmaster at Charleston, S. C., in place of Wilmot L. Harris. Incumbent's commission expires January 28, 1912.

SOUTH DAKOTA.

Sarsfield P. Malone to be postmaster at Huron, S. Dak., in place of Sarsfield P. Malone. Incumbent's commission expires February 28, 1912.

WASHINGTON.

Grant C. Angle to be postmaster at Shelton, Wash., in place of Grant C. Angle. Incumbent's commission expires February 18, 1912.

J. Hugh Sherfey to be postmaster at Colfax, Wash., in place of James Ewart, resigned.

WEST VIRGINIA.

Louis Lowmiller to be postmaster at Weirton, W. Va. Office became presidential July 1, 1911.

WISCONSIN.

William H. Berray to be postmaster at Wautoma, Wis., in place of William H. Berray. Incumbent's commission expired December 11, 1911.

Adelbert E. Lapham to be postmaster at Nekoosa, Wis., in place of Adelbert E. Lapham. Incumbent's commission expires

January 27, 1912.

Charles Marriner to be postmaster at Cadott, Wis., in place of Lansing A. Wilcox. Incumbent's commission expired January 20, 1912.

John C. Mitchell to be postmaster at Kaukauna, Wis., in place of John C. Mitchell. Incumbent's commission expires January 27, 1912.

Buck Williams to be postmaster at Iola, Wis., in place of Buck Williams. Incumbent's commission expires January 27, 1912.

Frank F. Tuttle to be postmaster at Thermopolis, Wyo., in place of Frank F. Tuttle. Incumbent's commission expired December 10, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1912. RECEIVERS OF PUBLIC MONEYS.

John P. Dickinson to be receiver of public moneys at Hugo,

Fred P. Cronemiller to be receiver of public moneys at Lakeview, Oreg.

REGISTER OF THE LAND OFFICE.

Brantley E. Sturdevant to be register of the land office at O'Neill, Nebr.

UNITED STATES MARSHAL.

Cornelius P. Swain to be marshal of the district of Delaware. PROMOTION IN THE ARMY.

CORPS OF ENGINEERS.

Second Lieut, Robert S. A. Dougherty to be first lieutenant. APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Wifliam B. McLaurin, Eighteenth Infantry, to be second lieutenant.

INFANTRY ARM.

Second Lieut. John F. Wall, First Cavalry, to be second lieutenant.

APPOINTMENT IN THE ARMY.

INFANTRY ARM.

Medorem Crawford, jr., to be second lieutenant.

POSTMASTERS.

FLORIDA.

John C. Beekman, Tarpon Springs. Christian L. Dohn, New Smyrna, John B. White, Mulberry.

GEORGIA. John L. Johnson, Meigs.

Rilton S. Turner, Nashville.

ILLINOIS.

Rollin H. Woods, Rock Falls.

LOUISIANA.

Stacy Elizabeth Ober, Ferriday.

NEVADA

Albert J. Johnson, Fallon.

NEW YORK.

Manly A. Aiken, Kenwood. Ernest A. Drew, Tupper Lake. Charles G. Norton, Bainbridge. William E. Sutfin, Freeville. Samuel H. Williams, Frankfort.

PENNSYLVANIA.

Joseph M. Bloss, Titusville.

SOUTH DAKOTA.

Ernest B. Yule, Alexandria.

WISCONSIN.

Louis E. Homsted, Dorchester.

HOUSE OF REPRESENTATIVES.

Monday, January 22, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, give us the larger vision, the broader fields of endeavor, the finer sense of justice, abroad in the land, involved in the brotherhood of mankind, and help us to realize that no commercial enterprise, no legislative enactment, no philanthropic movement, no religious endeavor can fully succeed which is not based upon the broad principles of fatherhood and brotherhood. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, January 20,

1912, was read and approved.

EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. MOSS of Indiana. Mr. Speaker, I submit a privileged report (H. Rept. 249) from the Committee on Expenditures in the Department of Agriculture, on the Dr. Wiley investigation, and ask to have it printed.

The SPEAKER. The gentleman from Indiana [Mr. Moss] presents a privileged report and asks that it be printed. The Clerk will read the heading of the report.

The Clerk read as follows:

Mr. Moss of Indiana, from the Committee on Expenditures in the Department of Agriculture, submitted the following report—

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman from Illinois will state it. Mr. MANN. Does the Chair hold that this is a privileged report?

The SPEAKER. The gentleman from Indiana [Mr. Moss] states that it is. The Chair has not passed on the question,

Mr. MANN. I do not think it makes any difference. I have

no objection; but I do not think it is privileged.

Mr. SPEAKER. Then the Chair will not pass on that question until he has an opportunity to investigate it. If there be no objection, the report will be printed and will go to the House Calendar.

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

DISTRICT OF COLUMBIA APPROPRIATION BILL:

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17681) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

Mr. JOHNSON of Kentucky. Mr. Speaker, this is the day set apart under the rules for the consideration of bills reported from the Committee on the District of Columbia. That committee is given two Mondays in each month. In this month there are five Mondays. I have no objection to the Committee on Appropriations going ahead now with its bill provided the District Committee may have next Monday to transact its business, so that it will at least have two Mondays in the month.

The SPEAKER. The gentleman from Texas [Mr. Burleson] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17681, the District of Columbia appropriation bill, and pending that the gentleman from Kentucky [Mr. Johnson], chairman of the Committee on the District of Columbia, asks unanimous consent that next Monday, the fifth Monday in January, be set apart as District day instead of to-day. Is there objection?

There was no objection.

The motion of Mr. Burleson was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. Garrett in the chair.

The Clerk read as follows:

For the enforcement of the provisions of an act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896, and an act to provide for the abatement of nulsances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906, \$1,000.

Mr. HAYES. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the Committee of the Whole to a statement made at the close of the session on Saturday in regard to the governor of California having vetoed a bill making appropriations to assist in exterminating the rodents in California infested with fleas which are calculated to communicate the bubonic plague. I am not advised whether the governor vetoed such a bill as that or not, but if he did, in my opinion he was amply justified in doing so, because the act of March 13, 1909, of the State of California fully provides for this matter.

That act makes it the duty of individuals and corporations owning or controlling any land in the State of California to exterminate, at their own expense, the squirrels, gophers, rats, and other rodents that could by any possibility harbor any fleas infected with bubonic plague. If they fail to do so, it is made the duty of the State board of health to go on the premises and exterminate them and charge up the cost thereof to the counties and the cities in which the land is located.

By this act it is made the duty of the board of supervisors of the several counties and the governing boards of the cities and municipalities to spend any money that may be necessary to carry out the provisions of the act. In accordance with that act the municipalities of California and the various counties have for some time been spending large sums of money, in addition to the sums spent by individuals, to destroy the rodents in the State of California. I have here in my hand correspondence from the board of supervisors of the smallest county in my district—the county of San Benito—which shows that that county has been spending large sums of money in their campaign against squirrels and gophers. This communication asks that the Department of the Interior and the Department of Agriculture may cooperate with the people of San Benito County in order to destroy the gophers and ground squirrels that infest this county. A very large percentage of the surface

of that county is owned by the United States, and this public land is infested with ground squirrels, and the futility is pointed out of expending more money unless it is seconded by the action of the Government in stamping out these rodents on the public land.

In my own city, San Jose, whatever money has been necessary has already been spent by the city to rid the city of rodents. The people of my county have spent tens of thousands of dollars in this campaign, and I think the county is nearly free from ground squirrels.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HAYES. Certainly.

Mr. FITZGERALD. Has the gentleman any definite state-

ment as to the amount expended by any county?

Mr. HAYES. Such a statement could not be compiled accurately, but perhaps I can state for the gentleman's information that to my certain knowledge the total must be hundreds of thousands of dollars. That campaign is still in progress, and I hope the gentleman's desire for economy, in which I heartlly sympathize, will not carry him so far as to prevent the United States from doing its part in helping the State rid itself of these rodents.

Mr. FITZGERALD. The United States has done its part; it has spent \$1,000,000, and it has an organization there now that is costing \$23,000 a month. My statement on Saturday with reference to the matter was due to the fact that the governor of the gentleman's State had vetoed a bill that appropriated less than \$100,000 to enable the State to cooperate with the Government.

Mr. HAYES. The gentleman perhaps was not in the House when I stated that there are ample laws on the statute books of California for this purpose now. I am not advised why the governor vetoed such a bill. If he did he is, in my opinion, amply justified, because the law of March 13, 1909, provided fully for the participation of the State, municipalities, and citizens in this campaign, and not only provided for it but makes it their duty to do so, and failure to do it a public nuisance; it makes it the duty of the State board of health to go upon the lands that are infested and exterminate the rodents and charge it up to the city or the county in which it is necessary to do it.

Now this campaign is going on everywhere in the State where there are any rodents that may possibly be infected, and it is intended that it shall go on in the future to a finish. I think it is but fair, as already stated by my colleague [Mr. Kahn], that the United States should continue to bear its share of the burden. Because the State of California happens to be on the western rim of the continent, and because the policing has to be done in that State to protect not California alone but the whole country from the invasion of bubonic plague, I see no reason why the people of California should bear the whole burden.

Mr. NEEDHAM. Will the gentleman yield for a statement? Mr. HAYES. In just a moment. I have here correspondence on this subject not only from the county of San Benito but from the county of San Luis Obispo.

Mr. NEEDHAM. Many of the farmers in the counties have voluntarily paid so much per acre as being the amount requested by the Government of the United States for this cooperative work. In my own county, for instance, all the farmers voluntarily paid the amount per acre which was requested by the Government officials, and that fund has been collected for cooperative work. As a landowner I have paid my share of the amount which the Government of the United States requested I should contribute for the cooperative work. That has been done in almost all the counties in my district.

Mr. HAYES. Mr. Chairman, in my section of the State that is true of every county, and I myself have paid the necessary money to rid my premises of the rodents, and have helped to rid the surrounding country of them. There is in California the most loyal support of Dr. Blue in his work to rid the coast of these rodents, and there will continue to be that loyalty, and the people are not sparing their money. They are not niggardly in the expenditure of it in order to accomplish this result. We only desire that the United States shall do its fair share in this matter. It has been done largely under the leadership of the Public Health and Marine-Hospital Service; but the people have cooperated, and are ready and anxious to cooperate, and I am sure that I speak for the whole State when I say that they will spend any money that is necessary. If the Government of the United States thinks it is too poor to clear its public lands of these rodents and to do its share in this matter, then I am satisfied that the people of the State of California will do it for them.

Mr. FITZGERALD. Certainly the Government of the United States has not been derelict in doing its duty. It is not only

doing the work on the public lands, but it did the work in the city of San Francisco and in other places, which properly belonged to the State of California. If the gentleman from Pennsylvania [Mr. Olmsted] or myself had come to the Congress and asked for help to get rid of an epidemic of cholera or other disease in Philadelphia or New York, we would have been laughed off the floor of the House.

Mr. HAYES. I want to suggest that the gentleman is correct in saying the United States has done its share in the city of San Francisco and in the other coast towns, but he is not right in saying that the United States has done its share in ridding the public lands of these pests. I have corresponded with the Secretary of the Interior and with the Secretary of Agriculture in regard to this matter, and have had their pledge that they will cooperate and do anything in their power to assist the people of California in stamping out these rodents, and I hope that the gentleman from New York [Mr. Fitzgerald]—and I have no doubt he will when he understands the matter-will give his assent to the General Government doing its share. I merely bring this up so that there may be no misapprehension or any thought left in the mind of anyone that the people of California or the governor of California have been remiss in their duty in this matter. They have not. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed the health officer and assistant health officer, medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance by each of a horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed \$240 per annum, and other necessary traveling expenses, \$5,000, or so much thereof as may be necessary.

Mr. CARLIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 69, line 1, after the word "duties," strike out the words "not to exceed \$240 per annum" and insert the words "not to exceed \$30 per month."

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Virginia.

Mr. BURLESON. Mr. Chairman, I will state to the committee that this reduction is made because for similar service the law fixes a limitation upon the amount that should be furnished riding policemen. The law fixes the limit of \$240 per annum. The committee went into the matter at some length and ascertained that it cost approximately \$15 a month to maintain a horse. I have it from one of the policemen who has heretofore been allowed an amount in excess of what was allowed by law, that he maintained his horse and vehicle for about \$180 a year. The law in the police department fixes a limit of \$240, which should be allowed for this service. In view of those facts, we reached the conclusion that there was no reason why we should discriminate in favor of the dairy and food inspectors and allow them just twice what the service actually cost and \$120 a year in addition to what is allowed by the law for the police service. For that reason your committee made this reduction.

Mr. CARLIN. Mr. Chairman, as I understand it, the law up to this time has allowed \$30 a month for this service. My amendment applies more especially to the keeping of the animal

in the country by the veterinary surgeon.

Mr. BURLESON. The gentleman is mistaken about that. have been appropriating for the last few years in appropriation bills not to exceed \$30 a month for this particular service, but the law does not fix any limitation upon the amount as far as dairy inspectors are concerned, but does fix a limit in the police department, namely, that they shall not be paid to exceed \$240.

Mr. CARLIN. Is that for the care of the horse?

Mr. BURLESON. The care of the horse and the vehicle also. We went into the matter and I have information that it costs only about \$15 a month to maintain this service, and for that reason we proposed to give just what is actually required and \$120 in excess of what the law allows in another department for similar service.

Mr. CARLIN. I do not think that a horse can be kept for

\$15 a month in the District of Columbia.

Mr. BURLESON. I had information from one of the police

officers, which has also been reduced-

Mr. CARLIN. I thought I had a letter in my pocket which I had received from a gentleman who is a raiser and breeder of horses and feeds a great many of them, and he advises me that a horse can not be maintained at \$20 a month at the Now, for that reason I offered the present cost of feed. amendment

Mr. JOHNSON of Kentucky. It costs \$10 to actually feed them.

Mr. SIMS. May I ask the gentleman a question? And that is, the gentleman's opinion of the cost of keeping a human being in the District.

Mr. CARLIN. Well, that depends largely on the habits of

the human being.

Mr. SIMS. I am talking about the necessaries of life. Mr. CARLIN. Those things are not as reasonable as they used to be; a human being certainly can not be kept for \$20.

Mr. SIMS. Does the gentleman think it exceeds \$20 for the laboring people of the District-I mean those who earn their living by manual labor.

Mr. CARLIN. Yes; I do not think you can get a good, com-

fortable living in Washington for \$20 a month.

Mr. SIMS. Men, women, and children, all taken together.

Mr. CARLIN. Yes.

Mr. SIMS. Is it not a fact they are receiving less than that?

Mr. CARLIN. Less than \$20?

Mr. SIMS. Women, children, and all.

Mr. CARLIN. I hope not.

Mr. SIMS. Among the laboring classes? Mr. CARLIN. I hope not.

Mr. SIMS. But you have not the information?
Mr. CARLIN. I have not the information the gentleman desires. I do not believe it is possible to do it.

Mr. SIMS. The gentleman knows women who are employed as cooks get from \$15 to \$25 a month as a rule, and have as cooks get from \$15 to \$25 a month as a rdie, and nave usually to furnish their own room and often some other person is dependent upon them. Now, it seems to me that if those who cook in this District can live on \$15 to \$25 a month and provide themselves with clothing, and so forth, horses certainly ought to get along on \$20 a month. I may be mistaken about it.

Mr. CARLIN. The gentleman thoroughly understands that a horse can not hire himself out as a cook and he is dependent upon some one else to maintain him, provide his feed, and so

forth, and it is a matter-Mr. SIMS. I am in favor of taking care of the horses, but I believe \$20 a month is about the average that the wage earner of the District gets, taking into consideration the per capita

of those depending on him. Mr. CARLIN. As I say, I offered the amendment to take the sense of the House. I think they ought to be paid more than \$20 a month.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For maintenance, including personal services, of the public crematory, \$1,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I believe there is no estimate this year for an appropriation to exterminate the rats.

Mr. TAYLOR of Ohio. They did not use the appropriation of last year.

Mr. BURLESON. I apprehend it will never be used unless occasion-

Mr. MANN. I will ask the gentleman whether he does not think it advisable to have that appropriation in case a contingency should arise so as to require the use of it?

Mr. BURLESON. Undoubtedly it would be advisable if the contingency arose which would render it necessary, but I will state to the gentleman that they did not use the appropriation carried in last year's bill and did not ask for an appropriation for this year, and consequently-

Mr, MANN. I understand. I think they did not appreciate

the danger to which I alluded on Saturday.

Mr. BURLESON. Well, the \$500 as he knows, is still avail-

Mr. MANN. Oh, no.
Mr. BURLESON. It is carried in last year's bill and will be available for the fiscal year 1912 and the fiscal year will not expire until June 30.

Mr. MANN. It is available until the 30th of June?

Mr. BURLESON. Yes. Mr. MANN. Now, my information is, I can not say anything more about it, but the authorities very much fear an outbreak of bubonic plague from the Atlantic side.

Mr. FITZGERALD. Does not the gentleman think, if there is any very great danger in that respect, the information would

have been given to the committee?

Mr. MANN. I do not suppose the District authorities know anything about it, and I doubt if the others will advertise it to any extent. I do not think it is anything that ought to be

Mr. FITZGERALD. There was something in the papers a few days ago to the effect that the champion rat killer of the United States had arrived in town and is working in the public buildings. I think he is to clear up the Capitol.

Mr. MANN. I think that gentleman is engaged now in cleaning rats and rodents and other vermin out of the Capitol and other buildings in town.

Mr. FITZGERALD. But the appropriation in this bill will not be available except for the District officials.

Mr. MANN. I understand that. It is not very much. probably will not cost anything unless there is occasion for it.

Mr. FITZGERALD. If there is any real necessity for it, think there will be ample time for us to take care of it in the proper way.

Mr. MANN. My own impression is that we will likely be here

for the next two years; but, then, we might not.

Mr. BURLESON. I will say to the gentleman that I am just as anxious to destroy rats as he can possibly be, and especially am I anxious to provide against this horrible and loathsome disease which he has in mind. But the District Commissioners did not estimate for this amount. They did not expend the amount that is now available for the purpose, and I do not think we ought to carry it in the bill.

Mr. MANN. Of course, there is no occasion to spend the amount, as I understand it, and probably would not be. That was really a contingent appropriation as a contingent expense.

Mr. BURLESON. I will call the gentleman's attention, furthermore, to the fact that we have an emergency fund, carried in this bill, of \$8,000, to provide against contagious diseases, and that fund would be available for that purpose if it was necessary that it should be used.

Mr. MANN. The emergency fund is the one that we were discussing on Saturday. That is reduced from what it was

Mr. BURLESON. I will state to the gentleman that he is mistaken about the emergency fund, which we have not reached in the bill, of \$8,000 to prevent the spread of contagious diseases, and every dollar of that fund would be available; and, furthermore, in the event that a great emergency should arise, I am inclined to believe that Congress would be in session for the purpose of grappling with the situation.

Mr. FOSTER of Illinois. Is it not a fact that this emergency fund of \$8,000 is spent each year for suppressing contagious

diseases?

Mr. BURLESON. On the contrary, it is very rarely that the fund is expended. In fact, frequently only a small part of it is expended. For four or five years the District was comparatively free from contagious diseases and only a small part was expended.

Mr. FOSTER of Illinois. What was this emergency fund

that was appropriated for in the deficiency bill?

Mr. BURLESON. That particular year the emergency fund was exhausted, as we stated here the other day, in connection with the leper that was here in the District.

Mr. MANN. Is the gentleman willing to have the emer-

gency fund \$10,000?

Mr. BURLESON. It is \$8,000, which has been ample. went back over a series of years and reached the conclusion that \$5,000 was more than ample to meet the situation. In fact, it has been a long time, and only in the one exceptional period in the history of the District, when this fund was entirely exhausted

Mr. MANN. Of course it ought to be more than is usually

Mr. FOSTER of Illinois. Yes; I think it is very important that it should be.

Mr. BURLESON. I do not think there is any necessity for it at this particular time.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Miscellaneous: For compensation of jurors, \$1,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice in one place here the allowance for meals of jurors was fixed at a very small sum, and now the compensation is proposed to be reduced.

Mr. BURLESON. I would state to the gentleman that in the matter of feeding the jurors we reduced that item to \$25, was it

not?

Mr. MANN. Yes.
Mr. BURLESON. We have not reached the item for meals in the bill. I will state to the gentleman, however, that for the year 1909, of the \$100 appropriated, only \$8.40 was used. 1910, of the \$100 appropriated, only \$8.40 was used; and in 1911, of the \$100 appropriated, only \$8.40 was used. We have 1911, of the \$100 appropriated, only \$8.40 was used. therefore reduced the amount, leaving it, however, three times

as much as they have expended at any time in the past three years. That reduction, I know, will appeal to the gentleman.

Now, in connection with this particular item for compensation of jurors we reported \$720 for the years 1909, 1910, and 1911. In the year 1909 only \$520 was expended. In 1910 only \$588 was expended, and in 1911, \$570 was expended of this sum. We reached the conclusion that it was bad administration constantly to carry an amount largely in excess of what was being used, and accordingly we made the reduction.

Mr. MANN. The gentleman will remember that a few years ago we were called upon to appropriate, and did appropriate, quite a large sum of money to cover the expenses of the trial of some western land cases where a contingency arose. I suppose these appropriations that are usually larger than are necessary have been made because no one could tell what contingency might arise, and there is no way of spending the money unless there is occasion for it.

Mr. BURLESON. That is true. The gentleman understands that this is for the fees of jurors in the juvenile court?

Mr. MANN. I understand.

Mr. BURLESON. It is rather a standard charge in the District, and we find that at no period of time in the last three years was there a demand upon this fund such as to justify the appropriation we were carrying in the bill. It was the unanimous opinion of the Committee on Appropriations that the policy of appropriating sums of money largely in excess of what was needed would probably lead to bad administration, and for that reason we tried to keep these fees down so as to indicate to those chargeable with the responsibility of expending these funds that the Committee on Appropriations had its hand upon the item and was fully aware of what was being done in the way of expending the appropriation.

Mr. MANN. I concede the fact that the appropriation of large sums of money more than is necessary may lead to bad administration ordinarily, but that is not possible so far as fees of jurors are concerned. There is no question of administration involved there. I suppose that the limitation that the gentleman seeks to put on this bill elsewhere about the proportionate expenses per month that are permitted would not

apply to jurors' expenses, or would it?
Mr. BURLESON. Not to an item of this character, because it would be a legitimate deficiency. I think we were justified, in view of the statement from the auditor that these funds for three years past had not been used, in cutting the amount of the item just as we have cut it. We still leave more than a sufficient fund to meet the necessities of this particular service.

Mr. MANN. And as to the other item that has not yet been reached, where you cut the fees of jurors from \$10,000 to \$7,000, what were the figures of expenditures on that:

Mr. BURLESON. If the gentleman will delay until we reach that item, I will give him a full statement of the facts in connection with that expenditure.

Mr. MANN. I thought possibly the gentleman had it there. Mr. BURLESON. No; I do not have it before me at this

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For fuel, ice, gas, and laundry work, stationery, printing, law books, books of reference, periodicals, typewriter and repairs thereto, binding and rebinding, preservation of records, mops, brooms, and buckets, removal of ashes and refuse, telephone service, traveling expenses, and other incidental expenses not otherwise provided for, \$1,000; in all, \$2,440

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. As to the item of traveling expenses, I can see no reason for traveling expenses unless it is for the transportation of juveniles to certain quarters where they belong. For that reason I ask the chairman of the subcommittee what the item is intended to cover.

Mr. BURLESON. I will state to the gentleman that a few years ago, at the instance of those in charge of the administra-tion of this particular fund, we embodied this item of traveling expenses in the appropriation, so as to justify the payment of a certain sum to defray traveling expenses. That was to meet this situation: It was discovered that frequently the District could relieve itself of responsibility for the care of certain indigent persons, juveniles or younger persons charged with minor offenses, by ascertaining where they came from and having them transported back to the jurisdiction that was properly chargeable with their support. As a matter of fact this item has resulted in relieving the District of the expenditure of a considerable sum of money.

Mr. FOWLER. Does the gentleman mean by that that if a juvenile coming from the State of Virginia is found in the District of Columbia, that juvenile may be properly apprehended and sent back to the State of Virginia?

Mr. BURLESON. That is true in a number of cases, where the juvenile has probably run away and wandered into the District. It has been found that we could relieve the District of the care of that person by having him transferred back to the jurisdiction from which he came.

Mr. FOWLER. And pay his traveling expenses out of this

Mr. BURLESON. Defray the expenses of transporting him there. It is much cheaper.

Mr. JOHNSON of Kentucky. To send him home, rather than leave him to be a charge against the District.

BURLESON. It is cheaper to send him to the place where he belongs, than to let him remain here and become a charge upon the District.

Mr. FOWLER. The gentleman means by that that it is cheaper for the District to handle him in that way than it is to keep him here?

That is it. Mr. BURLESON.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn and the clerk will

The Clerk read as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt. \$975.408.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on this section of the bill, and I wish to discuss it a I regard this as one of the very important items in the bill. In fact, I think there is no one item that is more important than this. It has been carried along in the appropriation bill for a number of years. However, when it was first put in the appropriation bill it was inserted with the form of the statute of 1879 upon the subject. Since that time they have ceased to use the statute with this form, but have used somebody's conclusion as to what the statute meant, and have inserted that conclusion in the appropriation bill instead of the act itself.

Before going further into that particular subject, I wish to devote a little time, not to a criticism, but to a review of some of the rulings which the Chairman of this committee has made.

A ruling by the Chair to the effect that an appropriation made out of public moneys for the purpose of resurfacing streets with asphalt can be diverted from the purpose for which it was appropriated and used to build brick paving for the street car companies; and another ruling to the effect that an appropriation made for the public schools, with which to equip publicschool playgrounds, can be diverted from that purpose and spent upon any other playgrounds-parochial, sectarian, or otherwise-do not inspire one to further points of order.

Because the street car companies desire the District authorities to construct that part of the streets which, under the law, the street car companies must build and maintain is no reason why the District authorities should want to go into the streetbuilding business for the street railroads. The District officials should, in my opinion, confine themselves to the task of caring for their part of the work; and, instead of becoming contractors for the railroads, should notify the railroad companies that they themselves must do it. The railroads might not care for a small fine, but if they did not comply with the law their franchises would be forfeited. These franchises were secured at too little an expense, and are now so valuable an asset that not the remotest risk will be assumed which might endanger their forfeiture.

I am conscious of the fact that no one who will read the RECORD containing the proceedings of the Committee of the Whole House while this bill has been under consideration can arrive at the honest and intelligent conclusion that any motion made or any amendment offered by me has had for its purpose the repeal or impairment of a single act of Congress. sought to do that, this is neither the time nor the place for it.

Upon the other hand, I have faithfully endeavored to have the Committee of the Whole House confine itself strictly to the law as it is now upon the statute books. During the remainder of the time this bill is under consideration I shall continue my efforts in that direction.

It will be infinitely better for both the United States and the District of Columbia if a strict interpretation of the law is here adhered to. I do not wish to criticize adversely the decisions of my good friend, the distinguished gentleman who now occupies the chair; but I trust it is not at all distasteful even to him for me to review some of them; to see how this year a too liberal construction given to a law leads next year to another too liberal construction until, in a few years, the original law is lost sight of and the accumulated, unwarranted constructions theretofore given become the accepted law.

The Chair has held that under existing law an appropriation can be made from the Public Treasury for equipping publicschool playgrounds. Whether or not the law warrants that is not at issue, for the reason that no point was raised as to that. But a point was raised as to whether or not the Public Treasury be invaded for the purpose of equipping other playgrounds; and the Chair has held that an appropriation of the money could be put into the hands of the District authorities with no limitation upon it other than an expressed belief upon his part that those with whom it would be intrusted would not go beyond proper limits in expending it.

If this policy should be generally pursued, there would be no need for a single official bond in the entire Union; in fact, if we are to presume that only the proper and just act is always to be done, there would be no need for laws, no need for courts, no need for this legislature. The law relative to the schools of the District of Columbia not only contemplates, but says so in so many words, that only the public schools are to be cared for at public expense. If, as the Chair has ruled, the public money can legally be spent for playgrounds other than the publicschool playgrounds, if the officials into whose hands the money to be expended has been put think so, then all limitation is re If the public money can be spent by District officials upon any playgrounds which they select, then let us see where If this expenditure may legally go beyond the public school, then it can go to the sectarian school; next it may go to the private school; next it may go to the public playgroundand just here I wish to call attention to the playground item. That item does not limit the public fund to equipping the publicschool playgrounds; neither does it limit it even to school grounds. Under the decision of the Chair the District officials into whose hands this money is put, if they wish to do so, can expend any part or all of it upon any playgrounds. Then, if they wish to do so, they can spend it upon grounds other than those generally accepted as playgrounds for school children; and, from all I can learn, they contemplate expending it upon grounds other than public-school grounds.

When the ground upon which the money is spent is not property legally acquired by the District for the public-school system, then that ground occupies the same legal status as a park The public fund may properly be spent to improve a park publicly owned; but it can not properly be spent upon a park privately owned, except under authority of an act and it requires an act of Congress to Congress: discretion to the District officials which the ruling of the Chair gives them. There is no act of Congress which authorizes the expenditure of public money upon such private park or private grounds as I have mentioned. And, if there is no such act of Congress, then the item in the appropriation bill is clearly subject to a point of order, at least until a limitation of its use is

confined to the public schools.

Again, if public money can, in the judgment of District officials, be spent to equip playgrounds, who is to determine what that equipment is to be? Inasmuch as there is no maximum school-age limit in the District the equipment must, of necessity, take a wide range. The official report of the school board discloses their statement that the school children (?)

range in age between 5 years and 66 years.

The equipment of a playground for these would range from rocking horses to crutches. If, under the ruling of the Chair, the District officials can spend Uncle Sam's money for crutches, the crutch must fit the 66-year-old school child who is to use it, else it would be without value in the playgrounds. As arnica and salves are used at public expense in the playgrounds to enable the children to pursue their games, why should not rheumatic remedies also be carried in stock for the 66-year-old children? Jackknives should be furnished in the playgrounds, so that the boys can amuse themselves whittling upon the 300,000 lead pencils recently purchased by the school board. I take it for granted that the 300,000 lead pencils must of necessities and females. sity be for some other purpose than for writing and figuring purposes. That other purpose must be for jackstraws in the playgrounds. If this trainload of pencils were not of suitable size already for jackstraws, hatchets might be supplied instead of jackknives. However, hatchets should be furnished the school children, anyway. They could get abundant amuse-ment out of breaking up and making mumble pegs out of the \$3,000 worth of good school furniture which was thrown out of the schoolhouses to make room for new furniture, which was shy on specifications-so the papers said, and the papers are always right.

Then, Mr. Chairman, your ruling on this question leads to other equipment for the playgrounds. The school board report also contains the information that one of the colored teachers takes her "kindergartents" around to Corcoran Art Gallery once a week and there entertains these little 5-year-old tots by

pointing out to them the artistic and masterly features of the greatest collection of paintings in this whole country. Uncle Sam pays in salaries, houses, and grounds one-half of an aver--year in and year out-of about \$4,000,000. Mr. Chairman, just so soon as your Uncle Sam can spare the money your ruling should be brought into service, and the Corcoran Art Gallery purchased as a playground for the colored "kindergartents" of the District. [Laughter.] Kentucky, my native State, will erect a monument to my memory for having made a point of order which brought forth a ruling which establishes a precedent upon which Kentucky taxpayers may have the pleasure of sending one of these little colored tots of artistic temperament to the Old World to gather up for the Washington playgrounds all the bogus pieces of the masters which J. Pierpont Morgan did not have unloaded upon him. [Laughter.]

While Kentucky would thus honor me, Mr. Chairman, for having done nothing more than unwillingly made the opportunity for such a chance to spend the public money, marble shaft and fulsome epitaph for you, Mr. Chairman, who established the precedent, would be but mockery of the honors which Tennessee would confer upon you for giving her, Kentucky's sister State, an opportunity to pour the money of her people

into such a glorious work.

Again, Mr. Chairman, the printed report of the school board for this city brings the delightful information that the people's money is spent to teach the young men and young ladiesand white, from 6 years to 66 years-to "trip the light fantas-

By all means the playground, paid for by your constituent and mine, should be equipped with a ballroom having gilded wall and waxen floors, that these ladies and gentlemen-colored and otherwise-may, in swallowtail coats and kid gloves, sleeveless and bosomless gowns, instruct the disciples of the lowly Nazarene who are teaching from the pulpit that the sensual embrace of the round dance leads directly, in the great hereafter, to the certain attainment of that for which He bowed His head and died upon the cross.

Let us, Mr. Chairman, that our earthly fame may be more lasting, and that our glorious hereafter may be rewarded with a halo as big as a horse collar, go back to those school items, deprive the common herd of taxpayers, with bended backs, crooked fingers, and bleeding palms, from participation in the erection of this dancing tabernacle, and give all the glory to the men of God in Tennessee, and let them pay for it.

[Laughter.]

Mr. Chairman ,in another of the school-board reports I find that one of the colored school-teachers describes the splendid shower baths which have been erected in his school; asks now, in simple justice to the District of Columbia, that a swimming pool be put in at public expense. But that is of no moment to either Kentucky or Tennessee or the other States; all they have to do with it is to pay for it.

Then another colored teacher, so the report says, wants a greenhouse erected and maintained at public expense, in con-

nection with his school.

Mr. Chairman, why should he not have it? In this climate the flowers bloom only in the spring, and that is entirely too seldom for this gentleman of ginger-cake hue. Where you and I reside the chrysanthemum has hardly faded until the lilac blooms, and almost immediately after that the Marechal Niel, which has remained green from fall to spring, blossoms into beauty and fragrance, puts out its tiny arms, and renews its kindly and annual embrace of our humble cottages which stand upon the sites where 50 years ago spacious colonial homes were the pride of Dixie land.

Mr. Chairman, this school-teacher and the children in his school are referred to in the report of the board of education as yet bearing inherited marks from cruel burdens placed upon

their parents by heartless taskmasters of the South.

Mr. Chairman, it costs the taxpayers of the Union only a few millions of dollars a year to keep up this teaching of race hatred in the District public schools. Now, why not, in the name of all that is good for the Union, should he who is inculcating these ideas into the youth of his color not have a greenhouse at public expense? [Laughter.]

Under the precedent which you, Mr. Chairman, have just establish, playgrounds may be equipped wherever the District officials may, in the exercise of their official functions, deem best; and as these equipments are within the scope of their selection, would it not be well to increase the appropriation and erect an "Uncle Tom's Cabin"?

Not only is music taught in the Washington schools, but these self-playing pianos—pianolas I believe they call them—are put in and paid for by your and my accordian constituents. Those instruments are not there for instruction, because it requires no more teaching to play one of those mechanical instruments

than it does to turn a grinding organ. Under this new precedent that District officials can equip anybody's playgrounds, and can equip them with such games and amusements as they choose, why not send these pianolas from the schoolhouses to the school playgrounds?

Mr. Chairman, I am not afraid to make a small wager that Bob Taylor paid for the instrument upon which he learned to charm and thrill the souls of the music-loving men and women of this country; but if he wishes to hang his fiddle and bow upon the wall, never to take them down again, and take lessons upon the pianola or the grinding organ, he is still within the school age of the District of Columbia. [Laughter.]

However, I am not quite sure that I will not make a point of order against Senator Taylor taking lessons on the grinding organ at the expense of the American citizen. If that concession is made to him he may next demand to take lessons in the public school with the bear and the drum. The grinding organ and the bear and the drum must, by all means be reserved for the many foreign born who are in Washington, declining our citizenship, refusing to pay taxes, hoarding our money to be sent back to a foreign land, while all the time their children are receiving the advantages of free tuition, free books, free scientific instruments, and hot lunches in the schoolhouse. When the desirable ones of these become citizens with us, take upon themselves an oath to support the Constitution and "Old Glory," help support the Government, then, Mr. Chairman. I am willing for them to go into our tax-supported playgrounds and receive the long, tedious, and difficult instructions from our accomplished teachers upon the grinding organ; then they should be permitted to play with our Teddy bear and beat our tom-tom, but not until then.

Mr. Chairman, under the "tight-wad" public-school system which the American Congress imposes upon the District of Columbia the pupils have cooking schools. The teachers give the public money to little children, send them into the market, and have them taught how to buy. These stall keepers in these markets who teach them do not, I imagine, charge too little for

the teaching.

When they have had this lesson in buying they take, or have sent, to the school that which the stall keeper has taught them to buy; then it is served in five and six course "festibles." recently saw one of these menu cards. It had ice cream on it. asked the principal of the school-he was a colored manwhether the children made the ice cream or bought it. He said they bought it already frozen, but he could not tell me how much teaching it required to have the children and their invited guests to learn how to eat it. But, Mr. Chairman, that is of but little interest to your constituents or mine. All they have to do is work hard 16 hours out of the 24 to get the money with which to pay for it all.

Then, in the public schools here in Washington, they have sewing schools. The Government furnishes them with the material which they use in the sewing lessons. They make aprons, and so forth, and then, after they are made, they are made; the same garment can not be made any more, so they just let

the girl take it home with her.

Then, they teach millinery in the public schools here. The Government buys untrimmed hat frames, also material with which to trim them. The teacher gives instructions how to trim the hats. When a girl has trimmed one to suit her new dress, it is trimmed; it can not be trimmed any more; it is useless to the Government, so the girl is permitted just to run along home with it.

Then, so a printed report of the school board says, if she wants to trim another she does so. If, after it is trimmed, it is trimmed, it is of no use to Uncle Sam; he does not wear that kind of headgear, and the girl is told just to run along home with it and give it to one of the family.

Mr. Chairman, your constituents and mine do not care anything about that; all they have to do with the matter is to plow corn, pick cotton, and hoe tobacco, so they can get the

money with which to pay for all this.

There are a lot of other things done in the Washington schools with which the people back in the States have nothing

to do, except pay the bills.

I recently came across an item furnishing automobiles for some of the school fraternity. The poorly paid school-teachers back in the States do not care anything about this. All they have to do with it is to be taxed upon their own small salaries to help buy those automobiles for the Washington schoolteachers.

If a janitor of a school is caught hauling off coal covered up with ashes from the school he may be reprimanded, but he does not fail to have his confederate put in a bill for hauling the ashes away; but the taxpayer back in the States does not

care, all he has to do with it is to buy the coal and pay for hauling the ashes.

The ashes are hauled away free from every man's back yard in Washington. But the taxpayer back in the States has nothing to do with that; all he has to do is to pay for the hauling.

A number of dentists are employed to do dental work for nearly 60,000 school children in Washington, these children ranging in age from 6 years to 66 years-some of them unnaturalized foreigners.

But the people back in Kentucky and Tennessee have nothing to do with this but pay one-half of the bills.

The school children—these children ranging in age from 6 years to 66 years—have physicians, paid out of the public funds, to treat them. But the people of the United States have nothing to do with this matter but to pay one-half of the bills.

These same school children have trained nurses to wait upon them when ill. But that is of no concern to the people in the different States; all they have to do with it is to pay dentists, physicians, nurses, and employ teachers for their own children, and then pay one-half of that cost for nearly 60,000 enrolled children—children black, children white, children of the American citizen, children of the foreigner who disdains our flag, children 6 years old, children 66 years old. But the merchant, the farmer, the laborer, the school child, the school-teacher back in the States has nothing to do with this except pay one-half of

The poor man in the different States in the Union buys schoolbooks for his own children, and then contributes toward the purchase of the schoolbooks for the children of the millionaire in Washington.

great howl goes up in Washington against the committee which would not this year build two new schoolhouses at a

cost of \$1,250,000.

And I am an incompetent in their eyes because I stand between the people in an effort to stop raids upon the Public Because I object to giving away real estate owned by the United States, I am narrow. Because I object to having the Government go into the construction business for the street car companies, instead of sticking to governmental functions, I am wrong. Because I object to seeing one gang of men laying streets, followed in a short time by another gang tearing them up, I am not progressive. Because I object to seeing men here take advantage of the necessities of those who are in distress and compel the unfortunate to pay from 36 per cent to 250 per cent interest on borrowed money, then I am interfering with contracts. Because I wish the homeless renter should be permitted to pay as small a rate of taxation upon his little effects in the rented house as his landlord pays upon the house in which the tenant lives, then I am an anarchist. The owner of the house pays a dollar and a half rate on a two-thirds valuation. This makes his rate a dollar a hundred on a real valuation. The tenant pays a dollar and a half a hundred on a full valuation upon his personal property.

In order to do justice to all, one should be lowered or the other should be raised. I care not which it is, so that the city will have sufficient revenue. Intangible personal property is

not taxed at all.

I did not raise a point of order in the bill against the one, single, solitary item for which it was provided that the District should pay wholly out of her own revenues, and I shall not.

The District should be permitted to spend her own money as she pleases, but it is the duty of every Member in this body to see to it that the money given by the Federal Government to the District is not thrown away.

I would not object to see the District have her own lawmaking body, elected by the people of the District, and I would be glad to see the District have the privilege to expend her own money just as the people of the District wish to spend it. I, above all others whom I have heard express themselves upon the subject, am in favor of a democratic local self-government in the District.

When the District comes to levy her own taxes, marshal her own assets, expend, untrammeled by Congress, her own taxes, then she will appreciate a responsibility which will encourage Congress to help her with a generous hand.

spirit of wastefulness will stop Congress quicker than

anything else in a desire to aid the District.

Now, Mr. Chairman, we have heard all these years that whatever the District of Columbia wanted of the United States it got. The language just used by me, I believe, shows that to be conclusive. I never quite understood how it all came about, but the Washington Post of August 28, 1911, had this to say:

The drift of the well-to-do and influential element toward this city could take no better turn than we see in the increased number of congressional homes. Once they become interested it is noticeable that Members undergo a change of heart that bodes no ill for the municipality. Evidently they come to see what Washington really needs.

Mr. Chairman, I saw in the Washington Evening Star of Friday, January 12, 1912, an article which, in speaking of the Government's contribution to the District of Columbia, says:

Government's contribution to the District of Columbia, says:

In its restrictive treatment by the House from year to year in the matter of appropriations the District presents the figure of a growing youth denied clothing adapted to his frame. Thus the House would hand the capital municipality a suit this year of the same size as last year or even smaller. With wrists protruding from the coat cuffs, with knees exposed by upstretching knickerbockers, with waistcoat failing to make connection with the lower part of the costume, with coat tightly stretched across an expanding chest and straining at buttons, the developing District presents a sorry figure after it has been fitted out by the House Appropriations Committee according to the measurements and style laid down by the latest bill to come from that body. The tendency of such a policy is to subject the municipality to ridicule.

Mr. Chairman, I have seen that how. I mee him on the high-

Mr. Chairman, I have seen that boy. I met him on the highway not long ago. Before I saw him I met a woman in the road. She came running down the road in haste, looking back, first over one shoulder and then over the other, as if danger followed. She did not ask any protection from me, however. She seemed in no apparent danger. I asked her no question, When I turned a curve in the road I met and she fled along. a great big, fat, chubby boy, 16 or 17 years old, with curls hanging down his back, the perspiration rolling down his face; and up the road he came running. When I met him he stopped me and said, "Mister, did you meet a woman up the road just ahead of me?" I said I did. He said, "Was she dressed in a black suit of clothes, with a black bonnet and a big black plume in her hat?" I said, "Yes; that is the woman I met, and she was running." He said, "Well, I want to catch her. Will you Will you let me have your horse and buggy that I may catch her?" I said, "I do not know about that. First, tell me what you want with her?" He then said, "That is my mamma, and she is trying to wean me, and I swear I do not intend to let her do it." [Laughter.]

Mr. Chairman, take this boy, which the District of Columbia says must wear short breeches and an ill-fitting coat, and compare him to your Uncle Sam, and then what does the picture present? No clothes at all will fit him. If a suit, perchance, had been made at some time or other where the trousers were for a one-legged man, and the one-legged man were willing to have the trousers made in that way, then they might fit your Uncle Sam, because one of his legs has been pulled so long by the District of Columbia that there is no use for but one leg in those trousers. [Laughter.] What kind of a hat must your Uncle Sam have? They say that this boy must have the most modern hat, no matter what it costs, no matter where the money

is to come from.

Yet your Uncle Sam has been wearing the same hat since he commenced pouring public money into this bottomless pit, from which no dollar ever returns. Take his coat. It has been tattered and torn during all this time, and he has had but one suit of clothes, while this big, fat, chubby boy, with curly locks, has had a new one every year; and now, when the committee calls a halt they complain because, for the first time since 1874, or as far as that is concerned, for the first time since 1838, when the District of Columbia was bankrupt, he is not to have a new suit of clothes. What has this boy been denied? I say positively nothing. That chubby boy—in other words, the District of Columbia-has been given the last dollar, and then some, to which the law entitles him. Now we come, I say, to where the Federal Government does not ask more than that to which it is entitled under the law; but the time now comes when the Federal Government is asked for that which the District has unlawfully received for long years; when, as a matter of fact, in not one of those years has the District been legally entitled to it.

Mr. Chairman, one of the most appropriate things I ever saw in the language, a thing that was opportune then and is opportune now. I find in an old report.

Mr. SIMS. A report of what?
Mr. JOHNSON of Kentucky. A report of a congressional committee. The report, in speaking of conditions which then existed, had this to say in speaking of the District government:

existed, had this to say in speaking of the District government:

They have laid their hands upon all the organized forces of the community; they have captured every source of influence, public and private; they have dictated the conduct of the press, controlled the legislature, and manipulated the courts; they have demanded the irresponsible disbursement of the public funds; they have secured the arbitrary appointment of all officials, high and low; they have cultivated congressional committees; they have debauched public servants; they have surrounded the President; they have patronized the rowdy element; they have intimidated the primary assemblages of the people; they have packed political meetings; they have conspired to overthrow political organizations; they have imposed their candidates upon the people and driven voters to their support through threats of starvation; they have suppressed freedom of speech in the District of Columbia and made liberty of political action an offense; they have seduced the wealthy, tyrannized over the poor, ostracized the honest, and persecuted the independent; they have retained the leading members of the bar, subsidized the churches, and schemed for the control of the school and charitable fund; they have sought the power of appointment of judges to be the ministers and have made the police

agents of their will; they have organized a militia establishment on the basis of an army corps

agents of their will, they have organized basis of an army corps.

This grave indictment, if anywise true of the late governing power of the District, becomes at once a lesson and a prophecy when it is contemplated to vest still broader powers upon the commissioners other than those conferred upon the governor and board of public works.

Mr. Chairman, that is a frightful indictment; but in that indictment a prophecy was made. Has that prophecy been fulfilled? Is it not being fulfilled every day and every hour while we stand here? You hear it said on the streets and you see it in the press that an attempt is going to be made to repeal the half-and-half system. But realizing their enormities, realizing that the Government of the United States has protected this infant industry, the District of Columbia, to the point where the high protective tariff has protected the infant manufactories of this country, namely, to the detriment of the people, they fear and tremble that out of just indignation it may be repealed. They flee when no man pursueth. When they fear its repeal, what is their first step? To the White House There, as predicted 30 years ago, they surround the President of the United States, and when they emerge from the White House they come with smiles upon their faces, saying to themselves and to others, "Do not fear for the half-andhalf plan, because if the American Congress repeals it the President will veto it." The Committee on the Affairs of the District of Columbia has sought to arrive at the condition of the accounts between the District of Columbia and the United States. Are facilities being given to the accountant and to that committee? Let us see. Twice has the Secretary of the Treasury refused even to answer a polite letter from the chairman of the Committee on the District of Columbia asking that the man who has been in charge of these accounts for nearly 25 years be permitted to go with this accountant and show him the accounts upon the books. Where are those books? Members of Congress know that at the north of the Treasury Building there is a long flight of granite steps.

Back under those steps, covered with the dirt of a third of a century, are the old accounts between the United States Government and the District of Columbia. This accountant, a most competent man-they all admit that he is-has been compelled, and is now driven to the necessity of taking off his clothes down to his undershirt and going back under these nasty, dirty steps, and there taking out books upon which a hand has not been laid for a quarter of a century to seek what he finds. Have the great officers of this country given to the American Congress the right which the American people have, especially when that right is asked in the most polite and dignified terms? If it is denied by any one, he should simply deny it, but not refuse to answer a polite letter, as two of my letters have not been answered by the Secretary of the Treasury. But these accounts will be found. This House has conferred authority upon the Committee on the District of Columbia to go That committee has done so to the fullest extent it could up to the present time; but the power of his House will, say, be called upon, if necessary, to force the production of those books. If these high officials who have them in charge will not lend a helping hand to see whether or not the United States Government, whom they represent, has had and is to have a fair settlement of its accounts between the Government of the United States and the District of Columbia, then I say God help this country. A change is impending. The infant God help this country. A change is impending. manufactories have been protected by a tariff wall so long that the people in the last congressional election arose from ocean to ocean and from the Gulf to the Lakes, and because of that uprising there is a majority upon this side of this House to-day which wishes and which intends to see that the accounts between the Government of the United States and the District of Columbia have been properly kept. [Applause.]
This is but the beginning of another question.

100, I believe they call it here, hang around the Capitol doors and beseech and plead with every man, "For God's sake take care of the National City, in which you own a part." Mr. Chairman, since I have been in Congress I and every other man who has been in Congress have paid enough in exorbitant charges to buy himself a home here which he might call his own, but no matter how much he has paid they will ever call it theirs. Let one of you whose city they say this is offer to take one item of anything without paying two prices for it, and then see whether it is your city or theirs. I say, Mr. Chairman, that is the same condition which arose and caused a public uprising in this land against the trusts, which are but the outgrowth and the offspring of this high protective tariff. Now, there comes and is rising from day to day, not in the Halls of Congress alone, but throughout this land, a cry that money is being taken from the taxpayers in the States and given away here, and then by them wasted, thrown to the winds, in swimming pools, greenhouses, and things like that, which our children in the country never

dream of getting. During the last session of Congress, when they had an appropriation bill appropriating sixty odd thousand dollars with which to buy books for the children of this District, I offered an amendment to insert before the word "children the word "indigent." That amendment got practically every Democratic vote, but did not get a single vote on youder side of the House. If our school children have to buy schoolbooks at home, and then have the pennies taken from their pockets to buy schoolbooks for the children of the millionaire here, then I say that if their parents be the right kind of Americans they will not tolerate it longer. But, Mr. Chairman, the prophecy which I read to you but a moment ago shows—I had it in a newspaper clipping here, but I do not find it now. I have it here. In the Washington Times of April 28, 1911, I find these words used by a minister from the pulpit:

Speaking to the citizens of the District-

are like a lot of Indians on a reservation, governed by the United States Government and with just as much intelligence as Indians are governed. I have seen legislation passed for the District that has shamed me for my citizenship in the United States.

As forecast nearly 30 years ago, the President has been surrounded, the high officials have been brought in, and now, as then, there seems a suspicion, at least the ministers may have been subsidized by this crowd—to help fasten upon the District of Columbia that condition which we now have. It is of no more importance to me than it is to any other Member on this floor; but I do feel that because of my position on the Committee on the District of Columbia I should call attention to these things.

Mr. Chairman, now we come, as I said in the beginning, to one of the most important items in this whole bill. That item is on page 73, lines 5, 6, 7, and 8, and it says:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, \$975,408.

I say, Mr. Chairman, that there is no law, no matter how it may be distorted by sleight-of-hand speakers, that can possibly bring this to mean that this item is in this bill because it has ever been authorized by law. Two items are in it, "Interest and sinking fund," and the caption of your bill says that that shall be paid one-half by the United States and one-half by the District of Columbia. Is that the law? I say, No; that is not the law. If that is not the law, then what is?

We find in the United States Statutes at Large, volume 20, page 105, approved July 11, 1878, this section concerning interest, and that section reads thus:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; and all amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the District of Columbia as hereinbefore provided.

In a speech I made on this floor about a week ago I went into that minutely. I trust that what I said then has been read carefully by the chairman, although he heard my speech. I hope that the chairman has studied it.

What do you find in the bill now pending? Do we find an authorization for the payment of one-half of this upon the part of the United States and the other half by the District of Columbia? I say that it is not in the law. But there is in this section, because the District of Columbia then did not have the ready money with which to pay:

That the Secretary of the Treasury is authorized and directed that hereafter he shall pay the interest on the 3.65 bonds of the District of Columbia as the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District.

Now, there is a plain direction that the Secretary of the Treasury set aside out of the funds belonging to the National Government such a sum as will pay the interest on these bonds when that interest becomes due. Mr. Chairman, can you tell me how much that is? This bill calls for sinking fund and interest, nearly a million dollars. They ask for a specific appropriation; they name the amount, while that amount has been ascertained by no man. The chairman does not know it; I do not know it; no man in the District of Columbia knows it. But we do know this, that out of the nearly \$15,000,000 of bonds that were issued of the 3.65 denomination we are now down to about \$8,000,000 of them. Who contends that the interest on \$8,000,000, at 3.65, is a million dollars? It is nearer \$300,000. And yet here is appropriated a specific sum, and here is appropriated a sum that must be determined by but one man on earth, and that man is the Secretary of the Treasury. Has the Secretary of the Treasury fixed this amount? He has not, either directly or indirectly.

I called attention the other day to the fact that when the Secretary of the Treasury sent his Book of Estimates to Congress he neither approved nor disapproved those estimates, although the law requires him to do one or the other. He neither approved nor disapproved, but he sent that Book of Estimates, as the Book of Estimates itself shows, only for the information of the House.

Again, Mr. Chairman, let me ask you how this House can determine the amount of money that is to be advanced by the United States Treasury and paid as interest on those bonds. frankly admit that the United States Government has agreed to advance the interest on those bonds, and she must do it. But I do contend that in the last clause of that section there is a requirement to the effect that when the Secretary of the Treasury has paid it it shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia.

The CHAIRMAN. Will the gentleman permit the Chair to

make an inquiry there? The gentleman concedes, I understand from what he has just stated, the authority to pay the interest? Mr. JOHNSON of Kentucky. I concede the authority for advancing the interest out of the Federal Treasury, with the proviso and upon the condition that after it has been done and when the District has funds it must come out of those funds and be returned to the United States Government.

The CHAIRMAN. The Chair has understood that to be the gentleman's position from the beginning. Now, the Chair desires to submit this inquiry, Is there authority in the law to advance out of the Federal Treasury the interest? The Chair understands, of course, that the gentleman speaks now only with reference to the interest. If there is authority to advance that fund, of course it involves the fact that there is authority in the Committee on Appropriations to appropriate the fund or to present a report or bill carrying the appropriation. Now, there being authority of law for that, and there being authority of law for the Committee on Appropriations to bring in an appropriation for that amount, does not that, so far as the interest is concerned, go beyond the Chair, and has the Chair anything to do with the matter of how it is kept after it has passed through the hands of the executive officers of the Government?

Mr. JOHNSON of Kentucky. Mr. Chairman, all I ask the Chair to do is to consider together the first clause of this bill and then this provision. The first clause of this bill says that this money "shall be paid one half from the United States Treasury and the other half from the revenues of the District of Columbia." Does this do that? It does not. I challenge any man to controvert that position.

The CHAIRMAN. If the gentleman will permit, the Chair would say that the first section does not use the exact language that the gentleman quoted.

Mr. JOHNSON of Kentucky. I was giving the substance of it. Will the Chair please read it? He has the book.

The CHAIRMAN. It says that—

half of the following sums named, respectively, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following purposes.

Now, would not the ordinary construction of that be that it is

appropriated for use under the law?

Mr. JOHNSON of Kentucky. Mr. Chairman, it is the construction against which I protest. I say that they have no right to put into this bill the conclusions of any man. Instead of quoting the act itself, as they did immediately after the passage of the act of 1878, they again quote conclusions for the authorization to take this money out of the Treasury and then deduce from that an unwarranted conclusion, and then they say it is now fastened upon the United States.

Mr. GARNER. Mr. Chairman, will the gentleman yield for

a question? The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. JOHNSON of Kentucky. I do.

Mr. GARNER. I understand that the gentleman's objection is that instead of having the item appear as it is in the appropriation bill it should appear in the language of the law requir-ing the Secretary of the Treasury to pay the interest on those bonds?

Mr. JOHNSON of Kentucky. I will say in answer to the question of the gentleman from Texas that if the Chair overrules my motion to strike out this language, I will move that the statute itself, copied from the statute books, be put in its place. I am willing for that to be done now, without further discussion of the subject. I am willing that the law be put in this appropriation bill directing the Secretary of the Treasury to advance the money with which to pay this interest, but I am unwilling that a bill shall be drawn at the Municipal Building carrying the regular appropriations for the District of Columorder that more money than the law permits may be taken from the Federal Treasury.

The CHAIRMAN. One moment. The Chair understands that the gentleman denies any liability of any character under the sinking fund?

Mr. JOHNSON of Kentucky. I am coming to the sinking fund, Mr. Chairman. The sinking fund act will be found in volume 20, Statutes at Large, page 410. The sinking fund part of that act is in section 3, and section 3 reads thus:

And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3 and 65-100ths per cent per annum, be sufficient to pay the principal of the 3,65 bonds of the District of Columbia, issued under the act of Congress approved June 20, 1874.

Now, there is a plain direction, Mr. Chairman, that there shall be set aside, not out of moneys belonging to the United States Government, not out of moneys belonging to the District of Columbia, but out of the sum which the United States Government has contributed toward the expenses of the District

of Columbia for that year.

Out of the thousands of appropriation bills that, in the last hundred and more years, have been introduced into the House, not one has ever used that language to dispose of money in the Public Treasury. This money, I say, is not appropriated out of the Treasury of the United States; but, instead, it is appropriated out of the appropriations which the United States Government makes any year for the District of Columbia.

Now, there are joined together here two propositions which I say are inseparable. They took a bill which was drawn by

the Comptroller of the Treasury years ago, which bill was sent up here and Congress was asked to adopt it, making this money payable out of the Treasury and making it an annual payment. He sent it, but Congress did not adopt it. The next year his annual report shows that he sent back that same recommendation, accompanied with the draft of a bill, and again Congress refused to adopt it. Now, here come these gentlemen and undertake, in three lines of this bill to write that which it took the Comptroller of the Treasury more than a page of closely printed matter to write. Instead of writing these two acts into this appropriation bill, and then letting the people who have the law to administer use their judgment, after taking counsel if they choose, this House is asked to write a construction which may not be the construction of the Secretary of the Treasury.

I say, do not let the officers of the District government interpret these two acts to mean what they wish them to mean; and then, in three lines, write "interest and sinking fund" to

the amount of nearly \$1,000,000. Now, Mr. Chairman, there is one other provision in the sinking fund to which I wish to invite the attention of the Chair.

The act says:

And there is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District of Co. mbia in pursuance of the act of Congress approved June 11, 1875, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay—

What? Not the interest on the bonds, but the principal. The funding act of March 3, 1879, does not mention interest, except that it does say that a sum shall be set aside of sufficient amount as will, with the interest thereon, pay the principal of these bonds at maturity. Has that sum been set aside? I challenge the Secretary of the Treasury, I challenge the Treasury, I challenge the Treasury. urer of the United States, to show to this Congress where any such sum has ever been set aside. But, instead, for a number of years they have provided, and this year they attempt to repeat it, that Congress can name an amount sufficient to pay the interest and the principal upon these bonds through this sinking fund. This sinking fund provides for no interest, but the clause which you are now asked to strike out says that nearly a million dollars is hereby appropriated to pay the interest and sinking fund on the half-and-half plan. the interest and sinking fund on what, let me ask the Chair? Does this bill disclose? Point out to me where this bill discloses to any man's mind that there is any particular sinking fund to which this nearly \$1,000,000 is to go.

I admit that there is a sinking fund created by law; but the history of this sinking fund, Mr. Chairman, is fearfully and wonderfully made. The law says the 3.65 bonds shall be retired at par. There was another act later on which said that the commissioners of the sinking fund might acquire, for the benefit of the District of Columbia, certain other described indebtedness; that they might invest in other bonds for this sinking fund. Invest? What a mockery! What do bia, giving their conclusions, instead of quoting the law, in they do with the bonds when they take the money from the

3,65 sinking fund and invest in these bonds? They immediately destroy the bonds. Is that an investment, or is that appropriating them to the District? However, the act unwisely gives them that power. The sinking-fund act says that when they make investments in those bonds, then interest shall cease and they shall destroy the bonds, as United States Government bonds are destroyed. Did the Congress advisedly intend to give that authority? But grant that they did. Let us go back to the proposition and see whether or not the Treasurer has the right to retire the 3.65 bonds at a premium, and this money, which I say is here unauthorized in this bill, will go to that very purpose.

I admit that any bonds, except the 3.65s, that are invested in for that sinking fund, although they cease to bear interest and are destroyed, are provided for; and the Treasurer may acquire such bonds at any price that is agreed upon. But there is a price fixed by law at which he shall retire the 3.65 bonds, and that price is par. Can the Appropriations Committee by

its construction repeal that law?

The Treasurer says, in writing to me, that he acquires his authority to pay a premium on the 3.65 bonds by the act of Congress which gives him the right to retire other bonds at a price not fixed by law. I have just stated that I admit that under the law, infamous as it is to the American people, the Treasurer has the right to retire some bonds at a premium, but he has no right to retire the 3.65 bonds at anything

There is a law known to every man who knows any one law, and that is as old as the law itself, as old as civilization, and every man who has read the pages of Blackstone will there find it, and no man has ever disputed it; and that is that a special act always overrules a general act. If the general law is that bonds may be retired at a price which the Treasurer of the United States sees fit to pay, he can follow that general law, lead where it may. But when there stares him in the face the special act which says that these 3.65 bonds shall be retired at par that special act controls.

There is a general law of this land granting the right of trial by jury to every man. It is a great, it is a grand, it is a glorious law, it is the law upon which this country thrives and prospers. But, Mr. Chairman, there is a special law limiting that general law which justifies, even under the highest law of this land, the Constitution and Bill of Rights, that the Navy may try a man for offenses even where the death sentence may be inflicted; that the War Department may try a man under military court, and there give him a sentence of death without the intervention of a jury. The special law there overrides the general, a principle that no man will dispute.

And further than that, Mr. Chairman, the Canal Zone has been placed under the control of the President of the United States in some way akin to the War Department. An American citizen upon the Canal Zone is a citizen under the American flag. He goes from here to the Canal Zone with all the protection which the Constitution of the United States guarantees him, that of right of a trial by jury. Yet there an American citizen was given the death penalty, tried by a judge and not

by a jury.

I say, Mr. Chairman, that without authority of law, but in the face of the law, the Treasurer of the United States has paid out of the funds which the United States put into that sinking fund more than \$800,000 as a premium upon the 3.65 bonds; and yet you, as the presiding officer of this great body, are asked to include in this appropriation, not the law, but somebody's too liberal interpretation of the law.

that practice is to continue, such sums as are included in that more than \$800,000 will be expended out of this item, because the Treasurer of the United States, notwithstanding the special act which says that he shall not retire the 3.65 bonds at a premium, insists that it is his right to do so, and I understand that he continues to do so. Now, I am not in close communication with them. I have just said that I have asked the superior officer of that department to allow the accountant of the Committee on the District of Columbia to have some assistance to go through those books; and that gentleman, the Secretary of the Treasury, the great financial officer of the American people, has flatly failed and refused to answer my communications, although there were two of them.

The CHAIRMAN. If the gentleman will permit, the Chair is very much interested in the argument the gentleman is making. Knowing that this point of order was to come, for the gentleman practically gave notice of his intention to raise the point of order in his opening speech on this bill, the Chair has been giving it more or less attention. Of course with the adminisgiving it more or less attention. Of course with the administration of the law and any maladministration on the part of

the administrative offices of the Government the Chair would not be chargeable.

Mr. JOHNSON of Kentucky. I grant that, Mr. Chairman.

The CHAIRMAN. The sole parliamentary question, it seems to the Chair, is whether or not there is authority in Congress to appropriate. If, after it be appropriated, there be mal-administration, and the law be violated in its administration, could that be reached by a point of order? The Chair under-stands that the gentleman takes the ground that there is no authority to appropriate.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish the Chair to properly understand me, that my position is this: That a sum of money can be properly advanced by the United States Government to the District of Columbia with which to pay this interest; and further, that the Secretary of the Treasury can ascertain what amount of money it will take, not out of the Treasury, but out of an appropriation made by Congress for the expenses of the District of Columbia with which to create a sinking fund.

The CHAIRMAN. The Chair understands that.

Mr. JOHNSON of Kentucky. I insist, Mr. Chairman, that
the Chair weigh, and weigh well, this point: That these two
acts, mandatory to the officers of the United States, should be put in this appropriation bill, and then be construed. No man. no official within the District of Columbia, should interpret those acts and then insert his interpretation into the bill. That is the point against which I contend. If these acts, copied in haec verbae, were in this bill my voice would not be lifted here to-day against the item, because I would not be justified

But, Mr. Chairman, it is against an interpretation which the Committee on Appropriations has made that I contend, an interpretation which the officers of the District of Columbia have made, which has found its way into this bill; and when this bill, bearing their interpretation, goes to the Secretary of the Treasury he will ask himself the question, Am I bound to go behind the language that is in this appropriation bill? He can say that Congress has construed it, and he can say that the District Commissioners have construed it; and he may say that Congress has passed it as construed by them, and that therefore he will give it the construction which the draftsman gave it when he prepared it in the municipal building. But, Mr. Chairman, put in this bill these two statutes, and then let the Secretary of the Treasury take counsel of the Attorney General of the United States, or let him take it into the courts and there get a construction, and what is done will then, with me, be in the past. I contend, Mr. Chairman, and most earnestly, that you, as a judge, sitting to try this case, have no right under the rules of this House to write into this bill another man's construction of two sections of the law. There is the ruling before the Chair, in two sections of the law. There is the ruling before the Chair, in Volume IV of Hinds's Precedents—and I can turn to the page—that it is in order and is not subject to a point of order; that the exact language of the statute itself may go into a bill.

That is what I ask. I ask no advantage of anybody. not undertaking to refuse a single farthing that is due to any man; but I am asking this: That this statute be copied into the pending bill. Let not those men in the Treasury Building console themselves by saying that they have given it an interpretation which the Commissioners of the District of Columbia gave it. I ask again that the law be put into the bill as it was written, and as it is found upon the Statute books, and that there be then placed upon those gentlemen in the Treasury Building the responsibility of construing it themselves, and that upon them, and upon them alone, be placed the burden of con-They should not take the construction of struing it correctly. a layman, one who has never even undertaken to get a license to practice law, upon these great acts which mean millions and millions of dollars to the taxpayers of this country. The legal department of the United States should interpret those acts. When those three lines are taken out and these two acts inserted, where is the man who wants nothing but right who will object? If his interpretation of those two acts is justified by law, he has nothing to fear. It is only the man who apprehends that he and others, parties to the cause, have given an interpretation which can not be defended.

Mr. Chairman, in your capacity as a sworn judge in this case, in your capacity as a patriotic citizen of this Nation, what now becomes your duty? Is it your duty to leave in this bill now becomes your duty? Is it your duty to leave in this bill three lines which are nothing more and nothing less than another man's interpretation of the law, or is it your bounden duty, your sworn duty, your duty to your constituents, your duty to every man, woman, and child in the United States to place these two short sections of the law in the bill and then let the highest legal authority of the United States interpret them? In that event, everybody will be satisfied.

Mr. BURLESON. Mr. Chairman, for the committee I insist that the item to which the point of order is directed is properly carried in the bill and is fully authorized by law. Prior to June 20, 1874, the fiscal affairs of the city of Washington and the District of Columbia were involved in great confusion, were in a chaotic state. There was the large floating indebtedness and bonding indebtedness in excess of \$20,000,000, which was being sold upon the open market at less than par, and inasmuch as the city of Washington and the District of Columbia were under the exclusive control of Congress by the terms of the Constitution, it was imperative that some action should be taken. At that time an act of Congress was passed looking to the funding of this indebtedness, and subsequently, on February 21, 1875, that act was amended, and as authority for carrying this item in the bill I now cite that and the act of June 11, 1878, and the act of March 3, 1879, under the terms of the act of February 20, 1875, which was as follows:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated by this act and by causing to be levied upon property within said District as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable and create a sinking fund for the payment of the principal thereof at maturity.

The CHAIRMAN. The gentleman from Texas thinks that part he has read providing the necessary funds refers to the

proportional appropriation as well as-

Mr. BURLESON. Undoubtedly. This act of Congress was construed differently by Members of Congress who participated in the enactment of that law. Some contended that it imposed an obligation upon the Federal Government, the General Government, to pay a part of the interest and a part of the bonded indebtedness of the District, which was argued at great length upon the floor, and at a subsequent Congress, in 1878, another act was passed. I will read that act to the Chair:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance with the act of Congress approved June 20, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as part of the appropriations for the year by the United States toward the expenses of the District of Columbia as herein provided.

After that act was passed there was still a difference of opinion on the part of Members of Congress as to how it should be construed. It was construed by some that it imposed an obligation upon the Government to pay part of the interest, and it was contended by others that it did not impose an obligation upon the Government to pay any part of the principal of this indebtedness. The matter was still left open, it was still being discussed, and while a construction different from that which is now given this act was being insisted upon by some Members of Congress who participated in the enactment of the law, the following act was passed:

And there is hereby appropriated out of the proportional sums which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annua, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under act of Congress approved June 20, 1874, at maturity, which sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed.

When this provision was pending before Congress it was conceded by the gentlemen who had theretofore insisted that no obligation rested upon the Federal Government to pay any part of the principal of the funded indebtedness that if it became law the Government would thereby escape the obligation to pay one-half of the principal. The gentleman from Tennessee, Gen. Atkins, who was chairman of the Committee on Appropriations at that time, in response to a query propounded to him on the floor, asking him, "Why do you propose the embodying of this item in the law?" answered, "Because the General Government, under the acts of 1874 and 1878, is obligated to pay one-half the interest, and if this becomes a law the obligation will the be imposed upon the General Government, which the proposed upon the General Government, and the second of the foundation to the contract of the foundation to the foundation the foundation to the foundation the foundation to the foundation to the foundation to the foundation the foundation to the foundation the foundation to the foundation to the foundation to the foundation the foundation to the foundation the foundation the foundation the found ment to pay one-half the principal of the funded indebtedness of the District of Columbia." This view was earnestly contested by the gentleman from Kentucky, who was afterwards a Senator of the United States, the Hon. J. S. C. Blackburn, who was at that time a member of the Committee on the District of Columbia. Subsequently it became a law and he became a member of the Committee on Appropriations, and in that same Congress, though he took a view at that time that the Federal Government was obligated to pay one-half the interest that it was not obligated to pay one-half the principal, he reported an appropriation bill which carried an item, just as it is carried now in the bill, and from that moment there was no controversy between those who had entertained conflicting views theretofore that the Federal Government was obligated to pay

one-half the interest and one-half the funded indebtedness of the District of Columbia.

Now, Mr. Chairman, I do not care to discuss this proposition any further. I have prepared this in concrete form so that the Chair may have these three acts before him. The details of the point of order made by the gentleman from Kentucky [Mr. Johnson] will be discussed by the gentleman from Virginia [Mr. Saunders], a member of the subcommittee, and the gentleman from Ohio [Mr. Taylor], who will present the views of the committee on this subject.

Now I ask that the gentleman from Virginia [Mr. Saunders] may have such time to discuss this point of order as

may be necessary.

Mr. SIMS. Was the provision of law read passed on the 3d day of March, 1879, on an appropriation bill?

Mr. TAYLOR of Ohio. On the sundry civil appropriation bill.

Mr. BURLESON. It was; on the sundry civil bill, where the appropriations for the District of Columbia were made at that time.

Mr. SIMS. But it has substantive legislation in it?

Mr. BURLESON. It has.

Mr. SIMS. The gentleman has just stated there that Gen. Atkins, who represented the same district that I do now, at that time contended that, if that act passed, the United States would have to pay one-half of the principal of the bonds. What did the House determine about that?

Mr. BURLESON. Those who were opposing Gen. Atkins's views at that time insisted that under the acts of 1874 and 1878 the obligation was imposed on the Federal Government to pay one-half the interest and sinking fund on the funded in-debtedness. Gen. Atkins and Senator Blackburn, who was at that time a Member of the House, conceded the proposition that the Federal Government had to pay one-half the interest, but combated vigorously the proposition that the Federal Government had assumed to pay one-half of the principal. They combated vigorously the proposition that the Federal Government had assumed to pay one-half the principal of this debt.

And when Gen. Atkins, on this floor, was asked the direct question, "Why is it you oppose embodying this item in the bill?" he answered, "Because, if this item becomes law, thereafter the Federal Government will be obligated to pay one-half the principal of the funded indebtedness of the District of Co-Mr. Blackburn, who was at that time a member of the Committee on the District of Columbia, concurred in the views expressed by Gen. Atkins, and insisted that the Federal Government at that time was obligated to pay only one-half the interest and not obligated to pay one-half of the principal of this indebtedness. Subsequently he became a member of the Committee on Appropriations, preparing the first bill that was submitted to Congress, carrying substantially the item that is now carried in the bill. And until the question was raised a few years thereafter there was no contention on the part of any of the men who participated in the enactment of these three laws other than that the Federal Government had assumed to pay one-half the interest and one-half the principal. For 30 years the Congress of the United States has acquiesced in that construction. I say, Mr. Chairman, even if there was doubt, and I do not concede there was doubt, even if there had been doubt as to the construction that should be given to this law, the Federal Government at this time is now estopped from asserting that any other construction should be given it than was given to it by the man who participated in the enactment of this law.

Mr. SIMS. After the act of 1879 there was no contention that the Government should not pay one-half the principal as well as one-half the interest?

Mr. BURLESON. That is true. Mr. SIMS. And the act seems to have placed a quietus upon that contention?

Mr. BURLESON. That is true.

Mr. SIMS. Was it conceded that Gen. Atkins was correct?

Mr. BURLESON. He said he opposed it because if it became law, then the Federal Government would be put in the attitude of assuming to pay one-half of the principal of this debt. He resisted it upon that ground. Representative Blackburn resisted it upon the ground that whereas the Government was then obligated to pay one-half of the interest that there was not a shadow of legal obligation to pay one-half the principal. Therefore there was no contention upon the part of either of these gentlemen that the law was other than we now con-

Mr. SIMS. I am asking these questions simply because the law appears to have been enacted on the last day of the session of Congress, and as a general rule, as the gentleman

knows, who has been here so long, that matters at that time in the way of new legislation are not generally well discussed. I wanted to know how it was.

Mr. BURLESON. This was brought directly to the attention of Congress, and the gentleman from Virginia [Mr. Saunders] will discuss it in detail and lay the contemporaneous construction that was given to this act fully before the House.

I ask that the gentleman from Virginia be heard on this proposition.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, as I understand the contention of the gentleman from Kentucky [Mr. Johnson], it is: First, that there is no authority of existing law for the payment on the part of the United States of one-half of the interest on the funded indebtedness of the District of Columbia. Second, that there is no authority of law on our part for the payment of one-half of the funded indebtedness of the District.

I willingly undertake, Mr. Chairman, to maintain the affirmative of these propositions, and to demonstrate, I hope, by sufficient argument and sufficient citations of law and precedent that there is ample authority in existing law for the payment of one-half of this interest by the United States, and equally ample authority in existing law for the discharge of one-half of

the funded indebtedness, by the same Government.

This matter has been twice before the House of Representatives: In the first instance the point now raised by the gentleman from Kentucky was ruled on by indirection. Hence this ruling is not full authority for my present contention. When the point was again before the Committee of the Whole, the ruling was full, direct, and emphatic.

This ruling therefore may be cited as an ample and authoritative precedent in support of my position.

In 1894, when this same item of appropriation was before the House of Representatives, it then having under consideration the District of Columbia appropriation bill, the gentleman from Missouri, Mr. De Armond, moved an amendment to the item. He did not direct a point of order to the paragraph on the ground that it was not supported by existing law, but offered an amendment to the effect that amount appropriated for sinking fund and interest should be paid exclusively out of the funds of the District of Columbia. To this amendment a point of order was raised, on the ground that it interfered with existing law. But the Chair in ruling held—the Holman rule being in operation at that time—that he was not concerned to inquire whether there was existing law or not to support the appropriation, inasmuch as the amendment was undoubtedly in order because it reduced expenses. This, said the Chair, was the test. On this ground the amendment was considered to be in order, and being submitted to the House was rejected.

This was the indirect ruling to which I have referred, the Chair impliedly holding that existing law supported its ruling, since it ascertained the amendment to be in order under the Holman rule, and not on the ground that existing law was lacking to support the item against which Mr. De Armond directed his attack.

Two years later the same gentleman from Missouri, Judge De Armond, renewed his attack on this item of the appropriation bill, offering the same amendment which theretofore had been rejected. In the meantime the Holman rule had been abrogated. An objection of order was promptly raised to the amendment of the gentleman from Missouri, the objection being that the amendment changed existing law. Hence it will be observed that this point of order required the Chair to decide whether existing law did or did not support an appropriation for the sinking fund and interest. A decision sustaining the point of order, was of necessity a decision in substance and in terms that existing law provided for the payment of the item carried in the bill.

I wish to call the attention of the House to the fact that the point of order was fully debated at the time. I wish to call the attention of the House to the further fact that Judge De Armond, who certainly had no superior then, or now, as an incisive and logical debater, argued the same proposition that has been argued to-day by the gentleman from Kentucky, save that he omitted from his argument certain pertinent references, to which I wish to call the attention of the House in the progress of my remarks.

The opposing view was argued by the gentleman from Vermont, Mr. Grout, also a logician and debater of great power. The Chair took time to consider, and when it finally rendered its opinion, that opinion sustained the point of order. The Chair held, citing the statutes of 1878 and 1879, that existing law provided for the payment by the United States of one-half of the interest and sinking fund. Hence the Chair properly

concluded that the De Armond amendment would change existing law, and was therefore subject to a point of order.

From that day no question was raised over the authority for this item, until two years ago. Without objection and without controversy the appropriation bill for the District of Columbia, for 14 successive years, has contained an appropriation to pay interest and sinking fund on the funded debt of the District.

Now, Mr. Chairman, so much for the parliamentary precedents. Permit me, apart from these precedents, to submit to the Chair the statutes upon which, entirely apart from any parliamentary precedent, I undertake to say that the items in the bill whether for interest, or funded indebtedness, may be considered to securely rest.

In 1874 the Congress passed an act relating to the District of Columbia, and its future government. That act created three commissioners, and defined the duties which these officials should discharge. A little later further on in the statute a joint select committee was established to prepare and submit a scheme of government for the District of Columbia. (Stat. L., vol. 18, pp. 116, 118.) I desire to call the attention of the Chair to certain details of the bill creating this committee, and defining its duties.

But first, as a rather more logical order of presentation, I wish to call the attention of the Chair to certain language that will be insisted on later as an undertaking on the part of the Government to provide for both interest and sinking fund by the contribution of a proportional part to that end—and the levy of sufficient taxes on property within the District. I refer the Chair to page 120 of volume 18 of the Statutes at Large, in which this language will be found:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

I have read into that act the words "do so," because, while they do not appear in the book from which I am now reading, they were subsequently added to the act. I regard the addition of the words "do so" as entirely superfluous and unnecessary. Any court, or functionary properly charged with the interpretation of this act, would read these words into the law, as a matter of necessary and inevitable interpretation.

But the Chair will observe that the Government's faith is pledged that it will accomplish a definite result by a compound composed of proportionate contributions on its part, and the levy of sufficient District taxes. What is meant by proportionate contributions? Turning to page 118 of the act this reference is explained. The committee already mentioned is distinctly charged with the duty of preparing and submitting to Congress a "statement of the proper proportion of the expenses of the District government, or any branch thereof, including interest on the funded debt, which should be borne by said District, and the United States respectively, together with the reasons upon which their conclusions might be based." The Chair is asked to examine this reference in its appropriate connection. I see no reason why the language just read, in relation to the proportional contribution of the Government, and the levy of necessary taxes, does not provide for the sinking fund as well as interest. The Chair will find that this view is maintained by a number of distinguished men. But I waive this contention for the present. I expect to be able to establish that if the act of 1874 does not provide for the principal of the funded debt, the later act of 1879 did so provide.

For the present we are only concerned to inquire into the meaning of the words, "proportional appropriations," interpreting them by the antecedent provision of the act that the committee shall prepare a report providing the proper proportion of the expenses of the District of Columbia, including interest, which shall be borne by the Government. I say that then and there there was stamped upon this act, an undertaking on the part of the Government of the United States that it would assume some proportion of the interest on the funded

The CHAIRMAN. That was the resolution of the House creating the committee?

Mr. SAUNDERS. That was in the act which created the committee, and provided for the Commissioners of the District of Columbia.

The CHAIRMAN. That was a joint committee?

Mr. SAUNDERS. That was a joint select committee, created by the act of 1874. That act, as I have said, did not provide what the specific contribution on the part of the Government should be, but it did provide that the report of the committee should include the interest on the funded debt, as a

part of the expenses to be borne by the Government. That was in 1874, creating the committee, and the commissioners.

Mr. JOHNSON of Kentucky. Does the gentleman contend that the 3.65 bonds were in existence at that time?

Mr. SAUNDERS. Not at all. I am coming to that. I wish to say, in response to the gentleman's inquiry, that in my opinion the reference to the funded debt, includes the whole debt, not only that already funded, but the portion to be thereafter funded. The act of 1874 was an act to provide for a future government, and the indebtedness of that government. Hence its reference to the funded debt is general and comprehensive in its character, and is not to be limited to the then funded proportion of the whole indebtedness. It is a fair and necessary conclusion that Congress had in mind the funded debt of the District, including that which had been funded, and that which would be thereafter funded, under the act of 1874, and the cognate and supplemental acts. The act of 1874 contemplated the assumption on the part of the United States of a proportional part of the expenses of the District of Columbia, including in direct terms interest on the debt, as a part of these expenses.

The gentleman from Kentucky maintains in his argument that interest on the public debt, would not be a part of the expenses of the District government. I submit that unless there is something in the specific law under consideration which would require that view, under the usual, the necessary, the everyday, the legal, the ordinary interpretation of the word "expenses," interest on a municipal debt which is a municipal burden, would be fairly a municipal expense.

He cites the act which he undertakes to say maintains his proposition. This is the so-called true-intent act. Permit me to call the attention of the Chair to the argument of our friend from Kentucky in that connection.

On page 890 of the current RECORD he says:

But it must be borne in mind that Congress has enumerated what items compose the expenses of the District; and as "sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, avenues" were not municipal functions within control of the commissioners until made so by special act of Congress; and as an enumeration of items is set out in the same section of the act of 1878 which contains the half-and-half clause.

He draws the conclusion by interpretation that these items are not a part of the expenses, and cleaning streets not a municipal function under the act of 1874.

Mr. Chairman, I deny that proposition. I deny it for the reason that the act to which he refers, the true-intent statute, does not undertake to say that these functions were not a part of the original functions of the District.

If the later act had done that, if it had called attention to the fact that these functions were not prescribed by the antecedent act, if it had called attention to the fact that while these functions were not municipal functions in the contemplation of the original act, it was the intention of the later act to give authority in express terms to the District to discharge these functions, and include the expense of the same in its budget of municipal expenses, why then the gentleman's contention that the initial act did not include these items under the head of expenses, would be sustained. But the true intent statute does nothing of the sort. It provides in substance that whereas a question has been raised as to whether these items are a part of the expenses of the District, this objection was not well taken. The true intent statute then proceeds to declare that these expenses were provided for in the original act, and that this act properly construed intended to include the cost of street cleanings, under the general head of expenses. That is a very different proposition, from the one advanced by the gentleman from Kentucky. The amending statute in terms declares that the interpretation which had been placed upon the prior act to the effect that these expenses were not within its terms, was a misinterpretation, and that from the beginning, the true intent of that statute was that these items should be included in, and made a part of the expenses of the District, to be borne as a part of the municipal burden. Permit me to read the act in this connection. The true intent statute is as follows:

It was the true intent and meaning of the act passed June 20, 1874, that the sweeping, cleaning, and removal of refuse and filthy accumulations from the streets, etc., were necessary municipal objects which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses. (Stat. L., vol. 18, p. 337-338.)

This is an interpretation to correct the original misinterpretation of the act. It is not a new act, giving new authority. It is a legislative declaration that the original meaning of the old act, is the meaning now declared to attach to it.

Mr. Chairman, I maintain that from the beginning, the Government contemplated the payment of a portion of the interest on the funded debt, as a part of its contribution to the burdens of the District of Columbia. In 1878 another act was passed.

This act was passed pursuant to the report of the committee created by the act of 1874. For the first time, the proportionate contribution of the Government to the expenses of the District, was fixed by law. Permit me to submit a citation from that act in this connection:

To the extent to which Congress shall approve said estimates, Congress shall appropriate the amount of 50 per cent thereon, and the remaining 50 per cent of such approved estimates, shall be levied and assessed upon the taxable property, etc., of the District of Columbia. (Stat. L., vol. 20, p. 104.)

The preceding provisions of this section provide that these estimates shall be for the expenses of the District of Columbia. But these expenses—as we have seen—necessarily include as a portion thereof, the amount required for the payment of in-terest. Hence it is clear that when the Government undertakes to pay one-half of the expenses of the District, and those expenses include interest, the Government has specifically undertaken to pay one-half of the interest. The act cited supra (p. 104) enumerates certain specified items that shall be included in the report of the commissioners to the Secretary of the Treasury. I call the attention of the Chair to these items, which are as follows: The cost of repairing, and constructing bridges, the cost of maintaining charities. Then the paragraph concludes by saying the commissioners shall report an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia. are the expenses which Congress later assumes to pay to the extent of one-half. Unless the gentleman from Kentucky [Mr. Johnson] can eliminate from the meaning of the word "expenses," the contemplation of interest as a part of these expenses, I maintain that this statute in connection with the preceding statutes directly provides that the Government shall pay one-half of the interest on the funded debt. It has been so construed from that time forward.

This Mr. Chairman, is my answer to the proposition that there is no warrant in existing law for the payment of one-half of the interest on the funded indebtedness of the District of Columbia by the Government of the United States. the sundry civil appropriation bill was before this body. that time the sundry civil bill carried an appropriation for the District of Columbia. My colleague on the committee reminds me in this connection, and it is a potent circumstance, that in 1878 an effort was made to provide for the assumption by the United States of one-half of the sinking fund, for the District indebtedness. This effort was defeated. A year later the same item was included in the conference report on the sundry civil The item was objected to, on the ground that it did provide for the assumption of one-half of the sinking fund. was the same item which the House had theretofore rejected, and rejected simply and solely because it was intended to saddle the United States with one-half of the above fund. Hence when this item was adopted a year later, upon full debate, it is a clear and inevitable conclusion that the House knew what it was doing.

I wish to say a few words in this connection, Mr. Chairman, with respect to the interpretation of the language we find in these acts, the acts referred to by the gentleman from Ken-I admit freely that sometimes the phrases used are I admit freely that at times the terms used are not precise. I admit that at times it would be difficult to interpret some sentence, or portion of these acts, if we fastened our view on the precise sentence, or paragraph, and omitted from our contemplation the general intent of the whole body of these statutes, and the meaning with which they have been heretofore impressed by competent authority. But these facts present no difficulties to a presiding officer, to a court, or to anyone accustomed to the construction of statutes. We know that when inapt and inappropriate language is used, the Chair in interpreting this language looks to all the statutes on one subject matter. If it is a coherent and continuing body of legislation, that fact is a potent factor in the process of interpretation. The intent running through a series of cognate statutes is used by the functionary charged with the interpretation of one of these statutes, to aid him in arriving at the true interpretation of the paragraph, or section under consideration. I submit in this connection these familiar propositions.

In case of inapt, or ambiguous terms, or phrases, the real meaning of the legislator is to be gathered from the context, and the general purport and tenor of the enactment. In such a situation that construction will be adopted which will make all the provisions of the statute consistent with each other,

and with the preexisting body of the law.

We now come to the act of 1879. That was an amendment to the sundry civil appropriation bill. The amendment was not found in the law when it passed this body. It was in the conference report, having been added presumably in the Senate.

As soon as the report was submitted, the question was raised as to what was meant by this new and unexpected item. The chairman of the Appropriations Committee, Mr. Atkins, Mr. Blackburn, and other gentlemen of this House, including the friends and the opponents of the proposition, united in agreeing that the effect of the language of the new item was to fasten upon the United States' something that theretofore had been rejected, namely the assumption of one-half of the sinking fund of the District of Columbia.

This, Mr. Chairman, was the contemporaneous interpretation of the body that was dealing with this act, and as I have said this interpretation was concurred in by both the friends, and the opponents of the amendments. In this respect there was no difference between them. Permit me to read to the Chair some citations from the debate upon this amendment.

Mr. CARLIN. Mr. Chairman, will the gentleman yield for a question?

Mr. SAUNDERS. Certainly.
Mr. CARLIN. If I understand the gentleman correctly, his position is that we have had a legislative construction of the act and that the Chair at present is bound by that construc-

Mr. SAUNDERS. We have had both a parliamentary and a legislative construction of it. The parliamentary construction I referred to before my colleague came into the Chamber, but I undertake to maintain that apart from that parliamentary precedent, the act itself fairly construed, according to the familiar rules of interpretation, provides for the discharge by the Government of one-half of this sinking fund.

I wish to say in this connection, adverting to language here-tofore cited, that in the progress of the debate that ensued on the Atkins report, more than one gentleman construed the pledge of faith found in the act of 1874, to mean that the Government would pay a part of both the interest and sinking fund, This paragraph has been given in full, and in my judgment it justly bears the meaning that others have given to it, namely that by two concurrent, and potent things, proportionate appropriations by the Government, and adequate taxes on property in the District of Columbia, the interest and sinking fund should be provided for. The amount of the proportionate contribution of the Government was otherwise fixed. Recurring to the act of 1879, that is the sundry civil bill, I quote from the remarks of Mr. Atkins who first demanded the previous question. Mr. Atkins, as has been stated, was the chairman of the Committee on Appropriations at that time. "I can answer," said Mr. Atkins "the question of the gentleman from Missouri, Mr. Franklin." Even at that time it appears that the Representatives of the State of Missouri were desirous of being shown.

I can answer

Proceeded Mr. Atkins-

both the question of the gentleman from Missouri [Mr. Franklin], and the question of the gentleman from Texas [Mr. Reagan] at the same time. The gentleman from Texas asks me to state what the bill provides in regard to the interest and sinking fund on the funded debt of the District. This provision is made: "For the interest and sinking fund on the funded debt, \$1,155,583,55." About \$120,000 of that amount is designed to be a sinking fund, one half of which is to be paid by the District of Columbia, and the other half by the United States Government. Now, Mr. Speaker, I state with perfect frankness to the House that I did not in conference committee favor that proposition. I would have preferred that that had not been put in this bill. But, sir, I was overruled by a majority of the House conferees, and I am not willing, it is equally frank for me to say, to defeat this bill simply because that feature is in the bill, although I was not in favor of it. (Record, vol. 35, p. 2356.)

Such was the interpretation placed on the item by Mr. Atkins who opposed it. I go a step further, and quote from Mr. Blackburn, who was also opposed to this proposition. I think I may say that Mr. Blackburn's position was that while the Government was to undertake the payment of one-half of the interest on the indebtedness-he was inclined to the opinion that it undertook this payment was to be reimbursed. But be this as it may be, as to the interest, Mr. Blackburn certainly opposed the proposition reported by the conference committee, and agreed with Mr. Atkins that it imposed upon the Government the burden of one-half of the sinking fund for the District of Columbia. Mr. Blackburn said:

This proposition of this section of the bill, is to fasten upon the Government of the United States, for the first time, an obligation to pay one half of all this funded debt, and leave the people of the District of Columbia, already ground into the earth by taxation, to pay the other half of this debt. The law to-day does not require the Government to pay a dollar. (RECORD, vol. 35, p. 2357.)

So that both the gentleman from Kentucky, and the gentleman from Tennessee [Mr. ATKINS], after announcing the pre-liminary proposition that the Government was not liable for one dollar of this funded indebtedness, agree that the item reported, and then under consideration, saddled upon the Gov-

ernment one-half of the funded debt of the District of Colum-

Mr. CARLIN. Will my colleague yield at this point, just to fortify his position? I do not intend to speak on the question, and I agree with him. I want to call his attention to the rule of court, which is almost universal, that where a statute is ambiguous and there has been legislative construction of the statute the court will adopt that legislative construction.

Mr. SAUNDERS. Yes, that is undoubtedly true, and the further proposition is undoubtedly true, that when a statute is passed which has been interpreted in another State, in another jurisdiction, that is the existing interpretation is presumed to have been written into the later statute. Just as my friend from Virginia says, when this body acted with knowledge of what it was doing, who can gainsay, that they intended to do, what they did, and enacted the amendment with the meaning that was given to it, on all hands. I proceed further with the quotation from Mr. Blackburn's remarks:

The law requires the United States to see that the interest is paid, and that a sinking fund is provided for, and that there shall be taxes levied on the property sufficient to do it, etc.

I have read these citations, Mr. Chairman, for the one purpose, namely, to show that the House was not acting in ignorance, but with full knowledge of what was before them, and what the amendment reported, was intended to accomplish. The proposition was dissected, and debated by a number of gentlemen, who desired to be informed as to its meaning, purpose, and effect. The gentleman from Texas, Mr. Mills, asked the gentleman from Kentucky:

I desire to ask the gentleman from Kentucky if the Government of the United States is called on to pay this debt.

Mr. BLACKBURN. I answer that this provision of the report of the committee on conference binds this Government in its own capacity to the payment of half of the debt.

Such was the view of the meaning of the language of the amendment, by one who opposed its adoption on principle.

Mr. OLMSTED. Will the gentleman yield? Mr. SAUNDERS. Certainly.

Mr. OLMSTED. What is the date of the debate from which the gentleman is reading?

Mr. SAUNDERS. This was in 1879, 33 years ago.
Mr. OLMSTED. The language there seems to speak of a
specific then-existing debt. It says, "This debt." Do I understand the gentleman to mean that the law then passed applied to any debt that the District of Columbia might to the end of time incur?

Mr. SAUNDERS. Not at all. There again I will say to my friend, that there were a number of statutes referring to the indebtedness of the District. It was the existing, antecedent indebtedness that the Government assumed in part. The statutes refer to this indebtedness from time to time. It is all one and the same body of indebtedness. Whether it was all one and the same body of indebtedness. funded in 1874 is immaterial. I assume that by 1879, all had been funded.

Mr. OLMSTED. One other word. We are appropriating in this bill, and we appropriate year after year, a large sum of money, one-half to be paid by the District of Columbia and one-half out of the Federal Treasury. Now, if the District of Columbia runs behind year after year, and increases the debt, do I understand the gentleman from Virginia to say that we are bound to pay half the debt?

Mr. SAUNDERS. By no means.
Mr. OLMSTED. If it amounts to that it will result in the Government paying more of the expenses.

Mr. SAUNDERS. If I have said anything to create such an impression. I desire to correct it at this time.

Was not the indebtedness incurred subse-Mr. OLMSTED. quent to the time of that debate, and was it not incurred for expenditures for improvements or repairs, one-half of which was to be paid by the United States at the time?

Mr. SAUNDERS. As shown by the debate itself, and shown by the statute to which I have referred, the indebtedness to which reference was made, was the indebtedness existing at the time that Congress took over the reorganization of the District of Columbia, and lifted it out of the mire of debt and hopelessness in which it was sunken.

Mr. OLMSTED. And applied only to the then-existing debt? Mr. SAUNDERS. I do not understand that the act applies

anything but the then existing indebtedness.

One word further in support of that proposition. Mr. Black-burn was asked at the time about this indebtedness, and I will call the attention of the gentleman from Pennsylvania to his response.

Mr. Blackburn. I answer that this provision of the report of the committee on conference binds this Government in its own capacity to the payment of half the debt. (Id. p. 2357.)

Then he was asked what that debt was, and his answer was: I think about \$22,000,000 in round numbers.

This is the only debt with which we are concerned, and it is the same debt about which Congress has legislated from that time to the present. It is the only debt to which this item This item is a part of a continuing appropriation, and has been diminished from time to time as the funded indebtedness has been continuously liquidated. In this connection the question might be raised whether this is permanent law, or not. Even that question was debated at that time, as follows:

Mr. ATKINS. I would suggest to the gentleman that the next Congress can repeal this provision.

Mr. BLACKBURN. This is a permanent provision for the payment of a permanent debt. (Id.)

There is no ambiguity in this question, and answer. There is no need to interpret this language. Its meaning is palpable and manifest.

Mr. BURLESON. Right in that connection, even if this item were stricken out of the bill, there is an obligation imposed

upon the Government to make the appropriation.

Mr. SAUNDERS. Mr. Chairman, may I call your attention to further extracts from the debate of 1879? So far I have cited only the attitude of the opponents of the amendment, and adverted to the interpretation which they placed upon its terms. But there were gentlemen in that House who favored the amendment as an original proposition. These gentlemen agreed with its opponents as to its meaning. One of these gentlemen was Mr. Hale. I presume, although I do not know, that this was the same Mr. Hale who was afterwards. Senator from the State of Maine. But be that as it may, Mr. Hale contended that the Government ought to assume one-half of the funded indebtedness as a matter of precaution. He said in substance that, judging from the way things were proceeding, if one-half of this indebtedness was not assumed, the Government would later on be induced to assume all of it.

Hence he said, he was acting in a preventive capacity, and in his opinion by the assumption of one-half of the indebtedness, the Government of the United States would be saved from the necessity of later assuming the entire burden of this obligation.

His language was as follows:

His language was as follows:

I know further, Mr. Speaker, that as years run by when this debt matures there will be more and more pressure upon the Government if this measure does not pass here and now to pay the whole of this debt; and if we do not now provide a sinking fund, the Government appropriating for 50 per cent of it, but leave it to the termination of the bonds, the Government will in the end pay the whole of it. So as a matter of economy and of good husbandry this is in the interest of the Government and of protecting it. Any man who lives to see these bonds mature at the termination of the time fixed by them, unless we establish this sinking fund, will see such a raid on the Government and Treasury that we will have to pay the whole of it. That is one of the reasons why I sustained with the gentleman from New York the proposition of the Senate. It was to save us in the end.

A gentleman named took part in that debate. I have stated, Mr. Chairman, that there were gentlemen who maintained the proposition in that debate that I have undertaken to maintain, or rather have stated that I could maintain, if necessary, namely that the original pledging of the faith of the Government of the United States to proportional appropriations related both to the funded debt, and to the interest on that debt. Mr. Hendee was one of these gentlemen. In the course of his

I will read what that act contains upon that point. It contains these words. After going on to say the debt shall be ascertained in a certain way and that it shall be paid in 3.65 bonds, then follow these words:
"And the faith of the Vertex of the vertex

words:

"And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such tax as would do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable and create a sinking fund for the payment of the principal thereof at maturity."

There can be no language plainer than that. The United States are not only bound under that law to take care of the interest or see that it is paid, but we are also bound to take care that the principal is paid or provide a sinking fund for that purpose.

Mr. Hendee debated the proposition further, and then Mr. Buckner took up the argument. This was another gentleman who favored the particular item under consideration on its

merits.

I understand the Government of the United States is just as much bound by proportional appropriations and by the taxation of this District to take care of the sinking fund as it is to provide for the ultimate payment of this debt when it is due and as it is to provide for the interest. We have time and again, year after year, appropriated money from the Treasury of the United States to pay the interest on the 3.65 debt. We did so upon the ground that it was due as the plighted faith of this Government that this interest should be paid. Shall we go on and make no provision for the ultimate payment of the debt by a sinking fund or otherwise by means of taxation or appropriation until 50 years shall have elapsed, and let the whole burden then come at once on the Government? Is that the proposition?

I say that would be not only bad faith but bad policy. I say the Government is bound to take charge of and pay a share of this sinking fund in order to pay off this debt of \$13,000,000.

Mark you, it is claimed in this debate that the Government should pay these amounts and be reimbursed; but Mr. Buckner

I say the Government is bound to take charge of and pay a share of this sinking fund in order to pay off this debt.

This is still another interpretation, of the item this time by a friend, an interpretation to the effect that the amendment, if adopted would be an assumption on the part of the Government of the United States of the burden of paying one-half of the sinking fund. Thus it is that friends and enemies are alike agreed on the meaning of the amendment.

Mr. Chairman, I wish to call your attention to another citation. If you will look to page 2360 you will see that a gentleman named Mayham participated in the debate. I do not know from what portion of the country Mr. Mayham came, but he

says:

I can not enter into a discussion as to whether these bonds are valid or not.

This was a feature injected into that debate, a charge which is not part of this debate, namely, that these bonds were largely fraudulent in issue, and in creation. This was the contention on the part of the gentleman from Kentucky, Mr. Blackburn, and he had argued theretofore that the Government should not assume the payment of these on this ground of fraud. He did not question that the amendment, if adopted would place this burden on the government, but insisted that by reason of these antecedent frauds which tainted the whole body of the indebtedness, the Government ought not to assume this liability.

This attitude of general opposition on the part of Mr. Blackburn, makes abundantly clear his intense antagonism to a proposition which he understood, and his colleagues understood, to saddle the Government with the discharge of an indebtedness considered by some of the statesmen of that day, to be tainted

with fraud.

Mr. Mayham, proceeding, said:

Mr. Speaker, I can not enter into a discussion of the question whether these bonds are valid or not in five minutes. It seems to be enough for the purpose of a discussion upon this question to look as the statutes under which they were issued.

Then he cited the act of 1874, pledging the faith of the Government to proportional appropriations. I quote further from Mr. Mavham:

Mr. Mayham:

Now, Mr. Speaker, I do not understand that my distinguished friend the chairman of the Committee for the District of Columbia [Mr. Blackburn] makes any question as to the Federal Government being liable to make provision for the interest on the bonds, and under the plain language of the statute there can be no distinction made between providing for the payment of the interest and the bonds at maturity by the creation of a sinking fund. If the one is binding and obligatory on the Government, the other is equally so. * * *

If the bonds have been issued, and that provision of the statute has been carried out by the officers of the Government, and on the face of that provision of law these bonds have been issued and gone into circulation, then by what principle of justice and good faith can it be said that the Government has to-day been relieved from the obligation of the statute?

of the statute?

Further citations from that debate, but they would only be along the line of those already afforded.

The CHAIRMAN. Was there anyone who took a contrary

view of that interpretation?

Mr. SAUNDERS. Not one, not a single solitary man. Not a voice was raised in that debate to say that the provision which they were for the first time writing into the law of the United States, did not bear the meaning given to it by the gentlemen whom I have cited.

There was still another able gentleman who participated in that debate, the Hon. Abram S. Hewitt of the State of New York. He was in favor of the amendment. He was one of the friends of that item on its merits. Mr. Chairman, I have here-tofore said that for the purposes of this debate the statutes antecedent to 1879 were cited to show that the Government did provide in those statutes for the payment of one-half of the interest. On this line, listen to the gentleman from New York.

We have assumed the payment of one-half the interest of this District by an act brought in here by the gentleman from Kentucky himself, Mr. Blackburn. Hearken further:

All that this sundry civil bill does, is to say that out of the fund thus created, of which the United States Government has agreed to pay one-half, the pledge of the Government to establish a sinking fund shall be fulfilled.

Mr. Chairman, the question was asked whether from that time, to the present this matter has been at rest. It has been at rest, save when it was raised by the gentleman from Missouri, who moved an amendment placing all this burden on the District of Columbia.

This effort on his part was rendered abortive in the first instance by the negative action of the House, and in the second instance by the positive ruling of the Chair that his amendment was not in order, the Chair ruling on the same question now presented in this debate. Save for the De Armond amendments, the same item carried in the present bill, has been carried in every District bill without objection from 1879 to 1910. The existing acts have been interpreted as we interpret them to-day. Whenever occasion has arisen for interpretation, the persons charged with the duty of interpretation, have interpreted the acts under consideration, and given to them the same meaning with which we now seek to charge them.

Mr. Chairman, there is a familiar principle of construction, that if a contract is ambiguous, and the parties to that contract, by their acquiescence, or by their action impress that contract with a particular meaning, that interpretation, when challenged, will be treated as the interpretation of the parties themselves.

I invoke the analogy of that principle for the consideration of this question. If the Congress of the United States, adopted this amendment with knowledge of its meaning, and from that time forward has made appropriations in conformity with the interpretation of its intent universally assented to in the debate on its adoption, then Congress itself has satisfic. I the interpretation which it first afforded. There is no further room for controversy. The Congress itself has said that it has assumed to pay one-half of this debt-why then should we now seek to afford a different interpretation at variance with precedent-with uninterrupted practice, and the statutes themselves fairly construed.

If I have carried the burden that I assumed on behalf of the committee, and have supported by reference to precedents, and to statutes, the two propositions that existing law provides at once for the payment of one-half of the interest, and one-half of the funded debt, then I will change a little the figure of our friend from Kentucky, who said that no sleight-of-hand argument could find authority to support the proposition that there is existing law for these items; I will say that no sleight-of-hand argument will be able to strike down the protection which existent law gives to the provision that is included in the report of the Committee on Appropriations for the payment of one-half of the interest, and of the principal of the funded debt.

The CHAIRMAN. Before the gentleman sits down, will he permit the Chair to ask him a question? The gentleman from Kentucky [Mr. Johnson] called attention to and laid special emphasis on certain words in the sections that have been read. For instance, in the section which provides "that hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds," and so forth, "and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided." The gentleman from Virginia is familiar with the construction placed upon it by the gentleman from Kentucky?

Mr. SAUNDERS. Certainly.
The CHAIRMAN. What is the construction of the gentleman from Virginia?

Mr. SAUNDERS. It strikes me that the language used is appropriate to carry out the intention of Congress, having in mind that the interest was already included as a part of these The act of 1874 provided that the committee should report a proper proportion of the expenses of the District government, including interest on the funded debt which should be borne respectively by the District and the Government. Later the half-and-half principle was adopted. The language cited was intended I think to carry out that purpose. It may not be very well drawn, but it has always been interpreted to carry the meaning that Congress intended to pay, and assumed to pay one-

half of this interest. We should look to the main intent.

The CHAIRMAN. The Chair was interested to have the gentleman's construction in view of the emphasis laid upon it by the gentleman from Kentucky.

Mr. SAUNDERS. I desire to call the attention of the Chair to one further matter. The language of one of these acts, considered apart, might give difficulty. I refer to the act of 1879. I frankly admit that standing alone, this paragraph does not very well convey the idea that the Government will pay one-half of the funded indebtedness, the funded 3.65 bonds. For this reason I submitted the cotemporaneous debate on that paragraph when it was submitted.

For that reason I referred the Chair to the principles of statutory construction that inapt language must be construed with reference to the general intent of an entire body of legislation on one subject. I will admit that the language of the act of 1879, "is hereby appropriated out of the proportional sum,"

standing alone, might give difficulty. I freely admit that. But when the language of that paragraph is interpreted in connection with what precedes it, with the legislation of which it forms a part, the difficulty is removed. But how can any difficulty remain as to this paragraph when it has been construed by a previous occupant of the chair, and stamped with the meaning given to it by the body which enacted it, in the first instance?

If the language is construed literally, the amount appropriated would be taken out of the appropriation for the expenses of the District of Columbia, and, to that extent, the Chair will observe, the Government would not pay that part of the expenses of the District of Columbia for which it was legitimately bound. That would follow, if you stickle over the exact language of the law.

The CHAIRMAN. The thought that was in the mind of the Chair is this: Of course, the Chair is only interested in the question whether or not there is authority to appropriate.

Mr. SAUNDERS. Of course.

The CHAIRMAN. That is what the Chair is to pass upon. With the administration of the fund afterwards the Chair has nothing to do.

Mr. SAUNDERS. No, we have nothing to do with that. If there has been any abuse of administration it ought to be dealt with in a drastic way.

The CHAIRMAN. If the language "is hereby appropriated

out of the proportional sum" is to be construed that this is to come out of the proportional part as, for instance, of this bill which is before us here, that would create a deficit so far as the Government part is concerned in these expenses.

That is precisely the point presented. Mr. SAUNDERS. it is taken out of the part the Government has appropriated for expenses, that appropriation not including a provision for the sinking fund, then as we have seen the Government would fail to pay one-half of the expenses of the District. Now this language, however inapt it may be, has been stamped with a meaning. It is the meaning given to it by Mr. Atkins, Mr. Blackburn, Mr. Hendee, Mr. Hale, Mr. Hewitt, and others. This meaning is that when the Congress passed the act of 1879, the Government assumed in the language of Mr. Black-burn, "to pay in its own capacity one-half of this debt."

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield for an interruption at this place inasmuch as both of us desire to talk about this one subject?

Mr. SAUNDERS. Certainly.

Mr. BURLESON. Mr. Chairman, before that is done I want to make this suggestion: From my viewpoint the purpose of that was to strengthen these bonds. These bonds theretofore had been selling at less than par, and it was decided that it was expedient that out of the proportional sum to be appropriated by the Federal Government the interest and sinking fund should be a charge, and if the proportional part was \$2,000,000 and the District government was to put up \$2,000,000 to offset it, mathematically and legally the effect would be the same, the sole purpose in saying it shall be taken out of the General Government's proportional part being to have the effect of strengthening these bonds which had been selling at less than par.

Mr. JOHNSON of Kentucky. Has the Chair Volume XX before him?

The CHAIRMAN. No; the Chair has not.

Mr. JOHNSON of Kentucky. Mr. Chairman, let us take the act of March 3, 1879, which immediately follows the organic act of 1878. It will be found on page 410 of Volume XX. Does the Chair not find there this provision:

For the interest and sinking fund on the funded debt, \$1,155,583.55. That is what is now in the bill under consideration. The figures in this are slightly reduced from those given in the act of March 3, 1879.

The CHAIRMAN. That is correct.
Mr. JOHNSON of Kentucky. Then, Mr. Chairman, if in 1879, the very next year after the adoption of the organic act, that section is put in, pray tell me why that which follows should be put in:

And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will with the interest thereon at the rate of 3.65 per cent per annum, etc.

Is it not patent to anybody that those two sections contemplated two different bond issues? The first item was for the interest and sinking fund on the old funded debt, being for the bonded debt which the District of Columbia, under the commission form of government, inherited from the Territorial form of government; and those bonds have been paid out of this fund and destroyed. Yet that appropriation, because nobody chose to make a point of order against it, has stood all of these years without ever having been authorized—authority upon the statute books; when, immediately following it, is this provision for a sinking fund for 3.65 per cent bonds. All of these years those who have drafted this bill and advocated its passage have been afraid to copy that next section, and that is what I ask that now be put into this bill. I ask nothing more. I ask that the provision which appropriated one million and odd dollars for the retirement of the old funded debt be stricken out, because that old funded debt has long since been paid. To-day the funded debt of the District of Columbia is made up of the 3.65 funded debt of the District of Columbia is made up of bonds. More than \$8,000,000 of the old funded debt, created by legislative act under the provisional form of government, have surely contemplated two bond issues-the old bonded debt and the 3.65 per cent bonded debt.

I now propose to read into this appropriation bill that act which relates not to the old bonded debt, the bonds of which have been paid off years ago, but that act which relates only to

the 3.65 bonds.

The CHAIRMAN. The debate has proceeded so far upon the idea that this debt, whatever it was, referred to those 3.65 bonds. The Chair, as a matter of fact, was not aware of any other funded debt.

Mr. JOHNSON of Kentucky. Mr. Chairman, I took it for granted that the Chair had responded to my modest request, and had read very carefully all I said in the speech made upon the floor of this House a week ago.

The CHAIRMAN. The Chair has done so; the Chair has

read it twice

Mr. JOHNSON of Kentucky. And I said then, and I repeat now, that the commission form of government which now exists took over \$8,000,000 of bonds from the Territorial form of government. Some of these bonds were then 30 or 40 years old, and if they were in existence now some would be 75 or 80 years old; but they have been all retired, out of the appropriation which is now continued in this bill. I ask that only the law which relates to the 3.65 bonds be carried in this act, because there are no other bonds.

Now, Mr. Chairman, for the information of the gentleman from Pennsylvania, who made an inquiry awhile ago, what Mr. Blackburn said I do not consider binding upon this House any more than my opinion is binding upon any future House and no more than the opinion of the gentleman from Virginia will bind any future House. But here is what Mr. Blackburn said, if

you want to know:

you want to know:

Mr. Blackburn. I desire to say that if every Member of this House will read one of the other sections of this bill he will see that this bill does not propose to make the Federal Government responsible for one dollar of the debt of the District of Columbia or one dollar of the interest of that debt. It simply proposes to make the Government of the United States pay one-half of the current expenses of the District.

Then it goes on further and provides that as the Federal Government is already bound to guarantee the payment of the interest on the 3.65 bonds of the District, every dollar that the Government of the United States pays as interest on that bonded debt of the District shall be accredited to it upon such portion of the current expenses as it assumes. This bill nowhere makes the Federal Treasury responsible for one dollar of the debt of this District, either of the principal or of the interest. But it does say that the Government of the United States shall pay 50 per cent of the current expenses of the District and that it shall have credit on that payment for every dollar of interest it pays.

Mr. SAUNDERS. What page?

Mr. SAUNDERS. What page?

Mr. JOHNSON of Kentucky. I read from the Congressional RECORD of May 6, 1878.

Mr. SAUNDERS. That is the difference-

Mr. JOHNSON of Kentucky. No difference in what Mr. Blackburn said.

Mr. SAUNDERS. That is from a debate at a different time, and under different circumstances, and related to a different subject matter. I read from the debate of 1879 which related to the item that is now inserted in the bill, and while I understand perfectly well there were two issues of these bonds, yet I maintain that these 3.65 bonds are part of the \$22,000,000 indebtedness. This is what Mr. Blackburn said in 1879,

Mr. Blackburn. I answer that this provision of the report of the committee of conference binds this Government in its own capacity to the payment of half the debt.

Mr. Mills. How much is that?

Mr. Blackburn. I think about \$22,000,000, in round numbers. I answer further that, in my judgment, for the payment of \$8,000,000 of that sum neither the Government of the United States nor the District of Columbia nor anybody else is responsible.

There is no question about what this means. Government in its own capacity to one-half the debt, and that is the \$22,000,000, of which he says \$8,000,000 is not owed by anybody. Mr. Blackburn also says:

Also to fasten upon the Government of the United States one-half of an obligation of \$22,000,000, not one cent of which the Government ever owed or is obligated by law to pay, and \$8,000,000 of which I deny that anybody owes.

So that you see in arguing this specific item Mr. Blackburn's status and attitude are brought out, as to the aggregate indebtedness of \$22,000,000. A large portion of this has been discharged. This was the attitude of that gentleman at that time and while the gentleman from Kentucky is perfectly right in respect to the two issues, yet I say that this proposition is also true that when the amendment in the sundry civil bill was debated in that body all the debaters, both the friends and opponents of this item, agreed as to its meaning, and with that knowledge, passed this act, and wrote it into law. Thereafter the gentle-man from Kentucky, Mr. Blackburn, who was for years a Member of this body, never raised any question over this item but continued the same item in the subsequent appropriation This stamps, and properly stamps this act, with the meaning for which we contend.

The Chair is perfectly right in its suggestion. It carries the same thought I sought to present, namely that if you take that section literally, if you deduct the appropriation for the sinking fund from the total appropriation for expenses, then the Government will not pay one-half of the expenses as agreed,

and for which it is bound.

Mr. Chairman, what I say with respect to that section is, that it plainly means that the Government, set aside, so far as the formula of the bookkeeping is concerned, a sum for the payment of the sinking fund, and one-half of it was to be deliberately assumed by the Government as an obligation from that time forward. Congress assumed that debt with knowledge, and we have been knowingly acting in conformity with the precedent from that time to the present. The actors in that debate, who have long since passed away, never challenged a subsequent appropriation for this purpose or doubted that it was supported by existing law. In addition to all that may be said in this connection the same question has been ruled upon, in this House, and that precedent has been cited to the present occupant of the Chair.

Mr. OLMSTED. I have not heard this whole discussion, but so far as I have heard it, and so far as I have been able to hear the acts of Congress that have been cited, I have difficulty in finding any obligation upon, or any authority for, the United States to pay one-half of the principal of these bonds.

In the act of 1874, providing for the selection of a joint com-

mittee, it was provided:

That they shall also prepare and submit to Congress a statement on the proper proportion of the expense of said Government or any branch thereof, including interest on the funded debt.

Not the principal, but the interest.

In the second section of that act it is declared:

That the faith of the United States is hereby pledged that the United States will pay proper proportional appropriations contemplated in this act.

Mr. JOHNSON of Kentucky. If the gentleman will pardon me one minute, turn back to section 5, and he will see there is the bonded debt to which they refer, and which, I say, Mr. Chairman, has been during these long years paid off and retired by that appropriation of one million and some odd thousand

Mr. OLMSTED. I am not prepared to dispute that proposi-But the provision in the seventh section, pledging the United States, is that it will make the proportional appropriation provided for in this act, which is a proportionate part of the interest. There is nothing said in this act about paying any part of the principal of whatever bonds are referred to. the act of 1879 is, if I correctly understood the gentleman from Virginia, an appropriation bill. It may be conceded that in that act and in subsequent appropriation bills there have year after year been appropriations made for payment of parts of the funded debt. But that does not establish the fact that there is authority of law for such appropriations. It may be

that there is, but I have not seen it.

The CHAIRMAN. Will the gentleman permit? The section to which the attention of the Chair has been called, which is claimed as authority for one-half of the principal-that is, onehalf of the sinking fund-seems to be permanent law.

Mr. OLMSTED. What act is that?
The CHAIRMAN. That is the act in the sundry civil bill.
Mr. SAUNDERS. The act of 1879.
The CHAIRMAN. The act of 1879. It says:

There is hereby appropriated, out of the proportional sum which the United States may contribute to the District of Columbia in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sum as will, with the interest thereon, at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia.

Mr. OLMSTED. That seems to be a permanent appropriation as to the 3.65 bonds.

Mr. JOHNSON of Kentucky. Mr. Chairman, I trust that the

Chair understands my position is that that ought to be in this

act, and that that which is before it, on page 410, should not be in here, because there is no law anywhere in the statutes au-

thorizing that provision.

Mr. TAYLOR of Ohio. Mr. Chairman, I had intended, if the Chair please, to go into this matter in some detail. As the Chair knows, some months ago, in the effort to get this very question before the House, knowing that it would arise when this bill was presented, I endeavored to go through the laws governing the issuance of these bonds and the authority for their payment on the half-and-half plan, and presented my views to the House. I have no doubt that the Chair has before him in some form a portion, if not all, of my remarks made on that occasion.

The gentleman from Virginia [Mr. SAUNDERS] has so elaborately covered the ground which my remarks and my views covered that it seems almost unnecessary for me to extend my remarks on this occasion to any great length. The Chair asked a very pertinent question as to what construction the gentleman from Virginia placed upon the language of that portion of the act of 1878 which provides that-

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

My idea of the meaning of that act would be about this, as an illustration: If the Government's 50 per cent, we will say, amounted to \$1,000,000, and the interest on these bonds was \$500,000, the Secretary of the Treasury would pay the interest, and there would only be available for the expenses of the District of Columbia \$1,000,000, secured by taxation, and the halfmillion-dollar balance left after paying the interest. To use an arbitrary example, say that the total expenses of the District are \$10,000,000.

The portion payable by the United States would be \$5,000,000. The interest on the debt paid by the Secretary of the Treasury would be \$500,000. Crediting the latter sum, which covers \$250,000 that the United States must pay under section 3 of the act of 1878, and \$250,000 which is advanced by the United States as it were for its partner in this business, the District of Columbia, there remains \$4,500,000 as the portion of the United States to be paid on account of the whole \$10,000,000. The result thus arrived at is exactly the same as we have under the practice begun with the initial appropriation act passed in 1880, and followed annually since, of including in the annual appropriation bill the two permanent appropriations made by the acts of 1878 and 1879 for the joint payments out of the Treasury and out of the District revenues of the interest charge and on sinking-fund requirements of the District of Columbia funded debt.

This law requires the United States, out of its funds, to pay a certain joint liability and to be credited with the amount of such payment on the whole sum of its pro rata share of the total joint liability. If such credit were not required and given, then the United States would be in the attitude of not only having paid its share of this annual interest charge, but it would have paid the share of the District, too, without reimbursement. If this credit was not required the United States would pay more than one-half of the expenses by assuming to pay this joint liability in addition to its one-half. The only way to reach the District for its share of this advance payment is to credit the United States with the whole payment, as required by law, on the total of its joint liability for the whole sum of the District expenses

Now, Mr. Chairman, I think that is a fair illustration of the workings of this law. It is interesting at this point to call attention to a few of the debates running through the general debate on the act of 1878, as indicating the understanding of the then Members of the House as to the responsibility of the Government under the language which I have heretofore quoted. set forth in the act of 1874, wherein the Government of the United States pledges its credit to the payment of the interest

and principal of the bonds.

On March 18, 1878, Mr. Eden, in discussing whether House bill No. 2917, authorizing the Commissioners of the District to audit certain claims against the District, should be considered in the House or in the Committee of the Whole, entered into a discussion of the act of June 20, 1874, in which he says, on

page 1841 of the RECORD:

page 1841 of the act of June 20, 1874, provides that the sinking-fund commissioners of said District are hereby continued and that it shall be the duty of said sinking-fund commissioners to cause the bonds of the District of Columbia to be prepared in sums of \$50 and \$500, bearing date 1st of August, 1874, and payable 50 years after date, and bearing interest at the rate of 3.63 per cent per annum, payable semi-annually, etc., going on to describe the bonds—and then it further provides that the faith of the United States is hereby pledged that the

United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied on property within the District such tax as will provide revenue to pay the interest on said bonds as the same may become due, and for payment of the principal thereof at maturity. It will be seen that the Government of the United States is pledged to pay a proportional part of the bonds which are provided for in the act of June, 1870, and that is the act which is referred to in this bill, under which the additional bonds are to be issued. If those bonds are issued, the law pledges the faith of the Government to make the necessary appropriations to pay them. Consequently, it comes directly within the rule.

The Speaker sustained this point, and the bill under consideration was placed on the Union Calendar.

In the running debate on the act of 1878 Mr. Cox of Ohio who opposed the payment of either the principal or the interest, made the following statement on page 3223 of the RECORD of May 6, 1878, in referring to the language which I have heretofore quoted:

The language of that section demonstrates the fact that I was stating. It provides that the amount so paid by the Government of the United States on the interest of the debt of the District "shall be credited as part of the appropriation for the year by the United States toward the expenses of the District." It thereby recognizes the fact that this bill makes the interest on the debt of the District a part of the current expenses of the District, of which the Government of the United States is to pay 50 per cent. There is no way of getting from it. If gentlemen of the Committee for the District of Columbia did not intend that, then they should have used other language in the bill.

J. C. S. Blackburn of Kentucky, during this colloquy, in which both Mr. Cox of Ohio and Mr. Cox of New York opposed this section, in reply to their arguments, said as follows:

this section, in reply to their arguments, said as follows:

Will the gentleman allow me to read a single sentence in the act approved June 20, 1874, in order to let the House see whether he and the gentleman from Ohio are right when they say that the Government is under no obligations whatever in this regard? I read from page 120 of the United States Statutes at Large, volume 18: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide revenues necessary to pay the interest on said bonds as the same may become due and payable and create a sinking fund for the payment of the principal thereof at maturity."

Mr. Cox of New York. That does not bear out the gentleman's position.

Mr. BLACKBURN. I simply desire to ask, in the face of that proposi-tion, whether there was to be no proportionate assessment of expenses between the Government and the District? Mr. Cox of New York. If that were so understood, I would vote to repeal the statute. I do not believe such was the intention when it was

Mr. Blackburn. Let the gentieman introduce his bill to that effect, but he should not deny the responsibility of the Government while the statute stands unrepealed.

Mr. Buckner, who was a Democrat from Missouri and chairman of the District of Columbia Committee in the House in the preceding Congress, further along in the debate offered an amendment in an effort to create a sinking fund to take care of the principal and interest. This amendment was not passed, but is interesting. In speaking on the same, he says:

but is interesting. In speaking on the same, he says:

I will state to the gentleman what I desire this Congress to do. My amendment provides that the Government of the United States shall comply with the obligations which it incurred by the act of 1874. The Committee on the District of Columbia by this bill provides for complying with that obligation only in part. It provides that the Secretary of the Treasury shall pay the interest on this debt, amounting to one-half million dollars a year. That, however, is only a part compliance with the obligations which this Government entered into with these bond-holders. That obligation was that by appropriations and by taxation the Government would provide a sinking fund whereby to liquidate this debt. Now, what is proposed by this bill in regard to this debt which will become due 45 years hence? This bill proposes to pay the interest on that debt, and so far it is a compliance with the obligations of the act of 1874. But what is to be done with the principal of the debt at the end of that time? Would you repudiate it? Is that the point? I have been charged, with others, with being willing to repudiate the obligations of the Government. But I am for maintaining its obligations, and for that purpose I have moved an amendment requiring a certain percentage to be set aside to make a sinking fund.

Now, Mr. Chairman, as has been said, at the time the act of

Now, Mr. Chairman, as has been said, at the time the act of 1878 was passed, the funded debt of the District of Columbia was \$22,106,650. This consisted of a number of bond issues other than the 3.65 bonds, which alone now remain as the outstanding debt against the District. By reductions under this very item, which has been carried since 1879, there have been paid off \$13,218,250 worth of bonds, and there were outstanding last July, I think, 3.65 bonds in the total sum of \$8,880,400. No other bonds are now outstanding. At the time the act of 1878 was passed the Treasurer of the United States was made sinking-fund commissioner in lieu of the former commission.

Now, I stand on the question of interpretation. We have here three acts that are to be vital to this question and must be construed together-the act of 1874, the act of 1878, and the act of 1879. The acts of 1878 and 1879 were passed by the same Congress, and under any rule of interpretation should be read together and be considered as one act.

The most conspicuous participant in the debates in the House was Mr. J. C. S. Blackburn, afterwards Senator from Kentucky, then a Member of the House, who admitted that under the act of 1878 the United States was obligated to pay one-half the interest on the debt, and he opposed the passage of the act of 1879 because he said it also made the United States assume onehalf of the principal of the debt. Mr. Blackburn was a member of the Committee on Appropriations in the next Congress, and became a member of the subcommittee in charge of the first separate District of Columbia appropriation bill, which was Up to that year the District of Columbia appassed in 1880. propriation had been carried in the sundry civil appropriation , and it appeared first in 1880, with Mr. J. C. S. Blackburn actively in charge of it. These two acts, of 1878 and 1879, providing for the interest and the principal, are unquestionable and undisputed permanent annual appropriations.

Those who knew Senator Blackburn, his tenacity of purpose, his superb qualities as a debater, his love of a controversy when it was worth while, will never accept seriously the suggestion that he overlooked the advantages of his place on the Committee on Appropriations and on the subcommittee preparing the District bill to reopen a question on which he had expressed such emphatic views if he had not regarded that question as settled,

and settled for all time.

I claim, in following these various acts through to their conclusion, by reading the debates which show the unquestioned interpretation of the Members engaged in them, both proponents and opponents of the measure, that certain well-known rules of interpretation must be considered in construing them, and I base my conclusions upon these rules of interpretation

and construction of statutes.

It is a well-known rule that in the construction of a particular statute, or in the interpretation of any of its provisions, all acts relating to the same subject matter or having the same general purpose, should be read in connection with it as together constituting one law. The endeavor should be made at all times to ascertain the purpose of the legislature. This rule, that statutes relating to the same subject matter should be construed together, applies particularly to statutes passed by the same legislature, as were the acts of 1878 and 1879, and both of which were manifestly intended to carry out the provisions of the act of 1874. There is abundant authority for the presumption that such acts are imbued with the same spirit and actuated by the same policy, and they are to be construed together as parts of the same act. I do not concede that there is in any sense ambiguity in the language of either the acts of 1874, 1878, or 1879, but rather that they plainly place the duty upon the United States Government to pay half the sinking fund and interest.

A cardinal principle of the construction of statutes is to ascertain and give effect to the intent of the body making the law which enacted it, and if there should remain any doubt in the mind of the Chair as to the intent of the legislature enacting the laws under which this debt is being paid, a glance at the debates cited will establish the fact that the Congress which enacted the law and the individual Members who actively participated in the debates on this question accepted without question the interpretation that the intent of Congress was to provide for the interest and create a sinking fund for the retirement of the District debt by enacting the acts of 1878 and 1879, and that the Government should participate on the half-and-

half basis in paying this item of expense.

I will not speak on the debates covering the act of 1879. My colleague [Mr. Saunders] very elaborately went into those debates. I will only advert for a moment to the statement of Mr. Atkins, the chairman of the Committee on Appropriations, and Mr. Blackburn, who afterwards was a member of that committee, both of whom opposed the bill bitterly for the sole reason that if that measure was enacted into law it would bind the Government of the United States, which had already been bound by the act of 1878, to the payment of one-half of the interest and also the payment of one-half of the principal of the debt. The decision of the Chair on the De Armond amendment gives every justification in the way of precedent for the chairman to overrule the pending point of order.

The CHAIRMAN. Before the gentleman sits down, will the gentleman from Ohio permit the Chair to ask him what he says as to the contention of the gentleman from Kentucky that the expression in the bill as it stands and in the sundry civil bill as to the interest in the sinking fund and the funded debt, and so forth, and the subsequent section in the sundry

civil bill, which provides that-

There is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District-

And so forth.

What does the gentleman say as to the contention that the

two items cover different indebtedness?

Mr. TAYLOR of Ohio. I do not think there is anything in the contention whatever. The only funded debt in existence priating for bonds not in contemplation of the act.

to-day is that secured by the so-called 3.65 bonds, authorized to be issued by the act of 1874. It is not the duty of the Chair to look into the history of the funded debt, but I have done so, and I will give the Chair a minute's history of it. There were a number of issues of bonds other than the 3.65 bonds. bond issues all had sinking-fund provisions for their retirement at some time. The report of the Treasurer of the United States, which I am relying upon, suggested that they should bring them all in together and create a new sinking fund covering all the indebtedness, including the 3.65 bonds.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.

Mr. JOHNSON of Kentucky. When was that done? Mr. TAYLOR of Ohio. I can not give the exact date.

Mr. JOHNSON of Kentucky. I should like to ask the gentleman to cite to the Chair any sinking-fund act except the one of March 3, 1879.

Mr. TAYLOR of Ohio. I have not looked up the various sinking-fund acts. There were certain other bonds authorized, any they were all provided for by some legal authority, running

back I do not know how long.

Mr. BURLESON. And let me say that the only bonds being dealt with by this item are the 3.65 bonds.

Mr. TAYLOR of Ohio. Yes; the 3.65 bonds; and only \$8,000,000 of those out of nearly \$15,000,000 remain unpaid.

Mr. JOHNSON of Kentucky. And therefore the words in this bill and the words just above, the second provision, are without authority at law. There is no such language, no law in the history of the Government, that authorized such a thing; and, notwithstanding, it has been in the law for a number of years. I say there is no law authorizing it. There is a sinking-fund act which is good now, and that is the act which I am perfectly willing, as a matter of justice to all the bondholders, shall be inserted in this appropriation bill.

The CHAIRMAN. The Chair will ask the committee to indulge him on this point of order. It is an important question, and it seems the bill can not be finished this afternoon.

Mr. BURLESON. There is no objection to its going over.

Mr. SAUNDERS. Mr. Chairman, if the Chair will indulge

me an additional moment, I want to address myself briefly to a question I meant to advert to when I was interrupted.

The Chair asked the gentleman from Ohio what interpretation he would put upon the language:

there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved June 11, 1878, etc., such sums as will with the interest thereon at the rate of 3.65 cents per annum be sufficient to pay the principal, * * * which said sum the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof.

If the Chair asked me what interpretation I would put on that section apart from anything else, I would frankly say I might have difficulty about it. If the Chair means what interpretation should be put on that section in the light of cognate statutes, in the light of the debates on the subject at the time the section was adopted, then the answer becomes easy. That section certainly provides for the 3.65 bonds, and they are the only bonds in existence to-day, as I understand the situation. They are the only ones for which the sinking fund is now

As to whether that section provides for the assumption on the part of the United States of the extinguishment of one-half of the 3.65 bonds. I refer the Chair to the debates at the time the section was adopted. It is true if you look to the letter of this section, disregarding everything else, a very curious and anomalous result would be created, one which has never been acted upon by anybody in connection with this matter. It would create that deficit which was embodied in the question propounded by the Chair to me when I was on my feet heretofore. But I respectfully submit to the Chair that difficulties which arise in the interpretation of sections which are separated for the purpose of interpretation, and are considered as separate and unrelated sections, vanish when you use matter in pari materia, matter that was before the body that enacted the item, or section under consideration. If in the light of the context, and of cotemporaneous debate you ask me what that language means, I have no difficulty in answering the question.

It is perfectly apparent that what it means is to create a sinking fund for the bonds of the 3.65 issue, one-half of which in the language of Mr. Blackburn and in the language of Mr. Hewitt, and in the language of all the participants of that debate, is to be paid by the Government of the United States. If heretofore any payments had been made out of that sinking fund improperly, on other bonds, we are not concerned with such payments at this time, because we are not now approappropriating for bonds which it was the clear intent of the Congress that enacted the section should be provided for. We are only providing for one-half of the sinking fund necessary for the extinguishment of these particular bonds, and for the interest.

Mr. JOHNSON of Kentucky. Mr. Chairman, in conclusion of what I have to say, I wish the Chair to bear in mind that I am not discussing the half-and-half proposition. I make the one allegation: That this sinking fund and interest matter has never been authorized by any law. If it has been, then the burden is upon the other side of this question to produce the law. I do admit that there is a 3.65 bond sinking fund, and I insist that that should go into this bill, just as it went into the act creating it in 1879, which was the first act after the organic act of 1878.

The Clerk read as follows:

For an additional building and heating plant to be connected with existing buildings, including architect's fees, under a contract to be made by the board of trustees, \$60,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. We have a municipal architect in the District whose duty it is to supervise the construction of buildings. There seems to be only one new building provided for in this bill, and that is this one. This provides for another architect. What is the reason for that?

Mr. BURLESON. Mr. Chairman, I will say to the gentleman that this is a United States institution and is directly under the Department of Justice. It is controlled by a board of directors appointed by the President of the United States, and while the item for the institution is carried in this bill and one-half of its expense is defrayed by the District government, yet it was thought advisable that we give the board of directors who control it the authority to select an architect to prepare the plans for the building.

Mr. TAYLOR of Ohio. Is it not also true that the plans have

already been made by an outside architect, and this simply

carries forward the work?

Mr. BURLESON. I believe that is true.

Mr. MANN. Prepared without any authority?

Mr. TAYLOR of Ohio. No; last year the appropriation was carried for those plans.

Mr. MANN. We have a Supervising Architect, and why should we provide for architect's fees for another architect?

Mr. BURLESON. Mr. Chairman, in last year's bill, as was said by the gentleman from Ohio, an item was carried providing for the preparation of plans for the building authorized in this bill. The item authorizing the construction of the building is in this bill, but, as I have said, the institution is under the control of the Department of Justice, and an item was carried in last year's bill to provide for the preparation of the plans.

Mr. FITZGERALD. Mr. Chairman, I desire to suggest to the gentleman from Illinois that the Supervising Architect's Office is engaged in the preparation of plans for public buildings. Plans of that character would hardly be suitable for a building in connection with a reform school. The types of building are not the same, and, in any event, it would have taken three or four years to have them prepared in that office.

Mr. MANN. Mr. Chairman, I apprehend that the Supervising Architect, for a building that is needed, can very quickly prepare the plans, and is quite competent to do so, whether for a

reform school or for a reform post office.

Mr. GARNER. Does the gentleman undertake to suggest that the buildings authorized by Congress are not needed?

Mr. MANN. I undertake to suggest, as long as the gentleman asks me the question, that many of the buildings authorized by Congress are not at all needed and are gross extravagance.

We have endeavored to eliminate all such Mr. BURLESON.

buildings from this bill.

Mr. FITZGERALD. Against the protest of the gentleman from Illinois.

Mr. MANN. The gentleman has not eliminated from this bill

"all such" buildings, but all buildings.

Mr. BURLESON. I read to the gentleman the item relating to this building carried in last year's bill. It says, "For plans and specifications for additional building and heating plant, to cost not to exceed \$60,000, \$500"; a very modest sum. Mr. MANN. I can see that it is intended the architect shall

be paid not out of the \$500 appropriated, but out of the \$60,000 which was appropriated for this purpose. Here we provide for plans to be prepared at the expense of \$500 and thereupon we insert, which is subject to the point of order, for the construction of the building and pay of architect's fees paid out of the appropriation for the building.

Mr. GARNER. Is there any authority of law for the pay-

ment unless you have a specific appropriation?

Mr. MANN. There is.

Mr. GARNER. In addition to the \$500 he can be paid out of the amount that was heretofore appropriated, out of the \$60,000 3

Mr. MANN. Yes; the gentleman is entirely correct.

Mr. GARNER. Does not the gentleman from Illinois think there should be some limit as to what should be paid the architect for drawing these plans and specifications?

Mr. MANN. Well, I reserved the point of order upon the paragraph in order to elicit the information for the benefit of myself from the gentleman from Texas-

Mr. BURLESON. I will state to the gentleman, further-

But having great confidence in the committee in charge of the matter I shall withdraw the point of order. I now withdraw the point of order on the explanation given; anybody can renew it.

Mr. MADDEN. Mr. Chairman, I would like to reserve the point of order. I want to ask the gentleman in charge of the bill—I am not exactly familiar with the item, and I just came in while it was being discussed—there is a provision in this bill for the municipal architect, is there not?

Mr. BURLESON. Certainly.
Mr. MADDEN. And I believe the gentleman remembers the discussion that took place in the committee at the time the office was created.

Mr. BURLESON. Quite well.

Mr. MADDEN. To the effect that it was necessary to have a municipal architect in order that he might be able to make plans for any buildings that might be required to be constructed in the District.

Mr. BURLESON. That was our purpose in creating the division.

Mr. MADDEN. And it was argued by the commissioners and by men who represented the District before the committee then, if the gentleman will recall, that it would be a much more economical method of conducting the affairs of the District than it would be to employ outside architects whenever they required them.

Mr. BURLESON. I remember it quite well. Mr. MADDEN. Now, as this seems to go outside of that provision-

Mr. BURLESON. I would like to read to the gentleman what was said when, during the hearings, we raised that question which the gentleman now raises. The president of the board of trustees made this reply:

The question of right to select an architect came up this last summer, and the Comptroller of the Treasury rendered an opinion wherein be held all our buildings belonged to the United States Government, and that the board of trustees has the power to employ an architect to prepare the plans.

Now, on the strength of that ruling and that the board had made an arrangement with an architect, who has already prepared plans, etc., we thought that it was only right, under the circumstances, that this item should be carried in the bill as it is framed.

Mr. MADDEN. I just wish to ask my friend from Texas whether or not the creation of the office of municipal architect was not a mistake?

Mr. BURLESON. It was not a mistake. It has resulted in great economy, and I will say to the gentleman, because he was on the committee at the time the office was created, that in the report of the Commissioners of the District of Columbia this year a high tribute is paid the municipal architect as to amount of labor performed and as to economies accomplished by the creation of that office. In fact, every reason that impelled us at the time to create this division has been amply justified and sustained in this year's report of the commissioners. especially commend the work of this very efficient officer.

Mr. MADDEN. Then this Committee on Appropriations say

that it is not within the power of the Committee on Appropriations to restrict the payment of architects' fees to the salary paid to the municipal architect and his assistants, but, on the contrary, every branch of the Government service within the District having buildings to erect may call upon an architect

for this purpose.

Mr. BURLESON. In this particular case, as I have just read, the matter was submitted to the Comptroller of the Treasury, and he ruled that this being a building owned by the United States and under the Department of Justice the board controlling it had the right to employ an architect, and it did so, and the architect has prepared a number of plans for this

Mr. MADDEN. Does this extend to any broader field than the particular building now before the House?

Mr. BURLESON. No; the municipal architect is discharging all duties it was intended to impose upon him at the time the

office was created.

Let me ask my friend from Texas [Mr. Mr. MADDEN. BURLESON] one more question, please. Does the municipal architect make the plans for the fire-engine houses, police stations, and schoolhouses, or are there special fees paid to special architects for doing this work?

Mr. BURLESON. The municipal architect makes all the plans for school buildings, fire-engine houses, and police stations unless there is special authorization by law for employ-

ment of outside architects.

Mr. MADDEN. Is it the policy of the Committee on Appropriations to make recommendations for the employment of special architects or is it the policy of the committee to compel the municipal architect really to do all the work it was intended he should do when the office was created?

Mr. BURLESON. He has been compelled to do all the work he should do as a result of the creation of this division.

Mr. MADDEN. When the school buildings are ordered to be erected is it the policy of the District government and the board of education to call in outside architects in order that they may get a variety of designs for the school buildings, or do they, as a matter of fact, impose the duty of making the plans for new buildings upon the man who is paid for making them and whose office was created for making them?

Mr. BURLESON. The duty is imposed upon the municipal architect to prepare the plans and specifications for school buildings, and he has been discharging those duties very acceptably, very efficiently, and at a great saving to the General Government and the District.

Mr. MADDEN. I thank the gentleman. Mr. GARNER. Will my colleague let me ask him a question?

Mr. BURLESON. With pleasure.

Mr. GARNER. Is it desirable to have the municipal architect

draw the plans for this building?

Mr. BURLESON. Because of the circumstances which I have detailed, and because of the fact that the Comptroller of the Treasury held that this institution is under control of the Department of Justice, because of the item that was carried in last year's appropriation bill authorizing the preparation of plans for the building, the board of directors by virtue of authority then conferred upon them, employed an architect to prepare plans.

Mr. GARNER. But if it was advisable and economical to have the municipal architect draw these plans can not you so frame this item that the Comptroller of the Treasury would be compelled to pay no portion of it to an outside architect?

To illustrate, could you not strike out the words, "including architects' fees," and put a provision in there providing that no portion of this shall be paid for architects' fees and that the

drawings shall be made by the District architect?

Mr. BURLESON. We could. I think that would be a limitation upon the appropriation carried in this bill, but the employment has already been made, as I have stated to the gentleman, under an item carried in last year's appropriation bill.

Mr. GARNER. Have the plans and specifications already

been drawn for this additional building?

Mr. BURLESON. I think I have read the gentleman the item carried in last year's bill—the appropriation calling for plans for this building. Those in charge of the institution selected an architect, and they state plans have been made.

Mr. GARNER. Was the architect paid out of the appropriation for the plans and specifications he has already made?

Mr. BURLESON. I suppose he was in part. familiar with the details of the contract made with him.

Mr. GARNER. It appears these plans and specifications have already been drawn under a provision of the bill that was passed last year.

Mr. BURLESON. Yes.
Mr. GARNER. If it is, I do not see any necessity for additional architects' fees at this time.

Mr. BURLESON. It may be the sum carried was not suffi-I do not know.

Mr. MADDEN. I withdraw the point, Mr. Chairman. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter patients may be admitted to Freedmen's Hospital for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe. All money so collected shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order to the section on the ground of its having legislation in it. It is the word "hereafter." It is my desire to strike out the word "Hereafter," if the gentleman will agree to it, and in-

sert in lieu of it the words "During the fiscal year ending June 30, 1912.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman that if the point of order is sustained it would necessitate carrying this item every year in the bill. Under the rule we think this item as framed is in order. It requires that patients who go into this hospital shall pay. It imposes no obligation on the part of the Government, but relieves the Government and the District of Columbia of a burden heretofore borne without any reimbursement from this particular class of people who have been treated heretofore in the hospital.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would say to the gentleman that I was only desiring time to look into it.

Mr. COX of Ohio. The item was carried in the bill at the expressed wish of the colored people. They wish to be treated there, but under the present conditions they have first to certify that they are paupers before they can receive medical attention. They simply wanted to be permitted to pay for medical treatment.

Mr. JOHNSON of Kentucky. Will the gentleman from Texas

agree to my amendment?

Mr. BURLESON. I do not think it is subject to a point of

order, Mr. Chairman.

The CHAIRMAN. The Chair will ask the gentleman from Texas [Mr. Burleson] what difference there is between this item and the item that went out the other day on a point of

order in regard to the school children?

Mr. BURLESON. I will state that this item on its face necessarily reduces the expenses of the Government and the District of Columbia.

Mr. GARNER. Because it requires them to pay?

Mr. BURLESON. Yes; because it requires a certain class of patients to pay; and, as it is now, they receive this service without charge, and this item imposes upon them an obligation

Mr. JOHNSON of Kentucky. Mr. Chairman, I withdraw the

point of order.

The CHAIRMAN. The gentleman from Kentucky [Mr. Johnson] withdraws his point of order. The Clerk will read.

The Clerk read as follows:

For the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum by the Board of Charities, not to exceed \$20,000.

Mr. FOSTER of Illinois. Mr. Chairman, I offer an amendment to that item.

The CHAIRMAN. The gentleman from Illinois [Mr. Foster] offers an amendment, which the Clerk will report.

The Clerk read as follows: Strike out the word "two," in line 22, page 82, and insert the word thirty," so as to read: "For repairs to the Columbia Hospital, "thirty," \$30,000."

Mr. FOSTER of Illinois. Mr. Chairman, I desire to say just a word in reference to this amendment. The Columbia Hospital was purchased by the Government in 1866, and the act specified that it must be used for the purpose of a lying-in institution and for the treatment of diseases of women. This is a governmental institution, in which the Government owns the building and all the grounds connected therewith. The record shows that since 1866 the Government has spent upon this building for maintenance and repairs about \$991,000. Originally the building was a residence, and afterwards, at the time indicated, was converted into a hospital.

Now, in looking over the record, it is found that there is a peculiar condition of affairs which has existed in this city for a good many years. For instance, take the Children's Hospital. I do not desire to go back a great length of time, but let us go back for 10 years, say, and in that case you will find that for the Children's Hospital from 1901 to 1912 there has been appropriated for maintenance \$165,000 and for alterations and im-

provements of buildings \$39,000.

These are institutions, I desire to remind the committee, in which the Government has no interest whatever. We find that for the National Homeopathic Hospital, in which the Government has no interest whatever and owns not a dollar's worth of property, there was appropriated from 1901 to 1912 for reconstruction and completion of buildings \$68.668.62 and for maintenance \$103,000. We find that for Providence Hospital we have appropriated in the 10 years named for maintenance and new buildings \$993,879.60. At one time we appropriated for additional buildings the amount of \$200,000. we paid a mortgage upon Providence Hospital amounting to \$150,000.

Another time we paid for the reconstruction and completion of the old Providence Hospital building, \$100,000; for reimbursement for expenses in the reconstruction of buildings, \$130,000; erection and equipment of power house and nurses'

\$50,000; erection and furnishing of nurses' home, \$50,000; heating and lighting and power plant, machinery, and so forth, \$34,950. We also paid \$500 for screening of doors and windows of that institution. This is another institution in which the Government does not own one dollar.

We find that for the Garfield Memorial Hospital, another one in which the Government has no interest, in 10 years we paid We purchased land and gave it to for maintenance \$295,000. them to the amount of \$50,000, and for another purchase of land we paid \$25,000. We erected some buildings for them, for heating, cooking, and laundry, and furnishing same, \$100,000; erection of retaining wall around the hospital grounds, \$24,430; improvement of ground, \$13,300; for building another retaining wall, \$14,000; additional repairs and furniture, and covered connecting main building and children's new ward, \$10,000; making a total in the 10 years of \$539,000.

Mr. GARNER. Have we any interest in that?

Mr. FOSTER of Illinois. None whatever. We do not own a dollar's interest in this institution.

We find that during these same 10 years the Columbia Hospital for Women, a building in which the Government owns every dollar, paid for maintenance \$240,000; for repairs during these 10 years, \$26,000; for erection of fire escapes, electric wiring, and so forth, \$2,500; new boiler, \$1,500; reimbursement for expenditure for indigent patients in excess of appropriation, \$2,475.80; making a total in the 10 years of \$272,825.80.

What I desire to call attention to is this: That here is a Government property, owned and controlled by the Government. The Government appoints the trustees. We have conment. The Government appoints the trustees. trol of this institution, and yet in all these years since 1866 down to the present time we have paid less for the maintenance and for the keeping and repair of that building than we have paid in 10 years for one other hospital in the city of Washington. More than that, that building has been patched each time a little appropriation has been given to it until it is simply a patchwork, and it ought to be condemned. If we propose to maintain a hospital of this character in the city of Washington, we ought to spend a sufficient amount of money upon it to make it fireproof, so that the patients there may not be subject to the dangers of fire and to burning up whenever such a thing may happen. Now, I have information which I think is reliable, and which I will say in all fairness the committee know something about. That is that we are in danger of fire in that institution at this time; and being connected with that institution as I have been for some time as a trustee, and taking upon myself the responsibility in connection with the Committee on Appropriations, or some members of it, of looking up this matter very carefully, I will say that I would not care longer to connect myself with an institution which the Government refuses to put in proper repair, so as to protect the lives of those who are compelled to be in it.

I have this information, which I think the subcommittee of the Committee on Appropriations have also—that is, that for the amount of \$30,000 this institution can be put in such repair that it will be fireproof and be in condition to receive patients with some degree of safety. If the Government does not care longer to maintain this institution as a Government institution, then we ought to close it up now and forever; or, if we do care to maintain it, we ought to appropriate sufficient money to put that institution in proper shape, so that these patients may be placed there with safety.

I appeal to this committee, and I appeal to the members of the Appropriation Committee that they may permit this amount of \$30,000 to go into this bill that this institution may be properly cared for, an institution which belongs to the Government and in which the Government owns every dollar.

It has been shown to you by the figures I have read that the Government has expended more in 10 years for the support of other institutions in which it does not own a dollar than they have in the whole time from 1866 to the present time for this institution.

Mr. GARNER. Will the gentleman yield?

Mr. FONTER of Illinois. Certainly.

Mr. GARNER. It strikes me that the gentleman from Illinois, by his own statement, shows that he has not done his duty with the Committee on Appropriations-

Mr. TAYLOR of Ohio. I can say that the gentleman from Illinois has been very vigorous in his demands for that institu-

Mr. GARNER. He does not seem to have had much success in getting the appropriation; somebody, it seems, has a greater influence with the committee than has the gentleman from

Mr. FOSTER of Illinois. I will say that I think the committee has been perfectly fair so far as this item is concerned, and the items in connection with other hospitals. I am only reciting to you the conditions that exist now. Year after year I have gone to the Committee on Appropriations and asked that sufficient money might be given for the proper repair of this institution. Last year we were given \$2,350, which goes but a little way in repairing an institution of this kind.

[The time of Mr. Foster of Illinois having expired, his time

was extended five minutes.]

It is true, Mr. Chairman, that this institution is an old institution. I am reliably informed by a gentleman in whose ability I have every confidence as an architect and a man that this amount of money will put this institution in proper shape, so that there will be no danger of fire.

Mr. MANN. Will the gentleman yield? Mr. FOSTER of Illinois. Certainly.

Mr. MANN. What would be done if the gentleman's amend-

ment becomes a law?

Mr. FOSTER of Illinois. All the partitions that are made of wood, with the electric wiring which is in bad shape, in danger of fire, would be torn out, and iron stairways would be put in to replace wooden ones, and such changes would be made as to make it fireproof.

Mr. MANN. How much would it cost to construct a proper

building?

Mr. FOSTER of Illinois. I should say \$300,000. That is the estimate. I would much prefer a new institution placed upon this ground, which is one of the most beautiful sites in the city of Washington. The gentleman from Illinois, I have no doubt, has seen it and knows where it is located, and that it is one of the most beautiful places in the city.

Mr. MANN. Ought there not to be a new building there?

Mr. FOSTER of Illinois. I should like to see one.

Mr. MANN. Would the gentleman care to offer an amendment providing plans for a new building, to be appropriated for hereafter?

Mr. FOSTER of Illinois. I would be glad to see it. I think

something ought to be done.

Mr. GARNER. Would it not be money thrown away, comparatively, to spend this \$30,000, if in the near future you are going to build a new building?

Mr. FOSTER of Illinois. I think \$30,000 at this time would place the institution in pretty good shape. The outside walls are all in very good condition. They have been gone over and examined, and it has been determined that they are pretty good.

The gentleman from Illinois knows about it, but the information that has come to me is that there ought to be a new building there. This building which has been there, I do not know how many years, has been repaired and repaired and repaired again, and it is out of date. Of course, if we are going to build a new building in a short time, as the gentleman from Texas [Mr. GARNER] remarks, it would not be economical to spend much more in repairing this. If we are not going to build a new building soon, then we must repair this or abandon it.

Mr. FOSTER of Illinois. I did not broach the subject of a new building at that time, because I thought it would be a hard matter to get it through; but I thought that by appealing to the committee they might grant \$30,000 to put this institution in good repair, so that for a number of years it would be in a proper condition to receive patients of this character.

Mr. MANN. I thought that possibly the committee would be willing to provide a small appropriation for the purpose of preparing plans for a new building, the cost of which they could provide for in a subsequent year or not as they pleased.

Mr. COX of Ohio. Will the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. COX of Ohio. Does the gentleman contend that the walls in this building are not fireproof?

Mr. FOSTER of Illinois. The partition walls? Some are of

brick, some are wood and plaster.

Mr. COX of Ohio. Would it not be a waste of money to put in fireproof partitions when you have inflammable floors all through the institution?

Mr. FOSTER of Illinois. I think with this amount of money we could tear out all the material in there that is now so dangerous from fire and replace it with material that is fireproof.

The CHAIRMAN. The gentleman's time has expired.
Mr. FOSTER of Illinois. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX of Ohio. Why remove the partitions and leave the old floors that are inflammable?

Mr. FOSTER of Illinois. Part of the old floors would have to be taken out.

Mr. COX of Ohio. Does not the gentleman know that it is practically impossible to make that old building fireproof?

Mr. FOSTER of Illinois. I will say to the gentleman from Ohio that he knows as much about the report that I have reference to as I do. The gentleman whom I consulted and whom the chairman of the committee has consulted states that The gentleman whom I consulted and with \$30,000 it could be placed in such condition that it would be safe, though he does not recommend it, and thinks it more desirable to have a new building, but that the \$30,000 would put the building in a condition where there would be safety. If we are not going to have a new building—and it seems to be out of the question at this time to secure anything of that kind—I thought it better for this Government to expend \$30,000 for the purpose indicated than to have it go on in the present condition.

Mr. BURLESON. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Illinois, and I ask unanimous consent to return to the two sections immediately preceding that one, in order that they may be reconsidered and the amendment be applied to them as well.

The CHAIRMAN. Is there objection to returning to the two

paragraphs?

Mr. FOSTER of Illinois. Mr. Chairman, reserving the right to object, I would like to have the proposed amendment reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

To enable the Board of Charities, by contract or agreement, to provide care and treatment for indigent patients, \$17,500: Provided, That no part of this sum shall be used to establish or maintain any hospital not now existing in the District of Columbia.

Mr. BURLESON. Mr. Chairman, I desire to offer that as a substitute for the amendment which the gentleman from Illinois has offered to the two items immediately preceding the item he reasons for offering them.

Mr. TAYLOR of Ohio. It strikes out the hospital.

Mr. BURLESON. It is offered as a substitute for the amend-

ment offered by the gentleman from Illinois.

Mr. FOSTER of Illinois. Mr. Chairman, I reserve the right to object. I would like to hear the gentleman's reason.

Mr. MANN. The amendment has not been offered yet Mr. BURLESON. I offered the amendment as a substitute for the amendment which the gentleman from Illinois has offered to the two items immediately preceding, and ask that the Clerk report it.

Unanimous consent has not yet been granted.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to and reconsider the two paragraphs beginning on line 16, page 82, and extending down to an including line 22, page 82. Is there objection?

Mr. MANN. Mr. Chairman, I suggest that the gentleman ask

unanimous consent that he may offer his amendment in lieu of the language in the bill, from line 16 to 22, inclusive, and that

there may be reserved to that a point of order.

Mr. BURLESON. That is what I will do, Mr. Chairman.

The CHAIRMAN. Does the gentleman submit that?

Mr. BURLESON. Yes. The CHAIRMAN. The gentleman from Texas asks unanimous consent to offer an amendment as a substitute for that part of the bill from line 16 to line 22, inclusive, page 82, and that it be offered subject to a point of order. Is there objection?

There was no objection.

The CHAIRMAN. The point of order is reserved by the gentleman from Illinois.

Mr. BURLESON. Mr. Chairman, this amendment will involve considerable discussion, and I do not think it is the desire of the committee to go into it at this late hour.

Mr. MANN. Mr. Chairman, I ask unanimous consent that

the amendment may be again reported so that we will get it a little clearer

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read as follows:

Page 82, strike out lines 16, 17, 18, 19, 20, 21, and 22 and insert the

following:

"To enable the Board of Charitles, by contract or agreement, to provide care and treatment for indigent patients, \$17,500: Provided, That no part of this sum shall be used to establish or maintain any hospital not now existing in the District of Columbia."

Mr. BURLESON. Mr. Chairman, I move that the committee do now arise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Garret, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE.

The SPEAKER. The Chair lays before the House the following resignation.

The Clerk read as follows:

JANUARY 20, 1912.

DEAR MR. SPEAKER: I hereby respectfully tender my resignation as a member of the Committee on the District of Columbia.

Very truly, yours,

J. HAMPTON MOORE.

Hon. CHAMP CLARK, Speaker House of Representatives, Washington, D. C.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes) the House adjourned to meet to-morrow, Tuesday, January 23, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting estimate of appropriation for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad, provided for by act of February 17, 1911 (H. Doc. No. 470), was taken from the Speaker's table and referred to the Committee ca Foreign Affairs and ordered to be printed.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. SHEPPARD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17229) to amend the act entitled "An act to amend the act entitled 'An act making appropriations for sundry-civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes,' approved August 22, 1911," reported the same adversely, accompanied by a report (No. 250), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18303) granting a pension to M. G. Miller, next friend of Mary E. Constable; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18245) granting a pension to Dayton P. Harrington; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of California: A bill (H. R. 18485) to pro-

vide for the erection of a public building in the city of Bakersfield, Cal.; to the Committee on Public Buildings and Grounds. Also, a bill (H. R. 18486) granting certain rights of way over

the public domain; to the Committee on the Public Lands By Mr. HOUSTON: A bill (H. R. 18487) to provide for the disposal of the present Federal building site at Shelbyville,

Tenn., and for the purchase of a new site for such building; to the Committee on Public Buildings and Grounds.

By Mr. DE FOREST: A bill (H. R. 18488) to extend the privileges of the seventh section of the act approved June 10, 1880; to the Committee on Ways and Means.

By Mr. HEFLIN: A bill (H. R. 18489) to require agents, brokers, and members of cotton exchanges and other persons in reporting or publishing notices of interstate or foreign sales of cotton to state specifically whether the sale is that of cotton futures or of actual cotton; to the Committee on Agriculture.

By Mr. FERRIS: A bill (H. R. 18490) forfeiting certain rights of way heretofore granted across Indian lands in Oklahoma for noncompliance with the terms of their grant; 'to the Committee on Indian Affairs.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 18491) to provide for the cooperation and joint action of the National Government and the several States in the construction, maintenance, and improvement of the post roads and rural delivery routes; to the Committee on Agriculture.

By Mr. STEPHENS of Texas: A bill (H. R. 18492) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L.,

137); to the Committee on Indian Affairs.

By Mr. LEVER: A bill (H. R. 18493) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to protect the consumers, dealers, and manufacturers of margarin against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of revenues; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 18494) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A bill (H. R. 18495) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 18496) to authorize the construction of a public building at Mansfield, La.; to the Com-

mittee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 18497) to amend the act of July 2, 1890 (26 Stats., 209), entitled "An act to protect trade and commerce against unlawful restraint and monop-; to the Committee on the Judiciary.

Also, a bill (H. R. 18498) to authorize the compilation of the naval records of the Revolutionary War with a view to their

publication; to the Committee on Naval Affairs.

By Mr. McCOY: A bill (H. R. 18499) concerning customs searches; to the Committee on Ways and Means.

By Mr. REDFIELD: A bill (H. R. 18500) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, by placing certain articles on the free list; to the Committee on Ways and Means.

Also, a bill (H. R. 18501) to amend section 709 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes

to the Committee on Ways and Means.

By Mr. CRAGO: A bill (H. R. 18502) for the relief of certain officers and soldiers of the Volunteer Service of the United

States; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 18503) to consolidate certain forest lands in the Paulina National Forest in Oregon; to

the Committee on the Public Lands.

Also, a bill (H. R. 18504) to provide for the sale of fractional block No. 6 in the town of Forest Grove, Oreg., no longer needed for school purposes; to the Committee on Indian Affairs.

By Mr. SLAYDEN: A bill (H. R. 18505) incorporating the American Academy of Arts and Letters; to the Committee on the Library.

By Mr. LEVER: Resolution (H. Res. 382) providing for printing 10,000 copies of Senate Document No. 190; to the Committee on Printing.

By Mr. GREGG of Pennsylvania: Resolution (H. Res. 383) to print 15,000 copies of opinion of Supreme Court on railroad employers' liability act; to the Committee on Printing.

By Mr. GOEKE: Resolution (H. Res. 384) to provide for printing Initiative and Referendum; to the Committee on Printing

By Mr. NYE; Joint resolution (H. J. Res. 222) directing payment of money to the widow of Hon. James Hinds, deceased, according to terms of resolution passed in Fortieth Congress, third session; to the Committee on Claims.

By Mr. GARDNER of Massachusetts: Joint resolution (H. J. Res. 223) providing for the participation by the United States in the International Council for the Exploration of the Sea; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows: By Mr. BARTLETT: A bill (H. R. 18506) to authorize the appointment of Frank de l. Carrington as major of infantry in the United States Army; to the Committee on Military

By Mr. CAMPBELL: A bill (H. R. 18597) granting a pension to Mary A. Heady; to the Committee on Invalid Pensions. By Mr. CLARK of Missouri: A bill (H. R. 18508) granting a

pension to Louvina Mays; to the Committee on Invalid Pen-

By Mr. CLAYPOOL: A bill (H. R. 18509) granting an increase of pension to Thomas Hart; to the Committee on Invalid Pensions

Also, a bill (H. R. 18510) granting an increase of pension to John Staiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18511) granting an increase of pension to William Souther; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 18512) granting a pension to Julia A. Rulo; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 18513) granting a pension to

Alta B. Chipp; to the Committee on Pensions. By Mr. DICKSON of Mississippi (by request): A bill (H. R.

18514) for the relief of John Gray; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 18515) granting a pension to Martin L. Burns; to the Committee on Pensions.

Also, a bill (H. R. 18516) granting a pension to Oscar A. Axtel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18517) granting a pension to Jerome B. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18518) granting an increase of pension to Robert Piatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18519) granting an increase of pension to William M. Hanks; to the Committee on Pensions.

Also, a bill (H. R. 18520) granting an increase of pension to James M. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18521) granting an increase of pension to Henry Minnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18522) granting an increase of pension to Alexander M. Huff; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 18523) to authorize a patent to be issued to Matthew Leeper for certain lands described therein; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 18524) granting a pension to W. W. Williamson; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 18525) granting an increase of pension to Albert Call; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18526) granting a pension to S. S. Boyer; to the Committee on Pensions.

Also, a bill (H. R. 18527) granting a pension to L. R. Williamson: to the Committee on Pensions.

Also, a bill (H. R. 18528) granting a pension to Elizabeth M. Fortman; to the Committee on Pensions.

Also, a bill (H. R. 18529) granting a pension to Robert H. Cowan; to the Committee on Pensions.

Also, a bill (H. R. 18530) granting an increase of pension to James Laughlin; to the Committee on Invalid Pensions,

Also, a bill (H. R. 18531) granting a pension to Alloyed M. Smith: to the Committee on Invalid Pensions.

Also, a bill (H. R. 18532) granting a pension to Delia Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18533) granting an increase of pension to Catharine Williams; to the Committee on Pensions.

Also, a bill (H. R. 18534) for the relief of the heirs at law of Joseph Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18535) for the relief of Annie T. Jackson;

to the Committee on Claims.

Also, a bill (H. R. 18536) for the relief of Lucy B. Pearsall;

to the Committee on War Claims.

Also, a bill (H. R. 18537) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18538) for the relief of the estate of William J. Fountain; to the Committee on War Claims.

By Mr. HANNA: A bill (H. R. 18539) granting an increase of pension to Patrick Neary; to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 18540) for the relief of Edward W. Whitaker; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 18541) granting a pension. to George W. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18542) for the relief of the heirs of A. H. Johnson; to the Committee on War Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 18543) to enroll Mary E. Goodbey as a Cherokee Indian; to the Committee on Indian Affairs

By Mr. KONOP: A bill (H. R. 18544) granting a pension to

Theresia Bell; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 18545) granting an increase of pension to Eli B. Hicks; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 18546) granting

a pension to Millie E. Dressler; to the Committee on Pensions. By Mr. LINTHICUM: A bill (H. R. 18547) authorizing and directing the payment of the claim of Ida May Ferkler, administratrix de bonis non of Richard Ralph Randall; to the Committee on Claims.

By Mr. LITTLEPAGE: A bill (H. R. 18548) granting an increase of pension to Mrs. Cassius Clay Wertz; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 18549) granting an increase of pension to Peter Cassey; to the Committee on

Also, a bill (H. R. 18550) granting an increase of pension to Truman N. Bratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18551) granting an increase of pension to Thomas Monjion; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 18552) granting an increase of pension to John Rising; to the Committee on Invalid

By Mr. NYE: A bill (H. R. 18553) granting a pension to Jane Ballou; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 18554) granting a pension to Florence Sparrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18555) granting a pension to Samuel Kapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18556) granting an increase of pension to Asaph S. Light; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18557) granting an honorable discharge to Thomas M. Jones; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 18558) granting an increase of pension to Addie St. Clair Hubbell; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 18559) granting an increase of pension to Charles H. Else; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 18560) granting an increase of pension to William T. Painter; to the Committee on Invalid

By Mr. RUCKER of Colorado: A bill (H. R. 18561) granting a pension to Franziska Nimtz; to the Committee on Pensions.

By Mr. SMITH of California: A bill (H. R. 18562) granting a pension to Charlotte L. Libby; to the Committee on Invalid

Also, a bill (H. R. 18563) granting a pension to Cascinda Greene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18564) granting an increase of pension to Rose B. Ord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18565) for the relief of David C. McGee; to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 18566) for the relief of William and James M. Daugherty; to the Committee on Claims.

Also, a bill (H. R. 18567) for the relief of John P. Brown; to the Committee on Claims.

By Mr. SPEER: A bill (H. R. 18568) granting an increase of pension to Artimes W. Kinnear; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 18569) granting an increase of pension to James H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18570) for the relief of Perry W. Smith; to the Committee on Military Affairs.

By Mr. STEPHENS of Mississippi: A bill (H. R. 18571) for the relief of heirs of Thomas F. Clayton; to the Committee on

By Mr. TAYLOR of Colorado: A bill (H. R. 18572) granting a pension to Sarah F. Austin Chamberlin; to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 18573) granting an increase of pension to Joshua W. Corbin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18574) granting an increase of pension to David C. Chadwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18575) granting an increase of pension to Albert Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18576) granting an increase of pension to Charles D. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18577) granting an increase of pension to William H. Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18578) granting an increase of pension to Milford E. Buttles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18579) granting an increase of pension to Henry M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18580) granting an increase of pension to Marshall L. Maxon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18581) granting an increase of pension to Samuel Ely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18582) granting an increase of pension to Edward P. Wilcox; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 18583) granting a pension to Michael Boyhan; to the Committee on Pensions.

Also, a bill (H. R. 18584) for the relief of M. L. George; to

the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Winfield, Mo., against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolution of the cigar makers' unions of Chicago, Ill., favoring House bill 17253; to the Committee on Ways and

Also, petition of German-American Alliance, against the passage of interstate liquor laws; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of the National Gas Engine Association, protesting against an increase of postage on advertising section of trade magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cincinnati, Ohio, for reduction in the duties on raw and refined sugars; to the Committee on Ways

By Mr. ASHBROOK: Petition of Metzler & Doak, of West Lafayette, Ohio, and J. R. Speck, of Clark, Ohio, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of Newark (Ohio) Trades and Labor Assembly, praying for the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. AYRES: Memorial of W. N. White, of New York, N. Y., for temporary elimination of tariff on potatoes; to the Committee on Ways and Means.

Also, memorial of the Fairmount Park Art Association, favoring the site and form of the Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

Also, memorial of the Republican Club of New York City, relative to Federal health legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Memorial of German Roman Catholic Knights of St. George, of Pittsburgh, Pa., in favor of the Esch bill, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. BARNHART (by request): Petition of citizens of Indiana, in favor of old-age pensions; to the Committee on Pensions.

Also (by request), petitions of citizens of New Paris, Delphi, Wakarusa, Goshen, Mishawaka, Elkhart, Milford, Warsaw, Plymouth, Middlebury, Walkerton, North Liberty, and Lees-Ind., against the parcel post; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Indiana, in favor of reduction of sugar tariff; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Memorial of German Catholic State Organization, of Parkston, S. Dak., favoring House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, petition of citizens of Columbia, S. Dak., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of C. E. McLane and 17 other merchants of Philip, S. Dak., against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee (by request): Petition of citizens of Davidson County, Tenn., in favor of bill prohibiting shipment of liquor into "dry" territory; to the Committee on the Judiciary

By Mr. CAMPBELL: Petitions of citizens of Kansas, remon-strating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and

By Mr. CLINE: Petitions of citizens of Indiana, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Fort Wayne (Ind.) Typographical Union, o. 78, urging the passage of the Esch phosphorus bill; to the

Committee on Ways and Means.

Also, petition of Indiana State Council, Junior Order United American Mechanics, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Fairmount Park Art Association, Philadelphia, Pa., for Lincoln memorial as recommended by National Fine Arts Commission; to the Committee on the Library.

Also, memorial of the Church of Christ, of Ashley, Ind., in favor of the passage of an effective interstate liquor law; to

the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Ashley, Ind., and Mrs. J. A. Pressler, of Churubusco, Ind., in favor of an effective interstate liquor law, etc.; to the Committee on the Judiciary

Also, resolutions of Howell Post, No. 90, Grand Army of the Republic, of Goshen, Ind., against the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of Indiana Battleflag Commission, in favor of House bill 15471; to the Committee on Naval Affairs.

Also, resolutions of the City Council of Portsmouth, N. H., against abolishment of Portsmouth-Kittery Navy Yard: to the Committee on Naval Affairs.

Also, resolutions of the Monday Club, of Lafayette, Ind., in favor of treaties with Great Britain and France; to the Com-

mittee on Foreign Affairs.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, in favor of embassy buildings at the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs

By Mr. COOPER: Petition of the Burlap Bag Manufacturers of the United States, asking for a revision of Schedule J, relating to burlaps and burlap bags; to the Committee on Ways and Means.

Also, petitions of citizens of Racine, Wis., asking that the duties on raw and refined sugars be reduced; to the Committee

on Ways and Means.

By Mr. DALZELL: Petitions of Independent United Presby Mr. Dallell. Fettions of Independent United Presbyterian Church, Woman's Christian Temperance Union, and citizens of Wilkinsburg, Pa., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of citizens of El Dorado

Springs, Mo., in favor of old-age pensions; to the Committee on

Pensions.

Also, petition of citizens of Rockville, Mo., in favor of the passage of House bill 14, for extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., favoring Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, memorial of the Republican Club of the city of New York, for organization of national health service; to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolutions of the Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, resolutions of the Common Council of the city of Olean, N. Y., urging the approval of House joint resolution 175, for relief of the flood sufferers at Austin, Pa.; to the Committee on Appropriations.

Also, resolutions of the Twenty-eighth Ward Taxpayers' Association of Brooklyn, N. Y., protesting against abandoning of the New York Navy Yard; to the Committee on Naval Affairs. Also, resolutions of the Conservation Commission of the State

of New York, urging the enactment into law of House bill 14120; to the Committee on Agriculture.

Also, resolution of the Select and Common Council of the city of Bradford, Pa., favoring House joint resolution 175, for relief of the flood sufferers at Austin and Costello, Pa.; to the Committee on Appropriations.

By Mr. FLOYD of Arkansas: Petition of citizens of Arkansas, for the enactment of House bill 14, to extend parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Papers to accompany House bill 17953, for the relief of John W. Graham; to the Committee on Military

By Mr. FOSTER of Vermont: Petition of J. J. Thompson and 12 other citizens of St. Albans, Vt., asking for a reduction of the tariff on sugar; to the Committee on Ways and Means.

By Mr. FRANCIS: Petitions of Tribes Nos. 64 and 75, Improved Order Red Men, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petition of Illinois division officers and Camp No. 100, Sons of Veterans, United States of America, in favor of the passage of the Sherwood pension bill; to the Committee on Invalid Pensions.

Also, petition of Illinois Manufacturers' Association, favoring an appropriation for a suitable and adequate office building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

Also, petition of the Charities Commission of Illinois, for second-class mail privileges for its publications; to the Com-

mittee on the Post Office and Post Roads.

By Mr. GARNER: Petitions of citizens of Kingsville and Riviera, Tex., for a resurvey of that part of the intercoastal canal of Louisiana and Texas lying between Corpus Christi and Baffins Bay; to the Committee on Interstate and Foreign Com-

Also, petition of citizens of Port Aransas, Tex., for survey to establish a harbor line for landing place; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Tarpley, Tex., for enactment of House bill 14, to extend parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Aransas Pass, Tex., for improvement of Aransas Pass Harbor; to the Committee on Rivers and

By Mr. GOODWIN of Arkansas: Memorial of Retail Mer-chants' Association of Magnolia, Ark., protesting against discriminatory tariffs on American cotton and cottonseed products; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of the Williston land district of North Dakota, relative to public-land laws; to the Com-

mittee on the Public Lands.

Also, petitions of citizens of North Dakota, protesting against the enactment by Congress of any legislation for the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of John G. Harrand, of Fargo, N. Dak., for Lincoln memorial road; to the Committee on Appropriations.

Also, petition of citizens of Williston, N. Dak., urging total elimination of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Chamberlin Council, Junior Order United American Mechanics, New Britain, Conn., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of N. J. Payne and others, of

Ogden, Utah, asking for a reduction in duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington; Petition of citizens of the State of Washington, for old-age pensions; to the Committee on Pensions.

By Mr. JACOWAY: Papers to accompany House bill 13210: to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: Petition of department of public instruction, State of Tennessee, for improvement and extension of the work of the National Bureau of Education; to the Committee on Education.

Also, memorial of the Fairmount Park Art Association, of Philadelphia, Pa., in favor of Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

Also, petition of Business Men's Association of Jersey City, N. J., for navy yard at Jersey City, N. J.; to the Committee on Naval Affairs.

By Mr. LAFEAN: Memorial of Grange No. 810, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. LEE of Pennsylvania: Memorial of Grange No. 1456, Order of Patrons of Husbandry, for certain amendments to laws governing the traffic in oleomargarine; to the Committee on

Also, memorial of Schuylkill Grange, No. 1456, Patrons of Husbandry, Schuylkill Haven, Pa., asking that the oleomargarine law be so amended as to contain certain provisions, as stated in said petition; to the Committee on Agriculture. By Mr. LINDBERGH: Resolutions of the Minnesota Cooperative Live Stock Shippers' Association, indorsing House bill 16310, for the establishment of a bureau of markets within the United States Department of Agriculture; to the Committee on Agriculture.

By Mr. LINDSAY: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as recommended by national commission; to the Committee on the Library. By Mr. McKINNEY: Memorial of Retail Merchants' Asso-

ciation of Moline, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Illinois State Veterinary Association, favoring bill to consolidate the veterinary service, United States Army, and increase efficiency; to the Committee on Military Affairs.

Also, memorial of Illinois division officers and Camp No. 100, Sons of Veterans, favoring Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: Petition of citizens of Rapid City, S. Dak., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Philadelphia (Pa.) Chamber of Commerce, protesting against the removal of the Philadelphia post office from its present site; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., in favor of Lincoln memorial as recommended by park commission; to the Committee on the Library.

Also, petition of Grange No. 648, Patrons of Husbandry, in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of the Republican Club of New York City, relative to the organization of a national health service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Oswego, N. Y., for a reduction of the duty on raw and refined sugars; to the Committee on

Ways and Means.

By Mr. NEEDHAM: Memorial of Board of Supervisors of Tulare County, Cal., relative to Sequoia National Park; to the Committee on the Public Lands.

Also, petition of Garfield Park Christian Church, of Santa Cruz, Cal., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of San Diego County, Cal., for control of floods in the San Joaquin and Sacramento Valleys; to the Committee on Rivers and Harbors.

Also, memorial of California Sheep and Wool Growers' Association, relative to duties on wool; to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of citizens of Lykens, Pa., for old-age pensions; to the Committee on Pensions.

By Mr. O'SHAUNESSY: Resolution of the Manufacturing Chemists' Association of the United States, relative to tariff

legislation; to the Committee on Ways and Means.

Also, resolution of the Engineers' Club of St. Louis, urging Congress to establish a special patent court or patent commission; to the Committee on Patents.

Also, resolution of Camp John S. Stewart, No. 1, Army of the Philippines, providing for the payment of officers and enlisted men of said volunteer organization of travel pay and allowances; to the Committee on Military Affairs.

Also, resolution of the Men's Club of Grace Church, Providence, R. I., expressing its hearty approval of the Hamill bill, providing for the retirement of employees of the civil service; to the Committee on Reform in the Civil Service.

Also, resolutions of the District of Columbia Citizens' Con-

ference, requesting that the transfer bill submitted by Senator John D. Works be enacted into law; to the Committee on the District of Columbia.

Also, memorials of the Loomfixers' Local No. 486, of Pawtucket, R. I., and Local Union No. 534, Brotherhood of Painters, Decorators, and Paperhangers of America, of Newport, R. I., protesting against the passage of the Smoot printing bill; to the Committee on Printing.

Also, resolution of the Stanton Suffrage Club, of the District of Columbia, indorsing House bill 8768, limiting the rate of interest to be charged to 2 per cent per month, etc.; to the Committee on the District of Columbia.

By Mr. PATTON of Pennsylvania: Memorials of Granges Nos. 715, 1201, 1212, 1237, 1268, and 1406, Patrons of Husbandry, against removal of tax on oleomargarine; also, of Grange No. 715, Patrons of Husbandry, for certain changes in law governing traffic in oleomargarine; to the Committee on Agriculture.

By Mr. RAKER: Petition of Mebius & Drescher, of Sacramento, Cal., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Fairmount Park Art Association, of Phila-

delphia, Pa., for proposed Lincoln memorial; to the Committee on the Library.

Also, memorial of San Francisco (Cal.) Chamber of Commerce and Long Beach (Cal.) Chamber of Commerce, protesting against the removal of the duties on sugar; to the Committee on Ways and Means.

Also, memorial of American Forestry Association, for certain legislation favorable to the forestry industry of the United States; to the Committee on Agriculture.

By Mr. REILLY: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., in approval of proposed site for Lincoln memorial; to the Committee on the Library.

By Mr. REYBURN: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as proposed by the national commission; to the Committee on the Library. By Mr. SIMS: Petition of citizens of Tennessee, urging that

the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. SPEER: Memorials of the members of the Sandy Lake Grange, No. 393, Patrons of Husbandry, of Sandy Lake, Pa., and Valley Grange, No. 866, Patrons of Husbandry, of Sugargrove, Pa., protesting against the passage of any bill providing for the removal of the tax on oleomargarine; to the Committee on Agriculture.

Also, memorials of the First Methodist Episcopal Church, the First Evangelical Church Association, and the First Evangelical Lutheran Church, of Warren, Pa., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STEENERSON: Petitions of citizens of Minnesota for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. STEPHENS of Nebraska: Petitions of citizens of Nebraska, protesting against the proposed extension of the parcel-post system; to the Committee on the Post Office and Post

Also, petition of Ed. A. Baugh Co. and others, of Oakland, Nebr., urging the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of Chicago Backer Gesang Verein, of Chicago, Ill., urging investigation of the administra-tion of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorial of the Republican Club of the city of New York, for organization of a national health service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Fairmount Park Art Association, of Philadelphia, Pa., in favor of Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

Also, petition of the New York and New Jersey Section of the Woman's Welfare Department of the National Civic Federation, in favor of the passage of House bill 8768; to the Committee on the District of Columbia.

Also, petition of Mississippi Valley-South America and Orient Steamship Co., relative to necessity for American steamship service to the east coast of South America; to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS: Petition of citizens of Fairview, Ky., against extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of citizens of New York, in favor of the militia pay bill; to the Committee on Military Affairs.

By Mr. VREELAND: Petitions of the Woman's Christian Temperance Unions of Little Genesee and Wellsville, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquor imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. WILDER: Petition of Woman's Christian Temperance Union of Leominster, Mass., in favor of the passage of an effective interstate liquor law; to the Committee on the Judi-

By Mr. WILLIS: Petition of James Shuff and 55 other citizens of Dunkirk, Ohio, asking for the enactment of a law to provide old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. WOOD of New Jersey: Papers to accompany bill H. R. 18154) for the relief of Sanford D. Ramey; to the Committee on Invalid Pensions.

SENATE.

Tuesday, January 23, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC.

NO. 473).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

WILLIAM B. REICH V. UNITED STATES (S. DOC. NO. 272).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the case of William B. Reich v. The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

GETTYSBURG MEMORIAL COMMISSION.

Mr. RAYNER was, on his own motion and by unanimous consent, relieved from further service on the Gettysburg Memorial Commission.

The VICE PRESIDENT. The Chair appoints the junior Senator from Virginia [Mr. Swanson] a member of the joint committee on the part of the Senate to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission, in compliance with concurrent resolution of the House of Representatives No. 47, Sixty-first Congress, second session, in place of Mr. Rayner, excused from further service on his own request.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of Cigar Packers' Local Union No. 281, of St. Louis, Mo., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Oklahoma City, Okla., and a memorial of sundry citizens of Morris, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Allied Forest Protective Associations of the Pacific Coast, favoring an increase in the appropriation for the maintenance of the Forestry Service, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented memorials of sundry citizens of Illinois, Nebraska, Rhode Island, Pennsylvania, Massachusetts, New Jersey, and Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Tulare, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the joint advisory board, Cigar Makers' Unions Nos. 14, 15, 217, and 227, of Chicago, Ill., praying for the removal of the tax on cigars supplied employees by the manufacturers thereof, which was referred to the Committee on Finance.

He also presented a petition of E. L. Gooding Post, No. 401, Department of Illinois, Grand Army of the Republic, of Lockport, Ill., praying for the passage of the so-called dollar-a-day pension bill. which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 252, Painters, Decorators, and Paper Hangers of America, of Rockford, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Batavia, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Portland Commercial Association, of Oglesby, Ill., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. SUTHERLAND presented a petition of members of the Woman's Athenæum, of Park City, Utah, praying that an investigation be made into the conditions of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented a petition of sundry citizens of Hudson, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Escanaba, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Stephenson, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Forsyth Post, No. 15, Department of Ohio, Grand Army of the Republic, of Toledo, Ohio, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Adrian and Ithaca, in the State of Michigan, remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Otsego, Cedar Lake, and Battle Creek, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BURNHAM presented petitions of sundry citizens of Andover, Boscawen, Rochester, Exeter, Lancaster, Manchester, and Portsmouth, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of the Truckmen and Teamsters' Mutual Association of Bridgeport, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, as reported by the Senate Committee on Foreign Relations, unless amended so as to include Germany, which was ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of Greenboro, Kannapolis, Forsyth, Surry, Northampton, Newbern, and Bethel, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Clinton, Tryon, and Windsor, all in the State of North Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted at the North Carolina State Farmers' Convention held at Raleigh, N. C., favoring the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Chapel Hill, N. C., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

France, which were ordered to lie on the table.

Mr. NELSON presented memorials of sundry citizens of Ellendale and Clarks Grove, in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a resolution adopted by the Minnesota Cooperative Live Stock Shippers' Association, favoring the establishment of a bureau of markets in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. McLean presented memorials of Local Division No. 3, Ancient Order of Hibernians, of Ansonia; of the Truckmen and Teamsters Mutual Benevolent Association of Bridgeport; and of sundry citizens of Torrington, all in the State of Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. DIXON presented sundry affidavits in support of the bill (8. 4469) granting an increase of pension to John W. Whipple, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of the Grocers' Credit Association of Cheyenne, Wyo., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of members of the Commercial Club of Lincoln, Nebr., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 4575) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment and submitted a report (No. 226) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 4031) for the relief of Alice Harvey and Winifred Waltz, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 2576) for the relief of S. S. Somerville, submitted an adverse report (No. 227) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2819. A bill to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 (Rept. No. 228); and S. 4032. A bill for the relief of C. Person's Sons (Rept. No.

229).

Mr. BRISTOW, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 4037. A bill for the relief of Ellen Sexton (Rept. No. 230); S. 2905. A bill for the relief of Sanger & Moody (Rept. No.

231); and S. 546. A bill authorizing the adjudication and payment of the

claim of Charles Dupre (Rept. No. 232).

He also, from the same committee, to which was referred the bill (S. 1767) for the relief of Oakley Randall, reported it without amendment and submitted a report (No. 233) thereon.

He also, from the same committee, to which was referred the bill (S. 3087) for the relief of the Plant Investment Co., of New York, N. Y., reported it with an amendment and submitted a report (No. 234) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon.

H. R. 11321. An act to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis.

(Rept. No. 235); and S. 4151. A bill to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River

at or near Bemidji, in the State of Minnesota (Rept. No. 236).

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, re-ported it without amendment and submitted a report (No. 237) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 4180) for the relief of Alessandro Comba, reported it without amendment.

NATIONAL WATERWAYS COMMISSION (S. DOC. NO. 274).

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution No. 168, submitted by Mr. Burron December 19, 1911, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed as a Senate document 1,000 copies of the hearings on the subject of water power, held before the United States National Waterways Commission, November 21 to 24, 1911.

PRINTING OF REPORT OF COMMISSIONER OF NAVIGATION.

Mr. SMOOT. I am directed by the Committee on Printing, to which was referred Senate resolution No. 180, submitted by the Senator from Connecticut [Mr. BRANDEGEE] on the 11th instant, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That there be printed by the Senate of the United States, for the use of the Committee on Interoceanic Canals, 2,000 copies of the annual report of the Commissioner of Navigation for the fiscal year 1911.

The amendment was, in line 3, to strike out "two" and in-ert "one" before the word "thousand," so as to read "one sert "one" thousand copies."

The amendment was agreed to. The resolution as amended was agreed to.

FURNITURE, ETC., FOR USE OF STATE OF ARIZONA.

Mr. SMITH of Michigan. From the Committee on Territories I report back favorably without amendment the bill (S. 4351) to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the proposed State of Arizona for the use of the State certain furniture and furnishings, and I submit a report (No. 224) thereon. I desire to call the attention of the Senator from Montana [Mr. Myers] to the bill.

Mr. MYERS. If this is an opportune time, I desire to ask unanimous consent for the immediate consideration of the bill. The VICE PRESIDENT. The Secretary will read the bill

for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I notice the use of the word "proposed" in the title. The act is to become effective when Arizona is a State, and I think the word "proposed" might be eliminated.

Mr. MYERS. Let the title be amended by striking out the word "proposed."

The title was amended so as to read: "A bill to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona for the use of the State certain furniture and furnishings."

BEVERLY HUDNELL.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 167, submitted by the Senator from Kansas [Mr. Curris] on December 18, 1911, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay from the contingent fund of the Senate the undertaker's bill, the doctor's bill, and the nurse's bill, incurred on account of the sickness and death of Beverly Huduell, late laborer in charge of private passage, not to exceed \$380, and to be in lieu of all other allowances and expenses.

The amendment was, in line 3, after the word "Senate," to strike out the remainder of the resolution and to insert:

To the administrator of the estate of Beverly Hudnell, late laborer in charge of private passage, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

CUMBERLAND RIVER BRIDGE IN TENNESSEE.

Mr. MARTIN of Virginia. From the Committee on Commerce, to which was referred the bill (S. 4339) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee, I report it with an amendment, and I submit a report (No. 225) thereon. I ask the attention of the Senator from Tennessee [Mr. Lea] to the report.

Mr. LEA. I ask unanimous consent for the present considera-

tion of the bill.

The VICE PRESIDENT. The Senator from Tennessee asks unanimous consent for the present consideration of the bill just reported by the Senator from Virginia. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in section 1, line 7, before the word "near," to insert the words "at a point suitable to the interests of navigation," so as to make the section read:

Be it enacted, etc., That the Lewisburg & Northern Railroad Co. is hereby authorized to construct, operate, and maintain a railroad bridge on its line of railroad across Cumberland River between Maplewood, Tenn., and Overtons, Tenn., at a point suitable to the interests of navigation, near the city of Nashville, Tenn.; all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 4747) to prescribe the conditions under which corporations may engage in interstate commerce and to provide penalties for otherwise engaging in the same; to the Committee on Interstate Commerce.

By Mr. JONES: A bill (S. 4748) to amend the act entitled "An act to protect trade and commerce against unlawful restraint and monopolies," approved July 2, 1890; to the Committee on Interstate Commerce

By Mr. DU PONT:

A bill (S. 4749) relative to members of the Female Nurse Corps serving in Alaska or at places without the limits of the

United States; to the Committee on Military Affairs.

A bill (S. 4750) for the relief of Albert S. Henderer; and
A bill (S. 4751) for the relief of Albert S. Henderer; to the Committee on Claims.

A bill (S. 4752) granting an increase of pension to George R. Roberts; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 4753) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., 137); and
A bill (S. 4754) to dispose of certain lands for town-site

purposes; to the Committee on Indian Affairs.

By Mr. NELSON:

A bill (S. 4755) granting an increase of pension to Andrew A. Kelly (with accompanying papers); to the Committee on Pen-

By Mr. GUGGENHEIM:

A bill (S. 4756) to amend an act approved June 23, 1906, entitled "An act to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands'"; to the Committee on the Philippines.

By Mr. NIXON

A bill (S. 4757) to establish a fish-cultural station in the State of Nevada; to the Committee on Fisheries.

By Mr. McLEAN:
A bill (S. 4758) authorizing the State Department to deliver to Charles B. Hagadorn a gift from the Government of Mexico; to the Committee on Foreign Relations.

A bill (S. 4759) granting a pension to Mary L. Tucker Spittle (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS: A bill (S. 4760) for the improvement of the Sacramento

A bill (S. 4760) for the improvement of the Sacramento River and tributaries, California; and
A bill (S. 4761) making an appropriation for the deepening and widening of the channel and for snagging and wing-dam construction for the improvement of the Sacramento River from Sacramento to Red Bluff, Cal.; to the Committee on Commerce.

By Mr. HEYBURN:

A bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes"; to the Committee on the Philippines

A bill (S. 4763) granting a pension to Jethro J. T. Garde (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 4764) granting a pension to Mary F. Sexton (with accompanying paper); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 4765) granting an increase of pension to Annie Jones Banks: and

A bill (S. 4766) granting an increase of pension to William F. Pace; to the Committee on Pensions.

By Mr. PAGE:

bill (S. 4767) granting a pension to Hiram S. Haskins (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4768) granting a pension to D. M. Rowland; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4769) to provide for the operation of the Panama Canal, and for other purposes; to the Committee on Interoceanic Canals

By Mr. McCUMBER: A bill (S. 4770) granting an increase of pension to Etta M. Hankinson;

A bill (S. 4771) granting an increase of pension to Dennis Morean (with accompanying papers); and A bill (S. 4772) granting a pension to Olive A. Cordon (with

accompanying papers); to the Committee on Pensions. By Mr. SMITH of Michigan:

A bill (S. 4773) to restore the name of Messmore Place, in the District of Columbia; to the Committee on the District of Columbia.

AGRICULTURAL INVESTIGATIONS.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$35,000 to be used in the enlargement of the alfalfa-weevil investigation, etc., and also \$15,000 to be used in the investigation of sugar-beet insects, etc., intended to be proposed by him to the agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

COMMITTEE SERVICE.

Mr. CRANE was, on his own motion, and by unanimous consent, relieved from further service on the Committee on Public Health and National Quarantine.

REPRESENTATIVE AS AGAINST DIRECT GOVERNMENT (S. DOC. NO. 273).

Mr. SMITH of Michigan. I have a copy of an address by Hon. Samuel W. McCall, delivered before the Ohio State Bar Association at its annual meeting held at Cedar Point, Ohio, July 12, 1911, on the subject of "Representative as against direct government." I move that the address be printed as a document.

The motion was agreed to.

COMMITTEE ON PUBLIC EXPENDITURES.

Mr. BURTON. I submit a Senate resolution, which I ask may be read and that it then lie on the table.

The resolution (S. Res. 194) was read, as follows:

Resolved, That there be added to the standing committees of the Senate a committee to be known as the Committee on Public Expenditures, to consist of the chairman Committee on Appropriations, acting chairman; chairman Committee on Finance, chairman Committee on Military Affairs, chairman Committee on Naval Affairs, chairman Committee on Post Offices and Post Roads, chairman Committee on Agriculture and Forestry, chairman Committee on Indian Affairs, and 13 other members to be designated in the same manner as members of other standing committees.

Mr. NEWLANDS. I understand that this resolution is to lie upon the table

The VICE PRESIDENT. That is the request of the Senator from Ohio.

Mr. NEWLANDS. I wish to express my great gratification that the resolution has been introduced by the Senator from Ohio, for it means practically the revival of the old Committee on Public Expenditures, which came to an untimely end through nonaction.

I believe that a budget committee, such as this committee is intended to be, will be of great service in cooperating with the executive department in the work covered by the new Division of Economy and Efficiency, a report of whose operations was recently transmitted to Congress by the President with recommendations that are entitled to our serious consideration. believe that, in addition to economy and efficiency of administration, Congress should take up the practical question of applying a certain portion of the revenue of the Government specifically to constructive work upon capital account, as distinguished from mere expense of administration and operation, and that this committee will be an important factor in marshaling the annual revenue of the country, in advising how much of our annual revenue of \$1,000,000,000 shall be set aside for the internal development of the country, and then apportioning the balance in logical proportions to the expenses of administration and of operation. The time has come, in my judgment, for setting aside at least \$150,000,000 annually for internal development and constructive work, as distinguished from military expenses, expenses of pensions, and expense of administration of the Post Office and other departments.

The time has come when we should set apart a certain sum, at least \$50,000,000 annually, for the full development of our rivers under comprehensive plans involving team work upon

the part of our scientific services and the cooperation of the States in matters affecting their jurisdiction. The time has come when we should set aside a certain sum, at least \$30,000,-000 annually, for the construction of public buildings; when we should set aside a certain sum, at least \$25,000,000 or \$30,000,000 annually, for the development of good roads in cooperation with States and municipalities; when a certain sum, at least \$20,000,-000 annually, should be set aside for the development of our auxiliary Navy, to be used in aid of the fighting ships in case of war and in times of peace, through lease to shipping companies, in the service of the Panama Canal and in opening up new routes of foreign commerce.

believe, also, that a considerable sum should be applied annually to the conservation of our forests, particularly on the

headwaters of our navigable rivers.

Part of these matters have been heretofore covered by appropriations, but in a lame, accidental, and ineffective fashion. trust that in the future this work will be covered in a definite, consecutive, and logical way, through a budget committee, whose action will be persuasive with the various appropriation committees and with Congress and will in a measure guide their action.

In providing for this constructive work it will be necessary either to increase our revenue or to diminish our expenses of administration. It is to be hoped that such economies may be effected. particularly in our military expense, now aggregating, including pensions, nearly one-half our entire revenue, as to make it possible to provide for the greater part of this constructive work without an increase in revenue; but I wish to emphasize the fact that this work is of such preeminent importance as to warrant an increase in our taxes. Obviously, this increase should be accomplished, not through additional tariff and revenue duties the burthen of which falls upon the consuming masses, but by laying some tax upon the wealth of the country, now almost exempt from national taxation. Such increased revenue can be derived from inheritance taxes, from a graduated increase in the corporation tax affecting mainly the larger corporations, or, if the constitutional amendment is adopted, from incomes.

At the time the committee on committees made its report I protested against its action in dropping the Committee on Public Expenditures from the standing committees of the Senate. The message of the President has shown the great importance of such a committee, and I trust that the Senate will speedily act upon the resolution of the Senator from Ohio.

The VICE PRESIDENT. The resolution will be printed

and, without objection, will lie on the table.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. CULBERSON. Mr. President, I ask the indulgence of the Senate for a brief time to make a statement with reference to a resolution which has been pending in one of the committees of the Senate since June 22, 1911. That resolution is No. 79, and I ask that it be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read the resolution submitted by Mr. Culberson June 22, 1911. as follows:

Resolved, First. That the Committee on Privileges and Elections of the Senate be, and it is hereby, directed to inquire and report to the Senate as early as practicable the amount of money subscribed and paid to every committee of any political party or to any member of such committee, or to any person acting under the authority of or on behalf of such committee as treasurer or otherwise, by any person, firm, association, corporation, or committee to influence the result or attempt to influence the result of the election November 8, 1904, and November 3, 1908, at which Representatives in the Congress of the United States were elected, giving the names of such persons, firms, associations, corporations, or committees, and the respective amounts subscribed and paid by each of them as aforesaid.

Second. That said committee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of the Congress; to hold sessions at such place or places as it may deem most convenient for the purposes of this inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to send for persons, books, records, and papers; to administer oaths; and that the expenses of the inquiry be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Third. That said committee shall also report to the Senate what measures, if any, are necessary to further prohibit or curtail such subscriptions and payments so as to lessen and confine them to proper and legitimate objects in relation to such elections and prevent the undue or corrupt use of money in such elections.

Mr. CULBERSON. Mr. President, it will be observed that

Mr. CULBERSON. Mr. President, it will be observed that the important features of this resolution are, first, authorizing the Committee on Privileges and Elections to inquire into the campaign funds of 1904 and 1908; and, second, for that committee, Privileges and Elections, to report to the Senate by bill or otherwise what legislation, if any, may be thought necessary to further prohibit and curtail the undue or corrupt use of money in Federal elections.

The provision in the resolution that the expenses of the investigation shall be paid out of the contingent fund of the Senate made it necessary, under the rules of the Senate, to refer the resolution in the first instance to the Committee to Audit and Control the Contingent Expenses of the Senate. Accordingly, Mr. President, on my motion on the day the resolution was introduced, June 22, 1911, it was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and the resolution, so far as I know, is still with that committee. The only question to be determined by this committee or to be recommended by that committee, either affirmatively or adversely, is whether or not the money for the proposed investigation ought to be expended out of the contingent fund of the Senate.

The Senate was in session from June 22, 1911, to August 22, 1911, when it finally adjourned; it has been in session since the first Monday in December, and still this resolution is before the committee upon this preliminary question, with the information given to the public, through the press, in the past few days that it would probably be reported adversely by that

committee.

Mr. President, without going further into the matter of the committee action, I want to say that, notwithstanding the inaction of the committee with reference to the expenditure of funds in elections, thanks to the public spirit of some of the great metropolitan journals of the United States, notably the New York Times and the New York World, we are in possession of some facts which bear upon the question as to whether there ought to be further legislation on the subject. I intend to submit to the Senate for its consideration some of these facts, in order that it may have them to determine the question whether this resolution shall pass, even if reported adversely by the committee having it in charge for the present.

In April, 1906, the New York Times, one of the great journals of the Union, a journal whose information is said to be peculiar concerning the moneyed interests of the country, received a communication estimating the expenses of the Democratic and Republican Parties in 1896, in 1900, and in 1904, and that paper editorially, on the 14th of April, 1906, commended that communication as one dependable and upon which reliance

could be placed.

Now let us see, without reading the entire editorial, what is estimated to have been expended by the Democratic Party and the Republican Party in 1896, 1900, and 1904. From it I have made a table and want to call the attention of the Senate

REPUBLICAN FUNDS. DEMOCRATIC FUNDS. Silver interests_____ \$500,000 Popular contributions __ 200,000 Protected interests___ \$3,000,000 Financial leaders ___ 3,000,000 700,000 Total 6, 000, 000 1900. Silver interests_____ Popular contributions __ Financial leaders ____ 100, 000 300, 000 200, 000 Protected interests___ Financial leaders___ Total____ 6,000,000 Total____ 600,000 1904. 500,000 | Protected interests___ 400,000 | Financial leaders___ Popular contributions __ Financial leaders ____ 900, 000 Total___ 11, 000, 000 Total

We are advised, Mr. President, by the public press that of the funds contributed to the Republican campaign of 1904, E. H. Harriman raised a fund of \$260,000, distributed as fol-lows: Edward H. Harriman, \$50,000; H. McK. Twombly (representing the Vanderbilt interests), \$25,000; Chauncey M. Depew (personal), \$25,000; James Hazen Hyde (of the Equitable Life Assurance Society), \$25,000; the Equitable Life Assurance Society, \$10.000; J. Pierpont Morgan, \$10,000; George W. Perkins (New York Life Insurance Co.), \$10,000; H. H. Rogers, John A. Archbold, William Rockefeller (Standard Oil Co.), \$30,000; Speyer and banking interests, \$10,000; Cornelius N. Bliss (personal), \$10.000; seven friends of Senator Depew, \$5.000 each, \$35.000; sent to E. H. Harriman in smaller donations, \$20,000, aggregating \$260,000.

That was in 1904. Partly on account of that and partly on

account of the exposures in connection with the insurance companies in the examination which occurred in the State of New York, Congress, in 1907, passed an act prohibiting corporations from making campaign contributions in money, which I will take the liberty of reading to the Senate myself, as it is quite

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a

money contribution in connection with any election at which-presidential and vice presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding \$5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding \$1,000 and not less than \$250, or by imprisonment for a term of not more than one year, or both such fine and imprisonment, in the discretion of the court.

That was approved January 26, 1907.

Mr. President, it will be observed with reference to the act of 1907 that it only prohibits "a money contribution." It does not prohibit a corporation from making any other character of contribution, nor, of course, is there any prohibition against individuals subscribing to campaign funds; but, particularly, there is no limitation in this act upon the amount which may be contributed by individuals to campaign funds.

It is well known by all persons conversant with the subject that this act of Congress has done much good, has accomplished much, Mr. President, in the way of curtailing the undue and corrupt expenditure of money in elections. It has perhaps, most probably, cut off all campaign contributions by corporations so far as money contributions are concerned and so far as they

may be contributed directly.

Next, I invite the attention of the Senate and of the Committee to Audit and Control the Contingent Expenses of the Senate, as well as the Committee on Privileges and Elections, to the campaign contributions of 1908, to which we are indebted wholly to the laws of the State of New York, and, as I have said, the great journals that have published the list and the names of the contributors.

I have taken pains to collect this information because I had some question in my mind whether or not we would get affirmative action by either of the committees to which this resolution in due time will go, and I intended then, and I intend now, if the report is adverse, to appeal from the committees to the body of the Senate itself, as to whether we will have this investiga-tion of campaign contributions of 1904 and 1908.

In the presidential campaign of 1908 the Democratic national committee on October 15 issued a bulletin, giving the names of all contributors and the amount subscribed by each to its campaign fund. The New York World, October 16, 1908, says in regard to this bulletin:

Treasurer Ridder, of the Democratic national committee, made public yesterday the list of contributors to the Democratic national campaign up to October 9. It shows that nearly 50,000 persons contributed in the aggregate \$248.567.55 in sums ranging from 25 cents up to \$5,000. No corporations are represented in the list.

As reported in the World, the largest subscription was \$5,000, from Charles J. Hughes, of Colorado. Other considerable subscriptions were \$2,000 from W. A. Clark, of Montana; \$4,046 from the Commoner, a newspaper published at Lincoln, Nebr.; \$2.500 from Nathan Stranss; \$2,000 from Chairman Norman E. Mack; and, among others, \$1,000 each from Samuel Untermyer, Jacob Rupert, De Lancy Nicol, James K. McGuire, Edwin M. Shepard, John W. Cox, and William F. Sheehan, of New York; Roger C. Sullivan, M. F. Dunlap, and John P. Hopkins, of Illinois; E. O. Woods, of Michigan; E. F. Goltra, David R. Francis and M. C. Wetmore of Missouri: James F. Osborne of Prepaigs and M. C. Wetmore of Missouri: James F. Osborne of Strangis and M. C. Wetmore of Missouri: James F. Osborne of Strangis and M. C. Wetmore of Missouri: James F. Osborne of Schome of Strangis and M. C. Wetmore of Missouri: James F. Osborne of Schome of Missouri: James F. Osborne of Miss Francis, and M. C. Wetmore, of Missouri; James E. Osborne, of Wyoming; and \$1,500 from Gordon Bromley, of Pittsburgh.

Thereafter and up to election day the committee, through its treasurer, issued bulletins periodically, giving names of sub-scribers and amounts subscribed. The New York World of October 29 published a summary of the bulletin of the preceding day, giving additional names of contributors amounts, and especially the largest subscription of the campaign—\$37,000, from Herman Ridder and his three sons. Those acquainted with the situation will recall that that contribution consisted not of money contributions in toto, but of receipted printing bills and the like.

During the campaign no information of this character was made public by the Republican national committee; but on November 23, 20 days after the election, both the Republican and Democratic national committees filed certificates of receipts and disbursements with the secretary of state at Albany, in compliance with the New York statute.

The New York Herald of November 24, 1908, says, with regard to the statement of the Republican national committee:

As the amounts received by the Democratic committees have already been made known in periodical bulletins issued during the campaign, interest to-day centered largely in the receipts and expenditures of Mr. George R. Sheldon, treasurer of the Republican national committee. Mr. Sheldon's list of receipts totals \$1,685,518.27. Of this amount \$1,035,368.27 was received and disbursed at the New York and Chicago-headquarters, and \$620.150 was collected by the national committee's finance committee in the several States and turned over to the Republican State committees for use in their own States.

The total number of Republican contributors were 12,330, and the list is headed by Charles P. Taft, of Cincinnati, brother of the Republican candidate, who contributed \$110,000. Twenty-four men sent

\$5,000, 8 men \$4,000, there were 2 contributions of \$3,500, 11 of \$3,000, 13 of \$2,500, 20 of \$2,000, 23 of \$1,500, 119 of \$1,000, 9 of \$750, and 250 of \$500 each. The money came largely from the East.

The New York World of November 24, 1908, treats the statements in a more detailed manner, and shows that while the Republican campaign fund aggregated \$1,685,518.27, contributed by 12,330 persons, the Democratic fund aggregated \$620,644.27, by 12,550 persons, the Democratic find aggregated \$020,044.24, contributed by 74,000 persons. As given by the World, the largest contributors to the Republican fund were: \$110,000 by Charles P. Taft; \$34,777 by the Union League Club of New York, with Cornelius N. Bliss, president, and J. Pierpont Morgan, one of the vice presidents; \$25,000 by the Union League Club of Philadelphia with a presidents. Club, of Philadelphia, with a membership made up largely of high protectionists; \$25,000 each from Larz Anderson, now minister to Belgium, and G. A. Garrettson, a Cleveland banker; \$20,000 each from Andrew Carnegie and J. Pierpont Morgan; \$15,000 each by Alexander S. Cochran, president of a large carpet company, William Nelson Cromwell, Panama Canal negotiator, and M. N. Bagley, banker, of Detroit; \$10,000 each by Whitelaw Reid, of New York, now ambassador to Great Britain, M. C. D. Borden, of New York, largely interested in Fall River cotton mills, Frank A. Munsey, Jacob H. Schiff, of Kuhn, Loeb & Co., bankers; \$9,000 by Stephen Vall, of Washington; \$7,500 by M. T. Cox, of New York, director and stockholder in 45 corporations; \$7,000 by Richard C. Kerens, of St. Louis, now ambassador to Austria-Hungary; \$6,000 by William Barbour, of Paterson, N. J., president of a linen thread company; \$5,000 each by D. O. Mills, of New York, Kountze Bros., pany; \$5,000 each by D. O. Mills, of New York, Kountze Bros., bankers, J. & W. Seligman & Co., bankers, A. D. Julliard & Co., bankers, Norman B. Ream, A. M. Huntington, James Speyer, George F. Baker, E. C. Converse, C. S. Shepard, of Buffalo, Daniel R. Hanna, of Cleveland, Robert Bacon, ambassador to France, formerly partner of J. P. Morgan, Adolphus Busch, of St. Louis, George Lauder, of New York, nephew of Andrew Carnegie, and Francis Sulzberger, of Kansas City; \$4,000 each by Cornelius N. Bliss, of New York, George Blumenthal, of New York, James B. Brady, of New York, and W. D. Snyder, of Pittsburgh; \$3,000 by E. V. Morgan, of New York, minister to Brazil, W. B. Cutting, Otto H. Kuhn, Mortimer L. Schiff, all of New York; \$2,500 each by Charles M. Schwab and John Jacob Astor. Schwab and John Jacob Astor.

Several important facts are apparent from reading the contributions to the Democratic and Republican Parties in 1908:

1. The Republican fund is \$1,665,518.27; the Democratic fund, \$620,644.27; the former more than a million greater.

2. The number who contributed to the Republican fund was 12,330; that to the Democratic fund, 74,000; the former six times smaller.

3. The contributors to the Republican fund, as a rule, were interested in legislation, while those contributing to the Democratic fund were not.

4. Individuals contributed larger amounts to the Republican fund, ranging from \$110,000 downward, while contributions to

the Democratic fund ranged from \$5,000 downward.

I have thus, Mr. President, as I have indicated, anticipating possibly these committees would not report this resolution favorably, but, on the contrary, might report it adversely, laid before the Senate such information as I could gather with reference to the contributions of 1904 and 1908.

While it has not been thought necessary in this resolution to extend the inquiry beyond 1904, yet we know, in addition to what I have said, from well-authenticated instances, that prior to that time money was used unduly and corruptly in Federal Men high in party council, one of them afterwards elections. attaining the Vice Presidency and then the Presidency, laughed and rejoiced in 1880 around the banquet board that "soap

was potential in elections then.

It is well remembered how James P. Foster, president of the Republican League in 1888, would have "fried the fat" out of special and protected interests to force campaign contributions. Honest and patriotic men will never cease to recall with shame and mortification that with the crisp \$2 notes of Dudley floaters were organized into blocks of five in the presidential election in Indiana that year. The bold and flagrant and widespread corruption of 1896 is known of most men now living—that period in our history when traffic in manhood suffrage first advanced from petty theft to grand larceny, when the successful leader-ship of the year sought to make political bribery general and Nor have foreign ambassadorships been only rerespectable. cently measured by fat campaign contributions, for the public revolt against the scandals of Van Alen and Hyde is fresh in the memory of the well informed.

The limit of the inquiry in this resolution was fixed at 1904, partly for convenience, because we must stop somewhere, but particularly because, scandalous as have been some other elec-tions in this respect, that year was the most audacious and

indecent of all.

Mr. HEYBURN. Mr. President—
The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CULBERSON. Yes.

Mr. HEYBURN. I am interested to know the Senator's opinion as to why we should start. He has stated that there is a point at which we must stop. Why should we start?

Mr. CULBERSON. I am proceeding to tell the Senator, if

he will be patient.
Mr. HEYBURN.

Mr. HEYBURN. I will.

Mr. CULBERSON. I repeat, Mr. President, that the limit was fixed at 1904 particularly, because, scandalous as were other elections in this respect, that year surpassed all others in the audacity and indecency with which campaign funds were demanded and exacted. The chairman of the national Republication of the continual republication. lican committee that year held, in his official capacity as Secretary of Commerce and Labor, the secrets of corporations whose affairs could be investigated under a Federal law, a vantage ground of power which apparently was not neglected. It has been estimated, as has been shown, that the enormous and unconscionable sum of \$11,000,000 was raised and probably expended that year by the committee of which he was chairman. The very size and obesity of this fund, sir, if approximately correct, smacks of extortion, profligacy, and corruption. Who contributed it and where did it come from? We know something in answer to such an inquiry, but not all, and not enough

upon which to base legislation to prevent its repetition.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Will the Senator from Texas yield to the Senator from New Hampshire?

Mr. CULPERSON - Leicht

Mr. CULBERSON. I yield.
Mr. GALLINGER. I have not had the privilege of hearing all the Senator's speech, but I want to ask the Senator in all seriousness precisely where he got his figures, that \$11,000,000 was contributed to the fund in 1904?

Mr. CULBERSON. While the Senator was out of the Chamber or not listening, Mr. President, I stated that these figures were published, first, so far as I know, in the New York Times in April, 1906, and they have since been reproduced and commended as probably trustworthy by the New York World.
Mr. GALLINGER. Has the Senator any information that

Mr. GALLINGER. Has the Senator any information that would lead him to believe that those great newspapers got accurate information upon that point? The Senator knows that the newspapers of this country are in the habit of magnifying pretty much everything that is printed in their columns.

Mr. CULBERSON. I stated that the New York Times, according to my information, had special means of knowing where-

of it spoke with reference to campaign contributions contributed

by the moneyed interests of the country.

Mr. GALLINGER. Does the Senator think—

Mr. CULBERSON. I do not know whether the estimate is correct, approximately even; but I have this information: An estimate by a reputable newspaper of the United States, vouched for by another great journal; and, Mr. President, the purpose of this resolution is to secure information to determine what other laws ought to be passed and to determine how much money was in fact contributed in 1904 and who did it.

Mr. GALLINGER. Does not the Senator-

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. CULBERSON. Yes. Mr. GALLINGER. If the Senator will permit me, the Senator does not claim that those newspapers had access to the books of the Republican national committee, I take it.

Mr. CULBERSON. I know nothing of the immediate sources of the information of these newspapers, Mr. President. I want to get the resolution adopted by the Senate to find out how much money was contributed, who did it, and inferentially why they did it, and what interest they had in legislation, if they contributed this amount.

I have stated, Mr. President, that we know something in answer to these inquiries, but not all and not enough. We know, for instance, that the Republican contributions have been largely made by the beneficiaries of privilege and protection. We have reason to believe that corporations engaged in interstate commerce have been intimidated and blackmailed by the Republican national committee. We know that the Republican national committee has levied upon and profaned sacred funds held by at least three great insurance companies for women and children.

Mr. President, the New York World for seven years has asked these 10 questions, which I may be permitted to read:

1. How much has the Beef Trust contributed to Mr. Cortelyou?
2. How much has the Paper Trust contributed to Mr. Cortelyou?
3. How much has the Coal Trust contributed to Mr. Cortelyou?
4. How much has the Sugar Trust contributed to Mr. Cortelyou?
5. How much has the Oil Trust contributed to Mr. Cortelyou?

6. How much has the Tobacco Trust contributed to Mr. Cortelyou?
7. How much has the Steel Trust contributed to Mr. Cortelyou?
8. How much has the Insurance Trust contributed to Mr. Cortelyou?
9. How much have the national banks contributed to Mr. Cortelyou?
10. How much have the six great railroads contributed to Mr. Cortelyou?

There has been no authentic and satisfactory answer to these inquiries, and only within the past few weeks, after principals and material witnesses have died, an effort has been made to and material witnesses have died, an effort has been made to impair or destroy testimony on the subject of the Harriman contribution of \$260,000, which was given the public through the instrumentality and enterprise of great newspapers. This attempt to unload the obloquy of this disgraceful transaction upon the dead, a transaction which is said to have changed 50,000 votes in the city of New York alone, may be significant in several views. It may be the common and ordinary case of malefactors waiting for the absconding or death of witnesses, or it may presage a political movement of national consequence and magnitude. and magnitude.

I am now only concerned, Mr. President, with the fact that it emphasizes the propriety and necessity of a full, prompt, and official inquiry into the expenditures of 1904, that remedial legislation may be adopted to further curtail and prohibit the

undue and corrupt use of money in Federal elections.

PUBLIC PRINTING AND BINDING.

The VICE PRESIDENT. The calendar is in order under Rule VIII.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (8, 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah. [Putting the question.] The ayes

have it.

Mr. REED. Mr. President-

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Certainly.
Mr. REED. I understand that the motion is that we proceed to the consideration of this bill.

The VICE PRESIDENT. That is the motion.

Mr. KERN. There is an amendment to it that I wish to offer. The VICE PRESIDENT. The question for the Senate first to determine is whether it will proceed to the consideration of the bill. The Chair has announced that the ayes have it. Does the Senator from Missouri desire a division or anything?

Mr. REED. I desire to make a statement before the motion

is passed upon.

The VICE PRESIDENT. The motion is not a debatable one. A motion to proceed to the consideration of any bill is not debatable or amendable.

Mr. REED. Mr. President, it may not be debatable, but I desire to make this statement to the Senator from Utah.

The VICE PRESIDENT. The Senator can only make it by unanimous consent. Is there objection? The Chair hears none,

and the Senator from Missouri will proceed.

Mr. REED. I have been very earnestly requested to do what I could do to have a further hearing upon this bill and to permit certain interested parties to appear before the committee. If the purpose is merely to debate the bill, I have no objection. If the purpose is to put the bill on its passage, then I do want

to object

Mr. SMOOT. I will state to the Senator that the bill is quite a lengthy one, and it has been under consideration by the Printing Investigation Commission, the Joint Committee on Printing of the two Houses, and the Senate Committee on Printing for nearly three years. I will state frankly to the Senator that I do not intend to press its passage to-day, but I would like very much to have the formal reading of the bill to-day, and then there are some committee amendments to be considered and whatever amendments may be offered afterwards of course will be considered. I will say to the Senator that I have no desire whatever to ask for a vote on the bill to-day.

Mr. BROWN. Mr. President

The VICE PRESIDENT. Does the yield to the Senator from Nebraska? Does the Senator from Missouri

Mr. REED. Certainly. Mr. BROWN. I understand that the committee itself is not through with its investigation of the bill. I am informed that a hearing is to be had to-morrow on some phases of the bill. It is very obvious that the bill is an important one. I was out of the Chamber at the time it was called up, and I am not advised of the parliamentary situation, but the bill can not be considered under the five-minute rule.

Mr. SMOOT. I have not asked that it should be so con-

sidered.

Mr. BROWN. It is a bill—
The VICE PRESIDENT. The bill is up under a motion that it be considered.

Mr. BROWN. I wish to appeal to the Senator from Utah to let the bill go over. No hearing on the bill has been printed-

The VICE PRESIDENT. The Chair hardly thinks that this proceeding is regular. The motion is not debatable. It has been declared carried, and no Senator has questioned it.

Mr. BROWN. I question now whether the motion has been

carried.

The VICE PRESIDENT. The Chair asked the Senator from Missouri if he questioned it; the Chair understood that he simply asked to make a statement; and the Chair asked if unanimous consent would be given therefor.

Mr. REED. The President is in error in regard to my

The VICE PRESIDENT. If that is so, the Chair will again put the motion. The Chair did not mean to foreclose anybody's right to vote on the proposition.

Mr. REED. I ask for a vote. The VICE PRESIDENT. The Senator from Missouri asked permission to make a statement, and that was given. General debate is not in order, but the statement of the Senator from Missouri is in order, by unanimous consent.

Mr. REED. Mr. President, unless the Senator from Utah

will withdraw his motion, if we are to be forced to vote on it, I

shall demand a roll call.

Mr. HEYBURN. Mr. President, I desire to interpose a motion, with the permission of the Chair. It is that the bill be recommitted to the Committee on Printing.

The VICE PRESIDENT. That motion is hardly in order.

Mr. HEYBURN. I think it is.

The VICE PRESIDENT. The motion to proceed to the consideration of a particular bill is neither amendable nor debatable, but the Senate can vote on it and vote it down, or dispose of it in any way it chooses.

Mr. HEYBURN. I think the bill should be recommitted, and

I merely submit a motion to recommit.

Mr. SMOOT. That motion is not in order.

The VICE PRESIDENT. The pending motion is that the Senate now proceed to the consideration of the bill.

Mr. HEYBURN. My motion will be in order after the bill is taken up?

The VICE PRESIDENT. Certainly.

Mr. REED. I ask for a roll call.

The VICE PRESIDENT. The Senator from Missouri asks

for the yeas and nays. Is there a second?

Mr. SMOOT. I do not quite understand what the Senator from Missouri meant by the statement that if the Senator from Utah would not withdraw his motion he would demand a roll

The VICE PRESIDENT. Debate is not in order. Evidently a sufficient number have demanded the yeas and nays, and the yeas and nays are ordered. The Secretary will call the roll on agreeing to the motion of the Senator from Utah to proceed to the consideration of the bill.

Mr. THORNTON. Will the Chair please state what it is we

are going to vote on?

The VICE PRESIDENT. The motion is that the Senate proceed to the consideration of the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

Mr. BORAH. Do I understand the Senator from Nebraska

to say that the hearings are still going on?

The VICE PRESIDENT. Debate is not in order. The Secretary will proceed with the call of the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). have a general pair with the senior Senator from Missouri [Mr. In the absence of that Senator I withhold my vote.

Mr. JONES (when his name was called). I am paired with the senior Senator from Florida [Mr. Fletcher]. I therefore

withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN].

I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SIMMONS (when his name was called). with the junior Senator from Minnesota [Mr. CLAFP]. If he were present and I were at liberty to vote, I would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. Richardson]. I transfer that pair to the senior Senator from Mississippi [Mr. Percy] and vote. I vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Vermont [Mr. DILLINGHAM]. I with-

hold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. Foster].

Therefore I withhold my vote.

Mr. LIPPITT (when Mr. Wetmore's name was called). I wish to announce that my colleague [Mr. Wetmore] is necessarily absent from the city, and is paired with the senior Senator from Alabama [Mr. Johnston].

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. Penrose]. I will transfer that pair to the Senator from Indiana [Mr. Shiyely] and vote. I vote "nay."

The roll call was concluded

The roll call was concluded.

Mr. SIMMONS. I transfer my general pair with the junior Senator from Minnesota [Mr. Clapp] to the Senator from Alabama [Mr. BANKHEAD] and I vote. I vote "nay."

Mr. BRIGGS (after having voted in the affirmative). ask if the Senator from West Virginia [Mr. WATSON] has

voted?

The VICE PRESIDENT. He has not.

Mr. BRIGGS. I withdraw my vote. The VICE PRESIDENT. The Senator from New Jersey

withdraws his vote.

Mr. WILLIAMS (after having voted in the negative). moment ago I made the announcement of the transfer of my pair with the Senator from Pennsylvania [Mr. Penrose] to the Senator from Indiana [Mr. Shively]. I find that the Senator from Indiana [Mr. Shively] is present. I therefore want to withdraw my vote and let the pair between the Senator from

Pennsylvania [Mr. Penrose] and myself stand.

Mr. CURTIS. I was requested to announce that the senior Senator from Massachusetts [Mr. Lodge] is paired with the junior Senator from Texas [Mr. Balley].

Mr. JONES. My colleague [Mr. Poindexter] is unavoidably detained from the Chamber.

Mr. MARTIN of Virginia. I desire to announce that the Senator from Arkansas [Mr. Davis] is paired on this vote with the Senator from New York [Mr. Root].

The result was announced-yeas 21, nays 34, as follows: YEAS-21.

Clarke, Ark. Cullom Dixon du Pont Gronna Bradley Brandegee Bryan Burnham McCumber McLean Smoot Stephenson Sutherland Nelson Oliver Chilton Gronna Lippitt Page Perkins NAYS-34. Smith, Md. Smith, S. C. Swanson Taylor Newlands O'Gorman Overman Bacon Borah Bristow Gore Heyburn Hitchcock Johnson, Me. Pomerene Rayner Reed Brown Crawford Culberson Cummins Curtis Gardner Thornton Kern Lea Martin, Va. Martine, N. J. Myers Townsend Works Shively Simmons Smith, Ga.

NOT VOTING-36. Dillingham Fletcher Foster Gallinger Bailey Bankhead Bourne La Follette Lodge Lorimer Nixon

Briggs Chamberlain Owen
Paynter
Penrose
Percy
Poindexter Gamble Guggenheim Johnston, Ala. Clapp Clark, Wyo. Crane Davis Jones Kenyon

Richardson Root Smith, Mich. Stone Tillman Warren Watson Williams

So Mr. Smoot's motion was not agreed to.

The VICE PRESIDENT. The Chair desires to say to the Senator from Idaho, in reference to his motion to recommit, that the Chair was in error in not entertaining the motion at the time. The Chair was thinking of it as an amendment to the motion made by the Senator from Utah [Mr. Smoot], which was not an amendable motion; but the motion of the Senator from Idaho, as he put it, was a separate motion and had precedence of the motion of the Senator from Utah, and the Chair should have put it and did not. Shall he now put the motion?

Mr. HEYBURN. No, Mr. President, the purpose I had in view can be served just as well now in a moment. I made the motion for the purpose of avoiding the present consideration of this measure, not because I have any intention whatever to delay or prevent its enactment; but I have it in mind in a number of particulars to amend the bill, and I have been working on it for days with a view of preparing the amendments. The bill has only been eight days in the Senate. The bill was introduced on January 8 and reported on the 16th. So it has been here about a week. It is an extensive measure. It proposes the creation of new offices, carrying important sums as salaries, which should not be in a measure of this kind. That

is no part of the codification of the laws regulating the public

printing.

Then I desire to propose amendments to several provisions, noticeably those providing for the distribution of the Statutes at Large and for the distribution of the Congressional Record. There is a general lack of authority and provision for an adequate distribution of the Statutes at Large. Many persons required to deal with the statutes responsibly are not now receiving them under any law. I think this provision is inefficient.

Then, again-and I will finish-I think this bill should be reprinted, so that existing provisions of law would appear in one type and the amendments in another; and where a statute is rewritten-that is, containing a part of existing law and made up in part of proposed legislation-it should be indicated. so that when you glance at the act you will know whether you are dealing with existing law or not.

I have gone several times carefully through the report in this case. The report is a very careful one, and is organized upon a very proper and convenient plan, but it is not reflected in the text of the bill. I have had some experience in the revision of the laws-the penal and the judiciary codes. There we did what this committee has done. We stated definitely the changes that had been made or were proposed to be made in every section, but we reflected that in the printed bill, so that when you looked at the text of the bill you were referred to the notes in You can go to the report here, but you have got to read diligently and scrutinize carefully a bill printed in uniform type to find out just what language the report deals with.

I now ask that this bill be reprinted. The chairman may have it done, of course, under general authority, I assume, but it ought to be reprinted, and it ought to be printed in such type as will distinguish the nature and character of the changes

The VICE PRESIDENT. Without objection, the order for such reprinting will be entered.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senator from Idaho to the fact that we now have printed a comparison of this bill with the existing printing laws, and that to-morrow morning it will be upon the desk of each Senator. The only reason it was not available this morning was because of a few changes made in the bill at the request of some of the departments after this comparison had been printed.

Mr. President, I have no desire whatever to press the passage of the bill at this time. All I desired to do to-day was to bring the bill before the Senate, have it read, and then have it laid aside. I desired to make a statement as to what the bill really intended and what was expected to be accomplished by it, but the Senate decided otherwise, so I have nothing more to say in

the matter to-day.

Mr. HEYBURN. I desire to say that, had the comparative table referred to by the Senator been available this morning, I probably would have interposed no objection whatever to proceeding to the consideration of the bill, although I think we should have time to make such an examination of it as would enable us to deal with each question without delay as it should be presented.

Mr. GALLINGER. Mr. President, I move that the Senate proceed to the consideration of Order of Business 193, Senate

bill 3813

Mr. CRAWFORD. Will the Senator permit me a moment before he does that?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. GALLINGER. Certainly; I yield to the Senator.

Mr. CRAWFORD. I wanted to ask the Senator from Utah a question. The statement has been made here that the hearings have not been concluded and that testimony is still being taken before the committee. I want to ascertain whether or not that is a fact. If it is, it seems to me that a motion to recommit this bill would be proper.

Mr. SMOOT. Mr. President, in answer to the Senator, I will state that we have had hearing after hearing. Representatives of the plate printers' union have been before the committee time and again. A committee from the Washington Chamber of Commerce, with representatives from the plate printers' union, have been before the committee. I wish to say to the Senator that there is no disposition, nor has there been any disposition upon the part of the committee, to restrict the hearings, but there had to come a time when we should report the bill. The Senator from Michigan [Mr. SMITH] telephoned to me on Monday night that there were some persons in Michigan who desired to be heard upon one of the provisions of the bill, and asked if it could be arranged. I told the Senator that the bill would not be passed before that time, to telegraph to the parties interested, and when they arrived in Washington they

would be granted a hearing. I also told the Senator that all I desired was to have the formal reading of the bill to-day, and then I intended to make a brief statement regarding it.

Mr. CRAWFORD. Mr. President, I have no impressions, hostile or otherwise, about this bill; I have not taken time to examine it; but I think it is only fair to the Senate, when a bill of its length and of its importance comes before the Senate, that we should feel that no new phase connected with it is going to be developed by hearings before the committee. ought to have this much security, that, so far as the committee is concerned, it is through with its investigation and that its report here is the final impression of its deliberations; but if testimony is being taken by the committee, how can we feel that some new phase may not be developed that may change the situation in the Senate in regard to the bill?

Mr. President, I think I know what the parties desire. I think they desire in this bill some provision in regard to the loose-leaf ledgers, and I am perfectly willing, as I have stated to the Senator from Michigan, that they shall be heard

upon that proposition.

Mr. BROWN. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. I yield briefly to the Senator from Nebraska.

Mr. BROWN. I desire to ask the Senator from Utah if any of the testimony at the hearings that have been had has been reduced to writing?

Mr. SMOOT. There has been no printed testimony upon

Mr. BROWN. That is the trouble with the situation. Here is a voluminous report and no testimony upon which it is based, except in the mind of the committee. It is a fact that Congress has elaborately and exhaustively investigated this question in years gone by before any action was asked, but here to-day we are asked to take up this bill in the absence of the statement prepared by the committee.

Mr. SMOOT. No; the Senator is mistaken. Mr. BROWN. What there is about this bill that it should be pushed along at this rate and with this speed I do not It is the first time a bill on the calendar under Rule VIII has been pushed over the objections of Senators, and in the absence of testimony, when witnesses are on the way to be heard, according to the statement of the Senator himself. I hope the bill will have the consideration that it deserves. It changes the entire system of the printing business of this Government.

Mr. SMITH of Michigan. Mr. President—
The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I must decline to yield further to debate, but I will yield to the Senator from Michigan for a statement.

Mr. SMITH of Michigan. I only rise for the purpose of saying that there was no possible misunderstanding between the Senator from Utah and myself regarding the hearings asked for. I do not know what the hearings may develop, but the Senator from Utah [Mr. Smoot], the chairman of the committee, has been very courteous about the matter and very willing to hear those who desired to appear before the committee. He accorded the Michigan people who are interested in this matter a formal hearing for that purpose. He said, however, that while the bill would go to the Senate, the hearings, if they developed anything, might develop some necessary amendment to the bill not affecting the bill as a whole. Not desiring to forestall what I may be called upon to do after the hearings, I do want to accord to the Senator from Utah a very kindly and liberal purpose to hear the citizens of my own State who are interested in this matter.

Mr. SMOOT. Mr. President-Mr. GALLINGER. Mr. Pres

Mr. President, I move-

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. SMOOT. Just for a short statement.

Mr. GALLINGER. For a statement, but I hope that the debate will not be prolonged.

I merely desire to say in reference to the statement made by the Senator from Nebraska [Mr. Brown] that there was no report from the committee, that the Senator from Nebraska has had on his desk a report on this bill covering 55 pages, explaining every section of the bill, noting the changes from the present law and the reasons for the changes.

Mr. BROWN. I did not say there was no report. I said there was no testimony on which the report was based. That is what I am complaining about.

Mr. SMOOT. I thought the Senator said there was no

Mr. BROWN. There is nothing here but the report. Mr. SMOOT subsequently said: The senior Senator from Idaho [Mr. Heyburn], I understood, had an order made by the Senate for a reprint of the bill, showing the present law and the proposed bill. I will advise the Senator that that has already been done, and the print will be upon the desks of Senators to-morrow morning. That being the case, there is no need

of having the order entered as proposed by the Senator.

Mr. HEYBURN. My request was that the bill be printed so that on the face of the bill it would appear in italics or other type whether the substance was new or existing law. was my request-not that they be printed in parallel columns. This is an excellent method that the Senator now presents. It is not all that I asked for, but I think we will get along with it. I will try to. The ability to determine by an inspection of the face of the bill what portion of it is existing law and what portion is not is of very great convenience and value.

However, if the Senator from Utah thinks we can get along with these parallel columns, let us try it, and if we find it inconvenient an order can be made to print overnight.

The VICE PRESIDENT. Without objection, the order here-

tofore made will be rescinded.

Mr. SMOOT. If the Senator from Idaho wants that special print I have not the least objection to its being made. had in mind was the saving of an extra order to print. I am perfectly willing to have it printed that way.

Mr. HEYBURN. It is not a question of anybody being will-The question is what the Senate shall do about it. think I indicated my satisfaction with the existing condition. If the Senator thinks something more should be done, that is up to the Senator. I withdraw the request for the order.

The VICE PRESIDENT. The order has been rescinded.

BILLS PASSED OVER ON THE CALENDAR

Mr. McCUMBER. Mr. President, before the Senator from New Hampshire [Mr. Gallinger] makes the motion to take up the bill which he has in mind, with his permission I want to ask that in the event bills on the calendar should be considered to-day, Calendar No. 141, Calendar No. 186, and Calendar No. 187 be passed over.

The VICE PRESIDENT. If the calendar shall be taken up the request of the Senator from North Dakota will be noted.

STREET RAILWAY TRANSFERS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I move that the Senate proceed to the consideration of the bill (S. 3813) to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with

amendments.

The VICE PRESIDENT. Without objection, the first formal reading of the bill will be dispensed with and the bill will be read for committee amendments.

The Secretary proceeded to read the bill.

The Secretary proceeded to read the bin.

The first amendment of the Committee on the District of Columbia was, on page 2, line 2, after the words "continuation of," to strike out "the" and insert "a"; in line 3, after the word "trip," to strike out "on the line for which they are issued" and insert "in one general direction within the District of Columbia"; and in line 6, after the word "fare," to insert an additional proviso, as follows:

Provided further, That the existing system of transfers on the lines, respectively, of the Capital Traction Co. and the Washington Railway & Electric Co. shall be continued and made permanent.

So as to read:

So as to read:

That 30 days after the passage of this act all street railroad companies now or hereafter operating their systems or part of their systems within the District of Columbia shall at all times issue to all passengers applying for the same free reciprocal, continuous, universal transfers, interchangeable from the line or lines of one company to the line or lines of another, good and receivable at all junctions, intersections, or connections, or wherever the tracks of any line approach within 200 feet the tracks of any other line: Provided, That said companies shall have the right to stipulate that such transfers shall be used only in continuation of a trip in one general direction within the District of Columbia to prevent passengers from traveling from one point to another and return on one fare: Provided further, That the existing system of transfers on the lines, respectively, of the Capital Traction Co. and the Washington Railway & Electric Co. shall be continued and made permanent.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. MALLAHAN.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. DIXON. Will the Senator from Illinois withhold that

motion for a moment?

Mr. CULLOM. I will.

Mr. DIXON. I should like to call up the bill (S. 69) for the relief of William O. Mallahan.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 3, after the word "to," to strike out "by reason so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, William O. Mallahan, who was a private in Company A, Eighteenth Reglment Iowa Volunteer Infantry, shall hereafter be held and considered to have been mustered in as a member of said company or regiment on May 12, 1862, and honorably discharged therefrom on July 20, 1865: Provided, That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 24, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Scnate January 23, 1912.

COLLECTOR OF INTERNAL REVENUE.

Winston W. Wiseman, of Kentucky, to be collector of internal revenue for the eighth district of Kenutcky, in place of J. Sherman Cooper, resigned. To take effect February 1, 1912.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Isaac C. Kidd to be a lieutenant in the Navy from the 14th day of December, 1911, to fill a vacancy.

The following-named machinists to be chief machinists in the

Navy from the 27th day of December, 1911, upon the completion of six years' service as machinists: Charles S. Wolf, and

George R. C. Thompson.

POSTMASTER.

CALIFORNIA.

Percy L. Mitchell to be postmaster at Scotia, Cal. Office became presidential October 1, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1912.

COLLECTOR OF INTERNAL REVENUE,

Winston W. Wiseman to be collector of internal revenue for the eighth district of Kentucky.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Charles Willard Chapin to be passed assistant surgeon.

Asst. Surg. Edward Ross Marshall to be passed assistant surgeon.

REGISTER OF THE LAND OFFICE.

William F. Brittain to be register of the land office at Buffalo, Wyo.

SURVEYORS GENERAL.

Frank S. Ingalls to be surveyor general of Arizona. John W. March to be surveyor general of New Mexico.

POSTMASTERS.

NORTH DAKOTA.

C. C. Mills, Scranton. Emily D. Prairie, Portal.

HOUSE OF REPRESENTATIVES.

Tuesday, January 23, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

"He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty." Draw us close to Thee by Thy holy influence, O God, our heavenly Father. Take away from our hearts all guile and remove far from us all selfish and petty desires that we may indeed dwell in the secret place of the Most High and ever abide under the shadow of the Almighty; that we may have the broadest conceptions of right and truth and justice; live for ideas and do things worth while, and thus prove ourselves worthy of the intellectual, moral, and spiritual gifts Thou hast bestowed upon us, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and

approved.

RESIGNATION FROM A COMMITTEE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to have the following letter read that it may be put in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to have a letter read. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the

The Clerk read as follows:

JANUARY 22, 1912.

Dear Mr. Johnson: I acknowledge receipt at the hands of your secretary the clipping from the Times, and advise you my resignation from the District Committee has long been contemplated. I had no desire to go on the committee at all, as I advised you early in the session. My resignation is not due to any disagreement with, you, for you have uniformly treated me with courtesy. I have resigned because I can not give the attention I ought to give to the measures you have in hand, and which, as the ranking member of the minority, would require so much of my time as to prejudice other work I have to do for my constituents. eonstituents. Very truly, yours,

J. HAMPTON MOORE.

Hon. Ben Johnson, House of Representatives, Washington, D. C.

ATLANTIC COASTAL SURVEY REPORT.

Mr. FINLEY. Mr. Speaker, I offer the following privileged resolution and ask its consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 374.

Resolved, That there be printed in paper cover, for the use of the document room of the House of Representatives, 2,000 copies of House Document No. 391, Sixty-second Congress, second session.

The committee amendment was read, as follows:

That on line 3 the words "two thousand" be stricken out and the words "one thousand seven hundred" be inserted in lieu thereof.

Mr. FINLEY. Mr. Speaker, I ask for the reading of the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report No. 253 to accompany House resolution 374.

The Committee on Printing having had under consideration the House resolution (H. Res. 374) providing for the printing of 2,000 copies of House Document No. 391, Sixty-second Congress, second session, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment: That on line 3 the words "two thousand" be stricken out and the words "one thousand seven hundred" be inserted in lieu thereof.

The estimated cost will be \$500.

Mr. FINLEY. I yield to the gentleman from Pennsylvania

[Mr. MOORE]

Mr. MOORE of Pennsylvania. Mr. Speaker, this resolution was introduced by my colleague from North Carolina [Mr. SMALL] in response to a very large demand on the part of Members and others for copies of the Atlantic Coastal Survey Report. At the document room we have been unable to obtain more than one copy per Member so far as the House is concerned, and this work having engaged the attention of the engineers now for nearly three years and being looked forward to with great expectancy and interest by the people all along the coast from Maine to Florida, and there being a very heavy demand for the report, it was thought advisable to introduce this measure with a view to having a few more copies of the report printed. The number fixed by the resolution—1,700—will bring the cost of the publication within \$500, the limit of the provision for a House resolution.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. Is this a report from the Engineer Department of the Wey Department?

ment of the War Department?

Mr. MOORE of Pennsylvania. This is the report of the United States engineers on the project of a continuous waterway from New England to Florida; and, of course, there is a very widespread interest in it. I think many Members of the House will substantiate the statement that there is a heavy demand on the part of their constituents for it. This present report pertains to that part of the project which extends from Boston to Beaufort, N. C.

The SPEAKER. The question is on agreeing to the com-

mittee amendment.

The committee amendment was agreed to. The resolution as amended was agreed to.

AMENDMENT OF IMMIGRATION LAWS.

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk. The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 372.

Resolved, That there be printed for the use of the House of Representatives 20,000 copies of Senate Document No. 251, Amendment of Immigration Laws.

Mr. FINLEY. Mr. Speaker, I ask that the report be read. The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report No. 252 to accompany House resolution 372.

Report No. 252 to accompany House resolution 372.

The Committee on Printing, having had under consideration the House resolution (H. Res. 372) providing for the printing of 20,000 copies of Senate Document No. 251, Amendment of Immigration Laws, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$175.03.
The said resolution is as follows:

"Resolved, That there be printed for the use of the House of Representatives 20,000 copies of Senate Document No. 251, Amendment of Immigration Laws."

The SPEAKER. The question is on agreeing to the resolu-

The resolution was agreed to.

NAVIGATION LAWS OF THE UNITED STATES.

Mr. FINLEY. Mr. Speaker, I ask consent for the consideration of the resolution which I send to the Clerk's desk. The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 365.

Resolved, That there be printed and bound in cloth, for the use of the House of Representatives, 1,000 copies of the Navigation Laws of the United States, edition 1911, issued by the Bureau of Navigation of the Department of Commerce and Labor.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report No. 251 to accompany House resolution 365.

Report No. 251 to accompany House resolution 365.

The Committee on Printing, having had under consideration the House resolution (H. Res. 365) providing for the printing of 1,000 copies of the Navigation Laws of the United States, edition 1911, issued by the Bureau of Navigation of the Department of Commerce and Labor, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$459.91.
The said resolution is as follows:

"Resolved, That there be printed and bound in cloth, for the use of the House of Representatives, 1,000 copies of the Navigation Laws of the United States, edition 1911, issued by the Bureau of Navigation of the Department of Commerce and Labor."

The SPEAKER. The question is on agreeing to the resolu-

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 17681, a bill making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, with Mr. GARRETT in the chair.

The CHAIRMAN. When the committee rose on yesterday there was under consideration an amendment proposed by the gentle-man from Texas [Mr. Burleson] by way of substitute for an amendment offered by the gentleman from Illinois [Mr. Foster] to the preceding section.

Mr. BURLESON. Mr. Chairman, some 13 years ago, by reason of the chaotic condition existing at that time in the administration of the funds being appropriated by the General Government for charitable purposes in the District of Columbia, the Congress of the United States created a joint committee to which was referred the entire question relating to charities, with the request that it report to Congress a policy which should be adopted regulating the charities of the District of Columbia

Mr. MANN. How long ago was that?

Mr. BURLESON. About 13 years ago. As the result of most careful consideration given the whole subject by that joint committee a report was made, recommending the creation of a Board of Charities chargeable with the duty of reporting to Congress year by year and advising Congress as to the amounts of money needed for charitable purposes and how they should be expended, and recommending also that the board should advise Congress with reference to any general policy that the Board of Charities should deem advisable in relation to the administration of charity funds.

After 10 years of thoughtful, painstaking, serious consideration given this matter the Board of Charities, at this session of Congress, appeared before the Committee on Appropriations and earnestly recommended that there be brought about a complete divorcement between public and private charities. members of the board directed the attention of the Committee on Appropriations to the fact that, over their protest, during the past 10 years \$750,000, in round numbers, had been appropriated in lump sums to private hospital institutions for the erection of buildings and for improvements upon lands owned by those private institutions. The board brought to the attention of the committee the further fact that, notwithstanding this vast expenditure, the beds in these private institutions subject to the orders of the Board of Charities for indigent patients had been increased only to a very limited degree.

So earnest were the members of the Board of Charities in

their recommendations upon the proposition submitted to us, and so anxious were they that something be done, that they urged that the Board of Charities be abolished and that the reform be adopted at once; that the office of a director of charities be created; and that the nearly million dollars now annually appropriated for charitable and corrective purposes, which is at present administered under the direction of the Board of Charities, be disbursed under the direction of this

new officer whose creation they recommended.

Mr. Chairman, the present Board of Charities is composed of most excellent men of high character, appointed by the President of the United States from all classes and professions. On it they have a lawyer, who stands in the forefront of his profession; a banker, conservative and of sound judgment; a retired physician, than whom none stands higher; and other callings are worthily represented. All religious denominations are represented on the board-Roman Catholics, Protestants, Jews; it even has a negro member. It is as representative a body as could possibly be selected, and this board, notwithstanding that in the inception of its service its members were much divided in their opinions with reference to how charities should be administered in the District of Columbia, has finally reached one conclusion-they are unanimous in the opinion that there should be a complete divorcement between public and private charity. They go to the extent of asserting in the most emphatic way that under the present system of attempting public charity in their private institutions that dependency is encouraged and increased rather than discouraged and diminished.

For reasons that were satisfactory, your committee at this session of Congress refrained from acting upon this recommendation of the Board of Charities, and considered again in detail the various items carried in the bill appropriating to different institutions sums of money for charitable purposes

[The time of Mr. Burleson having expired, by unanimous consent he was granted an extension of 10 minutes.]

There were two Members on the subcommittee who had been acting in that capacity for a number of years, and when we reached the item relating to the Columbia Hospital they were aware of the fact that its buildings were nearly 100 years old, having been erected originally as a private residence and added to from time to time by the erection of wooden structures, and was not at all suitable for hospital purposes. Repeatedly the attention of the subcommittee had been directed to the fact that this old building was a dangerous fire trap; and inasmuch as the Board of Charities had unanimously recommended that it be abandoned for hospital purposes, and inasmuch as the Board of Commissioners had unanimously concurred in the recommendation, we seriously considered the wisdom of embodying in lieu of the provisions relating to the Columbia Hospital the item which I offered yesterday afternoon as a substitute for the amendment offered by the gentleman from Illinois [Mr. Foster] and the two items preceding the one to which the gentleman offered his amendment.

The subcommittee would undoubtedly have acted favorably upon the recommendation of the Board of Charities, concurred

in by the Commissioners of the District, but for certain information which was brought to us by a gentleman connected with the Columbia Hospital, who assured us that the hospital was not a fire trap; that it was not a menace to life; and that by the expenditure of a few thousand dollars it could be made comparatively safe and suitable for hospital purposes

Influenced by these representations, the items relating to Columbia Hospital were continued in this bill as presented to this committee; but now we are surprised by having a proposition brought forward to increase one of these items to the extent of \$28,000 for the declared purpose of making the building safe. Mr. Chairman, if that amendment should be adopted this bill will then carry for Columbia Hospital \$20,000 for general purposes, \$4,500 for the repair of buildings injured by storm, and \$30,000 for general repairs, aggregating \$54,500, and for what purpose? To perform a certain function which should be performed by the General Government and the District of Columbia in the care of certain dependents who have heretofore been cared for and are now being cared for in that institution.

Now, gentlemen, I submit to you this proposition: The money with which we are dealing is not our individual money. It is the money of the General Government and of the District of Columbia, raised by taxation, but I insist that we ought to deal with this money just as carefully and conscientiously as if it were our own. The District Commissioners and the Board of Charities assert, and no man will dispute the proposition, that for \$17,500 a greater service can be rendered for the dependents we seek to care for than for the \$54,500 which is sought now to be carried in this bill for this institution. Is it not our duty to observe economy in the action we are about to take?

The question also presents itself, Are we willing to continue this institution as a hospital? The report alluded to by the gentleman from Illinois was made by Elliott Woods, the able Superintendent of our Capitol Building. I want to read one part of

that report:

The hospital as it stands, particularly the old building, is a standing menace to human life on account of its inferior and nonfireproof construction. Nevertheless the efforts of persons in charge in providing fire escapes, fire hose, and other appliances are commendable; but the interior partitions are so complicated that if ever a fire got a start it is doubtful if patients could be rescued through the complicated passage-

Speaking now of the expenditure of \$30,000 for repairs, to be made of the character indicated by the gentleman from Illinois [Mr. Foster] yesterday afternoon, Mr. Woods uses this language:

The general shape of the building is not suitable for a first-class hospital. Remodeling the interior would, of course, benefit, because rearrangements could be made; but if much money—

Note the words "if much money "-

is to be spent for this purpose I would prefer to tear the entire structure down and build a new hospital.

So in the very report upon which you are asked to increase this item by \$28,000 comes the declaration that the building can not be remodeled, and that it is the part of wisdom to abandon it completely or destroy it and build anew. But I have some data I wish to submit on this same subject. Yesterday afternoon I asked the engineer commissioner to consult with the municipal architect and secure for me a report upon the condition of this building. I send that report to the Clerk's desk, and ask to have read first the letter of the engineer commissioner.

The Clerk read as follows:

ENGINEER COMMISSIONER DISTRICT OF COLUMBIA, Washington, January 23, 1912.

A. S. Burleson,
Chairman Subcommittee on District of Columbia,
House Appropriations Committee, House of Representatives.

Chairman Subcommittee on District of Columbia,
House Appropriations Committee, House of Representatives.

My Dear Mr. Burleson: In response to your request I went over the Columbia Hospital this morning and had the municipal architect accompany me. The latter has been in touch with the physical condition of that hospital for many years.

I inclose herewith a report just submitted to me by the municipal architect.

I also inclose copy of a letter from the superintendent of the Columbia Hospital, who has been there a number of years, and who is not only familiar with its physical condition, but with the opinion expressed thereon by many different persons competent to judge.

In my opinion if the policy toward medical charities adopted unanimously by the Board of Charities and unanimously approved by the Board of Commissioners is not to be followed, and if, on the contrary, the present expensive and vicious dual system of medical charities is to obtain in the future, then doubtless Columbia Hospital should be rebuilt at a cost of about \$300,000. If for financial reasons Congress would desire to defer undertaking the construction of the new building for Columbia Hospital, then it should be with the thought that next year, unless the policy advocated as above described be adopted, Columbia Hospital will be rebuilt. If this action is determined upon, it would seem that at the present time no larger an appropriation than from two to three thousand dollars should be made for Columbia Hospital, just enough to carry current repairs through the year.

The principal building at Columbia Hospital was constructed in 1812 as a private residence. Most of the rest of it consists of oue-story

wooden shacks. The whole plant is without ventilation system and subject to an enormous fire risk. The plant, in its structural features, is absolutely without conveniences for hospital purposes. I know of no theory upon which could be based the opinion that any sum intermediate between \$2,000 or \$3,000 and \$300,000 could be wisely appropriated for this institution.

A further reason for proceeding with the smaller appropriation above mentioned at this time to carry the building through another year is in order that the Board of Charities and the commissioners may have further opportunity to impress upon Congress the desirability of a less expensive and more efficient system of medical charities, which the Board of Charities so urgently presents.

Yours, very respectfully,

W. V. Judson,

W. V. Judson,
Major, Corps of Engineers, United States Army,
Engineer Commissioner District of Columbia.

What I have hastily written above expresses, I am sure, the unanimous opinion of the Board of Charities and the District Commissioners. I concur in the above.

CUNO H. RUDOLPH, Commissioner.

Gen. Johnston is detained at the White House, but concurs in these

Mr. BURLESON. Now, I ask that the Clerk read the letter of the municipal architect.

The CHAIRMAN. If there be no objection, the Clerk will read as requested.

The Clerk read as follows:

Engineer Commissioner District of Columbia, Washington, January 23, 1912.

Maj. William V. Judson.

Corps of Engineers, United States Army,

Engineer Commissioner District of Columbia.

Major: For the past eight years I have been interested in the repairs at the Columbia Hospital.

This is a very old building, constructed, as I believe, for residential purposes nearly 100 years ago.

The building is entirely unsuited for hospital purposes, deficient in light, ventilation, and structural stability. The means of communication are circuitous, indirect, and inconvenient, and as the building is not constructed of fire-resisting material, but, on the contrary, contains a large amount of highly combustible material, these narrow and badly constructed stairways and passages add greatly to the danger in case of fire.

constructed stairways and passages add greatly to the uanger in confire.

The floor spans are excessive, and the shrinking material affords lodgment for dust and dirt, which renders it almost impossible to keep the building in sanitary condition.

After the inspection this morning with you I can not estimate a sum sufficient to repair this building without such extensive alterations as to amount to rebuilding.

I would therefore recommend that no attempt be made to reconstruct the present building, as after such reconstruction the building would still be a makeshift, and I would recommend that no money be expended except the usual amount for minor repairs, due to wear and tear, with a view to the construction of a modern fireproof hospital.

Respectfully,

Snowden Ashford,

Snowden Ashford, Municipal Architect, District of Columbia.

Mr. BURLESON. I now ask that the letter from the superintendent of the hospital be read.

The Clerk read as follows:

COLUMBIA HOSPITAL FOR WOMEN,
PENNSYLVANIA AVENUE AND TWENTY-FIFTH STREET,
Washington, D. C., January 23, 1912.

Maj. W. V. Judson, Engineer Commissioner District of Columbia.

Engineer Commissioner District of Columbia.

My Dear Sir: Replying to your inquiry this morning concerning my opinion relative to the necessity of a new building for the purpose for which it is now used and was originally intended to be used, i. e., a special hospital for the care and treatment of diseases peculiar to women, I desire to say that this building can not be repaired, in my judgment, in a suitable way, and should be replaced by a modern structure as soon as possible, if it is decided that we are to continue hospital work here.

Very respectfully,

J. O. Skinner, M. D.,

Superintendent.

J. O. SKINNER, M. D., Superintendent.

Mr. BURLESON. Now, Mr. Chairman, we have heard the opinion expressed by the engineer commissioner, by the municipal architect, and by the superintendent of the hospital, all confirming the statement made by Elliott Woods, the Superintendent of the Capitol, in his report, in effect that any expenditure in excess of a few thousand on this building will be a waste of money.

Furthermore, in view of the statements contained in these letters, I want to say that I am unwilling to longer be responsible for maintaining a hospital at the Columbia Hospital Building. For years the fact has been forced on our attention that it is a fire trap; that it is extremely dangerous; and, after we have had a unanimous recommendation from the Board of Charities that it be abandoned, after we have had this recommendation unanimously concurred in by the board of commissioners, after we have had this statement from the municipal architect and the superintendent of the hospital, I insist that the sub-stitute I have offered should be adopted, and that \$17,500 be appropriated as indicated, and I assert that such appropriation will accomplish more than can be accomplished by the \$54,500, now insisted on by those who support the amendment offered by the gentleman from Illinois [Mr. Foster]. This hospital should be abandoned, and I earnestly hope that the amendment offered by the gentleman from Illinois will be voted down and the

substitute I have offered be adopted. If this is done this hospital will be closed, and this is what shoula be done.

Mr. FOSTER of Illinois. Mr. Chairman, the proposition offered by the gentleman from Texas as a substitute for my motion of yesterday to increase the appropriation for repairs of this building to \$30,000 means the closing of this hospital. As I told you on yesterday, for a number of years we have been expending hundreds of thousands of dollars for the purpose of erecting buildings and buying grounds for private hospitals of which this Government does not own one cent's worth. The Board of Charities, to which the gentleman from Texas has referred, has been for years opposed to this institution. Why? Because that same Board of Charities, whose opinion you are now expected to take, has been against any hospital of this character, and for a great municipal hospital to be erected in the District of Columbia.

We are now taking care of the indigent poor in the city of Washington for less than would be required if we had a municipal hospital. And, more than that, Mr. Chairman, if you erect a great municipal hospital in the city of Washington it becomes necessary for you to erect in certain parts of the city emergency hospitals, or you must depend upon hospitals now private in character to take care of emergency cases, which is unfair to them.

I submit that this amendment is in line and keeping with the rule of the Government which has existed for more than 40 years, to spend money on private institutions and abandon Government property. The gentleman from Texas has offered Government property. The gentleman from Texas has offered no argument here this morning why a hospital of this kind should not be maintained in the city of Washington. I submit to you that in every city in the land you will find a hospital of this character maintained where patients of the character which are taken in here are properly cared for.

I should very much regret to see this hospital closed, because it means, in the end, as this Board of Charities is an enemy to hospitals of this kind, in forever closing it to the people of

Washington.

I will state that not a long time ago the fire chief examined this hospital and said that it was true that there was a great deal of inflammable material there, but he commended the institution in what they had done to prevent fires. The fire marshal has gone there again, and his recommendation is, or his finding is, that the hospital is equipped with all the modern appliances of fighting fire, and is much better equipped to fight fire than it was 10 years ago.

Now, Mr. Chairman, the gentleman from Texas did not read all the report of Mr. Elliott Woods, Superintendent of the Capitol Grounds, to which I referred yesterday. The Superintendent of the Capitol Buildings and Grounds says:

A sum not less than \$30,000 will be required to remodel the interior within the outstanding walls, which are fairly good, and make that interior fireproof. To do anything less than this will be of little avail. Of course, \$10,000 might repair some of the plastering, put in iron stairways, and reinstall the electric wires, which are in very bad shape, but that would still leave the building proper in a nonfireproof state.

So I submit that the report of Mr. Woods says that the \$30,000 would place the building in a condition where it would be fireproof and would be safe for patients of this character.

The CHAIRMAN (Mr. HAY). The time of the gentleman

from Illinois has expired. Mr. BURLESON. Mr. Chairman, I ask unanimous consent

that the gentleman be permitted to continue for 10 minutes. The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. Mr. Chairman, I agree that it would be useless to spend this \$10,000 as suggested by the Superintendent of Capitol Building and Grounds, but believe, as he has said here, because I have a faith in his ability as an architect, that for \$30,000 he can place this institution in such condition that it will be a proper place in which to care for patients of this kind. Mr. Chairman, as a medical man who has had something to do with the practice of medicine for several years and with this class of patients, I submit to you that they ought not to be taken away to institutions where they can not be cared for as they can in an institution of this kind. It is true that charity patients may be put in any sort of an institution or any sort of a place, but I submit, Mr. Chairman, that when we commence charity we should not consider that we must provide only as little as is possible. We should feel it our duty as men to stand up and do for a class of patients who are indigent and unable to take care of themselves, though it may be true in some cases that this condition was brought about through vice or some other cause. I submit that it is humanity to take care of this class of patients and treat them as human beings. I believe, Mr. Chairman, that this city should have an institution of the kind that this is

where we may properly care for patients who are placed in that

kind of a hospital.

This institution has done good work. There is no question as to that. There is not a physician in the city of Washington who would come to you and say one word against this institution, but the remarkable thing has been in all these years with so little attention paid to the interior of this building in order to place it in proper condition that the results have been as There is not an institution in the city of good as they have. Washington where better results are obtained than in the Columbia Hospital. So, Mr. Chairman, I hope that the amendment which the gentleman from Texas offers as a substitute will not prevail, but that this Congress will go ahead and improve its own property, keep its own property in a proper condition to take care of this class of patients, and when the proper time does come that we may erect upon this site, the most beautiful site in the city, an institution where we can treat patients properly, as they ought to be treated, in a better condition than can be done in the old building.

Mr. CALDER. Mr. Chairman, I have read the report and recommendation of Mr. Woods covering this building. no personal knowledge of the amount of work carried on in hospital, but I strongly oppose, Mr. Chairman, the appropriation of any considerable amount of money for improving It is all right to appropriate a limited amount this institution. to make necessary repairs. For my part I would refuse to appropriate any money for it, stop using it, and build a new institution. I believe this city ought to have a hospital for this purpose entirely fireproof, and I know from my personal experience as a builder, and having had the enforcement of the building laws in the city of New York for a period of two years some time ago, that it is impossible to make these old buildings fire-You might build fire escapes or fireproof stairways and make temporary improvements in the building, but it is out of the question to make an old building absolutely fireproof, and so I think it is better either simply to make the absolutely necessary appropriations to tide over some temporary occasion or else abandon the institution and give us a fireproof building.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Texas in charge of the bill for a little information? The bill now carries, as I understand, \$26,500 altogether for this hos-

pital.

Mr. BURLESON. With the amendment it carries \$54,500.

Mr. MANN. I say the bill now carries \$26,500. Mr. BURLESON. Twenty-six thousand five hundred.

Mr. MANN. Of which \$20,000 is for care and treatment.

Mr. BURLESON. Of dependents.

Mr. MANN. The amendment offered by the gentleman from Texas proposes to substitute the sum of \$17,500 for the entire amount, I take it, on the theory that the maintenance of the hospital for the fiscal year is to be abandoned.

Mr. BURLESON. That is the theory upon which it is offered. Mr. MANN. In the gentleman's opinion if we should appropriate the \$30,000 as proposed by my colleague for repairs,

would that be a practical waste of money?

Mr. BURLESON. That is the opinion of the engineer commissioner, the municipal architect, the superintendent of the building, and a careful reading of Mr. Woods's report will indicate the same thing, and it is also my opinion, which is very

Mr. MANN. The gentleman's opinion is very valuable to me, If it should be decided to maintain this hospital as a governmental hospital, is it the gentleman's opinion that in the future or within a near period of time it will be necessary to construct a new building?

Mr. BURLESON. Absolutely; if we intend to continue this as a hospital we ought to appropriate \$300,000 for a permanent

building.

Now, the gentleman's amendment proposes . The bill already carries \$20,000 for care and treat-Would not the gentleman be willing to make his amend-\$17,500. ment so read that that sum is not cut down in the amount for the care and treatment of patients?

Mr. BURLESON. I would, and I will state to the gentleman that these figures are not my figures. They are the figures of the Board of Charities, confirmed by the commissioners, and they stated to us they could care for a greater number for the \$17,500 than would be cared for by the expenditure of the \$20,000; but I am perfectly willing to cover the \$20,000, and will accept an amendment to that effect.

Mr. MANN. It is problematical what the cost will be, and I think we should not appropriate less money for care and treatment when our doubt is, perhaps, the other way-

Mr. BURLESON. I will accept an amendment to increase the amount to \$20,000.

The CHAIRMAN. The question is on agreeing to the substitute as proposed by the gentleman from Texas.

Mr. MANN. Mr. Chairman, there was a point of order reserved on the substitute. I am not sure whether it is supposed to be reserved by my colleague [Mr. Foster of Illinois] or myself. If it was proposed to be reserved by myself, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws

the point of order.

Mr. FOSTER of Illinois. Mr. Chairman, just one word, with the indulgence of the committee. I reserved the point of order upon this, but I do not desire to insist upon the point of order for this reason: I agree we have passed that item in the bill appropriating this amount of money, but I feel this, that if we are not to appropriate a sufficient sum to put this building in proper condition, which is Government property, and we want to throw away that much Government property, then I do not desire to appropriate anything. The little amount of \$2,500 would only be a little patchwork, which has been done in the last 40 years upon property owned by this Government. I withdraw the point of order.

Mr. COX of Ohio. Mr. Chairman-

The CHAIRMAN. Does the gentleman care to change his substitute?

Mr. BURLESON. The amendment to read \$20,000 instead of \$17,500. I accept the suggestion of the gentleman from Illinois. The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Foster] to the substitute

offered by the gentleman from Texas [Mr. Burleson].

Mr. COX of Ohio. Mr. Chairman, I would like to be heard on the amendment. There is only one question to be considered by the committee in connection with the substitute offered by the gentleman from Texas [Mr. Burleson] for the amendment offered by the gentleman from Illinois [Mr. Foster], and that is this: Is it a prudent expenditure to appropriate \$30,000 for the presumed remodeling of the old Columbia Hospital? Now, the truth of the matter is that this old building was constructed in 1812 for residential purposes. There is not one feature or phase of the construction nor of the arrangement of the main building or the auxiliary building which is adapted to hospital purposes.

Mr. FOSTER of Illinois. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. COX of Ohio. With pleasure.

Mr. FOSTER of Illinois. What does the gentleman think we ought to do with the property out there? Do you want to abandon a hospital of this kind altogether and permit this property to be used for some other purposes?

Mr. COX of Ohio. I will endeavor to reply to the gentleman's question at the proper juncture. The gentleman admitted yesterday that with the \$30,000 we would tear out the old partitions. They would, perchance, also change the stairways. He was not prepared, however, to say to the committee that there would be sufficient funds to tear out the floors.

Mr. FOSTER of Illinois. I submit to the gentleman you could go to any hospital in the city and find wooden floors. You do not mean to say there are any of them that have not

wooden floors?

Mr. COX of Ohio. I want to say to my colleague that he will not find any floors in any hospital on earth, I think, which are anything like the old floors in this building. They are filled with old-style timbers; and I submit that it is the height of folly to put \$30,000 into this building for partitions and leave the old combustible floors. Now, is there an emergency here requiring the expenditure of \$30,000 on this building? Are there conditions requiring the use at all of the Columbia Hospital? The facts negative that suggestion. The truth is that there are abundant facilities now in the other hospitals in this city to take care of the indigent sick, and, as a matter of fact, the Board of Charities, without reserve, report that with the closing up of the Columbia Hospital entirely they can promote both efficiency and economy in the service.

Now, I want to reply to my colleague's question with respect to what shall be done with this property. Your committee was confronted with two propositions. One was submitted by the Board of Charities, and it carried with it the recommendation of the District Commissioners, that the contract system for caring for the indigent sick in the District be done away with and that a project be put under way in behalf of a large municipal hospital. The committee was not prepared at this time to accept the recommendation. We find, in going into the history of charities in the District of Columbia, that a good many years ago it was the practice of these hospitals to come up to the

Committee on Appropriations and procure lump-sum appropriations, which were given over to the several institutions by specific items. In the opinion of the Board of Charities this custom threatened the absolute undoing of a workable system for charitable work in the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Ohio. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX of Ohio. The plan was then changed and the indi-gent poor were located in the different hospitals under the direction of the Board of Charities, and these institutions were paid so much per day per head. And that plan and system has worked very well. We had useful information on this subject before the subcommittee, presented by the chairman of the Committee on Appropriations [Mr. FITZGERALD] himself. He made the statement that in the great city of New York experience had taught the organizations there having to do with these charitable works the expediency of maintaining the contract system in taking care of the indigent poor, and that the building and maintaining of municipal and county hospitals were not a prudent thing. So the committee determined that for the time, at least, the old system would be continued and the Board of Charities would be given an appropriation sufficient to take care of the indigent poor in this District. It was the purpose of the committee to make no appropriation whatsoever for the Columbia Hospital, but owing to the persuasive eloquence of my friend from Illinois [Mr. Foster] we receded from that position. We asked him whether or not the Columbia Hospital was, as a matter of fact, a fire trap. He said he believed not, and it was upon his recommendation that the committee receded from the position which it had tentatively assumed.

When the gentleman from Illinois saw that the responsibility rested largely with him, he made a trip to Columbia Hospital, and as a result of his suggestion, I believe, Mr. Woods, the Superintendent of the Capitol Buildings and Grounds, made his statement. We have his statement here that this is an old and combustible building. We have the report also of the municipal architect that it is a mere act of folly to consider the appro-

priation of this sum of money.

Now, the gentleman from Illinois should, in his statement to the committee, remind us that there is only a mere shadow of sentiment clustering around the old Columbia Hospital, and that the mere circumstance of the Government owning the ground does not justify the contention that we should continue to make appropriations for the maintenance of the place.

The CHAIRMAN. The time of the gentleman has again

expired.

Mr. FOSTER of Illinois. I ask, Mr. Chairman, that the gen-

tleman be allowed two minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. Foster] asks unanimous consent that the time of the gentleman from Ohio [Mr. Cox] be extended two minutes more. Is there ob-

There was no objection.

Mr. COX of Ohio. Now, Columbia Hospital came into being under these circumstances: During the Civil War, when the wives of soldiers were here, to be as near as possible to their husbands, it was desirable to establish that sort of an institution for the care of the wives at the time of confinement. The institution was built in connection with an emergency at that time, and it should have been discontinued when the emergency passed. There is no emergency at this moment calling for the continued appropriation of money for the Columbia Hospital. The Board of Charities reported that there are ample facilities in the other institutions, and I insist that it is nothing short of a crime to continue to appropriate money and keep this institution running. The architects report that the wiring of the place is immodern, and that as a result of short circuits it is apt to take fire at any time. Any Member of this House who votes to continue that institution under its present conditions is taking a great responsibility on his shoul-

I earnestly hope that this amendment providing for the expenditure of \$30,000 on the old building that was put up as a residence 100 years ago will be voted down. [Cries of " Vote!

Mr. SAUNDERS. Mr. Chairman, an apparently simple amendment offered on the part of a Member from the floor to an appropriation bill, or for that matter to any other bill, often imposes on the committee having the bill in charge, the necessity for a somewhat elaborate explanation. The details carried in an appropriation bill, are frequently merely parts of one large and comprehensive scheme. When one of these details is assailed, in order that the committee may justify its action in that regard it must often submit, as I have said, an extensive

explanatory statement.

The gentleman from Illinois [Mr. Foster] says that the Board of Charities have been opposed to this particular hospital, its maintenance, and continuance. May it not be fairly assumed that the members of this Board of Charities, charged with a distinct public function in respect to this hospital, are opposed to its continuance merely because they conceive that such continuance is unwise, and not in the interest of the very people with respect to whose care the board is charged with a specific duty

Mr. FOSTER of Illinois. Mr. Chairman, will the gentleman

permit a question there?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SAUNDERS. Yes.

Mr. FOSTER of Illinois. Does not the gentleman also recognize the fact that one member of the Board of Charities seeks each year to secure a little more appropriation for the hospital with which he is connected?

Mr. SAUNDERS. I am not aware that such is the fact. So far as the Board of Charities are concerned, I understand that they desire to be abolished. So far from seeking aggrandizement for themselves, or for the board, the members of that board desire the same to be discontinued by law. The discharge of their present functions merely serves to bring to them harassment, and not approbation, or support in any form.

The proposition of the gentleman from Illinois means simply this, that we shall tie ourselves to the perpetuation of a build-ing which is in no respect suitable, or fitted for a modern hos-

I am free to say that so far as the committee is concerned, from all the information that we could secure from persons charged with the duty of affording us information of value, we are practically a unit in holding that this hospital as such, ought to go out of existence. The Commissioners of the District, and the Board of Charities, are agreed that with a less amount than is now appropriated for the care of patients at this particular hospital, such patients may be cared for fully as well, and possibly better, by contract with other institutions. The patients in this particular institution are at present cared for by virtue of a contract. If the House will look at the report of Superintendent Woods, it will be noted that his distinct recommendation is to the effect that in lieu of appropriating \$30,000 for the repair of an old building, erected in 1812 and long since out of date for the uses of a modern hospital, he advises that the whole structure ought to be razed to the ground, and a new and appropriate modern structure erected on the site. This would cost something like \$300,000. As a part of the entire scheme for the care of patients in the District of Columbia, the commissioners hold that we ought to abandon this hospital, rather than undertake to keep it on its tottering legs by additional appropriations for repairs, and construction work. In pursuance of the recommendations of all the persons charged with looking after hospital service in the District of Columbia, we ought to provide for the care, support and attention of the particular patients who are now sent to this hospital by contract with other institutions. I hope that the House in its action on this matter will bear in mind the facts that have been submitted.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FITZGERALD. I ask that the gentleman's time be extended five minutes

There was no objection.

Mr. SAUNDERS. I have practically finished what I set out to say, and so do not care to weary the Committee of the Whole. But if the committee will consider all the facts, it will see that the Committee on Appropriations have not acted in this matter in a spirit of hostility to this particular institution. They have not been unmindful of the interests of the patients who are now cared for there, but have acted deliberately and with knowledge, and with full assurance on their part that as a part of the entire scheme for the care of indigent patients of this character in Washington, we will be able to provide for them more satisfactorily and economically by contract with other hospitals, than with Columbia. Still from some measure of sentimental regard for this hospital, and from the representations that have been made to us, we have been willing to report a certain amount for the care of patients for another year. This simply tides it along, as it were. It is against our judgment, and against the information that has come to us. It is contrary to the best interests of this city. It is contrary to the best interests of these particular patients. We have taken this step as the result of the almost pathetic and pleading representations that have been made to us. Now we are asked to

do something that we submit is directly contrary to the course that wisdom, experience, knowledge, and prudence would sug-We are asked, against the recommendation of the superintendent, against the recommendation of the commissioners, against the recommendation of the Board of Charities, and against the full effect of the testimony before us, to appropriate \$30,000 in the vain effort to make of this building something that we can never make of it, that is an adequate modern We all know what it is to overhaul old buildings. We have seen the effort made time and again with respect to an old hotel, to seek by reconstruction and overhauling to make it a modern hostelry. The effort always fails, because these old buildings, that were constructed under different theories of service, under different plans, and different conditions, can not be reequipped, rearranged and remodeled so as to make modern buildings out of them. What is true with respect to a hotel, is a fortiori true with respect to a hospital, the theory and conception of which has so radically changed with advancing

Mr. Speaker, that the committee will pause before I ask, it commits itself to a policy to which the committee is so strongly opposed. To appropriate for the reconstruction of Columbia Hospital, is a policy which the Committee on Appropriations can not approve. It is a policy at variance with the general scheme of hospital service approved by the commis-

sioners and the Board of Charities.

Mr. FITZGERALD. Mr. Chairman, if this were a question of appropriating sufficient funds to put this building in a condi-tion to be utilized for the purposes for which it is maintained, a different question might be presented. But the overwhelming evidence before the committee is that the expenditure of \$30,000 in repairs upon this building will then give a building that will be inadequate and unfit for the purposes for which it is to be used and still leave it a dangerous place in which to give medical attendance to the patients to be provided for therein.

If this institution is not to be maintained, a new building should be built. If the new building is not to be erected, in my opinion, from the information laid before the committee, which I have examined carefully, the institution should be closed.

Mr. CANNON. Will the gentleman from New York yield for

a question?

Mr. FITZGERALD. I will yield to the gentleman from Illinois.

Mr. CANNON. Is there an amendment pending by way of substitute to appropriate any sum-say \$300,000-for the erection of a new building?

Mr. FITZGERALD. There is not. The pending substitute is an amendment appropriating \$17,500 to enable the Board of Charities to care for cases, which will otherwise be sent to the Columbia Hospital, in other hospitals under contract.

Mr. CANNON. I quite agree to that as an amendment; but perhaps the best test as to whether this institution should be continued or not would be, in the event that amendment is voted down, to offer another substitute to do what ought to be done if this institution is to be continued as a hospital, and that is to appropriate at least \$300,000 for a new building. I think I shall offer such an amendment. Of course, if there is a substitute pending now it would not be in order.

Mr. FITZGERALD. If such a substitute be offered, there will be time then for discussion. There is no information before the committee to justify an appropriation of \$300,000, or any other sum, for a new building for this institution. There is no information whatever, even if Members favored such a building, upon which an estimate could be based as to what it would cost: but, Mr. Chairman, there is no question whatever that either a new building should be constructed for the purposes of this institution or the present building should be abandoned. The committee recommend in this bill \$6,450 for repairs; \$4,500 of that amount is to replace a roof upon the nurses' home, which was blown off in a storm, and \$2,000 for current repairs.

At my suggestion the gentleman from Illinois [Mr. Foster], trustee of that institution, requested Mr. Elliott Woods to visit the institution with him and make an investigation. After Mr. Woods had made his own investigation he sent two of his experts to go over the building, and he reports that \$10,000 will be thrown away absolutely in attempting to repair it.

He reports that at least \$30,000 would be required for repairs, but that it would be much more profitable to tear the building down. The reason is that the main part of the building was 1812 for a private residence. It is impossible by the expenditure of any amount of money to so reconstruct it as to make a modern hospital that would be satisfactory for the purposes designed.

Mr. Chairman, we have in the District what seems to me an admirable system of caring for the indigent cases of the District. Prior to 1902 a lump appropriation was made to the various institutions regardless of the service rendered. At that time the work was placed under the Board of Charities, which contracts with various institutions for the services rendered. It fixes the cost per capita and passes on the cases which are supposed to be indigent and a public charge.

From my investigation I believe it to be the best system devised for the care of indigent cases in the municipality. There is some difference of opinion as to what is the better system, but until the present year the position of the Board of Charities in this District was strongly favorable to the existing system. I believe that system should be continued. It is not essential to change that system for Congress to assume a responsibility of maintaining an institution which is a menace to persons who

are placed in it.

It seems to me, realizing the responsibilities that come to Members of Congress, that it would be most unfair to make an appropriation under the guise of placing this institution in condition to properly discharge its functions, when the information is that after the money has been expended Members would still have the responsibility placed upon them of maintaining an institution inadequate for the uses to which it was put. Under the conditions disclosed, and in view of all the information in possession of the committee, I shall support the substitute offered by the gentleman from Texas [Mr. Burleson], believing that the Board of Charities will be able to care for the cases which properly are charges upon the District of Columbia, by entering into contracts with existing institutions and having the services performed in the most satisfactory manner possible under the supervision and control of Government officials.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois [Mr. FOSTER].

The question was taken; and on a division (demanded by Mr.

FOSTER of Illinois), there were—ayes 3, noes 27.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. Mann] to the substitute offered by the gentleman from Texas [Mr. Burleson].
Mr. CALDER. Mr. Chairman, may we not have that amend-

ment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. FOSTER of Illinois), there were—ayes 32, noes 11.

So the amendment to the substitute was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Texas, as amended.

The question was taken, and the substitute was agreed to. Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment as a new paragraph to follow the amendment of the gentleman from Texas just agreed to.

The Clerk read as follows:

To procure plans and specifications for the erection of a women's hospital and lying-in asylum, to be erected on the present site of Columbia Hospital, \$5,006.

Mr. BURLESON. Mr. Chairman, upon that I reserve the point of order.

Mr. FOSTER of Illinois. Mr. Chairman, the House has declded by an overwhelming majority not to repair the present building on the site of Columbia Hospital. years Congress has each year tightened its grasp upon the throat of Columbia Hospital, until now it seems that a Democratic Congress is about to squeeze it a little tighter and choke it off entirely, when, with a little nourishment, the patient would be restored to health and would go along and do useful work in the world. This amendment I am now offering asks only that plans and specifications shall be secured for the building of a new hospital upon the present site. I submit the amendment in order to test this House, to see whether it desires to abandon this institution, which for so many years has done such good work, as is attested by the physicians of the District of Columbia, to see if it is to be thrown out entirely, and this board of charity to be permitted to come in and establish a municipal hospital which they have recommended year after year. In 1907 or 1908, I think it was, they said they recommended nothing for this hospital, but that they would come in in a couple of years and ask Congress to appropriate for a municipal hospital. In view of these facts, if Congress desires to abandon the idea of having a hospital of this kind in the District of Columbia it ought to be known, and it ought to say so at this time.

Mr. BURLESON. Mr. Chairman, I make the point of order on the amendment. I will simply state this, that a few years ago an appropriation was agreed to for the purchase of a site for a municipal hospital. The site has been purchased, and there is no recommendation upon the part of the District Com-missioners or the Board of Charities or anybody else for the erection of a new hospital, except those who are immediately conected with this institution. I make the point of order that it is legislation upon an appropriation bill.

Mr. FOSTER of Illinois. Mr. Chairman, one minute. 1907 the Board of Charities said that in two years they would expect to ask Congress to appropriate for a municipal hospital.

Mr. BURLESON. Yes; but they abandoned that, and now earnestly recommend that a hospital be erected at another place. make the point of order.

The CHAIRMAN. The Chair thinks it is clearly legislation on an appropriation bill and therefore sustains the point of

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Byrns of Tennessee

The committee informally rose; and Mr. BYRNS of Tennessee having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2748. An act for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724 in Washington D. C. all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District:

S. 3587. An act providing for the payment of certain sums found due by the auditor of the Supreme Court of the District of Columbia, under the provisions of the act approved March 4, 1909, chapter 306;

S. 3856. An act relative to the establishment of post-lantern lights on the St. Croix River, including Lake St. Croix, Wis. and Minn.;

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs-collection district of Cuyahoga, Ohio, and for other purposes;

S. 296. An act to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg.;

S. 1653. An act to provide American register for the steam yacht Diana;

S. 3776. An act permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana;

S. 462. An act for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased

S. 271. An act to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication;

S. 1150. An act to provide for an additional judge of the district court for the district of Massachusetts;

S. 4041. An act for the relief of Elizabeth Muhleman, widow, and heirs at law of Samuel A. Muhleman, deceased; S. 3469. An act for the relief of the American Surety Co., of

New York;

S. 1293. An act for the relief of Herbert Thompson; S. 2127. An act for the relief of the heirs of Robert S. Gill. S. 2311. An act for the relief of Bellevadorah Steele;

S. 2628. An act for the relief of Libbie Arnold; S. 2611. An act for the relief of the estate of John Stewart,

S. 269. An act referring the claim of the State of Rhode Island to the Court of Claims for adjudication;

S. 2749. An act authorizing the State Department to deliver to certain persons gifts from the governments of foreign states; S. 67. An act for the relief of Capt. Joseph Herring, United

States Army, retired;

S. 3475. An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota;

S. 4033. An act for the relief of Warren E. Day.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the con-

currence of the House of Representatives was requested:
H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia; and

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

The message also announced that the Senate had passed

without amendment bills of the following titles:

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake, in Louisiana;

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy River:

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark.;

H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River; and

H. R. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Tuberculosis Hospital: Superintendent, \$1,800; resident physician, \$480; 1 pharmacist and clerk, 1 superintendent of nurses, and 1 engineer, at \$720 each; pathologist, \$300; 1 matron, 1 chief cook, 1 assistant copineer, 1 laundryman, and 7 graduate nurses, at \$600 each; assistant cook, \$360; 2 assistant cooks, at \$180 each; assistant engineer, \$480; elevator conductor, \$300; 3 laundresses, at \$240 each; 1 farmer, 1 laborer, 1 night watchman, 3 orderlies, and 1 assistant laundryman, at \$360 each; 2 ward maids and 4 servants, at \$180 each; in all, \$17,160.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. We have established in the city of Washington a tuberculosis hospital. I have had occasion in the past to visit this institution, and I have observed in the hearings of the Board of Charities that they have commended most highly this institution. I wish that every Member of this House could go and visit that institution. I wish that they could visit it at a time when they might observe some of the things extolled so highly by this Board of Charities. During the last summer I had occasion to visit an old friend who was located in that institution because he was afflicted with this horrible disease; and I want to say, Mr. Chairman, to this House, notwithstanding the great recommendation of this Board of Charities, that this institution, to my mind, is conducted in a bad way; and I want to say that of all the institutions I have visited in the city of Washington not one of them that I have ever seen was conducted in such a horrible manner as this tuberculosis hospital. I mention this fact that the attention of the Board of Charities may be called to this matter, and that if possible they may remedy the conditions that exist there. I found men there who were Christian men-men who were not accustomed in their lifetime to be associated with men of the character which no Christian wants to associate with, but there they were compelled to stay in wards with that class of men. Are men to put up with that kind of treatment under conditions which we call charity? Has there come in this country a time when charity means that people who are unfortunate must put up with anything that the public sees fit to give them, or ought we as American citizens here, standing in this Congress as the Representatives of our people, demand that when people are compelled to be placed in such institutions that they may there have some of the rights of an American citizen and of a human being? So, Mr. Chairman, I only call attention to these matters that the Board of Charities and this superintendent may take some action in these matters.

Mr. BURLESON. Mr. Chairman, I hold no brief for the defense of the Board of Charities, but there has been great hostility aroused on the part of those institutions in this city which have heretofore been the beneficiaries of the appropriations that we make in this bill for charity because the Board of Charities has recommended the abandonment of that system. The Board of Charities has control of this tuberculosis hospital. It was erected under their direction and management. The plans for the institution were prepared by one of the greatest experts in this country, possessing a knowledge of the char-

acter of the institution that should be erected for the care of tubercular patients. It has been conducted upon a very high state of efficiency. They have cared for a larger number of tubercular patients since the erection of that hospital than have ever been cared for in the history of this city. There has been a material decrease in the percentage of those afflicted with disease since this hospital has been erected. been a marked diminution in the percentage of the persons afflicted with that disease annually, or contracting that disease, since this hospital was erected. I have never made a visit to the hospital. I am not a physician. I would not know probably or have as much information as the gentleman from Illinois if I did make a visit there, but I think it is only due to these men who are gentlemen of as high character as can be found in this town, who are doing a gratuitous service, who devote hours, days, and weeks of their time, without any compensation whatever, to the discharge of a public duty—I think it is only due to them to say that, as far as those with whom they have been brought into contact are concerned, they have

their confidence in every particular.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For maintenance of feeble-minded children (white and colored), \$16,000.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. I observe in this item that it has been reduced from \$20,000 to \$16,000.

Mr. BURLESON. For the information of the gentleman I will state that in 1909 \$16,000 was appropriated for that purpose and \$13,352.57 was expended. In 1910, \$16,000 was appropriated and \$12,921.62 was expended. In 1911, \$20,000 was appropriated and an unexpended balance of nearly \$5,000 remains, and we had information that it would not be needed, and consequently in the interest of good administration reduced that item by \$4,000.

Mr. FOSTER of Illinois. Mr. Chairman, I withdraw the pro

forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: Superintendent, \$1,200; janitor, \$360; cook, \$360; maintenance, \$4,000; in all, \$5,920, to be expended under the direction of the Commissioners of the District of Columbia.

Mr. DYER. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, lines 5 and 6, page 89, by striking out the words "one thousand two" and inserting in lieu thereof the word "fifteen."

Mr. BURLESON. Mr. Chairman, I reserve a point of order on that.

Mr. DYER. Mr. Chairman, I do not think the gentleman should make a point of order on the amendment. wanted to say, Mr. Chairman, in connection with this matter is that this is one of the best institutions of its kind in the country in the way of temporary good that it does to the ex soldiers and sailors who are here, perhaps, temporarily. They come from every State in the Union. I have before me a copy of the report of the board that has the management of this insti-The board consists of Grand Army men, and they have submitted a report, as they do from year to year. And I want to call the attention of the committee a minute to what this home is doing.

During the year ending June 30, 1911, they took care of 536 ex soldiers and sailors of different wars. The daily average of inmates at that home was 26. The highest number at any one time was 40. The least number at any one time was 10. Those who were sent to soldiers' homes from this institution numbered 90, and the number of positions secured for immates

My amendment is to increase the allowance for the superintendent in order that a small sum may be paid for the matron's services. I recognize that, perhaps, to introduce an amendment to create an allowance to the matron would be subject to a point of order. Therefore I made the amendment to increase the salary of the superintendent, in order that the superintendent's wife, who gives all of her time to nursing sick men who come to this institution from time to time, might receive something in the way of compensation for her services. I the sick old soldiers who come there from time to time.

This board in its report upon this institution for the time I mentioned says, speaking of the superintendent of the home:

He has been in the employ of the board of management for 14 years, and he is known for his kindness, his executive ability, and his firmness in the management of the home. His wife has acted as matron for the home without pay for a number of years, and has been an angel in disguise in nursing and in the care of the sick ones in the home.

I think, Mr. Chairman, that we could, without crippling the finances of the Government, allow the small sum of \$300 a year for this coming fiscal year to be paid to the wife of this super-I have been to this home and have examined it. I have been in every nook and corner of it and know the way that they care for ex-soldiers.

Mr. BURLESON. What assurance have we that the wife will get this money if we increase the superintendent's salary?

Mr. DYER. I have talked to the board of management, will say to the gentleman from Texas, and I told them I doubted if an allowance could be had here for her by introducing a special provision providing for a matron. I know the aptness of the gentleman from Texas [Mr. Burleson] in making points of order on this bill, and therefore I took the matter up of increasing the superintendent's salary, with the understanding that the matron would receive \$25 a month. There are no womenfolks in this institution, I will say to the gentleman from Texas, except the wife of this superintendent; and those of us who have had any experience in hospitals or in illness during army life understand that the good and kind ministrations of a woman nurse are much more beneficial than those of men nurses; and when, for such a small pittance, we can have the continued services and help and assistance of this good woman to look after these old soldiers and to make soldiers who come here from the State of Texas and from Virginia and from Missouri-

Mr. BURLESON. I am satisfied that no Texas soldier ever availed himself of this privilege.

Mr. DYER. The gentleman is not acquainted with the home. I am satisfied if he will go there he will find that during the past year, from the record, that there have been men there during the year from practically every State of the Union.

Mr. BURLESON. They may have said so, but they were not from Texas.

Mr. DYER. Texas is a pretty big State and has produced some very good soldiers in its time.

Mr. BURLESON. Not of this kind.

Mr. DYER. They come to Washington looking up their Congressmen, trying to find out why they have not secured pensions, and so on, and they get stranded here. This home is for the purpose of taking care of them for a short period until they can communicate with their folks at home and get money to get home on, and during the time they are trying to find their Congressmen and borrow enough from them to enable them to get home.

This home has done a great deal of good. It has been literally a house of refuge. The board that has had charge of the home all these years is composed of splendid men, old veterans of the Civil War and members of the Grand Army of the Republic. They recommended that this home be maintained, and it has been verificined now for 22 years. In fact, the home it has been maintained now for 22 years. In fact, the home was established about 24 years ago, and the Government has been helping it for the past 22 years.

Now, the amount that is allowed under this item of the bill is distributed, Mr. Chairman, as follows: Rent, \$1,200; superintendent, \$1,200; janitor, \$360.

The CHAIRMAN (Mr. GARRETT). The time of the gentle-

man has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes. The CHAIRMAN. The gentleman from Illinois [Mr. MANN]

asks unanimous consent that the gentleman from Missouri [Mr. DYER] may proceed for five minutes. Is there objection?

There was no objection.

Mr. DYER. Cook, \$360, leaving \$2,800 for maintenance, for coal, wood, bedding, stationery, food, and all of those articles.

Now, Mr. Chairman, the superintendent, who has been in this home for 14 years past, is an old veteran of the Civil War. He is the manager of this home. His wife, to whom I would have this allowance go, and to whom I assure you it will go if the committee will agree to it, deserves this recognition. money will be well spent, most deservingly spent; and I hope the gentleman from Texas [Mr. Burleson] will not oppose this amendment, because it will become an established fact that he is agreeable to having in this home a matron to help look after

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. DYER. Yes.

Will the gentleman say how many ex-soldiers Mr. MANN. of the Civil War, ex-soldiers of the Spanish War, and ex-soldiers of the Mexican War were in the home during the last year, or within any specified time?

Mr. DYER. The total number who were there during the

past year from time to time is 557.

Mr. MANN. The gentleman does not get my question. How many soldiers of the Spanish War were there, how many of the Mexican War were there, and how many of the Civil War

were there:

Mr. DYER. I will say to the gentleman from Illinois that this statement that I have, furnished by the management, does not give the number of Civil War seldiers or the number of Spanish War soldiers. But the home does take in any honorably discharged soldier of either the Civil War or the War with Mexico or the Spanish War for a limited number of days. Ten days is the usual time they allow anyone to stay there, unless he becomes sick in the meantime and can not be taken away.

Mr. MANN. Then I call the attention of the gentleman from Missouri to the fact that during this fiscal year they can take in soldiers of the Spanish-American War and the Mexican War, but that it has not been the custom in the past and is not

provided for in the bill under discussion.

Mr. BURLESON. I will state to the gentleman from Illinois that the reason for that is that they have never applied, and therefore we do not want the bill to be encumbered by the additional language.

Mr. DYER. I did not catch the gentleman's answer.

Mr. BURLESON. I say the reason for that is that the soldiers of the Mexican War have not applied, and therefore we did not want to encumber the bill with unnecessary language.

Mr. DYER. I would state to the gentleman from Texas that during the past year they told me that at least as many soldiers of the Spanish War and soldiers of the Philippine insurrection have been taken care of at that home as veteran

soldiers of the Civil War.

Mr. BURLESON. There is no authority of law to take care of soldiers of the Philippine insurrection there, and there never

has been any such authority.

Mr. DYER. They take care of the soldiers of the Spanish War, and the report I have here from the board of management shows that they have heretofore been doing that. I think, Mr. Chairman, that we ought to pass-this amendment. Then, I will offer another amendment.

Mr. BURLESON. Mr. Chairman, there was no recommendation submitted for the increase of the salary of the superintendent. On the contrary, our information is that the salary of the superintendent is ample. I am afraid his wife will not get it if it is allowed, and I insist upon my point of order against it.

Mr. DYER. Mr. Chairman, I have stated all I care to. should be glad to have the gentleman from Texas elaborate upon his point of order.

The CHAIRMAN. What is the point of order made by the gentleman from Texas?

Mr. BURLESON. That there is no authority of law for the increase of this salary.

The CHAIRMAN. Will the gentleman from Missouri point

out the authority of law?

Mr. DYER. There is no authority of law. I quite agree with the gentleman from Texas on that point. This man has never been paid any more than what is being appropriated for in this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DYER. Mr. Chairman, I offer a second amendment, to strike out the words "Grand Army of the Republic" and insert "of the Civil War and of the Spanish War," so that it will

Temporary home for ex-Union soldiers and sailors of the Civil War and of the Spanish War.

Mr. BURLESON. Upon that I reserve a point of order. The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out in line 5, page 89, the words "Grand Army of the Repub-lic" and insert the words "of the Civil War and of the Spanish War."

The CHAIRMAN. On that amendment the gentleman from

Texas reserves a point of order.

Mr. BURLESON. I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order that it is a change of existing law.

sustains the point of order. The Clerk will read.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the same provision at the end of the section as was in it last year-

And ex soldiers and sailors of the Spanish War and the War with Mexico shall also be admitted to the home.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. BURLESON. I reserve a point of order upon the amendment.

The CHAIRMAN. Will the gentleman from Illinois kindly send his amendment to the desk in writing?

The Clerk read as follows:

Insert, after the word "Columbia," in line 10, page 89:
"And ex soldiers and sailors of the Spanish War and the War with
Mexico shall also be admitted to the home."

Mr. BURLESON. I make the point of order. The CHAIRMAN. Upon that the gentleman from Texas makes the point of order.

Mr. DYER. Will the gentleman from Texas permit a ques-

Mr. BURLESON. Certainly, Mr. DYER. I want to call the attention of the gentleman to a quotation from the report of the board of managers of this home, submitted for the fiscal year ended June 30, 1911, in which they say:

As provided by law this home is open not only to the veterans of the Civil War, but to those of the Mexican War and of the Spanish-American War. Indeed, one-half of the inmates of the home are veterans of the War with Spain.

Mr. BURLESON. That does not make it law.

Mr. DYER. I want to ask the gentleman from Texas if he objects to soldiers of the Spanish War or of the Mexican War

being admitted to this home?

Mr. BURLESON. I have never had any communication on the subject from soldiers of the Spanish-American War, but I have had a communication from a soldier of the Mexican War, in which he says he has information that no soldier of the Mexican War has ever been carried there, and that he did not want it in the bill; and my opinion is that no Spanish-American

soldier has ever gone there.

Mr. FOSTER of Illinois. If there should be one old Mexican War veteran there, do you not think that is a reason for including that provision?

Mr. BURLESON. I make the point of order. The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. Foster] on the point of order. The gentleman from Texas makes the point of order that it is not authorized by existing law, and that the amendment would change existing law.

Mr. FOSTER of Illinois. This being in the bill last year, Mr. Chairman, I take it that makes it current law, and for that reason the same provision would be in order in the bill this

year, as it was there last year.

The CHAIRMAN. Of course, being in the bill of last year makes it current law, but it does not make it permanent law,

does it?

Mr. FOSTER of Illinois, It makes it in order to propose the same thing on the bill for this year that was in it last year. The CHAIRMAN. The Chair does not understand that to be the rule.

Mr. BOWMAN. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Pennsylvania wish to make some observations on the point of order?

Mr. BOWMAN. I want to say that the point was raised that no Spanish War veteran had been there. One came through from my district on his way to one of the soldiers' homes. When here he lost his ticket, and he was kept in this institution for several days, until a ticket was furnished him.

Mr. FOSTER of Illinois. I think that is a good reason why

this should be in order.

Mr. BURLESON. Mr. Chairman, I make the point of order. Mr. DYER. I will ask the gentleman from Texas to with-

Mr. BURLESON. I will reserve it for one minute. Mr. DYER. Mr. Chairman, I want to say to the gentleman from Texas, who I am satisfied wants to do the proper thing in this matter, that in addition to what the gentleman from Pennsylvania has said, one night I, in company with some Grand Army officers from the District, went through this home. It was cold weather, and we went through it thoroughly. The kitchen and every part of it was crowded, as many as they could take in, and 60 per cent were ex-soldiers of the Spanish War. There were more ex-soldiers of the Spanish War there for relief, for the privilege of staying there a few days, a week, or two weeks, than there were of the Civil War, and the

reason is very apparent. The old veterans in the Civil War, those not able to take care of themselves, are nearly all settled in some place or in the soldiers' homes. The Spanish War veterans are of a later date and they are more apt to be here or some other place than are those of the Civil War.

The gentleman from Texas in making this point of order is doing a great injustice to these soldiers who served their country faithfully and honestly in the Spanish War when he denies them the privilege of going to this temporary home. It compels those who happen to be without funds, if the gentle-man's point of order is sustained, to go to the municipal lodging houses or to sleep on the streets, or wherever it may be possible to get in.

Mr. FOWLER. And it does not cost any more.

Mr. DYER. And, as the gentleman from Illinois says, it does not cost the Government any more. The Grand Army board of management are glad and willing to give the benefit of this home to those who served in the Spanish War. the gentleman from Texas will withdraw his point of order in the name of these young men who served their country faithfully and honestly.

Mr. BURLESON. Mr. Chairman, I do not think the Spanish-American soldier wishes to avail himself of the privileges of this home, and I therefore insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Hospital for the Insane: For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided by law, \$310,000.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. I notice that this item has been reduced \$13,000. I would like to inquire of the chairman of the committee in reference to the matter.

Mr. BURLESON. It is reduced \$13,400. This estimate was submitted through the proper channels and a calculation made The estiof the amount necessary to maintain the patients. mate was made for \$310,000, and we allowed \$310,000, every dollar asked.

Mr. FOSTER of Illinois. I want to call the attention of the chairman of the committee to just one matter. It has been demonstrated this morning that Congress is not in favor of appropriating for an old building used for hospital purposes. I desire in this connection to call the attention of the gentleman from Texas to the fact that if he will visit the Hospital for the Insane over at St. Elizabeth he will observe one large brick building, and I hope that when the matter of the maintenance of that hospital is taken up he will be vigilant in securing the opinion of an expert builder, an architect, fire marshal, members of the District Committee, superintendent of the hospital, District Commissioners, Board of Charities, and all others that may be connected in some way with these matters, and get a report submitted to Congress upon the condition of that building and how it would be if it should get afire with all

these patients located in the building as it is now.

Mr. BURLESON. Mr. Chairman, in response to the statement of the gentleman from Illinois, I will state that we have a superintendent of the St. Elizabeth Asylum, one of the most efficient officers in the Government service, and I am quite sure that if there is any building over there that needs improvement or any building that is dangerous or any building that needs repairs or any building that should be removed he will be prompt and vigilant in his efforts to bring it to the attention of the proper authorities to see that the proper remedy

is applied.

Mr. FOSTER of Illinois. I hope the chairman of the Committee on Appropriations will be willing to take the word of the superintendent and give him the new building, although he refused to do it in the case of the Columbia Hospital.

The Clerk read as follows:

MILITIA OF THE DISTRICT OF COLUMBIA.

MILITIA OF THE DISTRICT OF COLUMBIA.

For the following, to be expended under the authority and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills, and parades, fuel, light, heat, care and repair of armories, offices, and storehouses, practice ships, boats, machinery, and dock, dredging alongside of dock, telephone service, and for general incidental expenses of the service, \$25,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order to the section.

The CHAIRMAN. Does the gentleman make the point of

order to the entire paragraph?

Mr. JOHNSON of Kentucky. Yes; for the reason that there are so many unauthorized items in it to which no particular amount is set. It is necessary to make the point of order to the entire section for that reason. Besides that, the amount | point of order as to that.

of money fixed covers those things which are authorized and those things which are not authorized. It is necessary to make the point of order against the whole paragraph for the reason, as I have just said, that there are a number of items in there not authorized, and the amount of money set apart is to cover

the unauthorized as well as the authorized items.

Mr. BURLESON. Mr. Chairman, I have before me the United States Statutes at Large, volume 25. I read from page 780,

section 55:

Sec. 55. That there shall be allowed for the general expenses of the militia such sums as may be necessary for the rental and furnishing of offices for headquarters, stationery, postage, printing and issuing orders, advertising orders, providing necessary blanks for the use of the militia, the cost of storing, caring for, and issuing all public property, and such other contingent apenses not herein specially provided for as may be estimated and appropriated for, the accounts for which shall be certified to by the officer receiving the service or property charged for, approved by the commanding general, and paid in the manner provided in section 60.

That is the general authorization for the establishment of the militia force, and it also provides for defraying the annual expenses of the militia. There is another section which, in terms, provides for the rent of armories, and so forth. I read from section 39, on page 777:

Sec. 39. That the quartermaster general of the militla shall provide, by rental or otherwise, such armories for the National Guard as may be allowed and directed by the commanding general. He shall also provide each organization with such lockers, closets, gun racks, and cases or desks as may be necessary for the care, preservation, and safe-keeping of the arms, equipments, uniforms, records, and other military property in their possession. He shall also provide suitable rooms for the offices of the commanding general and staff, for the keeping of books, the transaction of business, and the instruction of officers, and also suitable places for the storage and safe-keeping of public property.

The Naval Militia is also involved in the particular paragraph to which the point of order is directed. I direct the attention of the Chair to volume 30, United States Statutes at Large, page 404. I will hand that to the Chair. It is an act to provide for the organization of a naval battalion in the District of Columbia, and in terms covers all of the other items embodied in the paragraph.

The CHAIRMAN. The Chair will be glad to hear the gentle-

man from Kentucky on the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, as the Chair well knows, this act covers very many pages, and I have not seen it for probably a year. I will ask just a little indulgence to look and find just what I want. I would, however, in the meantime, invite the attention of the Chair to the fact that in this bill there is provision for the purchase of boats, docks, and for dredging, which I am sure is not authorized.

The CHAIRMAN. The gentleman from Kentucky heard the

suggestion of the gentleman from Texas that there was included the Naval Militia as well as the other militia in this appropriation bill, and the Chair was cited to volume 30, page 404,

and has that before him.

The gentleman from Kentucky asks unanimous consent that the paragraph be passed temporarily, with the point of order pending. Is there objection?

There was no objection. The Clerk read as follows:

For rent of armories, offices, storehouses, and quarters for noncom-missioned officers of the Army detailed for duty with the militia,

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order as to that.

The CHAIRMAN. The gentleman from Kentucky makes the point of order as to the paragraph just read.

Mr. JOHNSON of Kentucky. And I submit the same request, that I may have time to look the matter up.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the paragraph be passed with the point of order pending. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, \$2,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order as to that.

The CHAIRMAN. The gentleman from Kentucky makes the point of order as to the paragraph just rend.

Mr. JOHNSON of Kentucky. With the same request.

The CHAIRMAN. And asks that the paragraph may be

passed temporarily, with the point of order pending. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows: For pay of troops, other than Government employees, to be disbursed under the authority and direction of the commanding general, \$24,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the

The CHAIRMAN. The gentleman from Kentucky makes the

point of order as to the paragraph.

Mr. BURLESON. Mr. Chairman, as to this particular point of order I direct the attention of the Chair to the act of 1889, under which the militia was organized, which I have sent forward to the Chair. The pay for the District Militia was first provided in an appropriation act passed in 1900 and has been annually continued since that date, and in 1905 the following item was carried in the appropriation bill:

Provided, That hereafter members of the National Guard of the District of Columbia, who receive compensation for their services as such, shall not be held or construed to be officers of the United States or persons holding any place of trust or profit or discharging any official functions under or in connection with any executive department of the United States within the provisions of section 5498 of the Revised Statutes of the United States.

That is the additional law bearing on the point raised by the gentleman, and I know of no law other than I have cited to support this item in the bill.

The CHAIRMAN. As the Chair heard it read—
Mr. BURLESON. I will send it to the Chair so the Chair can have it before him.

Mr. JOHNSON of Kentucky. Mr. Chairman, the statute to which the gentleman from Texas has just referred is repealed on page 781 of the act in volume 25, which the Chair now has before him.

The CHAIRMAN. On what page?

Mr. JOHNSON of Kentucky. Page 781. The act to which the gentleman has just referred is repealed by that.

Mr. BURLESON. Mr. Chairman, I will submit the same request in connection with this point that has been submitted, so that the Chair may pass on all of the points of order at the same time.

The CHAIRMAN. Without objection, the item will be temporarily passed over, with the point of order pending.
There was no objection.

The Clerk read as follows:

EXTENSION OF WATER MAINS.

EXTENSION OF WATER MAINS.

One half of the following sums appropriated in the District of Columbia appropriation acts for the fiscal years 1911 and 1912, chargeable one half to the revenues of the District of Columbia and the other half to any moneys in the United States Treasury not otherwise appropriated, or so much thereof as may be expended, for the purposes of extending water mains, shall be refunded to the Treasury of the United States out of the revenues of the water department in four equal annual installments, at the rate of \$20,000 per annum, namely, \$50,000 toward the installation of water trunk mains to Congress Heights, D. C., contained in the District of Columbia appropriation act for the fiscal year 1911, and \$56,000 for the completion of said water trunk mains contained in the District of Columbia appropriation act for the fiscal year 1912; \$24,000 for the extension of 12-inch water main from Elliott Place along the Conduit Road to Weaver Terrace, and for laying 8-inch water mains in Forty-seventh Place, Ashby Street, Edmund Street, and Sherrier Place, contained in the District of Columbia appropriation act for the fiscal year 1911, and \$45,100 for the extension of water trunk main to Benning, D. C., contained in the District appropriation act for the fiscal year 1912; in all, \$175,100.

Mr. JOHNSON of Kentucky. Mr. Chairman J. make the point

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order as to that paragraph.

The CHAIRMAN. What is the point of order made by the

gentleman ?

Mr. JOHNSON of Kentucky. That it is legislation, and then there is one thing in it to which I particularly object, and that is that it proposes to return \$175,000 to the United States. Now, if the United States is to get half of it and the District half of it, then I think they have made the figures wrong. This provides that there shall be refunded to the Treasury of the United States, the District of Columbia paying her half, \$175,000, in four equal installments of \$20,000 each. That is \$80,000. Eighty thousand dollars, according to my arithmetic, is not half of \$175,000, and then it makes no provision for interest

Mr. BURLESON. I can easily explain that to the gentleman from Kentucky. The appropriations for these extensions of water mains in last year's bill aggregated \$175,100, but the full amount was not required to make the extension-only \$160,000 being expended in making same—consequently only one-half of \$160,000 is sought to be charged against the District government. The purpose of this item is to reimburse the Federal Government for one-half the cost of making certain extensions of water mains. It was clearly the intention of Contract that the Contract of the state of th gress that the Government should be reimbursed, but through an oversight the provision for the purpose was not carried in last year's bill. Instead of casting a burden on the Government, the effect of the item is to pay to the Government \$80,000 justly due it.

Mr. JOHNSON of Kentucky. Does the gentleman deny that there is not due to the Government \$75,000 more than this?

Mr. BURLESON. I have said to the gentleman that the ap propriation aggregated \$175,100, but the work of extension did not cost that much; it cost only \$160,000, and consequently the Government ought not to be reimbursed for more than one-half

of that sum. The gentleman knows that there is, on an average, about 2 per cent of the amounts of every appropriation bill that passes through the Congress that remains unexpended. was a very close estimate of what would be required. It cost \$160,000 to do the work. One hundred and sixty thousand dollars was expended, and we are seeking to return to the Federal Government one-half the amount actual expended. The remaining portion of the \$175,100 was not drawn from the Do I make myself understood by the gentleman Treasury. from Kentucky?

Mr. JOHNSON of Kentucky. Hardly.
Mr. BURLESON. I will say to the gentleman that for these extensions Congress authorized an expenditure of \$175,100, but when the engineer commissioner had performed the service he found that it cost only \$160,000 to do the work. When he had completed these extensions he had expended \$160,000 of money, leaving in the Treasury \$15,100. Now, we seek to reimburse the General Government for the one-half of the money that was taken out of the Treasury, which we think now should be re-turned, inasmuch as this was a service that was to be jointly paid for by the District government and the General Govern-

Mr. JOHNSON of Kentucky. Do I understand the gentleman, or do I misunderstand him, that \$175,000 of this was unexpended?

Mr. BURLESON. There was \$15,100 which remained unex-

pended after the work was completed.

Mr. MANN. Mr. Chairman, I would suggest to the gentleman from Kentucky [Mr. Johnson] that if I understand the situation correctly, \$175,000 was appropriated and \$160,000 was expended. Now, of that amount, \$80,000 should be chargeable to the District. Fifteen thousand dollars above the \$160,000 has never been expended, and never will be expended, and so that can not be charged to the District.

Mr. JOHNSON of Kentucky. And is cared for by a different

Mr. MANN. And at the end of the time fixed by law that is covered into the Treasury as an unexpended balance and never will be expended.

Mr. JOHNSON of Kentucky. This is an attempt to do away

with the covering-in act?

Mr. MANN. No. This is an attempt to make the District pay the \$80,000 that the Government has expended, and it ought to have been charged to the District in the first instance, according to law, but was not.
Mr. JOHNSON of Kentucky. I withdraw the point of order,

Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

The provision contained in the District of Columbia appropriation act for the fiscal year 1911, that all assessments on account of water trunk mains to Congress Heights, and for the extension of 12-inch water main from Elliott Place along the Conduit Road to Weaver Terrace, and for laying 8-inch water mains in Forty-seventh Place, Ashby Street, Edmund Street, and Sherrier Place, when collected shall be covered into the Treasury to the credit of the revenues of the District of Columbia and the revenues of the United States in equal parts, is hereby repealed, and such assessments heretofore and hereafter collected shall be credited to the revenues of the Water department.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph, so that the gentleman may explain it.

Mr. BURLESON. I will say to the gentleman from Illinois that it is really a part of the preceding item. As the provision for these extensions was carried in the law last year it did not contain the usual provision to reimburse the Federal Government. Now, we want to repeal that part of the act which failed to require that that should be done.

Mr. MANN. Well, I think the gentleman is slightly in error about the purpose of this paragraph.

Mr. BURLESON. No; I am not. It is a part of the same item to which the gentleman from Kentucky objected.

Mr. MANN. This is a proposition to repeal a provision that requires one-half to be credited to the Government, when collected, and one-half to the District of Columbia and to turn it over to the water department.

Mr. BURLESON. I will state to the gentleman that the practice has been to charge the whole expense of these extensions

to the revenues of the water system of the District.

Mr. MANN. I understand; but that does not contain this item. It is a question of fact here. Here was a water extension made. Afterwards there was a provision of law that when the money should be collected—I suppose by special assessment—one-half was to be paid to the credit of the Government and one-half to the District of Columbia. Who paid the original

amount, and out of what fund?

Mr. BURLESON. There was an appropriation carried in the bill for the amount required to do this work. It ought to have been imposed upon the current revenues of the water system.

Mr. MANN. Yes.

Mr. BURLESON. Certain benefits are going to be assessed against the properties and lands through which the extensions were made, and when these amounts are collected they will be credited to the water system. That is what we are endeavoring to accomplish.

Mr. MANN. I know; and that is what I am endeavoring to find out about. The gentleman now says—and I am not sure that he is correct about that—that these mains were laid in consequence of an appropriation one-half of which was contributed by the General Government and one-half contributed out of the District revenues. If that be the case—

Mr. BURLESON. I will read to the gentleman the explanation, which was carefully prepared, and will show exactly what we are trying to accomplish.

we are trying to accomplish:

tion, which was carefully prepared, and will show exactly what we are trying to accomplish:

The District appropriation act for the fiscal year 1911 appropriated \$50,000 toward the extension of water trunk mains to Congress Heights and \$24,000 for the extension of 12-inch water main from Elliott Place along the Conduit Road to Weaver Terrace, and for laying 8-inch water mains in Forty-seventh Place, Ashby Street, Edmund Street, and Sherier Place. These appropriations were payable one-half from the revenues of the District of Columbia and the other half from any money in the United States Treasury not otherwise appropriated.

The act further provided as follows:

"Provided, That assessments for water mains hereinbefore provided for shall be levied in accordance with the provisions of an act approved April 22, 1904, entitled 'An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes': And provided further, That all such assessments when collected shall be covered into the Treasury to the credit of the revenues of the District of Columbia and the revenues of the United States in equal parts."

It was apparently the intention of Congress that the amounts appropriated should be relimbursed by assessments against abutting property for laying these mains.

The law referred to in the proviso above quoted states that for laying water mains assessments shall be levied at the rate of \$1.25 per linear foot against all lots or land abutting upon the highway in which the water main shall be laid, but further provides that where water service has already been furnished and assessments levied along a frontage no further assessment shall be levied until it is subdivided, or until connection is made with the main.

The water main to Congress Heights was a trunk main, which was laid from the intersection of Pennsylvania Avenue and Potomac Avenue SE., on the city side, and thence along Pennsylvania Avenue across the Pridge and the other

The District appropriation act for the fiscal year 1912 appropriated \$56,000 for the completion of this main, but contained no provision about assessment.

The total amount therefore appropriated for this main was \$106,000. The cost of the work, which has been completed to Congress Heights, was \$95,068.83. For the reasons above stated, there will be no assessment for this main.

The main along Conduit Road and the other streets named in the appropriation, for which \$24,000 was appropriated, has been completed at a cost of \$19,928.48, and the total assessment levied on account of this main was \$7,799.65. The cost of laying the main was, for the 12-inch main, \$2 per foot, and for the 8-inch main, \$1.30 per foot, so that the assessment under the law at the rate of \$1.25 per front foot did not cover the cost of the mains, and therefore the total cost could not be reimbursed by assessments.

The District appropriation act for the fiscal year 1912 also appropriated—one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from the revenues of the United States and one-half from water department funds, for which assessments are levied under the law at the rate of \$1.25 per front foot.

It was apparently the intention of Congress Heights, Conduit Road, and Benning should be reimbursed by assessments, but, as will be seen by what is stated above, this can not be accomplished in that manner.

The total amount appropriated for the Congress Heights and Conduit Road main was \$130,000, and the total amount spen \$114,997.31. For the main to Benning, which has not

Mr. MANN. Then I understand from the gentleman's statement that the money having been expended, partly at the expense of the General Treasury, it is now proposed to reimburse the

Government out of the water fund, and thereupon, when money collected by special assessment, that money would go back to the water department?

Mr. BURLESON. Yes; it will be credited to the water funds.

Mr. MANN. I withdraw my point of order, Mr. Chairman. The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The Clerk will read. The Clerk read as follows:

ANACOSTIA RIVER FLATS.

For continuing the reclamation and development of the Anacostia River and Flats, from the Anacostia Bridge northeast to the District line, to be expended under the supervision of the Chief of Engineers, United States Army, upon plans to be prepared under the direction of and to be approved by a board of engineers to consist of the engineer commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the engineer officer in charge of the improvement of the Potomac River; said sum to be available for the preparation of plans, the prosecution of the work, the employment of personal service, and for such other purposes as may in the judgment of said board be necessary to carry out the purposes of this appropriation, \$100,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph. Have these plans been prepared for the Anacostia

River Flats?

Mr. BURLESON. They have been. They were prepared under the direction of the Chief of Engineers in the War Department, and \$100,000 is being expended during the current year for the purpose of reclaiming the flats.

Mr. TAYLOR of Ohio. This item here is for next year.
Mr. MANN. Then I suggest that instead of reading "upon plans to be prepared," and so forth, it should read "plans that have been prepared."

Mr. TAYLOR of Ohio. I think the plans are prepared from

time to time as the extension is made. That is the point.

Mr. MANN. Apparently we commit the Government to any plans that the War Department may hereafter prepare, and I do not think that is the intention of Congress.

Mr. BURLESON. No. It may be necessary, however, to prepare further plans as the work progresses or is extended to

different sections of the flats.

Mr. MANN. I will withdraw my point of order.
The CHAIRMAN. The gentleman from Illinois [Mr. MANN]
withdraws his point of order. The Clerk will read.
The Clerk read as follows:

The Clerk read as follows:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, and purchasing, installing, and maintaining water meters on services to such private residences and to such business places as may not be required to install meters under existing regulations as may be directed by the Commissioners of the District of Columbia, said meters at all times to remain the property of the District of Columbia, to include all necessary land, machinery, buildings, mains, and appurtenances, and labor, and the purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, so much as may be available in the water fund during the fiscal year 1913, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Mr. CIMS. Mr. Chalinnen, L reserves a point of order.

Mr. SIMS. Mr. Chairman, I reserve a point of order. Mr. BURLESON. What part of the bill is that? Mr. SIMS. On page 100, beginning with line 14. I a point of order on so much of the section and paragraph as provides for installing meters in private residences and makes appropriations for it. That is new legislation.

Mr. BURLESON. I will state to the gentleman that this

policy of installing meters was inaugurated about three years ago. It is a work now in progress, and we have been continuing the installation of water meters since that date. I want to assure the gentleman from Tennessee [Mr. Sims] that there is absolutely no hardship imposed on anyone by the installation of these water meters. The purpose of installing the meters is to prevent leakage and wastage of water, and it is very rare indeed that any increase in the annual water charge is made against any person as a result of installing a water meter.

Mr. SIMS. Mr. Chairman, no doubt the statement of the

gentleman is correct when he says there is no increase in the

charge, but that is not the question-

Mr. BURLESON. I say there is very rarely an increase in the water charge

Mr. SIMS. Because after the installation of water meters they will not use the same amount of water that they would use without them. The trouble with me has always been on this very question of installing water meters in the houses of the poorer people, that the very fear of increasing the charge will cause them to exercise economy in the use of water when they ought to use it more lavishly. I think it is not in the they ought to use it more lavishly. I think it is not in the interest of good sanitation of this District to put water meters in private residences, especially those of the poorer tenants or renters

Mr. BURLESON. That is not being done on any general scale. I want to direct the attention of the gentleman to the fact that the per capita consumption of water in this District is 178 gallons a day. Does not the gentleman think that is entirely too much, indicating waste?

Mr. SIMS. The gentleman does not mean to say that there is a consumption of 178 gallons per person per day among the

class of people I am talking about.

Mr. BURLESON. They constitute a part of the total popu-

Mr. SIMS. The gentleman means that all the water used by everybody amounts to that, but surely the water consumption by families does not approach anything like that. Besides that, the gentleman has begun legislation which I heartily approve, by which we are going to increase this water supply by the work to be carried out at Great Falls. Now, I have been noticing this discussion from time to time. The water supply at present is abundantly sufficient, even without these meters; but the commissioners think that the time may perhaps come within the next 10 years when it will not be sufficient, and we may require a new aqueduct or an additional supply of water.

Mr. BURLESON. That is true.

Mr. SIMS. The additional supply of water is much nearer than 10 years, and will be abundant, and it costs a great deal of money to buy these meters, and they have to be paid for out of the water revenues.

Mr. BURLESON. I think the gentleman is mistaken about that. I believe the meters cost not to exceed \$13.

Mr. SIMS. To each family? Each meter costs \$13?

Mr. BURLESON. I think so.

Mr. SIMS. It would take a long time for the excess of water that the families would use to pay that much money, and it is certainly against the best sanitation and against cleanliness, and against the amount which I think ought to be used in

sprinkling small yards and lawns.

Mr. BURLESON. I am in thorough accord with the views expressed by the gentleman from Tennessee with reference to the desirability of proper sanitation and the proper use of water, and I want to say to him that the officers in charge of this service have no disposition to oppress anybody. They have no purpose to fix an extortionate charge for water. They have no desire to lessen the quantity of water within reason being used by the people of the District of Columbia. This installation of water meters has served a useful purpose, and it is a work in progress and should be carried further. We have installed, I think, probably 30,000 meters, and the installation ought to continue.

Mr. SIMS. I have no objection to it anywhere except in private families, and do not object to the installation of meters in many private houses; but the poorer tenant class who can barely pay rent, must economize in every direction. I am sincerely afraid it will have a tendency to cause them to use less

water than they ought to use. I know there is an occasional abuse in the use of water. have seen a sprinkler turned on in one of these fine yards, when the owner of the house was away in the summer, and that sprinkler would run all that afternoon and all night and all the next morning, to sprinkle a front yard, simply because they did not turn it off. I think such waste as that ought to be prevented, if there is any way to do it.

Mr. BURLESON. And meters are being installed in estab-

lishments of that character.

Mr. SIMS. I have no objection to that.

Mr. BURLESON. We can not attempt to place a limitation upon the discretion of those in charge of this service. I am quite sure these gentlemen are not going to abuse the discretion vested in them, and I think the gentleman is unnecessarily alarmed.

Mr. SIMS. Is it not the policy of the commissioners to install meters for all buildings?

Mr. BURLESON. I do not remember the number of meters we have, but I do not think it is the purpose of the commissioners to establish meters in all buildings. They have only a limited number of meters installed at the present time.

Mr. TAYLOR of Ohio. The gentleman will pardon me; I think 24 per cent of the city is metered.

Mr. SIMS. Well, we are going to have an abundant supply of water. Some families are abundantly able to pay for it, and, no doubt, they waste it. Had we not better suffer a little than to curtail the use of a copious supply of water by people who ought to have it and who suffer for the lack of it?

Mr. MANN. Will the gentleman yield?

Mr. SIMS. Certainly. Mr. MANN. The gentleman from Tennessee follows the progress of things in the District quite closely. I do not know that it has been asserted, but it has been insinuated that the

District Commissioners propose to increase the water rates, so as to have more money with which to install meters.

Mr. SIMS. I have no such assertion to make myself. Mr. MANN. It is true that if they did increase the It is true that if they did increase the water

rates they would have more money to install meters.

Mr. SIMS. Certainly; and I am not in favor of increasing the water rates, because the people who need to use most will use less. The rich people do not care anything about meters, because they can pay for it and not feel it; but the people who ought to use an abundant supply of water will be curtailed, and their use of it will be reduced because they know that every pint and every quart which they use is measured and charged for. I think it is a bad policy to meter private houses, especially of the tenement class.

Mr. FITZGERALD. Is there any intention of metering the

class of houses the gentleman speaks of?

Mr. SIMS. I hope there is not, but rather than to have them metered I would take them out of every private house in the District of Columbia.

Mr. MANN. Is it not a fact that if there is any intention to meter the small private houses, as a rule, it would very much decrease the water rates on the expensive and large houses to put in a meter?

Mr. SIMS. That may be true; I do not know.
Mr. MANN. That is absolutely true, ordinarily.
Mr. SIMS. I have seen great abuses of the kind that I have mentioned, and I would be very glad to see them prevented.

Mr. FITZGERALD. If a meter is put in a house, of course, the water will be paid for, but I would not say that it was a waste to keep these beautiful private yards in order. I think those who can afford to have such places can afford to pay a reasonable price for the water.

Mr. MANN. As a rule, where you put the meter in a house of some considerable size the cost of water is reduced. In my town so many have wanted meters that they have been compelled to refuse them.

Mr. BURLESON. Now, Mr. Chairman, I have the information which I was hunting for, and will give it to the gentleman. The charge for meter service in the District is 3 cents for 100 cubic feet, with a minimum rate to all consumers of \$4.50 per The average annual payment for private residences where meters were installed was \$4.76.

Mr. SIMS. Per annum?

Mr. BURLESON. Yes; an increase of 26 cents over the charge before the meter was put in.

Mr. SIMS. Per annum?

Mr. BURLESON. Yes. I am not surprised that the gentleman from Tennessee should be astonished.

Mr. SIMS. I have been paying some water rates, and I happen to know that that is not true as to the payments I have made.

Mr. BURLESON. The annual rate against a two-story house, 19 feet front, is \$4.50.

Mr. SIMS. I paid \$8 or \$9 for one that I had.
Mr. BURLESON. Oh, well, probably the gentleman from Tennessee lived in a palatial residence.

Mr. SIMS. I did not; it was 1410 Massachusetts Avenue,

where I paid \$8 or \$10 water rate.

Mr. FITZGERALD. The gentleman did not pay enough for the water in that house.

Mr. SIMS. I paid the bills that were sent to me. But, Mr. Chairman, I would rather vote taxes to have free water for the poor people of this District than to have meters in a single

Mr. BURLESON. Mr. Chairman, in my deliberate judgment, the people in the District of Columbia come as near receiving free water as any people in the world. I know they come nearer receiving free water than any people within the confines

of the United States.

Mr. MANN. Oh, I think we get freer water in Chicago.

Mr. BURLESON. I am satisfied that a careful investigation by the gentleman will convince him that he is not supported

in that statement. Mr. SIMS. Well, I am in favor of pure water and free water,

especially for the poor people of the District.

Mr. BURLESON. I will read what the commissioners say: Water-rent bills are delivered to householders annually at the minimum rate of \$4.50 per annum, which allows the use of 15,000 cubic feet, or 112,200 gallons, of water.

Conscience knows that is enough water for two or three

Mr. SIMS. Mr. Chairman, the gentleman will see at once that I do not mean that this water rate will be high, but the trouble about it is that those who are not able to pay any rates at all will use the water sparingly; they will not use it as they would if they thought they were not being charged for it in that way-that is, by measure. You take the poor, and they are the very people who ought to use the water in their houses and on their persons all the more lavishly. They are the very people who are not able to pay for water, even if it is only 1 cent a hundred gallons.

I hope the gentleman is correct, that the commissioners will

never put a meter in a house of that kind in this city

Mr. BURLESON. Mr. Chairman, I am in full sympathy with the solicitude of the gentleman for the class to which he refers. I have read to the gentleman from the commissioners' report that the increase in metered houses amounts to only 26 cents for the entire year, and I think that ought to convince him there is no danger of their being charged an extortionate price for water or deprived of the use of the water.

The CHAIRMAN. Does the gentleman from Tennessee with-

draw his point of order?

Mr. SIMS. Mr. Chairman, I wanted to make it only to the extent of private houses, and in view of the statements that have been made to me I withdraw the point of order.

The Clerk read as follows:

The Clerk read as follows:

Sec. 3. That all horses, harness, and horse-drawn vehicles necessary for use in connection with the construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including the maintenance of said horses and harness, and the maintenance and repair of said vehicles, and the purchase of all necessary articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, may be purchased, hired, and maintained exclusively to carry into effect said appropriations, when specifically and in writing ordered by the Commissioners of the District of Columbia; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District in the annual estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District: Provided, That such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may be temporarily employed for such purposes under the conditions named in section 2 of this act in relation to the employment of laborers, skilled laborers, and mechanics.

Mr. MANN. Mr. Chairman, I move to strike out the last

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Texas whether the change in the phraseology of this paragraph is intended to prevent the use of motor vehicles?

Mr. BURLESON. I do not understand the query of the

Mr. MANN. In the last, the current act, the expression used a number of times was "wagons." Now you insert "horsedrawn vehicles."

Mr. BURLESON. It is to distinguish them from the motor

vehicles

That is what I asked.

Mr. BURLESON. And that is the purpose of it. We thought that it was necessary to substitute these words in order to make specific and clear the meaning of the Congress.

Mr. MANN. What is the reason for not using motor ve-

hicles, if they do not cost any more?

Mr. BURLESON. I would say to the gentleman that in this bill, wherever the District Commissioners could show an economy could be effected by the substitution of motor vehicles for horse-drawn vehicles, we have made the allowance for motor

Mr. MANN. I know the bill provides for some motor vehicles, but I really do not quite see the point of refusing permission to use motor vehicles to the sewer department, if it can be done as economically. Personally, I much prefer to have motor vehicles used in the city rather than horse-drawn vehicles, if it can be done with any sort of economy.

Mr. BURLESON. Wherever it has been shown that the service can be as economically furnished and is as efficient with the motor vehicle, we have substituted it for the horse-

drawn vehicle.

Mr. MANN. In this case you have substituted horse-drawn vehicles for any other kind, without any change in the amount that may be expended. It is very difficult for the committee to determine whether it is more or less expensive to use motor

Mr. BURLESON. I tried to make clear to the gentleman the object we had in putting those words in there. It was that they should not purchase motor vehicles unless authorized to do so, as we have done in a number of cases when we have been convinced that the service could be as efficiently rendered and as economically rendered by motor vehicles as by horse-drawn shicles. We wanted to keep our hands on the situation.

Mr. MANN. Mr. Chairman, it seems to me the committee

might better have provided that only motor vehicles should be used unless it was specifically provided that horse-drawn vehicles should be used. Motor vehicles are more convenient, and at this day likely to be more economical and much more healthy, so far as the general public is concerned, than the horse-drawn vehicle. It looks like a step backward-reactionary, I believe, the term is.

Mr. BURLESON. Nonprogressive.

Mr. MANN. A nonprogressive step, to take in a great city like Washington.

Mr. FOSTER of Illinois. The gentleman from Illinois is for progression in motor vehicles? He goes that far.

Mr. MANN. I am a progressive as far as automobiles are concerned, where anybody is good enough to give me the use

Mr. BURLESON. I hope the explanation is satisfactory.

Mr. MANN. It is not satisfactory at all; but I presume it is sufficient. Mr. Chairman, I withdraw the pro forma amend-

The Clerk read as follows:

For four-glower Nernst lamps on underground wires, \$52.50 per lamp

Mr. MANN. Mr. Chairman, I move to strike out the last I would like to ask the gentleman from Texas whether he fully approves of the use of these very expensive and possibly ornate four-glower-whatever that means-Nernst lamps that have been scattered around Washington in various places?

Mr. BURLESON. I will state to the gentleman there are

only 60 of those lamps in use at this time.

Mr. MANN. How many were in use two years ago?

Mr. BURLESON. Two years ago we were paying \$65 per lamp per annum, and we are paying only \$52.50 at this time.

Mr. MANN. How many were in use at that time? Mr. BURLESON. My recollection does not serve me on that

point. If I ever had the information, it has slipped my memory. Mr. MANN. Does the gentleman know whether it is the intention to install these very expensive lamps all around?

There are some parks that have these lamps so close together that it is difficult to get in between the lamp-posts.

Mr. BURLESON. As I understand it, the lights referred to

are not the 60 Nernst lights. Those are the 80-candlepower incandescent electric lights to which the gentleman refers.

Mr. MANN. No; I am referring to the four lamps. I think those are what are called the four-glower.

Mr. BURLESON. What particular park has the gentleman in

mind where the lamps referred to are installed?

Mr. MANN. There is one at the corner of Fourteenth Street and Vermont Avenue, where Massachusetts Avenue comes in, I believe.

Mr. BURLESON. Is not that on a circle that is under the control of the Superintendent of Public Buildings and Grounds? Mr. MANN. Yes; I apprehend so; but I guess that does not make any difference.

Mr. BURLESON. And are not the lamps a part of the general design or plan of the monument erected in the circle?

Mr. MANN. Well, I can not undertake to answer that question. I am not the designer nor responsible for the design of the monument. It strikes me it is very expensive-

Mr. BURLESON. Well, the same thought has often occurred to me. A few years ago I inquired why such an apparently extravagant system to light that circle was established, and the statement was made that it was a part of the general design of the artist whose plans were accepted at the time the monument in the center of the circle was erected.

Mr. MANN. Well, that being the case, it certainly has nothing to do with the design of the rest of the circle or the monument there; but if that be the case, it is a very good reason why these designs should be scanned closely. Here is a permanent expenditure of money at that place and, in my judgment, entirely unwarranted and no necessity for those lamps. It would be just exactly like putting four street lamps' together and then putting enother four very close to them. and then putting another four very close to them.

Mr. BURLESON. I agree with the gentleman, because the

effect is to telescope the lights, and you do not get the full

benefit of the illumination.

Mr. MANN. Not at all. I do not know whether those are the Nernst lamps or not.

Mr. BURLESON. That is the effect of placing two lights close together, because a part of the illumination from one lamp telescopes the illumination coming from the other lamp, and you do not get as full benefit of the illumination from the lamps if they were placed farther apart. That is the scientific objection and economic objection to the establishment of the four-glower Nernst electric lights—

Mr. MANN. I say further to the gentleman I am in favor of putting lights all over Washington, but I think it is entirely unnecessary to put on some of the streets of Washington lamps

50 or 75 feet apart.

Mr. BURLESON. Now, to what particular street does the gentleman refer?

Mr. MANN. Well, I do not like to make an invidious distinction in regard to the streets.

Mr. BURLESON. Do you mean the installation of the new lights that has been recently made?

Mr. MANN. Some of the new lights are put very close to-

Mr. BURLESON. True, but they cost less than the service that was replaced by those lights.

Mr. MANN. That may be the object, but that is no reason for putting more lamps than are necessary. I agree with the gentleman when he wishes to adopt a system which reduces the expenditures, but I can see no reason why, when you can do that, you need thereby to increase needlessly the expense by putting in supernumerary lights.

Mr. BURLESON. I am in close sympathy with that sugges-

tion.

Mr. MANN. I know it is very convenient for persons who live on the street and sleep in the front rooms to be able to undress, and so forth, without any light in their own house. It is convenient and sometimes it is desirable, perhaps, to avoid a conspicuous view, but there is no necessity for putting lights on the street thick enough to light all the inside of the houses.

The Clerk read as follows:

The cost of each lamp-post for arc lighting furnished by any lighting company under the above rates shall not exceed \$50, except as hereinafter provided, which cost shall include only the lamp-post, the street-designation frame and signs, and the arm or top from which the lamp is hung. All other fixtures, parts, fittings, lamps, cables, wires, and appurtenances necessary for the lamps maintained by said lighting company on said posts, including the cost of erection, shall not be included in said cost.

The CHAIRMAN. The Clerk called the attention of the Chair to the fact that from the word "furnished," in the eighth line, the "i" is omitted.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the letter "i" be inserted after the letter "n" in the word "furnished" in line 8.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For each gas lamp raised or lowered to new grade, \$1.50.

[Mr. McHENRY addressed the committee. See Appendix.] Mr. BURLESON. Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 112, in line 23, after the word "States," insert the words "or of the District of Columbia."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

SEC. 10. The provisions of section 3679 of the Revised Statutes of the United States, as amended by section 3 of the urgent deficiency appropriation act approved February 27, 1906 (Stat. L., vol. 34, p. 49), known as the antideficiency act, are hereby extended and made applicable in all respects to appropriations made for and expenditures of and to all of the officers and employees of the government of the District of Columbia.

Mr. BURLESON. Mr. Chairman, I desire to offer an amend-

ment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

SEC. 11. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superIntendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public-convenience stations; fees for tax certificates; fees for motor and horse-drawn vehicle tags; fees of the municipal court; and the surplus fees of the recorder of deeds and register of wills, together with the tuition of nonresident pupils in public schools, and the tax of one-half of I cent paid by any street or other railroad company for each passenger carried across the Highway Bridge, and the annual wheel tax on all automobiles or other motor vehicles.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Texas.

The amendment was agreed to.
Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 113, line 13, strike out "section 11" and insert in lieu thereof "section 12."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

SEC. 12. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed.

Mr. MANN. Mr. Chairman, I make a point of order upon that paragraph.

Mr. BURLESON. Mr. Chairman, that paragraph has been

carried in the law from time immemorial.

Mr. FITZGERALD. I call the gentleman's attention to the fact that all of these appropriation bills carry compensation for certain officials-not always the sum fixed by law.

Mr. MANN. That is the reason I made the point of order. I am not sure what would be the effect of this on salaries of school-teachers, but there was a controversy in the House here, which I think has been happily obviated by the action of the gentleman from Texas, as to whether the pay provided for school-teachers was sufficient to pay the teachers. been sufficient, there is a question whether under this provision they would not have a claim for the full pay allowed them by

Mr. FITZGERALD. Mr. Chairman, I do not believe this would have affected that condition at all. What this effect would be is illustrated in a case where, for instance, the compensation of an official is fixed at \$3,000 in some law and the bill carries only \$2,500 for the specific position. The appropriation for the school-teachers' compensation and longevity is a lump appropriation, and regardless of whether or not the bill carries a sum sufficient to meet the obligations incurred by the employment of these teachers they would still be entitled to the compensation fixed by law. They would have been paid the compensation fixed by law, and they would have a legal claim against the Government. Without examining into what the against the Government. Without examining into what the result might be of a failure to include here a provision of this kind that is carried in all the appropriation bills, I trust the gentleman will not interpose an objection at this time.

Mr. MANN. The gentleman is mistaken about this provision

being carried in all appropriation bills. It has not been carried in all appropriation bills. It is not necessary in this bill. It does not affect anything else in the bill. They used to carry in the first part of an appropriation bill a provision stating that the compensation provided for by the bill should be accepted in full by the person receiving it as salary. That is not in this bill. I do not think it makes any difference. I do not think there is anybody to apply it to in this case. I do not know what the effect would be, but certainly, as far as laws are changed by this law, they remain changed for this purpose. It does not do any good; I am not certain that it would do any harm. It would not hurt anything, however, to let it go out.

It has no business in here anyhow.

The CHAIRMAN. The Chair will hear the gentleman from

Texas [Mr. Burleson] on the point of order.
Mr. Burleson. Mr. Chairman, if there is any provision of law embodied in this bill that is inconsistent with the laws already in existence, it has been usual to carry a section to repeal them. As a matter of fact, I do not think this item has any legal effect, but it is usual to carry it in the bill. I repeat, I do not think this section has any legal effect whatever. But as a matter of curiosity I would like to know what is the point of order that the gentleman from Illinois makes against it? What is his point of order?

Mr. MANN. Mr. Chairman, in the course now of some 15 years' experience on the floor of this House I have discovered that it is very seldom that a member of an appropriating committee discerns a point of order when it is made, or understands what a point of order is, or understands whether or not a pro-

vision is subject to a point of order, whether in the bill itself or in an amendment offered to the bill.

Mr. BURLESON. That is exactly what I am trying to ascer-tain. I want to know what the point of order is, and I want the

gentleman to state it. Mr. MANN. That, Mr. Chairman, is a beneficent attitude for the members of the Committee on Appropriations to take, because if they knew that a provision was subject to a point of order two-thirds of the provisions carried on their bills would not be reported to the House.

Now, here is the distinguished gentleman from Texas [Mr. Burleson], an able lawyer and a better farmer [laughter], who does not know what a point of order is to one provision in his bill that is pure legislation, knowing that the bill can not carry legislation.

Mr. FITZGERALD. Is it legislation?

Mr. MANN. It is pure legislation.

The CHAIRMAN. The Chair sustains the point of order.

There are certain points of order pending to different por-tions of the bill which the Chair will now endeavor to dispose of. The first point of order is to an amendment offered by the gentleman from Texas [Mr. Burleson], on page 28 of the bill. All that portion of the paragraph on page 28, beginning with the word "Provided," in line 23, and extending to the word "collected," in line 6, on page 30, having gone out of the bill on a point of order, sustained by the Chair, the gentleman from Texas offered as an amendment the following:

And provided, That this appropriation shall be available for repairing the pavements of the street railways when necessary. The amounts thus expended shall be collected from such railway companies, as provided by section 5 of an act providing a permanent form of government for the District of Columbia, approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

And to that amendment the gentleman from Kentucky [Mr. Johnson] made the point of order that it changed existing law, and in arguing it insisted that there was no authority of law for making that appropriation available.

The so-called organic act of the District provides as follows:

The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the track of such roads, and for a distance of 2 feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct; the United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work; that if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia; and if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at The so-called organic act of the District provides as follows:

The Chair thinks that this provision authorizes the commissioners to have the work done where the railway company fails to do it, as required in the first paragraph read by the Chair, and in order to do that the District government must have funds with which to perform the work; and the Chair thinks that this provision is ample authority upon which the House can base an appropriation, or may make available a fund to enable the commissioners to do the work.

It was suggested in the argument that it was not contemfunds to pay for any part of the work required to be done by the railway, and that is true. Neither was it contemplated in the act that any money should come out of the District revenues with which to pay the expenses of this work that is required to be done by the railway company. It was contemplated and expressly provided by the act that that work should be done by the railway companies themselves, and after providing that the commissioners should do it in the event of the failure of the railway companies to perform the work, a method was provided whereby the District government can recover from the railway companies the amount so expended. Therefore the Chair thinks that the authority is the same, so far as the fund coming out of the Federal Treasury is concerned, as it is with reference to that coming out of the District revenues; and thinking that the section which provides that the commissioners shall have the work done furnishes a basis that is ample for the authorization of the provision making available this fund, the Chair overrules the point of order made to that paragraph. The question is upon the amendment proposed by the gentleman from Texas [Mr. Burleson]

The question being taken, the amendment was agreed to.
The CHAIRMAN. The next amendment in point of time is
the amendment on page 57. The provision beginning on page
56, line 3, and extending down and including line 20, having gone out of the bill on a point of order made by the gentleman from Virginia [Mr. Carlin], the gentleman from Texas [Mr. Bur-LESON] offered an amendment.

Mr. BURLESON. I offered it as a substitute for the paragraph that went out of the bill on a point of order.

The CHAIRMAN. The gentleman's amendment is as follows:

Amend page 57, line 16, by adding, at the close of line 16, the fol-

Amend page 57, line 16, by adding, at the close of line 16, the following:

"Provided, That no part of any money appropriated by this act for public schools shall be expended for the tutelage or otherwise of any pupils who do not reside in said District, or who, during said tutelage, do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: Provided, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education, with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupils; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

The Chair desires to hear briefly from the gentleman from Illinois on that point of order. The gentleman from Illinois reserved the point of order, and also the gentleman from Virginia [Mr. Carlin].

Mr. MANN. I reserved the point of order in the temporary absence of the gentleman from Virginia. Subsequently he came into the Charles also reserved the point of order. I do

into the Chamber and also reserved the point of order. I do not care to discuss the point of order.

Mr. BURLESON. The Chair will remember the circumstances under which this amendment was offered. The amendment was hastily drawn, and I ask unanimous consent that I may substitute this amendment which I send to the desk for the amendment now pending.

Mr. MANN. Has the Chair ruled on the point of order?

The CHAIRMAN. The Chair has not.

Mr. MANN. Then I take it that unanimous consent would not take away the point of order?

Mr. BURLESON. Not at all.
Mr. OLMSTED. Was the point of order made?
The CHAIRMAN. The point of order was made, and by unanimous consent on Saturday the paragraph went over.

Mr. OLMSTED. I thought it was only reserved.

The CHAIRMAN. It was made by the gentleman from Virginia [Mr. Carlin]. The Clerk will read the amendment which the gentleman from Texas proposes to substitute.

The Clerk read as follows:

The Clerk read as follows:

No part of any money appropriated in this act for public schools shall be used for tutelage or otherwise of pupils in the public schools in the District of Columbia who do not reside in said District, or who during such tutelage do not own property in or pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the District of Columbia in excess of such estimated cost of tuition, except on the payment of such amount to be fixed by the board of education, with the approval of the Commissioners of said District, as will cover the expense of tuition, cost of textbooks and school supplies used by such pupils, and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. LINTHICUM. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Texas asks manimous consent to withdraw the amendment and substitute another amendment, which has been read at the Clerk's desk, with a point of order pending against it.

Mr. CARTER. What was the former amendment of the gentleman from Texas?

Mr. BURLESON. The effect of it is the same, the phraseology is a little different.

Mr. CARTER. This is to prevent the children living outside the District going to the schools of the city at the expense of the District fund

Mr. BURLESON. Yes.

Mr. CARTER. And it excludes those in the employ of the Government?

Mr. BURLESON. That is the law now.
Mr. CARTER. I want to announce my opposition to this kind of restriction in education, but I will not carry it to the point of an objection to unanimous consent. I am willing that the gentleman may take the sense of the committee on that point

The CHAIRMAN. Without objection, the amendment proposed by the gentleman from Texas will be substituted for the pending amendment.

There was no objection.

The CHAIRMAN. Is there any gentleman who desires to be heard on the point of order?

The Chair is of opinion that the amendment proposed by the gentleman from Texas is clearly a limitation upon the appropriation.

Mr. BURLESON. Mr. Chairman, the gentleman from Maryland [Mr. Linthicum] has an amendment that he desires to offer.

The CHAIRMAN. It is well understood that there may be a limitation upon an appropriation, and the Chair therefore overrules the point of order.

Mr. LINTHICUM. Mr. Chairman, I have an amendment which I desire to offer, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after the words "school supplies used by such pupils" the following:

"Less such sum as shall equal the taxes, if any, paid by the said pupil or the parents of such pupil."

Mr. CARLIN. Mr. Chairman, I have just come into the Chamber. What has become of the point of order that I raised

to the amendment which related to the schools?

The CHAIRMAN. The Chair will state that the amendment came up and the Chair desired to hear from the gentleman from Virginia on the point of order, and called for the gentleman from Virginia. The gentleman was absent, and the gentleman from Texas [Mr. Burleson] withdrew the original amendment, to which the gentleman from Virginia had raised the point of order and substituted another. There was no argument upon the point of order. The Chair examined the second amendment and thought that it came clearly within the rule, and overruled the point of order.

Mr. CARLIN. I had not seen the second amendment, and if

the Chair will bear with me a moment—
The CHAIRMAN. The Chair will state that the matter had been passed upon, and, without unanimous consent, it can not

Mr. CARLIN. I had an agreement with the chairman of the committee that I would be heard upon the point of order. had just stepped outside the door for a minute to answer a card. Mr. BURLESON. Mr. Chairman, I did not understand the

statement of the gentleman from Virginia.

Mr. CARLIN. I say I thought I had an agreement with the gentleman that I was to be heard on the point of order, and it

was passed for that purpose.

Mr. BURLESON. I agreed that it was to be postponed in order that the gentleman might consider the amendment, but I did not agree with the gentleman that the bill should be delayed or that he should even be heard upon the point of order.

I so understood it.

Mr. BURLESON. We agreed to postpone it for the time being in order that the gentleman might examine the amendment

Mr. CARLIN. I have been here all the time, and I certainly thought I had an agreement with the gentleman to that effect.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent

that the vote on the amendment be vacated and the point of order left open.

Mr. MANN. But there has been no vote taken.

The CHAIRMAN. The amendment has not been voted upon.

The Chair just completed his ruling.

Mr. OLMSTED. Then, Mr. Chairman, I ask unanimous consent that the ruling of the Chair be vacated and that the gentleman from Virginia and others who may desire may be heard on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the ruling of the Chair may be vacated and the gentleman from Virginia and others who desire to be heard may be heard upon the point of order. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Chairman, I would like to see the last amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. CARLIN. Mr. Chairman, I make the point of order against the amendment. I desire to call the attention of the Chair to the fact that this is in effect the same language which has been declared to be as a paragraph in the original bill out of order. The only difference now between it and as it appeared when the former ruling was made is in the language which appears in pencil at the top:

That no part of any money appropriated in this act for public schools shall be used for the tutelage, etc.

Mr. Chairman, of course, as the Chair has already ruled upon this point, it would seem almost a hopeless task to present any argument to the Chair.

The Chair ruled without hearing any The CHAIRMAN. argument. The Chair will be glad to hear the gentleman, and

would not hesitate to change his ruling if he thought proper to do so.

Mr. CARLIN. Mr. Chairman, this is contended to be a limitation upon an appropriation bill, and I admit that, so far as it is a limitation, it is not subject to the point of order; but I contend that all language after the word "except" is entirely new legislation, and instead of being a limitation upon the appropriation is an enlargement of the present existing statute and an enlargement of the present powers of the commissioners. How can it be contended, when you provide a new schedule other than that already provided for by statute for the tuition of children and their admission to public schools, that that is a limitation upon an appropriation? We have existing to-day a statute which provides the conditions for tutelage in the District of Columbia schools. If this can be written in an appropriation bill, that statute is in effect repealed and no longer is of any effect, and the Congress of the United States is asked under the guise of a limitation to repeal an existing statute. The first part of this paragraph is simply a reenactment of the present statutory law. The paragraph, after the word "except," is entirely new, sets up a new condition of law, and imposes new conditions upon nonresident pupils, for which there is no authority for this committee, even, to appropriate. The committee has no power to appropriate for that purpose and therefore has no power to limit an appropriation for that purpose. It has no power to appropriate a single cent or a single dollar, and if it does do it it has no power to limit that appropriation, because it is an entirely new and distinct provision of law. It is a perfectly plain proposition, and it is admitted here that where the limitation is an honest limitation upon a lawful appropriation, and an appropriation made in response to statutory law, that, of course, this point of order could not prevail; but where there is no power in the committee to appropriate there is none to limit an appropriation upon the statute it has no power to enact; it falls within the rule that it is new legislation and not a limitation. Of course, this is no place for an argument about the persistency with which this Democratic committee insists upon this limitation which only affects the citizens of two Democratic States, Maryland and Virginia. is a cheeseparing policy which comes from a committee that can find no money for public parks, no money for additional schools, but proposes to accomplish a policy of economy by striking the nonresident pupils from the schools; the nonresi-dents, not the children of Members of Congress. Here we solemnly say we will preserve the schools for ourselves; we will not charge our children for tutelage; we will preserve them for the Senators and Members of Congress and Cabinet officers; and what is more we will preserve them for the paid officeholders in the District of Columbia.

If you hold an office here you may live in Virginia or Maryland and the schools are preserved and kept open for you without this additional tax. If you occupy a seat upon this floor the schools are preserved and kept open for you without any additional tax, and so if you hold a position in the Cabinet; but if you happen to be the child of some poor citizen of Maryland or Virginia, seeking an education, and whose parents under the law have to pay taxes here, then you are excluded. The present law provides, and this is in reference to the point of order, Mr. Chairman, that any parent paying taxes in the District of Columbia may enter his children at the schools in the District of Columbia. The amendment seeks to limit that and say he shall of Columbia. The amendment seeks to limit that and say he shall own at least \$2,500 or \$3,000 worth of property, because it fixes the tuition at about the tax upon that sum. In other words, a rich nonresident, the rich man living in Maryland or Virginia, has the schools still left open to his children, while the poor man, who only pays a few dollars' worth of taxes in the District of Columbia, is to have his children excluded by the language used in this amendment, after the word "except."

This may be good policy; gentlemen may think they are representing the great Democratic Party when they undertake to place their seal of approval upon this policy in the National Capital. God forbid that the party should ever approve of any such course as this. It will never get my approval, nor do I believe that it will get the approval of many Democrats upon this floor. I contend now, however, we are left nothing but the simply naked construction of the rule; and the idea that you can limit an unlawful appropriation, an appropriation which you have no right to make, is a novel one to me.

Mr. MANN. Will the gentleman yield for a question? Mr. CARLIN. Certainly, sir.

Mr. MANN. Am I correct in thinking that the schools are supported one-half out of the revenues collected in the District of Columbia and one-half out of the revenues taken from the General Treasury?

Mr. CARLIN. Absolutely correct.

Mr. MANN. So that, as I understand, the proposition now is that the one-half of the revenues collected in the District entitles the people in the District to the entire benefit of the schools, but the one-half contributed by the people at large in the country does not entitle them to a single pupil in the country?

Mr. CARLIN. That is right; to no consideration whatever, unless they happen to be Members of Congress, or United States

Senators, Cabinet officers, or other officeholders.

Mr. SHERLEY. Is it the gentleman's contention that the one-half that is paid by the country at large will be for the exclusive benefit of the counties of Maryland and Virginia and of his own district?

Mr. CARLIN. The gentleman knows I have made no such contention as that. But I do contend that Maryland is still a part of the United States, and I have a reasonable assurance that Virginia is still a part. I am confident of one thing, that if Kentucky was affected by this proposition the gentleman would have given it further consideration than he seems to have given it.

Mr. SHERLEY. The gentleman's own position would be, if he had an opportunity, to exclude children of officeholders, Representatives, and Senators from the benefit of it.

Mr. CARLIN. You will have an apportunity here, because I

may offer that amendment.

Mr. SHERLEY. I will vote for it with great pleasure.

If these poor little urchins, only about 50 or Mr. CARLIN. 100 of them, whose parents pay small sums of taxes in the District of Columbia, are to be deprived of the schools in order to carry out a policy of economy, then let us deprive our own children, the children of officeholders, and of men who are Mr. MANN. Will the gentleman yield for a question?
Mr. CARLIN. Yes, sir. drawing large salaries of that privilege

Mr. MANN. Does not the gentleman believe that if this policy is to be pursued the logical end of it would be to provide that no one should be entitled to school facilities unless they

paid a proportionate cost of the school expenses?

Mr. CARLIN. Yes, sir. That is the logical conclusion.

Mr. MANN. Why should rich people be charged to send poor

children to school on this theory?

Mr. CARLIN. I would agree with you about that, except that I am in favor of taxing the rich reasonably and just for schools as well as for everything else. But, Mr. Chairman, getting back to the subject matter, when we come to the analysis of the limitation upon an appropriation bill, I think you will agree with me that the appropriation must first be a lawful appropriation and not itself subject to a point of order. If they made the appropriation for the purpose which is set forth in the limitation, it would be subject to a point of order. There is no statutory authority to make such an appropriation, and they have no right to make such a limitation. To limit an unlawful thing in this way is to practically condone and give effect to the unlawful thing.

Mr. MANN. Will the gentleman yield for a question? I do not desire to trespass on the time of the gentleman, however.

Mr. CARLIN. There is nobody to whom I would rather

Mr. MANN. There is no authority to make the appropriation. Does the gentleman contend that the appropriation in this bill for school positions is without warrant of law?

Mr. CARLIN. I contend that to make an appropriation for school purposes other than that provided in the statute is without authority. They have changed the statute which authorized the appropriation. They have enlarged it.

Mr. MANN. In what respect have they enlarged it so that they now provide for schools for purposes not provided by law?

The bill does not say what the purposes are.

Mr. CARLIN. Yes, sir; this bill does. They have provided for the admission of nonresident pupils to schools on the payment of tuition fees and books and other sums of money for which there is no statute in existence.

Mr. MANN. There is no provision in the bill for nonresident

pupils.

Mr. CARLIN. None whatever.
Mr. MANN. There is nothing in the bill on the subject.
Mr. CARLIN. This amendment—

Mr. MANN. This amendment is no appropriation. Does the entleman contend in having the right to make an appropriation for school purposes we have no right to provide it shall not be used for something that is illegal or legal-either one?

Mr. CARLIN. I think you have; but I think you have no right to extend the present statute and make your provision in a way other than the statute at present allows without being subject to a point of order. In other words, this amendment is

enacting into law conditions for nonresident education different from the present existing statute. In a case where that limitation was not placed upon it the present occupant of the chair has held that the Committee on Appropriations had no right to put that in the bill, because it was new legislation. The Chair is bound under that ruling.

Now, if they had no lawful right to make an appropriation because it was new legislation, they have no right to limit it. The limitation is in violation of the rule. When I say it was unlawful I mean it was in violation of the rule, because the

statute itself would be in violation of the rule.

What condition will be brought about if this construction is allowed to stand? The Chair will have succeeded in reversing a former ruling. The Chair will have succeeded in accomplishing a parliamentary somersault. The present occupant of the chair has held that, under the Holman rule, they could not place this provision in their bill as an original paragraph because of the fact that it was plainly and simply new legislation and did not come within the rule.

The CHAIRMAN. If the gentleman will permit, it was the temporary chairman of the committee, Mr. Hughes of New Jersey, who held that; but the present occupant of the chair would have held that same way if he had been in the chair.

Mr. CARLIN. I was speaking of the construction laid down by the present occupant of the chair when he was construing

the Holman rule a few days ago.

Now, Mr. Chairman, you are asked to say that because this is a limitation upon an appropriation they can enact this new legislation into law. The test of the rule, in my judgment—the very essence of it—is contained in the answer to this question: Is it new legislation? When the reason for the rule ceases, the rule itself must cease.

Now, what is the rule upon which this is based, both as to the limitation and as to the rule itself? I refer to the Holman rule. It proceeds on the theory that there shall be no legislation unless it accomplishes an economy—a saving of money. That is the language of the rule. That same language must apply to the limitation. Where is there any saving here? It is not

pretended that there is any.

When we come to the exception, its very language is a repeal of the present existing statute and the writing of a new one. That is all. And I say that if that law were not upon the statute books the Committee on Appropriations could not even appropriate money for that purpose. They would not have power to do it, and therefore they have not the power to limit appropriation for that purpose. You must have the power to appropriate before you can make a lawful limitation upon it.

Now, Mr. Chairman, that seems to me to be the reasonable construction, and any other construction will return to plague the Chair and return to plague the House. There will be the greatest of confusion. Indeed, I anticipate nothing but confusion if the Chair permits a new statute to be enacted repealing an existing statute. If the Chair permits the Committee on Appropriations to refuse to appropriate under and for existing laws and allows them to enact new laws for the purpose of appropriations, then will be experienced the beginning of the trouble which we now foresee. Other committees making appropriations in this House will write the words in front of their new legislation, "Provided, That no part of the money hereby appropriated shall be used," and so forth, and then they will write the old statute in the appropriation bill and say that no part of the appropriation shall be used for it. That is what this committee has done.

Now, Mr. Chairman, I ask your further attention for just a moment. This committee has offered to the Chair the present statutory law, which makes it their duty to make an appropriation for these schools, and has said, "We shall not appropriate one dollar for that purpose." Has this committee the power to do that? The first paragraph of this amendment is the present existing statute of the land, and although it is the solemn duty of that Committee on Appropriations to appropriate the status in the solemn duty of that committee on Appropriations to appropriations. priate to carry that statute into effect, yet they come in not to appropriate according to statutory law, but they take the very statute itself and say that no part of the appropriation shall be used for that lawful purpose unless such and such a thing is They have no such power. The committee would have a done. right, perhaps, to limit its appropriations to new subject matters. It might have that right, maybe; that is, if it were germane. But when they take an existing statute which requires the appropriation for the schools to be made and write it into the appropriation bill and say that "no part of this appropria-tion shall be used for that purpose," it may be the District authorities will have no power to expend one cent of this entire appropriation for the public schools of the city, because there will be no statute in existence upon which we could base an appropriation if this language is permitted to remain.

Mr. OLMSTED. Mr. Chairman, there is no doubt that Congress may refuse to appropriate at all, and it has been held over and over again that as it may refuse to appropriate at all it may refuse to appropriate except for a certain purpose or subject to certain limitations, but those limitations must be limitations pure and simple upon the purpose for which the money may be expended. No one knows better than the distinguished Chairman himself, who is doing excellent work in the chair, that we have a provision in the rule against changing existing law in a general appropriation bill. A limitation, to be a limitation within the rulings, must be purely negative and not attempt any affirmative legislation.

Now, this amendment provides that no part of any money appropriated by the bill shall be used for the tutelage of pupils without certain qualifications. Thus far that is a limitation pure and simple upon the appropritaion, and is within the rulings; but in the concluding portion of the amendment we find what seems to be positive, affirmative legislation. It says:

Except on the payment of such amount, to be fixed by the board of education with the approval of the commissioners of said District.

There is a provision which would be construed by those officials as imposing positive duties upon them. And then:

All payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

These are positive, affirmative directions of law. They change

existing law by making law where none at present exists.

I will only take up the time of the Chair to call attention to the precedents referred to in section 825 of the Manual, near the bottom of the page, on the subject of limitations:

The limitation may not be applied directly to the official functions of executive officers, but it may restrict executive discretion, so far as this may be done by a simple negative on the use of the appropriation, which does not give affirmative directions.

That is the very last line on the page, and there are numerous recedents cited. "Which does not give affirmative directions." precedents cited.

This amendment appears to me to give affirmative directions. I am rather in favor of the purpose of the amendment, and my object in rising is merely because of the interest I have in keeping the parliamentary situation straight and because I wish to call these matters to the attention of the Chair.

Mr. MANN. Will the Chair hear me for one moment? really in reiteration of what the gentleman from Pennsylvania [Mr. Olmsted] has said. I regard it as very important that the Chair shall not hold in order the provision in the amendment with reference to the payment one-half to the United States and one-half to the revenues of the District of Columbia. I regard that proposition as serious legislation.

The CHAIRMAN. The Chair will state that upon hearing the gentleman from Virginia [Mr. CARLIN], the gentleman from Pennsylvania [Mr. Olmsted], and the gentleman from Illinois [Mr. Mann], and upon making for himself a closer examination of the precedents than he had made at the time of the former ruling, he is convinced that the sounder reasoning and the safer rule of parliamentary law lies upon the side of the contention of the gentleman from Virginia. The Chair is inclined to sustain the point of order made by him, but if the gentleman from Texas [Mr. Burleson] has anything to suggest in regard to the question the Chair will be glad to hear it.

Mr. BURLESON. I offer another amendment.

The CHAIRMAN. The Chair sustains the point of order ade by the gentleman from Virginia [Mr. CARLIN]. The genmade by the gentleman from Virginia [Mr. CARLIN]. tleman from Texas offers an amendment, which the Clerk will

The Clerk read as follows:

No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein.

Mr. CARLIN. To that I reserve a point of order.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

Mr. CARLIN. I have not yielded the floor; the gentleman can not make that motion.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Texas has the floor. The gentleman from Texas offered an amendment and was entitled to the floor. Of course the Chair recognized the gentleman from Virginia to reserve the point of order, as is customary and proper under the rules, but that being done, he thinks he should recognize the gentleman from Texas.

Mr. CARLIN. Mr. Chairman, I want to ask the gentleman

from Texas a question.

Mr. BURLESON. I will reserve the motion and hear the gentleman,

Mr. CARLIN. What is the necessity for adjourning now at

this early hour?

Mr. BURLESON. I think there is a very urgent necessity for it at this time.

Mr. MANN. The Republicans wish to absent themselves from the Hall. [Laughter.]

Mr. CARLIN. Well, Mr. Chairman, the gentleman's reason has convinced me. [Laughter.].
Mr. BURLESON. Mr. Chairman, I renew my motion.

The motion of Mr. Burleson was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. THAYER, by unanimous consent, was given leave of absence for three days on account of sickness in his family.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below.

S. 2748. An act for the relief of Clara Dougherty, Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C. with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station in said District; to the Committee on the District of Columbia.

S. 3587. An act providing for the payment of certain sums found due by the auditor of the Supreme Court of the District of Columbia under the provisions of the act approved March 4, 1909, chapter 306; to the Committee on the District of Columbia.

S. 3856. An act relative to the establishment of post-lantern lights on the St. Croix River, including Lake St. Croix, Wis. and Minn.; to the Committee on Interstate and Foreign Com-

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs-collection district of Cuyahoga, Ohio, and for other purposes; to the Committee on Ways and Means.

S. 296. An act to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg.; to the

Committee on Interstate and Foreign Commerce. S. 1653. An act to provide American register for the steam yacht *Diana*; to the Committee on the Merchant Marine and Fisheries.

S. 3776. An act permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana; to the Committee on Interstate and Foreign Commerce.

S. 462. An act for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased; to the Committee on Claims.

S. 271. An act to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

S. 1150. An act to provide for an additional judge of the district court for the district of Massachusetts; to the Committee on the Judiciary.

S. 4041. An act for the relief of Elizabeth Muhleman, widow, and heirs at law of Samuel A. Muhleman, deceased; to the

Committee on Claims. S. 3469. An act for the relief of the American Surety Co., of

New York; to the Committee on Claims. S. 1293. An act for the relief of Herbert Thompson; to the

Committee on Claims. S. 2127. An act for the relief of the heirs of Robert S. Gill;

to the Committee on Claims. S. 2311. An act for the relief of Bellevadorah Steele; to the Committee on Claims.

S. 2628. An act for the relief of Libbie Arnold; to the Com-

mittee on Claims. S. 2611. An act for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

S. 269. An act referring the claim of the State of Rhode Island to the Court of Claims for adjudication; to the Committee on War Claims.

S. 2749. An act authorizing the State Department to deliver to certain persons gifts from the Governments of foreign States; to the Committee on Foreign Affairs.

S. 67. An act for the relief of Capt. Joseph Herring, United

States Army, retired; to the Committee on Claims.

S. 3475. An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation in the States of South Dakota and North Dakota; to the Committee on Indian Affairs.

S. 4033. An act for the relief of Warren E. Day; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same: H. R. 14125. An act to authorize the construction, mainte-

nance, and operation of a bridge across the Little River, at or near Lepanto, Ark.;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14110. An act to extend the time for building a bridge

across the Mississippi River at Minneapolis, Minn.;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy

River:

H. R. 15920. An act to authorize the board of county com-missioners for Beltrami County, Minn., to construct a bridge across the Mississippi River; and

H. R. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer,

The SPEAKER announced his signature to enrolled joint

resolution of the following title:

S. J. Res. 68. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 24, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Doorkeeper of the House of Representatives, transmitting a list of public property under his charge in the various rooms of the House in the Capitol Building and folding room in the House Office Building on December 4, 1911. with additions and subtractions since the adjournment of the House, August 22, 1911 (H. Doc. No. 475); to the Committee on Accounts and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Gilberts Bar (St. Lucie Inlet), Fla. (H. Doc. No. 471); to the Committee on Rivers and Harbors and ordered to

be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Neah Bay, Wash. (H. Doc. No. 472); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the attorneys of the Georgetown Barge, Dock, Elevator & Railway Co., transmitting to Congress the annual report of that company (H. Doc. No. 473); to the Committee on

the District of Columbia and ordered to be printed.

5. A letter from the president of the Board of Managers
National Home for Disabled Volunteer Soldiers, transmitting detailed report of receipts and disbursements and transfers in connection with the post fund from July 1, 1886, to March 2, 1911 (H. Doc. No. 474); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17934) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee, reported the same with amendment, accompanied by a report (No. 254), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Inter-state and Foreign Commerce, to which was referred the bill (H. R. 16837) authorizing the construction of a bridge across the Mississippi River at Bemidji, Minn., reported the same with amendment, accompanied by a report (No. 255), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16680) to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark., reported the same with amendment, accompanied by a report (No. 256), which said bill and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16677) to authorize Butler and Stoddard Counties, Mo., to construct a bridge across the St. Francis River at Hodges Ferry, Mo., reported the same without amendment, accompanied by a report (No. 257), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17232) to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo., reported the same without amendment, accompanied by a report (No. 258), which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the Committee on Foreign Affairs, to

which was referred the joint resolution (H. J. Res. 207) to extend the invitation of Congress to the Interparliamentary Union, and making an appropriation for the entertainment of its members, reported the same without amendment, accompanied by a report (No. 259), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER: A bill (H. R. 18585) to authorize the Secretary of War to loan tents and allied equipment to certain schools and colleges for military purposes; to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 18586) authorizing the Secretary of the Treasury to enlarge and remodel the appraisers' stores building at Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HEFLIN: A bill (H. R. 18587) to require agents, brokers, and members of cotton exchanges and other persons in reporting or publishing notices of interstate or foreign sales of cotton to state specifically whether the sale is that of cotton futures or of actual cotton; to the Committee on Agriculture.

By Mr. DIFENDERFER: A bill (H. R. 18588) for the erection of a public building in the borough of Pottstown, State of Pennsylvania; to the Committee on Public Buildings and

By Mr. CRAGO: A bill (H. R. 18589) for the improvement of the Braddock Memorial Park along the old National Road in Fayette County, Pa.; to the Committee on the Library.

By Mr. BRANTLEY: A bill (H. R. 18590) repealing section

4716 of the Revised Statutes; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 18591) to provide for the application and construction of pension laws; to the Committee

on Military Affairs.

By Mr. TRIBBLE: A bill (H. R. 18592) to increase the limit of cost for the post-office building heretofore authorized at Elberton, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. NELSON: A bill (H. R. 18593) to establish a legislative reference bureau in the Library of Congress; to the Committee on the Library.

By Mr. VOLSTEAD: A bill (H. R. 18594) to regulate interstate and foreign commerce carried on by automobiles; to the

Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 18595) to require the delivery of cotton sold on contracts and to require a public record to be kept of all sales of cotton on the exchange, together with the grade and the amount of cotton actually delivered and the amount and grade of cotton on hand at the exchange from time to time; to the Committee on Agriculture.

By Mr. COPLEY: Resolution (H. Res. 385) providing for the appointment of a committee to investigate and report whether it is practicable to install an electrical voting device in the House of Representatives for the purpose of recording the aye-and-nay votes of the Members; to the Committee on Rules.

By Mr. LLOYD: Resolution (H. Res. 386) authorizing the

Postmaster of the House to appoint a messenger; to the Com-

mittee on Accounts.

By Mr. SULZER: Joint resolution (H. J. Res. 224) authorizing acceptance of invitation to participate in a universal and international exhibition to be held at Ghent, Belgium; to the

Committee on Foreign Affairs.

By Mr. ANDERSON of Ohio: Joint resolution (H. J. Res. 225) in reference to the employment of enlisted men in competition with local civilians; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows: By Mr. ANDERSON of Ohio: A bill (H. R. 18596) granting an increase of pension to George E. Pruden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18597) granting an increase of pension to

Andrew Schlosser; to the Committee on Invalid Pensions.
Also, a bill (H. R. 18598) granting an increase of pension to

Lemuel B. Champlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18599) granting an increase of pension to

William Post; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 18600) granting an increase
of pension to Daniel C. Ashby; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 18601) granting an increase of pension to Robert Esler; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL; A bill (H. R. 18602) granting an increase of pension to William Souther; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 18603) granting an increase of pension to John B. Buckley; to the Committee on Invalid

By Mr. CRUMPACKER: A bill (H. R. 18604) granting an increase of pension to Kate E. Smith; to the Committee on Invalid

By Mr. DAVIS of Minnesota: A bill (H. R. 18605) granting an increase of pension to James Hunter; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 18606) for the relief of Walter S. Wyatt; to the Committee on Claims.

By Mr. DODDS: A bill (H. R. 18607) granting an increase of pension to Charles Swarthout; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 18608) to correct the military record of Hezekiah A. Wood; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 18609) granting a pension to Anton Casper; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 18610) granting an increase of pension to Jabez G. Cole; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 18611) for the relief of R. B. Davis; to the Committee on Claims.

Also, a bill (H. R. 18612) for the relief of John L. Cantwell;

to the Committee on Claims.

By Mr. GUERNSEY: A bill (H. R. 18613) for the relief of Charles A. Varnum; to the Committee on War Claims.

By Mr. HARTMAN: A bill (H. R. 18614) granting an increase of pension to Samuel A. Rothrock; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 18615) granting an increase of pension to Cash Keeley; to the Committee on Invalid Pen-

By Mr. HOWELL: A bill (H. R. 18616) for the relief of

Thomas Haycock; to the Committee on Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 18617) granting a pension to Sarah A. Van Orden; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 18618) granting a pension to Frank W. Greer; to the Committee on Pensions.

Also, a bill (H. R. 18619) granting an increase of pension to Benjamin F. Henderson; to the Committee on Invalid Pensions. By Mr. KONOP: A bill (H. R. 18620) granting a pension to

William L. Lehman; to the Committee on Invalid Pensions. By Mr. LAFEAN: A bill (H. R. 18621) to correct the military record of Joseph H. Tavenner; to the Committee on Military

Affairs. By Mr. LEE of Georgia: A bill (H. R. 18622) for the relief of the heirs of James Freeman, deceased; to the Committee on

War Claims By Mr. McHENRY: A bill (H. R. 18623) granting a pension

to Mary A. Adams; to the Committee on Invalid Pensions. By Mr. MATTHEWS: A bill (H. R. 18624) granting a pen-

sion to Louis O. Edgar; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18625) for the relief of W. W. Rutledge, sole heir and legatee of J. M. Rutledge, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18626) for the relief of F. J. Warrenfells, attorney in fact and representative of the heirs of Virginia F. Minor, deceased, one of the heirs and legatees of Orlando S. Jones, of Arkansas; to the Committee on War Claims.

By Mr. MOSS of Indiana: A bill (H. R. 18627) granting an increase of pension to Belle Armel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18628) for the relief of William H. Reeves;

to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 18629) directing that the charge of desertion standing against the name of George F. Stedman be removed; to the Committee on Naval Affairs.

By Mr. ROTHERMEL: A bill (H. R. 18630) granting an in. crease of pension to Augustus Robeson; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 18631) granting a pension to Celestine Moreau; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 18632) granting an increase of pension to Stephen H. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18633) restoring the name of Harriet S. Upright to the pension roll; to the Committee on Invalid Pen-

By Mr. STEPHENS of Nebraska: A bill (H. R. 18634) for the relief of John H. Felber; to the Committee on Claims. By Mr. TAGGART: A bill (H. R. 18635) to correct the mili-

tary record of Patrick McGee, alias Patrick Gallagher; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 18636) granting an increase of pension to Mary P. Leahy; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 18637) granting an increase of pension to Clark P. Tillinghast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18638) granting an increase of pension to Julia Richards; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 18639) granting a pension to

Mary A. Cougill; to the Committee on Invalid Pensions.
Also, a bill (H. R. 18640) granting an increase of pension to Elbridge Miller; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 18641) for the relief of

Isaiah Heylin McDonald; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Retail Merchants' Associa-

tion of Texas, for repeal of oleomargarine law; to the Committee on Agriculture.

By Mr. AIKEN of South Carolina: Petitions of citizens of South Carolina, against parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of South Carolina, asking reduction in duties on sugar; to the Committee on Ways and Means.

By Mr. ALLEN: Petition of citizens of Cincinnati, Ohio, urging enactment of old-age pension law; to the Committee on Pensions.

By Mr. AYRES: Petition of W. N. White & Co., of New York, N. Y., for the temporary elimination of the duty on potatoes; to the Committee on Ways and Means.

By Mr. BOEHNE: Petition of 7 citizens of Otwell, Ind., protesting against the enactment of any legislation for the extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Indiana, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BOWMAN: Petition of the Anthracite and Dallas (Pa.) Councils, Junior Order United American Mechanics, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the German Roman Catholic Society, of Wilkes-Barre, Pa., in favor of the Esch bill, to provide for a tax upon white-phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. CLINE: Papers to accompany House bill 18512, granting a pension to Julia A. Rulo; to the Committee on Invalid Pensions.

By Mr. CRAVENS: Petitions of citizens of Arkansas, favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DALZELL: Memorial of the Woman's Home Missionary Society of the Methodist Episcopal Church, indorsing the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of citizens of Young America, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of the Minnesota Cooperative Live Stock Shippers' Association, asking for the passage of the Beall bill providing for establishment of bureau of markets within the Department of Agriculture; to the Committee on Agriculture.

Also, memorials of German Catholic societies of Minnesota, urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. DOUGHTON: Petition of citizens of Albemarle, N. C., in favor of the passage of an effective interstate liquor law: to the Committee on the Judiciary.

By Mr. DYER: Petition of citizens of St. Louis, Mo., in favor

of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of H. Johnson and C. Damhorst, of St. Louis, Mo., in favor of total elimination of tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of the Cigar Packers' Union, of St. Louis, Mo., against the Smoot printing bill; to the Committee on Printing.

Also, papers to accompany bill granting a pension to William

L. Woestendick; to the Committee on Pensions.

Also, resolution of the Colonel S. W. Fordyce Garrison, No. 113, Army and Navy Union of the United States of America, requesting that veterans of any of the wars of the United States be considered in the preferred class in filling vacancies in the classified civil service; to the Committee on Reform in the Civil

Also, petition of German-American Alliance, against enactment of interstate liquor laws; to the Committee on the Judiciary.

Also, petition of William H. Black, of Marshall, Mo., for extension of the work of the Bureau of Education; to the Committee on Education.

Also, memorial of Fairmount Park Art Association, Philadelphia, Pa., for Lincoln memorial as recommended by National Fine Arts Commission; to the Committee on the Library.

Also, petitions of Actold Remedy Co., Antikamnia Chemical Co., and the Manine Medicine Co., protesting against the passage of House bill 14060; to the Committee on Interstate and Foreign Commerce.

Also, petition of Wilmer Atkinson, of Philadelphia, Pa., relative to second-class postal matter; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bills 11520 and 12036; to

the Committee on Pensions.

Also, petitions of C. V. Lemen and Leroy K. Robbins, for the passage of the militia pay bill; to the Committee on Military

Also, petitions of Central Trades and Labor Union and the St. Louis Real Estate Exchange, of St. Louis, Mo., for extension of time for the completion of the municipal bridge at St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of Wisconsin State Federation of Labor, urging the enactment of House bill 11372; to the Com-

mittee on the Merchant Marine and Fisheries.

Also, petition of citizens of Owen, Wis., against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

Also, resolution of Chicago Civil Service League, praying for passage of House bill 5970, providing for the restoration to the Federal civil-service employees of their inherent rights as citizens; to the Committee on Reform in the Civil Service.

By Mr. FARR: Petition of Lewis Morse's Sons and others, of Lackawanna County, Pa., for the total elimination of the duties on raw and refined sugars; to the Committee on Ways and

By Mr. FITZGERALD: Petitions of citizens of New York, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Chicago Civil Service League, for passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, memorial of Fairmount Park Art Association, of Philadelphia, Pa., for proposed Lincoln memorial; to the Committee on the Library.

Also, petition of the Tennessee Public School Officers' Association, for extension of the work of the National Bureau of Education; to the Committee on Education.

Also, memorial of the Republican Club of the city of New York, for organization of national health service; to the Committee on Interstate and Foreign Commerce.

Also, memorials of the City Councils of Renovo and York, Pa., urging relief for the Austin and Costello flood sufferers; to the Committee on Appropriations.

By Mr. FOSTER of Illinois: Petition of Layson & Pfister, of Walton, Ill., against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petition of citizens of Idaho, for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Petition of board of administration, of the State of Illinois, favoring the passage of the Raker bill (H. R. 15355) as to postal rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of the American Laundry Machinery Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Thread Agency, of Chicago, Ill., in favor of the passage of House bill 14489, concerning proposed amendment to corporation-tax law; to the Committee on Ways and

Also, petition of Fairmount Park Art Association, of Philadelphia, Pa., favoring the proposed Mall site for the Lincoln memorial, etc.; to the Committee on the Library.

By Mr. HARRISON of Mississippi: Petitions of citizens of Harrisville and Maybell, Miss., for the enactment of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petitions of the Woman's Christian Temperance Union of Fishertown and Schellsburg, Pa., in favor of an effective interstate liquor law, etc.; to the Committee on the Judiciary.

Also, memorials of Granges Nos. 698 and 1119, Patrons of Husbandry, for repeal of oleomargarine law; to the Committee on Agriculture.

By Mr. JACOWAY: Papers to accompany House bill 18541, granting a pension to George W. Campbell; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 18542, for the relief of the heirs of A. H. Johnson; to the Committee on War Claims.

By Mr. JOHNSON of South Carolina: Papers to accompany bill for the relief of Benjamin F. Henderson; to the Committee on Invalid Pensions.

By Mr. KENDALL: Petition of citizens of Deep River, Iowa, against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Joseph H. Tavenner, of York, Pa., for the removal of the charge of desertion and for an honorable discharge from the military service of the United States; to the Committee on Military Affairs.

By Mr. McHENRY: Petitions of Stone Valley Grange, No.

1367, and Locust Grange, No. 248, Patrons of Husbandry, asking that the oleomargarine law be so amended as to contain certain provisions as set forth in said petitions; to the Committee on Agriculture.

By Mr. McKELLAR: Petition of citizens of Bolivar, Tenn., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MANN: Memorial of the Fairmount Park Art Asso ciation, favoring the site and form of the Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

By Mr. MARTIN of South Dakota: Petition of Will Holry and 13 other citizens of Deadwood, S. Dak., asking for three months' extension on homestead claims; to the Committee on the Public Lands.

Also, petition of the Michigan Alumni of Porto Rico, requesting that the inhabitants of Porto Rico be granted American citizenship; to the Committee on Insular Affairs.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of W. W. Rutledge; to the Committee on War

Claims.

Also, petition of Woman's Christian Temperance Union of Winchester, Tenn., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported territory for illegal use; to the Committee on the Judiciary.

By Mr. NEEDHAM: Resolution of the First Methodist Episcopal Church of Santa Cruz, Cal., in favor of the passage of effective interstate liquor law; to the Committee on the Ju-

diciary.

Also, resolutions of the Michigan Alumni Association, Porto Rico, in favor of granting American citizenship to the inhabitants of the island of Porto Rico; to the Committee on Insular Affairs

By Mr. OLMSTED: Memorial of St. Paul Methodist Episcopal Church, of Lebanon, Pa., for an effective interstate liquor

law; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of Henry F. Wilcox and 49 other residents of Vermont, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

memorial of Seventh-day Adventist Church of Hartford, Vt., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of Stetson, Barrett Co., of Los Angeles, Cal., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of California, praying for the enactment of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. REDFIELD: Memorial of citizens of New York City, for construction of a breakwater in Gravesend Bay; to the

Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: Petition of members of the Woman's Christian Temperance Union and Baptist Church of Reno, Nev.; of Methodist Episcopal and Baptist Churches of Fallon, Nev.; and of Methodist Episcopal Church of Winnemucca, Nev., protesting against shipping liquor into prohibi-

tion territory; to the Committee on the Judiciary.

Also, resolution of the Federated Trades of Vallejo, Cal., toward securing to Mare Island Navy Yard the construction of

a battleship; to the Committee on Naval Affairs.

By Mr. SHACKLEFORD: Paper to accompany bill granting a pension to Celestine Moreau; to the Committee on Invalid Pensions.

By Mr. SIMS: Petition of citizens of McNairy County, Tenn., in favor of bill prohibiting shipment of liquor into "dry" territory; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of S. I. Abbey and others, of Battle Creek, Mich., against the Johnston Sunday bill; to

the Committee on the District of Columbia.

By Mr. STEDMAN: Petition of citizens of North Carolina, in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petition of John M. Burdick and others, of Creighton, Nebr., in favor of parcel post; to the Committee on the Post Office and Post Roads. By Mr. SULZER: Petitions of citizens of Oregon, for the

passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Chicago Backer Gesang Verein, of Chicago, Ill., urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immi-

gration and Naturalization. By Mr. TAGGART: Petition of citizens of Pomona, Kans., against Senate bill 237, for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Kansas, favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. UNDERHILL: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., in favor of Lincoln memorial as recommended by park commission; to the Committee on the Library.

petition of citizens of New York State, in opposition to reduction of duty on potatoes; to the Committee on Ways and Means.

Also, memorial of Baron Steuben Chapter, Daughters of the American Revolution, favoring Senate bill 252, for the establishment of a national children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Petition of B. M. Briggs, of Woonsocket, I., favoring bill prohibiting interstate shipment of intoxicating liquors, and against restoration of the Army canteen; to

the Committee on the Judiciary.

Also, papers to accompany bills granting increase of pensions to Julia Richards and Clark P. Tillinghast; to the Committee

on Invalid Pensions.

By Mr. VREELAND: Petitions of the Christian Endeavor Society and Seventh-day Adventist Baptist Church of Little Genesee, N. Y., and First Baptist and First Methodist Episcopal Churches of Wellsville, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. WHITE: Petition of Putnam Presbyterian Christian Endeavor Society, of Zanesville, Ohio, for the passage of an effective interstate liquor law; to the Committee on the Ju-

diciary.

By Mr. WILLIS: Petition of St. Joseph's German Catholic

Chicagoling for the passage of House Society, of Delaware, Ohio, asking for the passage of House bill 2896, to provide for a tax upon white-phosphorus matches, and for other purposes; to the Committee on Ways and Means.

SENATE.

Wednesday, January 24, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Curus and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House

had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake, in Louisiana;

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mis-

sissippi River in said city;

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark.;

H. R. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo.

H, R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River; and

S. J. Res. 68. Joint resolution authorizing the Secretary of

War to receive for instruction at the United States Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Pattern Makers' Association of Buffalo, N. Y., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

Mr. CULLOM presented memorials of sundry citizens of Rhode Island, New York, New Jersey, Connecticut, and Pennsylvania, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain,

and France, which were ordered to lie on the table.

He also presented a petition of the Teachers' Association of Hamilton County, Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. SIMMONS presented a memorial of sundry citizens of Lilesville, N. C., and a memorial of sundry citizens of Hiddenite, N. C., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on

Post Offices and Post Roads.

He also presented petitions of sundry citizens of Goldsboro, Guilford College, and Washington, N. C., and a petition of the Yearly Meeting of Friends of Guilford College, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of members of the Monday Club, of Rochester, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie

on the table.

He also presented the petition of J. J. Keyes, superintendent of city public schools of Nashville, Tenn., praying that an appropriation be made for the extension of the work of the Bureau of Education, which was referred to the Committee on

Appropriations.

He also presented a petition of sundry citizens, parents, and taxpayers of the District of Columbia, praying for the adop-tion of the recommendations submitted by the board of education and the District Commissioners relative to the increase in the appropriations for the maintenance of the schools and for additional school buildings in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. GAMBLE presented a memorial of members of the Commercial Club of Gettysburg, S. Dak., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a memorial of Carpenters and Joiners Union No. 115, of Bridgeport, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as recommended by the Committee on Foreign Re-lations, and also that a similar treaty with Germany is submitted for ratification, which was ordered to lie on the

Mr. WORKS presented petitions of the Chamber of Commerce of Berkeley; of the Real Estate Association of Oakland; and of the Real Estate Association of Richmond, all in the State of California, praying that an appropriation be made for the construction of a suspension bridge between Oakland and San Francisco, in that State, which were referred to the Committee

on Military Affairs.

He also presented a petition of the Allied Forest Protective Associations of the Pacific Coast States, composing the Western Forestry and Conservation Association, praying for an increase in the appropriation for the maintenance of the Forestry Service, Department of Agriculture, which was referred to the Com-

mittee on Agriculture and Forestry.

Mr. LIPPITT presented memorials of the Independent Citizens' League; of Branch J. B. O'Reily, Irish National Foresters; and of the Robert Emmet Literary Association, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as recommended by the Committee on Foreign Relations, and also that a similar treaty with Germany is submitted for ratification, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Davisville, R. I., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post

Roads.

He also presented a memorial of the Eighth Ward Independent Club, of Providence, R. I., and a memorial of John Dillon Branch, Irish National Foresters, of Providence, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

Mr. LEA presented petitions of sundry citizens of Huntingdon, Cookeville, Knox County, McNairy County, Davidson County, Westmoreland, Chattanooga, Lake County, Davidson, Petersburg, Brighton, Lawrence County, Westport, Buena Vista, and Knoxville, all in the State of Tennessee, praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a memorial of sundry citizens of New York City, remonstrating against the ratification of the proposed treaties of arbitration between the United Sates, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on

Mr. BURTON presented a petition of the Board of Trade of Saginaw, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry citizens of Hiddenite, N. C., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Greens-, remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which was re-

ferred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Winston-Salem, Greensboro, Ayden, Warsaw, and Albemarle, all in the State of North Carolina, praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry local granges, Patrons of Husbandry, all in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were re-

ferred to the Committee on Agriculture and Forestry.

Mr. KERN presented a petition of H. D. Washburn Post, No. 220, Grand Army of the Republic, Department of Indiana, of Dana, Ind., praying for the passage of the so-called dollar-aday pension bill, which was referred to the Committee on Pen-

Mr. CURTIS presented memorials of sundry citizens of Hackney, White City, Liberal, Kipp, and Tipton, all in the State of Kansas, remonstrating against the establishment of a parcelpost system, which were referred to the Committee on Post Offices and Post Roads.

Mr. PAYNTER presented a memorial of sundry citizens of Brooksville, Ky., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Mrs. James Bennett, of Richmond; Mrs. Desha Breckinridge, of Lexington; and Mrs. John Castleman, of Louisville, Ky., praying for the adoption of an amendment to the Constitution providing that two Senators from each State be elected for six years by such of the people thereof as are 21 years old, of sound mind, and unconvicted by law of any crime, which was referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented memorials of sundry citizens of Ladysmith, Wis., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Wisconsin, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Northwestern Branch, National Home for Disabled Volunteer Soldiers, of National Home, Wis., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the

Mr. CLAPP presented a petition of the congregation of the Arlington Hills Presbyterian Church, of St. Paul, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Ancient Order of Hibernians of Minneapolis, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was ordered

to lie on the table.

He also presented a memorial of the Glenwood Farmers Elevator Co., of Glenwood, Minn., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and the Dominion of Canada, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Tem-

perance Union of Mora, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Minnesota Cooperative Live Stock Shippers' Association, praying for the establishment of a bureau of markets in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Mora, Minn., praying for the establishment of a children's bureau in the Department of Commerce and

Labor, which was ordered to lie on the table.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Union Bridge, Md., praying for the enactment of an interstate liquor law to prevent the nullifica-tion of State liquor laws by outside dealers, which was re-

ferred to the Committee on the Judiciary.

Mr. NIXON presented petitions of the congregations of the Methodist Episcopal Church of Fallon, the Baptist Church of Fallon, and the Baptist Church of Reno, all in the State of Nevada, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 1140) for the relief of the Southern Railway Co., submitted an adverse report (No. 238) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. McLEAN, from the Committee on Claims, to which was referred the bill (S. 2801) for the relief of Douglas B. Thomp-

son, reported it with an amendment and submitted a report

(No. 239) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 1416) for the relief of the Atlantic Coast Line Railroad Co., reported it without amendment and submitted a report (No. 241) thereon.

Mr. DIXON, from the Committee on Public Lands, to which was referred the bill (S. 2453) for the relief of Benjamin F. Martz, reported it with an amendment and submitted a report (No. 242) thereon.

HENRY C. HART.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 4178) for the relief of Henry C. Hart, administrator de bonis non of the estate of Henry C. Hart, last surviving partner of Clark, Hart & Co., reported the following resolution (S. Res. 195), and it was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 4178) entitled "A bill for the relief of Henry C. Hart, administrator de bonis non of the estate of Henry C. Hart, at surviving partner of Clark, Hart & Co.," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

OREGON AVENUE, CITY OF WASHINGTON.

Mr. GALLINGER. From the Committee on the District of Columbia I report back favorably, with an amendment, the bill (8. 4109) to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes, and I submit a report (No. 240) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, That the name of the highway leading from North Capitol Street to Rock Creek Park, now known as Oregon Avenue, shall hereafter be known and designated as Concord Avenue.

So as to make the bill read:

Be it enacted, etc., That the name of Oregon Avenue be restored to the street lying between New Hampshire Avenue and Eighteenth Street NW., in the District of Columbia, and said avenue shall be extended so as to include Cedar Place, and shall hereafter be known and designated as Oregon Avenue: Provided, That the name of the highway leading from North Capitol Street to Rock Creek Park, now known as Oregon Avenue, shall hereafter be known and designated as Concord Avenue.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

Mr. GALLINGER. A day or two ago, as chairman of the Committee on the District of Columbia, I made a report on a

resolution submitted by the Senator from Georgia [Mr. Bacon] in reference to the change of name of this avenue. I ask unanimous consent that that report may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Senate Report No. 222.

The Committee on the District of Columbia, to whom was referred Senate resolution 165, to wit:

"Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate what authority of law, if any, exists under which the Commissioners of the District have undertaken to change the name of the street in the city of Washington heretofore known as Oregon Avenue, and to make in said report such recommendation as may be deemed proper in regard thereto," having considered the same, beg leave to submit the following report:

The resolution was referred, in due course, to the Commissioners of the District of Columbia, and they reported, through the president of the board, as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, December 15, 1911.

Hon. J. H. Gallinger,
Chairman of Committee on District of Columbia,
United States Senate.

Chairman of Committee on District of Columbia,

United States Senate.

Sin: The Commissioner of the District of Columbia have the honor to make the following reply to your request of the 14th instant for their report upon Senate resolution 165, as follows:

"Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate what authority of law, if any, exists under which the Commissioners of the District have undertaken to change the name of the street in the city of Washington heretofore known as Oregon Avenue, and to make in said report such recommendations as may be deemed proper in regard thereto."

There is a minor street passing through squares 132, 152, 177, 191, and 206, which lie between S and T Streets and Fourteenth and Nineteenth Streets NW., which was known by four names, namely: Cedar Place, Oregon Avenue, Swann Street, and Pierce Place. Many protests have been received as to the confusion these various names caused in that locality. In August, 1911, a request was made by one of the residents of Cedar Place that the name be changed to Oregon Avenue, and this request was also supplemented by a request of a real estate firm representing other houses on the street. This firm stated:

"We have several pieces of property on this street, and the fact of this street being known as Oregon Avenue on one side of Eighteenth Street and Cedar Place on the other side of Eighteenth Street is very confusing. Several of the property owners on this street have joined with us to ask that you make this change as soon as possible."

The matter was given careful consideration, and it was recommended by the surveyor that this minor street with the various names be given the name of Swann Street instead of Oregon Avenue.

The reasons for selecting the name of "Swann" for this street were as follows:

1. Under the system adopted by the commissioners for naming minor streets, an east and west minor street lying between S and T Streets

as follows:

1. Under the system adopted by the commissioners for naming minor streets, an east and west minor street lying between S and T Streets, would receive a name of one syllable beginning with the letter S, thus indicating that the street lies between S and T Streets.

2. The name "Swann" was already applied to a portion of this minor street. It had been the name of a portion of this street since 1878. The commissioners understand that this portion of the street was named after Thomas Swann, who was elected governor of Maryland in 1864.

2. The name "Swann" was already applied to a portion of this street since 1878. The commissioners understand that this portion of the street was named after Thomas Swann, who was elected governor of Maryland in 1884.

3. It was not called an avenue because the street did not run in a diagonal direction, as other avenues of the city, and was too unimportant to be given such a designation. It was not named "Oregon." as another highway provided for in the highway plans, running from North Capitol Street to Rock Creek Park, via Shepherd and Military Roads, a distance of more than a mile and a half, had already been given the designation "Oregon Avenue," in keeping with other diagonal highways named after the States of the Union.

The authority of the commissioners to change the name is contained in Thirtieth Statutes at Large, page 532, and provides that the commissioners are authorized to change the name of any street where two appear with the same name.

In addition to there being two Oregon Avenues, there were also duplicate highways designated Cedar and Pierce, which made the elimination of one name desirable.

In addition to the law above referred to authorizing the commissioners to change the name of streets, there was another law passed February 16, 1904 (33 Stat. L., p. 14), authorizing them to adopt a system of naming streets for that part of the District of Columbia outside of the city of Washington.

The commissioners decided then that the best system to be adopted was one which would extend the numbered north and south streets of the city into the county from the present city boundary to the District line, and to extend the alphabetical system on east and west streets prevailing within the city to the District line outside of the city by using the following method:

Streets runing east and west which stopped at the old boundary line, Florida Avenue, were continued to the letter W: beginning at that point the alphabetical system is used, with names of two syllables which system is continued northwardly u

Desiring to ascertain by whom the authority has heretofore been exercised in the matter of naming streets, the commissioners were asked

for the desired information, which was communicated in the following letter:

WASHINGTON, January 4, 1912.

Hon. J. H. Gallinger,
Chairman Committee on the District of Columbia,
United States Senate.

DEAR SIR: In response to your oral request for information as to the naming of streets in the District of Columbia, I have to inform you as

Dear Sir: In response to your oral request for information as to the naming of streets in the District of Columbia, I have to inform you as follows:

When the plan of the city of Washington was adopted by President Washington the streets and avenues were named. Streets running north and south were numbered and streets running east and west lettered, and the avenues were named after the States of the Union. Subsequently property owners in subdividing their land created minor streets, running through the original squares, and the person subdividing was permitted to select the name of the street. No system was applied to this method of naming.

Outside the old city limits, the northern and western boundary of which was Florida Avenue, the streets were laid out by subdivision and dedication, and the property owners were permitted to select the names of the streets. This condition existed until the adoption of the plan for the permanent system of highways, March 2, 1893. Under this law a plan was adopted for extending and opening streets over the entire District of Columbia. This law provided, in section 5, "That the Commissioners of the District of Columbia are authorized to name all streets, avenues, alleys, and reservations laid out or adopted under the provisions of this act."

The act was amended June 28, 1898, so as to provide that no plan adopted under its provisions should affect any existing subdivisions in the portion of the District of Columbia lying north of the city, and known as section 1. By an act of Congress approved February 16, 1904, the commissioners were authorized to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia lying outside of the city of Washington. The act read as follows: "An act to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congres

that part of the District of Columbia outside of the city of Washington, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to name or rename streets, avenues, alleys, highways, and reservations in that part of the District of Columbia lying outside of the city of Washington, under such system of naming as they shall see fit to adopt, and such names when recorded in the office of the surveyor of the District of Columbia shall thereafter be the official names of such streets, avenues, alleys, highways, and reservations.

"Sec. 2. That upon the abandonment of any street, avenue, road, or highway, or part thereof, under the provisions of 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of citles,' approved March 2, 1893, and the amendment thereto, approved June 28, 1898, the title to the land contained in such abandoned portion shall revert to the owners of the land abutting thereon.

"Sec. 3. That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

"Approved, February 16, 1904."

Prior thereto, namely, by an item contained in the District appropriation act approved June 30, 1898, the following authority was given to the commissioners:

"That the Commissioners of the District of Columbia shall hereafter have the power and authority to change the name of any street, road, avenue, or other highway whenever any two of such highways have the same name."

The question as to the extent of this authority was referred to the corporation counsel in 1901, who gave his opinion as follows:

"That power and authority respecting the change of duplicate names is general in its terms and seems to be applicable to any part of the District where that situation may exist."

The laws quoted are all the legislation that the commissioners know of on the subject

W. V. Judson, Major, Corps of Engineers, United States Army, Engineer Commissioner District of Columbia.

It will be seen from this letter that prior to February 16, 1904, the naming of streets in the District of Columbia was done without any established system, and it is to be presumed that the theory was that the matter was in the hands of Congress. This view is strengthened by the fact that on that date a law was passed authorizing the commissioners to adopt a system of naming streets for that part of the District of Columbia lying beyond the so-called boundary line, and since that time that authority has been exercised by the commissioners. As suggested by the commissioners in their letter of December 15, 1911, Congress, in 1898, granted authority to the commissioners to change the name of any street where two bore the same name. The highway extending from New Hampshire Avenue to Eighteenth Street had been known and designated as Oregon Avenue for more than 40 years, but it appears that a few years ago the name of Oregon Avenue was given to a contemplated highway running from North Capitol Street to Rock Creek Park, a distance of more than a mile and a half. Recently the commissioners took advantage of the law of 1898 and dropped the name of Oregon Avenue between New Hampshire Avenue and Eighteenth Street and consolidated it with Cedar Place, Pierce Place, and Swann Street, giving the highway the name of Swann Street.

Assuming that the commissioners had authority under the act of 1898 to change the name of Oregon Avenue, there does not seem to be any authority in law for their action in extending that street by the elimination of the names of Oregon Avenue, there does not seem to be any authority in law for their action in extending that street by the elimination of the names of Oregon Avenue, there does not seem to be any authority in law for their action in extending that street by the elimination of the names of Oregon Avenue, Cedar Place, and Pierce Place and adding them to Swann Street. It will be noted that the commissioners say that having changed the name of Oregon Avenue their power has been exhausted

that it will not be exercised in the future without the consent of Congress. It is proper to say that the duplication of the name in this case was made by a former board of commissioners and not by the board.

present board.

In this view, and because of the fact that the residents on the original Oregon Avenue desire to retain the name that the highway has borne for so long a time, your committee is of opinion that the name ought to be restored. Furthermore, it seems desirable that the avenue should be extended from Eighteenth Street to Nineteenth Street by the elimination of Cedar Place, and with that end in view your committee favor the restoration of the name and the extension of the avenue as provided in the bill introduced by the chairman of this committee.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN: A bill (S. 4774) to provide for the acquisition of a site or sites for a Federal courthouse in the southern district of New York, and for a post-office building for the southern part of Manhattan, in the Borough of Manhattan, city of New York; to the Committee on Public Buildings and Grounds.

By Mr. HITCHCOCK: A bill (S. 4775) granting an increase of pension to Mary E. Seaton; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4776) for the relief of the heirs of Aaron Wilbur; to the Committee on Claims.

A bill (S. 4777) granting an increase of pension to Harrison Flinton (with accompanying papers); to the Committee on Pensions. By Mr. DU PONT:

A bill (S. 4778) to correct the military record of John T. Haines; to the Committee on Military Affairs.

A bill (S. 4779) granting an increase of pension to Henry C. Paynter; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery (with accompanying paper); to the Committee on Public Buildings and Grounds.

By Mr. PENROSE:
A bill (S. 4781) granting a pension to George W. Hall;
A bill (S. 4782) granting a pension to George B. Harmon;
A bill (S. 4783) granting an increase of pension to Sarah J.

Bossert; and
A bill (S. 4784) granting an increase of pension to Annie B.
Godwin; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4785) granting an increase of pension to William A. Willis (with accompanying paper); to the Committee on Pensions. By Mr. WORKS:

A bill (S. 4786) to amend an act entitled "An act to provide for the sale of isolated tracts of public lands in Imperial County, approved March 3, 1909; to the Committee on Public Lands.

A bill (S. 4787) to remove the charge of desertion from the military record of Elisha L. Bennett, jr.; to the Committee on Military Affairs.

A bill (S. 4788) granting a pension to Susan M. Barnard (with accompanying paper); and

A bill (S. 4789) granting an increase of pension to Sigmund J. Messing (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4790) to reserve certain lands and incorporate the same and make them a part of the Caribou National Forest Reserve; to the Committee on Agriculture and Forestry.

A bill (S. 4791) authorizing the patenting of certain lands

to rural high-school district No. 1, of Nez Perce County, Idaho; to the Committee on Public Lands.

By Mr. HEYBURN:

A bill (S. 4792) providing for the deeding of a portion of the abandoned Lemhi Indian Reservation to the State of Idaho; to the Committee on Public Lands.

A bill (S. 4793) to amend the military record of Jefferson H. Lewis (with accompanying papers); to the Committee on Military Affairs

By Mr. GAMBLE:

A bill (S. 4794) authorizing the Department of Commerce and Labor to establish aids to navigation on Lake Traverse, S. Dak.; to the Committee on Commerce.

By Mr. PERKINS:

A bill (S. 4795) to increase the efficiency of the medical department of the United States Navy; to the Committee on

Naval Affairs.

By Mr. LEA:
A bill (S. 4796) for the relief of William B. Booker; to the Committee on Claims.

By Mr. CHILTON: A bill (S. 4797) to correct the military record of William H. Adkins: and

A bill (S. 4798) to correct the military record of George

Miller; to the Committee on Military Affairs.

A bill (8, 4799) for the relief of the heirs of J. G. Hayman,

deceased: and

A bill (S. 4800) for the relief of Celicia Jordan; to the Committee on Claims.

A bill (S. 4801) granting an increase of pension to John Grover; and

A bill (S. 4802) granting an increase of pension to Bally Wright; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 4803) to remove the charge of desertion from the military record of Andrew Martin; to the Committee on Military Affairs.

bill (S. 4804) granting a pension to Harriet J. Dutton;

A bill (S. 4805) granting an increase of pension to Ephraim

A bill (S. 4806) granting an increase of pension to Daniel W. Spring:

A bill (S. 4807) granting an increase of pension to Benjamin Morse; and

A bill (S. 4808) granting a pension to Charlotte Hammond (with accompanying papers); to the Committee on Pensions. By Mr. LA FOLLETTE:

A bill (S. 4809) granting a pension to Charles F. Schantz; A bill (S. 4810) granting a pension to Bernard Klatt; A bill (S. 4811) granting an increase of pension to Margaret

B. Sherman (with accompanying paper);
A bill (S. 4812) granting an increase of pension to Margaret Ann Taylor (with accompanying paper);

A bill (S. 4813) granting an increase of pension to William

Yeakey (with accompanying paper); and A bill (S. 4814) granting an increase of pension to Emily Whitman (with accompanying paper); to the Committee on Pensions.

By Mr. PAGE:

A bill (8, 4815) granting an increase of pension to Daniel Monroe (with accompanying paper); to the Committee on Pen-

A bill (S. 4816) granting an increase of pension to Peter Thompson Weeks; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 4817) granting a pension to Joseph F. Sutton; to the Committee on Pensions.

The VICE PRESIDENT. The morning business is closed.

The calendar is in order under Rule VIII.

VOTES ON THE TARIFF-PERSONAL EXPLANATION (S. DOC. NO. 275).

Mr. BAILEY. Mr. President, during the last session of Congress many newspapers and politicians asserted with wearisome iteration that I was constantly acting and voting with the Republican majority upon all tariff questions, and even after that ession adjourned those same newspapers and politicians continued to repeat that assertion. I have little patience with any argument predicated upon the fact that a Democrat voted with Republicans or that a Republican voted with Democrats, because I think it infinitely more important to inquire whether a Senator voted right or wrong than whether he voted with or against cer-tain men; but since those who have assailed me appear to consider that a sufficient argument to satisfy the intelligence of those to whom they have addressed it, I think it permissible for me to answer them with an argument reduced to their own

If I expected, or if I desired, to remain in the Senate I would allow that misrepresentation, as I have allowed many others, to pass without even a contradiction; but as I am soon to retire from the public service I feel that I owe it to those who have so long and so generously honored me with their confidence to make an official exposure of this falsehood, and I have therefore caused to be prepared a table which shows every roll call on any aspect of the tariff question during our last session, and I now ask unanimous consent to have it printed as

a public document together with a recapitulation of it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas? The Chair hears none, and the

order is entered.

Mr. BAILEY. Mr. President, that table will not only show that I voted against the Republican majority oftener than any other Democratic Senator, but it will also show that I voted with the Republican majority less than any Democratic Senator, except the Senator from South Carolina [Mr. TILLMAN], the Senator from Tennessee [Mr. Lea], the Senator from Maryland [Mr. RAYNER], who were detained from the sessions of the Senate by their illness, and the Senator from Mississippi [Mr. Percy], who was occupied by his campaign in Mississippi.

PROPOSED CHILDREN'S BUREAU.

Mr. BORAH. Mr. President, as I understand, the Senate is now acting under Rule VIII.

The VICE PRESIDENT. The Chair so announced.

Mr. BORAH. I ask unanimous consent to have taken up Senate bill 252.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the

children's bureau.

There being no objection, the Senate resumed the considera-

tion of the bill.

The VICE PRESIDENT. The bill has been heretofore read, considered as in Committee of the Whole, and reported to the Senate. Are there amendments to be offered to the bill in the Senate? If not, without objection and without amendment, the bill will be ordered to be engrossed for a third reading.

[Mr. BAILEY addressed the Senate. See Appendix.]

Mr. HEYBURN. Mr. President, when this question was before the Senate for consideration a few days ago I took advantage of the opportunity to express some views that I entertained upon it, and I am not now going to enlarge to any extent upon them or attempt to delay the disposition of this bill; but when the Senate of the United States is acting responsibly upon a question that I consider to be of the first importance, I want the RECORD to indicate where I stand in regard to it.

This measure is not new. It is something after the character of the arrangement of the Greeks before our era, when the State was the nursery of the children; and they carried it to very great extremes. Finally, one crank, following in the footsteps of another, conceived the idea that the children should be so mixed and so reared that it would be impossible for any particular person to claim any particular child or any particular child to recognize any particular person as its parent. We all know from reading the history of those times how utterly destructive it was of the sentiment of the household, which is the most sacred sentiment that actuates the human family and one out of which all other worthy sentiments arise.

Such a condition arose that there was no longer any home tie among that then great nation of people. No child recognized the sovereignty or the authority of the individual parent; it only knew the Government; and heroic deeds are recited that were based upon that supposed meritorious condition. It resulted in the overthrow of the Greeks; it resulted in the depreciation of the sentiment of the family among those people; and one day their eyes opened and they realized that what they lacked in Greece was the home tie, and that without it they

could have no concerted patriotism. Well, I do not anticipate that we will go that far. Somebody will become sane in the near future and discover to what absurdities these fads carry the people. I would not charge in this place that Members of this body would take into consideration the effect that the support of or the opposition to this measure might have upon the minds of those who have to estimate them. I could bring in here this morning a sheaf of letters and telegrams from people of consequence, people who do things in this country, in opposition to this measure and in approval of the poor part which I took the other day in respect to it. I was almost tempted to do it. I have them at hand. They are available. If you think for a moment that the people of this country who think and think intelligently and responsibly are in favor of this legislation, you never made a greater mistake in your life.

Now, of course I assume from the votes the other day that you are going to yield to that impulse which has been appealed to and vote for this measure, and that you are going to lay the foundation for the establishment of new machinery in the Government that will not only cost millions of dollars every year, but will cause heartburnings and oppression and wrong to the people who are placed under the enforced guardianship and control of self-constituted guardians and self-seeking people.

Mr. KERN. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly. Mr. KERN. Will the Senator state in what way this bill would cause anybody any hardship? Does it not simply provide for the gathering of statistics? Is there anything further than that in the bill?

Mr. HEYBURN. There is no piece of legislation proposed that does not contain some innocent clause or provision, even though it be a mere recital of the fact "Be it enacted,"

Mr. KERN. But I was inquiring as to the vicious character of the bill.

Mr. HEYBURN. Just a moment. I am not now taking into consideration the purposes of this proposed legislation. Senator will see during his service in this body an annual appropriation to support this bureau running into the millions of dollars. What for? To pay an army of representatives of this bureau, probably to be selected under the civil service or under some method conceived in this bureau. What will their duties be?

Mr. BAILEY. Will the Senator from Idaho permit me?

Mr. HEYBURN. Certainly.
Mr. BAILEY. Will the Senator permit me to interpose simply with this suggestion, that unless the Federal Government has some jurisdiction over the question, then it has no right even to collect the information; and the very fact that the Federal Government is required to collect the information assumes that it has some power to legislate on the subject.

Mr. HEYBURN. That suggestion is in exact keeping with

the spirit of this measure.

Mr. KERN. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield further to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. KERN. I rose awhile ago to request the Senator to point out any vicious features of this particular bill, and I am

asking for information.

Mr. HEYBURN. I will digress from the plan I had in mind when I rose and suggest, in the light of what is being done under the laws of some of the States that give authority, or undertake to, to committees or boards or organizations to pass upon the quality of the relations between the parent and the child, whether or not the parent is properly rearing and bringing up the child-

Mr. BORAH. Mr. President—
The VICE PRESIDENT, Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. This bill does not purport, in my judgment, what either my colleague or the Senator from Texas seems to think it purports to do. It does not interfere with the domestic relation which has been spoken of so earnestly and effectively. Neither does it interfere with the part the parent may have in the education of the child or in caring for it.

There is a condition in this country, however, relating to the welfare of children, over which neither parents nor anyone else has influence or jurisdiction of this kind, and it is for the purpose of covering that situation and of gathering the facts

that the bill was introduced. It does not purport to deal with the matters about which my colleague is speaking. Mr. HEYBURN. The position stated by my colleague reminds me of a proposition to construct a vast piece of machinery, place it upon a highway, and start it in motion, for the sole purpose, on the part of the one starting it, of seeing whether it would work or not, without considering what damage it would do if it did work.

Mr. BORAH. Mr. President

The VICE PRESIDENT. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. There are only a few persons in this world who can tell, until they try. Those who have power to look into the future and know are confined to the very few.

Mr. HEYBURN. I think probably one of the most charming attributes in the character—I was going to say of some, but I will say of many—is that of sarcasm. It is a most delightful quality, and it will always bring a spirit of cheerfulness over

the people who are not affected by it.

If I am not right in my conclusion, then this bill is a mere waste of time. If it were introduced merely for the purpose of creating an organization to draw salaries, I do not think it would receive any support, even that of my colleague. It recites that a bureau shall be created and certain officers shall be created and certain salaries be paid them, and that they may collect certain information.

What is to be done with the information? Is it merely for the education of the persons collecting it, to swell the cost of printing each year, by telling how many children are defective and how many children are ignorant and how many children

are unprovided for? No; that is not the purpose.

I have a large correspondence in regard to this matter which tells the purpose of it, because those who favor it tell in their letters what they expect to do under it. I have had time since the former discussion of this measure to correspond with some of them. They are intelligent people. I asked them specifically what their object was in supporting this measure

which they insisted I should vote for. I asked them what they hoped to accomplish. Their answer, if not in uniform speech, in spirit is that they hoped to be in a position to exercise jurisdiction over children who in their judgment are not being properly cared for. They want to become substitutes for the parents. Perhaps some of them may be parents. Many of them to my knowledge are not. But they are anxious to secure an opportunity, which they have not improved on their own part, of becoming the parents in fact of other people's children.

I realize it is one of those popular fads, a catching title, a musical title, and one of those that seems to appeal like the spirit of eloquence generally does, to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau. It is not written in bated breath, but it is spoken so to recommend it. It sounds well. A children's bureau may provide for or may result in harsh treatment for children as well as in kind treatment. There is nothing in this bill, in my judgment, to recommend it to anyone who has due regard-and I say this without being invidious at all-for the purpose and scope of our Government.

Of course, as I have said, from the votes which have been taken on the preliminary consideration of this bill, I presume it will pass, and I will be relieved of responsibility by anyone who takes the pains to inquire whether or not I was a party to a measure which, in my judgment, is so unworthy of considera-

Mr. WORKS. I desire to offer an amendment to the bill. The VICE PRESIDENT. The bill is open to amendment. The Senator from California offers an amendment, which will be stated.

The Secretary. Insert, at the end of section 2, the following proviso:

Provided, That such published matter shall be furnished only to legislative bodies and boards of health and health officers, on request only, and not to the general public.

Mr. WORKS. Mr. President, I should be very sorry to stand in the way of any legislation that would tend to benefit the dependent children of this country, but I am unalterably opposed to the indiscriminate distribution of the details of disease and of the unfortunate condition of this class of children. It can not be beneficial, and, in my judgment, it would be extremely detrimental For that reason I have offered this amendment. confining the distribution of the details that may be published and issued by this bureau to such bodies as may desire to receive that sort of information and to whom it will carry information that may be used for the benefit of the children, and to prevent its indiscriminate publication and distribution through-

out the country.

Mr. BORAH. May I ask for the rereading of the amend-

ment? I did not catch it exactly The VICE PRESIDENT. Without objection, the Secretary will reread the amendment.

The Secretary. It is proposed at the end of section 2 to add the following proviso:

Provided. That such published matter shall be furnished only to legislative bodies and boards of health and health officers, on request only, and not to the general public.

Mr. BORAH. It seems to me that that does not quite make sense in connection with the sentence which is left here. The sentence in lines 7 and 8 reads;

The chief of said bureau may from time to time publish the results of these investigations.

Then, as I understand, the proposed proviso follows. I should think it ought to take the place of that sentence, commencing with the word "The" in line 7.

Mr. WORKS. If the amendment in that form is satisfactory to the Senator from Idaho, I will accept his suggestion.

The VICE PRESIDENT. The Secretary then will report the amendment as one to strike out and insert. The SECRETARY. On page 2, lines 7 and 8, it is proposed to

strike out: The chief of said bureau may from time to time publish the results of these investigations.

And in lieu thereof to insert:

Provided, That such published matter shall be furnished only to legislative bodies and boards of health and health officers, on request only, and not to the general public.

Mr. HEYBURN. That fits on all right.
Mr. BORAH. I will ask the Secretary to read the amendment as it would read without my suggestion. Perhaps I was in error.

The Secretary read as follows:

SEC 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of \$5,000. The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile

courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children: Provided, That such published matter shall be furnished only to legislative bodies and boards of health and health officers, on request only, and not to the general public.

The VICE PRESIDENT. The Senator wants it read as it will read.

Mr. BORAH. I withdraw my suggestion.

Mr. HEYBURN. Mr. President, let us see where that puts . It is proposed now to print for private circulation, selected by statute, information obtained at the expense of the General Government of all the people. There is no citizen of the United States presumably who does not contribute to the expense of obtaining this information, and yet it is to be withheld from them. I can not reconcile my mind to that.

Of course, as I have already stated, I am opposed to the whole proposition, but if we are going to expend money out of the Public Treasury, it should be for all the public. kind of information are we supposed to gather? That which would be derogatory to the reputation of the parent? Are we to place the stamp of disapproval upon some parents, publish it in a report, and distribute it to a few? If we are going to slander the citizen, let us do it publicly and then defend it by

such braggadocio as we can bring to our aid.

Mr. President, we are treading on pretty dangerous ground this morning by common consent. What is anticipated by this proposition that makes it so dangerous to send out-that some Government report is going to say that John Smith and his wife are brutal to their children or starving them or not providing for them or not educating them, and leave an indelible stamp upon the history and the records of the country that will follow the children, and their children, and so on. Is that the purpose? Are we going to start out to exploit the individual judgment and idiosyncrasies of parents at public expense?

It would become a school of slander. I suppose there is no hope of getting a little stay of execution in this case until the

interested party can pray and repent.

Mr. OVERMAN. Mr. President, it will no doubt be remembered that four years ago we appropriated \$300,000 for the purpose of investigating child labor and the children of the country. With that \$300,000 they sent agents all over our country, into the homes of our people—the poor people in the mountains. They sent in their reports, and here to-day, in the document room, there are 13 volumes, and there are 5 more volumes yet unpublished. I want to say here to-day upon this floor that some of those reports were so obscene and so scandalous and outrageous that the Secretary of the Department of Commerce and Labor refused to print them. He had agents to revise them, to go over them. They went all over Tennessee and South and North Carolina, Georgia, and other Southern States preparing these scandalous reports.

This is only adding another regiment to the grand army of I am opposed to it, because if there is 440,000 officeholders. any work of this kind to be done it can be done by a bureau

already in existence.

The President of the United States has sent a message here stating that there was a duplication of work in every department of the Government. Here we propose to duplicate the very work that is now being done in the Census Office.

Mr. GALLINGER. Mr. President-

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I yield.

Mr. GALLINGER. How many volumes did the Senator say

had been published?

Mr. OVERMAN. Thirteen volumes have been published, and there are five more volumes to be published; and it will not be long before the committee on waste paper will come here and ask to have them destroyed, because I have no doubt that not 40 men in this country have read them.

Mr. GALLINGER. I have had a few letters, I think mostly

from people who have not children, urging me to support this bill, but I never had a call for that document. Indeed I had lost track of the fact that we have such a publication.

Mr. OVERMAN. You can get 13 volumes now; and I would be glad if the Senator would read them and see the kind of reports they contain upon the children of New Hampshire.

Mr. GALLINGER. The Senator is asking too much of a

Mr. HEYBURN. I should like to ask—
The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. OVERMAN. I yield.
Mr. HEYBURN. Are they mailable? Have they been held to be mailable under the statute prohibiting the transmission of immoral and obscene literature?

Mr. OVERMAN. I say that some of the reports were so obscene that it would be indictable to send them through the mails, but that part was suppressed by the Secretary of Commerce and Labor at my instigation.

Mr. GALLINGER. I recall the fact, if the Senator will permit me, that under a former administration there was what I regarded as an unauthorized commission appointed, called the Homes Commission. The manuscript from that commissionchanced to drift into my hand-I have forgotten just why and I blue-penciled two chapters in that report, which certainly ought not to have been put in the hands of any child in this country, although it dealt with the diseases of children. The rest of it was published, I believe, but a protest came from all over the country against the circulation of that document. I have a copy of it somewhere.

Mr. BORAH. Mr. President-

The VICE PRESIDENT. Will the Senator from North Caro-

lina yield to the Senator from Idaho?

Mr. OVERMAN. In a moment. I well remember that citizens all over my State wrote to me to send them that document. Boys wanted to see it. I saw, and I suppose every Senator here saw, the obscene stuff that was published. It ought not to have been seen or read by any child or woman in this country.

Mr. CLAPP. Or by any man.

Mr. OVERMAN. That is well said; or by any man in this country. I do not know what this is going to result in. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask the Senator if the facts which have been gathered are true or untrue, in his judgment.

Mr. OVERMAN. Many of them are untrue, because it is stated that in certain counties in the United States there was not a virtuous woman in the county, which was a lie. My attention was called to it by a clerk in the department who said, I want you to come over and see certain reports." there, and I saw the Secretary of Commerce and Labor and called his attention to this, and he admitted it was an outrage and the reports would not be published.

Mr. BORAH. Of course, Mr. President—
The VICE PRESIDENT. Does the Senator from North Carolina further yield to the Senator from Idaho?

Mr. OVERMAN. I yield.

Mr. BORAH. There may be things in those reports that Senators ought not to read, and I hope they will not, if they ought not to read them. But the fact remains that a vast amount of the facts were based upon real investigations and brought forth a number of things which were startling to the country. I do not know whether there are things in them that are untrue or not, but I know from investigations of my own. which have resulted since I took charge of this measure, a great many of those things reported to be true are true.

And if they are true, Mr. President, there is certainly nothing that we need to know more concerning than the condition, environment, and circumstances under which the children are

growing up to manhood and womanhood.

I do not propose at this time to enter into a discussion of some of those facts and some of the conditions which have been revealed in many parts of this country. I have not tried to do that in this discussion. It is not my desire to reflect upon any community or any part of this country in the passage of this the fact remains that conditions do exist in this But country which it would be shocking for the community, indeed, to know, and the bill is pressed for the purpose of bringing to light that condition of affairs in order that those conditions may be remedied.

Mr. BAILEY. Remedied by whom? Mr. BORAH. Remedied by the State and the people who make laws.

Mr. BAILEY. Leave it to the States, then.
Mr. BORAH. We will leave it to the States to enact the law,
because the Government of the United States has so arranged that it must be done by the States, and we are perfectly content that it shall be done by the States. In one State of this Union, where they have an efficient child-labor bureau, a representative of that bureau told me in this city day before yesterday that the demands they have from different parts of the Union for facts and for information it is beyond their power to furnish. That from all over the Union those who are engaged in bettering the condition of the children of this country are calling for information, and yet the Government of the United States locks its Treasury against furnishing the facts as to the actual condition of children. Is there anyone who does not really want to know as to the truth of the reported fearful conditions? Is there anyone who does not care to remedy them if they really exist as reported or rumored?

Mr. DIXON. Mr. President-

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. OVERMAN. I yield to the Senator from Montana.

Mr. DIXON. I should like to ask the Senator from North Carolina if the opposition to the reports to which he refers did not come largely from the cotton-mill employers of his

Mr. OVERMAN. I never heard a word from the cotton-mill men as to these reports, because the information came to me

from the department itself.

Mr. DIXON. Was there not quite an agitation in the Senator's State among the cotton-mill operatives against these

reports?

Mr. OVERMAN. There was a great deal of opposition in the cotton mills not only in my State, but in other States, against an investigation by the Government into these conditions.

Mr. DIXON. I should like to ask the Senator what is the average number of hours allowed for the employment of children in the cotton mills of his State by statute?

Mr. OVERMAN. I think in my State it is 10 hours. I am

Mr. DIXON. How many hours in a week?

OVERMAN. I do not remember. They have been reduced lately. The last legislature reduced the number of hours.

Mr. DIXON. Is it not still 11 hours?

Mr. OVERMAN. It is 10 hours, I think. I am not sure.

Mr. DIXON. Is not the statutory day 11 hours for children in the cotton mills, and, as a matter of fact, was not the violent protest that has come up in certain quarters against the report that special agents had filed largely inspired by the cotton-mill operatives?

Mr. OVERMAN. There was no opposition to these reports. It was opposition to some of the agents. There was a complaint as to the agents from Florida. I remember the Senator from Florida and myself received letters from certain interests saving that these long-haired men and short-haired women were coming down there and going into their mills, and they did not like it.

Mr. DIXON. They objected to this publicity of the employment of children 66 hours a week in cotton mills.

Mr. OVERMAN. Who is going to settle that?

Mr. DIXON. I say, Was not the opposition due largely to

Mr. OVERMAN. The opposition was to the manner of these agents. According to one telegram I saw, they visited none but

Mr. BAILEY. If the Senator will permit me to make a

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. OVERMAN. Certainly. Mr. BAILEY. I thought, at first, that this was a kind of whimsical philanthropy which some nice old ladies, who had nothing to do, had formulated and were trying to pass. the Senator from Montana and other Senators now make it plain that the real object is to force the hand of certain States, and thus they make it apparent that the Federal Government is attempting to do by indirection what the Senator from Idaho, in charge of the bill, concedes it has no power to do directly.

Mr. BORAH. Mr. President——

Mr. OVERMAN. I will not yield until I answer the Senator from Montana. The reports that I complained of were in the counties where there never have been any mills or manufacturing establishments of any kind.

Mr. BORAH. Mr. President—
The VICE PRESIDENT. The Senator from North Carolina

declines to yield.
Mr. OVERMAN. It was in the mountain country of Tennessee and North Carolina and Georgia. I did not go into the reports of Massachusetts and the other New England States, but especially into that section of my State and Tennessee where there never had been a cotton mill except, probably, in Buncombe. These reports were not from Buncombe. went into the little humble homes of the mountaineer who had his cabin on the side of the mountain, and reported the condition of those people, as to their chewing tobacco, and the clothes they wore; that they went barefooted, and the kind of furniture they had in their humble homes. We have all come from humble parentage.

How would the Senator from Montana have liked for a Government agent to have gone down into his father's humble home, or his grandfather's in the days of the Revolution, investigating the condition of his sacred home? That is what

I object to. That is what was done with the appropriation of \$300,000. I do not know whether this bureau would do that or not. It asks for \$29,000, which is only the beginning. know when these bureaus are established they begin to increase officeholders from time to time until the sum reaches about a million. We ought to stop the establishment of these bureaus. I am willing to get reasonable kind of information by means of the census, and when you read this bill you will see that the census now is getting up a great deal of the very information that is provided for in the bill.

We duplicate the work. There is too much duplication in the departments of this Government to-day. It would be a good thing for a committee to go around and see where there is a duplication of work, and see if these officeholders are doing the same work and getting salaries where one man could

do the work.

Mr. BORAH. Mr. President, no particular portion of this country has any monopoly over any other part of the country with reference to the conditions with which this bill proposes to deal. I do not think the conditions in the State which the Senator has the honor to represent are any worse than the conditions in some of the States of the North. The manufacturing cities are the places principally where these conditions prevail. It does not make any difference whether in the North or the South or the East or the West, where these conditions prevail it becomes necessary in the belief of a great many good people to investigate those conditions and to know what best can be done to remedy the situation. This bill deals with no other proposition than that of investigation, and if there are no facts which it would injure anyone to have revealed no one will be injured.

On the other hand, if there are conditions concerning which we ought to know, certainly there is no one so well prepared to take care of that and deal with it as the National Government. It can not legislate. No one proposes to legislate. It can not interfere with the relation of mother and child. No one proposes to do that. It can not interfere with the condition of the home, and no one proposes to do it; but if the facts are gathered and the information is at hand the representatives of the respective States being fully informed, if they see fit

to enact legislation, there is where the legislation must be had. It is upon that principle that this bill is built. I venture to say that by reason of investigations which have been made by private organizations and by individuals there has been legislation in several States of the Union altogether beneficial for the people and for the children of those respective States. It is to encourage, to accentuate, and to aid in this work that this information is being gathered by the National Government, and not in any sense for the purpose of impinging upon the rights of the States to control the relationship which should exist between a parent and child or with reference to the domestic condition in the several States.

Mr. BAILEY. Mr. President, I was of the opinion that the Federal Government had authority to obtain in any reasonable way information which might enable its several departments to execute their functions, but it is a novel, and, I must be permitted to say, it is a dangerous doctrine that the Federal Government has the power or that it rests under the duty to obtain information which will enable the State governments to

execute their functions.

I am of the opinion that the State of Idaho ought to know just as much, and only just as much, about its own people and their conditions as it chooses to know. I do not believe that the people of Texas, acting through their Representatives in this and the other House of Congress, have any right to force upon the people of Idaho an unwelcome knowledge of their condition. I would object to that if it were purely academic, if it were a mistaken philanthropy, and proceeded upon the false notion that it was their Christian duty to enlighten their brother; but I resent it all the more when it is made apparent by specific declaration that the very purpose of this bill, and the information which it seeks to accumulate, is to force the States of this Union to legislate in a given way.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do. Mr. BORAH. Do I understand the Senator to say, to force States to legislate?

Mr. BAILEY. I do not, of course, mean physical force. Mr. BORAH. There can be no force, Mr. President, public opinion in this matter. There can be no force other than that which arises by reason of the people being informed as to a condition which they desire to remedy, and that is the force which causes legislation and the legislation of a State.

Mr. BAILEY. The public opinion of one section of this Union once involved this country in a fratricidal war because its opinion could not be accepted by another section of the

Mr. HITCHCOCK. Mr. President-

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. I do. Mr. HITCHCOCK. I understood the Senator from Texas to say that the Federal Government had no right to gather statistics to be used as a foundation for legislation or action by the States.

Mr. BAILEY. I do say that without hesitation or qualification, and a few years ago all men belonging to the party which the Senator from Nebraska honors by his membership in it taught that. We contended that matters like this lie wholly without the province of the Federal Government, and the Federal Government had no power to touch them at any point.

Mr. HITCHCOCK. Is it not true that much of the information gathered by the periodical census taken by the Federal Government is for the benefit and use of the State legislatures?

Mr. BAILEY. The Senator forgets that the decennial census is taken under a constitutional command to enumerate the inhabitants of this country for the purpose of apportioning Representatives and direct taxes among the States. They have extended that constitutional command until it embraces almost every conceivable subject. But that only illustrates—and I thank the Senator for calling my attention to it—how these matters progress. In the last bill providing for a census they were not content to authorize the agents of the Government to solicit from the people such information as the people were content to give, but they wrote it in that act that if an American citizen refused to divulge matters pertaining to his private affairs he might be drawn up before a court and punished as a criminal.

Of course, no man with sense enough to be the Attorney General would ever permit the Government to attempt to exe-cute that provision of the law, because it was absolutely null and void. Even lawyers—and I betray no secrets of the committee-even lawyers on the Census Committee, conceding that the Government had no power to inflict punishment upon a recalcitrant inhabitant in such cases, still insisted on incorporating such a provision in the law so that men would answer those

questions under the fear of the law. Now, Mr. President, the Government of the United States has a right to send these enumerators to my home and ask me the number of my family; it has the power to make me tell how many tenants may occupy my land, because all that helps to establish the number of the inhabitants; but no man with knowledge enough of law to be entitled to a license to practice in our courts believes that the Federal Government, under its power to enumerate the inhabitants for the purpose of apportioning Representatives, has any authority to compel me to tell him the number of acres of land I cultivate or the number of cattle I own. Yet we have written that in the census act. Thus we go on from one point to another.

I think there is much fadism about all this, and I do not like the method of promoting measures like this. I received a letter from as good a woman as ever adorned an American home, urging me to support this bill, and when I wrote her that I was opposed on general principles to legislation of this kind she very promptly replied that she did not know anything about it and had written me because she had been asked to do so. That is the way nearly all this sentiment is created for these things.

Now, this information that we have, a great deal of it pure fadism, is right. When I was a boy in the country they went to the cow pen, milked the cows, and the children drank the milk before it was cool. Those children grew into sturdy men and lived to a ripe old age; but in these cities now they must sterilize the milk, then bottle it and seal it with great care, but the children who drink it die before they are 6 years old. [Laughter.] Mr. President, that does not appeal to me very

Again, I repeat, if the bill was merely for the purpose of gathering information that everybody might have it who wanted it, would protest because it would be an exercise of power not within the warrant of the Federal Constitution, but when we are boldly told that the purpose of it is to create a public sentiment that shall operate as a moral coercion upon the States of this Union with respect to matters which even the Senator in charge of the bill concedes to be purely State affairs, I earnestly

Mr. WORKS. I desire to modify the amendment I have offered and to reoffer it as modified.

The VICE PRESIDENT. The Senator from California withdraws his amendment and offers in its stead an amendment, which will be stated.

The Secretary. At the end of section 2 it is proposed to insert the following proviso:

Provided, That such published matter shall be furnished to legislative bodies and boards of health and health officers, but not to the general public except on request.

Mr. WORKS. Mr. President, since I offered the amendment a note has come in upon the floor of the Senate stating that if this amendment is adopted it will ruin the bill. If that be soif this amendment that restricts the publication of this matter and the distribution of it to officers and public officials whose duty is to aid in carrying out the purpose of the bill-then I think the bill should very properly be defeated.

As I said in the beginning, I do not desire to stand in the way of any measure that is going to benefit this class of children in this country, but certainly no good can result from the indiscriminate distribution of matter of the kind that will be gathered together in making these investigations. I believe that the Government has a perfect right and that it is within its power to make these investigations and secure the information that seems to be desired through the enactment of this legislation; but certainly if the information is gathered and placed in the hands of the legislative bodies and others within the States who are called upon to act with respect to these matters, then enough has been done to accomplish the results that are desired, and I am utterly opposed to the indiscriminate distribution of matter of this kind.

Mr. POMERENE. Mr. President, I move to amend section 2. The VICE PRESIDENT. As there is an amendment now pending, that will be first disposed of, unless the Senator is about to offer an amendment to the amendment.

Mr. POMERENE. I was going to offer an amendment in lieu of that suggested by the Senator from California [Mr. Works].

The VICE PRESIDENT. The Senator from Ohio then offers a substitute for the amendment offered by the Senator from California?

Mr. POMERENE. Yes. I move to strike out the last sentence and to substitute for the amendment proposed by the Senator from California what I send to the desk.

The VICE PRESIDENT. The Senator from Ohio moves to

Strike out and to insert what will be stated by the Secretary.

The Secretary. It is proposed, in section 2, line 7, after the word "children," to strike out the words "The chief of said bureau may from time to time publish the results of these investigations," and in lieu thereof to insert:

The chief of said bureau shall tabulate the reports so collected and shall from time to time publish said tabulation, but the details of said reports shall not be disclosed.

Mr. POMERENE, Mr. President, it seems to me that all the public is interested in, and all that public officials would be interested in, would be the result of these investigations. No good can come from the disclosure of the detailed information as it may be collected by the agents of the department or as it may be filed in the office. For that reason it seems to me that the objections which were urged by the Senator from North Carolina [Mr. OVERMAN] would be obviated by permitting simply the publication of the general results and concealing the details.

Mr. HITCHCOCK. Mr. President, I was struck by what the Senator from Texas [Mr. Balley] said during his first remarks, to the effect that such legislation as this would have been unthought of 50 years ago. It seems to me, Mr. President, that if we follow out that idea we will see a cause for the present movement all over the United States.

Fifty years ago we were not confronted by the problems which now confront all States in dealing with these questions; 50 years ago there was, practically speaking, no child-labor prob-lem in the United States; 50 years ago this country was not confronted by the serious evils which have grown up in the great industrial centers, in the great mining regions, in the overgrown cities of the United States; and the only reason why such legislation as this was not considered 50 years ago was that the conditions of those days were radically different from the conditions of the present day. Mr. President, it seems that the very change of conditions-

Mr. BAILEY. Will the Senator permit me?

Mr. HITCHCOCK. Yes, sir. Mr. BAILEY. Did we not have just as many children in proportion to our population then as we have now?

Mr. GALLINGER. Rather more. Mr. HITCHCOCK. We may have had more.

Mr. BAILEY. Did we not then have about the same proportion of factories that we have now?

Mr. HITCHCOCK. We did not.

Mr. BAILEY. I have been saying that during those glorious Democratic days from 1846 to 1860 we increased our industrial activities more largely than in any other equal period of our

history. I thought that was true.

Mr. HITCHCOCK. I am sure the Senator must realize the facts from his own wide reading; but if he is in doubt he can refer to the statistical reports, and he will find that during the last 50 years there has been an enormous increase in the number of women and children that have been crowded into the industrial and commercial occupations of the United States, crowded into them probably by conditions which could not be defeated, and the very advent of this large number of women and children into those pursuits has created problems which government must deal with.

Mr. BAILEY. What government?

Mr. BAILEY. What government?
Mr. HITCHCOCK. Mr. President, I admit that the Senator is correct in his implication that in the main the State government is the government which must deal with these problems, for the reason that they are not within the jurisdiction of Congress; but when our forefathers divided the responsibilities of governing the American people between the National Government, with its limited powers, and the State governments, with their more comprehensive powers, they certainly did not intend that any field of government should remain unoccupied; and if we have found that under the changed conditions 46 different States are confronted by new problems which have arisen, and that it is not within the possibilities for each one of those States to gather throughout the whole country the statistics which are necessary and valuable to enable legislatures to meet those problems, I am sure I feel warranted in saying that some power somewhere should step forward and gather the necessary statistics, the necessary information, the necessary intelligence, to permit the various States of the Union to grapple with the problems as they arise. I come from a Western State Mr. BAILEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska

yield to the Senator from Texas?

Mr. HITCHCOCK. In a moment. I come from a Western State, a new State. We are beginning to have in our great cities, particularly in the city in which I live—Omaha—some of the problems which have confronted the people of the older States and of the larger cities. I think we should have in my State all the information which can be gathered, not simply in New York and in Massachusetts, but in every State of the Union which has undertaken to solve this problem. there should be some central agency to gather this information intelligently, systematically, and economically and put it at the disposal of all the States of the Union. I now yield to the Senator from Texas.

Mr. BAILEY. I simply rose, Mr. President, to suggest that up to the 50 years ago of which I spoke we had admitted more new States to the Union than we have since then. Our popula-tion had increased much more rapidly, judged by percentage, from the beginning up to then than it has since then up to now, consequently we had all of the problems in that day that we

The only difference about it is that we left each sovereignty to deal with its own problems. If the Senator's suggestion is to be accepted, that if a power which it seems desirable to exercise is not conferred on the Federal Government and not conferred on the State governments, then the Federal Government is entitled to exercise it, it is the end at least to the Democratic theory of the Constitution. The Constitution makers-not the original makers either, but those who amended it-out of an abundant caution have provided against that. They provided that all of the powers not conferred upon the General Government should be "reserved to the States or to the people, respectively." It is entirely possible under our system that a power might neither reside in the States nor in the General Government; and if such a power must be exercised we have a machinery which provides for conferring it upon the States or upon the United States.

I think the Senator will regret hereafter having asserted in this place, and perpetuating it in the RECORD, that although, in the wisdom of our fathers, a power has not been conferred it may be exercised. He, of course, knows as well as I do that the fact that a power was not conferred upon either State or Nation did not annihilate the power, for it resides still with the people, and they can confer it as they choose.

Mr. HITCHCOCK. Mr. President, I am not yet clear in my mind whether I used the word "power" or not. The idea I intended to convey was this—that in a country where we have a divided responsibility of government, a part of it resting with

the States and a part of it with the National Government, it was evidently the intention of the forefathers that the two should cooperate, and where it is impossible for the States to act, it is proper for the United States to act for the benefit of all, not by the exercise of any great power, but, as in this case, by the mere expenditure of a nominal sum of money in gathering information for the benefit of all the States. Cooperation was intended between the States and the National Government.

Mr. WORKS. Mr. President-The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I do.

Mr. WORKS. I should like to ask the Senator from Nebraska whether he thinks it is necessary or advisable that the information gathered under this bill, if it is enacted, should be

distributed to the general public?

Mr. HITCHCOCK. Well, Mr. President, that would altogether depend upon the nature of the information. I am not one of those who are afraid of information, afraid of statistics. I believe if facts exist they should be ascertained, and, if ascertained, they should be brought to the proper persons, whether they be legislative officers or administrative officers, or the people who vote for them.

Mr. WORKS. I agree with the Senator that the facts should be brought to the attention of the people who have to deal with the matter; but my question was whether it would be advisable or necessary that the information should go to the general

public.

Mr. HITCHCOCK. I am not attempting here to antagonize the amendment offered by the Senator from California, which I realize is offered with the very best intentions, and probably it might bring good results, and I do not disagree in any degree with the Senator from Texas [Mr. Balley]. I am opposed, and have been opposed in my short career in Washington, to the manufacture of additional governmental machinery. I have been opposed to such measures as sought to interfere with or take away from the powers of the States; but I do not conceive that this bill has any such purpose or will have any such result. I believe it will enable the 46 States of the Union to perform their duty to their own people with more intelligence and with more efficiency than they will possibly be able to do without it, because the various States could not go abroad over the land and gather this illuminating information, which can gathered in an easy way by the National Government.

Mr. BAILEY. Why not?
Mr. HITCHCOCK. A practical difficulty is the expense of it; and if it were possible for the stronger States to do it, it would be an absurd thing to place the burden upon them when a single agency can do it.

Mr. BAILEY. Will the Senator permit me?
The VICE PRESIDENT. Does the Senator from Nebraska
yield to the Senator from Texas?

Mr. HITCHCOCK. I do. Mr. BAILEY. Mr. President, it is the worst curse of American politics to-day that the Federal Government has absolutely bribed the States into a surrender of so many of their powers. The States want something done, and they choose for the Federal Government to pay the expense, and thus they consent for the Federal Government to do it, strangely forgetful of the fact that the Federal Government never possessed a dollar that it did not either take from the people of the States before it was spent or else obtain it upon the credit of the people of the States, whose labor or property must discharge the debt.

If there was some necromancy by which the Federal Government could obtain money and spend it without the people of the States having first or last to pay it, that suggestion would appeal to many who look to the cost rather than to the political consequence; but, as a matter of fact, the States, or rather the people of the States, must pay every dollar that the Federal Government spends; and the Federal Government, be it remembered, in collecting it pursues a system of taxation that aggravates the burden of the tax; and yet we go on, the State avoiding the expense and encouraging the Federal Government to incur it. If the people of Nebraska want this information and the people of Texas think they know enough without it, the people of Texas ought not to be required to contribute to the education of the people of Nebraska.

Or if there comes a question about which our people are deeply concerned, and we want information on it, let our own taxpayers pay for it; and we have no right to ask the people of Nebraska, who, perhaps, are not interested in the question or may know all they want to know about it, to bear the expense

of educating the people of the State of Texas.

Mr. HITCHCOCK. I doubt if in the last year or two there has been a measure before Congress which has aroused more widespread interest than this particular bill, and I believe there are few measures here which have brought out so large a number of demands upon the Senators and Representatives for passage as this particular bill. I am not able to state from what associations or individuals in the State of Texas, but I have no doubt the Senator himself has received from his own people requests for the enactment of this legislation.

I believe that in every State of the Union, Texas as well as all other States, there is a strong popular demand among the progressive people, who are looking out for the welfare of the masses, for the enactment of this legislation, and I doubt whether there is a State in the Union where this sentiment does

not exist to a great degree.

I agree with the Senator from Texas, as I do on many other things, that the Government of the United States should not appropriate from its Treasury for the purpose of performing those duties which the States are naturally called upon to perform. I believe that wherever a State can perform a duty efficiently it should be left to the State to do, but I am sure the Senator from Texas can hardly seriously argue that 46 separate States in this Union should go about gathering national statistics on the subjects involved in this bill, when the Federal Government can gather them for all at a mere nominal cost. Mr. BAILEY. Will the Senator permit me to ask him a

question?

Mr. HITCHCOCK. Certainly.

Mr. BAILEY. The Senator has been here long enough to know as much as anybody else about the cost of Federal operations. Does he not know that it costs the Federal Government more to perform any given service than it does a State?

Mr. HITCHCOCK. I am inclined to think so.

Mr. BAILEY. Then it will cost more in this instance.

Mr. HITCHCOCK. But it will not cost the Federal Government 46 times as much as it would cost the 46 States.

Mr. BAILEY. But there might not be 46 States desiring the information.

Mr. HITCHCOCK. I have just stated that there are before Congress very few measures which the people so widely desire enacted as this measure. From his own State—
Mr. BAILEY. I heard the Senator's statement, and I realize

the circumstances and force behind this movement. I related a few moments ago the instance of a lady who wrote me in favor of this measure. I replied, politely but firmly, that I did not believe in legislation on such subjects by the Federal Government. She replied very politely that she did not know anything about it herself; that certain people had written her, and she had written me. I venture to say that much of the demand is of that character. Yet at the risk of again being called Tory, I will have to believe it is right before I vote for it, I do not care what the demand upon me may be.

Mr. DIXON. Mr. President, I hope neither one of the pending amendments will prevail. I have read the bill as carefully as I could, and I confess I can, under the terms of this bill, see no danger from publicity of any facts that the Government might collect which would jeopardize or hurt anybody on earth unless it be some person who has done something to which

publicity should not be given.

Mr. BAILEY. Will the Senator from Montana permit me to ask him a question?

Mr. DIXON. Very gladly. Mr. BAILEY. The Senat

Mr. BAILEY. The Senator is a good lawyer. I will ask him to tell me upon what provision of the Constitution he rests this authority.

Mr. DIXON. I think on the same ground-Mr. BAILEY. The general-welfare clause?

I think on the same ground upon which a thousand other-measures have passed this body.

Mr. BAILEY. That is no answer at all.

Mr. DIXON. We expend five times this amount every year for the publication known as Diseases of the Horse, of which each Congressman gets a thousand copies.

Mr. BAILEY. But under what provision of the Constitution

is this measure proposed?

Mr. DIXON. The general-welfare clause.

Mr. BAILEY. I knew it would come to this. This bill really undertakes to excuse itself on that ground because it is entitled "A bill to collect statistics for the 'welfare' of the

Mr. DIXON. All right.
Mr. BAILEY. The Constitution says the general welfare.
Mr. DIXON. The children are the biggest part of the general welfare of this Nation. They are the coming citizenship who are to take the place of the men and women upon the stage of action at this time.

All of the great furor about the expense of this poor, little, insignificant bureau disappears in thin air when you examine 1

the bill. It creates a director and 13 clerks. The establishment of the bureau will not cost the Government \$25,000 a

Mr. BAILEY. Where does the Senator get the power to do

You must have the power if you can do it.

Mr. DIXON. All right. I will give the Senator an instance on which was based power much larger than this. six or eight years ago we passed an emergency bill appropriating \$500,000 to combat the boll weevil in the States of the South, which was threatening to destroy the great cotton crop of the South. Upon what special constitutional provision did we base that?

Mr. BAILEY. That was a naked appropriation coupled with the exercise of no power. It did not create an office, and I

gravely doubted its constitutionality.

The Senator will remember, of course, that perhaps the greatest veto message in the history of the Government, certainly the most elaborate, took the position that the Federal Government might possess and did possess an unlimited power of appropriation for a general purpose-not for a local, but for a general purpose-but that it possessed absolutely no independent power, except it was specifically granted to it by the Constitution. I have not always questioned appropriations that I thought were without full warrant, but I have frequently had grave misgivings, although it was a naked appropriation.

Here it is not a mere appropriation. This bill creates offices and authorizes the appointment of officers. Congress can only create offices to execute some function of the Federal Govern-

ment. That is axiomatic.

Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. I do. Mr. BORAH. May I ask the Senator from Texas how the National Government put into operation its power to utilize the appropriation which it made for the purpose?

Mr. BAILEY. I have no doubt it did it through officers

already existing.

Mr. BORAH. But would there be any difference, so far as the constitutional power is concerned, between making the appropriation and creating an office at the same time, and making an appropriation and conferring the authority upon some officer already created?

Mr. BAILEY. Oh, yes. Here is an office already created by law and filled by an officer appointed according to law. By a naked appropriation you authorize him to disburse the money I think that comes dangerously close to the line, but it is still

a very different case from this.

For instance, if the Senator from Montana will permit me, we have a practice of sending agents of the Federal Government into States, where if they find live stock afflicted with certain diseases, they destroy them and pay to the owner a modest sum as compensation. I am inclined to think that the Federal Government can pay the owner of the diseased animal this money, but I am absolutely certain that the Federal Government can not authorize its officers to go into that man's barn and kill the animal. One is the mere expenditure of money and the other is coupled with the exercise of power; and I will venture to say that the Senator from Idaho never heard of an instance where a Federal inspector or Federal agent attempted to kill a diseased animal in a State over the protest of the owner.

Mr. BORAH. I do not know that I ever did.

The VICE PRESIDENT. Does the Senator from Montana yield further?

Mr. DIXON. I yield. Mr. BORAH. In what way do we carry out the practice to which the Senator from Montana has referred different from the way we do it in this instance? We did it by officers having We have representatives of a the same status as these have.

Mr. BAILEY. Oh, no; the Senator misconceives the power, he will permit me to say with all deference

Mr. BORAH. But the Senator from Idaho does not misconceive the question of fact.

Mr. BAILEY. Let me finish. The Senator will agree with me, and the Senator from Montana will agree with both of us, that before the Government can create an office it must have the power to create, and the Federal Government has no power to create an office except in aid of the execution of some of its

Now, of course, the Constitution itself creates certain offices. It creates the office of President and Vice President. I think it creates the office of Speaker of the House. But whether it creates it or not, it certainly recognizes it; and it creates the office of Senator and the office of Representative. It creates the Supreme Court, and it might be said to create the office of judge of the inferior courts, because it provides for their appointment. It also creates the heads of the departments, because it mentions them or recognizes them. But outside of those, all of the offices under the Federal Government are statutory, and when the Government comes to enact a statute to create one of those offices, it must do so in pursuance of some power.

Now, I ask, Where is the power upon which Senators can rest the right of Congress to create a children's bureau?

Mr. BORAH. May I ask in return, Where is the power the Government has for creating the Bureau of Animal Industry?

It is a bad habit to ask one question in answer to another. But I say to the Senator, it may have that power under the commerce clause, because the Federal Government has the power to exclude diseased animals from interstate and foreign commerce upon the theory that the introduction of diseased animals into interstate and foreign commerce is an obstruction to commerce in merchantable animals; and the Supreme Court has over and again held that we may exclude these diseased animals from the channels of interstate commerce upon the theory that they are an obstruction to general So the Congress might create a Bureau of Animal Industry to attend to that very question.

I have no doubt that bureau goes further. It sends men all over this country to inspect the horses and cattle and hogs of the people, and if it finds them diseased it perhaps slaughters them and pays the owner for them.

Mr. DIXON. Mr. President, if the Senators have finished their discussion, inside of my time, I will say that we continue to slaughter the children of this country.

Mr. BAILEY. There is no commerce in children, I hope. Mr. DIXON. And when any attempt is made by the Se And when any attempt is made by the Senate of the United States to place the children of this Nation on at least an equal basis with the hogs and the cattle and the sheep and the chickens Senators rise and discover great constitutional limitations and prohibitions.

Mr. BAILEY rose.

Mr. DIXON. I want to reply to the Senator from Texas, Mr. BAILEY. I will agree to waive all I have said if

I will agree to waive all I have said if the Senator from Montana thinks the children have no better tutelage than the hogs and the cattle and the horses.

Mr. DIXON. The children are owned and taken care of by the same people who take care of the hogs.

Mr. BAILEY. Does the Senator mean to say that the men take the same care of the hogs and the sheep as they do of the children?

Mr. DIXON.

Mr. BAILEY. I have seen children that seemed to be no better taken care of.

Mr. BORAH. Those are the children we are trying to reach. Mr. DIXON. If the Senators will permit me to proceed for three or four minutes, I will yield the floor.

The VICE PRESIDENT. The Senator from Montana is

entitled to the floor.

Mr. DIXON. I had not intended to raise any constitutional question in what I had to say, but as long as the Senator from Texas has raised the constitutional feature of the matter I will say that we certainly have the power under the general-welfare clause of the Constitution, which has accommodated itself to thousands of enactments by Congress. The opening clause of the Constitution certainly covers the bill under consideration.

Mr. BAILEY. Mr. President-

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. DIXON. I will yield in a moment. The opening clause of the Constitution says:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to curselves and our posterity—

Mr. BAILEY. That is not the general-welfare clause of the Constitution to which the most liberal constructionists refer. That is the preamble. The general-welfare clause to which the apostles of a broad construction refer, and upon which they

plant themselves, is that included in the power to levy taxes.

I want to agree with the Senator from Montana this far. If that provision for the general welfare is a substantive grant of power, then what I have said on the constitutionality of this question falls utterly to the ground. But I have the Supreme Court on my side of the question, and it has said more than once that it is not a substantive grant of power. That really is connected with the question of levying taxes, and the most that can be said is that the Congress has the power to levy taxes to provide for the general welfare.

Mr. DIXON. Yes; that follows the general provision of the preamble which I have just read; and the Senator at my left suggested a moment ago the clause "to insure domestic tran-

quillity" might include a proposition of this kind.

Mr. HEYBURN. No, Mr. President; I said the Senator might find some comfort in it.

Mr. DIXON. But we are wandering away from the purpose and object of the bill. If there is one crime of which modern commercialism stands convicted in the forum of public opinion, it is the abuse of child labor.

Now, I know there are valid objections in the minds of some Senators to the constitutionality of this bill, but the overwhelming opposition to the pending bill does not arise on any ground of implied unconstitutionality. It comes from the men of this country who are employing little children in the sweatshops and factories and coal mines and in the other great centers of modern commerce and industrialism in the country.

Mr. GALLINGER. How can the National Government stop

Mr. DIXON. The Federal Government can not stop it.

Mr. GALLINGER. No.

Mr. DIXON. It is a matter of legislation for the States, but the thing that will do more than anything else to bring a stop to it is to turn on full publicity, to let in light on the conditions that we know go on every day in all of the great industrial centers of this country.

Mr. HEYBURN. If the Senator will permit me

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. Yes.
Mr. HEYBURN. It is merely to say, referring to the statement that the protest against this bill comes from a certain element, that not a letter or telegram which I have received or referred to came from that class. That came from people who have studied domestic life and have some intelligent conception of the relation that should exist between parent and child.

Mr. BORAH. Mr. President-

Will the Senator from Montana The VICE PRESIDENT. yield to the junior Senator from Idaho?

Mr. DIXON. Certainly.

Mr. BORAH. I do not desire to interrupt the Senator, if he has not concluded.

Mr. DIXON. I wish to say just one other thing. Here is a bill that appropriates about \$25,000 a year to establish this bureau to "investigate and report upon all matters pertaining to the welfare of children and child life," and "the chief of said bureau may from time to time publish the results of these investigations." Certainly no Senator will argue that any responsible chief of a bureau, from the investigations made by the special agents provided in this bill, is going to print obscene special agents provided in this bin, is going a single literature or literature of a kind to give offense to any men literature or literature or residents of this country. That or women who are citizens or residents of this country. is the most far-fetched argument I have ever heard advanced. I do not know why anything like that should be attributed to such a bureau. Certainly no other bureau of the Government is guilty of a publication of that kind reflecting on the sense of morality of men and women.

I think both the amendments offered would tend to hamper the workings of the bureau and destroy much of its efficiency. The publication of the reports based on these investigations, giving widespread publicity to the conditions that they may find, is the best thing in the whole bill. I hope the amendments will not prevail and limit the publications merely to legislative Let the people of the country know what is found.

Mr. BORAH. Mr. President, the close of the morning hour is about to be announced, and I should like to ask for a unanimous-consent agreement in regard to this measure. It is that upon next Tuesday the measure be taken up and disposed of, together with all amendments, during that day.

The VICE PRESIDENT. Will the Senator please repeat his

request? The Chair did not catch it.

Mr. BORAH. I ask unanimous consent that upon Tuesday next, after the morning business, this bill may be taken up, and that the bill, together with all amendments, be disposed of during that legislative day.

Mr. BAILEY. Mr. President, as far as I am concerned, I am ready, if the Senator desires, to vote on it now. Although the hour has passed, if it is the will of the Senate to pass the bill,

I have no desire to delay it.

The VICE PRESIDENT. The Chair will suggest that having gone beyond the hour of 4 o'clock, it now becomes the unfin-

ished business. Mr. BAILEY. I think at the expiration of the morning hour

it fell-The VICE PRESIDENT. No; it is the unfinished business. Mr. BAILEY. And did not become the unfinished business.

However, I believe there is no unfinished business.

The VICE PRESIDENT. There was none until three minutes ago.

Mr. BAILEY. That is true.

Mr. GALLINGER. Notwithstanding that, is it possible that a measure which has been considered in the morning hour becomes the unfinished business simply because the hour of 4 o'clock was reached?

The VICE PRESIDENT. It was considered by unanimous

consent.

Mr. GALLINGER. In the morning hour.

The VICE PRESIDENT. It was taken up and considered by unanimous consent, and then, not having been completed before the hour of 4 o'clock arrived, of course it seems to the Chair that it automatically becomes unfinished business.

Mr. GALLINGER. I think the Chair will possibly revise that opinion when he examines the matter more carefully. But I am not particular about that. I hope the request of the Senator from Idaho to consider the bill next Tuesday will be acceded to, because I want to look into the matter a little more carefully than I have done. I shall certainly not obstruct the consideration or a vote upon the measure if it goes over until next week.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that Senate bill 252 be taken up on Tuesday next, after the routine morning business is concluded, and that it be considered and disposed of prior to adjournment upon that

Mr. HEYBURN. I should like to make an inquiry. pose something becomes unfinished business automatically between now and then?

Mr. GALLINGER. It can not.
Mr. HEYBURN. Something may become unfinished business any day automatically. We have nothing to do with it; that is, we do not control it.

Mr. GALLINGER. Surely that would be laid aside, I will say to the Senator, if we make this unanimous-consent agree-

The VICE PRESIDENT. It would be laid aside for this measure.

Mr. BORAH. The agreement includes the bill and amendments.

The VICE PRESIDENT. The Chair understood that that was the request.

Mr. OVERMAN. We might vote on it now and get rid of it.

Mr. GALLINGER. We are not ready.

Mr. BORAH. I should be very glad to vote now, but two Senators have asked for time to look into the matter. stand the Senator from New Hampshire desires to look into it.

Mr. GALLINGER. I desire a little time to look into it. Mr. THORNTON. I should like very briefly to talk on the

The VICE PRESIDENT. An agreement to the request does not dispose of the matter now. Is there objection to the request of the Senator from Idaho [Mr. Borah]? The Chair hears

none. The Senator from Louisiana will proceed.

Mr. THORNTON. Mr. President, I fully believe that the welfare of the children of this country is as close to my heart as it can possibly be to the heart of the Senator from Idaho [Mr. Borah], who has introduced this bill. I do not know how many children have been born in his family. I do know that nine have been born into my own, and certainly in the community in which I live no one would for a moment question my interest in the welfare of the children of the country. I am opposed to the passage of this bill. It is objectionable to me, not only because I am not in sympathy with the present policy of ever increasing and widening the scope of Federal power, a policy which, in my opinion, is leading us constantly toward centralization, but I object to it for another reason. I am not willing for my home to be invaded by anyone and I be required under compulsion to answer certain questions con-nected with the welfare of my children. The general proposition laid down in the bill, from which I quote, is that-

The said bureau shall investigate and report upon all matters per-taining to the welfare of children and child life.

And the scope of that is not restricted by the special matters mentioned thereafter.

For one I object, as I have said, to anyone coming into my home to ask such questions as in his opinion might pertain to the welfare of my children. It is a very different proposition from the coming of a census officer into my home and asking such questions as how many children I have had, what are their ages—questions which he is restricted by the law in asking. But here his own inclination, his own judgment, would be the William Stackpole, deceased.

only guide to the agent by which he would prosecute his inquiries about my domestic matters.

Different men, I know, have different natures, and of course a man with refinement of nature would not wish to ask questions in that connection which others destitute of refinement would not hesitate to ask, who would not be aware that they were giving offense or being even indelicate or intruding in any way upon the proprieties; and it might very often result in the head of a house being compelled, in order to preserve his own self-respect and the sanctity of his home, to kick an overzealous official out of his house.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 25, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 24, 1912. RECEIVER OF PUBLIC MONEYS.

Nathaniel Baker, of Lusk, Wyo., to be receiver of public moneys at Douglas, Wyo., vice Samuel Slaymaker, deceased.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Walter Harvey, Twenty-second Infantry, to be captain from January 18, 1912, vice Capt. George McD. Weeks, Fourteenth Infantry, detailed as commissary on that date.

Second Lieut. Donald J. McLachlan, Fourteenth Infantry, to be first lieutenant from January 18, 1912, vice First Lieut. Walter Harvey, Twenty-second Infantry, promoted.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

John Parke Leavenworth, of Connecticut, to be second lieutenant in the Coast Artillery Corps, with rank from December

John William Quillian, of Georgia, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from December 19, 1911.

POSTMASTERS.

ALABAMA.

Ralph Callaway to be postmaster at Maplesville, Ala. Office became presidential January 1, 1912.

Arthur G. Fisk to be postmaster at San Francisco, Cal., in place of Arthur G. Fisk. Incumbent's commission expires February 17, 1912.

IDAHO.

Christopher O. Dice to be postmaster at Glenns Ferry, Idaho, in place of Mollie E. Sargent, removed.

ILLINOIS.

William C. Brayton to be postmaster at Somonauk, Ill., in place of Jesse F. Poplin, resigned.

Hiram Wilson to be postmaster at Sandoval, Ill., in place of Milton M. Pate, resigned.

IOWA.

W. W. Artherholt to be postmaster at Primghar, Iowa, in place of Fred B. Wolf, resigned.

Emma T. Loes to be postmaster at Cascade, Iowa, in place of Benjamin C. Wise. Incumbent's commission expired December 11, 1911.

KANSAS.

George L. Robinson to be postmaster at Paola, Kans., in place of Alpheus Lane. Incumbent's commission expired December 18, 1911.

Charles F. Schafer to be postmaster at Jewell, Kans., in place of Frank W. Bevington, removed.

KENTUCKY.

Henry O. Hausgen to be postmaster at Anchorage, Ky. Office became presidential January 1, 1912.

Edwin Flye Poage to be postmaster at Ashland, Ky., in place of Thomas Boggess, jr. Incumbent's commission expired January 13, 1912.

MAINE.

Charles H. Innes to be postmaster at Saco, Me., in place of

MASSACHUSETTS.

William L. Lathrop to be postmaster at Orange, Mass., in place of William L. Lathrop. Incumbent's commission expired January 20, 1912.

John G. Orr to be postmaster at Pittsfield, Mass., in place of John G. Orr. Incumbent's commission expired February 4,

MICHIGAN.

W. Millard Palmer to be postmaster at Grand Rapids, Mich., in place of Loomis K. Bishop, resigned.

Elmer Pryce to be postmaster at Tustin, Mich., in place of Elmer Pryce. Incumbent's commission expired January 23,

Charles E. Woodhull to be postmaster at Kinde, Mich. Office became presidential January 1, 1912.

MINNESOTA.

Clarendon B. Boody to be postmaster at North St. Paul, Minn., in place of Clarendon B. Boody. Incumbent's commission expires February 10, 1912.

E. E. Lane to be postmaster at Sherburn, Minn., in place of E. E. Lane. Incumbent's commission expires February 4, 1912. Matthew Ristinen to be postmaster at Menahga, Minn.

fice became presidential January 1, 1912. Burton J. Robertson to be postmaster at Lyle, Minn., in place of Burton J. Robertson. Incumbent's commission expired January 23, 1912.

MONTANA.

Andrew Logan to be postmaster at Missoula, Mont., in place of Daniel H. Ross. Incumbent's commission expired January 9, 1912.

Jay E. Wilson to be postmaster at Ekalaka, Mont. Office became presidential January 1, 1912.

John A. Rogers to be postmaster at Winnemucca, Nev., in place of John A. Rogers. Incumbent's commission expired January 13, 1912.

Henry S. Starrett to be postmaster at Battle Mountain, Nev., in place of Henry S. Starrett. Incumbent's commission expired January 20, 1912.

NEW JERSEY.

William H. Beatty to be postmaster at Alpha, N. J. Office became presidential October 1, 1911.

Richard Watt to be postmaster at Garwood, N. J. Office became presidential January 1, 1912.

NEW MEXICO.

May Crawford to be postmaster at Mesilia Park, N. Mex., in place of May Crawford. Incumbent's commission expires January 29, 1912.

Arthur J. Matheny to be postmaster at Melrose, N. Mex., in place of Arthur J. Matheny. Incumbent's commission expires February 4, 1912.

NEW YORK.

Samuel G. Cornish to be postmaster at Carmel, N. Y., in place of Samuel G. Cornish. Incumbent's commission expired Decem-

Henry M. Anderson to be postmaster at Kerhonkson, N. Y. Office became presidential October 1, 1911.

Charles A. Beeman to be postmaster at Depew, N. Y., in place of Charles A. Beeman. Incumbent's commission expired December 10, 1911.

Mortimer N. Cole to be postmaster at Castile, N. Y., in place of Mortimer N. Cole. Incumbent's commission expires February 11, 1912.

Thomas H. Dickinson to be postmaster at Champlain, N. Y., in place of Thomas H. Dickinson. Incumbent's commission expires February 10, 1912.

Lucius R. Doty to be postmaster at Catskill, N. Y., in place of Lucius R. Doty. Incumbent's commission expired January 13,

William Johns to be postmaster at Hermon, N. Y., in place of William Johns. Incumbent's commission expired December 10,

William McCarthy to be postmaster at Mineola, N. Y., in place of William McCarthy. Incumbent's commission expires February 19, 1912.

Frederick W. Muller to be postmaster at Valley Stream, N. Y. Office became presidential October 1, 1911.

Wesley Rulison to be postmaster at Evans Mills, N. Y. Office

became presidential January 1, 1912.

Peter H. Vosburgh to be postmaster at Matteawan, N. Y., in place of Peter H. Vosburgh. Incumbent's commission expires January 28, 1912.

Charles D. Wilder to be postmaster at Charlotte, N. Y., in place of Charles D. Wilder. Incumbent's commission expires February 19, 1912.

NORTH CAROLINA.

John R. Mobley to be postmaster at Williamston, N. C., in place of John R. Mobley. Incumbent's commission expired January 14, 1912.

NORTH DAKOTA.

Reinhart Gilbertson to be postmaster at Glenburn, N. Dak., in place of Reinhart Gilbertson. Incumbent's commission ex-

in place of Reinhart Gibertson. Incumbent's commission of pired January 16, 1912.

William G. Mitchell to be postmaster at Minto, N. Dak., in place of William G. Mitchell. Incumbent's commission expires January 29, 1912.

Charles N. Murphy to be postmaster at Neche, N. Dak., in place of Charles N. Murphy. Incumbent's commission expired January 13, 1912.

OHIO.

Joseph W. Bryson to be postmaster at Glouster, Ohio, in place of Joseph W. Bryson. Incumbent's commission expires February 12, 1912.

Alexander Y. Henderson to be postmaster at Maynard, Ohio. Office became presidential October 1, 1911.

George H. Lewis to be postmaster at Bluffton, Ohio, in place of George H. Lewis. Incumbent's commission expires February 10, 1912.

John B. Maule to be postmaster at Greenspring, Ohio, in place of John B. Maule. Incumbent's commission expired December 16, 1911.

William A. Morrison to be postmaster at Struthers, Ohio, in

place of William A. Morrison. Incumbent's commission expired December 16, 1911.

Nellie F. Sheridan to be postmaster at Somerset, Ohio, in place of Nellie F. Sheridan. Incumbent's commission expires February 12, 1912.

Philip Zeigler to be postmaster at Strasburg, Ohio, in place of Philip Zeigler. Incumbent's commission expired December 18, 1911

OKLAHOMA.

Harry C. Clark to be postmaster at McAlester, Okla., in place of Harry C. Clark. Incumbent's commission expires February 10, 1912

Charles O. Frye to be postmaster at Sallisaw, Okla., in place of John K. Hannah, deceased.

Delany G. Rogers to be postmaster at Buffalo, Okla. Office became presidential October 1, 1911.

PENNSYLVANIA.

Alfred E. Williams to be postmaster at Plymouth, Pa., in place of Alfred E. Williams. Incumbent's commission expired January 9, 1912.

SOUTH DAKOTA.

Martin V. Olsen to be postmaster at Viborg, S. Dak. Office became presidential January 1, 1912.

William H. Mosby to be postmaster at Bedford City, Va., in place of William H. Mosby. Incumbent's commission expires February 21, 1912.

WEST VIRGINIA.

Allen D. Fitzhugh to be postmaster at Bridgeport, W. Va. Office became presidential October 1, 1911.

Cyrus C. Glass to be postmaster at River Falls, Wis., in place of Cyrus C. Glass. Incumbent's commission expired February 28, 1911.

K. E. Thompson to be postmaster at Barron, Wis., in place of Fred B. Kinsley. Incumbent's commission expired February 20, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 24, 1912. RECEIVERS OF PUBLIC MONEYS.

Nathaniel Baker to be receiver of public moneys at Douglas,

Wyo.

Louis W. Pierson to be receiver of public moneys at Havre,

REGISTER OF THE LAND OFFICE.

Myron W. Hutchinson to be register of the land office at Havre, Mont.

POSTMASTERS.

ARKANSAS.

R. Monroe Deason, El Dorado. Albert M. Keller, Wilmot. Samie W. Kennedy, Cotton Plant. Andrew I. Roland, Malvern.

COLORADO.

Frank E. Baker, Fort Morgan. Fannie Pearl, Aguilar. Ellen E. Potter, Castle Rock.

FLORIDA.

Lawrence Brown, Milton. Simeon C. Dell, Alachua. Eugene D. Lounds, Crescent City. TLUNOIS.

Howard O. Hilton, Rockford.

IOWA.

Daniel Anderson, Lamoni. Simon D. Breuning, Ackley. Frank V. D. Bogert, Paullina. Frank V. D. Bogert, Paullina.
Maude Bower, State Center.
Walter M. Cousins, Alden.
Jacquez A. Frech, Bancroft.
Nathan O. Hickenlooper, Blockton.
Frank C. McClaskey, Toledo.
Minnie A. Muhs, Akron.
Robert P. Osier, Clarion.
Abraham L. Riseley, Rockwell City.
Charlie B. Warner, Central City.
George W. Wiltse, Montezuma.

Edgar B. Dykes, Macksville. A. W. Robinson, La Crosse. Albert L. Utterback, Caney. James J. Yapp, Esbon.

MICHIGAN.

W. Millard Palmer, Grand Rapids.

MINNESOTA.

Clarence J. Buckley, Delano. John H. Carlaw, Balaton. Fred N. Corey, Elk River. Hakon E. Glasoe, Lanesboro. John A. Hawkinson, Parkers Prairie. Justin E. Stiles, Wells.

NEBRASKA.

Calvin Bradshaw, Farnam. James M. Fox, Gretna. George B. Guffy, Elgin.

NEW JERSEY.

Henry S. Garretson, Dunellen. Felix S. Jacobson, Arlington. William H. Williams, Smithville.

NORTH CAROLINA.

Robert D. Douglas, Greensboro. J. N. Powell, Southern Pines.

Charles E. Fenton, Newton Falls. Otis T. Locke, Tiffin. Levi Roscoe, Milan.

OKLAHOMA.

Joshua F. Farris, Billings. George H. Langston, Texhoma. Lemuel W. Moore, Alva. Elsworth A. Olmstead, Butler. John R. Thomas, Beaver. Charles L. Watson, Perry. Franklin C. Wright, Wanette. Richard Wynn, Ochelata.

John N. Dersam, McKeesport. Edelbert U. Eaton, Ulysses. George S. Stoup, Oakmont.

SOUTH DAKOTA.

Sarsfield P. Malone, Huron.

TENNESSEE.

John J. Anderson, Guild. Robert H. Bailey, National Soldiers' Home. William H. Delap, Lafollette. Allen D. Keller, Union City. W. S. Latta, Somerville.

David W. Marks, Covington. James H. Murphy, Mountain City. J. M. Petitt, Oakdale. Marshall V. Siler, Jellico.

WYOMING.

Frank F. Tuttle, Thermopolis.

HOUSE OF REPRESENTATIVES.

Wednesday, January 24, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:
Our Father in heaven, whose spirit pervades all space and enters into the hearts of those who are susceptible, to uphold, sustain, and guide them in right thinking and right living.

That man can not "live by bread alone, but by every word that proceedeth out of the mouth of God" is demonstrated again and again by the men who go down to defeat by a false estimate of their own puny strength. Help us to eat of the bread of heaven and drink freely of the fountain of life that we may live to the larger life in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

INDUSTRIAL AND CORPORATE PROBLEMS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech made by the Hon. MARTIN W. LITTLETON, a Representative from New York, at Chattanooga, Tenn., on January 19, 1912, before the chamber of commerce on the "Industrial and corporate problems." It is an able and remarkable speech, and I am of opinion it ought to be printed in the Record. It covers the wonderful industrial development and matchless possibilities of the Southern States.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print a speech delivered by the gentleman from New York [Mr. LITTLETON] in Chattanooga, Tenn. Is there

objection?

There was no objection.

The speech referred to follows:

Mr. LITTLETON. Mr. Chairman and gentlemen, I would not have you forget the old South, rich in the illustrious names and valorous deeds of those whose fame is secure in the enduring annals of her history. But I am intent on having you turn from a grateful reflection upon these tender and inspiring memories for a brief time to a cool and impartial inquiry into the industrial and business problems which confront the South of to-day. To do this and do it with a clear head and an open mind, we must disregard the geography of war and adopt the geography of development. We must lay aside the thought of section and development. We must lay aside the thought of section the think only of the whole country and the South's share in and contribution to that country. Finally, we must abandon the contribution to that country. Finally, we must abandon the lines deep cut by the fatal strife of the sixties and follow the deeper and more lasting lines written in the veins of your mountains, traced in the soil of your valleys, flowing along mountains, traced in the soil of your valleys, howing along your coast, by the margin of your oceans and bays, and outlined by your rivers as they run to the sea. In these permanent gifts of nature and their true and just development will be found the fullness of your enlightened civilization. From these must eventually come the blessings of plenty and content, and upon these it is for you to build a social, economic, and political structure which will stand against the winds and tides of time.

Society in its broader sense, and government in a more limited sense, is simply a true or false interpreter of the material welfare of the age. The silent but relentless process of material growth are, in every hour of the day, giving shape and direction to social order and political advancement. manifold hands of a tireless race of men and women are fashioning day by day the social and political issues whose wise solution calls for the exercise of the deepest knowledge and the most exalted patriotism. Deep down beneath every government are the unheard forces wielded by thrift and ambition which in the end will make of that government the medium of their final development. Constitutions are made to conform to the swelling influence of commerce. Empires take their shape from economic upheaval. Monarchies are molded by the form of material growth. Governments do not make progress. They are the manifestations of progress. They are the convenient agencies which are set up in the onward march of progress to establish justice, enforce order, and preserve the peace. If they obstruct the march of that progress, if they stand in the way of development, if they fail to interpret the demands of the age, they are altered or abolished. The old Articles of Confederation were swept aside by the growing demands of a growing commerce, and the Constitution was adopted in obedience to these demands. Political parties to even a greater extent are the mediums of material growth and the convenient instruments of progress. When they fail to interpret that growth, when they fail to promote that progress, they are thrown aside as unsuitable and unfit means to attain the end desired. Their platforms reveal little of their real usefulness. Their solemn convention protestations and demands disclose but a small part of their real elements, and the country is coming more and more to know and allow for this. They are finally accepted or rejected upon the full knowledge of the attitude of the men who lead them as that attitude is made known by the acts and utterances of these men. And almost invariably they are rejected if, after full discussion, their leaders are believed to be opposed to material progress or incapable of promoting it.

The South has suffered in its political prestige because its leaders have not always stood for progress; not because they were not able men or patriotic men, for I think no one would challenge the ability or patriotism of the South. It is because they have been content to cling to issues in their own States which have passed into history, and have been willing to follow on national issues the leadership of obstruction. No one, North or South, seriously claims that the negro as a race should at any time or place govern white people, and yet more than one campaign has been waged in recent years upon this worn-out and frayed issue. It is not too much to say that instead of taking counsel of those agencies which will cause the earth to yield up its treasures and translate its rich resources into the countless comforts of civilization, it has too often and too long taken counsel of the fears of yesterday, and converted them into the profitless protestations of a statesmanship barren of results.

What is there in this material South to engage the attention and tax the intellect of its leading men? What are its riches, which lay outstretched in its silent valleys, which uplift themselves in its noble mountains, which reveal their footprints on the sands of its endless shores? Stripped of tradition, shorn of history and freed from sentiment, each in themselves the unwearying charm of all its generations, what is the naked wealth and worth of this southern country which must be made to serve its people under the upbuilding influence of a creative statesmanship? Mr. Dawe, the managing director of the Southern Commercial Congress, at Washington, is authority for the statement that—

"The meaning of a coast line, when satisfactorily indented, is ease of access to the commerce of the world. Viewed from this point it will be seen that the Southern States possess an enormous advantage over the other two-thirds of the United States, for the coast line of the Southern States is 3,007 miles, while the coast line of the North Atlantic States is 888 miles, and of the Pacific coast 1,557 miles. When the indentations are considered the South is naturally far ahead of the North Atlantic and immeasureably ahead of the Pacific coast.

"The natural advantages of coast line are already asserting their influence, for we are able to say that a southern port still holds the second position for exports among all ports of the United States—New Orleans in 1900 and now a southern port that nine years ago was wrecked and rent by storm—the port of Galveston.

"We are able to show that the exports along the Gulf now exceed the exports of Philadelphia and Boston by 93 per cent, and they equal more than 663 per cent of the total which belongs to the overshadowing port of New York. The tables of exports for 1900 and 1908 show that 27 per cent growth in exports has taken place in New York, Philadelphia, and Boston regarded together. During the same time the exports from southern ports, handling more than \$1,000,000 worth, increased 34 per cent.

"In the matter of imports—goods coming to America for distribution—we find that while the three great ports—Boston, Philadelphia, New York—have increased 27 per cent the southern ports have increased 102 per cent. This may be looked at another way. In 1898 imports along the Gulf were \$13,062,729. In 1908 they had grown to \$59,340,735, an increase of 354 per cent. In 1898 exports along the Gulf were \$201,847,700. In 1908 they had grown to \$396,552,136, an increase of 96 per cent.

"When we consider also that all this swing of commerce is taking place prior to the completion of the Panama Canal, and that the Panama Canal will help to pull southward every interoceanic movement, we must realize that southern ports will be on the very front doorstep of the world's future commerce. South America and the Pacific, by reason of their nearness, will be peculiarly available for southern growth.

" NAVIGABLE STREAMS.

"A coast line adequately fed by navigable streams means, no matter how trivally used at present, an ultimate development of vast importance; for streams can be depended upon to carry bulky freights, while the railroads, at present insufficient in the South, turn their powers toward the higher grades of

freight needed within the growing South or shipped by it to other less-favored States and countries.

"The National Conservation Commission has reported that there are in the United States navigable streams amounting to 26,410 miles. Of this mileage there is in the South 18,215.

Tributary to the Atlantic	Miles. 4, 567 5, 212 7, 073 1, 363
	18, 215

"This enormous total does not include a single mile of the Ohio, though it benefits the Southern States through 900 miles. Neither does this total include any proportion of the Missouri River. If the Mississippi be regarded as a feeder for Gulf commerce, the mileage should be—

		Miles.
Tributary Tributary		4, 567 19, 124

"At present not a fraction of the advantage offered to the southern inland cities by navigable streams is utilized, but the day is coming when that utilization will be here, and when that day comes the streams of the South leading to the great and growing ports of the South will give the inland cities waterborne opportunities sufficient to make them leap more rapidly forward into commercial importance than in the marvelous 20 years just ending.

"WATER POWERS.

"The possibilities of the South in the terms of water power are as disproportionately large, when compared with the other two-thirds of the Union, excepting the extreme Northwest, as are those of coast-line and navigable streams. The most potent influence is the Southern Appalachian Range. heaval makes it the greatest power-producing mountain range in the East, for it lies altogether in a region of plentiful and fairly distributed rainfall. The actual figures are indeterminate. However, Secretary Wilson in a recent report places it at 5,000,000 horsepower for the six high-water months. Frank S. Washburn, the eminent hydroelectric engineer, thinks that this vast figure could be doubled by well-arranged storage basins. To give an inkling of what the development of these powers will mean, it is wise to refer to New England. That whole region has chained a little over 1,000,000 horsepower. The Southern Appalachians contain nearly ten times as much potentionally available; yet the manufactured products of New England at present equal the manufactured products of the whole South—66,000 square miles, with few raw materials, equaling the pigmy efforts of a giant spreading over 1,000,000 square miles and rich in raw materials.

"The day is coming when, through conservation impulses, this water will be used to drive the wheels of industry and of transportation throughout the South, thus indefinitely extending the life of power buried now in the coal fields of the South. If we study the statistics of the matter, we find that in no similar area of this country is there 5,000,000 horsepower so conveniently arranged, so distinctly marked, or so near to extended plains and rolling country, where factories can be easily erected and the produce of the field can be carried to the factories. The South, with a potential 10,000,000 horsepower in the Appalachian Range, has the foothills all round it full of materials above ground or underground, simply waiting for the harnessing of that great power to make those foothills on every side a tremendous electrified manufacturing area. When, furthermore, it is considered that not one horsepower has been included above for the rivers falling into the western Gulf of Mexico or those tributary to the Mississippi on the west, the commercial importance of the South in aiding to extend the life of the national coal beds will be comprehended.

"MINERALS AND FORESTS.

"The minerals of the South are worthy of serious consideration as a guide to what awaits her in development. In oil barrels she has increased since 1880 from 179,000 to 74,128,019. In sulphur she has rapidly appropriated over 98 per cent of the country's product. While in coal resources all other States of the Union are exceeded by Wyoming, North Dakota, Montana, and Colorado, the coal fields of the South are peculiarly accessible to navigable streams—a privilege denied the Western States mentioned above. The headwaters of the Ohio tap rich coal regions in West Virginia and in effect make Pennsylvania a contributor of coal to the Southern States by way of the Mississippi; the Alabama coal field, estimated to contain 68,000,000,000 tons in its 8,000 square miles, is tapped by the river system flowing by Mobile. Also, since the southward tendency of railroad construction set in, every new line has served to place southern coal fields within commercial reach of the coast,

"The coal possessions of the Southern States, according to the report of the National Conservation Commission, are stated below in millions of short tons:

	Million	ns.
Alabama	68, 6.	56
Arkansas		
Georgia		81
Kentucky		44
Maryland	7.8	23
Missouri	39, 8	54
North Carolina	2	00
Oklahoma		
Tennessee		39
Texas		78
Virginia	22, 4	
West Virginia	230, 3	89
	The state of the s	-

Total _______611, 748

"Add to coal the great iron riches of the Southern Appalachians, where ore, coal, and limestone are frequently in juxtaposition; then add to these the practical monopoly in phosphate rock, the complete monopoly in bauxite and asbestos, the leadership in fuller's earth, in manganese, in sulphur, and in some of the rarer minerals; then add to this the clays, the building and ornamental stones, and, last, the immense cement resources near to navigable streams; then there comes into sight a certain unapproachable mineral advantage given by nature to the South.

"Against minerals, which are irreplaceable, the South is still able to show ownership of 41 per cent of the remaining forest area of the United States, a gift that is replaceable under proper impulses and extensible, if used aright. The forest area has some board details; the hardwood area is largely confined to the Appalachians; a mixed area takes a huge sweep around the Appalachians; and the long-leaf yellow pine area lies in another broad belt around the Gulf of Mexico.

"TEMPERATURE AND PRECIPITATION.

"It may be safely said of warmth and precipitation that warmth without rain produces a desert; that rain without warmth produces a frozen and forbidding area. The South combines more markedly than any other third of the Union a fine growing temperature and a copious yearly rainfall. The

effect is clearly seen by those who wish to see.

"If we go to the southern portion of Florida we will find tropical fruits. If we go in winter time to Florida and Texas we find northern vegetables growing for winter marketing. If we follow up the Florida coast we find celery and lettuce growing for the consumption of New York City while New York City is shivering in zero temperature. Follow the whole vast agricultural area of the South, from the Everglades of Florida and from Brownsville, Tex., up to the Mason and Dixon line, and we have to declare that for agricultural range and possibility there is no area of the United States that can vie with the Southern States. The isothermal lines, which have a very irregular range in the Southern States, produce the anomaly, in the State of Alabama for instance, of wheat growing within a hundred miles of cotton; yet wheat is the great hope of the northwestern territory of Canada. We can put it down as an incontrovertible fact that the materials for both food and raiment coming out of the ground are all produceable in the extraordinary range of climate which belongs to the Southern States.

"AGRICULTURAL LANDS.

"Though the South holds the American monopoly on cotton, her possibilities in that and all other agricultural lines have not yet been scratched. This can be plainly shown. There are 612,096,900 acres of land in the Southern States. Of these less than 25 per cent are improved, or 145,185,999 acres. The more or less shiftless agriculture of the past is being rapidly supplanted in many regions by intelligent and intensive methods. This will shortly show itself by the South ceasing to depend on western produce."

Mr. Finley, president of the Southern Railway Co., recently contributed an interesting and instructive comparative statement as to the growth of manufactures and railroads in the

South, Hear what he says:

"Between 1880 and 1905 the total volume of the products of manufacture in the States south of the Ohio and Potomac and east of the Mississippi increased from \$287,110,628 to \$1,135,468,795, or 295 per cent. The increase was really considerably greater than is indicated by these figures, for the reason that the census of manufactures of 1905 included only those conducted on the factory system and omitted small establishments and what are classed by the Census Bureau as 'neighborhood industries,' which were included in 1880.

"This increase in manufacturing has embraced a large variety of industries, but it has naturally been greatest in those industries drawing their raw materials from the South. Thus,

in 1880 there were only 561,360 cotton spindles in the South, and in 1908 there were 10,200,903, an increase of 1,717 per cent. In 1880 southern cotton mills used only 188,748 bales of cotton, and in 1908 they used 2,187,096 bales, an increase of 1,058 per cent. From practically nothing in 1880 the cottonseed-crushing industry of the South has grown until, in 1907, it crushed 3,843,981 tons of seed, producing 175,724,840 gallons of oil and 1,785,804 tons of cake and meal. Pig-iron production in the Southeastern States increased from 335,864 tons in 1880 to 3,033,388 tons in 1907, or 803 per cent. Coke production increased from 372,436 tons to 9,289,471 tons, or 2,394 per cent. Coal production increased from 3,793,308 tons to 84,978,700 tons, or 2,140 per cent, and the lumber cut increased from 2,652,015,000 feet to 11,899,984,000 feet, or 348 per cent.

"While this great industrial advance has taken place southern agriculture has not stood still. Leaving out of account the enormous increase in agricultural production in the newly settled regions west of the Mississippi River, in the States east of that stream cotton production increased from 3,816,250 bales in 1880 to 7,444,805 bales in 1908, or 95 per cent, and corn production increased from 331,105,000 bushels in 1880 to 452,324,000 bushels in 1908, or 46 per cent. This same period has witnessed a large increase in the production of fruits and vegetables in the Southern States, both for northern markets and for local use.

"Both southern agriculture and southern manufacturing have had their greatest development in the production of commodities in demand in other parts of the United States and in other countries. Such development is possible only when means exist for carrying products which can not be consumed locally to markets where they are in demand. Therefore, as an in-evitable consequence of the very large industrial development and the considerable increase in agricultural production, the railways of the South have been called upon to transport a rapidly increasing volume of traffic. In 1880, according to Poor's Manual, there were 14,817 miles of railway in States south of the Ohio and Potomac and east of the Mississippi. In 1890 there were in this territory 24,535 miles, and in 1907, 39,068 miles, showing an increase of 164 per cent over 1880 and 59 per cent over 1890. In 1890 there were less than 30 miles of double-track railway in all this territory. In 1907 there were 1,321 miles of double track, and the total mileage of operated tracks, including single tracks, second tracks, yard tracks, sidings, and spurs, increased from 27,830 miles in 1890 to 50,533 miles in 1907. The number of locomotives increased from 3,310 in 1890 to 7,400 in 1907, or 123 per cent, and the number of cars of all classes in service increased from 109,669 to 293,230, or 167 per cent. This increase in the number of locomotives and cars has been accompanied by a very considerable increase in the average tractive power of locomotives and in the average carrying capacity of freight cars.

"Southern agricultural and industrial growth will continue largely along the line of the greatest development in the pastthat of producing commodities in demand in other regions. Cotton has not only been the most important agricultural product of the South, but it is the foundation of two great and growing southern manufacturing industries—the cotton-textile industry and the cottonseed-crushing industry. The limit of cotton production has not nearly been reached even in the older States east of the Mississippi. As the world demand for cotton textiles and cottonseed products increases the South will meet it with a larger production, due not only to bringing additional land under cultivation, but also to an increased average yield per acre, brought about by more intensive farming and scientific crop rotation. The cotton mills of other lands and of other sections of the United States will continue to draw on the southern crop, but, as a result of the economic force tending to draw the industry to proximity to its source of raw material, we may expect the multiplication of spindles and looms to proceed more rapidly in the cotton-growing States than elsewhere. The rate at which the cotton mill is being drawn to the cotton field is shown by the fact that, while in 1880 the consumption of the mills in the cotton States equaled only 3.28 per cent of the crop of 5,755,359 bales grown in that year, in 1908 it equaled 15.62 per cent of the crop of 13,697,310 bales grown in that year. Cottonseed crushing will continue to be distinctively a southern industry, and its growth will keep pace with the growth of cotton production."

From the Manufacturers Record we gather the following facts as to the general increase in all branches of commerce and industry between the years 1880 and 1907-8 in the Southern States:

"Value of property has increased from \$7,505,000,000 to

"Value of property has increased from \$7,505,000,000 to \$20,073,686,216; increase, \$12,568,686,216, or 167 per cent. Capital in manufactures has increased from \$257,244,564 in 1880 to \$2,100,000,000 in 1908, an increase of \$1,842,755,436, or 716.6 per cent. Products of manufactures increased from \$457,454,777 in

1880 to \$2,600,000,000 in 1908; increase \$2,142,545,223, or 486.9 per cent. Capital in cotton mills increased from \$21,000,000 in 1880 to \$266,500,000 in 1908, an increase of \$245,500,000, or 1,169 per cent. Capital in cotton-oil mills has increased from \$3,-800.000 in 1880 to \$90,000,000 in 1908; increase of \$86,200,000, or 2,268 per cent. Production of pig iron increased from 397,301 tons in 1880 to 3,445,221 tons in 1907; increase of 3,047,920 tons, or 767 per cent. Coke output has increased from 372,436 tons in 1880 to 9,289,461 tons in 1907; increase of 8,917,035 tons, or 1880 to 9,289,461 tons in 1907; increase of 8,517,055 tons, or 2,394 per cent. Value of lumber products have increased from \$39,000,000 in 1880 to \$365,000,000 in 1908, an increase of \$326,000,000, or 836 per cent. Lumber cut has increased from 3,410,294,000 feet in 1880 to 19,303,983,000 feet in 1907, an increase of 15,893,689,000 feet, or 466 per cent. Value of farm products has increased from \$660,000,000 in 1880 to \$2,225,-Value of farm 000,000 in 1908, an increase of \$1,565,000,000, or 237 per cent. Cotton produced increased from 5,723,934 bales in 1880 to 10,582,966 in 1908; increase of 4,859,032 bales, or 85 per cent. Production of corn, wheat, and oats increased from 577,328,440 bushels in 1880 to 818,318,000 bushels in 1907, an increase of 240,789,560 bushels, or 41 per cent. Value of mineral products creased from 6,037,003 tons in 1880 to 94,829,835 tons in 1907; increase \$273,000,417, or 1,976 per cent. Coal mined has increased from 6,037,003 tons in 1880 to 94,829,835 tons in 1907; increase of 88,792,832 tons, or 1,470 per cent. Iron ore mined has increased from 842,454 tons in 1880 to 6,316,027 tons in 1907; increase of 5,473,573 tons, or 649 per cent. Production of petroleum has increased from 179,000 barrels in 1880 to 27,239,057 barrels in 1907; increase of 27,060,057 barrels, or 15,118 per cent. Phosphate mined has increased from 190,763 tons in 1880 to 2,253,198 tons in 1907; increase 2,062,435 tons, or 1,081 per cent. Railroads have increased in mileage from 20,612 miles in 1880 to 67,181 miles in 1908, an increase of 20,012 lines in 1830 to 0,161 lines in 1830, an increase of 46,596 miles, or 221 per cent. Aggregate resources of national banks have increased from \$171,464,172 in 1880 to \$1,100,117,838 in 1908; increase of \$928,653,663, or 541 per cent. Capital of national banks has increased from \$46,688,930 in 1880 to \$162,558,230 in 1908, an increase of \$115,869,300, or 248 per cent."

Selecting from the statistical data contained in these reviews of the South's resources, the items of wealth which must be organized and managed with skill and efficiency, let us consider the iron ore, the coal, the cotton, the corn, the wheat, the lumber, the tobacco, and ascertain, if we can, the business agencies and industrial instrumentalities which have been created for the purpose of developing and caring for these products in a thorough and systematic fashion.

In the first place, take the industrial and manufacturing corporations, such as mining, lumber, and coke companies; rolling mills, foundries, and machine shops; sawmills; flour, woolen, cotton, and other mills; manufacturers of cars, automobiles, elevators, agricultural implements, and of other articles manufactured wholly or in part from metal, wood, or other material; manufacturers and refiners of sugar, molasses, sirups, and other products; ice and refrigerator companies; slaughterhouses, tanning, packing, and canning companies—these have been organized for the purpose of bringing forth, manufacturing, and marketing the raw wealth of the South, and in them is locked up a very great measure of the wealth of the South. Of this class of corporations, which have a net income in excess of \$5,000 a year, there are in each of the Southern States the following:

States.	Num- ber.	Aggregate capi- tal stock.	Bonded indebt- edness.	Net income.
Alabama	557	\$153,433,328,82	\$87,342,194.91	\$7,375,297.50
Arkansas	570	40,490,764.55	21,328,363.06	2,767,451.58
Florida	362	31,660,168.13	17,170,472.24	2,767,874.63
Georgia	1,332	127,716,042.57	72,802,523.13	8,140,698.03
Kentucky	1,333	137,180,572.00	44,288,740.83	9,824,480.09
Louisiana	942	123,779,511.34	81,303,916,98	8,312,940.30
Maryland	1.032	188,664,817.47	101,170,637.37	10,501,360.04
Mississippi	382	24,755,863,45	20,714,986.37	2,720,369.21
North Carolina	1.058	93,514,188.49	53,559,340,06	5,965,211.56
South Carolina	569	81,063,757.13	70,132,138.52	4,178,392.57
Tennessee	1.234	141,952,064,59	75,434,853.54	6,986,841.16
Texas	1.750	221,636,736,00	100,948,935.00	13.144.444.00
Virginia	869	401,162,441.58	120,752,761.94	11,354,551.35
Total	11,990	1,767,010,256.12	866,949,863.05	94,039,912.02

In the second place, let us consider those corporations created and conducted for the purpose of transporting the raw material and the manufactured article, such as railroads, steamboat, ferryboat, and stage line companies; pipe line, gas, and electric light companies; transportation and storage companies; telegraph and telephone companies. These corporations represent the next step in the progress of development, and of these the

Southern States have the following in number, capitalization, bonded indebtedness, and net income:

States.	Num- ber.	Capital stock.	Bonded indebt- edness	Net income.
Alabama	109	\$49,702,258,33	\$81,969,399.77	\$6,069,659,81
Arkansas	226	54,073,399.50	57,482,587.76	2,105,230,12
Florida	147	26,320,298.06	49,978,969.66	1,934,264.92
Georgia	464	145,767,936.57	161,220,126.00	7,390,531.26
Kentucky	500	139,316,648.99	202,493,539.31	14,840,541.08
Louisiana	171	132,253,482.64	21,998,062,32	6,106,919.43
Maryland	360	431,912,342.11	497,650,528,65	21,660,025,98
Mississippi	53	19,645,546.75	19,507,986,69	872,320.05
North Carolina	276	53,247,533,55	26,969,078.10	1,999,370.74
South Carolina	206	15,868,159.91	22,450,591.71	1,236,756.06
Tennessee	255	103,134,574,51	82,599,500,77	7,663,751,50
Texas	788	245,407,863.00	444,783,750.00	19,504,219,00
Virginia	380	465,368,601.56	676,920,771.20	27,009,757.71
Total	8,935	1,882,018,648.48	2,346,024,841.94	118,393,347.61

In the third place, let us take these corporations which are organized and conducted for the purpose of furnishing the money, and conveniently and promptly transacting the essentially financial business of the South's development. Of these the Southern States have in number, capitalization, bonded indebtedness, and net income, the following:

States.	Num- ber.	Capital stock.	Bonded in- debtedness.	Net income.
Alabama	235	\$20,586,278.50	\$1,339,830.16	\$2,449,169.88
Arkansas Elorida	410 216	16,567,537.58	9,875,742.17	2,251,013.18 1,822,817.61
Florida	734	11,728,841.29 41.464.150.03	1,163,579.48	5,327,218.59
Kentucky	672	41,965,341,95	7.334.506.12	3,664,569,75
Louisiana	303	27,451,497.82	3,228,118.12	3,296,726.53
Maryland	699	48,731,893,91	4,566,900.23	6,895,172.40
Mississippi	275	14,780,179,23	1,371,053,21	1,902,351.25
North Carolina	488	20,060,164.63	1,428,504.39	2,199,879.84
South Carolina	783	26,155,673,06	7,573,301.18	2,915,922.28
Tennessee	516	30,189,215,84	1,042,479.62	3,400,707,20
Texas	1,308	81,259,785.00	12,100,112,00	11,533,289.00
Virginia	481	35,333,798.29	1,432,440.39	3,812,033.80
Total	7.120	416,256,357,13	54,851,526.16	51,470,862.31

In the fourth place, let us take these corporations devoted almost wholly to the marketing of the finished products, such as mercantile corporations, including all dealers in coal, lumber, grain, produce, and all goods, wares, and merchandise. Of these the South has in number, capitalization, bonded indebtedness, and net income the following:

States.	Num- ber.	Capital stock.	Bonded in- debtedness.	Net income.
Alabama	467	\$16,524,913.59	\$10,400,853.18	\$2,017,923.62
Arkansas	667	17,894,767.01	10,527,325.15	2,983,866,32
Florida	374	15,234,188,23	12,363,276.53	2,515,970.95
Georgia	1,284	32.595,741.05	27,624,308.17	5,831,538,99
Kentucky	892	33,222,981.71	14,349,367.11	4,587,353,49
Louisiana	781	33,977,888,39	30,514,111.70	4,273,991.09
Maryland	366	11,031,810,98	6,634,434,41	2,509,523.93
Mississippi	311	11,516,757.51	7,320,146,35	1,907,766,15
North Carolina	1.046	16,186,772,80	12,304,700.32	2,215,871.06
South Carolina	851	12,185,032.94	7,915,301.80	2,739,536,69
Tennessee	788	26,720,369,68	20,080,822,48	4,546,206.55
Texas	1,944	70,896,248,00	42,980,141.00	11,284,022,00
Virginia	1,057	29,908,385.64	20,729,580.34	4,207,278.72
Total	10,828	327,895,857.53	223,744,368.54	51,620,419.56

In the fifth place, let us take those corporations of a miscellaneous character which the growth of the South and the various steps in the progress of that growth has called into existence, such as architects, contractors, hotels, and theaters. Of these the South, according to States, has the following in number, capitalization, bonded indebtedness, and net income:

States.	Num- ber.	Capital stock.	Bonded in- debtedness.	Net income.
Alabama	429	\$21,067,956.15	\$13,621,713.94	\$1,388,744.91
Arkansas	416	13,649,991.12	6,305,278.16	501,534.48
Florida	455	23,382,221.93	15,756,612.91	2,021,882.15
Georgia	1,039	40,590,721.68	21,998,775.06	2,168,249.56
Kentucky	920	34,149,063.83	12,644,065.42	2,249,966.80
Louisiana	623	45,457,412.08	22,594,188.06	2,413,191.80
Maryland	700	34,336,344.44	19,176,507.08	1,332,322.17
Mississippi	84	3,337,257.50	1,229,218,40	197,627,34
North Carolina	539	11,998,696.00	6,219,710.30	654,525.63
South Carolina	183	2,200,716.12	1,836,489.49	246,521.60
Tennessee	735	41,582,930.35	27,885,288.44	2,008,927,38
Texas	1,485	86,470,299,00	36,551,133.00	4,593,582,00
Virginia	1,133	67,530,148.83	63,278,834.89	2,578,523.78
Total	8,741	425,758,759.03	249,097,810.15	22,355,629.60

Finally, let us take all of the corporations, of all classes, for each of the Southern States, and ascertain the number in each State, the aggregate capital stock, the bonded and other indebtedness, and the net income. These are shown in the following statement:

Total for corporations of all classes for each Southern State.

State,	Num- ber.	Capital stock.	Bonded indebt- edness.	Net income.
Alabama	1,797	\$261,314,735.39	\$194,673,991.96	\$19,300,825.72
Arkansas	2,289	142,658,459.76	105,519,291.30	10,609,095.68
Florida	1,554	108,325,717.64	96,432,910.82	11,062,810.26
Georgia	4,853	388,134,591.90	286,040,691.45	28,858,236,43
Kentucky	4,317	385,834,608,48	281,110,218.79	35,166,911.21
Louisiana	2,820	362,919,792.27	259,638,397.18	24,403,769.15
Maryland	3,157	714,677,208.91	629,199,007.74	42,888,404.47
Mississippi	1,105	74,035,604.44	50,143,341.02	7,600,434.00
North Carolina	3,407	195,007,355.47	100,481,333.17	13,034,858.83
South Carolina	2,592	137,473,339.16	109,907,822.70	11,317,129.20
Tennessee	3,528	343,579,154.97	207,042,944.85	24,606,433.79
Texas	7,275	705,670,931.00	637,364,071.00	60,059,556.00
Virginia	3,920	999,303,378.90	883,114,388.76	48,962,145.36
Total	42,614	4,818,984,878.29	3,840,668,410.74	337,870,610.10

With these tables we are able to definitely determine and classify those corporate agencies which are engaged in transforming the raw wealth of the South; those corporations which are engaged in transporting this wealth; those corporations which are necessary in financing this wealth; and the aggregate number, capital, bonded indebtedness, and net income of all these corporations. These are the agencies and instrumentalities which human ingenuity has found necessary and convenient for doing the business and promoting the industrial growth of the Southern States; and more and more, as time goes on and the wealth of the Southern States becomes necessary to the welfare of the human race, will these agencies and instrumentalities be employed and increased to meet that necessity.

On account of these corporate agencies and instrumentalities, and combinations of them, there has been much political discussion, much legislative enactment, many judicial decisions, and a vast amount of popular agitation. Some of our public men have contented themselves with a blind and unenlightened attack upon corporations generally. While these attacks have been useful to these men in furthering their political advancement, they have not been, nor will they be, sufficient to take out of the hands of southern industry the right use of these indestructible and indispensable agencies of development.

A great many people do not understand what a corporation is. They do not understand why it is created. They have never thoroughly comprehended its usefulness, its convenience, or its efficiency; and it is to the uninformed prejudices of this class of people that some of our public men appeal in order to advance their own political fortunes. I venture to say that some of the public men themselves have never really understood the advantage of an efficient and well-organized corporation. It does seem to me that the time has come when intelligent men should no longer allow themselves to be misled and, if I may say so, fooled into the belief that they should maintain a hostile attitude toward corporate development.

What is this thing called a corporation which has inspired so many with fear? Which arouses in so many a prejudice? Which has furnished to many others an object of indiscriminate and wholesale attack? What is there about it which brings men connected with it into disrepute? Why is it that corporations are continually characterized as unpatriotic institutions; and the men who conduct them as men not measuring up to the highest standard of citizenship? Why have we heard so much in politics of this corporate monster? Why do members of the bar find themselves excluded from public consideration because they are or have been attorneys for corporations?

This device known as a corporation is, after all, the division of a given amount of wealth into shares which may be purchased by men wishing to become shareholders, and who, according to the number of shares held by them, shall have a voice in the selection of a few well-qualified shareholders to conduct the business in which the corporation is engaged. It has the advantage of having a corporate existence. It has the advantage of assembling the most experienced and intelligent men to direct its affairs and shoulder its responsibilities. It has the advantage of gathering to itself a little of the wealth of a great number of men, without embarrassment to them, and which enables it by reason of the total sum thus gathered to do big things. It has the advantage of being able to distribute, in shares, the value of a property or plant or an enterprise infinitely. It has the advantage which comes with concentration, economy of organization, and the combination of the wealth of

many. It represents the cooperative enlightenment of modern business. It stands for the collective energy, intelligence, and wealth of modern industry. It is the most flexible, resourceful, convenient, and effective instrument yet devised by the wit of man to bring forth, manufacture, transport, and market the raw wealth of the earth. It has been universally adopted by the human race in all civilized countries. It finds its highest example in the structure of human government. It has its charter, which stands for its fundamental constitution. It has its by-laws, which govern its conduct. It has its directors, who discharge the representative trust reposed in them by the share-It has its shareholders in whom its ultimate sovereignty is vested; and it has in its treasury the combined contributions from the wealth of those who own it. It has brains in its board; foresight and daring in its officers; loyalty and support in its stockholders; and adequate means in its treasury to employ the training and skill necessary to make any industry in which it engages a success. In its final and last analysis it represents perfect organization, complete union, concerted action, trained intelligence, and a capital which reasonable and judicious venture can not strain.

This, my friends, is the agency or device which I have pointed out to you occupies so large a place even in the agricultural South. With it your railroads were developed, your factories builded, your banks and trust companies organized. With it the whole wondrous mechanism of your modern civilization is operated. And yet see how little the South after all has made use of it. Consider for a moment how backward the South has been in using this intelligent medium of development. Reflect upon the hostility which has been cultivated in the Southern States toward this intelligent agency.

The total net income from all of the corporations in all of

The total net income from all of the corporations in all of the Southern States was, in round numbers, \$350,000,000 for the last year; and yet in the State of Illinois alone the net income of all its corporations for the last year was \$337,000,000; Ohio, \$222,000,000; Pennsylvania, \$424,000,000; New York, \$689,000,000; Minnesota, \$127,000,000; Massachusetts, \$158,000,000; and Michigan, \$91,000,000.

There are 270,202 corporations in the United States whose income is in excess of \$5,000 annually. These have an aggregate capital stock of \$57,886,430,519.04, a bonded and other indebtedness of \$30,717,336,008.84, and an aggregate net income of \$3,360,250,642.65. Allowing for inflated capitalization, which we all know exists, let us consider the character of this colossal wealth.

It is corporate. It is distributed in shares, and as such it is the surest guaranty of the inviolability of the right of private property. Look at it from an even broader standpoint and consider it in connection with the nations of the earth. It means the ownership of American values in other countries, and it means the ownership by Americans of the values of other countries. Our bonds and stocks are in English, French, and German markets and are owned by the citizens and subjects of those countries. The bonds and stocks of other countries are in our markets and are owned by our citizens. All of this is distinctly collective ownership. It tends strongly and inevitably to unite in an inseparable industrial alliance and to bring into common interest the welfare of the nations made interdependent by this class of ownership. I had almost said that it was upon this silent and resistless knitting together of the interests of the human race we can rely more than upon arbitration for the peace of the world.

What are the other kinds of wealth in our country? How do we judge of this wealth? How do we estimate the thrift and enterprise of the people of our country? Over against this corporate wealth, over against this collective and colossal empire of property, let us set off that distinctly individualistic ownership, that naked individualism for which agriculture stands. The estimated value of farm products for the year 1911 is \$8,417,000,000. This is the gross value of farm products, without subtracting the cost of production. No estimate has been made of the cost of this production, but I dare say if we subtract it from the gross figure, \$8,417,000,000, it would bring the value of farm products not very far from the figure \$3,360,250,642.65, which was the net income of corporate or collective property. The estimated value of the corn crop is \$1,700,000,000 for the year 1911. The estimated value of the cotton crop is \$775,000,000. The estimated value of the hay crop is \$700,000,000. The estimated value of the wheat crop is \$600,000,000. The estimated value of the oats crop is \$380,000,000. The estimated value of the potato crop is \$213,000,000. And yet, only two of these, corn and cotton, exceed the net income of all the corporations in one State, the State of New York, which was \$689,000,000 in round numbers.

The corn crop, which as a wealth producer is practically equal to the combined values of the cotton, wheat, and oats

crops, is \$1,700,000,000 in value; and yet the net income of the corporations of Illinois, Ohio, Pennsylvania, and New York together equal \$1,672,000,000, or practically these four States yield in the net income of their corporations as much as the great wealth-producing crop of the Nation.

Thus we have, on the one hand, the great collective ownership of property represented by these 270,000 corporate agencies; and, on the other hand, the distinctly individualistic ownership of the farm represented by this gross income of \$8,417,000,000. Each of these classes of property, each of these fields of human activity, are necessary to the growth, the welfare, and the continued prosperity of our country. As the ownership and use of all property must be, in an orderly government, regulated by law, we are confronted with the questions, What shall be the attitude of the Government toward these two distinct classes of property? How shall we regulate and govern the use of these sources of wealth in the hands of the individual citizens? How shall we prevent the abuse of ownership?

As to the use of the agricultural lands and the disposition of agricultural products, the problem seems simple. The farmer buys his farm, obtains title, tills the soil, pays his taxes, and in an uncomplicated fashion produces his wealth. If every man in the country were engaged in agriculture, our laws would be less in volume and our Government would be less perplexed with problems. The really difficult question which engages and will continue to engage the attention of those in authority is the question of how to preserve centralized industry, which is represented in the great corporate development of the country, and at the same time insure industrial liberty. In order to thoroughly understand and correctly solve this problem it must be approached without prejudice, without passion, without bias; and as I look out over this great southern territory, made up of 13 States whose bosoms are fertile with unused wealth and whose future is rich with the prospect of industrial and business development, I know of no section of our great country which needs to summon its intelligence, its courage, and its common sense more than do the people of the South.

In a distinctly material and commercial era the energy and ability of our strongest men is devoted to the getting of wealth. More than in any other period of the world's history we have cultivated and enlarged the creative faculties of our race. It can not be that simple greed is the single impulse which drives the brains and hands of men to the great tasks which they have undertaken. It can not be that the mere love of ownership, the naked lust of gain, is the sole inspiration underneath the great work which men have set themselves to do. It must be that the creative instinct, the constructive genius bidden by the inviting resources of a great country and stimulated by the competitive struggle, has raised the sordid mind above the level of glutted greed and set in its very center an ambition lofty enough to hope for the betterment of mankind as a whole.

In order to afford the fullest freedom to the people of our country to create wealth and acquire property we have established and maintained economic liberty—that is, the right to work, to invent, to plan, to acquire, to own, and, finally, to have dominion over property. We have said to the individual: "If you transfuse your blood, brain, and muscle into a thing called property, you shall become its owner, and shall enjoy and use that ownership for your comfort and happiness."

So long as this was done by the individual by his individual labor and ability, we did not need, and hence did not make, many laws to regulate his ownership and control of property. He could keep what he had earned and the range of his economic liberty was almost unlimited. But when the corporate charter came into general use and men about to engage in business enterprises clothed these enterprises with these charters, the State, because it had, acting for the people, granted the privileges which the charter conferred, was required to take and hold supervision of these corporate enterprises; and it was just here that corporate development became involved in the first instance in the politics of the country. While the corporate enterprise remained wholly within a single State, its regulation and control was exclusively in the hands of the State government, for the domestic sovereignty of the State was designed to deal with it and all domestic concerns. distinctly State problem it presented the questions of capitalization, private monopoly, and taxation, and in public-service corporations the additional questions of eminent domain, freight and passenger rates, and all of the features common to the regulation of railroads.

As these new and intricate corporate agencies were introduced into new States, they were challenged at each step in their progress by the public, and the hostility to their use and adoption found its effective expression in many crude and ill-

considered statutes which, instead of being directed toward a rational supervision of them, were designed to indiscriminately "In 1889 Kansas, Maine, Michigan, Missouri, outlaw them. Nebraska, North Carolina, Tennessee, Texas, and the Territories of Idaho, Montana, and North Dakota passed antitrust laws; and the new States of Washington and Wyoming introduced similar provisions into their constitutions. In 1891 Kentucky and Missouri introduced antitrust provisions into their constitutons and Alabama, Illinois, Minnesota, and the Territory of New Mexico enacted similar laws. New York and Wisconsin followed in 1892; and in 1893 California forbade combi-nations in live stock and Nebraska forbade combinations in coal Thirty States and 2 Territories subsequently passed such laws, and in 17 States antitrust provisions were inserted in the State constitution." Notwithstanding these Notwithstanding these States enjoyed to the full the authority of the common law. which for hundreds of years had denounced monopolies, and notwithstanding the fact that their development imperatively called for the employment of centralized capital in convenient corporate form, these States, in order to translate their rage and resentment into an offensive weapon, went far beyond the principles defined and settled by common law and enacted statutes drastic in character, antagonistic in temper, and in many instances, so largely the product of political wrath rather than the result of wise deliberation, wholly or partially unconstitutional

In 21 States it was made criminal for two or more persons to enter into any agreement, reasonable or unreasonable, which prevented competition in production or sale. "In 17 States it was made criminal conspiracy for two persons to agree to regulate the quantity or the price of any article to be manufactured, mined, produced, or sold, regardless of whether prices were raised or lowered. In 16 States it was criminal for two or more persons to attempt to monopolize any commodity. In Missouri it was criminal conspiracy to maintain a trust, pool, combine, agreement, confederation, or understanding to regulate prices or to fix the premium for fire insurance. In Mississippi it was criminal conspiracy not only to regulate prices but also for two or more persons to settle the price of an article between themselves, or between themselves and others."

There were 3 States, West Virginia, Delaware, and New Jersey, which kept open the door which had been closed by the other States. A corporate franchise can not be forfeited except in the State where the charter is granted, and then only when the laws of that particular State are violated; and as West Virginia, Delaware, and New Jersey passed no antitrust laws, they could and did grant almost all of the charters to all sorts of enterprises which, when incorporated, proceeded into other States to do business at will. Thus, the States which had enacted the most prohibitive laws against all conceivable forms of agreements and arrangements found themselves invaded by alien concerns which they were powerless to attack or dissolve.

The legislation which had been enacted in all but 3 of the States was the result, in my opinion, of a failure to carefully study and fully understand the substantial welfare of these States. To be sure, it was just and proper to safeguard the consumer against those restraints of trade which the history of the common law had shown were against their interest. But how much more sensible and effective it would have been to have resorted to the common law for protection than to have cluttered up the statutes with this unseasoned assortment of political legislation. How much more statesmanlike it would have been to have looked the problem squarely in the face and to have realized that modern civilization had taken hold of these industrial and business agencies with which to work out the development of the country and to have exercised a cool and discriminating judgment in the rejection of these agencies, instead of stirring the passions of the people until they grew into prejudices, and clinging to these prejudices until they were enacted into laws. The very fact that these States did not content themselves with the ample remedies afforded by the common law, but rushed into crusades against corporate business which eventuated in these unreasonable statutes indicates that in each State the question had been made a political one and leaders were driven, by the storm which they had raised, to do foolish and extreme things.

No one will ever be able to estimate the damage done to the growth of these States nor the extent of the restraint imposed on the prosperity of their people by the unthinking prejudices which wrote these laws upon their books and fixed these policies in their creed.

In 1890 the Federal Congress, under the constitutional authority to regulate interstate and foreign commerce, enacted what has become generally known as the Sherman antitrust law.

It may be assumed that one of the controlling reasons for the assertion by the Federal Government of its unused powers conferred by the Constitution was the fact that three States continued to grant charters and suffer combinations which all of the other States were powerless to prevent and without ability to control, and that as these concerns were crossing and recrossing the lines of interstate commerce it was thought expedient and necessary to draw a line around the field of this interstate commerce and set up a standard to which every interstate concern should finally conform.

Another and more general reason is to be found in the fact that the close knitting together of the whole country by the countless threads of communication had drawn the commerce of the States out into that field located between the States, and the activity and volume of this commerce called into exercise those long-dormant powers lodged in the Federal Constitution. However much or little these two reasons contributed, it is undoubtedly true that the immediate, acute, and irritating cause of the enactment of the Sherman law was the fact that concerns doing interstate business, and hence not wholly within reach of the corrective remedies wielded by a single State, had entered into and were continuing to enter into secret agreements to control the output, advance the prices, and lower the quality of their products. The ungoverned and unguarded field of interstate commerce furnished an unmolested territory, where these hurtful and antisocial practices could be indulged without fear.

The Sherman law was the result of much interesting and instructive debate, followed by practically unanimous vote, and for these reasons alone should not be inconsiderately condemned. Furthermore, it has been touched upon and reviewed in as many as 100 opinions of the courts of our country in a serious effort to make its meaning clear and its provisions effective.

Let us see what it says:

"Section 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the

The effect of the enactment of this statute was not plain to be seen until the opinion of Mr. Justice Peckham in the Trans-Missouri Freight Association case was handed down in 1897. From 1890 until 1897 nothing occurred either in or out of court to indicate what the attitude of the Government would be in regard to its enforcement nor to what extent its enforcement would affect the then organized industrial and business affairs of the country.

The decision in the Trans-Missouri Freight Association case in 1897 directed the attention of all business and industry to the fact that pooling arrangements and loose agreements between concerns in restraint of trade, whether reasonable or unreasonable, were unlawful. The effect of this decision upon the course of development in business and industry was most unexpected.

The Sherman law was entitled "An act to protect trade and commerce against unlawful restraints and monopolies." Its first effective enforcement resulted in a united effort on the part of those engaged in business and commerce to do the very thing which it had been designed to prevent. It had been supposed that this act of Congress would strike asunder the vicious agreements in restraint of trade and restore, at least, the competitive contest between the large concerns engaged in business and industry. It was no doubt intended to make impossible all of the agencies, devices, and subterfuges by which competition was being eliminated from our business and industrial life.

Just as soon as those engaged in business realized the effect of the decision of the court in the Trans-Missouri Freight Association case, and that it construed the Sherman antitrust law to prohibit every agreement, contract, trust, or combination in restraint of trade, and that there could be no arrangement of any character between competing companies, they adopted one

of two courses. Either they procured the organization of "holding" companies, to which they transferred the stock of the competing companies and in turn received a proportionate amount of the stock of the holding company and thus consolidated into one great enterprise any number of smaller enterprises; or they procured the organization of a huge corporation, with capital sufficient to embrace the combined capital of any number of competing concerns, then dissolved and wound up the constituent companies and transferred the physical properties to the newly organized concern. In either case the result was the same, for we witness then the coming of those stupendous corporations whose dominance has alternately been the wonder and apprehension of this great corporate era.

Prior to 1897 there were not more than 60 concerns that were dominant in their respective trades. Within the three succeeding years 183 corporations dominant in their respective trades were organized. In the year 1899 alone 79 of these, with a total capitalization of \$4,000,000,000, were organized. It has been estimated that these enormous combinations comprise oneseventh of the manufacturing industry of the United States, one-twentieth of the total wealth of the Nation, nearly twice the amount of money in circulation in the country, and more than four times the capitalization of all the manufacturing consolidations that were organized between 1860 and 1893. From 1897 and throughout the years following, until 1904, the country came to recognize and adopt the method of holding companies and huge corporations; and these were treated, tacitly, at all events, as compliance with the Sherman antitrust law. Not until 1904, when the Northern Securities case was decided, was there a general, if not universal, revival of the antitrust cru-sade. The decision in that case marked the second epoch in the history of the Sherman antitrust law and its enforcement, and set on foot the prosecutions which from time to time have been conducted by the Government.

If the Sherman antitrust law as it has been finally interpreted by the Supreme Court had from the beginning been strictly enforced and the policy of the Nation firmly established, one of two things would have resulted. Either industry and business would have taken on some new and competitive form or the Sherman law would have been amended or supplemented. In any event, the tumult resulting from this interpretation and enforcement would have less of a nation's industrial structure to disturb and less of a nation's habits to change.

When the Government, either because of its failure or refusal to enforce the law, had from 1897 to 1904 openly allowed the formation of holding companies and the creation of huge corporations, in which untold wealth was invested and to which incalculable interests had become attached, it was natural that the whole country should view with apprehension the sudden and drastic enforcement of the Sherman law.

The country waited with obvious impatience the final decisions of the Supreme Court in the Standard Oil and Tobacco cases. The Standard Oil opinion was delivered on May 15, 1911, and around this has revolved all industrial discussion since that time. The whole country, with patriotic unanimity and with a fine regard for the preeminence of that great court, has accepted its last word as law; but the economic condition resulting from that interpretation is one which the country is struggling with as it never struggled before.

We have seen what the effect of the decision in the Trans-Missouri Freight Association case in 1897 was upon the industrial and business development of the country. We have observed how an inactive Government, from 1897 to 1904, permitted the country to come to the conclusion that huge industrial and business holding companies were legitimate agencies for the development and conduct of business generally. Let us now examine, as far as we are able to do so, the legal effect of the decisions in the Standard Oil and Tobacco cases; and this can perhaps be better stated by reference to the opinion of Mr. Justice White, in which he declares the conclusive meaning of the Sherman Act, as follows:

"In view of the common law and the law in this country as to restraint of trade, which we have reviewed, and the illuminating effect which that history must have under the rule to which we have referred, we think it results:

"(a) That the context manifests that the statute was drawn

"(a) That the context manifests that the statute was drawn in the light of the existing practical conception of the law of restraint of trade, because it groups as within that class not only contracts which were in restraint of trade in the subjective sense, but all contracts or acts which theoretically were attempts to monopolize, yet which in practice had come to be considered as in restraint of trade in a broad sense.

"(b) That in view of the many new forms of contracts and combinations which were being evolved from existing economic

conditions it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidences the intent not to restrain the right to make and enforce contracts, whether resulting from combinations or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint.

"(e) And as the contracts or acts embracec in the provision were not expressly defined, since the enumeration addressed itself simply to classes of acts, those classes being broad enough to embrace every conceivable contract or combination which could be made concerning trade or commerce or the subjects of such commerce, and thus caused any act done by any of the enumerated methods anywhere in the whole field of human activity to be illegal if in restraint of trade, it inevitably follows that the provision necessarily called for the exercise of judgment which required that some standard should be resorted to for the purpose of determining whether the prohibitions contained in the statute had or had not in any given case been Thus, not specifying but indubitably contemplating and requiring a standard, it follows that it was intended that the standard of reason which had been applied at the common law and in this country in dealing with subjects of the character embraced by the statute was intended to be the measure used for the purpose of determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided."

In other words, the first section denounces "combinations, contracts, conspiracies, etc.," not of a particular class, but of a general character; and whether or not they are unlawful can only be determined by accurately foretelling their ultimate effect on trade. It does not denounce contracts or agreements which do or attempt to do some specific thing, but it denounces contracts and agreements whose effect is general and well-nigh country-wide; so that a violation of the first section does not depend upon (1) the intent of the person doing the act, nor (2) upon the knowledge of the person doing the act, nor (3) upon the motive of the person doing the act. But it depends upon whether the person making the contract is able to survey the whole field of interstate trade and to calculate with accuracy the final effect of his contract, and this final effect, which he must be able to foresee, must be so precisely foreseen and estimated as to enable him to say whether the effect is reasonable or unreasonable, due or undue, direct or indirect.

Having done this, he is not yet finished. He must make the concluding and all-important calculation as to whether his two estimates, to wit, the general effect of his contract on trade, and whether that effect is reasonable or unreasonable, will coincide with the opinion of the court before which his contract is to be construed.

The second section abandons all effort at classification and, as construed, declares in effect that if any person does anything whatsoever which would result in the same thing that the acts denounced in the first section do result in he has violated the law. So that a person capable of the foresightedness demanded by the first section, having dismissed that section from his mind and honestly endeavoring to meet the requirements of the second section, is confronted with this problem: That anything which he may do, although no mention is made in the second section of the kind, quality, character, or extent of the thing he may be doing, which is afterwards held to be an attempt to monopolize any part of trade or commerce, is an unlawful act and subjects him to punishment. The law in the first section, as construed, does not declare what sort of contracts are to be considered as in restraint of trade. It does not declare what, in the mind of the lawmaker, would amount to a restraint of trade. The lawmaker has no idea himself as to what should be deemed a contract in restraint of trade. But he leaves it to the man making the contract to judge for himself as to whether it is in restraint of trade, and to judge at his peril. All that the Supreme Court has accomplished is to require the person making the contract to go one step farther and ascertain whether the effect of his contract upon trade is reasonable or unreasonable restraint.

Having to some extent ascertained the strictly legal effect of this decision in the Standard Oil case, let us inquire just what has been the general effect of the decision upon the business of the country.

For a time at least, even if not at the present time, the distinctly business section of the country stood still in a state of

uncertainty and doubt; those concerns already organized in many instances fearful of prosecution; those which were in contemplation, arrested lest they should transgress the law. The immediate bewildering consequence was that a dense fog of uncertainty settled down upon and completely enveloped American enterprise. This condition resulted in much discussion and many proposals of remedies.

When the result of the dissolution of the Standard Oil Co. and the Tobacco Co. had finally been worked out and the country came to understand, as fully as it could understand, the complicated readjustment which took place in the affairs of each of these companies, the weight somewhat shifted to the other foot. The leaders of radical thought in the country and those most extreme in their desires to restrain and repress the organization of large industrial units suddenly took alarm. Their view was, in homely speech, that "the mountain had labored and brought forth a mouse," and they began to bitterly complain of the ineffective and impotent machinery of the Sherman law, so that to-day we have two distinct antagonistic classes of public opinion in regard to the wisdom and efficiency of the Sherman law as enforced. One class rather leans to the opinion that if its worst is no worse than the result in the Standard Oil and Tobacco cases, then its worst can be endured. The other class maintains that if its best and highest efficiency is exemplified in the Standard Oil and Tobacco cases, then at its maximum enforcement it is impotent and inadequate. In fact, organized business generally, while welcoming a short period of peace, lives in dread of the future, organized politics stands confused in front of the problem, and organized labor inces-santly demands the amendment of the Sherman antitrust law. Neither the radical nor the conservative in politics is satisfied with it. Neither organized labor nor organized capital approves it.

With the question in this unsatisfactory condition and the public mind in this unsettled state, and the welfare of our country vitally interested in the right and just settlement of the problem, we are confronted with the specific question as to what step should be taken by the legislative branch of the Government to bring about its solution. What we stand in need of, what we most desire, is not felicitous phrases, incisive epigrams, or turgid editorials, but a clear pointing out of the steps which can be taken and which should be taken, which will be effective in reaching a right solution. As one individual, I shall proceed to point out to you what I think should be done and leave it to you to take the suggestions for what they are worth.

The question is one which reaches down through the very vitals of business and commerce to the foundation of the country's prosperity, and its remotest influence finds its way to the very farthest end of the detail of the lives of our people. The thoughtless disturbance of this great and extensive fabric sends a tremor of uncertainty and fear far down to the very ends of human interest and employment. No one man knows enough to know the full and final influence of a change in the established policy of dealing with these concerns. There is no such organized difference of opinion between the political parties as would require the settlement of this question either properly or necessarily as a political adjustment. There is no line of cleavage between political parties upon this industrial question, either as to what the end desired is or the means adequate to reach that end. It is of the utmost importance that the question as a whole should be cut clean loose from the agitation and uncertainties of politics and dealt with upon the bare questions of Therefore it is my opinion that the legislative intrinsic merit. branch of the Federal Government, in whose hands the question is exclusively lodged, should create a joint body of the Senate and the House for the purpose of considering the whole question.

This committee should be created without regard to the political affiliations of its members. This would provide a rational, constitutional method of treating the question. The committee should take counsel and advice of organized capital and organized labor. It should consult the interest of every class of citizens, and should ascertain, as far as possible, the effect of legislation upon each class. It should inquire into the experience of other countries in dealing with industrial growth and corporate development, study the measures adopted by these countries, analyze the results of these measures, and profit, as far as possible, by their experience. Its sole aim and object should be sound legislation. This committee should examine carefully all of the judicial interpretations of the various courts of our country of the Sherman law, in order to fully understand its judicial history and its judicial growth. The committee should carefully analyze the result of the enforcement of the law, particularly the result as illustrated in

the reorganization in the Standard Oil and Tobacco Co. casesthis with a view of determining whether its enforcement has cured the evils denounced by the Supreme Court in its opinion.

The selection of such a committee would concentrate the energy and ability of the legislative branch of the Government upon the solution of this problem. It would focus the attention of the whole country upon the committee and its work and reduce under its impartial and judicial inquiry the agitation of this country to orderly and constitutional treatment.

This committee could draw a line around the field of interstate commerce and consider, first, under what terms and conditions concerns desiring to do interstate business should enter this field, whether by Federal license, Federal incorporation. Federal registration, or Federal certification; second, just how elaborate and exacting these terms and conditions should be: third, this committee could consider what laws should be enacted to govern concerns in this field of interstate commerce after they had complied with the terms and conditions of their entry; fourth, the committee could consider the manner in which an offending concern should be excluded from the field of interstate commerce and devise an orderly and constitutional method by which the concern condemned in the eyes of the law should be excluded from this field and wound up.

In fact, such a committee, giving its time, industry, and intelligence to the solution of this problem, would insure order in the place of chaos, impartiality in the place of partisan appeal,

and judicial temper in the place of political rancor.

If you should ask me what I, as an individual, think would be a solution of the question, I can give you a general indication of my views, conscious that they fall short of a complete remedy and anxious that they shall be considered only as a sug-

gestive contribution rather than a perfected program.

The real vice in the treatment of the whole problem heretofore has been the attempt to legislate solely against the result or effect of a series of acts instead of specifically defining and prohibiting these acts. In an effort to prevent and punish confessedly conspicuous evils we have set all business groping and feeling about with uncertain step, like a man in the dark. first realize that competition is a final law of all life, but that it is a growth, just as cooperation is a growth; that it is the law of trade and barter and not the law of statutes; that no government ever had roots so deep or standards so high as to be able to enforce compulsory competition any more than the mightlest man is able to make the right hand the earnest competitor of the left. It will always exist at one time or another, but it can not be legislated into commerce any more than it can be legislated out of commerce. To be exact, it is not competition which we seek to maintain, but the unhindered right to compete. We do not make men go into business to compete with others. We maintain just laws so that if a man chooses to go into business and has the efficiency to win in the contest he shall not be molested in his pursuit. Competition is not a concrete and stationary thing to be preserved. It is an ebbing and flowing tide of industrial life which may run high upon the shores in one period and ebb into the middle of the sea in another.

To change the figure, it may be strangled to death by superior strength unjustly used. It is an ever-changing, ever-diminishing, ever-enlarging condition of industry. It is a state of industrial liberty and economic freedom. It must be free, but not by coddling the inefficient or holding everyone back for the laggard. It is bound to mean a reduction in the number of competitors and not a permanent appropriation of the thing competed for. In the hard struggle of industry and business life there must be an elimination of those who are unable to endure it, but this elimination should be solely upon the inability of those eliminated to survive an honest contest waged under the most enlightened rules of business warfare.

When corporations found that it was necessary and profitable to combine, and either turned themselves over to a holding agency or dissolved and united in one huge corporation, they did it in order to economize in the expense of administration and to enable them to control prices. Whatever the purpose was, the effect in many cases was to give the holding company or the huge corporation the monopoly of the business in which it was engaged. We were confronted then, and we are confronted now, with the question as to how we should deal with the monopoly, and it is by no means an easy task.

In many of our constitutions and most of our laws we have forbidden the creation of monopolies by the Government; that is, we have said that no concern should be granted the exclusive right to do a particular kind of business, and, except in the case of allowing exclusive patent rights, we do not grant such rights. But the withholding of such grants by the Government has not prevented monopoly.

We have monopolies which have been created by individual ingenuity and effort, and it is this individual ingenuity and effort with which the Government must deal in attempting to

prevent or regulate monopoly.

There are monopolies which have been built up by unfair practices employed against competitors, such as the getting of rebates; the use of large amounts of capital to starve out the competitor; the selling below cost to drive a less resourceful competitor out of business; the getting control of the sources of supply of necessary raw material, so that no competitor could get it except at prices which would bankrupt him; the advantages of high tariff, so that no similar article could be brought from abroad.

Then there is the monopoly which is created in the first instance by the promoter who collects a large sum for the work of putting several or many concerns into one, and this is made possible by the hope of the different owners that they will add to the value of what they have the combination value, and that they will get a larger dividend without the great cost and trouble of maintaining several establishments. This monopoly also offers the attraction of speculation, which to many is a great temptation.

Now, these two classes of monopoly are abnormal and result from the desire of a few people, by fair means or foul, to take a short cut to getting money. They do not represent the effi-ciency of combination nor do they promise any benefit to the

There is still another and third kind of monopoly which presents a much more difficult problem and which must not be confused with the first-mentioned two classes. This kind of monopoly is the result of intelligent organization, skillful combination, and proven efficiency. There can be no doubt that organization when intelligent and systematic, combination when brought about for the purpose of embracing all of the processes from the beginning to the end of the manufactured thing, and proven efficiency in the actual work of production or manufacture will improve the quality of the thing produced, reduce the cost of production, and cheapen the price to the consumer. Such monopolies so created stand for the best that is in our civilization. They represent the survival of the highest efficiency. They are simply the winners in the final contest of competition. Because of all these qualities which they have, all of these advantages which they enjoy, such monopolies in dif-ferent fields of endeavor may come into exclusive control of the thing which they manufacture or produce. In other words, by organization, combination, and efficiency they may drive all competitors from the field. This leaves them in such unchallenged control that they are able, at least for a time, to do much harm to the public if unrestrained, because the public must go to them and no one else for the thing which they manufacture or produce.

The question presents itself then, In what way are we to deal with these three classes of monopoly? How are we to treat

them? Can we apply the same laws to each?

While they are each created by different methods, varying in their character from strangulation of competitors to simple superiority of work and skill, they each at last come to control the thing manufactured or produced so as to be able to extort from the public an unreasonable price. We can not say we will make it impossible for any one of the three classes to exist, for in doing so we throw away the very fruits of organization, combination, and efficiency. We can not prosecute skill as a crime along with coercion. We can not indict organization as an offense along with conspiracy. We can not punish efficiency as guilt along with oppression.

We must establish some rules which will permit the best that is in our race to develop and yet keep in check the worst

that is manifested.

In my opinion, we should make definite laws governing com-These laws should be specific, as far as possible, in defining and punishing unfair methods of competition. They should prevent holding companies, secret rebates, underselling for the purpose of driving out competitors, factors' agreements, and exclusive control of raw material, such as ore, coal, or oil; and they should prohibit the combination of corporations producing the same things in the same way for the purpose of controlling prices. They should authorize any person injured or threatened with injury to apply for an injunction to prevent the threatened injury. Competitors should be made by law to play fair, and the means of enforcing this law should be in the hands of every man who is about to be injured by the unfair play. We should so enact these laws as to make it impossible, or well-nigh impossible, for a monopoly of the first two classes named to be built up on unfair practices and foul tactics, and

then provide that if, by chance, one should escape the prevention of these laws and grow up the Government would not only prosecute it, but actually destroy it and every vestige of its existence.

Now, if with these laws demanding fair play in competition, thoroughly enforced, a concern belonging to the third class should, by intelligent organization, skillful combination, and high efficiency, and without resort to any of the unfair means denounced by law, produce the best and cheapest article, and one by one drive all competitors from the field and come into complete control of that field, what shall the Government say to that, concern? If it should undertake to prohibit the steps taken by the concern, it would be legislating against intelligence, skill, and efficiency. If it should undertake to denounce the concern as a monopoly when it had come into complete control of the field, it would be denouncing the fruits of intelligence, skill, and efficiency. In whatever way the Government should undertake to prevent the growth and prosperity of such a concern it would, after all, be trying to prevent the useful employment of the best that is in the human race.

But you ask, How are we to prevent this concern, when it has come into complete control of the field by driving out its competitors, from raising the price and reducing the quality of the thing produced? You will be answered by some that the only way is for the Government to regulate the prices to the consumer. This contention is justified on the ground that the control which the monopoly has obtained gives it such a power for public injury that the Government, acting for the public, has a right to prevent that injury. I think if it were true that the monopolistic control thus obtained did give such a permanent power to injure the public that the Government would have a perfect right to prevent that injury even by the regulation of prices; but I think those who have reached this conclusion have done so hastily and without considering all of the elements of the situation.

If monopoly is the result solely of intelligent organization, skillful combination, and proven efficiency, and if unfair methods are made unlawful and the means for preventing these methods are made speedily effective, if the unhindered right to compete is preserved in full and the field kept entirely open and the monopoly may not prevent or check the coming of competition, then by the very law and logic of its creation the monopoly must charge reasonable prices and keep up the standard quality of the article; for as it could not have driven competitors from the field except by breaking the law on the one hand, or by the highest efficiency and the lowest prices on the other, it can not prevent the return of competitors except by breaking the law on the one hand or maintaining the highest efficiency and the lowest prices on the other. And if, in each instance, the law requiring fair play is enforced, the monopoly must keep its control by the same means that it got control that is, by intelligent organization, skillful combination, and proven efficiency-all within the law governing competition. The moment that a monopoly raises the prices or reduces the quality of its article, it invites into a free and open field all of the competitive ability and ingenuity in the country-that very same competitive ability and ingenuity which it drove out of the field.

The point is keeping the field free, protecting competition, making the rules of competition fair. No doubt for a short time the monopoly could reap a harvest of high prices, but with this protected competition its harvest would be soon cut short.

It is my belief that the Federal Government should resolutely challenge every corporate concern seeking entrance into the field of interstate commerce, and compel it to conform to a standard which will insure, first, that the concern has behind every issued share of stock the real value which the share represents, not only for the protection of those who buy the stock but to insure that it will not lower the standard of its product to force a dividend on excessive capitalization and thus tend to demoralize the industry in which it is engaged. To do this effectively both as a security to the public and as a reacting influence upon the policy of the State the Federal Government should require corporate concerns entering the field of interstate commerce to submit their status, their true condition, to a A record of each company board created for that purpose. examined, with full and authentic data, should be kept and the rules governing the conduct of the board should be enacted into law by Congress; and no concern should be allowed to enter the field of interstate commerce until the board had issued a certificate to the effect that the concern had complied with the laws governing its admission. The board should not have the slightest discretion as to what classes or kinds of concerns should be admitted, but only the right to say that it had complied with the laws enacted by Congress, This certificate

issued by the board should contain a statement of the laws governing their admission and should stand for and in the place of a charter entitling the concern to do interstate commerce. It ought to be provided that this certificate should be forfeited for a violation of the conditions of entry, as well as for a violation of any law governing the transaction of interstate commerce or business, this forfeiture to be upon notice and after a hearing. Thus at the very foundation of interstate commerce the Federal Government would take a good grip upon the instruments and agencies engaged in it and would hold that grip against the commission of economic wrongs and evils.

One of the fundamental difficulties is the slipshod way in which companies go into interstate commerce and the loose and unsound way in which they are incorporated. Having set up the machinery through which companies coming into interstate commerce must pass, having erected a standard by which they must be tested, and put upon them a restraint which can be exercised for the protection of the public, it seems to me that we could then proceed to enact some specific laws for their guidance and control. They should not be directed merely to-ward reducing the size of industrial units. Their purpose should not be to make the contest an even contest by law. There should be no handicap placed upon genius, efficiency, and skill. These laws should be drafted as an industrial code prohibiting specifically the well-known devices by which one concern takes unfair advantage of another. A clear distinction should be made between industrial centralization, which brings together like concerns producing similar products by similar means for the purpose of controlling output and fixing prices, and the natural and orderly combination of enterprises, which assembles under one control those corporations which step by step and stage by stage do their respective work in making a finished product out of raw material. In other words, there may be a very efficient, useful, and harmless combination of corporations, each of which performs a portion of the whole labor necessary to perfect a manufactured article. Such a combination would increase profits and cheapen the article to the consumer, while a combination of corporations engaged in the same work upon a like article or enterprise, through reducing somewhat the cost of production, would acquire a dangerous control of output and prices. As to what these devices are the joint committee could ascertain by inquiry for the purposes of legislation. Some of them are well known. From time to time, as new devices for unfair competition or advantages should be developed, they should be added to the prohibitions of the statute. We should save the field of interstate commerce as a territory into which certain corporate concerns, after passing a proper examination, should be allowed to enter, and, having entered, they should be governed by a definite code of industrial regulations enacted by Congress. Gradually, by the careful study of industrial development, by requiring elaborate reports, and by wise and just control, a system of rules governing interstate commerce could be developed, and these rules would become familiar to everyone engaged in it.

Instead of lodging the exclusive right to apply for and obtain an injunction in the hands of the Attorney General, it should be provided that any person whose property, estate, business, or enterprise is threatened with injury or damage in violation of any one of the prohibited acts, or in violation of the conditions on which the concern was admitted to the field of interstate commerce, could apply to any Federal court having territorial jurisdiction for an injunction to restrain the person or corporation threatening the injury. If a concern admitted to the field of interstate commerce should obey the rules and laws provided for its government in that field and should by skill, efficiency, and energy grow to enormous size and earn rich rewards, I would count these rewards as the fruits of that industry, the harvest of energy and genius, and the crowning triumph of a civilization resting upon the doctrine of individualism.

Whatever of success shall attend us in the just and wise settlement of these questions will not come from the counsel of those who strive to set one class against another. We can not afford to hearken to the apostle of discontent arousing hopes which the test of his teaching will not make real; we can not follow the leader who continually makes but never settles issues on public questions. We will not advance if we commit our cause to the keeping of those who can not lead save when prejudice follows, who can not serve save in the struggle for their own glory, and who can not advocate save in the forum of organized disorder.

The men who work and plan and think and invent, and from whose working, planning, thinking, and inventing the whole country gathers the momentum of its progress, must take their places in the ranks of political service and never leave the field until they have driven into retreat or surrender those enemies

of the country's growth who are serving in the cause of organized prejudice.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday.

Mr. ADAMSON. Mr. Speaker, a parliamenta The SPEAKER. The gentleman will state it. Mr. Speaker, a parliamentary inquiry.

Mr. ADAMSON. The Committee on Interstate and Foreign Commerce have had the call and occupied the time of the House two days. As I understand the rule, if this bill were out of the way we could not take up another bill until the call had again reached the Committee on Interstate and Foreign Commerce.

The SPEAKER. That is correct; the call would rest with

the Committee on the Judiciary.

Mr. ADAMSON. The parliamentary inquiry I wish to make is: Can this bill be laid aside or postponed, or how can it be done so that it may be called up when the committee is reached

The SPEAKER. Will the gentleman restate that question? Mr. ADAMSON. I would like to know if there is any parliamentary method by which this bill can be laid aside until the committee is again reached on the call, or are we compelled to go on with the consideration of this bill?

The SPEAKER. Mr. Speaker Cannon ruled once that the House could do anything by unanimous consent, and that is the only way the Chair knows to get at it, if that is the way.

The question of consideration might be raised.

Mr. ADAMSON. I do not know whether it lies in my mouth to raise that question or not.

The SPEAKER. Suppose the gentleman tries the unanimousconsent plan first.

Mr. ADAMSON. May I first make a statement before that

proposition is put?

The SPEAKER. The Chair is ready to hear the gentleman. Mr. ADAMSON. We consumed two days, and I had a sort of private suspicion that some gentlemen spoke longer than they otherwise would for fear that we might take up some bill that they were not anxious to have taken up. That reason is now removed because we can not call up another bill when this is out of the way. The committee can not call up another bill until that committee is again reached under the call.

I will state further that a great many of the friends of the bill are absent on an official or semiofficial visit to inspect public works on the coast. We would like to lay the bill aside until the next Calendar Wednesday and allow the House to do something else to-day. I ask unanimous consent, Mr. Speaker, that that course be adopted.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill S. 3024, the Weymouth Back River bridge bill, which was discussed on last Calendar Wednesday, go over until next Calendar Wednesday, and be at that time the unfinished business. Is there objection?

Mr. SIMS. Mr. Speaker, I reserve the right to object. The SPEAKER. The gentleman from Tennessee reserves the right to object

Mr. HARDWICK. Mr. Speaker, I also reserve the right to

object.

Mr. SIMS. Mr. Speaker, I want to make a statement and ascertain some information from the chairman of the Committee on Interstate and Foreign Commerce. It seems to me there ought not to have been very much time consumed in discussing this bill. I do not object to its going over, provided some agreement is made as to the length of time that it will be debated and then voted upon. I am opposed to using this or any other bill as a mere buffer. I know the chairman does not want anything of that sort.

Mr. FITZGERALD. Mr. Speaker, I spoke at some length upon this bill, but it was not to prevent any other bill from being called up. I thought there were legitimate objections to this bill. I do not believe, however, that any advantage should be taken of the gentleman from Georgia or those who are interested in the bill. Some Members are absent in connection with another matter. They are interested in the bill, and I think it is but fair that the request of the gentleman from Georgia be granted and that this bill go over until a day when all those who are interested may have an opportunity to be

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly. Mr. HARDWICK. Would Mr. HARDWICK. Would not this course, if adopted, give the Committee on Interstate and Foreign Commerce a preference over any other committee in the House on next Calendar Wednesday

Mr. ADAMSON. Not at all; not until it is reached again in the regular order.

Mr. HARDWICK. I understood the request, if we granted it in the form my colleague put it, would grant to this committee preference of call. If his proposition is to merely withdraw this bill until his committee is reached again I have no objection to it.

Mr. FITZGERALD. What I understood the gentleman from Georgia to desire was that this bill have preference on next Calendar Wednesday. It is before the House now and it has the right of way at this time. I understood his desire to be to waive his right on this bill to-day and call it up next Wednesday, and not to give his committee any peculiar advantage.

Mr. ADAMSON. If the committee should be reached again to-day I would not want to call this bill up, but I would desire to dispose of some other little bills that are uncontested.

There are a good many of them.

I want to state, in answer to the suggestion of the gentleman from Tennessee [Mr. Sims], that as he is well aware a great deal of the time in debate during the last two days on which this bill was discussed was consumed by the opponents of the There are several gentlemen who earnestly advocate the bill and they insist upon being heard. I have no disposition to prolong the debate. I did not believe that it would take half an hour when the bill was first called up. If the gentleman insists upon an agreement as to time, I am perfectly willing to limit the time when we go into Committee of the Whole, provided those who are advocating the bill have the right to be

Mr. SIMS. Mr. Speaker, if the gentleman from Georgia will couple with his request a condition that general debate, when the bill is taken up, shall close within so many hours, to be divided between the two sides, I have no objection, and I will say further that I am quite willing to give those who favor the bill a larger division of the time than those who oppose it.

Mr. ADAMSON. I do not want to make a long speech myself,

but the author of the bill himself has had no time as yet.

Mr. SIMS. I am willing that the gentleman from Georgia should control more than half of the time allowed for general debate on next Wednesday.

Mr. ADAMSON. Is the gentleman willing to agree to two

hours' time, after which a vote shall be taken?

Mr. MANN. We ought to have a little more than two hours'

Mr. SIMS. I am willing, Mr. Speaker, that three hours be devoted to general debate, two hours to be controlled by those who favor the bill.

Mr. ADAMSON. Very well; I agree to that. Then, Mr. Speaker, I couple with my request, at the suggestion of the gentleman from Tennessee, the condition that when we resume consideration of this bill on next Wednesday or at any future time when it is resumed on the call, general debate be limited to three hours, two hours to be controlled by myself and one hour by the gentleman from Tennessee.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. HAMLIN. If that is agreed to, what effect will that have upon those of us who have had time reserved?

Mr. FITZGERALD. That will wipe it out.

Mr. HAMLIN. We debated the bill under the one-hour rule. The SPEAKER. That would undoubtedly cut gentleman out of their reserved time.

Mr. SIMS. There will be debate under the five-minute rule.

Mr. ADAMSON. Yes. The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill, which is the unfinished business to-day, go over until next Calendar Wednesday, and be then the unfinished business, and coupled with that that the general debate on the bill on next Wednesday, or whenever it comes up, shall be limited to three hours-two hours to be controlled by the gentleman from Georgia and one hour by the gentleman from Tennessee [Mr. Sims]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ADAMSON. The rights of the committee are exhausted

on this call, I understand.

The SPEAKER. That is correct; the call rests with the Committee on the Judiciary.

The Clerk called the Committee on the Judiciary.

Mr. HEFLIN. Mr. Speaker, the chairman of the Committee

on the Judiciary [Mr. CLAYTON] is on his way from the committee room to the House, and I ask that the call be passed for

the present, as he has something to call up.

The SPEAKER. The gentleman from Alabama [Mr. Heflin] asks unanimous consent that the Committee on the Judiciary

be passed for the present without prejudice.

Mr. MANN. Mr. Speaker, reserving the right to object, what is the special reason?

Mr. HUGHES of New Jersey. The gentleman from Alabama is on his way to the House from the committee room.

The SPEAKER. The request of the gentleman from Alabama is that the Committee on the Judiciary be passed temporarily until the chairman of the committee arrives. Is there objec-

Mr. MANN. I would like to know what the reason for the request is

The SPEAKER. The request is that the Judiciary Committee be passed until the chairman of the Judiciary Committee

Mr. ADAMSON. Mr. Speaker, may I say that the chairman of the Judiciary Committee expected the regular order to go on, and only when we began the discussion of laying it aside was he notified to come over, and he is on his way from his

The SPEAKER. Is there objection?

Mr. MANN. With the understanding that the passing of it is only for to-day—Mr. ADAMSON.

It is only for a few minutes.

The SPEAKER. The passing is only until the chairman of the Judiciary Committee arrives in the Hall; that is the request.

Mr. MANN. He may not arrive to-day—
Mr. HEFLIN. He has left his office. He is on his way now.
Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.
If some other committee were called, then we could not return to the Judiciary Committee until the other committee had been disposed of.

The SPEAKER. Of course, if we started in on a bill we would have to go on with it, I suppose. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will call the next committee.

Mr. ADAMSON (when the Committee on Interstate and For-

eign Commerce was called). Mr. Speaker-Mr. FOSTER of Illinois. Mr. Speaker-

Mr. ADAMSON. Mr. Speaker, I am instructed by the Committee on Interstate and Foreign Commerce—

Mr. FOSTER of Illinois. Mr. Speaker, the understanding as I construed it was that this committee was not to be called

Mr. ADAMSON. Not until the call gets around to it under the regular order. These are bridge bills which are uncontested.

Mr. HARDWICK, Mr. Speaker, I raise the question of order-

The SPEAKER. What is the point of order raised by the gentleman from Illinois [Mr. Foster]?

Mr. FOSTER of Illinois. The question I raised was that under the rules this committee could not be called at this time. Until the other committees are called.

Mr. HARDWICK. The SPEAKER. There is no question in the world about it; it can not be called. The Clerk will proceed with the call.

Mr. MANN. Mr. Speaker, this committee is reached in regular order.

Mr. ADAMSON. Mr. Speaker, I understood the Clerk had reached it again. [Laughter.] I want to pass these uncontested bills.

Mr. MANN. Mr. Speaker, if I may call the attention of the Speaker to the situation, the bill which was passed over until next Wednesday was called up by the committee, I think, two or three weeks ago. After that bill was called up on Calendar Wednesday there was a call of committees on another day than Calendar Wednesday, and under that call the call went to the Committee on the Judiciary, so that the Committee on Interstate and Foreign Commerce is now reached under the regular call in regular order and is not calling up a bill under the old call of that committee, but asks now to call up a bill under the call of committees to-day.

Mr. ADAMSON. So that we have again been reached on the

call going around.

Mr. FOSTER of Illinois. Mr. Speaker, I think under the understanding which was arrived at this morning that this committee was to give way this day and not call up bills until next Wednesday, regardless of what the rule might be; but, so far as I am concerned, I understand that this committee only wants to call up these bridge bills over which there will be no contest

Mr. ADAMSON. That is right.
Mr. FOSTER of Illinois. And I desire to say that, so far as
the gentleman from Georgia is concerned, the chairman of the committee, I should not object to any unanimous consent that those bills be passed at this time, but I do not believe it can be done without unanimous consent.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes, sir.

Mr. MANN. Does the gentleman understand that this committee would have no right to call up any other bill on next Wednesday, after it completes the consideration of the Massachusetts bridge bill?

Mr. FOSTER of Illinois. I do; yes, sir. Under that provision it has no right then to call any other bill at that time.

Mr. MANN. So there is no reason why it should not call up other bills now?

Mr. ADAMSON. Mr. Speaker, the Record will show that I requested the Massachusetts bill be passed until the committee should be reached again in regular call, provided that that bill should not be taken up again until next Wednesday, but if the call went around and this committee was reached again there is nothing in the way of the committee taking up other bills in the regular course. The bills we have now are simply some uncontested bridge bills. I do not think any of them will de-

velop into any such contest as referred to.

Mr. HARDWICK. Mr. Speaker, under the express provision of paragraph 4 of the rule governing this matter, which is Rule XXIV, this committee can not be called again after it has had two days until after the other committees are called. that if the Clerk has called it before other committees are called

the call is not in order.

The SPEAKER. The Chair will ask the gentleman from Georgia what he thinks of the suggestion made by the gentleman from Illinois [Mr. MANN].

Mr. HARDWICK. The proposition is _____ The SPEAKER. His contention is, as I understand it, that this bill which the gentleman from Georgia [Mr. Adamson] has in charge came up on the regular call of the committees and not on the call of committees on Calendar Wednesday.

Mr. HARDWICK. If the Speaker please, Rule XXIV, clause

4, provides this in the last provision-

That whenever any committee shall have occupied the morning hour on two days it shall not be in order to call up any other bill until the other committees have been called in their turn.

That means all the other committees. There are committees that I know of in this House that have pending legislation and that have not been called on any Calendar Wednesday. Therefore, under this rule, it is not in order for this committee to be called again until all the other committees are called, if understand the rule.

Will the gentleman yield? Mr. MANN.

Mr. HARDWICK. Certainly.

Mr. MANN. Does the gentleman understand that since the Massachusetts bridge bill was called up by the Committee on Interstate and Foreign Commerce every other committee has been called?

Mr. HARDWICK. No.

Mr. MANN. The gentleman is mistaken, because that is the fact. Every other committee of the House has now been called since the Massachusetts bridge bill was first called up in the House.

Mr. HARDWICK. That was not a call on Calendar Wednesday under the rule under which we are operating.

Mr. MANN. It was on Calendar Wednesday.

Mr. HARDWICK. But not under the rule under which we are operating.

This is the specific provision: Under the ruling Mr. MANN. of the Chair, if a Union Calendar bill is called up on Wednesday, as the committee has a right to call it up, and the bill is not finished on that day, and there is a subsequent call of committees on another day than Calendar Wednesday, say on Union Calendar day, and it is not taken up, but the call of the committee proceeds. A Union Calendar bill comes up under unfinished business on the next Calendar Wednesday. But the call of the committees proceeds in regular order.

Mr. HARDWICK. Except that when the committee has been called on two successive days it shall not be called again until all the other committees in the House have been called.

Mr. MANN. The Committee on Interstate and Foreign Commerce has not been called and has not called up the Massachusetts bridge bill.

Mr. HARDWICK. It has been called.

Mr. MANN. That was unfinished business.

Mr. HARDWICK. I do not think that they can operate on Calendar Wednesday in that way. There is one vital difference between the call of committees on Calendar Wednesday and the call of committees on days other than Calendar Wednesday. When the committees are called on any day except Wednesday, only bills on the House Calendar shall be called up—Rule XXIV. clause 4-whereas when the committees are called on Calendar Wednesday—Rule XXIV, clause 7—bills may be called up both from the House Calendar and the Union Calendar. Therefore it seems to me that the call of committees on Calendar Wednesday should be kept entirely distinct from the call of committees

Mr. CLAYTON. A parliamentary inquiry, Mr. Speaker.
The SPEAKER. The gentleman from Alabama will state it.
Mr. CLAYTON. Is it permissible at this time for the Committee on the Judiciary to call up bills reported by that committee and on the calendar?

The SPEAKER. It will be as soon as we get through with

this matter, whatever it is. [Laughter.]

Mr. CLAYTON. I was like the Speaker. I was unable to tell what this is, and therefore I was desirous of putting before the House something that we know about and know

The SPEAKER. After this pending matter is disposed of, the Speaker will give his attention to the matter which the gentleman from Alabama has in mind. The Chair would like to inquire of the gentleman from Georgia [Mr. HARDWICK] how this Massachusetts bridge bill came to be reached?

Mr. HARDWICK. I do not know, Mr. Speaker.

Mr. FOSTER of Illinois. It must have been on the call of committees on Calendar Wednesday.

Mr. HARDWICK. If so, it ought not to have been reached

again until every other committee of the House was called.

Mr. FOSTER of Illinois. It could not have been got up on

Mr. FUSTER of Inhols. It could not have been got up on Calendar Wednesday except by the regular call.

Mr. ADAMSON. I will say for the information of the gentleman from Illinois, Mr. Speaker, that it was tied up as unfinished business until the House had proceeded to call up every other committee, and now the call has again come around to us.

Mr. MANN. If the Speaker will pardon one further sug-

gestion

The SPEAKER. The Chair will hear the gentleman from

Mr. MANN. It seems perfectly patent that if there had been a call of committees yesterday, as there might have been, and the call resting, as it was, on the Judiciary Committee, and the Judiciary Committee had been passed and the Committee on Interstate and Foreign Commerce had been called yesterday, it could have called up any bill on the House Calendar, although it could not have called up, and there would not have come up, the Massachusetts bridge bill, that being a Union Calendar bill. The Committee on Interstate and Foreign Commerce would have been reached on the call yesterday if there had been a call that came to that committee, and it would not be barred from calling up a bill on the House Calendar on the call of committees yesterday, because it had unfinished a bill on the Union Calendar which could only be considered as unfinished business

on Calendar Wednesday. The SPEAKER. The The Chair would like to inquire of the gentleman from Illinois how he construes this proviso at the

end of subdivision 4 of Rule XXIV-

Provided, That whenever any committee shall have occupied the morning hour on two days it shall not be in order to call up any other bill until the other committees have been called in their turn.

Mr. MANN. But, Mr. Speaker, they have all been called in their turn. All of the committees were called, or else the call would have rested with the Committee on Interstate and Foreign Commerce. Since that committee called up that bill all of the committees have been called, and the call has come around in regular order again to the Committee on Interstate and Foreign Commerce.

Mr. HARDWICK. Mr. Speaker, of course the gentleman does not want to make an inaccurate statement. I am sure of that. But I am informed by members of other committees that

their committees have not been called.

Mr. MANN. The gentleman is mistaken, because the gentleman from Georgia [Mr. HARDWICK] can readily see that if the call rested with the Committee on Interstate and Foreign Commerce, as it did when that committee called up the Massa-chusetts bridge bill, the call could not now rest with the Com-mittee on the Judiciary until it was reached in regular order, and the Committee on the Judiciary on the call is only the third committee ahead of the Committee on Interstate and Foreign Commerce. Since the Committee on Interstate and Foreign Commerce called up the Massachusetts bridge bill we have called up the committees and have gone clear around again to the Committee on the Judiciary.

Mr. FOSTER of Illinois. I think not since we called on the

Committee on Interstate and Foreign Commerce.

Mr. MANN. Oh, certainly since we called on the Committee on Interstate and Foreign Commerce. It has passed beyond that committee; necessarily so. Otherwise the call could not have rested with the Committee on the Judiciary to-day.

Mr. FOSTER of Illinois. Not since it was called before. Mr. MANN. On last Wednesday the Committee on Interstate and Foreign Commerce was not called at all. The Massachusetts bridge bill came up as unfinished business. call rested last Wednesday with the Committee on the Judiciary. There is no doubt about that.

Mr. ADAMSON. Mr. Speaker, I wish to call the attention of the two gentlemen from Illinois, as well as the attention of the Speaker, to paragraph 4 of that rule which fixes the manner of calling by committees, and the only way in which paragraph 7 affects that is to say that no other business shall be called on Calendar Wednesday except in accordance with paragraph 4. But if you get a committee tied up in the Committee of the Whole on a matter of unfinished business, so that it is thereby prevented from calling anything else up under the rule for Calendar Wednesday, and the committees are called under paragraph 4 of Rule XXIV, the committee could call up bills on other days, unaffected by the call provided for Calendar Wednesday; so that, regardless of the fact that it is Calendar Wednesday, if the committee is reached again under the call provided in paragraph 4, as on the Calendar Wednesday. paragraph 4. But if you get a committee tied up in the again under the call provided in paragraph 4, as on the Calendar Wednesday call, it may call up other bills.

The SPEAKER. The Chair believes that if this was an ordi-

nary call of committees the Committee on Interstate and Foreign Commerce would have a right to call up some business; but that committee has occupied two whole Calendar Wednesdays, and the rule says positively that it shall not occupy more than two days until the other committees have a chance. In the opinion of Chair there is an important difference between the regular morning hour and Calendar Wednesday. While the other committees have been called under the regular call, they have not been called under Calendar Wednesday. The Chair believes a fair construction of the rule would give the other committees of the House priority to-day over the Committee on Interstate and Foreign Commerce; therefore the point of order of the gentleman from Illinois [Mr. Foster] is sustained.

JUDICIAL DISTRICTS IN MISSISSIPPI, NORTH DAKOTA, AND SOUTH CAROLINA.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911.

The bill was read, as follows:

approved March 3, 1911.

The bill was read, as follows:

Be it enacted, etc., That sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and they hereby are, amended to read as follows:

SEC, 90. The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the last day of July, 1910, in the counties of Alconn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowades, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Coahoma, Calhoun, Carroll, De. Sto., Grenada, Lafryetta Misshall, dontgomery, annota, Quitman, Tallabatchie, Tate, Tylea, Waster, and Grenada, Tallabatchie, Tate, Tylea, Waster, Callabatchie, Tallabatchie, Tate, Tylea, Waster, Callabatchie, Tallabatchie, Tate, Tylea, Waster, Callabatchie, Tallabatchie, Tallabatchie,

eastern division; and the territory embraced on the date last mentioned in the counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Montraille, Burk, and Renville shall constitute the western division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; and for the western division, at Minot on the second Tuesday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is now held in bis district."

"SEC. 105. The State of South Carolina is divided into two districts, to be known as the eastern and western districts of South Carolina. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York. Terms of the district court for the western district shall be held at Greenville on the third Tuesdays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Mariboro, Orangeburg, Richland, Sumter, and Williamsburg. Terms of the district court for the eastern district sh

Mr. CLAYTON. Mr. Speaker, I ask the Clerk to read the report (H. Rept. No. 226) which I have prepared in explanation of this bill, which report is presented on behalf of the Committee on the Judiciary

The SPEAKER pro tempore (Mr. CLINE). If there be no objection, the report will be read in the gentleman's time.

The Clerk read as follows:

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (8. 2750) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, submit the following report:

When the judicial-code bill was under consideration in the Senate and House, through oversight the committee failed to offer amendments to the sections defining the judicial districts of Mississippi, North Dakota and South Carolina, so as to have carried into those sections the new counties created in those States during the year preceding July 1, 1910.

This bill seeks to make the proper amendments, viz:

Sec. 90: By an act passed March 16, 1910 (p. 236), the Legislature of Mississippi created the county of George from territory taken from Green and Jackson Counties. The latter counties belong in the southern division of the southern district.

Sec. 99: During the year preceding July 1, 1910, the Legislature of North Dakota divided into counties all that portion of the State not within any organized county.

From that portion not so included, and lying south of the twelfth standard parallel, the counties of Hettinger, Adams, Bowman, Stark, Morton, Dunn, and a portion of McKenzle were formed; and

From that portion lying north of the twelfth standard parallel the counties of Burke and Renville and a portion of McKenzle were created.

With the exception of McKenzle County, the amendment proposes to place each county in the division to which the territory out of which they were formed belonged.

As to McKenzle County, it is proposed to place it entirely in the southwestern division, the court for which is held at Bismarck, rather than in the western division, the court for which is held at Bismarck are better than those for reaching Minot.

This is done upon the recommendation of the district attorney.

Sec. 105: By an act passed February 5, 1910 (p. 863), the Legislature of South Carolina created Dillon County from territory taken from Marlon County. The latter county being in the eastern district

Mr. CLAYTON. Mr. Speaker, those who have paid attention to the reading of the report will observe that the first object of this bill is to put new counties in the States of Mississippi, North Dakota, and South Carolina into their proper judicial districts. The committee having jurisdiction of the codification of the laws failed to note, when the matter was under consideration in the respective Houses, the changes necessitated by the creation of new counties, and the new counties in the three States enumerated in the bill were not placed in any judicial districts. This bill simply places the new counties in Mississippi in their proper judicial districts, and the same is true of North Dakota and South Carolina.

The other object of the bill is to amend section 186 of the judicial code as adopted by inserting a word that was inad-

vertently omitted. Section 186, as it stands in the judicial code, reads as follows:

SEC. 186. No person shall be excluded as a witness in the Court of Claims on account of color because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

The word omitted is the disjunctive "or" following the word "color." We amend it so that it shall read:

On account of color, or because he or she is a party to or interested in the cause or proceeding.

It is merely to correct a mistake committed by inadvertence, to perfect the law and make it as it should be. Member desires to say something, I ask for a vote on the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Clayton, a motion to reconsider the last vote was laid on the table.

TERMS OF COURT AT NEWPORT, B. I.

Mr. CLAYTON. Mr. Speaker, I call up the bill (H. R. 2973) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 104 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended so as to read as follows:

"SEC. 104. The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island; terms of the district court shall be held at Providence on the fourth Tuesday in May and the third Tuesday in November."

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. O'SHAUNESSY] such time as he may desire.

Mr. O'SHAUNESSY. Mr. Speaker, the necessity for this bill is so well stated in the language of one of our judges that I take the liberty of reading some pertinent paragraphs from his letter to me:

"In abolishing the circuit court the act as originally framed abolished the principal terms for the transaction of jury busi-An amendment was proposed which made new terms of the district court to correspond with the terms of the circuit court which had been abolished, but the preservation of terms at Newport can only lead to confusion."

It is further stated that:
"No business has been transacted at Newport for many years. As the act stands, however, we should probably be obliged to bind over the greater part of our criminal cases to the Newport terms-a result which no one has intended and no one

desires.

"Furthermore, the arrangement of the terms of court on the fourth Tuesday in May and the third Tuesday in November for years ago in order that our trial terms was made only a few years ago in order that our trial terms might not conflict with engagements in Boston, either in the circuit court or the circuit court of appeals.

"For more than 20 years the only use of the provision for Newport terms for civil or criminal trials has been to cause the clerk and marshal to take a trip to Newport, open the court, and adjourn it to Providence.

"Unless this amendment can be made there is danger of great embarrassment which may arise from the necessity of binding over criminal cases to Newport, where there is no courthouse nor clerk's office and no facilities for the trial of cases."

This bill, Mr. Speaker, provides for facilitating legal business by the abolition of a term of court at Newport, at once inconvenient and practically useless

Mr. MANN. Will the gentleman yield for a question?

Mr. O'SHAUNESSY. Certainly.

Mr. MANN. I can recall in the early days the fact of reading about Newport as a place for plutocratic residents. Is this

bill another blow at plutocracy? [Laughter.]
Mr. O'SHAUNESSY. No; I can assure the gentleman that it is not.

Mr. MANN. Have the criminals all escaped from Newport? Mr. O'SHAUNESSY. The people want to have their cases tried in a place where there is a courthouse, a clerk, and all the other necessaries for the disposition of civil and criminal cases.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TERMS OF THE UNITED STATES DISTRICT COURT IN VERMONT.

Mr. CLAYTON. Mr. Speaker, I call up bill S. 1650, to amend section 110 of "An act to codify, revise, and amend the law relating to the judiciary," approved March 3, 1911. The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That section 110 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it is hereby, amended by striking out all of said section 110 and inserting in lieu thereof the following:

"Sec. 110. The State of Vermont shall constitute one judicial district, to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the fourth Tuesday in February, at Windsor on the third Tuesday in May, at Rutland on the first Tuesday in October, and at Brattleboro on the third Tuesday in December. In each year one of the stated terms of the district court may, when adjourned, be adjourned to meet at Montpelier and one at Newport.

The Clerk read the following committee amendment

Amend by striking out the following words in lines 6 and 7 of the bill, to wit, "by striking out all of said section 110 and inserting in lieu thereof the following," and inserting in lieu of these words stricken out by this amendment the following words: "so as to read as follows."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 2, line 6, by inserting after the word "Newport" the

Amend, page 2, line 6, by inserting after the word "Newport" the following:

"Provided, however, That suitable rooms and accommodations shall be furnished for the holding of said court and for the use of the officers of said court at Brattleboro, free of expense to the Government of the United States until the public building provided for by act of Congress shall be erected."

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Speaker, will the gentleman from Alabama

Mr. CLAYTON. Certainly.

Mr. MANN. In the amendment just agreed to I notice the use of the word "holdings" of the court. Does that not mean the holding of the court?

Mr. CLAYTON. I think the plural word is the proper word, because more than one court will be held. Therefore I think it is proper to say "holdings," and I hope the gentleman will not insist upon putting in the singular form of the word.

Mr. MANN. I merely called the gentleman's attention to it. I think the usual form is "holding." I care nothing about it myself.

Mr. CLAYTON. It is a Senate bill, as the gentleman will observe

Mr. MANN

Mr. MANN. Yes; but this is a House amendment.
Mr. CLAYTON. The word "holdings" is a House amendment, it is true, but it follows the correspondence had on the subject with the judge there, and that is the reason why the committee put in the plural, "holdings." I think it is entirely a proper word, and I hope the gentleman from Illinois will entertain the same opinion.

Mr. MANN. Mr. Speaker, I am quite willing to take the opinion of the gentleman from Alabama.

The SPEAKER pro tempore. The question is on the third reading of the amended bill.

The bill was ordered to be read a third time, was read the

third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table,

TO AMEND SECTIONS 1 AND 118 OF THE ACT OF MARCH 3, 1911, ENTITLED "AN ACT TO CODIFY, REVISE, AND AMEND THE LAWS RELATING TO THE JUDICIARY."

Mr. CLAYTON. Mr. Speaker, I now call up the bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"Section 1. In each of the districts described in chapter 5 there shall be a court, called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of Oregon, the eastern and western districts of Oriolo, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington there shall be an additional district judges in each, and in the northern district of Illinois two additional judges, and in the southern district of New York three additional district judges: Provided, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: Provided further, That there shall be one judge for the eastern and western districts of Tennessee, and one judge for the northern and southern districts of Mississippi: Provided further, That the district judge for the mothern district judge for the northern and southern districts of Mississippi: Provided further, That the district judge shall reside in the northern district judge for the northern and southern districts of Mississippi: Provided further, That the district judge shall reside in

the district, or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

SEC. 2. That section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SEC. 118. There shall be in the second and eighth circuits, respectively, four circuit judges, in the fourth circuit two circuit judges, and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of \$7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit."

Mr. EVANS. Mr. Speaker, I think the Clerk has read the wrong bill, not the bill called up by the gentleman from Alabama.

bama.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the fact that this is a bill on the Union Calendar.

Mr. CLAYTON. Mr. Speaker, I called up the bill H. R. 17595, and I have been informed that the Clerk has read an entirely different bill.

The SPEAKER pro tempore. The Clerk has reported the bill H. R. 17595, which is on the Union Calendar, and which the

gentleman called up.

Mr. CLAYTON. Mr. Speaker, there is so much confusion going on that I could not hear what the Clerk was reading. I

was informed that he was reading the wrong bill.

In this connection, Mr. Speaker, I ask the indulgence of the House now to make an observation. Every time bills come from the Committee on the Judiciary the chairman of that committee is besieged by Members asking about the nature and scope of the particular bill that has been called up. The chairman can not listen to the reading of the Clerk, listen to the rulings of the Speaker, and at the same time explain to individual Members who flock around him the contents of each particular bill. I desire to say this in all good humor, in order that gentlemen who are interested in these bills may hereafter examine the calendar and get the reports, whereby in a moment of their valuable time they may be able to understand the contents of each bill. That will save a good deal of confusion on the floor of the House and contribute to the orderly proceedings of this body.

As this bill is on the Union Calendar, Mr. Speaker, I ask that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The SPEAKER pro tempore. The Chair will state to the gentleman from Alabama that under the rule the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. CLAYTON. Then, Mr. Speaker, I ask that that automatic machinery get to work. [Laughter.]

The SPEAKER pro tempore. The gentleman from Mississippi, Mr. Sisson, will take the chair.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the considera-

tion of the bill H. R. 17595, with Mr. Sisson in the chair.
Mr. CLAYTON. Now, Mr. Chairman, I ask that the Clerk
read for the information of the House the report of the com-

mittee on this bill.

The CHAIRMAN. The Chair will call the attention of the gentleman from Alabama to the fact that the Clerk will have The CHAIRMAN. to read the bill first unless the first reading is dispensed with by unanimous consent.

Mr. CLAYTON, Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with, it having been read

in the House.

Mr. CARLIN. That will lay it open to amendment? Mr. FOSTER of Illinois. No; not the first reading. The CHAIRMAN. Is there objection? [After a

The Chair hears none, and the first reading of the bill is dispensed with and the Clerk will read the report.

The Clerk read as follows:

Report No. 240 to accompany H. R. 17595.

Report No. 240 to accompany H. R. 17595.

The Committee on the Judiciary, to whom was referred the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," having fully considered the same, report thereon with the recommendation that said bill do pass.

The committee beg leave to submit to the House the considerations which induced the committee to recommend the passage of the bill, in which recommendations the committee was unanimous.

There are at present four circuit court judgeships for the seventh circuit, consisting of Indiana, Illinois, and Wisconsin. Circuit Judge Grosscup has resigned, leaving a vacancy in a circuit court judgeship. Since January 1, 1912, all circuit court judges became judges of the circuit court of appeals, which court consists of three judges. During the last three years there have been in the circuit court of appeals for said circuit 321 cases docketed, of which 34 cases were c.smissed by consent, 53 cases affirmed or dismissed without written opinions, and 198 opinions were rendered in the said three years. This is at a rate of 66 opinions a year.

In the last year in the eastern district of the northern division of the State of Illinois, in which Chicago is situate, and in which district

there are but two district judges, it has been necessary to call in the assistance of Judge Sanborn, of Wisconsin, Judge Humphrey, of Springfield, Ill., and Judge Anderson, of Indiana, and these judges during the last year held court 156 days. With the increase in the jurisdiction of the district judges under the act of March 3, 1911, which went into effect January 1, 1912, commonly known as the judicial code, all nisi prius matters will come before the district court judges—chancery, common law, admiralty, bankruptcy, and all statutory and criminal proceedings.

Furthermore, one of the indianal proceedings.

proceedings.

Furthermore, one of the judges of the Commerce Court appointed from the seventh district may be assigned to circuit court duty in case a need should arise at the end of next year. The committee is of the opinion that there is a greater need for three district court judges for the said district than for four circuit court judges, and that therefore the abolition of one circuit court judgeship and the creation of one district court judgeship will be a step toward the more rapid administration of justice.

The committee has also ascertained that the Bar Association of Chicago, the two sitting district judges, and the press of the city are all of the opinion that the bill should pass.

The committee therefore, having carefully considered the entire question, recommend that the bill do pass.

Mr. CLAYTON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. Evans] such time as he may desire. How much

time does the gentleman wish?

Mr. EVANS. I should think about 2 minutes. Mr. CLAYTON. I will yield to the gentleman 10 minutes, or

so much thereof as he may desire.

Mr. EVANS. Mr. Chairman, this bill relates to Chicago and northern Illinois alone, not, as some gentlemen think, to Minnesota and other States. The confusion arises out of the fact that the amendment recites the provisions of the original act, which mentions several other States. The only change made by this bill is to change four circuit court judgeships to three and two district court judgeships to three. The reason for that is that, to use a Chicago Board of Trade expression, we are long on circuit court judges and short on district court judges. It takes now but three judges to constitute the circuit court of appeals, and we have four. One judge of the circuit court of appeals has resigned, leaving but three, and for the district courts we have not enough judges for the work, and the new law increases the work of the district courts. This is apparent. Now, it may be said by some that a circuit court judge may be sent down to do district court work. This is perfectly true, and yet I think there is not a lawyer in this House who does not know that if he has an emergency matter he has to go to a circuit court in the first place, he has to find the senior circuit court judge, and he has got to get him to agree that there is an emergency or a need of a judge in the district. He has got to get a certificate from the senior circuit court and the district court then has to determine what cases the judge shall try down in the district court. Now, it is also true that the district court judge may be sent to the upper court. The procedures are different. As one district judge writes me in support of this bill, he says that any practicing lawyer-while the law may be that one judge may be transferred from one court to another and back again, that any practicing lawyer who has tried to get a judge from the circuit court of appeals to come down and sit in the lower court knows he has difficulty in so doing, and there is therefore no occasion and no reason why we should go through this machinery.

As it appeared last year 156 court days were held in the district court by outside judges, while Judge Carpenter and Judge Landis were both working all the time. This is simply a detail for the more speedy administration of justice. Every newspaper in Chicago has approved of this bill. The bar association has approved of the bar association has approved of the bar association has approved of the bar association because of the same transfer of the tion has approved of it, and the bar association has approved of it because Judge Carpenter and Judge Landis, the districtcourt judges, recommend it. It is therefore a mere detail for a more speedy administration of justice which the people interested in Chicago have passed upon. One thing further may be noted. Judge Mack, of the Commerce Court, may at any time be sent back to the circuit court; he is already a circuit court judge; so that we have a plethora of circuit court judges, and we are certainly in need of another district court judge. A circuit court judge has resigned, and this bill simply provides that his vacancy shall not be filled, but that a district court judge shall be appointed instead. It seems to me that there can be no substantial reason for opposing this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. EVANS. Mr. MANN. Certainly.

I understood my colleague to say that the circuit court judge could only be assigned to sit in the district court in case of emergency.

Mr. EVANS. In the opinion of the circuit court judge. have first to convince the senior circuit court judge under the statutes that the conditions arising are such that a circuit court judge could be sent to the district court.

Mr. MANN. There is no question, as I understand it, of an

emergency in the matter at all.

Mr. EVANS. It is not only a question of making application every time an emergency arises—and it arose last year for 156 court days—to the senior court judge, and if he is not there, to go to the Chief Justice, in order to get an order sending a circuit court judge to do the work in a district court when we ought to have enough district court judges there.

Mr. MANN. My colleague refers to last year, when the law in reference to the subject did not take effect until the 1st day

of January this year.

Mr. EVANS. The district court judge, then, I suggest to the honorable gentleman, will now have the entire jurisdiction, and last year he did not have it. Yet last year there were 156

court days held in the district by outside judges.

Mr. MANN. But under the provision that is in the law that took effect the 1st of January a circuit court judge can be assigned permanently to sit as a district judge. It does not require a case of emergency. It does not require anybody to go to the judge about any case that is pending and where there is an extra number of circuit judges, as there is in two other circuits and will be also in our circuit when the Commerce Court judge now moves back to the circuit, as the law provides he will. I suppose one of the circuit court judges will be assigned. It has no relation to any practice in the past, because it is a new provision that we inserted in here to guard against just such a contingency.

Mr. EVANS. The gentleman from Illinois is a lawyer as well as a statesman, even if he has been out of court practice for a number of years. The gentleman should take into account the fact that the bankruptcy business in Chicago is growing at a tremendous rate, and we have to anticipate the work of the nisi prius court is going to constantly increase. Here is an opportunity where we can add another nisi prius judge without any additional expense and cut off a circuit court judge that is not needed, and the growth of the practice will certainly require more nisi prius judges. Every lawyer knows that.

In the appellate court 56 opinions a year have been rendered, which court is composed of three judges—that is their average for the last three years—and yet we have four judges who compose that court. One of them will be idle most of the time. suggest that the main reason why we should abolish one office is that it is not needed, but we should delegate a judge where there is plenty of work for him to do. That is the sum and substance of the whole matter.

Mr. CLAYTON. Does the gentleman from Illinois [Mr. MANN] desire any time?

Mr. MANN. I just wish to speak for a moment.

Mr. Chairman, I do not know that I have any objection to the passage of this bill at all. As my colleague [Mr. Evans] has stated, the purpose of the bill is to abolish one circuit judgship in the seventh circuit and create an additional district judge in the northern district of Illinois. The occasion presents itself because Judge Grosscup, of the circuit bench, has resigned, and it is possible to abolish one circuit judgship without interfering with the tenure of office of any judge now holding office. Undoubtedly the bar of Chicago, which requested the passage of this bill, did so under the apprehension that the existing law, taking effect the 1st of January, was the same as the law in effect prior to that date. And under the law in effect prior to that date it was difficult at times, or at any time, to have a circuit judge sit as a district judge, but when we abolished the circuit court, as we did in the judicial-title act, and provided only for the district court and court of appeals, we provided that any circuit judge might be designated either by the senior circuit judge or by the circuit justice to sit as a district judge. And the only effect of this bill is to pay a man who holds court in Chicago a salary of \$6,000 a year instead of \$7,000 a year. It is to be presumed that ordinarily where there were four circuit judges the junior circuit judge would be assigned to sit in the district court. The situation will arise in our district in Chicago later. Judge Mack has been appointed as circuit judge from the seventh district, sitting in the Commerce Court. But in the course of a few years, under the law he will go back to the circuit, going out of the Commerce Court, and probably because of the great amount of judicial business in Chicago will go back to his home and hold court there, and will then be the fourth circuit judge.

There is no special need now of more circuit judges in Chicago. That is true with respect to the court of appeals. Mack or some other circuit court judge will undoubtedly be assigned to hold district court; and the same thing is true of the other two circuits in which there are four circuit judges. But if the people out home have expressed a desire, under a mistaken apprehension of what the law is, to have a district judge instead of a circuit judge, I shall interpose no objection,

but at the proper time shall offer an amendment, endeavoring to increase the salaries of all of the district judges and the circuit judges on this bill.

Mr. EVANS. Mr. Chairman, may I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. EVANS. The gentleman from Illinois is mistaken in assuming that the bar association and the Chicago judges who ask for this change were not aware of the law that went into effect on the 1st of January. The suggestion was made to me by the honorable member, and I have in my possession letters from Judge Carpenter, of the district court, and members of the bar association, stating that they are well aware of the change in the law; that the proposition they submit is really one that addresses itself to lawyers who know the difficulty of getting judges to sit in a lower court from an upper court. I do not differ from the gentleman at all as to what the law is, but the bar association did know and Judge Carpenter did know of the change of the law at the time they made this recommendation

Mr. MANN. I understand that the law has been called to the attention of these gentlemen. I have talked with some of the judges on the Federal bench in Chicago in reference to it. There is a division of sentiment and of opinion in regard to the bill, although I do not think that is material here. I have talked also with some of the lawyers, who suggested, at least in one instance, that they did not know anything about the change of the law. They admitted, they said, that they did not know what the effect of the change of the law would be. We put the provision in the law for the express purpose of covering the contingency that exists in that and in other circuits. I think the wisdom of Congress was called upon amply to provide for that contingency, and I think Congress did provide for it.

Mr. CANNON. Mr. Chairman, will the gentleman yield

to me?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. CLAYTON. I yield to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I have listened with much interest to my two colleagues, both of them representing Chicago districts. It may be said that this is a matter that does not concern me. Yet I believe this circuit is composed of the States of Indiana, Wisconsin, and Illinois. Am I right?

Now, there are four circuit judges in that territory; three

judges and one vacancy, as I understand it. Here is a proposition to make one less circuit judge and increase one district

judge for the Chicago district.

There are three judicial districts in my State; one the eastern, one the southern, and one the northern. The law provides that the district judge shall reside in the district. listened with much interest to the gentleman who was so forceful in enacting this legislation-my colleague Mr. Mann. I think we all voted for it and thought it good legislation. It went into effect on the first day of this year, I believe. But lo and behold, before the first 30 days have passed around it is proposed now to amend that law, which has just recently gone into effect. Why? The other gentleman, my colleague Mr. Evans, says it is troublesome to get a circuit judge to preside. "Oh, no," says my other colleague Mr. Mann, who helped "Oh, no," says my other colleague Mr. Mann, who helped enact the law; "there is no trouble about that. We had that in mind, and now a circuit judge can do, and it is his duty under the law to do, the nisi prius work where it is necessary. There is no trouble about that at all.'

Now, I will tell you where I think the milk in the coconut is. If a circuit judge is appointed it would be from a circuit composed of the States of Indiana, Wisconsin, and Illinois. If, however, this law is amended, and the circuit judgeship is abolished, we have a district judge at \$6,000 a year, and the gentleman says he is going to offer an amendment to make the salary \$7,000, the same as that of a circuit judge, and he is to be appointed from the Chicago district, cutting out the other two districts of Illinois and all of the States of Wisconsin and Indiana. That is blessed by a statement that the Chicago bar want it that way; that the two district judges want it that way, and therefore the press in Chicago want it that way. Ergo, be still and let it pass. [Laughter.] I am against it. I do not want to march up the hill one day and have a law go into effect on the 1st day of January and then repeal it for the reasons specified; and I trust the House, understanding the thing fully, and the absolute nonnecessity for doing it, will let the law stand as it is. [Applause.]

Mr. CLAYTON. Mr. Speaker, I believe the matter is thoroughly understood by the House, and I ask that the reading of the bill be proceeded with.

The CHAIRMAN. If there is no general debate, the bill will be read by paragraphs for amendment.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"Section 1. In each of the districts described in chapter 5 there shall be a court, called a district tourt, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington there shall be an additional district judge in each, and in the northern district of Illinois two additional judges, and in the southern district of New York three additional district judges: Provided, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: Provided further, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: Provided further, That the district judge for the middle district of Alabama shall continue, as heretofore, to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Mr. MANN. Mr. Chairman, I move to amend page 2, line 7,

Mr. MANN. Mr. Chairman, I move to amend page 2, line 7, by inserting after the word "additional" the word "district," so that it will read "two additional district judges." This seems to be an accidental omission.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 7, by inserting after the word "additional" the word "district."

Mr. MANN. All through the bill where the district judge is referred to he is referred to as the district judge, and in the other parts of this bill where additional district judges are

Mr. EVANS. This is the language of the act.

Mr. MANN. I beg the gentleman's pardon. This is not the language of the act.

Mr. CLAYTON. I accept the amendment offered by the gentleman from Illinois. This second to have a parentially accept the amendment offered by the gentleman from Illinois.

tleman from Illinois. This seems to have been an oversight

in drafting the bill.

Mr. MANN. That is quite evident.

Mr. CLAYTON. I think the amendment is entirely proper.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer a further amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend page 2, after line 23, by inserting as a new section the fol-

lowing:

"SEC. 2. That section 2 of the said act of March 3, 1911, be amended so as to read as follows:

"SEC. 2. Each of the district judges shall receive a salary of \$7,000 a year, to be paid in monthly installments."

Mr. FITZGERALD. I reserve a point of order against that

amendment Mr. MANN. I had just as lief have the point of order passed

upon at one time as another.

The CHAIRMAN. The Chair will hear the gentleman from

New York [Mr. FITZGERALD].

Mr. CLAYTON. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. Fitzgerald].

Mr. FITZGERALD. I make the point of order that the amendment is not germane to this bill.

Mr. CLAYTON. The gentleman from New York [Mr. Fitz-

GERALD] reserved the point of order. I make the point of order now that the amendment is not germane.

The CHAIRMAN. The Chair will be glad to hear the gentle-

man from Alabama, chairman of the Committee on the Judi-

ciary, upon the question.

Mr. CLAYTON. Mr. Chairman, this bill has for its purpose the amending of two sections referred to therein, which purpose is manifest from reading the bill. It is not intended by this bill to deal with the question of salaries or the amount of compensation of judges at all. That is introducing an entirely new subject matter into the bill. The bill itself does not deal with, but leaves the existing law as it is on that subject. In that phase of the question the amendment is a novation, so far as this bill is concerned. It is a new proposition, sought to be grafted onto it, and it is not related to the bill as presented by the committee.

Mr. FOSTER of Illinois. May I suggest that it is not ger-

mane to this particular part of the bill?

Mr. CLAYTON. No; if the amendment were in order; otherwise it is not germane to this particular part of the bill where the gentleman offers it. Mr. Chairman, it is well known that two subjects are not necessarily germane because they are related. This bill deals with the subject of judges and not with salaries of judges. I do not desire to discuss the point any further, but refer you to subdivision (d), section 781, of the Manual, Digest, and Rules of the House, under the heading "Subjects not necessarily germane because related."

Mr. MANN. I did not offer it to the first section of the bill. Mr. FOSTER of Illinois. That is not the part that fixes the salary. Unless you are taking up that particular section, I do not think it will be in order.

Mr. MANN. That is the purpose, to take up that particular section. Mr. Chairman, this is a bill to amend the judicial act. The bill itself proposes to amend two sections of that act. It proposes in one section of the bill to fix the salary of the circuit judges; that is section 2 of the bill. It is quite competent, so far as the question of germaneness is concerned, in my opinion, to amend any other section of the bill, certainly as to any other section of the bill similar to the section now before the committee.

The first section of the act and the first section in this bill fixes the districts; the second section of the act fixes the salary of the district judges. Section 118 of the law and the second section of this bill fixes the salary of the circuit judges and fixes the number of circuit judges. It certainly can not be contended that on a bill to amend an existing law, when the amendatory bill itself undertakes to fix the salaries of certain officials, and undertakes to fix the number of other officials, that it is not germane to fix the salary of the additional official. It can hardly be contended that when it is proposed to provide an additional district judge for the northern district of Illinois it is not germane to fix his salary.

Mr. FITZGERALD. It is not germane to fix the salary of every other district judge.

Mr. MANN. The gentleman from New York does not seem to comprehend that this is a reenactment fixing the number of district judges. Here is a law fixing the number of district judges all over the United States, and it certainly is competent when you undertake to fix and provide for district judges and what their salaries shall be. Would anyone contend that if you brought in a bill to provide an additional district judge at Chicago it would not be a germane amendment to fix his Yet these gentlemen seem to assume that the only thing in this bill is that which differs from existing law, but this bill covers the whole subject. It has been frequently held where you are amending different sections of an act that it is in order and germane to amend any other section of the act.

Mr. FITZGERALD. Mr. Chairman, the subject matter of this bill is the proposition to amend two specific sections of the act of March 3, 1911. There is nothing in this legislation which affects the compensation of the district judges. is nothing in this proposed legislation to which such an amend-The compensation of the district judges has ment is germane. been fixed by an entirely different statute.

Mr. MANN. Does the gentleman from New York contend that the salary of the district judges is fixed by a different

Mr. FITZGERALD. A different provision of law.

Mr. MANN. But by the act of which this is amendatory-Mr. FITZGERALD. The gentleman from Illinois has not shown his usual resourcefulness by citing any of the numerous decisions to which he refers as sustaining his amendment. The amendment proposed must be germane to the subject matter of the bill under consideration.

The CHAIRMAN. The Chair would like to ask the gentleman from New York a question. The object of the bill is to amend section 118 of "An act to codify, revise, and amend the laws relating to the judiciary." Why would not a motion to amend any section of that act now be in order? It would be in order to repeal the whole act at this time, would it not? Suppose an amendment was offered to repeal the whole act, would not that be in order?

Mr. FITZGERALD. That would be in order under a decision that where an existing statute is proposed to be amended in more than one respect an amendment to repeal is in order, but that ruling came about in a peculiar way. It came about because an attempt was made, and it was held that it was not in order to offer as an amendment a provision to repeal an existing law to a bill proposing to amend the law in one respect.

But the subject matter of this bill is the provision to fix the number of district judges. There is nothing whatever in the

bill about their compensation. It seems to me that it is not germane to attempt to fix their compensation.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentle-

an yield?
Mr. FITZGERALD. Certainly.

Mr. Formula of Pennsylvania. Does not the purpose of the bill, as disclosed in the title, indicate the intention of the committee to amend the whole section and not a particular word in the section? It is specifically pointed out in the title that the purpose is to amend sections 1 and 118. Section 118 refers to two things—the number of judges and their salaries. not say that the purpose of this bill is to amend a certain word of section 118, but the intention is to amend the whole section. Having indicated that, why is it not germane to amend any line or word of the section?

Mr. FITZGERALD. The gentleman from Illinois is not proposing to amend any portion of section 1 or 118 of the act of March 3, 1911. He proposes to amend a section not enumerated here at all.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. This morning we passed Senate bill 2750, amending section 90 of the judicial title, section 99 of the judicial title, section 105 and section 186 of the judicial title. Does the gentleman contend that when that bill was up for consideration no amendment could be offered to it amending any other section of the judicial title?

Mr. FITZGERALD. Mr. Chairman, if such an amendment had been in order, I am quite certain that the gentleman from Illinois would have proposed his amendment to that bill. out having examined the bill to which he refers, on his own I am inclined to believe that he must have been convinced that his amendment would not have been in order, otherwise he would have offered it.

Mr. MANN. Mr. Chairman, I notice the gentleman is very

skillful in sidestepping an answer to the question.

Mr. FITZGERALD. Mr. Chairman, fortunately for me, I am not called upon to rule upon all of the hypothetical cases that the gentleman from Illinois may suggest under the rules of the House. One can imagine what my predicament would be if I were to spend all of my time endeavoring to pass upon all of the cases that could be suggested by the gentleman from Illinois.

Mr. MANN. Does the gentleman from New York think that with a Senate bill covering these four sections to which I have referred, some of which could have no possible relation to each other and did not relate to anything like the same subject matter, the House Committee on the Judiciary could not have reported an amendment to the bill respecting another section of the judicial title?

Mr. FITZGERALD. The question before the committee is-Mr. MANN (interrupting). The same question, precisely, that I asked the gentleman and which he has sidestepped.

Mr. FITZGERALD. Not at all. What the Committee on the Judiciary might have reported and what might be in order as an amendment to a bill that is reported are two different matters

Mr. MANN. The gentleman would not contend that the committee could report an amendment to the judicial title and that a Member on the floor could not offer from the floor?

Mr. FITZGERALD. When that question is presented to me I shall be very glad to examine it.

Mr. MANN. That question is presented now to the gentleman.

Mr. FITZGERALD. I shall examine such a proposed amendment when offered. I do not intend to mislead the Chair

Mr. MANN. A committee has no greater power to offer an amendment than has a Member on the floor.

Mr. FITZGERALD (continuing). By answering questions of such character when they have absolutely no bearing on the matter under discussion.

The CHAIRMAN. The Chair is ready to rule. The Chair does not find in the casual examination that he has had time to give to the matter any precedent, but if it were offered now to amend the whole of this section, to strike it out, the precedents are uniform that that amendment would be in order. Section 1 of this bill deals with the districts and the district judges throughout the United States. The Chair thinks the amendment is in order, and, therefore, overrules the point of order.

Mr. MANN. Mr. Chairman, just a word. This bill proposes to create an additional district judge in Chicago, who under the existing law would receive a salary of \$6,000 a year. That salary is wholly inadequate for a district judge in Chicago. We pay our ordinary nisi prius judges there \$10,000 a year, both superior and circuit judges. Recently the legislature of the State passed an act, which, however, was not approved by the people, fixing the salary of the municipal or police court judges at \$8,000 or \$10,000, I think \$10,000 a year. I myself thought that was too much, but \$6,000 a year is not a fair salary for a judge in those large cities. I do not doubt that for a salary of \$6,000 or even possibly a less salary it is quite possible to obtain quite competent lawyers as judges. Still it seems to me that we can afford to pay them a reasonable We ought not to expect men on the bench to work for Recently we increased the salaries of the Supreme Court judges from \$12,500 to \$14,500. Those may not be the exact figures, but in any event we increased their salaries \$2,000 Yet it is said that one of them who recently died left practically no estate.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FOWLER. I desire to inquire if the amendment which the gentleman has proposed is broad enough to increase the salaries of all of the district judges throughout the United

Mr. MANN. The amendment would increase the salaries of

all the district judges.

Mr. FOWLER. I will be glad if the gentleman will inform me as to the number of such judges, if he has the information.

Mr. MANN. Well, there is one in every—I have not the information.

Mr. FOWLER. Between 90 and 100.

Mr. MANN. I think there must be that many.

Mr. FOWLER. So, if the gentleman's amendment passes, it will add to the appropriation \$1,000 for each one of these

It would; probably \$100,000 a year.

Mr. FOSTER of Illinois. Mr. Chairman, not being a lawyer, I may not know much about courts nor very much about judges. In this day when we hear of men getting large sums in the practice of law for corporations and where they get retainer fees amounting into the thousands, \$6,000 a year may seem like a small amount, yet when we consider that a lawyer who has been appointed a judge receives that appointment for life, it is a place to be sought after by lawyers. So far as the necessaries of life and comforts are concerned, a man who can not live on \$500 a month is not a very economical man. And while it is pointed out that a Supreme Court judge died a short time ago, after serving for many years on the bench, and left but little property, yet I dare say in the United States to-day there are probably not 25 per cent of the lawyers who receive this amount of money, and any one of you can count among your acquaintances men who have practiced law, who have been good lawyers, who have been brilliant lawyers, and with all their practice, when they came to die, they were poor and left but little estate. They were not insured \$10,000 or \$14,000 or \$6,000 a year during their lifetime, but have had to struggle in the world for what they got. The same conditions exist in the practice of medicine. I regard a man who could go in the practice of medicine with an insurance of \$500 a month for the balance of his days and work on the line of work in which he was educated is the greatest fortune that could come to a physician, and I regard a lawyer when he gets a reasonable amount that he can live on, though he may not save much money, it is true, yet when he gets a competency that keeps him the balance of his life, takes care of his family and educates them, the public has bestowed upon him one of the greatest blessings that can be bestowed upon a professional man. And so it is with these judges that in the course of years they are retired and then their pay goes on. Where in all the vocations of life do you find such a favored condition as that? I do not believe that it should be the policy of this House to increase the salaries of these men beyond what they are now receiving, and I hope the amendment will be defeated. [Applause.]

Mr. MOON of Pennsylvania. Mr. Chairman, I trust the House will adopt this amendment. As a member of the Judiciary Committee and as one who has been interested in leads.

ciary Committee and as one who has been interested in legislation respecting the judges of the country, I have of necessity given a somewhat exhaustive examination of this subject. Last session the Committee on the Judiciary of the House reported out unanimously a bill favoring very much more sub-stantial increases of salaries of both the district and circuit court judges than is proposed here. Before that committee there appeared a committee of the leading lawyers of the United States, coming from all sections of the country. We had hearings occupying one or two days, and the unanimous testimony of all those great lawyers was that the salaries paid to the Federal judges of this country were really a disgrace to the Nation. The salaries paid by all the other great nations of the earth is so largely in excess of the insignificant sum paid to our judges that it amounts almost to a reflection against our reverence for the law.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOON of Pennsylvania. Certainly.
Mr. STEPHENS of Texas. Has the gentleman examined the salaries received by the supreme court judges of the supreme courts of the various States; and if so, does not he know that in nearly all of those instances that the Federal judges get much more money than those in the State courts?

Mr. MOON of Pennsylvania. Mr. Chairman, I will say in reply to that query, that is not the result of my study of this question. I know that in some of the States the salaries paid to supreme court judges of the State would not equal those paid to the Federal judges; but in the majority of the States, in my own State, in the State of New York, and in all the Middle Western States, according to my recollection, the salary is below the salaries paid to the judges of those States. That fact was impressed upon our minds at the hearings to which I refer. Instances were given where judges who had been serving the country with great credit and with ability had resigned because the salary was insufficient to maintain their families.

It was urged upon us at that hearing-and we all know it to be true-that the man who is selected as a judge and goes upon the bench is and ought to be a man of large legal attainments; a man of years of experience, thoroughly trained in the science of the law; and a man competent, by reason of those qualifica-tions, to earn a large salary. The difficulty in securing the best men in the country to accept these positions is apparent to men who have investigated this subject, when you come to consider the great official limitations that are placed upon these men. Every man who occupies a place on the Federal bench, if he has money to invest, is restricted as to the investments he could make. It is absolutely impossible for him to accept emoluments from any other source; his entire earning power is

measured by his salary.

Mr. EUTZGERALD. I understood the gentleman to say that Mr. FITZGERALD. I understood the gentleman to say that the Committee on the Judiciary in the last Congress went thoroughly into this matter of the compensation of Federal judges.

How much was it in the bill you reported?

Mr. MOON of Pennsylvania. My recollection is that we reported in the bill for district judges \$7,500 and for circuit judges \$8,500. It was that much, if not more. The bill as originally introduced by me and presented to the Judiciary Committee carried \$9,000 and \$10,000, but the report of the committee, according to my recollection—and I know it was not less than that—carried \$7,500 for the district judge and \$8,500 for the circuit judge.

Mr. FITZGERALD. In the opinion of the gentleman from

Pennsylvania \$7,500 was sufficient?

Mr. MOON of Pennsylvania. Not by any means.

Mr. FITZGERALD. Why trifle with these judges and offer them what seems to be an inadequate salary?

Mr. MOON of Pennsylvania. It is difficult to answer that question seriously. It does seem to me when an opportunity is afforded to give them some increase we should not ignore it because we can not get all we want.

Mr. FITZGERALD. The opportunity is not afforded to do that. The gentleman is mistaken in the premises.

MOON of Pennsylvania. I think the opportunity is afforded. We have already increased the salary of the Supreme Court justices \$2,500 a year, and we should now do some measure of justice to the district judges.

The CHAIRMAN. The time of the gentleman from Pennsyl-

Mr. MOON of Pennsylvania. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. In those two minutes I only desire to say that I trust the Members of this House will take into consideration the fact that these judges are inadequately paid; that it is necessary to select the judiciary from the highest type of legal talent in this country; that the highest interests of the country demand that the corporations who seek to evade our laws are seeking and always secure men of that They are necessarily unlike men in any other profession which I know. Their freedom is more circumscribed and their professional duties are more exacting, and they should be at least moderately compensated.

Mr. MICHAEL E. DRISCOLL. I would like to ask, if the gentleman will yield, what pensions these gentlemen now get?
Mr. MOON of Pennsylvania. They get a pension at the age of 70 equal to the salaries they receive. And I want to say, to the honor of the judiciary, that they do not retire at 70. I could cite a great number of district judges and circuit judges who have served five and six years beyond that period, and that is true, as we know, of the great justices of the Supreme Court

of the United States. They do not retire at the age of 70, and therefore the retiring provision amounts to practically little. And I hope, therefore, with this opportunity being afforded to the House to testify and indicate their appreciation of the great judiciary of this country, they will vote this meager addition.

Mr. CLAYTON. Mr. Chairman, I had hoped that this bill,

which has for its object a very simple purpose, which is to facilitate the trial of cases in the district court of Chicago and to designate a judge to do work there who may not feel called upon to do it under the general law as imperatively as he would if this act were passed-I had hoped that this bill, which comes with the unanimous recommendation of the bar of Chicago, of lawyers there who know what they want and what is for the best interests of the administration of public justice, would pass as was suggested by the bar of Chicago to the Committee on the Judiciary, through the medium of the bill as drawn by the gentleman-from Illinois [Mr. Evans]. I had hoped that there would be interposed no objection whatever to it, and I am exceedingly regretful that this proposition to increase the salaries of the district judges should be injected into the measure now, when it can have but one possible effect, in my opinion, and that is the defeat of the bill. I take it that this House would rather this bill should fail than to engraft this whole new proposition upon the measure. I, for one, would rather this bill should fail than to have the amendment offered by the gentleman from Illinois [Mr. Mann] passed. I would rather deny this reasonable request, proffered by the bar of Chicago, and this good measure in the interest of the admin-istration of public justice, than to have adopted the proposition offered by the gentleman from Illinois [Mr. Mann] to increase the salaries of district judges.

Now, Mr. Chairman, this is not a new question, this proposal to increase the salary or compensation of district judges. It has been before this House in one form and another many times during the last decade. Not many years ago these district judges were allowed \$5,000 a year salary. It has been increased during my membership in the House of Representatives to \$6,000 a year, and provision has also been made, in addition to their salary of \$6,000 a year, to give these judges their expenses when they are away from their homes or actual residences on official business.

It seems that Congress has been liberal in dealing with the district judges and that the law now relating to their compensation is liberal. We know, Mr. Chairman, that whenever in the life of a district judge two things concur he is retired upon his salary for the remainder of his lifetime. Whenever he shall have served 10 years and shall have reached the age of 70 years, he can retire on pay. It seems to me those judges have been singled out from all other classes of civil employees so as to be cared for in their old age, so that they might feel independent while discharging their duties as judges and not feel compelled to engage in other business pursuits.

That seems to me to be a wise law, and I have no disposition to disturb that law.

The CHAIRMAN. The time of the gentleman has expired.
Mr. CLAYTON. Mr. Chairman, I ask unanimous consent to
proceed for five minutes more.

The CHAIRMAN. The gentleman from Alabama [Mr. Clayton] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. CLAYTON. I think the salary proposition ought not to come up at this time in this way, to amend a bill which has for its purpose the remedying of the situation in Chicago. This proposition as to an increase of salary is a larger subject than any mere locality, and it is unfortunate, I think, that it should have been injected into this measure at this time.

Now, I want to make an observation in reply to some remarks made by the gentleman from Pennsylvania [Mr. Moon], who seemed to derive great satisfaction from the fact that some judges have served after they had reached the age of 70 years. I think, Mr. Chairman, that members of the bar, and I believe of the judiciary, too, who have not reached the age of senility themselves will, as a rule, agree that a judge ought to retire when he reaches the age of 70 years. It would have been better for the country, for the public service, for the administration of public justice, had judges always been compelled to retire from the bench when they have reached the age of 70 years. I am told that a distinguished public servant after years of valuable public service proposed to resign his office, and his friends and admirers protested and said, "You are in the very zenith of your intellectual powers and you ought not to qult." He said, "That is the reason of my quitting now, because I am in full possession of my intellectual powers. In a few years I will lose a part of my intellectual vigor, and then I will not

have sense enough to resign and let somebody else discharge the duties of the office." [Applause.]

I intend, Mr. Chairman—and it is not new with me—at some time to draw and introduce a bill compelling judges to retire from the bench when they have reached the age of 70 years, else forfeit their right to draw any salary when they do retire. [Applause.] Army officers are allowed to retire at the age of 62 and are forced to retire at the age of 64. I see no reason why a judge should not retire or be retired at the age of 70, after he shall have served at least 10 years.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, within a week there was held in this city a convention of civil-service employees of the Government for the purpose of securing legislation granting pensions to all of the civil employees of the Government who become sick, disabled, or too old to render efficient service. Two of them from my home city of Syracuse called on me, one representing the post-office clerks and the other the letter carriers, and requested me to favor such legislation. I did not promise them I would favor that measure, but in the course of our conversation or argument they said to me, "You pension our judges, do you not; and you have from time to time increased their salaries?" I answered, "Yes; we are pensioning our judges, and if I had my way about it they would get no pensions—that is, I would not vote to pension any employees of the Federal Government high up in the service, who, during the active years of their lives draw big salaries, and if prudent and economical can save some part of their income for their support in their old age. If I favor a pension for any class of Government employees it is the poor men and poor women who can not save much during their many years of service, and who, if thrown out of employment when they are old, disabled, and superannuated, have nothing left on which to live." I did not expect to have the opportunity so promptly to make my promise good, but I stand for that statement now. [Applause.]

I will not vote to increase the salaries of men high up in the Government service and who are now drawing large salaries until the condition of the Public Treasury is such as to warrant an increase of the salaries of employees lower down in the service. I believe in consistency and fair treatment of all the people who work for the Government in all grades of service. What can we say to the poorer employees, when they ask us for an increase of their salaries and when they ask us to relieve their burdens, if we increase our own salaries and the salaries of judges and other high-salaried officers of the Government? It is much easier and agreeable to say yes than no to people, especially when those people are friends who ask us for an increase of salary out of the Federal Treasury.

If they get what they ask they will think they have received only what they are entitled to. If they do not get what they demand they may remember it and think they are not properly treated. However, the Congress is only an agent of all the people in the making of appropriations, and the executive officers, agents in the expenditure of those appropriations, whose duty is to see that the Government gets the value of the money spent. The money which the Congress appropriates does not come out of the clouds, but is a tax on all the people and especially on those least able to pay it. Taxes may be levied on imports, on homemade goods, on corporations, on incomes, or in any other way which the ingenuity of man may devise, but ultimately and in the last analysis the men and women throughout the country who work do, and in the future will, have to pay such taxes; and the public generally on whose shoulders the burden of taxes falls should watch more carefully than they do the manner in which appropriations are made and the purposes for which public moneys are expended.

This question came up suddenly to-day by an amendment offered by our distinguished leader, the gentleman from Illinois [Mr. Mann], else we could have more data to submit in opposition to this proposed amendment.

In the last session of Congress the gentleman from Pennsylvania [Mr. Moon], who has just addressed this body, tried to amend the law increasing the salaries of district and circuit judges. That question was thoroughly thrashed out at that time in an extended debate. Facts and figures were submitted from all parts of the country showing that the great majority of the State judges are receiving much smaller salaries than those now paid to district judges of the United States court. If you increase the salaries of our district judges, the State judges whose salaries are smaller will demand that their salaries be raised to that of the United States judges who live in their States, and they will use every advance in the salaries of the Federal judges as a lever to boost up their own salaries. That is the way in which salaries are generally increased. The man who wants a larger salary says, "This man

gets so much, and am I not entitled to as much? Do I not work as hard? Are not my duties as responsible? Should not I be as well paid as he?" This accounts for much extrav-

agance all along the line in the public service.

The proposed amendment a year ago, after full consideration, was defeated by a substantial majority. I am aware that \$6,000 a year is not a large income for a prominent lawyer in the city of Philadelphia, the city of New York, or the city of Chicago, who is in the full swing of practice and earning large fees; but it is a good fair income for the ordinary judge in almost any other part of the country. Perhaps not more than one in ten of the lawyers of the country earns as much one year with another after his office expenses are paid, and it is more than the great majority of the highest judges in the several States of the Union now receive.

Again, the United States judges, district as well as circuit and Supreme Court judges, receive pensions after they arrive at the age of 70 equal to their salaries when in active service. There is no position in the public service more attractive or comfortable to a lawyer in his declining years, when he doesn't care so much for the wear and tear and strife of trial work, than a place on the bench. He holds his position during life or good behavior and can be removed only by impeachment. He enjoys the honor and the dignity which the members of his profession always concede to their members who are elevated to high judicial positions. While other members of the bar have to keep up the struggle in life with younger men in order to make a living and support their families, the judge has no occasion to worry about his livelihood from year to year, the support of his family, or for the future. He has the best kind of insurance against sickness or poverty in his old age, because his Uncle Samuel is rich and the pension is sure and liberal.

How many attorneys are there in this House who would not surrender their uncertain tenure of office for a seat in the district court of the United States at its present salary? Does anyone claim that an increase of salary would increase the character, personnel, efficiency, or honesty of those judges? Does any man here claim that the increase of the congressional salaries in any possible way raised the character or efficiency or industry of Representatives or Senators?

The Japanese have an old saying that when a nation's civil ervants begin to love wealth and its fighting men begin to love

life, then the end of that nation is not far distant.

This has particular application to the high officials in the civil government of a nation and the officers in its military establishment, and means that if a nation's legislators, judges, and executive officers think more of their salaries, emoluments, and pecuniary rewards than of the honor and dignity of their positions and of serving their country to the best of their ability, the civil government of that nation is on the downward course; and if its army and naval officers when engaged in battle think more of saving their lives than of winning the victory, they are doomed to defeat. This is not a mere formula, but a living, controlling principle in Nippon. Her statesmen and jurists value more the honor of serving their countrymen in an official capacity and striving to raise the civil government to a higher degree of honesty and efficiency than of the modest salaries which their relatively poor country can afford to pay; and her fighting men, from the highest in command to the low est in the ranks, when in the face of the enemy, vie with each other for the position of greatest peril and freely offer their lives for the honor of their flag and the glory of their country. That spirit of self-abnegation and devotion has raised them in a few years from a hermit people to one of the foremost

Our history is replete with examples which measure up to this Japanese standard. Able statesmen, jurists, and executives have served their country for meager compensation compared with their earning power. They have esteemed more highly the honor of their offices and the opportunity of doing something worth while for their country than the accumulation of wealth by the capitalization of their great reputations. Is this proud record to be lowered in the future? Are high positions in the public service to be belittled by reducing them to the dollar standard? Will the honor and distinction which go with these high and responsible offices and the confidence and approval of their countrymen have no attraction for men who are qualified to fill them with credit?

A Federal judgeship is a place of unusual honor and power. The judge is raised above his brethren at the bar. If, in accepting a seat on the bench, a lawyer makes some money sac-rifice, he is compensated by the dignity of his position, the security of his tenure, and the deference accorded him by the bar and the public. The judges who have rendered the most valuable services and left their impressions on the institutions

of our country have been those who thought more of rendering sound and righteous judgments than of their salaries.

When a vacancy occurs in a Federal court, is there a dearth of candidates? Are there not always so many able and honest men who are not only willing but anxious for the appointment that the President is embarrassed in making a selection? They know what the duties are, also the salary and pension. The lucky candidate who wins the prize and gets the appointment

should be content with the salary, or resign.

The Constitution, which provides that the compensation of judges shall not be diminished during their continuance in office, does not go far enough. Every constitution in a government like ours, whether of the Nation or the States, should provide that the compensation of high officials in the government should neither be increased nor diminished during their continuance in office or at any time after their election or appointment to such offices. Such a provision would tend toward economy and peace of mind.

In conclusion let me say that we are facing a deficit in the The Congress and the administration are Public Treasury. trying to economize. The amount involved here is not large, only about \$100,000 a year, but it is the example which it would set. It is the principle that I object to in raising the salaries of men who do not need them and refusing to raise the salaries of men and women lower down in the service, who are as faithful and efficient in their lines of duty and actually do need increased compensation. [Applause.]

Mr. FOWLER. Mr. Chairman, I offer an amendment to the

amendment.

The Clerk read as follows:

Amend the amendment in line 5, after the word "of," by striking out the word "seven" and inserting in lieu thereof the word "five."

Mr. FOWLER. Mr. Chairman, I supposed this bill was intended by its author to give relief to a locality where business is congested. I feel quite sure from my limited knowledge of the amount of business transacted in the city of Chicago that this bill would give that desired relief. I had no idea when the bill was presented that anyone would ask for another relief, which I think is not warranted.

That relief which the bill originally sought is justifiable, but

when it comes to the question of tacking on an amendment in-creasing the salary, I think it is time to call a halt. I understand that these honorable judges received \$5,000 a few years ago for their salary. They lived upon that amount, and I never have heard of one of them resigning because of the inadequacy of the salary. I do not believe that there is a Congressman on the floor of this House who would resign such a judgeship, carrying with it the magnificent salary of \$5,000. seek, Mr. Chairman, rather to cut down the appropriation than to increase it.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. FOWLER. I will.

Mr. LAFFERTY. I would like to inquire of the gentleman if he is aware of the constitutional provision that the salary of a district judge shall not be reduced during his continuance in office?

Mr. FOWLER. Well, Mr. Chairman, the gentleman raises question which may be potent, but if my amendment carries it need not affect the salary of a man who is in office during the term of his appointment, but would apply only to newlyappointed district judges. There are many instances where the salaries are both increased and decreased by new acts or by amendments to existing laws, but they are not construed by the courts to violate constitutional provisions. But in reply to the gentleman from Oregon [Mr. Lafferty], I desire to say that there is another legal proposition which provides that salaries can not be increased during the term of office. Here is a new position being created, and that new position is for the purpose of taking the place of what might be styled legislation for an additional judge.

Mr. Mann. Will the gentleman rigid?

Mr. MANN. Will the gentleman yield?

Mr. FOWLER. I will yield to the gentleman.

Mr. MANN. Will my colleague allow me to read the provision of the Constitution with reference to this matter?

Mr. FOWLER. I will.

Mr. MANN (reading):

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Mr. FOWLER. In reply to the gentleman, my colleague [Mr. MANNI, I wish to say that if my amendment to his amendment is adopted it need not apply to any officer or to any judge during his present term of office, but it may apply to the new

judgeship that is sought to be created by this bill, and may fix his salary at the sum of \$5,000. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I have no ulterior purpose in is amendment. I have no design upon the judiciary of this this amendment. country, but I want to call the attention of my friends who are in favor of increasing the salary of district judges to the fact that we have State courts in every State in this Union.

I have been inquiring of gentlemen who sit around me as to the various salaries paid to the circuit judges of the State courts, and I find in that limited investigation that their salaries run from \$3,000 to \$5,000 annually. You must remember that these men hold a circuit court in which they are compelled to go from county to county at large expense. Their duties are as arduous as those of the district judges of the United States courts. Their time is as fully employed, their expenses are much larger, and their salaries in most instances are far less than the sum fixed by the amendment which I propose to this bill, that of \$5,000 a year.

Mr. Chairman, there is another vast difference between the two classes of judges. The circuit judge of the State must go to the people and ask them if he can sit on the bench and try The Federal judge gets his place by appointment, and it does not cost him the raising of his finger to get it. Then, Mr. Chairman, when he retires at the age of 70 years, or later, if he sees fit to hold on, he gets a princely pension to retire upon in order to support himself, and the State judge

has not that advantage.

I want to ask you gentlemen what explanation you are going to give to the citizens of your district when you go back home and tell them that you voted a few days ago to pay men \$240 a year to go down on the market in this city and clean up garbage every day in the year, Sunday, if necessary, included, and soon thereafter stood on the floor of this House and voted to increase a princely salary of \$6,000 to \$7,000? [Applause.] I want to know, Mr. Chairman, what you gentlemen are going to say to the people who elected you and sent you here to make laws for them—the common people, because they are the people who carry the great majority of votes [applause]; I want you to say to them what you have done for them during your term of office here; then I want you to tell them what you have done and tried to do for men high up in office-tell them how you tried to increase their large salaries-yes; salaries already big enough for the support of a king. [Applause.]

Mr. CLAYTON. Mr. Chairman, it is interesting to note the progress that some gentlemen make during their service in the It is interesting to note that sometimes the conditions in the House change and the opinions of some of the Members in the House in respect to some questions change with the changed complexion of the House. I am not impugning at all the motive of my friend from Illinois [Mr. MANN] in offering this suggestion, in the shape of this amendment, to increase the salaries of these judges. Perhaps he was wrong on a former occasion, and I take it that he thinks he is right now. I do not question that he thinks that he is right now, but I think that when he served in this House and his party was charged with responsibility and he and his party had the right to so act on this matter as to increase the salaries of these judges he was right, when charged with responsibility, in refusing to increase them. Now, when he is not charged with responsibility, and when that side of the House is not charged with responsibility, he changes his views and offers to increase the salaries of all of these judges. Times change and men change with them. I shall not undertake to give you the Latin of that old adage, but will leave that to my good friend Speaker Clark. Suffice it to say that we have this condition here to-day: That on December 7, 1910, the distinguished leader of the Republican side in this Chamber, the gentleman from Illinois [Mr. MANN], able, adroit, industrious, conscientious at all times, when his party was in control had a certain view in respect to this matter, and I am going to read from a colloquy that occurred in debate at that time:

Mr. Mann. Mr. Speaker, I move to strike out the last word. I will not undertake to say that I am in favor of increasing the salarles of judges. I would be very glad for some gentleman to offer an amendment on that subject and let us try out the House as to whether they are in favor of increasing the salarles of judges.

Mr. BUTLER. Mr. Speaker—

Mr. Mann. I see no reason—

Mr. BUTLER. My friend is in favor of increasing the salarles of judges?

judges? Mr. Mann. To which friend does the gentleman refer?

Mr. Butler. The one who is standing; the only friend I have. [Laughter.]
Mr. Mann. I have never declared myself so, and I have always voted against them.
Mr. Butler. To those who are favorable toward increasing the salaries of judges I suggest not to attempt it through this bill.
Mr. Mann. Why not?
Mr. Butler. In an entire Calendar Wednesday we have passed 3 pages out of 203, and at this rate I see this bill's death during this session. Think of it, 3 pages!
Mr. Mann. The gentleman is mistaken. We have done very well. We commenced with this bill at half past 2 and closed general debate, but if we had the naval bill up reported by the gentleman we would have been three or four days on general debate without making any progress.

have been three or four days on general debate without making any progress.

Mr. Butler. I never reported a naval bill. I never stood high enough in the House to report anything—

Mr. Mann. When the gentleman does, in the Sixty-third Congress.

Mr. Butler (continuing). Because others had places I thought I should have. [Laughter and applause.] Some gentlemen had all of the places. Hereafter they will be divided. [Applause.]

Mr. Mann. If the gentleman wants to increase salaries, this is a very good time to do it. The matter is before the House. The opportunity is offered to the gentleman, who thinks he can carry it through this House, to increase the salaries that have already been increased once in the last 10 years. If any gentleman of the House thinks he can put through a provision to increase the salaries of judges, let him try it now. The opportunity is here.

Mr. Parsons. Mr. Speaker, a point of order.

Mr. Foster of Illinois. We are not complaining of the Judiciary Committee if they will not offer the amendment now.

The Speaker pro tempore. The gentleman will state the point of order.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. Parsons. The point of order is that we have considered section 2 and the Clerk has reported and read section 3.

Mr. Mann. The gentleman is mistaken; he is always mistaken on a point of order. I doubt whether the gentleman would recognize a point of order.

Mr. Parsons. Mr. Speaker, I insist upon my point of order.

The SPEAKER pro tempore. The Chair thinks some gentleman, the gentleman from New York, rose and addressed the Chair before the Clerk began the reading.

Mr. Mann. And I have a motion pending to strike out the last word of section 2.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. Mann. No gentleman is willing to offer an amendment; then let us put in no more time at this session in talking about increasing the salaries of judges of United States courts.

Mr. Chairman, so say we now. Let us put in no more time discussing this subject, but pass this bill, which will afford relief, and on some other occasion, when a Democratic administration is in power and the country is not confronted with a probable deficit, we can take up and discuss at length the question of the salaries of these judges. [Applause.]

Mr. MANN. Mr. Chairman, I have nothing to retract from the statements which the gentleman has just read, quoting from the RECORD of some time ago. At that time the Committee on the Judiciary, of which the distinguished gentleman from Alabama is now the chairman and was then the ranking Democrat, had already reported to the House, or had agreed to report to the House, as I recall it, a bill increasing the salaries of district judges to a point much higher than is now proposed. I did not think the bill could pass.

Mr. CLAYTON. Mr. Chairman, may I interrupt the gentle-man to correct him? The gentleman from Alabama never did

offer such a proposition.

Mr. MANN. I did not say the gentleman from Alabama offered it. I said the Judiciary Committee had reported or intended to report such a measure, and when it was reported my recollection is that it came to the House with a unanimous report from that committee. I dared the gentlemen then who were in favor of increasing the salary of district judges to a much higher salary than now proposed by me to bring it on the floor of the House and let the House settle it without expressing any opinion of my own in reference to whether it ought to go through or not. Subsequently I did bring before the House a proposition in the consideration of the same bill to increase the salary of the Supreme Court justices of the United States \$2,000 a year, and it was agreed to. I brought before the House in the consideration of the same bill a proposition to increase the salaries of circuit court judges from \$7,000 to \$8,500, and yet the gentlemen in the House said they could not support that because it carried no increase for the district judges, so this time I have commenced at the ground and worked upward, commencing with the district judges. I said in the consideration of that bill—which by the way, notwithstanding the fears of my genial friend from Pennsylvania [Mr. BUTLER], did become a law, was passed by both Houses, and went to the President-I said then that the chance to consider a proposition which gentlemen were in favor of was when the opportunity presented itself, and while I have frequently, when in charge of a bill on the floor of this House, seeking to prevent proper or germane amendments to it, urged Members not to vote for an amendment which had not been considered, I have always felt free and shall continue to be free where I am in favor of a proposition and the opportunity presents itself to bring it before the House, to

do it then. I have been in this legislative body long enough to know that it is very well to be in favor of something that can That is idle; but if you are really in favor of never come up. a proposition, bring it up when you can, and I have got this up

and it takes a vote.

Mr. RUCKER of Missouri. Mr. Chairman, I am glad the gentleman from Alabama [Mr. CLAYTON] furnished an opportunity for the gentleman from Illinois [Mr. Mann] to get his records together. [Laughter.] I was sorry, however, that the distinguished gentleman from Alabama, who seldom ever makes a mistake, made the mistake of implying or insinuating that the gentleman from Illinois [Mr. Mann] is ever inconsistent. He is always wrong, therefore always consistent with himself. [Laughter.] Mr. Chairman, I am opposed to the amendment which the gentleman from Illinois [Mr. Mann] has offered to this bill because that is wrong, too. If it were not for the Constitution I would be inclined to support the amendment offered by his colleague [Mr. Fowler], who is much nearer right than the gentleman from Chicago. Since I have had the honor of being a Member of this House it has not occurred once in a while but very frequently that this question has been brought up in some form or another and generally by Members on the other side of the aisle, who lash themselves into a frenzy and deliver panegyrics on the great characters who serve the country in the capacity of district and circuit judges. The fact is I have been watching the course of events and find that many of those elevated to the Federal bench are lame ducks who once had seats in this or the other end of the Capitol. After the next election there will be more men hunting vacancies and the President may have the opportunity to make other appointments before the expiration of his term. In addition to judges furnished by the House and from the other end of the Capitol we find many gentlemen from the States, good lawyers, distinguished lawyers, pure men, good men, who have been promoted to these places. But I for one will never subscribe to the doctrine for one minute that a Federal judge who has behind him, so far as the world knows, onl; the approval of the President, with all other influences back of him a profound secret, unknown to the public, is entitled to more credit, more honor and respect, than a man who goes before the people of his State and secures election at their hands. As was stated a moment ago by the distinguished gentleman from Chicago, Mr. DRISCOLL

Mr. MICHAEL E. DRISCOLL. From New York. Mr. RUCKER of Missouri. I beg the gentleman's pardon, and I hope he will not invite me to leave the room because I did not intend to say that. [Laughter.]
Mr. MANN. He would if you had said Missouri.

Mr. RUCKER of Missouri. I say I was interested in the speech of the distinguished gentleman from New York. expressed a thought here awhile ago worthy of being reflected upon. He called attention to the fact that this Congress readily yields to every sort of suggestion made to increase salaries already munificent and great, but has no time to hear the appeals from 100,000 people in this District, who are working for salaries scarcely sufficient to pay the daily expenses of the household. Now, I want to say frankly I am not in favor of a civil-pension list. I do not believe I ever will vote for such a measure. I believe it is the worst form of paternalism. Nor am I in favor of pensioning or increasing the salaries of every man who wins presidential favor and gets a circuit court judgeship or a district court judgeship.

The gentleman from New York [Mr. MICHAEL E. DRISCOLL] reminded me of some poetry—something I seldom think of—and that is a stanza of poetry which is entirely apt at this time. Longfellow wrote the lines, which I quote:

A blind man is a poor man, and blind a poor man is, For the former seeth no man, and the latter no man sees.

That seems to be true here.

Why do not some of you gentlemen, who are so vociferous in demanding increased salaries for circuit judges and district judges, make an appeal for the poor fellow, for the poor man, who is working by the day?

Mr. MANN. We did the other day and you knocked it out.

Mr. RUCKER of Missouri. When? Mr. MANN. On the District bill here.

Mr. RUCKER of Missouri. On the district bill? I have been threatening to do this for some time, and I am going to do it Sometimes gentlemen profess things which they do not really believe, and sometimes, in the language of Lady Macbeth: False face must hide what false heart doth know.

Your side did not favor it, and I venture the opinion that you will not say you favored it or expected legislation on that bill.

Mr. MANN. Your side did not favor it when it came from this side of the House.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CULLOP. Mr. Chairman, the amendment here proposed by the gentleman from Illinois [Mr. MANN] is to increase the salary of Federal district judges from \$6,000 to \$7,000 a year. No valid reason has been offered for this increase. Simply because a man is clothed with the ermine of a Federal judgeship is the only justification that has been attempted. They say it is to get a higher grade of men. Where are they to come from? Are not the very best lawyers in this country, at the salaries now paid, asking for these judgeships? Are they getting them? Who is getting the Federal judgeships of this country? I would be glad to see made public the recommendations upon which the Federal judgeships are appointed. While you are making publicity laws for campaign funds, why would it not be proper to have published the recommendations upon which the appointment of Federal judgeships are made in this country? It is a life tenure of office, a matter with which no man ought to be clothed, and I hope to see an amendment to the Constitution providing that, instead of the President appointing these judgeships for life, they will be appointed as other judgeships, for a specified term or chosen by the electorate of the district which they are to serve. [Applause.] Can any man on this floor give a valid reason why the people of a Federal circuit are not as competent to elect their judges as they are to elect the judges of their supreme courts, their circuit and other courts? If they are liable, as has been intimated, to elect Republicans, they ought to have Republicans. A majority of the people ought to have what they want in this country, it does not make any difference what their politics is. What do these Federal judges do? Is there a circuit court in any of the States where the judge does not do as much if not more work annually than any one of these Federal judges do? What is the expense? He has no office to keep up. He has a fixed salary for life, and when he retires he still feeds at the Public Treasury, and the taxpayers foot the bill. It is unfair and it is unjust to the American people. I would favor a law that would make public the recommendation and the sources from which these recommendations come-the controlling influences behind them. I mean no reflection by this, but I do think it fair to the people that they be informed by whose indorsements appointments are made.

Who are you getting upon the Federal bench? Upon what meat have these men fed that they are superior to other men? They come from the common walks of life. But usually you find the appointment coming from some great interest by which they have been employed and which recommends them and urges their appointment; too often the case, I fear, and much to the injury of the administration of justice. If any of them feel that they can not live upon their salaries, they can retire. There is no law which prevents them from retiring under such circumstances or any other. Others behind them can be appointed to fill the positions, with as much credit, doubtless, as they have done. If you will take the circuit judge in your State and the Federal judge in your district, you will find that there is not a circuit in that district where as a rule the judge of the State court does not try more cases and performs more service than the Federal judge in that circuit. And in 9 cases out of 10 he is as good, if not a better, lawyer. He knows better the

wants of the people and comes in closer contact with them.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

I ask unanimous consent for one minute more. The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. And he doubtless is as well read, if not better, in the law, as competent to transact business and does it as satisfactorily, and in 9 cases out of 10 less arbitrarily, than does the judge upon the Federal bench, as every practicing lawyer knows. The proposition for which I am contending here to-day will come sooner or later, because the people are aroused on this issue and will sooner or later secure its adoption. No appointing power can afford to deny the public this information, and it is no reflection on such power for the public to require it. By giving it to the public it will avoid much criticism of the courts, preserve their integrity, and enlarge their influence with the public. It is just, fair, and highly proper that such information should be made public, in the interest of justice and a pure public sentiment.

Now, Mr. Chairman, I opposed this amendment when it was before the House a year ago. I am opposed to it now, though I am free to say that if it were not for the constitutional provision I would vote for the amendment offered by the gentleman from Illinois [Mr. Fowler] to reduce the salary, but can not vote for the amendment of Mr. Mann to increase it. And yet I believe every public servant ought to have pay commensurate

with the work he performs. [Applause.]
Mr. CANNON. Mr. Chairman, it is perfectly patent that the amendment offered by my colleague from Illinois [Mr. MANN], and I think the amendment to the amendment, will, neither of It is now 3 o'clock. This committee is still on them, prevail. call, and I believe I will test the sense of this committee upon a motion to strike out the enacting clause of this bill. I submit that motion, and want to make a remark about it.

The CHAIRMAN. The Clerk will report the amendment of-

fered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, on page 1, by striking out the enacting clause.

Mr. CANNON. Mr. Chairman, I say again—because there are more Members in the House now present than there were when I had the honor of addressing the House for a few minutes a while ago—this bill, covering two pages and a half of language, does just two things: It amends the law which went into force on the 1st day of January, not yet a month ago, by going to the seventh circuit, composed of the States of Indiana, Illinois, and Wisconsin, and decreasing one circuit judge, making three instead of four; one circuit judge having deceased and the place not yet having been filled.

Now, under that law it is perfectly competent for the President to nominate, by and with the advice and consent of the Senate, somebody from Wisconsin or somebody from Indiana or somebody from Illinois, outside that great and growing city of Chicago. In this condition this bill is reported to create one more district judge, they already having two in the northern district of Illinois, and making it three, and to make one less circuit judge. If this legislation is enacted, the judge will come from the northern district, from the city of Chicago. There are already two from the city of Chicago. That would make three. Now, my colleague [Mr. Mann] says, and says truly, that the

circuit judge under the new law is required to do the nisi prius duty the same as the district judge, so that there is no point, from the standpoint of utility, in changing this law. It had better read, "A bill to enable the President to appoint an additional district judge from the city of Chicago," in lieu of his power to appoint a circuit judge anywhere from among the three States mentioned.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gen-

theman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. CANNON. Certainly.

Mr. MICHAEL E. DRISCOLL. Does the gentleman think that the President could find a first-rate lawyer who would be will-

ing to serve at the present salary outside of the city of Chicago?
Mr. CANNON. Oh, I fancy there are many good lawyers out there in that circuit, and, perchance, as good as anywhere in the United States, that would be quite willing to accept this place. It is a place of high honor and of high responsibility.

Now, with the greatest respect to everybody, to my colleague Mr. Mann, to my colleague Mr. Evans, and to the Committee on the Judiciary, who have reported this bill, it seems to me that this motion which I have submitted, to strike out the enacting clause and dispose of this bill, should be agreed to.

Mr. LAFFERTY and Mr. BURKE of Pennsylvania rose. The CHAIRMAN. The gentleman from Oregon [Mr. LAF-

FERTY] is recognized for five minutes.

Mr. LAFFERTY. Mr. Chairman, during this discussion I consider it an opportune time to call to the attention of Congress and of the country one of the most important reforms that could possibly be adopted by the people. I refer to the direct election of Federal judges. The present provision of the Constitution on this question reads as follows:

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it. Mr. CANNON. I have no objection to the gentleman taking his five minutes by unanimous consent, but my point of order is founded upon the following decision, found in the Manual at page 419:

The motion-

To strike out the enacting clause-

is debatable as to the merits of the bill, but may not go beyond its

It does seem to me that the committee ought to be brought to vote upon this matter, and therefore I make the point of

order; but not to appear invidious I will ask unanimous consent, if the point of order is sustained, that the gentleman from Oregon may address the committee for five minutes,

Mr. LAFFERTY. I am quite willing to have the Chairman rule on the point of order without further argument.

The CHAIRMAN. What is the point of order? Mr. CANNON. At page 419, about the middle of the page of the Digest, if the Chair will turn to it, in the precedents under the motion to strike out the enacting clause of a bill, the Chair will find:

The motion is debatable as to the merits of the bill, but may not go beyond its provisions.

The purpose of that is to bring it to a vote. Now, the gentleman is proceeding to address the House, as I understand it, upon the recall of judges, or rather upon the direct election of judges.

Mr. LAFFERTY. Upon the election of judges. I may get to the recall a little bit later, if I am permitted to proceed in

order.

Mr. CANNON. I make the point of order that the debate is not upon the merits of the bill.

Mr. CARLIN. The effect of the gentleman's point of order, if sustained, would be to take the gentleman from Oregon off

Mr. CANNON. Precisely; but I have given notice that I have no objection to the gentleman speaking, and I will ask unanimous consent that he have his five minutes after this point of order is disposed of.

Mr. LAFFERTY. Then I ask that I may be permitted to

proceed in order.

The CHAIRMAN. The point of order of the gentleman from Illinois is that after the motion is made to strike out the enacting clause, if a Member does not discuss the merits of the bill he is not in order under the rule?

Mr. CANNON. Precisely. That is my point—that he is not discussing the merits of the bill.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Illinois now ask unanimous con-

Mr. CANNON. I now ask unanimous consent that the gentleman from Oregon may be permitted to address the committee

for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Can-NON] asks unanimous consent that the gentleman from Oregon be permitted to address the committee for five minutes. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Chairman, adverting again to the section of the Constitution which now obtains, I desire to say that I shall introduce in the House to-day the following joint resolution proposing a constitutional amendment, substituting for the section which I read a while ago a section making all Federal judges elective:

Joint resolution proposing an amendment to the Constitution of the United States making the Federal judiciary elective and subject to recall.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of section 1 of Article III of the Constitution of the United States the following section be proposed as an amendment to said Constitution, which, when ratified by the legislatures of three-fourths of the States, shall be valid to all intents and purposes as a part of the Constitution:

ARTICLE III.

ARTICLE III.

Section 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices for a term of 12 years each, and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office. Successors to all judges now in office, both of the supreme and inferior courts, shall be elected at the first general election at which presidential electors shall be chosen after the adoption of this amendment: Provided, That the Congress may by law prescribe that successors to only one-third of the membership of the Supreme Court shall be elected every four years until successors to the entire membership of said court shall be elected. The terms of all judges now in office, both of the supreme and inferior courts, shall expire and terminate on the first Monday in January following the election of their successors. The President, by and with the advice and consent of the Senate, may appoint judges, either of the supreme or inferior courts, to fill temporary vacancies. All judges both of the supreme and inferior courts, shall be subject to recall at any general election at which presidential electors shall be chosen. Congress shall enact appropriate laws for carrying the provisions of this section into effect.

RECALL NOT INSISTED UPON.

RECALL NOT INSISTED UPON.

It will be observed that the proposed amendment also makes the Federal judges subject to the recall at any election at which presidential electors shall be chosen. That means that no judge could be subjected to recall, or rather to reelection, which is the real meaning of the recall, until he has served four years. I desire it distinctly understood, however, that I do not insist upon the recall feature of this amendment being left in the

resolution. If this Congress is willing to submit this amendment to the States for ratification, with the recall feature stricken out, I shall be glad to consent to that amendment to the resolution. I doubt if a majority of the people of the country desire to adopt the recall, as applied to Federal judges, or as applied to any Federal officers.

But I do believe that a great majority of the people of this country are in favor of making the Federal judges elective and fixing their terms at 12 years. There is every reason why they should favor this amendment that exists in favor of the direct

election of United States Senators.

Personally, I am heartily in favor of the direct election of Federal judges. The administration of the law is just as important to the welfare of the country as the enactment of the law.

SELF-GOVERNING NATION SHOULD ELECT JUDGES.

At the present time Federal judges are not responsive in any way to the wishes or consent of the governed. These life judges may with absolute impunity disregard the wishes or consent of the millions of human beings whose destinies they control. The judges can be entirely honest, as I know they are, and still be completely out of accord with the heart throbs of a great Nation that is supposed to be self-governing. This is not as it should be. The people should have the right to elect judges who are in sympathy with the progress of the country.

There be those who say, "No; it is best to have judges who are entirely removed from and independent of the popular will."

If this be true, it must be owned that we are incapable of selfgovernment and that we must have a governing power over us whose wisdom is superior to the combined wisdom of the people

as expressed at the ballot box.

The defects in the present Federal judicial system are manifold. The Federal judiciary has appropriated unto itself powers that the Constitution never contemplated it should have. For example, it was four times proposed in the Constitutional Convention that the Supreme Court should be given the power to hold acts of Congress unconstitutional and void, and each time the framers of the Constitution voted that proposition down. The States would never have ratified the original Constitution had it given such autocratic powers to the Supreme Court. No supreme court in any other country on earth exercises such

Mr. BURKE of Pennsylvania. Mr. Chairman, I regret to have to oppose the amendment submitted by the gentleman from Illinois [Mr. Cannon]. If it had been submitted earlier in these proceedings, I would probably have very willingly voted for its adoption. But inasmuch as it succeeds the offering of the amendment by my colleague, Mr. Mann, and inasmuch as the adoption of this amendment to strike out the enacting clause would destroy the effect of the amendment offered by Mr. MANN,

shall oppose its adoption at this time.

Now, the main question before this committee at this time relates, as I understand it, to the raising of the salary of these judges from \$6,000 to \$7,000 a year. I say without any hesitation that if there is any set of men engaged in the discharge of the public service in this country who are inadequately paid it is the Federal judges. It may be easy for some gentlemen to secure places in the Congress of the United States and easy to attain distinction in other walks of life, but the bench is one place which men can not aspire to or attain without great difficulty. The apprenticeship they must serve, through years of toil and study, is not to be compared, I believe, with that in any other branch of the public service. They must not only, as a rule, spend time in colleges and universities, but after they are admitted to the bar they must by their efforts and ability attain some degree of distinction in the community before the President of the United States can be induced to recognize them by appointment or confer upon them so great an honor.

Mr. FOWLER. Will the gentleman yield?
Mr. BURKE of Pennsylvania. I will yield to the gentleman for a question.

Mr. FOWLER. Does not the gentleman think the appointment confers great enough honor to pay them for all the time the judges have spent in preparation?

Mr. BURKE of Pennsylvania. I do not, any more than I regard the conferring of the honor of membership in this House being sufficient to compensate him for his services while he re-

mains here.

In addition, Mr. Chairman, the conditions that obtained years ago and exist now are wholly different. Gentlemen on that side and one on this side of the House have suggested that they will soon adopt a method by which the selection of these judges shall be changed. As far as gentlemen on that side are concerned, I submit that the men who wrote the provision that made it incumbent upon the President of the United States to select judges had quite as much wisdom as the statesmen of the

present day. Under that system we have proceeded for 130 years. With what result? Some gentlemen are inclined to ask questions that indirectly cast suspicion on the Federal judiciary and the President who is called upon to appoint them. If there is any grave injustice being practiced in this country to-day—and I abhor its suggestion in the Congress of the United States—it is the unjust criticism of Federal judges, and the unjust criticism of men who are called upon from time to time to make these appointments which are so important to the American people.

We have been asked here within the last 20 minutes "who inspires these appointments. I would like to have some publicity on the subject." No man's mouth is closed in this Congress. If publicity is desired, and any man here or elsewhere has knowledge of improper influences being exercised in bringing about the appointment of Federal judges, it is his duty, and certainly it is his right, to make known that knowledge to

the American people.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURKE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLAYTON. Mr. Chairman, I shall not object, but I give notice now that I shall hereafter object to any extension of

The CHAIRMAN. The Chair hears no objection, and the gentleman from Pennsylvania is recognized for five minutes

Mr. BURKE of Pennsylvania. Mr. Chairman, in addition to the duties that existed years ago, there never was a time when the duties of Federal judges were increasing as rapidly as they are now, to a very large extent owing to the activities of men on both sides of this House. The powers and the activities of the States are constantly being devoured—a word used very properly and learnedly by my friend, Mr. McCall, in a recent debate, while the estimates of the Foderal Covernment are -while the activities of the Federal Government are increasing every hour; and as these activities increase the duties and responsibilities of Federal judges increase. So far as the criticisms that have been uttered from time to time are concerned, they have been unjust.

Mr. MICHAEL E. DRISCOLL. Does the gentleman actually

believe that an increase of salary will get better judges?

Mr. BURKE of Pennsylvania. I believe that the increase of salaries will bring about a condition more in harmony with justice than that which exists to-day.

Mr. CULLOP. Will the gentleman yield?

Mr. BURKE of Pennsylvania. Certainly.

Mr. CULLOP. Would the gentleman have any objection to making public the indorsements of an applicant for a judgeship?

Mr. BURKE of Pennsylvania. Personally I would have no objection whatever, but what I insist upon is this, that men having the right to make known any improper conduct or any improper influence that may have been exercised at any time or place, instead of not making it known, as they do, by dealing in innuendos and insinuations that have the ultimate result of casting aspersions upon the judiciary and bringing the law into contempt, shall frankly state what that misconduct or improper influence is.

If there is any body of men in this world that ought to inspire confidence in the law and bring about an added degree of confidence in the men who administer it, it is the Congress of the United States, whose duty it is to make the laws. [Applause.] And let me say, in passing, that from the time of the founding of this Government until now there never was a man called upon to exercise this particular duty of appointing special Federal judges who has exercised it with greater caution, greater care, or more sincerity of purpose than the present Chief Executive of this Republic, William H. Taft. [Applause on the Republican side.] This administration, nor no administration that I know of in my memory or within my reading knowledge, has ever been called upon to defend itself in this particular matter; and I hope, Mr. Chairman, that at some time these aspersions will end and that all men who may be called from time to time to the Capital of their country to make laws to govern the Nation will exercise their right and perform their duty by not only enacting laws wisely, but of inspiring confidence in the men who are called upon to administer them as we would have others inspire confidence in us. [Applause.]

Mr. CLAYTON. Mr. Chairman, in reply to the remarks made

by the gentleman from Illinois [Mr. CANNON], I desire to say, so that the House may fully understand this measure, that this bill recognizes the fact that there are four circuit judges in the Chicago circuit, and there are but two district judges in the

Chicago district. Judge Grosscup, one of the circuit judges, has resigned, and his successor has not been appointed. The circuit judges will constitute the circuit court of appeals. There is no necessity there for more than three judges to sit on the circuit court of appeals. There are in this Chicago district but two district judges, and the district judges now, as we all know, discharge all of the duties formerly incumbent upon the circuit judges, because the circuit courts have been abolished, other than the circuit court of appeals. The necessity there is for another district judge, and the public can well dispense with the services of one of the four circuit judges. The proposition, therefore, is simply to authorize the appointment of a district judge in lieu of this fourth circuit judge, who is unnecessary. The bill is in the interest of economy. Under this bill the district judge will get \$6,000, whereas, if a successor to Judge Grosscup be appointed, he will get \$7,000 a year. That is the effect of the bill and the purpose of it, and it ought to pass.

Mr. CANNON. Mr. Chairman, will the gentleman permit an

interruption?

Mr. CLAYTON. Certainly. Mr. CANNON. The gentleman says that there are two district judges for Chicago.

Mr. CLAYTON. Two for that district. Mr. CANNON. And four for the district; but there are two for Wisconsin, and there are two others in Illinois-the eastern and southern judges.

Mr. CLAYTON. Two other what?
Mr. CANNON. District judges. There is also one in Indiana.
Mr. CLAYTON. Yes.
Mr. CANNON. I feared the gentleman might mislead the House by saying there was nothing in this whole question except

Mr. CLAYTON. I did not intend to do that. If my remarks were subject to that criticism, I am very much obliged to the gentleman for making the suggestion. The whole proposition, Mr. Chairman, is this: To dispense with one circuit court judge, who is unnecessary, and, in dispensing with him, to have a district judge, who is necessary. Now, Mr. Chairman, I move that all debate on this paragraph and pending amendments thereto be closed. [Applause.]
The CHAIRMAN. The gentleman from Alabama moves that

all debate upon this paragraph and all pending amendments

thereto be now closed.

The question was taken, and the motion was agreed to. The CHAIRMAN. The question now is upon the motion

made by the gentleman from Illinois [Mr. Cannon] to strike out the enacting clause of the bill.

The question was taken, and the Chair announced that the

Chair was in doubt.

The committee divided; and there were-ayes 25, noes 67.

So the amendment was rejected.

The CHAIRMAN. The question now is upon the motion of the gentleman from Illinois [Mr. Fowler] to amend the amendment of the gentleman from Illinois [Mr. MANN] by substituting five thousand for seven thousand.

The question was taken, and the amendment was rejected. Mr. CANNON. Mr. Chairman, I move the following amend-

The CHAIRMAN. There is an amendment pending that has not yet been voted upon. The vote now is upon the amendment offered by the gentleman from Illinois [Mr. Mann] increasing the salary of district judges from \$6,000 to \$7,000.

The question was taken, and the Chair announced the noes

seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 25, noes 76.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move in line 7, page 2, to strike out the word "two" and insert the word "one."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 2, line 7, by striking out the word "two" and inserting in lieu thereof the word "one."

Mr. CANNON. So that it will read-

The CLERK (reading): One additional district judge.

Mr. CANNON. Mr. Chairman, just a word, and a word only. Under the law now there are two district judges in Chicago. This will increase it by one additional, so that there will be three. It brings up the same question I asked a moment ago. That is all there is in the bill, that—

Mr. MANN. And the decrease.
Mr. CANNON. Yes; the circuit judge would come later.
The CHAIRMAN. The Chair will state to the gentleman from Illinois that he is proceeding by unanimous consent. As

the Chair understood the motion made, it was that all debate be closed on this section and amendments thereto.

Mr. CANNON. Pending amendments, I believe. I do not desire to debate it further, but to just give notice that if this amendment is to stay in it will leave the law as it is and will be followed by another amendment to strike out the word "three," section 118, in line 6, and insert "four."

The CHAIRMAN. The question is upon the amendment of-

fered by the gentleman from Illinois to strike out the word "two" and insert the word "one," on page 2, in line 7.

The question was taken, and the Chair announced the "noes" seemed to have it.

On a division (demanded by Mr. CANNON), there were-aver 32, noes 46.

So the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new section as follows:
"That hereafter before the President shall appoint any district, circuit, or Supreme Court judge he shall make public all indorsements made in behalf of any applicant."

Mr. CULLOP. Now, Mr. Chairman, the purpose of that is that the public may know exactly who is indorsing an applicant.
Mr. CLAYTON. Mr. Chairman, I will accept that amend-

ment

ent. [Applause.] Mr. CULLOP. Thank you, sir.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. AUSTIN. Division!

The CHAIRMAN. The ayes have it-

Mr. CANNON. A division was demanded, Mr. Chairman.

The CHAIRMAN. No one was on his feet

Mr. HEFLIN. Mr. Chairman, I understood the gentleman from Illinois demanded a division.

Mr. CANNON. I did not, but I will.

Mr. BURLESON. I make the point of order it is too late.

The CHAIRMAN. The Chair did not see anyone on his feet.

The understanding of the rule is that a gentleman desiring. recognition shall arise and address the Chair. The Chair did not hear any such request and did not see anyone on his feet-

Mr. BURLESON. Regular order! The CHAIRMAN. Therefore the Chair declined to recognize-

Mr. OLMSTED. Just one moment, Mr. Chairman. Some-body did cry "Division." Whether he rose or not I do not know, but evidently the gentleman from Illinois [Mr. CANNON], who intended to move for a division, was misled by that. The gentleman from Illinois was on his feet, because we all saw him.

The CHAIRMAN. The gentleman from Illinois distinctly stated he did not call for a division.

Mr. CANNON. I did not, because somebody else called for a division.

Mr. AUSTIN. Mr. Chairman, I called for a division.

The CHAIRMAN. I will ask the gentleman from Tennessee if he rose and addressed the Chair.

Mr. AUSTIN. I will ask the Chair if he looked in my direction.

The CHAIRMAN. The Chair will state that he did, and did not see the gentleman. I heard a voice over in that direction, but saw no one standing.

Mr. AUSTIN. I think the gentleman from New York [Mr. LITTLETON] will bear out my statement that I demanded a division.

Mr. LITTLETON. I was sitting by the side of the gentleman from Tennessee [Mr. Austin]. When the vote was anman from Tennessee [Mr. Austin]. When the vote was announced, he cried "Division," and started to rise from his desk. The gentleman from Illinois [Mr. Cannon] was standing on his feet, and I think the gentleman from Illinois [Mr. CANNON] was misled by hearing the demand for a division by the gentleman from Tennessee.

Mr. CLAYTON. Mr. Chairman, regular order.

The CHAIRMAN. Regular order is demanded, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SEC. 118. There shall be in the second and eighth circuits, respectively, four circuit judges, in the fourth circuit two circuit judges, and in each of the other circuits three circuit judges, to be appointed by

the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of \$7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit."

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of finishing the remarks I had almost concluded a while ago when the gentleman from Illinois [Mr. Cannon] objected. I desire to make it clear that I would not add anything to what has been said here touching the integrity of the Federal judiciary. I believe that the Federal judiciary of this country is of the highest character, composed of the very best men of our legal profession; that they are appointed by the President from the loftiest motives and for the best interests of our common country. But I do believe, and I will say here, that if it were submitted to a vote of the people of the United States it would be decided that our Federal judges ought to be elected by the people for a term of 12 years each instead of being continued as life judges, with a practical impossibility of removal. It is the system I complain against and not the fact that any one of our Federal judges now is dishonest. The system we have, however, at the present time does lead toward abuses, or, rather, I should say, toward the administration of the law in a manner that is not to the best interests of the country. No supreme court of any other civilized country on earth has the power of holding an act of its legislature unconstitutional.

The Federal district judges have also shown a marked tendency toward the exercise of autocratic power, as every lawyer in this country knows. These judges are simply human beings, and they are only following the bent of human nature to exercise such powers when they are given to them. It is the life tenure and the practical impossibility of removal that causes the trouble. The people are to blame if they do not change the system and make these judges elective. This Congress should give to the States an opportunity to adopt an amendment to the

Constitution making these judges elective.

I want to give one illustration of the work of the Federal courts. Five years ago I filed suits for settlers in the Federal court at Portland, Oreg., against the Oregon & California Railroad Co., to compel it to sell granted lands to actual settlers in quantities not greater than 160 acres to any one settler and at prices not to exceed \$2.50 per acre, as required by a plain act of Congress. Certain laymen said to me that the cases would be in court for 20 years. I replied to them they did not know what they were talking about, that they were simply prejudiced against the Federal courts; and I assured them would have the test cases in the Supreme Court of the United States inside of three years. I had practiced law for eight years in the State courts. I had got justice there. I had never been balked in the trial of a lawsuit. I did not expect in these Federal cases to let any rule day go by without being there and taking the necessary orders to expedite these suits. But when I filed those complaints five years ago an assistant to the Attorney General showed up on the scene. He went into the chambers of the Federal judge, as he told me himself, and he told that Federal judge that he would regard it as unfortunate if any decision should be rendered in my cases in advance of the filing of a Government complaint which he promised would be filed soon thereafter.

In this railroad land-grant case the judge refused for more a year to take any action whatever on my complaints for the settlers, awaiting the filing of a suit by the Attorney General. Then the court ordered the complaints consolidated. Later demurrers to the complaints were argued and the court gave four months for filing briefs, which was all right. the Attorney General took 17 months to file his brief and the judge willingly acquiesced in this delay. Five years have now gone by and the railroad land-grant case has not yet been tried in the court of first instance. It will probably be detried in the court of first instance. cided in about a year now. It will then be appealed to the Court of Appeals at San Francisco, and when it shall finally be decided there it will be appealed to the Supreme Court at Washington. It is now manifest that the laymen who predicted in a derisive way, as I thought, that the case would be permitted to drag along for 20 years were nearer right than I was, because I confidently expected to get the case to the Supreme Court in three years. Where is the man who will have the credulity to believe that this case would be dragging along at this snail-like pace if Federal judges were accountable to the people for their elections? I shall continue to fight this case and the conditions that have made it possible for it to be held up in this manner so long as I remain a Member of Congress. There are doubtless thousands of other cases in which the people of this Union are equally interested that are being handled in the same manner.

CHIEF JUSTICE CLARK'S ADDRESS.

I am pleased to incorporate, as a part of my speech, the most able address on the Constitution that I have ever read. The

author is the chief justice of the Supreme Court of North Carolina. This eminent jurist favors the direct election of Federal judges, and he gives reasons why this must be done if we are to be in practice, what we claim to be in theory, a self-governing Nation. The address, from which I have omitted a few portions, follows, and I bespeak for it most careful consideration:

SOME DEFECTS IN THE CONSTITUTION OF THE UNITED STATES.

(An address to the law department of the University of Pennsylvania, Apr. 27, 1906, by Walter Clark, chief justice of North Carolina.)

In Philadelphia on July 4, 1776, was proclaimed "Liberty throughout all the land and to all the inhabitants thereof." And here, too, 11 years later, was another notable event, when on September 17, 1787, was issued to the world the Constitution of these United States. It is of the latter—"its defects and the necessity for its revision"—that I shall speak to you to-night.

Just here it is well to call to mind the radical difference between these two conventions. That which met in 1776 was frankly democratic. Success in its great and perilous undertaking was only possible with the support of the people. The great Declaration was an appeal to the masses. It declared that all men were created equal and endowed with certain inalienable rights-among them life, liberty, and the pursuit of happiness to secure which rights governments are instituted, deriving their just powers from the consent of the governed, and that when government becomes destructive of these ends it is the right of the people to alter or abolish it and institute a new government in such form as shall seem most likely to effect their safety and happiness. Never was the right of revolution more clearly as-serted or that government existed for the sole benefit of the people, who were declared to be equal and endowed with the right to change their government at will when it did not subserve their welfare or obey their wishes. Not a word about property. Everything was about the people. The man was more than the dollar then. And the convention was in earnest. Every member signed the Declaration, which was unanimously voted. As Dr. Franklin pertinently observed, it behooved them to hang together or they would hang separately.

The convention which met in 1787 was as reactionary as the other had been revolutionary and democratic. It had its beginning in commercial negotiations between the States. Wearied with a long war, enthusiasm for liberty somewhat relaxed by the pressing need to earn the comforts and necessities of life, whose stores had been diminished and oppressed by the ban upon prosperity caused by the uncertainties and impotence of the existing government of the Confederacy, the convention of 1787 came together. Ignoring the maxim that government should exist only by the consent of the governed, it sat with closed doors, that no breath of the popular will should affect their decisions. To free the members from all responsibility members were prohibited to make copies of any resolution or to correspond with constituents or others about matters pending before the convention. Any record of yeas and nays was forbidden, but one was kept without the knowledge of the convention. The journal was kept secret, a vote to destroy it fortunately failed, and Mr. Madison's copy was published only after the lapse of 49 years, when every member had passed beyond human accountability. Only 12 States were ever represented and one of these withdrew before the final result was reached. Of its 65 members, only 55 ever attended, and, so far from being unanimous, only 39 signed the Constitution, and some actively

opposed its ratification by their own States.

That the Constitution thus framed was reactionary was a matter of course. There was, as we know, some talk of a royal government, with Frederick, Duke of York, second son of George the Third, as King. Hamilton, whose subsequent great services as Secretary of the Treasury have crowned him with a halo, and whose tragic death has obliterated the memory of his faults, declared himself in favor of the English form of government, with its hereditary Executive and its House of Lords, which he denominated "a most noble institution." Failing in that, he advocated an Executive elected by Congress for life, Senators and judges for life, and governors of States to be appointed by the President. Of these he secured, as it has proved, the most important, from his standpoint, the creation of judges The convention was aware that a Constitution on Hamilton's lines could not secure ratification by the several States. But the Constitution adopted was made as undemocratic as possible, and was very far from responding to the condition, laid down in the Declaration of 1776, that all governments derive their just powers from the consent of the gov-Hamilton, in a speech to the convention, stated that the members were agreed that "we need to be rescued from the democracy." They were rescued. Thomas Jefferson unfortunately was absent as our minister to France and took no part in the convention, though we owe largely to him the compromise by which the first 10 amendments were agreed to be adopted in

exchange for ratification by several States which otherwise would have been withheld.

In truth, the consent of the governed was not to be asked. In the new government the will of the people was not to control and was little to be consulted. Of the three great departments of the Government—legislative, executive, and judiciary—the people were intrusted with the election only of the House of Representatives, to wit, only one-sixth of the Government, even to the House had been made and little and the control of the control of the Government, even if that House had been made equal in authority and power with the Senate, which was very far from being the case. Declaration of 1776 was concerned with the rights of man. Convention of 1787 entirely ignored them. There was no Bill of Rights and the guaranties of the great rights of freedom of speech and of the press, freedom of religion, liberty of the people to assemble, and right of petition, the right to bear arms, exemption from soldiers being quartered upon the people, ex-emption from general warrants, the right of trial by jury and a grand jury, protection of the law of the land, and protection from seizure of private property for other than public use, and then only upon just compensation; the prohibition of excessive bail or cruel and unusual punishment, and the reservation to the people and the States of all rights not granted by the Constitution—all these matters of the utmost importance to the rights of the people were omitted, and were inserted by the first 10 amendments only because it become imperatively necessary to give assurances that such amendments would be adopted in order to secure the ratification of the Constitution by the several States.

The Constitution was so far from being deemed satisfactory even to the people and in the circumstances of the time for which it was framed, that, as already stated, only 11 States voted for its adoption by the convention, and only 39 members out of 55 attending signed it, some members subsequently opposing its ratification. Its ratification by the convention in the several States was carried with the greatest difficulty, and in no State was it submitted to a vote of the people themselves. Massachusetts ratified only after a close vote and with a de-mand for amendments; South Carolina and New Hampshire also demanded amendments, as also did Virginia and New York, both of which voted ratification by the narrowest majorities and reserving to themselves the right to withdraw; and two States (North Carolina and Rhode Island) rejected the Constitution, and subsequently ratified only after Washington had been elected and inaugurated—matters in which they had thus no share.

George Washington was president of the convention, it is true, but as such was debarred from sharing in the debates. His services, great as they were, had been military, not civil, and he left no impress upon the instrument of union, so far as known. Yet it was admitted that but for his popularity and influence the Constitution would have failed of ratification by the several States, especially in Virginia. Indeed, but for his great influence the convention would have adjourned without putting its final hand to the Constitution, as it came very near Even his great influence would not have availed but for the overwhelming necessity for some form of government as a substitute for the rickety Articles of Confederation, which were utterly inefficient and whose longer retention threatened civil

An instrument so framed, adopted with such difficulty, and ratified after such efforts and by such narrow margins, could not have been a fair and full expression of the consent of the governed. The men that made it did not deem it perfect. Its friends agreed to sundry amendments, 10 in number, which were adopted by the first Congress that met. The assumption by the new Supreme Court of a power not contemplated, even by the framers of the Constitution, to drag a State before it as defendant in an action by a citizen of another State, caused the enactment of the eleventh amendment. The unfortunate method prescribed for the election of President nearly caused a civil war in 1801 and forced the adoption of the twelfth amendment, and three others were brought about as the result of the great Civil War. The Convention of 1787 recognized itself that the defects innate in the Constitution, and which would be developed by experience and the lapse of time, would require amendments, and that instrument prescribed two different methods by which amendments could be made.

Our Federal Constitution was adopted nearly a century and a quarter ago. In that time every State has radically revised its constitution and most of them several times. Indeed, the constitution of New York requires that the question of a constitutional convention shall be submitted to its people at least once every 20 years. The object is that the organic law shall keep abreast of the needs and wants of the people and shall represent the will and progress of to-day and shall not, as is the case with the Federal Constitution, be hampered by provisions

deemed best by the divided counsels of a small handful of men in providing for the wants of the Government considerably more than 100 years ago. Had those men been gifted with divine foresight and created a Constitution fit for this day and its development, it would have been unsuited for the needs of the times in which it was fashioned.

When the Constitution was adopted, in 1787, it was intended for 3,000,000 of people, scattered along the Atlantic slope from for 3,000,000 of people, scattered along the Atlantic slope from Massachusetts to the southern boundary of Georgia. We are now trying to make it do duty for very nearly 100,000,000 of people. Then our population was mostly rural; for three years later, at the First Census, in 1790, we had but five towns in the whole Union which had as many as 6,500 inhabitants each, and only two others had over 4,000. Now we have the second largest city on the globe, with over 4,000,000 of inhabitants, and many that have passed the half-million mark, some of them of over a million population. Three years later, in 1790, we had 75 post offices with \$37,000 annual post-office expenditures. 75 post offices, with \$37,000 annual post-office expenditures. Now we have 75,000 post offices, 35,000 rural delivery routes, and a post-office appropriation of nearly \$200,000,000.

During the first 10 years the total expenditures of the Federal Government, including payments on the Revolutionary debts, and including even the pensions, averaged \$10,000,000 annually. Now the expenditures are 75 times as much. the Constitution was adopted Virginia was easily the first State in influence, population, and wealth, having one-fourth the population of the entire Union. North Carolina was third, and New York, which then stood fifth, now has double the population of the whole country at that date, and several other States have now a population greater than the original Union, whose very names were then unheard and over whose soil the savage and the buffalo roamed unmolested. Steamboats, railroads, gas, electricity (except as a toy in Franklin's hands), coal mines, petroleum, and a thousand other things which are a part of our lives to-day were undiscovered.

Corporations, which now control the country and its Government, were then so few that not till four years later, in 1791, was the first bank incorporated (in New York), and the charter for the second bank was only obtained by the subtlety of Aaron Burr, who concealed the banking privileges in an act incorporating a water company—and corporations have had an

affinity for water ever since.

Had the Constitution been perfectly adapted to the needs and wishes of the people of that day, we would still have outgrown it. Time has revealed flaws in the original instrument, and it was, as might be expected, wholly without safeguards against that enormous growth of corporations, and even of individuals, in wealth and power, which has subverted the control of the Government.

The glaring defect in the Constitution was that it was not democratic. It gave, as already pointed out, to the people-to the governed-the selection of only one-sixth of the Government, to wit, one-half-by far the weaker half-of the legislative department. The other half, the Senate, was made elective at second hand by the State legislatures, and the Senators were given not only longer terms but greater power, for all presidential appointments and treaties were subjected to confirmation by the Senate.

The President was intended to be elected at a still further remove from the people by being chosen by electors, who, it was expected, would be selected by the State legislatures. The President thus was to be selected at third hand, as it were. In fact, down till after the memorable contest between Adams, Clay, Crawford, and Jackson, in 1824, in the majority of the States the presidential electors were chosen by the State legislatures, and they were so chosen by South Carolina till after the Civil War, and, in fact, by Colorado in 1876. The intention was that the electors should make independent choice, but public opinion forced the transfer of the choice of electors from the legislatures to the ballot box, and then made of them mere figureheads, with no power but to voice the will of the people, who thus captured the executive department. That department, with the House of Representatives, marks to-day the extent of the share of the people in this Government.

The judiciary were placed a step still further removed from the popular choice. The judges were to be selected at fourth hand by a President (intended to be selected at third hand) and subject to confirmation by a Senate chosen at second hand. And to make the judiciary absolutely impervious to any consideration of the "consent of the governed" they are appointed for life.

It will be seen at a glance that a Constitution so devised was intended not to express, but to suppress, or at least disregard, the wishes and the consent of the governed. It was admirably adapted for what has come to pass—the absolute domination of the Government by the "business interests," which, controlling vast amounts of capital and intent on more, can secure the election of Senators by the small constituencies, the legislatures which elect them, and can dictate the appointment of the judges; and if they fail in that the Senate, chosen under their auspices, can defeat the nomination. Should the President favor legislation and the House of Representatives pass the bill, the Senate, with its majority chosen by corporation in-fluences, can defeat it; and if, by any chance, it shall yield to the popular will and pass the bill, as was the case with the income tax, there remains the judiciary, who have assumed without any warrant, express or implied in the Constitution, the reward to declare any not propositivitional at their own will the power to declare any act unconstitutional at their own will and without responsibility to anyone.

The people's part in the Government in the choice of the

House of Representatives, even when reenforced by the Executive, whose election they have captured, is an absolute nullity in the face of the Senate and the judiciary, in whose selection the people have no voice. This, therefore, is the Government of the United States-a government by Senate and judges-that is to say, frankly, by whatever power can control the selection of Senators and judges. What is that power? We know that

it is not the American people.

Let us not be deceived by forms, but look at the substance. Government rests not upon forms, but upon a true reply to the question, "Where does the governing power reside?" The Roman legions bore to the last day of the Empire upon their standards the words, "The Senate and the Roman people," long centuries after the real power had passed from the curia and the comitia to the barracks of the Pretorian Guards, and when there was no will in Rome save that of their master. were still tribunes of the people and consuls and a senate and the title of a republic, but the real share of the people in the Roman Government was the donation to them of "bread and circuses" by their tyrants,
Years after the victor of Marengo had been crowned Emperor

and the sword of Austerlitz had become the one power in France, the French coins and official documents still bore the inscription of "French Republic"—"République Française."

In England to-day there is a monarchy in form, but we know that in truth the real government of England is vested in a single House of Parliament, elected by the people, under a restricted suffrage; that the real executive is not the King, but the prime minister and his cabinet, practically elected by the House of Commons and holding office at the will of the majority in that House; that the King has not even the veto power, except nominally, since it has not been exercised in a single instance for more than 200 years; and that the sole function of the House of Lords-a club of rich men representing great vested interests-is in the exercise of a suspensive veto (of which the King has been deprived), which is exercised only till the Commons make up their mind the bill shall pass, when the House of Lords always gives way, as the condition upon which their continued existence rests. So in this country we retain the forms of a Republic. We still choose our President and the House of Representatives by the people; but the real power does not reside in them or in the people. It rests with those great "interests" which select the majority of the Senate and the judges.

This being the situation, the sole remedy possible is by amendment of the Constitution to make it democratic and place the selection of these preponderating bodies in the hands of the

First, the election of Senators should be given to the people. Even then consolidated wealth will secure some of the Senators; but it would not be able, as now, at all times to count with absolute certainty upon a majority of the Senate as its creatures. Five times has a bill proposing such amendment to the Constitution passed the House of Representatives by a practically unanimous vote, and each time it has been lost in the Senate; but never by a direct vote. It has always been disposed of by referring the bill to a committee which never reports it back, and never will. It is too much to expect that the great corporations which control the majority of the Senate will ever voluntarily transfer to the people their profitable and secure hold upon supreme power by permitting the passage of an amendment to elect Senators by the people. The only hope is in the alternative plan of amendment, authorized by the Constitution, to wit, the call of a constitutional convention upon the application of two-thirds of the States, to wit, 30 More than that number have already instructed in favor of an amendment to elect Senators by the people.

It may be recalled here that in the convention of 1787 Pennsylvania did vote for the election of Senators by the people. A strong argument used against this was that the farming interests, being the largest, would control the House and that the Senate could only be given to the commercial interests by

making its Members elective by the legislatures-which was prophetic-though the deciding influence was the fear of the small States that if the Senate was elected by the people its

membership would be based on population.

The most important of the changes necessary to place the Government of the Union in the hands of the people is to provide for the direct election of Federal judges. By far the most serious defect and danger in the Constitution is the appointment of judges for life, subject to confirmation by the Senate. It is a far more serious matter than it was when the convention of 1787 framed the Constitution. A proposition was made in the convention—as we now know from Mr. Madison's Journal—that the judges should pass upon the constitutionality of acts of Congress. This was defeated June 5, receiving the votes of only two States. It was renewed no less than three times, i. e., on June 6, July 21, and finally again for the fourth time on August 15; and though it had the powerful support of Mr. Madison and Mr. James Wilson, at no time did it receive the votes of more than three States. On this last occasion (August 15) Mr. Mercer thus summed up the thought of the convention: He disapproved of the doctrine that the judges, as expositors of the Constitution, should have authority to declare a law void. He thought laws ought to be well and cautiously made, and then to be incontrovertible.

Prior to the convention the courts of four States-New Jersey, Rhode Island, Virginia, and North Carolina—had expressed an opinion that they could hold acts of the legislature unconstitutional. This was a new doctrine never held before (nor in any other country since) and met with strong disapproval. In Rhode Island the movement to remove the offending judges was stopped only on a suggestion that they could be dropped" by the legislature at the annual election, which was The decisions of these four State courts were recent and well known to the convention. Mr. Madison and Mr. Wilson favored the new doctrine of the paramount judiciary, doubtless deeming it a safe check upon legislation, since it was to be operated only by lawyers. They attempted to get it into the Federal Constitution in its least objectionable shape, the judicial veto before final passage of an act, which would thus save time and besides would enable the legislature to avoid the objections raised. But even in this diluted form, and though four times presented by these two very able and influential members, this suggestion of a judicial veto at no time received the votes of more than one-fourth of the States.

The subsequent action of the Supreme Court in assuming the power to declare acts of Congress unconstitutional was without a line in the Constitution to authorize it, either expressly or by implication. The Constitution recited carefully and fully the matters over which the courts should have jurisdiction, there is nothing, and after the above vote four times refusing jurisdiction there could be nothing, indicating any power to declare an act of Congress unconstitutional and void.

Had the convention given such power to the courts, it certainly would not have left its exercise final and unreviewable. It gave the Congress power to override the veto of the President, though that veto was expressly given, thus showing that in the last analysis the will of the people, speaking through the legislative power, should govern. Had the convention supposed the courts would assume such power, it would certainly have given Congress some review over judicial action and certainly would not have placed the judges irretrievably beyond "the consent of the governed" and regardless of the popular will by making them appointive, and, further, clothing them with the undemorantic properties of toppus for life. cratic prerogative of tenure for life.

Such power does not exist in any other country, and never has. It is therefore not essential to our security. It is not conferred by the Constitution; but, on the contrary, the convention, as we have seen, after the fullest debate, four times, on four several days, refused by a decisive vote to confer such power. The judges not only have never exercised such power in England, where there is no written constitution, but they do not exercise it in France, Germany, Austria, Denmark, or in any other country which, like them, has a written constitution.

A more complete denial of popular control of this Government could not have been conceived than the placing of such ment could not have been conceived than the placing of such unreviewable power in the hands of men not elected by the people and holding office for life. The legal-tender act, the financial policy of the Government, was invalidated by one court and then validated by another, after a change in its personnel. Then the income tax, which had been held constitutional by the court for a hundred years, was again so held, and then by a sudden change of vote by one judge it was held unconthen by a sudden change of vote by one judge it was held unconstitutional, nullified, and set at naught, though it had passed by a nearly unanimous vote both Houses of Congress, containing many lawyers who were the equals, if not the superiors, of the vacillating judge, and had been approved by the President

and voiced the will of the people. This was all negatived (without any warrant in the Constitution for the court to set aside an act of Congress) by the vote of one judge; and thus \$100,000,000 and more of annual taxation was transferred from those most able to bear it and placed upon the backs of those who already carried more than their fair share of the burdens of government. Under an untrue assumption of authority given by 39 dead men one man nullified the action of Congress and the President and the will of 75,000,000 of living people, and in the 13 years since has taxed the property and labor of the country, by his sole vote, \$1,300,000,000, which Congress, in compliance with the public will and relying on previous decisions of the court, had decreed should be paid out of the excessive incomes of the rich.

cessive incomes of the rich.

In England one-third of the revenue is derived from the superfluities of the very wealthy by the levy of a graduated income tax and a graduated inheritance tax, increasing the per cent with the size of the income. The same system is in force in all other civilized countries. In not one of them would the hereditary monarch venture to veto or declare null such a tax. In this country alone the people, speaking through their Congress and with the approval of their Executive, can not put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the courts; and its failure to receive such approval is fatal, for, unlike the veto of the Executive, the unanimous vote of Congress (and the income tax came near receiving such vote) can not prevail against it. Of what avail shall it be if Congress shall conform to the popular demand and enact a "rate-regulation" bill and the President shall approve it if five lawyers, holding office for life and not elected by the people, shall see fit to destroy it, as they did the income-tax law? Is such a government a reasonable one, and can it be longer tolerated after 120 years of experience have demonstrated the capacity of the people for self-govern-If five lawyers can negative the will of 100,000,000 of men, then the art of government is reduced to the selection of those five lawyers.

A power without limit, except in the shifting views of the court, lies in the construction placed upon the fourteenth amendment, which passed, as everyone knows, solely to prevent discrimination against the colored race, has been construed by the court to confer upon it jurisdiction to hold any provision of any statute whatever "not due process of law." This draws the whole body of the reserved rights of the States into the maelstrom of the Federal courts, subject only to such forbearance as the Federal Supreme Court of the day or in any particular case may see fit to exercise. The limits between State and Federal jurisdiction depend upon the views of five men at any given time, and we have a government of men and not a government of laws, prescribed beforehand.

At first the court generously exempted from its veto the police power of the several States. But since then it has proceeded to set aside an act of the Legislature of New York restricting excessive hours of labor, which act had been sustained by the highest court in that great State. Thus labor can obtain no benefit from the growing humanity of the age, expressed by the popular will in any State, if such statute does not meet the views of five elderly lawyers, selected by influences naturally antagonistic to the laboring classes and whose training and daily associations certainly can not incline them in favor of restrictions upon the power of the employer.

The vast political power now asserted and exercised by the court to set aside public policies, after their full determination by Congress, can not safely be left in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years, and his party as well as himself is accountable to the people at the ballot box for his stewardship. If Members of Congress err, they, too, must account to their constituents. But the Federal judiciary hold for life, and though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before the people could get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions unless corruption were shown.

The control of the policy of government is thus not in the hands of the people, but in the power of a small body of men not chosen by the people and holding for life. In many cases which might be mentioned, had the court been elective, men not biased in favor of colossal wealth would have filled more seats upon the bench, and if there had been such decision as in the income-tax case, long ere this, under the tenure of a term of years, new incumbents would have been chosen, who, returning to the former line of decisions, would have upheld the right

of Congress to control the financial policy of the Government in accordance with the will of the people of this day and age, and not according to the shifting views which the court has imputed to language used by the majority of the 55 men who met in Philadelphia in 1787.

It may be that this power in the courts, however illegally grasped originally, has been too long acquiesced in to be now questioned. If so, the only remedy which can be applied is to make the judges elective and for a term of years, for no people can permit its will to be denied and its destinies shaped by men it did not choose and over whose conduct it has no control, by reason of its having no power to change them and select other agents at the close of a fixed term.

It may be said that the Federal judges are now in office for life and it would be unjust to dispossess them. So it was with the State judges in each State when it changed from life judges to judges elected by the people; but that did not stay the hand of a much-needed reform.

It must be remembered that when our Federal Constitution was adopted, in 1787, in only one State was the governor elected by the people, and the judges in none, and that in most if not all the States the legislature, especially the senate branch, was chosen by a restricted suffrage. The schoolmaster was not abroad in the land, the masses were illiterate, and government by the people was a new experiment and property holders were afraid of it. The danger to property rights did not come then, as now, from the other direction—from the corporations and others holding vast accumulations of capital and by their power crushing or threatening to crush out all those owning modest estates.

In the State governments the conditions existing in 1787 have long since been changed. In all the States the governor and the members of both branches of the legislature have long since In all the 45 States save 4-Delaware, been made elective. been made elective. In all the 45 States save 4—Delaware, Massachusetts, New Hampshire, and Rhode Island—the judges now hold for a term of years, and in three of these they are removable, as in England, upon a majority vote of the legislature, thus preserving a supervision of their conduct which is utterly lacking as to the Federal judiciary. In Rhode Island the judges were thus dropped summarily once when they had held an act of the legislature invalid. In 33 States the judges are elected by the people, in 5 States by the legislature, and in 7 States they are appointed by the governor, with the consent of the senate. Even in England the judges hold office subject to removal upon the vote of a bare minority in Parliamentthough there the judges have never asserted any power to set aside an act of Parliament. There the will of the people, when expressed through their representatives in Parliament, is final. The King can not veto it, and no judge has ever dreamed he had power to set it aside.

There are those who believe and have asserted that corporate wealth can exert such influence that even if judges are not actually selected by the great corporations, no judge can take his seat upon the Federal bench if his nomination and confirmation are opposed by the allied plutocracy. It has never been charged that such judges are corruptly influenced. But the passage of a judge from the bar to the bench does not necessarily destroy his prejudices or his predilections. If they go upon the bench knowing that this potent influence, if not used for them, at least withheld its opposition to their appointment or their confirmation, and usually with a natural and perhaps onconscious bias from having spent their lives at the bar in advocacy of corporate claims, this will unconsciously, but effectively, be reflected in the decisions they make. Having attempted as lawyers to persuade courts to view debated questions from the standpoint of aggregated wealth, they often end by believing sincerely in the correctness of such views, and not unnaturally put them in force when in turn they themselves ascend the bench. This trend in Federal decisions has been pronounced. Then, too, incumbents of seats upon the Federal circuit and district bench can not be oblivious to the influence which procures promotion; and how fatal to confirmation by the plutocratic majority in the Senate will be the expression of any judicial views not in accordance with the "safe, sane, and sound" predominance of wealth.

As far back as 1820 Mr. Jefferson had discovered the, "sapping and mining," as he termed it, of the life-tenure, appointive Federal judiciary, owing no gratitude to the people for their appointment and fearing no inconvenience from their conduct, however arbitrary, in the discharge of such office. In short, they possess the autocratic power of absolute irresponsibility. "Step by step, one goes very far," says the French proverb. This is true of the Federal judiciary. Compare their jurisdiction in 1801, when Marshall ascended the bench, and their jurisdiction in 1906. The Constitution has been remade and rewritten by the judicial glosses put upon it. Had it been under-

stood in 1787 to mean what it is construed to mean to-day, it is safe to say not a single State would have ratified it.

As was said by a great lawyer lately deceased, Judge Seymour D. Thompson, in 1891 (25 Am. Law Review, 288): "If the proposition to make the Federal judiciary elective instead of appointive is once seriously discussed before the people, nothing can stay the growth of that sentiment, and it is almost certain that every session of the Federal Supreme Court will furnish material to stimulate that growth."

Great aggregations of wealth know their own interests, and it is very certain that there is no reform and no constitutional amendment that they will oppose more bitterly than this. What, then, is the interest of all others in regard to it?

For my part, I believe in popular government. The remedy for the halting, halfway popular government which we have is more power to the people. When some one observed to Mr. Gladstone that the "people are not always right," he replied, "No; but they are rarely wrong." When they are wrong their intelligence and their interests combine to make them correct the wrong. But when rulers, whether kings or life judges, or great corporations, commit an error against the interests of the

masses, there is no such certainty of correction.

Mr. CLAYTON. Mr. Chairman, I move that the House do now rise and report the bill, with amendments, favorably to the House, and recommend that the bill as amended be passed.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] moves that the Committee of the Whole House on the state of the Union rise and report the bill, with sundry amendments thereto, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Sisson, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 17595) to amend section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do

The SPEAKER. Is there a separate vote demanded on any amendment?

Mr. MANN. I ask, Mr. Speaker, that a separate vote be had on each of the amendments.

The SPEAKER. The gentleman from Illinois will state which ones

I think there are only two amendments. Mr. MANN.

The SPEAKER. The Clerk will report the first one. The Clerk read as follows:

On page 2, line 7, after the word "additional," insert the word "district."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the second amend-

The Clerk read as follows:

Add, as a new section, the following:

"That hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant."

The SPEAKER. The question is on agreeing to the second amendment.

The question was taken.

Pending the announcement of the result-

Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

Mr. FOSTER of Illinois. The yeas and nays, Mr. Speaker.

The SPEAKER (after counting). One hundred and thirtyone gentlemen are present—not a quorum. The Doorkeeper will close the doors, and the Clerk will call the roll. Those in favor of the amendment will, when their names are called, answer "Yea," and those opposed will answer "Nay."

The question was taken; and there were—yeas 151, nays 85, answered "present" 12, not voting 143, as follows:

YEAS-151.

Adair	Burke, Wis. Burleson Byrnes, S. C. Callaway Carlin Carter Claypool Clayton Cline Collier Cooper Cox, Ohio	Cullop	Dyer
Akin, N. Y.		Curley	Faison
Alexander		Daugherty	Farr
Allen		Davenport	Fergusson
Anderson, Minn.		Davis, Minn.	Ferris
Ansberry		Dent	Finley
Barnhart		Denver	Fitzgerald
Blackmon		Dickinson	Flood, Va.
Boehne		Dickson, Miss.	Floyd, Ark,
Booher		Dixon, Ind.	Foster, Ill.
Brown		Doremus	Fowler
Bulkley		Doughton	Francis

Garner Godwin, N. C. Goeke Goodwin, Ark. Goodwin, Al Gould Gray Gregg, Pa. Gregg, Tex. Hamlin Hardwick Hardy Hardy
Hay
Heffin
Helgesen
Henry, Tex.
Houston
Howard
Hughes, N. J.
Hull Jacoway Johnson, Ky. Jones Kendall Kent Kinkead, N. J. Konop

Austin Bartholdt Bingham Bowman Bradley Brantley

Brantley
Browning
Burke, Pa.
Burke, S. Dak.
Calder
Cannon
Crago
Crumpacker
Curry
Dalzell
Danforth
Dies
Dodds

Dodds Draper Driscoll, M. E. Dwight

Foster, Vt.

Adamson Bartlett

Lafferty
La Follette
Lamb
Lee, Ga.
Lenroot
Lindbergh
Linthicum Littlepage Lloyd Lobeck McGillicuddy McLaughin Macon Maguire, Nebr. Maher Martin, Colo. Mays Miller Macon Miller Moon, Tenn. Moore, Tex. Morse, Wis. Moss, Ind. Murdock Norris Nye

Oldfield Page Palmer Patten, N. Y. Pou Prouty Raker Randell, Tex. Rauch Rauch Rees Reilly Roberts, Nev. Roddenbery Rothermel Rothermel Rouse Rubey Rucker, Colo. Rucker, Mo. Russell Shackleford Sherpard Sherwood Sims Sisson Sloan Sloan Smith, N. Y.

Smith, Tex.
Stedman
Stephens, Miss.
Stephens, Miss.
Stephens, Tex.
Stone
Sulzer
Taggart
Talcott, N. Y.
Taylor, Colo.
Thomas
Tribble
Tuttle
Underwood
Volstead
Watkins
Webb
Wedemeyer
Wilson, N. Y.
Wilson, Pa.
Witherspoon
Woods, Iowa
Young, Kans.
Young, Tex.

NAYS-85.

Humphrey, Wash. Post
Kahn Powers
Kinkaid, Nebr. Reyburn
Knowland Sherley
Korbly Slemp
Lafean Smith, J. M. C.
Littleton Smith, Saml. W. French Fuller Gardner, Mass. Gardner, N. J. Garrett Good Humphrey, Was Kahn Kinkaid, Nebr. Knowland Korbly Lafean Littleton McCall McGuire, Okla. McKenzie McKinney Madden Mann Moon, Pa. Morgan Morrison Needham Olmsted O'Shaunessy Payne Good Green, Iowa Griest Guernsey Hamilton, Mich, Hammond Smith, Sami. Speer Sulloway Switzer 'Taylor, Ohio Thistlewood Hammond Hanna Harris Hayes Henry, Conn. Higgins Hill Thistiew Towner Utter Vreeland White Wilder Hill Hinds Holland Howland Hubbard Hughes, W. Va. Young, Mich, Payne Pickett

ANSWERED "PRESENT"-12. McMorran Diefenderfer McDermott

Riordan NOT VOTING-143.

Aiken, S. C. Ainey Donohoe Driscoll, D. A. Dupre Edwards Ellerbe Estopinal Ames Anderson, Ohio Andrus Anthony Ashbrook Evans Fairchild Fields Focht Fordney Ashbrook Ayres Barchfeld Bates Bathrick Beall, Tex, Bell, Ga. Foss Gallagher George Gillett Glass Goldfogle Broussard Buchanan Buchanan Burgess Burnett Butler Byrns, Tenn, Campbell Candler Cantrill Catlin Clark, Fla. Connell Graham Greene, Mass. Gudger Hamill Hamill
Hamilton, W. Va.
Harrison, Miss.
Harrison, N. Y.
Hartman
Haugen
Hawley
Heald
Helm
Hensley
Hobson
Howell
Hughes, Ga. Connell Conry Copley Covington Cox, Ind. Cravens Currier Davidson Davis, W. Va. De Forest Hughes, Ga. Humphreys, Miss. Jackson

James Johnson, S. C. Kennedy Kindred Kitchin Konig Kopp Langham Langley Lawrence Lee, Pa. Legare Lever Levy Lewis Lindsay Lindsay
Longworth
Loud
McCoy
McCreary
McHenry
McKellar
McKinley
Malby
Martin, S. Dak,
Matthews
Mondell
Moore, Pa.
Mott
Murray
Padgett
Patton, Pa.
Pepper
Plumley Plumley

Prince Pujo
Rainey
Ransdell, La.
Redfield
Richardson
Roberts, Mass.
Robinson Robinson Rodenberg Sabath Saunders Scully Sells Simmons Slayden Small Smith, Cal. Sparkman Stack Stanley Stephens, Cal. Stephens, Nebr. Sterling's Stevens, Minn. Sterling *
Stevens, Minn,
Sweet
Talbott, Md.
Taylor, Ala.
Thayer Thayer
Townsend
Turnbull
Warburton
Whitacre
Wickliffe
Wilson, Ill,
Wood, N. J.

Sharp

Tilson Weeks

So the amendment was agreed to. The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

Mr. BARTLETT with Mr. BUTLER.

On this vote:

Mr. Bell of Georgia with Mr. CARY.

Until further notice:

Mr. GALLAGHER with Mr. McKINLEY.

Mr. REDFIELD with Mr. SELLS.

Mr. THAYER with Mr. WARBURTON.

WICKLIFFE with Mr. Wood of New Jersey.

Mr. RAINEY with Mr. PRAY. Mr. MURRAY with Mr. PORTER, Mr. LEVER with Mr. PLUMLEY.

Mr. Lee of Pennsylvania with Mr. Patton of Pennsylvania. Mr. KITCHIN with Mr. MOTT. Mr. Hughes of Georgia with Mr. Moore of Pennsylvania. Mr. Harrison of New York with Mr. Mondell. Mr. Harrison of Mississippi with Mr. Martin of South Da-Mr. Hamilton of West Virginia with Mr. McCreary, Mr. Gudger with Mr. Jackson.
Mr. Goldfogle with Mr. Howell.
Mr. Dupre with Mr. Hawley. Mr. Cox of Indiana with Mr. GILLETT. Mr. Covington with Mr. Fordney. Mr. CONNELL with Mr. FOCHT. Mr. CANTRILL with Mr. DAVIDSON. Mr. Ayres with Mr. Catlin. Mr. LEGARE with Mr. LOUD. Mr. AIKEN of South Carolina with Mr. AMES. Mr. DIFENDERFER with Mr. ESCH. Mr. McCoy with Mr. MALBY. Mr. Pujo with Mr. McMorran. Mr. PADGETT with Mr. Foss. Mr. FIELDS with Mr. LANGLEY. Mr. Edwards with Mr. Kennedy. Mr. Fornes with Mr. Bates. Mr. SMALL with Mr. RODENBERG. Mr. Pepper with Mr. Prince. Mr. Clark of Florida with Mr. Simmons. Mr. BATHRICK with Mr. Roberts of Massachusetts. Mr. Hensley with Mr. Kopp. Mr. Hobson with Mr. Fairchild. Mr. Conry with Mr. Campbell. Mr. CONRY WITH Mr. CAMPBELL.
Mr. SLAYDEN with Mr. STEPHENS of Colifornia,
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. BUCHANAN with Mr. WILSON of Illinois.
Mr. TALBOTT of Maryland with Mr. PARRAN. Mr. Lewis with Mr. Anthony. Mr. McKellar with Mr. Greene of Massachusetts. Mr. Anderson of Ohio with Mr. Copley. Mr. GRAHAM with Mr. HEALD. Mr. ELLERBE with Mr. CURRIER. Mr. Daniel A. Driscoll with Mr. Ainey. Mr. Broussard with Mr. Smith of California. Mr. Donohoe with Mr. Matthews. Mr. HELM with Mr. DE FOREST. From January 3 to January 21: Mr. James with Mr. Longworth. From January 19 to January 29: Mr. Humphreys of Mississippi with Mr. Lawrence, Mr. KINDRED with Mr. HARTMAN. Mr. CANDLER with Mr. BARCHFELD. From January 24 to January 26: Mr. Beall of Texas with Mr. Tilson. Until February 1: Mr. ASHBROOK with Mr. LANGHAM. Mr. Burgess with Mr. Weeks. Mr. WEEKS. I am paired with the gentleman from Texas, Mr. Burgess. I inadvertently voted "no." I wish to withdraw that vote and to answer "present."

Mr. TILSON. Mr. Speaker, I desire to know if the gentleman from Texas, Mr. Beall, is recorded as voting.

The SPEAKER. He is not recorded.

Mr. TILSON. I voted "no." I am paired with the gentleman from Texas, Mr. Beall. I wish to withdraw my vote and to vote "present."

and to vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The amendment is agreed to. A quorum being present, the Doorkeeper will open the doors. Further proceedings under the call are dispensed with. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time,

and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 117, noes 85.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 93, answered "present" 10, not voting 141, as follows:

YEAS-147.

Akin, N. Y. Alexander Allen Ansberry Ayres Barnhart By	ackmon behne boher cown brike, Wis. brieson crnes, S. C.	Callaway Cantrill Carlin Carter Claypool Clayton Cline Collier	Covington Cullop Curley Daugherty Davenport Davis, Minn. Dent Denyer
--------------------------------------------------------------	----------------------------------------------------------------------------	----------------------------------------------------------------	----------------------------------------------------------------------

	1111001112	11000011		HI. OHREL 2
	Dickinson	Holland	Moon, Tenn.	Sims
	Dickson, Miss.		Moore, Tex.	Sisson
	Dixon, Ind. Doremus	Howard Hughes, N. J.	Morgan Morgan	Smith, N. Y. Smith, Tex.
	Doughton	Hull	Moss, Ind. Murdock	Stedman
	Evans	Jacoway	Norris	Steenerson
•	Faison	Jacoway Johnson, Ky.	Nye Oldfield	Stephens, Miss. Stephens, Nebr.
	Fergusson	Johnson, S. C.		Stephens, Nebr.
	Ferris Finley	Jones Kendall	Page Palmer	Stephens, Tex.
	Fitzgerald	Kent	Patten, N. Y.	Sulzer
	Flood, Va.	Kinkead, N. J.	Porter	Taggart
	Flood, Va. Floyd, Ark.	Konop	Pou	Taicott, N. Y.
	Foster, Ill.	Lafferty	Raker	Taylor, Colo.
	Fowler Francis	Lamb Lee, Ga.	Randell, Tex. Redfield	Thomas
	Garner	Lindbergh	Reilly	Tribble Tuttle
	Godwin, N. C.	Linthicum	Richardson	Underhill
	Goeke	Littlepage	Roberts, Nev.	Underwood
	Goodwin, Ark.	Lloyd	Roddenbery	Volstead
	Gould Gray	Lobeck	Rothermel	Watkins
	Green Lown	McGillicuddy McHenry	Rouse	Webb
	Gregg, Pa.	McLaughlin	Rubey Rucker, Colo.	Wedemeyer White
	Green, Iowa Gregg, Pa. Hamlin	Macon	Rucker, Mo.	Wilson, N. Y.
	Hardwick	Maguire, Nebr.	Russell	Wilson, Pa.
	Hardy	Maher	Shackleford	Witherspoon Young, Tex.
	Heflin		Sheppard	Young, Tex.
	Henry, Tex.	Mays	Sherwood	
			S-93.	
	Anderson, Minn.		Knowland	Powers
	Austin Bartholdt	Gardner, Mass. Gardner, N. J.	Korbly Lafean	Prouty Rees
	Bowman	Garrett	La Follette	Reyburn
	Bradley	Gillett	Lenroot	Sherley
	Brantley	Good	Littleton	Slemp
	Browning	Griest	McCall McKenzle	Sloan
	Burke, Pa.	Guernsey Hamilton, Mich.	McKenzie	Smith, J. M. C.
	Burke, S. Dak. Calder	Hammond	McKinney Madden	Smith, Saml. W. Speer
	Cannon	Harris	Mann	Sulloway
	Catlin	Haugen	Martin, S. Dak.	Switzer
	Cooper	Hawley	Miller	Thistlewood
	Crago Dalzell	Hayes	Mondell	Towner
	Danforth	Helgesen Henry, Conn.	Moon, Pa. Morrison	Utter Vreeland
	Dies	Higgins	Morse, Wis.	Wilder
	Dodds	Hill	Needham	Willis
	Draper	Hinds	Nelson	Woods, Iowa
	Driscoll, M. E. Dwight	Howland	Olmsted	Young, Kans. Young, Mich.
Ξ	Dyer	Hubbard Hughes W. Va.	O'Shaunessy Payne	Toung, aricu.
	Farr	Hughes, W. Va. Humphrey, Wash	. Peters	
Н	French	Kahn	Pickett	
Н		ANSWERED "	PRESENT "-10	
9	Adamson	Difenderfer	Riordan	Weeks
3	Bartlett	Esch	Sharp	
8	Cary	McMorran	Tilson	
В		NOT VO	ΓING—141.	
20	Aiken, S. C.	Driscoll, D. A.	Kennedy	Pujo
11	Ainey	Dupre	Kindred	Rainey
	Ames Ohlo	Edwards Ellerbe	Kinkaid, Nebr. Kitchin	Ransdell, La.
	Anderson, Ohio Andrus	Estopinal	Konig	Rauch Roberts, Mass.
	Anthony	Fairchild	Kopp	Robinson
	Ashbrook	Fields	Langham	Rodenberg
	Barchfeld	Focht	Langley	Sabath
	Bates	Fordney	Lawrence Loo Pa	Saunders
	Bathrick Beall, Tex.	Fornes Foss	Lee, Pa. Legare	Scully Sells
	Berger	Foster, Vt.	Lever	Simmons
	Bingham	Gallagher	Levy	Slayden
,	Borland	George	Lewis	Small
-	Broussard	Glass Goldfogle	Lindsay	Smith, Cal. Sparkman
	Buchanan Bulkley	Graham	Longworth Loud	Stack
	Burgess		McCoy	Stanley
	Burnett	Greene, Mass. Gregg, Tex.	McCreary	Stephens, Cal.
	Butler	Gudger	McDermott	Sterling
	Campbell	Hamill Hamilton, W. Va.	McGuire, Okla. McKellar	Stevens, Minn. Sweet
	Candler Clark, Fla.	Hanna	McKinley	Talbott, Md.
9	Connell	Harrison, Miss.	Malby	Taylor, Ala.
	Conry	Harrison, N. Y.	Matthews	Taylor, Ohio
	Copley	Hartman	Moore, Pa.	Thayer
1	Cox, Ind. Cox, Ohio	Hay	Mott	Townsend
	Cravena	Heald Helm	Murray Padgett	Turnbull Warburton
S	Cravens Crumpacker	Hensley	Parran	Whitacre
3	Currier	Hobson	Patton, Pa.	Wickliffe
	Curry	Howell	Pepper	Wilson, Ill.
,	Davidson Davidson	Hughes, Ga.	Plumiey	Wood, N. J.
	Davis, W. Va.	Humphreys, Miss. Jackson	Pray	
	De Forest Donohoe	James	Prince	
1				
	So the bill w	as passeu.		

Cravens
Crumpacker
Currier
Curry
Davidson
Davis, W. Va.
De Forest
Donohoe So the bill was passed. The following additional pairs were announced: For to-day:

Mr. BULKLEY with Mr. McGuire of Oklahoma.

For the balance of the day:

Mr. Grego of Texas with Mr. BINGHAM.

Until further notice:

Mr. Cox of Ohio with Mr. Taylor of Ohio.
Mr. Turnbull with Mr. Kinkaid of Nebraska.
Mr. Stanley with Mr. Hanna.
Mr. Murray with Mr. Curby.

Mr. McDermott with Mr. CRUMPACKER.

Mr. Davis of West Virginia with Mr. Davidson.

The result of the vote was then announced as recorded.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 69. An act for the relief of William O. Mallahan;

S. 3813. An act to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other

S. 4339. An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee; and

S. 4351. An act to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings.

The message also announced that the Vice President had appointed Mr. Swanson a member of the joint committee, on the part of the Senate, to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission, in compliance with con-current resolution of the House of Representatives No. 47, Sixty-first Congress, second session, in place of Mr. RAYNER, excused from further service on his own request.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below

S. 69. An act for the relief of William O. Mallahan; to the

Committee on Military Affairs.

S. 3813. An act to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes; to the Committee on the District of Columbia.

S. 4351. An act to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings; to the Committee on the Territories.

HOUSE BILL REFERRED.

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, with Senate amendment, was referred to the Committee on Indian Affairs.

ENBOLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:
H. R. 13278. An act to authorize the construction of a bridge

across Caddo Lake, in Louisiana.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, re-

on Large Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer;

H.R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy River

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14110. An act to extend the time for building a bridge

across the Mississippi River at Minneapolis, Minn. H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Missis-

sippi River in said city; H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Missis-

sippi River in said city;
H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River, at or

near Lepanta, Ark.; H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River; and

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake in Louisiana.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to: Mr. Bartholdt, for one week, on account of important busi-

Mr. Caby, indefinitely, on account of sickness in his family, Mr. Anderson of Ohio, for four days.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Thursday, January 25, 1912, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12686) granting a pension to William L. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11076) granting a pension to Isaac R. Turckheim; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: A bill (H. R. 18643) for the relief of certain homesteaders in Nebraska; to the Committee

on the Public Lands.

By Mr. WARBURTON: A bill (H. R. 18644) providing for

the establishing of a Weather Bureau station in Hoquiam or Aberdeen, Wash.; to the Committee on Agriculture.

By Mr. SWITZER: A bill (H. R. 18645) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and commonly known as the Judicial Code, so as to provide for sittings of the United States court at the city of Portsmouth, in the southern judicial district of Ohio; to the Committee on the Judiciary.

By Mr. WARBURTON: A bill (H. R. 18646) making appropriation for the improvement of the Hoquiam River, at Hoquiam, Wash.; to the Committee on Rivers and Harbors

By Mr. HANNA: A bill (H. R. 18647) to prevent and punish the desecration, mutilation, or improper use of the flag of the

United States of America; to the Committee on the Judiciary.

By Mr. LLOYD: A bill (H. R. 18648) providing for the erection of a public building at Unionville, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 18649) to provide for a public building at Tarentum, Pa.; to the Committee on Public

Buildings and Grounds.

By Mr. HEFLIN: A bill (H. R. 18650) to require the delivery of cotton sold on contracts and to require a public record to be kept of all sales of cotton on the exchange, together with the grade and the amount of cotton actually delivered and the amount and grade of cotton on hand at the

exchange from time to time; to the Committee on Agriculture.

By Mr. WARBURTON: A bill (H. R. 18651) making an appropriation of \$62,500 for the construction of a canal between Port Townsend Bay and Oak Bay; to the Committee on Railways and Canals.

By Mr. GODWIN of North Carolina: A bill (H. R. 18652) providing for the erection of a monument at Elizabethtown, N. C., to commemorate the distinguished services of the American Army at the battle of Elizabethtown during the American Revolution; to the Committee on the Library.

Also, a bill (H. R. 18653) to provide for the purchase of the land upon which Fort Fisher and the outlying batteries con-nected therewith were located, in the State of North Carolina, and to establish a national park thereat; to the Committee on

Military Affairs. By Mr. ROTHERMEL: A bill (H. R. 18654) to authorize the Secretary of Commerce and Labor to acquire for the Government of the United States by condemnation proceedings the gas works, plant, and equipment of the Washington Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and

power, or for any public use in the District of Columbia; to

the Committee on the District of Columbia.

Also, a bill (H. R. 18655) to authorize the Secretary of Commerce and Labor to acquire for the Government of the United States by condemnation proceedings the gas works, plant, and equipment of the Georgetown Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and power, or for any public use in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER: A bill (H. R. 18656) to allot minor Indlans of the Bois Fort Band of Chippewas, Minn.; to the Com-

mittee on Indian Affairs.

By Mr. FRENCH: A bill (H. R. 18657) to amend sections 2324 and 2325 of the Revised Statutes; to the Committee on

Mines and Mining.

By Mr. HELGESEN: A bill (H. R. 18658) providing for a survey of the Red River of the North from the junction of the Ottertail and Bois de Sioux Rivers to the Canadian boundary;

to the Committee on Rivers and Harbors.

By Mr. FLOOD of Virginia: A bill (H. R. 18659) to authorize the Director of the Census to collect and publish statistics of

apples; to the Committee on the Census.

By Mr. HOWLAND: A bill (H. R. 18660) to authorize the change of name of the steamer Salt Lake City; to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906; to the Committee on Indian Affairs.

By Mr. SULZER: A bill (H. R. 18662) to control and regulate corporations engaged in commerce among the several States or foreign nations; to the Committee on Interstate and Foreign

Commerce.

By Mr. HAY: Joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 227) proposing an amendment to the Constitution of the United States making the Federal judiciary elective and subject to recall; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 18663) granting an increase of pension to Samuel S. Hall; to the Committee on Invalid

By Mr. CARLIN (by request): A bill (H. R. 18664) for the relief of James Taylor, administrator of Henry Hopkins Sibley,

deceased; to the Committee on Claims.

By Mr. COOPER: A bill (H. R. 18665) granting an increase of pension to Henry Pruess; to the Committee on Invalid Pen-

By Mr. CULLOP: A bill (H. R. 18666) for the relief of the legal representatives of Sewell Coulson, deceased; to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 18667) granting an increase of pension to Delia M. Williams; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 18668) for the re-

lief of Columbus W. Bryan; to the Committee on War Claims.

By Mr. FRANCIS: A bill (H. R. 18669) for the relief of
Wickliff Fry for horse lost while hired by the United States

Geological Survey; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 18670) for the relief of James Connor and Patrick Connor, sole surviving heirs at law of Patrick Connor, deceased; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 18671) granting an increase of pension to Marshall M. Eccleston; to the Committee on Pen-

By Mr. HOUSTON: A bill (H. R. 18672) granting a pension to Claude A. Holder; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18673) granting a pension to Albert Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18674) granting an increase of pension to Edwin Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18675) for the relief of Mary L. Piatt;

to the Committee on War Claims.

Also, a bill (H. R. 18676) for the relief of the estate of T. N. Duvall, deceased; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 18677) granting an increase of pension to Samuel J. Couch; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18678) granting an increase of pension to Isaac Adkins; to the Committee on Invalid Pen-

By Mr. LEVY: A bill (H. R. 18679) granting a pension to Rachel A. Lindeman; to the Committee on Invalid Pensions. By Mr. LINTHICUM: A bill (H. R. 18680) authorizing the

President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on the retired list, a lieutenant on the retired list; to the Committee on Naval Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 18681) to correct the military record of Eleazer W. Atwood; to the Committee on

Military Affairs.

By Mr. McKINNEY: A bill (H. R. 18682) granting an increase of pension to Charles F. W. Schell; to the Committee on Invalid Pensions

By Mr. MAHER: A bill (H. R. 18683) granting an increase of pension to Emma Nies; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 18684) granting an increase of pension to A. N. Hopkins; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 18685) granting a pension

to Ell Leffler; to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 18686) granting an increase of pension to A. H. Williams; to the Committee on Invalid

By Mr. O'SHAUNESSY: A bill (H. R. 18687) granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 18688) to correct the military record of Silas Overmire; to the Committee on Military

By Mr. POWERS: A bill. (H. R. 18689) granting a pension to Yank McFarland; to the Committee on Pensions.

Also, a bill (H. R. 18690) granting a pension to Felix L. Huff; to the Committee on Pensions.

Also, a bill (H. R. 18691) granting a pension to Cobb T. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18692) granting a pension to Frank Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18693) granting an increase of pension to William McKee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18694) granting an increase of pension to Moses G. Lewis; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 18695) granting a pension to Laura E. Beshore; to the Committee on Invalid Pensions. Also, a bill (H. R. 18696) granting an increase of pension to

Ellen G. Frame; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 18697) granting an increase of pension to Ellen R. Stearns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18698) granting a pension to Thomas W. Crossman; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18699) granting a pension to John Yates; to the Committee on Invalid Pensions. Also, a bill (H. R. 18700) granting an increase of pension to

Daniel Williams; to the Committee on Invalid Pensions. Also, a bill (H. R. 18701) granting an increase of pension

to Emanuel Scott; to the Committee on Invalid Pensions. Also, a bill (H. R. 18702) granting an increase of pension to

Isadore Shell; to the Committee on Invalid Pensions. By Mr. STEENERSON: A bill (H. R. 18703) granting an increase of pension to Rufus K. Cornish; to the Committee on

Invalid Pensions. By Mr. STEPHENS of Nebraska: A bill (H. R. 18704) for

the relief of Jennie S. Sherman; to the Committee on Claims. By Mr. SULLOWAY: A bill (H. R. 18705) to pay certain

sums to navy-yard employees; to the Committee on Appropria-

By Mr. SWITZER: A bill (H. R. 18706) granting a pension to Melissa Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18707) granting a pension to Bertha J. Stewart; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18708) granting a pension to Ellen E. Beck; to the Committee on Invalid Pensions.

By Mr. VREELAND; A bill (H. R. 18709) granting an increase of pension to Daniel D. Jennings; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 18710) granting an increase of pension to William H. Barnes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on t_e Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Boles, Mo., protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of George Phillpott and others, of McClure, Ohio, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of Lodge No. 134, Switchmen's Union, of St. Louis, Mo., in favor of the reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of 11 citizens of St. Louis and St. Louis County, Mo., in favor of a reduction of the duty on sugar; to the Committee on Ways and Means.

Also, memorials of German Catholic Societies of St. Louis, Mo., urging the passage of the Esch phosphorus bill (H. R.

2896); to the Committee on Ways and Means.

By Mr. BROWNING: Petition of S. S. Conover and 5 other

citizens of Harrisonville, N. J., opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Unions of Pensauken and Magnolia, N. J., favoring Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, resolution of the New Jersey Society of the Sons of the American Revolution, to preserve against destruction and for all time the captured flags and banners in the possession of any department of the Government; to the Committee on Naval

By Mr. BURKE of Wisconsin: Petitions of citizens of Sheboygan, Wis., in favor of old-age pensions; to the Committee on

Also, petition of citizens of Brandon, Wis., praying for the enactment into law of House bill 9433, for the observance in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of St. Francis of Assissi Society, of Kewaskum, Wis., favorable to the passage of the Esch bill (H. R. 2896), which is a measure designed to prevent the use of poisonous phosphorus in the manufacture of matches; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: Petitions of citizens of Tennessee, urging the passage of an effective interstate liquor law;

to the Committee on the Judiciary.

By Mr. CAMPBELL: Petitions of citizens of Kansas, against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. COOPER: Petition of George Fries, of Racine, Wis., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of J. A. Toole and others, of Beloit, Wis., asking that the duties on raw and refined sugars be totally eliminated; to the Committee on Ways and Means.

By Mr. COX of Ohio: Memorial of the Dayton (Ohio) Branch of the United States Civil Service Retirement Association, urging passage of Hamill retirement bill; to the Committee on Re-

form in the Civil Service.

By Mr. DALZELL: Petitions of Second Presbyterian and Trinity Reformed Churches, of Wilkinsburg, Pa., for the passage of an effective interstate liquor law; to the Committee on

the Judiciary.

By Mr. DANFORTH: Petitions of citizens of New York State, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Wilmot Castle Co., of Rochester, N. Y., urging amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. FLOOD of Virginia: Petition of citizens of Fancy Hill and Buchanan, Va., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of George W. Baling (H. R. 17795); to the Committee on Military Affairs.

By Mr. FRANCIS: Petition of Jefferson County (Ohio) Granges, Patrons of Husbandry, urging the passage of a general parcel-post law; to the Committee on the Post Office and Post

By Mr. FULLER: Petition of C. E. Ward, of Decatur, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

service in the United States Army; to the Committee on Military Affairs.

Also, petition of Portland Commercial Association, of Oglesby, Ill., in favor of reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. GARNER: Petition of citizens of Maverick County, urging improvements of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOULD: Petition of citizens of Maine, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GREGG of Pennsylvania: Petition of J. M. Binkey and 2 other citizens of Westmoreland County, Pa., praying for

the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of officers and members of the Woman's Christian Temperance Union of Lititz, Pa., urging the enactment into law of House bill 16214 and Senate bill 4043, favoring the withdrawal from interstate commerce protection of liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. HANNA: Resolutions of the Grand Forks Trades and Labor Assembly, of Grand Forks, N. Dak., in favor of the Esch bill, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, petition of D. S. Helms and 6 others, of Carson, N. Dak., against an extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Rodenburg & Schwoebel, of New Rockford, N. Dak., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of Oliver Stromme and Henry M. Heggen, of Bergen, N. Dak., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HARTMAN: Memorial of the Woman's Christian Temperance Union, and Presbyterian, St. John's Reformed, Methodist Episcopal, and Council of Trinity Lutheran Churches, of Bedford, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Resolution of the Tennessee State Public

School Officers' Association, approving the plans of the Com-missioner of Education for the immediate improvement of the work of the National Bureau of Education; to the Committee on Education.

By Mr. KENDALL: Petition of De Wit Bros. & Watland, of New Sharon, Iowa, protesting against the enactment by Congress of any legislation for the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of the Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, for eradication of chestnut-tree blight; to the Committee on Agriculture.

Also, memorial of Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, petition of C. A. P. Turner, of Minneapolis, Minn., urging for certain improvements in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of N. Weyland, of Minnesota, against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolutions of the State Association of Farmers' Mutual Insurance Companies of Minnesota, in opposition to the Canadian reciprocity pact, etc.; to the Committee on Ways and

By Mr. McKELLAR: Petition of citizens of Pocahontas, Tenn., in favor of the passage of an effective interstate-commerce law; to the Committee on the Judiciary.

By Mr. McMORRAN: Petitions of citizens of Michigan, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of W. W. Rutledge; to the Committee on War Claims.

By Mr. MOTT: Petition of J. A. Bort, of Fulton, N. Y., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of W. D. Mackin and others, of Oswego, N. Y., for reduction in the duties on raw and refined sugars; to the . Committee on Ways and Means.

By Mr. OLDFIELD: Papers to accompany bill for the relief of Esther Emmart; to the Committee on War Claims.

Also, petition of the Illinois State Veterinary Medical Association, favoring House bill 16843, to consolidate the veterinary ment Infantry, Ohio National Guard, in favor of House bill

8141, known as the National Guard pay bill; to the Committee on Military Affairs.

Also, resolutions of the St. George Benevolent Society, of Springfield, Ohio, in favor of House bill 2896, protesting against the use of white phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, resolutions of the Chicago Civil Service League, in favor of House bill 5970 and Senate bill 1162; to the Committee on

Reform in the Civil Service.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

By Mr. POWERS: Petition of citizens of eleventh congressional district of Kentucky, remonstrating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of John Ogden and 82 others, of Polk County, Nebr., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of E. Hemenover and 9 others, of Daykin; Diller Mercantile Co. and 12 others, of Diller; C. D. Lynde and 2 others of Endicott; William Wilkes and 3 others, of Harbine; A. B. Cowley and 6 others, of Marquette; F. C. Harris & Co. and 6 others, of Phillips; T. O. Dexter and 6 others, of Stockham; W. F. Young and 11 others, of Milford; William Lessmeler and 3 others, of Goehner; H. F. Hatz and 6 others, of Cordova; Pelan & Sabata and 4 others, of Bee; Eager Mercantile Co. and 8 others, of Beaver Crossing; Claus Peters and 3 others, of 8 others, of Beaver Crossing; Claus Peters and 3 others, of Yutan; Tony Kriz and 6 others, of Weston; Henry C. Friesen and 9 others, of Jansen; Miller & Miller and 10 others, of Carleton; G. A. Burnham and 8 others, of Belvidere; M. T. Allen and 9 others, of Alexandria; Karl Kath & Co. and 7 others, of Utica; Pearse Bros. and 5 others, of Tamora; Henry Funks and 4 others, of Staplehurst; Goehner Bros. and 1 other, of Seward; W. L. Wallace and 2 others, of Pleasantdale; Robert Armstrong and 62 others, of York; D. T. Plants and 4 others, of Waco; Schundt & Mueller and 7 others, of Thayer; J. W. Ashmore and 4 others, of McCool Junction; M. W. Strater and 5 others, of Lushton; J. J. Peters and 8 others, of Henderson; Diers Bros. and 7 others, of Gresham; Lou Hagemeister and 1 other, of Charleston; D. A. Sandall and 5 others, of Bradshaw; other, of Charleston; D. A. Sandall and 5 others, of Bradshaw; A. Schneider and 8 others, of Benedict; W. F. Scholl and 3 others, of Hubbell; F. E. Whyman & Sons and 7 others, of Adams; McFarland Bros. and 6 others, of Ohiowa; E. M. Nebergall and 7 others, of Strang; C. J. Shaw and 7 others, of Shickley; Frank Hardy and 8 others, of Milligan; C. H. Rossman and 6 others, of Grafton; L. W. Thompson and 5 others, of Geneva; Ed. L. Duckworth and 14 others, of Fairmont; F. M. Ziska and 7 others, of Exeter; J. M. Lambert and 1 other, of Carlisle; C. R. Palmer and 11 others, of Ulysses; C. S. Shane and 5 others, of Surprise; L. C. Munns and 27 others, of Rising City; J. A. Reznicek and 6 others, of Octavia; Frank Faytinger and 4 others, of Linwood; A. E. Piller & Co. and 3 others, of Garrison; Krenk & Kavka and 4 others, of Dwight; George Schweser and 18 others, of David City; J. F. Stava & Son and 6 others, of Bruno; G. A. Falk and 7 others, of Brainard; S. H. Day and 6 others, of Bellwood; F. J. Roh and 4 others, of Able; Clarke Hardware Co. and 11 others, of Ashland; C. E. Danielson and 1 other, of Swedeburg; Vlasak Bros. and Others, of Prague; Walla Bros. and 5 others, of Morse Bluff; George E. Bricker and 5 others, of Memphis; A. G. Carlson & Co. and 6 others, of Mead; Bradenburg & Thompson and 8 others, of Malmo; D. R. Phelps Lumber & Coal Co. and 3 others, of Malmo; D. R. Phelps Lumber & Coal Co. of Ithaca; G. H. Dubois and 3 others, of Colon; Winter Bros, and 4 others, of Ceresco; Cash Hardware Co. and 7 others, of Cedar Bluffs; Cerveny Bros. and 9 others, of Wilber; F. E. Timmerman and 6 others, of Western; Malone-Steele Co. and 5 others, of Tobias; J. Buising and 8 others, of Swanton; C. L. Klein and 6 others, of Friend; J. E. Waller, M. D., and 7 others, of Dorchester; Carl H. Niemeyer and 4 others, of De Witt H. M. Cole and 5 others, of Crete; Wilson-Castile Co. and 13 others, of Stromsburg; Fred J. Strain and 8 others, of Shelby; Sundberg & Son and 12 others, of Polk; W. O. Johnson Co. and 13 others, of Osceola; C. I. Clark and 9 others, of Steele City; McVay Bros. and 4 others, of Reynolds; E. G. Wildhaber and 9 others, of Plymouth; and Rudolph Koch and 13 others of Deshler, all of the State of Nebraska, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Papers to accompany House bill 18568, granting an increase of pension to Artimes W. Kinnear; to the Committee on Invalid Pensions.

By Mr. STEDMAN: Petition of citizens of Guilford County, N. C., for the passage of an effective interstate liquor law; to

the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Memorial of the German-American Alliance of Minnesota, protesting against the passage

of bill prohibiting interstate commerce in intoxicating liquors

in certain cases; to the Committee on the Judiciary.

Also, memorial of the Current Topic Club, of St. Paul, Minn., favoring a Territorial legislature for Alaska; to the Committee on the Territories.

Also, petition of Minnesota Cooperative Live Stock Shippers' Association, favoring the establishment of a bureau of markets of the Department of Agriculture; to the Committee on Agriculture.

By Mr. SULZER: Petition of citizens of Nebraska, for the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Memorials of Lamar Commer-

cial Club Association, of Lamar, and of the Arkansas Valley Commercial Association, of Pueblo, Colo., for protection of the sugar-beet industry of Colorado; to the Committee on Ways and Means.

By Mr. TILSON: Memorial of German Catholic Society of New Haven, Conn., favoring House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petitions of citizens of Kanona, N. Y., and of New York State, protesting against any legislation to reduce the duty on potatoes; to the Committee on Ways and Means.

By Mr. WHITE: Memorial of Thirty-sixth and Ninety-second Ohio Regimental Association, opposing House bill 13533; to the Committee on Military Affairs.

By Mr. WILSON of New York: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as recommended by national commission; to the Committee on the Library.

Also, memorial of the Republican Club of the city of New York, favoring the establishment of a national health service;

to the Committee on Interstate and Foreign Commerce,
Also, petition of Woman's Welfare Department, National Civic Federation of New York and New Jersey, urging the passage of House bill 8768; to the Committee on the District of Columbia.

Also, memorial of American Federation of Labor, favoring a law that will provide that 8 hours' work in 10 consecutive hours shall constitute a day's work for post-office clerks; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, January 25, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. GALLINGER. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Curtis
Dillingham
du Pont
Gallinger
Gamble
Gardner
Gronna
Guggenheim
Heyburn
Hitchcock
Johnson, Me.
Jones
Kern
Lea McCumber McLean Martin, Va. Martine, N. J. Myers Nelson Nixon Oliver Bacon Bailey Borah Root Simmons Smith, Ga. Smith, Md. Bourne Smith, Md.
Stephenson
Swanson
Taylor
Thornton
Tillman
Townsend
Warren
Williams
Works Brandegee Briggs Bristow Bryan Orverman Owen Page Penrose Percy Perkins Burnham Chilton Clapp Clark, Wyo. Crane Crawford Culberson Cullom Lea Lippitt Lodge Pomerene Rayner

Mr. THORNTON. I wish to announce the necessary absence

of my colleague [Mr. Foster].

Mr. BRYAN. I desire to state that my colleague [Mr. FLETCHER] is necessarily absent from the Senate.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present.

The Journal of yesterday's proceedings was read and approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, schedules of the useless papers, books, etc., on the files of the Interior Department, its bureaus and offices, which were not needed in the transaction of the public business and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the Committee on the part of the Senate the Senator from Arkansas [Mr. Clarke] and the Senator from New Hampshire The Secretary will notify the House of IMr. BURNHAM . Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South its Chief Clerk, announced that the House had passed the bill (8. 1650) to amend section 110 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

H. R. 2973. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 17595. An act to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the

laws relating to the judiciary."

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Johnson of Kentucky, Mr. Adair, and Mr. DYER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Iowa City, Iowa, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented memorials of members of the Parnell Club and of sundry other citizens of Philadelphia, Pa., and of sundry citizens of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered

He also presented a petition of the faculty and students of Rio Grande College, Rio Grande, Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered

to lie on the table.

He also presented a resolution adopted by Dwight Camp No. 270, Sons of Veterans, and Auxiliary No. 2, Sons of Veterans, of Dwight, Ill., favoring the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Thompsonville, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Sumner, Elgin, Chester, and Lowder, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee

on Post Offices and Post Roads.

Mr. DILLINGHAM presented petitions of the congregation of the First Baptist Church of Brattleboro; of the Ministers' Association of Bennington; of the Central Congregational Church of Brattleboro; of the First Congregational Church of Brattleboro; of the Board of Trade of Brattleboro; of the Hedding Methodist Episcopal Church, of Barre; of the Congregational Church of Barre; of the First Congregational Church of Bellows Falls; of the Unitarian Church Society of Burlington; of the First Baptist Church of Burlington; of the First Congregational Church of Burlington; of the Burlington Commercial Club, of Burlington; of the First Congregational Church of Cornwall; of the Congregational Church of Crafts-bury; of the Congregational Churches of Albany and Irasburg; of the First Congregational Church of Jericho; of Gihon Valley Grange, of Hyde Park; of the First Congregational Church of Hyde Park; of the Bethany Church of Montpelier; of the Commercial Club of Northfield; of the Federated Church of Ranbly of Logansport, Ind., and a petition of the Trades Council

dolph; of the Christian Brotherhood of Randolph; of the Free Baptist Church of South Strafford; of the Vermont State Teachers' Association Sixty-second Convention; of the Young Men's Christian Association of Woodstock; of the Protestant churches of Woodstock; of the pastors of the churches of Woodstock; and of the Methodist Episcopal Church of Winooski, all in the State of Vermont; and of the board of directors of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Steele County, N. Dak., praying for the passage of the so-called parcel-post bill, which was referred to the Committee on Post

Offices and Post Roads.

He also presented a memorial of sundry citizens of Aneta, N. Dak., remonstrating against the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of McLean County, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the

table.

Mr. CRAWFORD presented petitions of sundry citizens, of the stockholders of the Farmers' State Bank, of Mina, and of the Barkl Drug Co., of Aberdeen, all in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of South Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to

the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Commercial Club of Gettysburg, S. Dak., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Lake Preston, S. Dak., praying for the adoption of an amendment to the Constitution prohibiting the sale, manufacture, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Tipton, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices

and Post Roads.

He also presented petitions of the congregations of the Christian Church, the First Baptist Church, the Presbyterian Church, and the Methodist Episcopal Church, and of the Woman's Christian Temperance Union, all of Oxford, in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Smith Center, Kans., and a memorial of sundry citizens of Belleville, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to

the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented petitions of the H. D. Washburn Post, No. 220, of Dana; Stansbury Post, No. 125, of Ligonier; Alexander Trimble Post, No. 213, of Rodkey; and Elmer Post, of Elkhart, all of the Department of Indiana, Grand Army of the Republic, in the State of Indiana, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented the petition of Rev. D. Le B. Goodwin, Rev. W. H. Baker, Rev. J. P. Koeller, Rev. John B. Donaldson, Rev. Franklin Johnson, jr., Rev. Jesse McPherson, and Rev. G. F. Craif, pastors of the evangelical churches of Laporte, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Typographical Union No. 128, of South Bend, Ind., remonstrating against the proposed abolishment of the hand-roller process in the manufacture of paper currency, which was ordered to lie on the table.

He also presented memorials of B. J. Crosswalt Post, No. 150, of Angola, and Howell Post, No. 90, of Goshen, all of the Department of Indiana, Grand Army of the Republic, in the State of Indiana, remonstrating against the incorporation of the Grand Army of the Republic, which were referred to

of Muncie, Ind., praying for the passage of the so-called eighthour bill, which were referred to the Committee on Education

He also presented the memorial of H. W. Plake and sundry other citizens of Richmond, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Auburn, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the board of directors of the Business Men's Association of Camden, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the board of trustees of the Fairmount Park Association, of Philadelphia, Pa., praying for the selection of the site in the Mall in the District of Columbia for the erection of a memorial to Abraham Lincoln in monumental form, which was referred to the Committee on Appro-

Mr. MYERS presented a petition of the Chamber of Com-merce of Billings, Mont., praying that an appropriation be made for the erection of a building for the accommodation of the Interstate Commerce Commission, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce of Billings, Mont., praying that an appropriation of \$350,000 be made for the construction of roads and other improvements in the Glacier National Park, of Montana, and that a further appropriation be made for the maintenance of the Yellowstone National Park, which was referred to the Committee on Public Lands.

Mr. JOHNSON of Maine presented a petition of the congregation of the Free Baptist Church, of Waterville, Me., and a petition of the congregation of the Congregational Church of Waterville, Me., praying for the enactment of an interstateliquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

Mr. HITCHCOCK presented memorials of members of the Sarsfield Literary Club, of South Omaha, Nebr., and of the George Washington Branch of the Monroe Doctrine League, of New York City; of the Jefferson Democratic Club, of Brooklyn; of the Shamrock Club, of New York City; and of the Nathan Hale Literary Society, of New York City, in the State of New York, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Culbertson and Trenton, in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented petitions of M. C. Goolthrite, of Hubbardston; M. E. Brewer, of Clare; John Northon, of Clare; and of Chippewa Pomona Grange, No. 66, Patrons of Husbandry, of Chippewa County, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Hillsdale Council, No. 116, United Commercial Travelers of America, of Hillsdale, Mich., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Union City, Mich., remonstrating against the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of the congregations of the Second Presbyterian Church of Wilkinsburg; the Swedish Lutheran Church, of Bradford; the First Baptist Church of Bradford; the Trinity Reformed Church, of Wilkinsburg; the First Methodist Episcopal Church of Bradford; the New Providence Presbyterian Church, of Carmichaels; of the United Presbyterian Church and Woman's Christian Temperance Union of Aspinwall; the Woman's Christian Temperance Union of Carmichaels; the Woman's Christian Temperance Union of Clearfield; the Yokefellows' Bible Class of the First Methodist Episcopal Church, of Bradford; and the Home and

Foreign Mission Society of the First Presbyterian Church, of New Castle, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullifica-

tion of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Allegheny County Association, Sons of Veterans, of Pennsylvania, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Passions ferred to the Committee on Pensions.

He also presented memorials of the Thomas Jefferson Literary Association, of Philadelphia; the Emerald Association, of Philadelphia; the Patrick O'Donnell Club, of Philadelphia; and of sundry citizens of the eighteenth ward, of the city of Philadelphia, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented a memorial of members of the Sperenza Club, of Philadelphia, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a petition of the Borough Council of York, Pa., and a petition of the Borough Council of Blossburg, Pa., praying that an appropriation be made for the relief of the sufferers from the flood at Austin and Costello, in that State, which was referred to the Committee on Appropriations.

Which was referred to the Committee on Appropriations. He also presented petitions of sundry Local Granges Nos. 1141, of Concord; 1446, of Newtown; 1358, of Pleasant Hill; 1126, of Empire; 1016, of Covington Borough; 553, of Lawrence; 1452, of Elm Flat; 34, of Strawberry Ridge; 1299, of Village Green; 106, of Wattsburg; 1489, of Washington; 1236, of Turtle Point; 512, of Wilmot; 1119, of Buckhorn; 1388, of Tamarack; 248, of Locust; 508, of Keiserville; 451, of Carversville; 965, of Salem; 1200, of West Abington; 698, of Charlesville; 874, of Aurora: 1168, of St. Lawrence: 1177, of Kiser ville; 874, of Aurora; 1168, of St. Lawrence; 1177, of Kiser Hill; 1181, of Frenchtown; 1468, of Jackson; 955, of Conneaut; 556, of Dicksonburg; 407, of Brokenstraw; 715, of Bloomington; 1254, of Odin; 817, of Fair View; 1195, of Genesee; 868, of Thompson; 257, of West Granville; 981, of Troops Creek; 1312, of Jackson; 216, of Catawissa; 1089, of Buck Grove; 1041, of Moosic; 1249, of Unity; 773, of Mifflin; 109, of Logan; 182, of Troy; 223, of Marion; 108, of Rhorsburg; 1204, of Prudence; 989, of Sabinsville; 1155, of Summit; 55, of Corry; 1405, of Grassflat; and 205, of New Albany, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. O'GORMAN presented memorials of sundry citizens of Buffalo, New York City, Brooklyn, Long Island City, and Wellsville, all in the State of New York, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Wyoming and Allegany district of the Western New York Association of Congregational Churches and Ministers in annual session, at Java, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Architectural League of New York, remonstrating against any appropriation being made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, and praying for the selection of the proposed site in the Mall in the District of Columbia for the erection of a memorial to Abraham Lincoln in monumental form, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Fairmount Park Art Association, of Philadelphia, Pa., praying for the selection of the proposed site in the Mall, in the District of Columbia, for the erection of a memorial to Abraham Lincoln in monumental form, which was referred to the Committee on the District of Columbia.

Mr. KERN presented a petition of the congregation of the Christian Church of Powers Station, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Post No. 179, Grand Army of the Republic, Department of Indiana, of Cambridge City, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of members of the Magazine Club, of Indianapolis, Ind., praying that an investigation be

made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee

on Agriculture and Forestry.

ROOT presented petitions of the congregation of the Seventh-day Baptist Church, of Little Genesee; of the Christian Endeavor Society of the Seventh-day Baptist Church, of Little Genesee; of the congregation of the First Baptist Church and of sundry citizens of Batavia, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of members of the Cosmopolitan Literary Club, of Owatonna, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered

to lie on the table.

Mr. PENROSE presented petitions of sundry local granges, Patrons of Husbandry, all in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Bangor, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post

Roads

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 4749) relative to members of the Female Nurse Corps serving in Alaska or at places without the limits of the United States, reported it without amendment and submitted a report (No. 243) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 184) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912, reported

it without amendment. Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 4360) to provide for the establishment of aids to navigation in Pearl Harbor, Hawaii, reported it without amendment and submitted a report (No. 244) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 875) for the relief of the Mission Farm Co., Peter Volondra, and others, reported it without amendment and submitted a report (No. 245) thereon.

He also, from the same committee, to which was referred the bill (S. 1624) to authorize the sale and disposition of the surplus and unallotted lands in the Crow Creek Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect, reported it with an amendment and submitted a report (No. 246) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 2243) to correct the military record of John L. O'Mara and grant him an honorable discharge, reported it with amendments and submitted a report

(No. 247) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 466) for the relief of the Bates & Guild Co., submitted an adverse report (No. 248) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and

submitted reports thereon:

S. 837. A bill to reimburse the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender October 6, 1905 (Report No. 250); and

S. 2733. A bill for the relief of the estate of Almon P. Fred-

erick (Rept. No. 251).

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, reported it with amendments and submitted a report (No. 249) thereon.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (S. 4521) to authorize the change of the name of the steamer William A. Hawgood, reported it without amendment and submitted a report (No. 252) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (8.3045) to provide for agricultural entries on oil lands, reported it with an amendment and submitted a report (No. 253) thereon.

Mr. CRAWFORD, from the Committee on Commerce, to which was referred the bill (S. 4475) to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels

of the United States," reported it without amendment and sub-

mitted a report (No. 255) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 4751) for the relief of Albert S. Henderer, reported it without amendment and submitted a report (No. 254) thereon.

Mr. CRAWFORD. I am directed by the Committee on Claims, to which were referred S. 2179, for the relief of Albert S. Henderer, and S. 4750, for the relief of Albert S. Henderer, to report them each adversely and to ask that they be indefinitely postponed, as Senate bill 4751 just reported by me from that committee covers the subject contained in

The VICE PRESIDENT. Without objection, the bills named by the Senator from South Dakota will be indefinitely post-

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4363. A bill to provide for the establishment of a light and fog signal at or near Cape St. Elias, Alaska (Rept. No. 256); and

S. 4359. A bill to provide for improving the light station at

Kauhola Point, Hawaii (Rept. No. 257).

Mr. NEWLANDS, from the Committee on Commerce, to which was referred the bill (S. 4728) to authorize the change of name of the steamer Salt Lake City, reported it without amendment and submitted a report (No. 258) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

bill (S. 4818) to authorize and establish a system of markers for the battle field of Stone River, in Tennessee; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 4819) granting an increase of pension to Charles J. Higgins (with accompanying paper);
A bill (S. 4820) granting an increase of pension to Martha A.

Parkman (with accompanying papers);

A bill (S. 4821) granting an increase of pension to Warren W.

Norton; and A bill (S. 4822) granting an increase of pension to William

L. Pratt; to the Committee on Pensions.

By Mr. O'GORMAN:

bill (S. 4823) providing for the adjudication of the claim of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., by the Court of Claims; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 4824) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. McCUMBER (by request):

A bill (S. 4825) relative to the use of the funds in the Treasury of the United States standing to the credit of the Muskogee (Creek) Nation of Indians; to the Committee on Indian Affairs. By Mr. CRAWFORD:

A bill (S. 4826) granting an increase of pension to Edward Miles (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 4827) granting an increase of pension to Thomas J. Cartwright (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4828) granting an increase of pension to Gilson M. Henton; to the Committee on Pensions.

By Mr. LODGE: A bill (S. 4829) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"; to the Committee on the Philippines.

By Mr. DU PONT:

A bill (S. 4830) granting an increase of pension to Horace Bradley; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 4831) granting an increase of pension to George H. Ring (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4832) providing for the reappraisement of town lots at Wilburton, Okla.; and
A bill (S. 4833) authorizing the Secretary of the Interior to

issue to J. D. Goulette, administrator, a patent in fee to the

Indian allotment held in trust by the Interior Department for Jacob Johnson, deceased; to the Committee on Indian Affairs.

A bill (S. 4834) to establish agricultural extension depart-

ments in connection with the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; to the Committee on Agriculture and Forestry.

By Mr. MARTIN of Virginia:

A bill (8. 4835) for the relief of the heirs of Richard S. Rew, deceased; to the Committee on Claims.

A bill (S. 4836) granting a pension to Mildred J. Almond (with accompanying papers); to the Committee on Pensions. By Mr. FLETCHER:

A bill (S. 4837) granting a pension to Rebecca V. Rooks; to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 4838) to amend section 96 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. HEYBURN:

A bill (S. 4839) for the relief of Mary J. Webster; to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship Indiana; and

A. bill (S. 4841) for the relief of Dr. W. S. Hosack (with accompanying paper); to the Committee on Claims.

ANTHONY HIGGINS AND JOHN M. THURSTON.

Mr. DU PONT submitted an amendment proposing to appropriate \$10,000 to pay Anthony Higgins and John M. Thurston for legal services rendered in the defense of Charles Swayne, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

THE PRESIDENT'S COMMISSION ON ECONOMY AND EFFICIENCY.

Mr. HEYBURN submitted the following resolution (S. Res. 196), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President be requested to furnish to the Senate the names of the members and officers of the President's Commission on Economy and Efficiency, their age, what official positions, if any, they have previously held, and the salary they are receiving in their present position.

CHANGE OF REFERENCE.

Mr. WORKS. Yesterday I offered resolutions of the Chamber of Commerce of Berkeley, Cal., and other bodies, which I see were referred to the Committee on Commerce. be glad to have that reference changed, for the reason that there is pending in the Committee on Military Affairs a bill to

which those resolutions refer.

Without objection, the reference

will be changed as requested by the Senator from California.

Is there further morning business? If there be none, morning business is closed, and the calendar under Rule VIII is in order.

BILLS PASSED OVER.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order.

The VICE PRESIDENT. The bill has already been read in full, considered as in Committee of the Whole, and one amendment has been agreed to. Are there other amendments?

Mr. BACON. Mr. President, is that the bill introduced by

the Senator from Delaware [Mr. DU PONT]?

The VICE PRESIDENT. It is.

Mr. BACON. I ask that it go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

Mr. BACON. I want to state, in making that objection, that

the matter came up a day or two ago, and it was then practically understood that it was going to be brought up on some occasion when there would be opportunity for its proper discussion. I think it is understood by the Senator from Delaware

that he is going to call it up some day next week.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. Let that bill go over.
The VICE PRESIDENT. The bill goes over.
Senate concurrent resolution (S. C. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. BORAH. I ask that that may be passed over.

The VICE PRESIDENT. The resolution will be passed over. The bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau was announced as next in order.

Mr. GALLINGER. That bill should go over likewise.

The VICE PRESIDENT. Being objected to, the bill goes

over.

Mr. HEYBURN. I would inquire whether or not the bill which has just been passed over should not now be transferred, under the circumstances, to the calendar under Rule IX? It can not come up under Rule VIII under the five-minute rule.

The VICE PRESIDENT. That bill has been made a special

order for Tuesday next.

Mr. HEYBURN. Then it should be taken from under Rule

The VICE PRESIDENT. The Chair thinks that is perhaps right, that it might better be transferred to the calendar under Rule IX under the circumstances, as it has been made a special order for Tuesday next.

Mr. BORAH. I have no objection to that.

The VICE PRESIDENT. Without objection, the bill will be transferred to the calendar under Rule IX.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in. order.

Mr. BRISTOW. I ask that that bill go over.

The VICE PRESIDENT. The bill goes over.
The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

was announced as next in order.

Mr. McCUMBER. I ask that that bill, together with Calendar No. 186 and No. 187, being Senate bills No. 4623 and No.

4624, all relating to pensions, be passed over.

The VICE PRESIDENT. The bills referred to by the Senator from North Dakota will be passed over.

The bill (S. 3160) to establish at Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes, was announced as next in order.

Mr. JOHNSON of Maine. I ask that that bill go over. The VICE PRESIDENT. The bill goes over.

ARANSAS PASS LIGHT STATION.

The bill (S. 4251) to authorize the Secretary of Commerce and Labor to purchase from the State of Texas certain land required for lighthouse purposes at the Aransas Pass Light Station, Tex., was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. BRISTOW. I ask that that bill go over.
The VICE PRESIDENT. The bill goes over.
The bill (8. 4050) for the relief of Catherine Ratchford was announced as next in order.
Mr. CURTIS. Mr. President, the Senator from Utah [Mr. Sycon] asked that I got cortain information regarding that bill

SMOOT] asked that I get certain information regarding that bill. I therefore ask that it go over.

The VICE PRESIDENT. The bill goes over.

ESTATE OF ELIZA B. HAUSE.

The bill (S. 1508) for the relief of the estate of Eliza B. Hause was considered as in Committee of the Whole. It proposes to pay to the personal representative of the estate of Eliza B. Hause, late of Philadelphia, Pa., \$342.08, taxes erroneously collected from her estate under the war revenue act

of June 13, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France, touching the arbitration of justiciable controversies or disputes, was announced as next in order.

Mr. LODGE. Let that resolution go over. The VICE PRESIDENT. The resolution goes over.

The resolution (S. Res. 184) authorizing the Committee on Mines and Mining to employ a messenger was announced as next in order.

Mr. KERN I would like to have that resolution go over, Mr. President.

The VICE PRESIDENT. The resolution goes over.

The bill (S. 1014) for the relief of the Ottawa Indian Tribe of Blanchard Fork and Rouch de Boeuf was announced as next in order.

Mr. CURTIS. I ask that that bill go over.

The VICE PRESIDENT. The bill will go over.
The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. LODGE. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

CHEYENNE RIVER INDIAN RESERVATION, S. DAK.

The bill (S. 108) to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

Mr. GRONNA. I should like to ask the Senator in charge of this bill what changes it makes in the status with respect to

North Dakota.

Mr. GAMBLE. This bill has no relation to lands in North Dakota. It covers merely lands in the State of South Dakota. The next bill upon the calendar, for the opening of surplus lands in the Standing Rock Indian Reservation, affects lands in both States, and as this bill has taken considerable time in its consideration, and as the next bill on the calendar is of considerable length, I will ask that the next bill on the calendar go over, which will give the Senator from North Dakota an opportunity to examine its provisions.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third

time, and passed.

SURPLUS LANDS IN STANDING ROCK RESERVATION.

The bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

Mr. GAMBLE. It may go over. The VICE PRESIDENT. The bill will go over.

PONCA TRIBE OF INDIANS.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States, was announced as next in order.

Mr. CURTIS. Is the bill on the calendar under Rule VIII

or Rule IX?

Mr. CULLOM. Regular order.

The VICE PRESIDENT. It is called on the regular order. Mr. CURTIS. I ask that it go over.

The VICE PRESIDENT. It will go over.

DWIGHT MISSION SCHOOL, SALLISAW CREEK, OKLA.

The bill (S. 2848) authorizing the sale of certain lands to the Dwight Mission School, on Sallisaw Creek, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment on page 2, line 3, after the word "therefore," to strike out the words "not less than," so as to make the bill read:

Be it enacted, etc.. That the principal chief of the Cherokee Nation, with the approval of the Secretary of the Interior, is hereby authorized to convey to the Dwight Mission School, on Sallisaw Creek, Okla., 26 acres of land heretofore set aside in accordance with the provisions of section 24 of the Cherokee agreement approved July 1, 1902 (32 Stat. L., pp. 716-720), for the use of such school for missionary and educational purposes, and now being occupied and used by the said Dwight Mission School, and the Secretary of the Interior is authorized to accept in payment therefor \$10 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO JUDICIAL DISTRICTS.

The bill (S. 4179) to amend section 73 of chapter 5 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

Mr. SUTHERLAND. I suggest to the Senator in charge of

the bill that section 75a is unnecessary.

Mr. BRANDEGEE. I do not know that there is any neces-

sity for it.

Mr. SUTHERLAND. I move that it be stricken out.
Mr. BRANDEGEE. There is no objection to the amendment. The VICE PRESIDENT. The Senator from Utah offers an amendment, which will be stated.

The Secretary. One page 2 strike out lines 4 and 5.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

H. R. 17595. An act to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

SUPPORT OF BASTARDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate agree to the conference asked for by the House of Representatives, and that the

Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed as the conferees, on the part of the Senate, Mr. Dillingham, Mr. Cur-TIS, and Mr. POMERENE.

VERMONT JUDICIAL DISTRICT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1650) to amend section 110 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which were, on page 1, line 6, after "amended," to strike out the remainder of lines 6 and 7 and insert "so as to read as follows," and on page 2, line 6, after "Newport," to insert "Provided, because That guitable recovery and assembled the statement of the stateme That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Brattleboro free of expense to the Government of the United States until the public building provided for by act of Congress shall be erected."

Mr. DILLINGHAM. I move that the Senate concur in the

amendments of the House.

The motion was agreed to.

RHODE ISLAND JUDICIAL DISTRICT.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives. The bill (H. R. 2973) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title.

Mr. CLARK of Wyoming. There is upon the calendar a bill identical in form and in purpose with this bill, being the bill (S. 4575) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. I move that the House bill be substituted for the Senate bill.

The VICE PRESIDENT. Without objection, the House bill will be substituted for the Senate bill, which is next in order on the calendar.

Mr. GALLINGER. Let the Senate bill be indefinitely post-

The VICE PRESIDENT. It will be indefinitely postponed. The Secretary will read the House bill.

The Secretary read the bill. It provides that section 104 of the act shall be amended to read as follows:

Sec. 104. The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island; terms of the district court shall be held at Providence on the fourth Tuesday in May and the third Tuesday in November.

The bill was considered as in Committee of the Whole. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

FIRE LOSSES DURING BUBONIC PLAGUE IN HAWAII.

The VICE PRESIDENT. The Secretary will report the

next bill upon the calendar.

The bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as the next bill in order on the calendar.

Mr. HEYBURN. I ask that it go over.

The VICE PRESIDENT. The bill will go over.

C. PERSON'S SONS.

The bill (S. 4032) for the relief of C. Person's Sons was considered as in Committee of the Whole. It proposes to refund to Daniel H. Person, William Person, and Frank P. Person, a copartnership doing business under the name of C. Person's Sons, in Buffalo, N. Y., \$458.83, being the amount of duties paid by that firm upon certain whisky imported from Canada to Buffalo on the 12th day of May, 1908, which whisky was thereafter exported from that port by the firm, the duties not having been refunded to them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OAKLEY RANDALL.

The bill (S. 1767) for the relief of Oakley Randall was considered as in Committee of the Whole. It proposes to pay to Oakley Randall, of Worthington, W. Va., \$160 for services rendered as a volunteer soldier in the Fourteenth Regiment West Virginia Volunteer Infantry during the Civil War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

PLANT INVESTMENT CO.

The bill (S. 3087) for the relief of the Plant Investment Co. of New York, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 1, after the words "the sum of," to strike out "\$27,110.50" and insert "\$574," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the Plant Investment Co. of New York N. Y., to reimburse said company for damages suffered by it from ill use and abuse of the steamship Florida in obeying and carrying out the orders of military officers of the United States in order to rescue and salve property of the United States then being in imminent danger of destruction and loss during the War with Spain, as found by the Court of Claims, the sum of \$574, which shall be accepted by said company in full payment and satisfaction for any and every claim the said Plant Investment Co. may have against the United States because of such use of said vessel.

Mr. HEYBURN. If the bill is to be considered, I should like to have some explanation of the ground upon which the increase is based. Some new evidence must have been discovered.

Mr. BRISTOW. The Senator is evidently mistaken. It is a decrease from \$27,110.50 to \$574.

Mr. HEYBURN. That is true. Why was the reduction

made?

Mr. BRISTOW. Because the Committee on Claims did not think that the claim of \$27,110.50 was a just one, and did think that \$574 was the proper amount of the claim. The claim was based upon two grounds-one was that the damages alleged to have been incurred by the ship occurred while it was pulling a steamship off the bar at Ponce, P. R. The Government was paying a charge of \$600 a day for the ship, and the committee did not think that the damage was one that could be assessed, and the Court of Claims found it was not a legal claim.

Mr. HEYBURN. What was the use? What constituted the ill use and abuse of the ship? Who was guilty of abusing it?

It was alleged that the ship was not strong Mr. BRISTOW. enough to pull off the other ship, and the engines were strained in some way. The committee did not think it was a legitimate claim, but allowed the claim of \$574.

Mr. HEYBURN. I ask that the bill may go over. That is rather shadowy. Mr. BRISTOW.

If the Senator will allow me-

Mr. GALLINGER. The court allowed \$574.

Mr. BRISTOW. The court allowed \$574. I should like to have the Senator give me his attention.

Mr. HEYBURN. I will listen to every word. Mr. BRISTOW. The court allowed \$574 for the loss of cer-Mr. BRISTOW. tain small vessels that were destroyed by the Cubans when our sailors left them along the Cuban coast. They were small boats sailors left them along the Cuban coast. They were small boats that accompanied the ship, and the Government was responsible for them because it did not return them after the charter

had expired, and when it received them they were in good

The Court of Claims found that the Government, having lost the small boats which accompanied the ship and not having returned them, the company was entitled to recover, and that \$574 was due. The damages that were alleged to have occurred to the ship were not allowed by the committee, and they were rejected by the Court of Claims. This money is simply to pay for the small boats, concerning which there is no question.

Mr. HEYBURN. Mr. President, I ask is it true that this par-

ticular item was disallowed by the Court of Claims?

Mr. BRISTOW. It was allowed by the Court of Claims, The Court of Claims found it to be due.

Mr. HEYBURN. The bill simply provides for the payment of the sum found due by the Court of Claims?

Mr. BRISTOW. Of the sum found due by the Court of Claims

Mr. HEYBURN. That is all it is? Mr. BRISTOW. That is all it is. Mr. HEYBURN. I withdraw my objection.

The VICE PRESIDENT. Does the Chair understand the Senator from Idaho to withdraw his objection?

Mr. HEYBURN. Yes; I withdraw my objection. The VICE PRESIDENT. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. CROIX RIVER BRIDGE.

The bill (H. R. 11321) to authorize the Twin City and Lake Superior Railway Co: to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

The bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF MINES AND FORESTRY SERVICE.

The bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, was considered as in Committee of the Whole.

Mr. DIXON. I submit an amendment. On page 1, line 10, after the word "mines," I move to insert "and the Forestry Service of the United States."

The amendment was agreed to.

Mr. OLIVER. On page 1, line 3, I move to strike out "on and after the passage of this act," and on page 2, line 2, I move to strike out the words "its passage" and insert "the 1st day of January, 1912."

Mr. GALLINGER. Now, let the bill be read as it would read if the amendments were agreed to

read if the amendments were agreed to.

The VICE PRESIDENT. The Secretary will read the bill as it would read thus amended.

The Secretary read as follows:

Be it enacted, etc., That the provisions of the act approved May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines and the Forestry Service: Provided, That this act shall not be held to embrace any case arising prior to the 1st day of January, 1912.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. President, in explanation of this amendment I will state that the Director of the Bureau of Mines, Dr. Holmes, this morning called my attention to the case of one of the employees of that bureau who was called from Tennessee to Cherry Valley, in Pennsylvania, about two weeks ago, since the 1st of January, and in the performance of his duty, entering a mine to investigate and assist after an accident, he lost his life. It applies to this case only, and the adoption of the amendment will simply avoid the passage of a special bill hereafter for the relief of the family of the man.

Mr. TOWNSEND. Mr. President, the case to which the Senator from Pennsylvania has called attention was also referred to me. While I have no objection to it, I had some doubt as to whether the enactment of a provision of that kind is entirely proper on a bill of this nature. It was thought, in the first place, when the bill was introduced in the other House, that there were a number of cases which might be brought up and perhaps create some future trouble or litigation if it was not confined to the date of the passage of the act. I am quite in sympathy with the case to which the Senator from Pennsylvania has called attention, but I am wondering if such a provision is customary in the enactment of a law. I confess that I am ignorant in reference to that matter. I would not want to do anything here that would endanger the act or destroy its

Mr. OLIVER. I see no reason why we can not provide for this case, which is the only one that has arisen. If we do not provide for it, we will have to pass a special bill. We might as well do it now as at a future time.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. DIXON. My amendment I hurriedly prepared, and it was adopted. I ask unanimous consent to change the word "and" to the word "or."
Mr. HEYBURN. Let it be read.

The VICE PRESIDENT. The Secretary will read the amendment submitted by the Senator from Montana, as modified by

The Secretary. On page 1, line 10, after the words "Bureau of Mines," insert the words "or the Forestry Service of the

Mr. HEYBURN. Let the whole of it be read now.

The VICE PRESIDENT. It will be read as amended.

The Secretary read as follows:

Be it enacted, etc., That the provisions of the act approved May 30, 1908, entitled, and so forth, shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service.

The VICE PRESIDENT. Without objection, the amendment of the Senator from Montana, as modified, is agreed to.

Mr. BACON. I should like to have the Senator in charge of the bill, if he can do so from memory or by reference to the act, state those who come under the existing law.

Mr. DIXON. The Senator from Michigan [Mr. Townsend],

I think, is in charge of the bill.

Mr. TOWNSEND. The act of 1908 applies to men employed in arsenals, navy yards, and the construction of the Panama Canal. This particular bill was intended to make it apply to those engaged in mines and mining under that bureau, those who are principally engaged in rescue work and in instruction work under the law relating to the Bureau of Mines and

I am not at all familiar with the Forestry Service. Therefore, I am not in a position to make any explanation. If there are risks and if their work is peculiarly hazardous of course, I can see no reason why they should not come under the provisions of the act. Of course the Senator from Georgia understands that the law provides for the payment of a year's salary in case of a permanent injury or in case of death, in the first instance the payment being made to the employee, and in the other it is in favor of the family of the deceased. It seems to me it is entirely proper to make the act include mines and mining, one of the most dangerous occupations that the Government has to deal with.

Mr. BACON. I am not antagonizing any feature of the bill; I am asking for information. This is the point that caused my inquiry. I understand the act of 1908 to apply to those my inquiry. I understand the act of 1908 to apply who are in the service of the Government. Does it not?

Mr. DIXON. Yes, sir; solely.

Mr. BACON. Do the amendments apply simply to those in the service of the Government?

Mr. TOWNSEND. They do, and only to those.

I spoke of mines and mining. Does it refer Mr BACON. to the bureau?

It refers to the Bureau of Mines and Mining. Mr. TOWNSEND. The Bureau of Mines and Mining.

Mr. BACON. That is the reason why I made the inquiry. I did not understand how the terms of the act could be made to apply to a person in private employment.

Mr. TOWNSEND. They are all Government employees.

Mr. GALLINGER. I should like to inquire of the Senator from Montana in what respect the employees of the Forestry Service are subjected to unusual hazards.

Mr. DIXON. I had just risen in my seat to make a statement in justice to the Senator. The amendment has already passed, but I think it is not wise legislation to pass matters of this kind unless we have an intelligent idea of what is intended.

In this morning's mail I had a long letter from the chief forester of the northwestern division calling my attention to half a dozen lamentable cases of death and blindness occurring in the ranger force during the great forest fires in the West a

year ago last summer.

Mr. GALLINGER. Now, if the Senator will permit me, unquestionably thoses cases might well come under the provisions of the statute that it is proposed to amend, but I will ask the Senator if his amendment does not bring in the entire force of the Forestry Service, no matter what the circumstances are under which they may be hurt.

Mr. DIXON. No; it applies to men engaged in hazardous

service.

Mr. GALLINGER. Does the Senator say that?
Mr. DIXON. Yes; I follow the wording of the bill exactly,
merely inserting the Forestry Service, when engaged in hazard-

ous employment.

Mr. GALLINGER. If that is understood, I have no objection. Mr. DIXON. Now, I want to say for the benefit of the Senate, I was in the very center of the great forest fires of the Northwest during that period, and there were over 75 men burned to death in a radius of 150 miles of the place where the senior Senator from Idaho [Mr. Heyburn] and myself reside. In the forest ranger service during those fires, as I recall it, six or seven of the forest rangers in the discharge of their duty fighting fierce forest fires were burned to death. I know individually of three or four cases where the eyesight of those men was destroyed and they are blind for life. There is absolutely no remedy on earth at this time to relieve them in any way from their great affliction arising in actual service in extrahazardous occupation for the United States

I remember in particular an old man who lives at the southern end of Bitterroot Valley, who three years ago in the forest fires had his eyes completely burned out. His companions rescued him, and he is living there on the charity of his neighbors in the county. I tried in many ways to find if there was not something in some way under the present law whereby he could at least have some recompense, but I find that the door of justice is absolutely closed to him. I bring in a bill here for his relief, it goes to the Claims Committee, and Senators know it is impossible to get these individual bills considered and to get favorable action in the House and the Senate during a session of Congress.

This probably would not cover three cases in a year, except in times of great forest conflagrations. There might never be a case arising under it. But when those great crises occur in the administration of the Forestry Service and men take their lives in their hands and go into the mountains fighting fire, in the event of their death or disability, certainly this great Government would not refuse them the slight pittance of six months' pay. I understand the language of the bill to be one year's pay in case of death and six months' pay in the case of total disability.

Mr. CLARK of Wyoming. I gave my attention to the reading of the amendment, but I should like to ask the Senator if his amendment covers those cases where people are called in from outside the Forestry Service or who volunteer to assist the

Forestry Service in extinguishing fires?

Mr. DIXON. It says "or the Forestry Service of the United States." If a man was temporarily called in to help fight a fire and lost his life or lost his eyesight, I can see no reason why he should not receive six months' pay, the same as any-

body else, if employed in the service temporarily. I think it ought to cover it, if it does not.

Mr. CLARK of Wyoming. As I understood the amendment, I fear under the old law, with the amendment, it would cover only those who were regularly employed in the Forestry

Service.

Mr. DIXON. If that is true, I would very much like to have the Senator from Wyoming, who is familiar with some of the conditions which I have just recited and who is chairman of the Judiciary Committee, rewrite the amendment and send it to the desk. I think, however, the amendment covers the

Mr. CRAWFORD. Mr. President, if the Senator will per-

mit me—
The VICE PRESIDENT. Does the Senator from Montana

South Dekota? yield to the Senator from South Dakota?

Mr. DIXON. I do.
Mr. CRAWFORD. The language used is "or other employee engaged in any hazardous work under the Bureau of Mines."
It does not say "regularly employed."

Mr. CLARK of Wyoming. But the question arises whether or not they are employees of the Forestry Service in the sense in which the original act intended.

Mr. CRAWFORD. I should think it would be doubtful if we should go beyond the words "employee of the United States." I certainly would not want to make the payments to those who were not employees of the United States.

Mr. GALLINGER. If the Senator will permit me, if the suggestion made by the Senator from Wyoming should be incorporated in this bill, it would bring under its terms all citizens who sustain any injury because of fighting the fires to protect their property.

Mr DIXON. No; I do not so understand it.

Mr. GALLINGER. If they are in the forest reserves, it cer-

tainly would. Mr. DIXON. No; I do not understand that to be the purpose of it. I understand that in the great mountain forest conflagrations the regular force of rangers is not sufficient, and they go out and employ, say, 50 men for a week. If those men are killed during that week's service, or if they are burned, I see no reason why they should not be equitably included, but certainly not the ordinary man defending his own property. The Senator from Wyoming suggests, however, that we insert "either regularly or temporarily employed."

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana

yield to the Senator from Kansas?

Mr. DIXON. Certainly.
Mr. BRISTOW. I think we had better not endanger this bill by putting on it all kinds of amendments.

Mr. DIXON. I think the amendment covers the case.
Mr. BRISTOW. The amendment, I think, covers the case,
and, if it does not, we will think up some amendment that will cover meritorious cases; but we do not want to broaden the bill so that it will take in everyone.

Mr. GALLINGER. I am in entire sympathy with this bill, but I ask that it go over, so that Senators who know more about

it than I do may perfect it.

Mr. DIXON. If the distinguished Senator from New Hampshire is willing, I will say that it is only a matter of four words—"or the Forestry Service." It is the same wording contained as to the Bureau of Mines. I think it covers it.

Mr. CLARK of Wyoming. But in the Bureau of Mines nobody is employed except the regular employees of the Government, while in the Bureau of Forestry ten chances to one a man who gets hurt is not an employee of the Forestry Service, except temporarily for the hazardous work for which he is then engaged.

Mr. SUTHERLAND. Then, he is an employee, whether he is

temporary or permanent.

Mr. CLARK of Wyoming. Of course, I am willing to submit to the superior judgment of the desire of the Senator who offers the amendment, but it is evident that there is a question, and it is to be solved as against the rights of these men.

Mr. GALLINGER. I withdraw my suggestion that the bill go over, in deference to other Senators.

Mr. SUTHERLAND. Mr. President, was the amendment offered by the Senator from Pennsylvania [Mr. OLIVER] adopted?
The VICE PRESIDENT. It was.
Mr. SUTHERLAND. Then, I call attention to the fact that

the bill as it will read now. Mr. DIXON. That can be

Mr. DIXON. That can be amended afterwards.
Mr. SUTHERLAND. What I am going to call attention to
ought to be changed. The bill reads now:

That on and after the 1st day of January, 1912, the provisions of

And so forth, shall apply; and the proviso is:

That this act shall not be held to embrace any case arising prior to its passage.

The two things are contradictory.

Mr. CRAWFORD. The words "its passage" have been stricken out and the words "the 1st day of January, 1912," inserted.

Mr. SUTHERLAND. Those words were put in the first part of the bill.

Mr. OLIVER. The bill as amended reads: "That the provisions of the act," and so forth. The time that it shall take effect is in the proviso alone.

Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. The Chair suggests that perhaps would be well for the Secretary to read the bill in the form it now is.

Mr. SUTHERLAND. Let the bill be read again. I do not understand it.

The VICE PRESIDENT. Very well.

Mr. HEYBURN. Mr. President, it is not so much the bill that troubles me as the existing law to be amended by this bill. I am not right sure that the persons who are supposed to be the beneficiaries of this legislation would be benefited by it. It is a limitation on their existing rights rather than an enlargement of them. The existing law, under which these people would be placed, provides, after the words "is injured in the course of such employment," as follows:

Such employees shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: Provided, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than 15 days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

That is where he is injured. The other provision which refers to cases where the employee is killed is also a limitation upon his existing rights; it diminishes existing rights.

Mr. CRAWFORD. Shall in addition—

Mr. HEYBURN. But the most that could be granted-not recovered, but granted—under this proposed law would be one year's salary in certain cases. Then, as to widows and children, the provision is even more limited.

Now, let us see whether or not these people are brought under the limitations of this act. It appears munificent on its face, but I have in mind, and other Senators from that section of the country doubtless will recall, that many of these people are crippled for life and should receive a larger compensation than is expressed in existing law for such cases.

Mr. CRAWFORD. Mr. President. I would ask the Senator whether there is any difference in the hardship that an employee on the Isthmus of Panama sustains or an employee in the navy yard would sustain than there is in the case of the same injury with one of these people in the Bureau of

Mines?

Mr. HEYBURN. Yes; a very marked difference.

Mr. CRAWFORD. Wherein is it? If an employee loses his leg in a navy yard or an employee loses his leg in one of these

mines, why is not the hardship the same?

Mr. HEYBURN. I am not referring to mines; I am referring to those who are injured in connection with the extinguishment or control of fires. One man is working for his wages; the other man is working to protect the lives and property of thousands and hundreds of thousands of people. One of them is merely a selfish service.

Mr. CRAWFORD. We are basing this relief upon the prin-

ciple-

Mr. HEYBURN. Of compensation.
Mr. CRAWFORD. No; but on the ground that it is an employee of the Government in the line of his duty who is in-They are all employees of the Government; they are all injured in the line of duty; then why is there any difference in the one case from the other?

Mr. HEYBURN. I will develop that briefly.

include others than those in the employ of the Government, as that term is ordinarily used. It is not only the day and the hour of emergency that calls them out, but it is the instant. Some of the worst cases of injury occurred where men within almost the flash of an eye were thrown into a position of jeopardy that cost them either maimed limbs or the loss of life.

Mr. CRAWFORD. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. HEYBURN. Yes.

Mr. CRAWFORD. If the Senator will permit me there, as I understand, it was not the purpose or the intention of this bill in any sense to undertake to cover a case where some person in an emergency came in and worked a few hours for the Government. You can not settle a case like that by giving him or his family a year's compensation, because the term of his employment may have been only a half day. It seems to me we would utterly destroy this bill and its purposes if we should undertake by an amendment to the bill to reach a class of that kind.

Mr. HEYBURN. That is the very question I am proposing.
Mr. CRAWFORD. They ought to be dealt with by legislation independent of this. It is not possible to amend this bill so as

to deal with cases of that type.

Mr. HEYBURN. Mr. President, I am questioning the wisdom of attempting to bring a class of men under the provisions of this bill who have a larger measure of right. I am not speaking from the standpoint that these men are to be brought under the terms of this bill; I am suggesting just exactly the opposite. I am criticizing the wisdom of attempting to bring a man to whom the Government owes a larger compensation within the limited compensation provided for men injured in the ordinary course of personal or selfish employment.

Mr. CRAWFORD. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield further to the Senator from South Dakota?

Mr. HEYBURN. Yes.

Mr. CRAWFORD. If I understand the amendment offered by the Senator from Montana [Mr. Dixon], it simply brings within the scope of this bill regular employees in the service of the Forestry Bureau, as it has already brought in regular employees of the Government in the Bureau of Mines; and as the existing law covers the case of regular employees of the Government on the Isthmus of Panama or in the navy yards. It seems to me it would be unwise to undertake to go further than that so as to include temporary employees working under emergencies who are injured after two or three days' service. It would be impossible by amending this bill to reach such cases, as the whole theory of the bill is to give a year's wages, and those men would have no such basis as that upon which to make claim.

Mr. DIXON. Why not?

Mr. CRAWFORD. They would only be at work for two or

three days in an emergency.

Mr. HEYBURN. I think the Senator is speaking along the lines that I have been advocating, and I appreciate his supplemental remarks. I want to get this on the proper basis if I can. If I oppose this measure, it is not because I do not think these men should be compensated and cared for by the Government, but it is because I think to bring them under the provisions of this bill would diminish their right and result in their receiving less consideration than they should receive. That is the reason why I am inclined to object. Let us see. There were others besides the regular employees of the Government participating in the extermination or control of these forest fires-there are hundreds of them-and they were probably subjected to more danger and injury than the Government employees. They went in there with the zeal of patriots to meet an emergency. The employees went in there like an organized force, going here and there. The men who went in there to fight with the energy of volunteers in the case of an emergency were the ones who received the most injury. I have here, and I am inclined to put them in the RECORD, some of these facts. I will state the purport of them.

Mr. President-Mr. SUTHERLAND.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. Just what does the Senator from Idaho mean by saying that this bill would diminish the rights of

Mr. HEYBURN. Because they are entitled to more consideration at the hands of the Government than merely to receive one year's compensation.

Mr. SUTHERLAND. Does the Senator mean a moral right

or a legal right?

Mr. HEYBURN. Both; in some cases one and in some the other.

Mr. SUTHERLAND. But they have no legal right at all. Mr. HEYBURN. I am not so sure about that. Let me present that feature of it in a few words. A combination is made between what they call the fire fighters of the State and the fire fighters of the Government for mutual aid and protection in preventing and extinguishing fires. It is a mixed responsi-The State employs some of these men at a compensation agreed upon; the Government employs others of them without regard to the character of the duties they are called upon to perform; but another class of men go in and contribute to the efforts of both the contracting parties, and whether they are not entitled to recover, as suggested by the Senator from Utah, is not so sure.

Mr. SUTHERLAND. Let me ask the Senator under what law could any man so injured recover from the Government of the

United States?

Mr. HEYBURN. Mr. President— Mr. SUTHERLAND. If the Senator will hear me, the Government of the United States can not be sued except by its

Mr. HEYBURN. I am perfectly aware of that; that is fundamental; but the parties who are cooperating with the Government may be sued, and the Government has made a contract with them that they will share the expense of the performance of the work as a whole. I am not here to speak for somebody's claim, but it is not entirely clear that there is not

Mr. GALLINGER (in his seat). Had we better not let the

bill go over?

Mr. HEYBURN. I do not think I want to be stopped in the midst of a sentence to let a bill go over. That is a bad way to get me off the floor or to undertake to do it.

Mr. GALLINGER. Mr. President-

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. GALLINGER. If the Senator will permit me-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. If the Senator is going to invoke the five-minute rule on a bill of this kind, then it is a rule that either ought to be repealed or applied with some degree of thoughtful consideration.

Mr. GALLINGER. Mr. President, I was not going to invoke the rule beyond suggesting that we try to treat the Senator

with courtesy, and the Senator ought to reciprocate.

Mr. HEYBURN. I will reciprocate, but it is not the proper thing to get two heads together and propose to take a bill out of consideration or to waive its consideration while I am discussing it.

Mr. GALLINGER. Mr. President, I said nothing to the

Senator at all; I did not address him.

Mr. HEYBURN. Of course, anyone may invoke the fiveminute rule, but such matters as this ought not to come up under the five-minute rule.

Mr. GALLINGER. And every Senator ought to observe the

rule.

Mr. HEYBURN. Which-in bringing it up or after it is up?

Mr. GALLINGER. Either way. Mr. HEYBURN. You are likely to destroy the rights of a class of people under such a foolish rule as that. I am going to finish my statement in regard to this matter unless some Senator feels impelled by a sense of duty to invoke the fiveminute rule.

I say there is a cooperation between the private ownership in these lands and the Government of the United States as to the manner and expense of extinguishing fires, and there is possibly a liability on the part of the Government to pay its contributive share to the expenses incurred by the joint arrangement between them. I am speaking of the arrangement in my own State, and I know what it is. I have the official

statement in regard to it.

Mr. President, we have agreed to adjourn over until next Monday, because presumably we have nothing to do, and yet we have not time to discuss a measure that involves the life and the prosperity or happiness and maintenance of these victims of the carelessness of the Government of the United States. because the fires out of which the loss grew were the result of the carelessness of the Government of the United States. was not a fire originating upon a private holding. The fires originated in the forests that were under the supervision of Government officials and presumably connected by telephone and every other modern convenience-and I understand now by automobile. They were presumably safe, and yet these people lost their lives or their limbs or were crippled for life, and a quibble is raised as to whether the Government should be held responsible. If we make an appropriation for a man whose hands are burned off or whose eyes are burned out of his head, it should be commensurate with the loss that that man suffered, and we should not attempt to place him within the limits of a pension law for men who are crippled, perhaps, in the performance of a selfish duty for their own benefit.

Mr. President, I am not content to see these men brought under this bill. It seems on its face as though it were a charitable measure in the interests of these people. It is not. is an attempt to put them within a class less than they are entitled to or less serviceable to them. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

ALESSANDRO COMBA.

The bill (S. 4180) for the relief of Alessandro Comba was considered as in Committee of the Whole. It proposes to pay to Alessandro Comba \$500, on account of injuries received while in the employ of the United States under the supervision and direction of the Isthmian Canal Commission, on the Isthmus of Panama.

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time, and passed.

DOUGLAS B. THOMPSON.

The bill (S. 2601) for the relief of Douglas B. Thompson was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "five thousand" and insert "one thousand five hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to Douglas B. Thompson, late an employee in the service of the Isthmian Canal Commission, for

the loss of a leg and consequent physical disability incident to said

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC COAST LINE RAILROAD CO.

The bill (S. 1416) for the relief of the Atlantic Coast Line Railroad Co. was considered as in Committee of the Whole. It proposes to pay the claim of the Atlantic Coast Line Railroad Co. arising out of underpayments for freight shipments by the War Department in 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

B. F. MARTZ AND GJERLUF HANSON.

The bill (S. 2453) for the relief of Benjamin F. Martz was

considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to insert as a new section the following:

SEC. 2. That the homestead entry of Gjerluf Hanson on farm unit "A," on the Bellefourche reclamation project, South Dakota, under the act of June 17, 1902, for the southeast quater of the northeast quarter of the southeast quarter of the southeast quarter of section 21, township 8 north, range 6 east, Black Hills meridian, is hereby validated, subject to future compliance with the law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Benjamin F. Martz, and for other purposes."

GENERAL ARBITRATION TREATIES.

Mr. LODGE. Mr. President, the calendar is completed, I understand.

The VICE PRESIDENT. It is completed.

Mr. LODGE. I can not find that any Senator desires to discuss the treaties to-day, and therefore I shall not make a motion for an open executive session. But I desire to say that, in the opinion of the committee, the treaties ought to be disposed of, and after the disposition of the unanimous agreement on Tuesday next I shall ask the Senate to fix a day on which the discussion of the treaties may close, and if that is not granted the committee will feel themselves compelled to keep the treaties before the Senate until disposed of. I know there are a number of Senators who desire to speak, and I wish them to have ample time to do so, but I think the treaties ought to be proceeded with until they are disposed of.

Mr. CULLOM. I hope the remarks of the Senator from Massachusetts will be remembered by the Senate and that we

will dispose of the treaties as soon as possible.

Mr. HEYBURN. I wish to say merely a word in regard to the notice given by the Senator from Massachusetts. Of course, each Senator is actuated by his own views and motives in regard to proceedings in this body, but it is my opinion that the treaties should be considered and that the Senate should

remain in session for that purpose.

I am not in sympathy with the adjournment over with a matter of that importance before the Senate, but the Senate has exercised its judgment and has agreed to adjourn over until next Monday. I may be pardoned for expressing the hope that we will commence next week with the consideration of the treaties as the regular and ordinary business of the S nate. I am not going to help to adopt them, and in not asking any delay in reaching their consideration I do not mean to be understood as wanting to see those treaties ratified, but I do want to see the question disposed of.

Mr. GALLINGER. Mr. President, inasmuch as I made the motion to adjourn over, I think I should say that I made diligent inquiry and found no Senator prepared to discuss the

treaties before next Monday.

I join with any and every Senator who is anxious to have the treaties taken up, promptly considered, and voted upon; and it will please me very much, indeed, if the course suggested by the Senator from Massachusetts and the Senator from Idaho is insisted upon, commencing next week.

We will adopt that course and pursue it as Mr. CULLOM.

well as we can I move that the Senate proceed to the consideration of execu-

tive business. The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent

in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until Monday, January 29, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 25, 1912. PROMOTIONS IN THE NAVY.

Lieut. James B. Gilmer to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Julian H. Collins to be a lieutenant

in the Navy from the 1st day of July, 1911, to fill a vacancy.

Surg. George H. Barber to be a medical inspector in the Navy from the 17th day of September, 1911, to fill a vacancy

Machinist Frederick F. Krainek to be a chief machinist in the Navy from the 27th day of December, 1911, upon the completion of six years' service as a machinist.

POSTMASTERS.

INDIANA.

Benjamin J. Burris to be postmaster at Washington, Ind., in place of Edward C. Faith. Incumbent's commission expires January 27, 1912.

Perry T. Grimes to be postmaster at Bloomfield, Iowa, in place of Perry T. Grimes. Incumbent's commission expired January 9, 1912.

OHIO.

Russel C. Heddleston to be postmaster at East Liverpool, Ohio, in place of William H. Surles. Incumbent's commission expired December 18, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25, 1912. COLLECTOR OF CUSTOMS.

Willis T. Emmons, of Maine, to be collector of customs for the district of Portland and Falmouth, in the State of Maine, in place of Charles M. Moses, whose term of office will expire by limitation on January 31, 1912.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Benjamin Maurice Chiswell to be captain. Second Lieut. George Clayton Alexander to be first lieutenant. Second Lieut. Thaddeus Greaves Crapster to be first lieu-

Second Lieut. Hiram Rex Searles to be first lieutenant. Third Lieut. John Stansbury Baylis to be second lieutenant. Third Lieut. Eugene Auguste Coffin to be second lieutenant. Third Lieut. Wilfred Neville Derby to be second lieutenant. Third Lieut. William James Keester to be second lieutenant. Third Lieut. Charles George Roemer to be second lieutenant.

MINISTER.

Cyrus E. Woods to be envoy extraordinary and minister plenipotentiary to Portugal.

PROMOTIONS IN THE NAVY.

Civil Engineer Homer R. Stanford to be Chief of the Bureau of Yards and Docks.

Lieut. Charles T. Wade to be a lieutenant commander. Lieut. Roe W. Vincent to be a lieutenant commander. Lieut. Hollis T. Winston to be a lieutenant commander. Lieut. Hoins T. Winston to be a neutenant commander.
Lieut. Frederick R. Naile to be a lieutenant commander.
Passed Asst. Surg. Morton W. Baker to be a surgeon.
Pay Inspector James S. Phillips to be a pay director.
Paymaster Joseph Fyffe to be a pay inspector.
Lieut. (Junior Grade) Isaac C. Kidd to be a lieutenant.
The following-named machinists to be chief machinists: Charles S. Wolf, and George R. C. Thompson.

COMMISSIONER OF EDUCATION FOR PORTO RICO. Edwin G. Dexter to be Commissioner of Education for Porto

TREASURER OF PORTO RICO.

Allan H. Richardson to be treasurer of Porto Rico.

POSTMASTERS.

CALIFORNIA.

Arthur Spencer Fleming, Auburn. William G. Hawley, San Jose. Percy L. Mitchell, Scotia. Arthur B. Steel, Redondo Beach.

CONNECTICUT.

Charles Harris, Westport.

IDAHO.

Stalker Clubb, Mullan.

ILLINOIS.

William C. Brayton, Somonauk. John F. Donovan, Kinmundy. Thomas S. Green, Gardner. Isaac W. Parkinson, Stockton. Hiram Wilson, Sandoval.

INDIANA.

Harriet C. Graham, Bloomfield.

W. C. Bryant, Griswold.

MAINE.

Guy S. Baker, East Millinocket. Arthur A. Dinsmore, Dover. George L. Hovey, North Anson. Jonathan F. Jefferds, Livermore Falls, Thomas T. Rankin, Alfred.

MASSACHUSETTS.

Erwin E. Carpenter, East Douglass, John F. Mitchell, North Grafton, Everett I. Nye, Wellfleet. George H. Seymour, Monson. Edward G. Spooner, Fairhaven.

MICHIGAN.

Edgar B. Babcock, Kalkaska. Andrew B. Glaspie, Oxford. Xerxes A. Jones, Hamtramck. Hosea A. Lewis, Frankfort.

NEVADA.

J. H. McCracken, Lovelocks.

NEW YORK.

Samuel G. Cornish, Carmel. Walter E. Johnson, Saranac Lake. Peter H. Vosburgh, Matteawan. Seraph E. Wolcott, Kesseville.

John S. Gee, Flaxton. H. M. Haakenson, Hatton. John E. Jenks, Souris, August H. Wahl, Washburn.

RHODE ISLAND.

Benjamin B. Martin, Warren.

SOUTH CAROLINA.

Rufus C. Gettys, Blacksburg. Wilmot L. Harris, Charleston.

WASHINGTON.

Grant C. Angle, Shelton. J. Hugh Sherfey, Colfax.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 25, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

Our Father in heaven, we lift up our hearts in gratitude to Thee for life, health, strength, and all that makes it dear. Help us to prove ourselves worthy of these inestimable gifts by following the ideals illustrated in the life and character of the Jesus of Nazareth, that we may do noble deeds and merit the destiny of the faithful. That Thy kingdom may come and Thy will be done in our hearts through Jesus Christ our Lord.

The Journal of the proceedings of yesterday was read and

THE METAL SCHEDULE.

Mr. UNDERWOOD, chairman of the Committee on Ways and Means, reported the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was read a first and second time, and, with the accompanying report (No. 260), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. Speaker, I ask unanimous consent that the Mr. PAYNE.

minority may file their views some time during the day.

Mr. UNDERWOOD. There will be no objection to that.

Mr. PAYNE. Even though the House should not be in session at the particular hour.

Mr. UNDERWOOD. That will be agreeable.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the views of the minority be printed together with the majority report.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

DISTRIBUTION OF THE PRESIDENT'S MESSAGE.

Mr. UNDERWOOD. Mr. Speaker, I present also from the Committee on Ways and Means a privileged resolution (H. Res. 387, H. Rept. 263), distributing the President's message. I do not intend to take up the resolution at this time. It has been submitted to the gentleman from New York [Mr. Payne], and I ask unanimous consent to dispense with the reading and that it may go to the calendar.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the reading of the resolution referred to be dispensed with. Is there objection?

There was no objection.
The SPEAKER. In connection therewith the Chair orders it printed and referred to the Union Calendar.

COST OF PHILIPPINE OCCUPATION.

Mr. HELM. Mr. Speaker, I present the following privileged report on House resolution 25, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 25.

Resolved, That the President of the United States be, and he is hereby, requested to submit a statement to the House showing the cost which has accrued to the Government of the United States from the beginning of and as the result of the occupation of the Philippine Islands by the United States.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report No. 262 to accompany House resolution 25.

Report No. 262 to accompany House resolution 25.

The Committee on Expenditures in the War Department, to whom was referred House resolution No. 25, calling on the President for a statement of Philippine expenses, report the same back to the House with the recommendation that it be adopted.

Your committee is constrained to believe that because of the vast sums of money that are unquestionably being expended as the result of Philippine occupation the public interests will be conserved by the House having some definite information bearing both on the purposes of disbursements and the amounts expended as well.

Mr. COV of Ohio. Mr. Specker, I desire to be beard on the

Mr. COX of Ohio. Mr. Speaker, I desire to be heard on the resolution.

The SPEAKER. The gentleman from Kentucky is entitled to one hour.

Mr. HELM. Mr. Speaker, I simply wish to state that the committee, as the report shows, has had the resolution under consideration and has reported it back with this recommendation. I yield five minutes to the gentleman from Ohio [Mr. Cox].

Mr. COX of Ohio. Mr. Speaker, the resolution which has been reported by the Committee on Expenditures in the War Department is so perfectly clear in its provisions that nothing need be said with reference to its purpose. Its justification is found in the almost universal demand in this country for the fullest possible measure of information bearing upon the subject of Federal disbursements and expenses. We find that only on yesterday a motion was submitted in the United States Senate, which contemplates a higher order of cooperation and coordination as between all of the committees that now have authority to appropriate money. Even that body, believed by many people to be less responsive to public will than this House, has seen the necessity of having a general budget plan of expenditures. It is a sign of the times. So that there is both a universal demand throughout the country and a wellfixed purpose in Congress, not only to have the fullest possible information with respect to all public disbursements and expenses, but to have the information in such a way as will enable the Congress and the departments to correct abuses if they exist. There is a singular lack of information with re-spect to the expenses in the Philippines, and at this time, when there is an enlarging demand for governmental appropriations for the purposes of great improvements—conservation and road building—the time has arrived now when we ought to know what the Government has spent in the Philippines and what the annual burden is at the present time. There have only been two fragmentary reports on this subject. One was submitted in 1902, and had to do with expenses in the Philippines during the years elapsing between 1898 and 1902. Gen. Wood appeared before the Committee on Expenditures in the War Department during the last session of Congress, and in reply to an inquiry by the chairman of the committee, with respect to these expenditures he said that it would require con-

siderable time in order to compute them. Nothing since then has been done, and this resolution is really in line and in harmony with the suggestions made by Gen. Wood when he appeared before the committee. Gen. Wood, however, did make a statement, which in a sense supplemented the report made by Secretary Roor when he was acting as Secretary of War. In going through the statement of Gen. Wood and comparing it with the report submitted by the War Department at that time there are some, apparently at least, very marked discrepancies, and I believe now that by the adoption of this resolution the Congress will come into the possession of accurate information bearing upon this great subject, and I sincerely hope that the House will move the adoption of the resolution, because I believe it will conserve the best interests of the Government. I yield back the balance of my

· Mr. HELM. Mr. Speaker, I would like to inquire if there is anyone on the opposite side who requires any time in opposition

to the resolution. If not, I will ask a vote on the resolution.

The SPEAKER pro tempore (Mr. HAY). The question is

upon the adoption of the resolution.

The question was taken, and the resolution was agreed to. On motion of Mr. Cox of Ohio, a motion to reconsider the vote by which the resolution was passed was laid on the table. BRIDGE ACROSS CUMBERLAND RIVER, TENN.

The SPEAKER. The Chair lays before the House the following Senate bill.

The Clerk read as follows:

S. 4339. An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. MANN. Can we have the number of a similar House bill on the calendar?

The SPEAKER. The Chair did not understand the gen-

Mr. MANN. I just wanted to get the number of a similar

House bill upon the calendar,
Mr. ADAMSON. Mr. Speaker, there is a House bill of substantial identity which has been reported to the House, but has not been acted upon. I ask that the Senate bill be considered in lieu of that House bill.

The SPEAKER. The Senate bill is in order for consideration; after we get through with that the gentleman can make his motion. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Lewisburg & Northern Railroad Co. is hereby authorized to construct, operate, and maintain a railroad bridge on its line of railroad across Cumberland River between Maplewood, Tenn., and Overtons, Tenn., at a point suitable to the interest of navigation near the city of Nashville, Tenn.; all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. COOPER. Mr. Speaker-

Mr. ADAMSON. Mr. Speaker, the only difference between this bill and the House bill is that this bill defines the kind of bridge as a railroad bridge. The House bill, in conformity with the general-bridge act, simply provides for building a bridge. The SPEAKER. The Chair would like to ask the gentleman

from Georgia a question. Has the gentleman furnished to the gentleman from Illinois the number of the House bill?

Mr. ADAMSON. Yes; we have furnished him with the bill. Therefore, I move to amend the Senate act now under consideration by striking out the word "railroad" at the end of line 4 and beginning of line 5, as the word "railroad" is divided between the two lines—
The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Lines 4 and 5, strike out the word "railroad."

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. BYRNS of Tennessee. Mr. Speaker, I want to say to the gentleman I have no particular objection to the amendment except it will require the bill to go back to the Senate and be concurred in there. I will say to the gentleman that there is no desire on the part of anyone affected by this bridge or any citizen that this bridge is to be used for any other purpose than a railroad bridge.

We have three magnificent bridges open to the general public in Nashville, and this is to be used only for railroad purposes

by the railroad by which it is constructed.

Mr. ADAMSON. In reply to the gentleman, Mr. Speaker, I will say that Congress deemed it wise to enact a general-bridge

law providing a general scheme that all propositions to build a bridge under the authorization of Congress be presented to the War Department, which should approve the specifications. The further provision in that general bridge act is that after a bridge is built, natural or artificial, railroad or wagon, any person may use that bridge for any purpose under conditions specified in the general act. The committee has never permitted a bill to pass the House since the enactment of the general bridge act with the word "railroad" in it defining the bridge.

Mr. BYRNS of Tennessee. The Senate does not seem to

follow that rule.

Mr. ADAMSON. The Senate will learn after a while, if we may be allowed to use its name in this connection.

Mr. COOPER rose.

Mr. ADAMSON. I yield to the gentleman from Wisconsin [Mr. COOPER]

Mr. COOPER. Is there any provision in this bill or in the general law limiting the time in which the work shall be begun or completed?

Mr. ADAMSON. Yes, sir. The general bridge act provides that unless otherwise provided there shall be certain limitations, namely, one year in which to begin and three years in which to complete. That is in the general act.

which to complete. That is in the general act.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. Adamson].

The amendment was agreed to.

The bill as amended was read a third time and passed

Mr. ADAMSON. Mr. Speaker, I move to amend the title by striking out the word "railroad," so as to make the title conform to the body of the act.

The title was amended.

On motion of Mr. Adamson, a motion to reconsider the vote by which the bill was passed was laid on the table.

RASTARDS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill H. R. 13041, an act to provide for the support and maintenance of bastards in the District of Columbia.

The Senate amendments were read.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the Senate amendments be not agreed to, and that the bill be referred to a committee of conference between the House and

The SPEAKER. The gentleman from Kentucky moves to disagree to the Senate amendments and ask for a conference with the Senate.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. John-SON of Kentucky, Mr. ADAIR, and Mr. DYER.

LEAVE OF ABSENCE.

Mr. Connell, by unanimous consent, was granted leave of absence until the 29th, on account of illness.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17681, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT in the chair.

The CHAIRMAN. When the committee last rose there was pending a point of order made by the gentleman from Virginia [Mr. Carlin] to an amendment proposed by the gentleman from Texas [Mr. Burleson]. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein.

Mr. CARLIN. Mr. Chairman, I would like to be heard on the point of order. I submit to the Chair that the amendment can not be changed now, except by unanimous consent.

The CHAIRMAN. Without objection, the Clerk will again

report the amendment.

The Clerk read as follows:

Amend page 56, after the word "dollars," in line 2, by inserting the following:

"No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the

estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein."

The CHAIRMAN. The Chair will hear from the gentleman from Virginia [Mr. CARLIN] briefly.

Mr. CARLIN. Mr. Chairman, I want to ask the particular attention of the Chair in the discussion of this point of order. In order that the Chair may get an intelligent estimate and comprehension of the present point of order against the pending amendment, it will be necessary for the Chair to consider its connection with reference to similar amendments which have been offered, designed to accomplish the same purpose. Chair will remember that the first amendment offered, appearing in the Congressional Record on page 1208, on Saturday, January 20, was designed to create—
Mr. MANN. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.

Mr. MANN. The amendment which has just been reported from the desk is not the amendment, as I understand, which was reported from the desk on the last day that this bill was under consideration. What is the amendment now? If the gentleman from Texas [Mr. Burleson] wishes to change the amendment that was reported when it was offered, I think it would require unanimous consent.

The CHAIRMAN. The Chair would like to ask the gentleman

from Illinois wherein the difference lies.

Mr. BURLESON. The gentleman will find the amendment on page 1239 of the RECORD. It is exactly the same.

Mr. CARLIN. I understand it is not exactly the same.

The CHAIRMAN. The Chair has before him the amendment

as it was read by the Clerk on the last day.

Mr. CARLIN. I beg the Chair's pardon. There was a

change in the language.

Mr. MANN. I remember the amendment that was offered the other day very distinctly. If it is the ruling of the Chair that this is the same amendment, I will not dispute it.

Without objection, the amendment will be The CHAIRMAN. again reported, and for the information of Members the Chair will state that the amendment will be found on page 1239 of the

The Clerk read as follows:

Amend page 56 by inserting, after line 2, the following:
"No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein."

Mr. BURLESON. It is exactly the same.

Mr. CARLIN. Mr. Chairman, the difference between the two amendments that I called to the attention of the Chair, in order that I may refer to the matter later on, is that the amendment stated on page 56 is not the resolution as reported in the RECORD and now read from the Clerk's desk. The resolution in all other respects is identical. There appear in the resolu-tion as it now reads the words "Amend by inserting, on page 56, after line 2, the following." Those words were not in the amendment as reported in the RECORD. To that extent it was changed.

Mr. BURLESON. I do not recall, Mr. Chairman, if it was offered at this particular point in the bill or later on, when we reached the item relating to the schools; but that is a matter of

The CHAIRMAN. The Chair thinks that that is not a matter of substance. As a matter of fact, those words were read by the Clerk to indicate the proper place where they should be entered in the bill.

Mr. CARLIN. I think the Chair will find this to be the case, that the mover of the amendment himself indicated the paragraph which it was desired to amend, and that must appear in the amendment. Otherwise the point of order would lie that, having passed the paragraph, the amendment would not be germane. Therefore the amendment must state the page and line, to show where it is desired to have it inserted, in order to give notice to the House where it is proposed to insert the amendment.

Mr. BURLESON. I insist, Mr. Chairman, that it is in order at any place in the bill.

Mr. CARLIN. That is not correct.

Mr. BURLESON. At any place relating to public schools.

Mr. CARLIN. At any place relating to public schools this amendment would have been germane, but it would not be germane to any other section in the bil. It just occurs to me, if the Chair please, that it is a well-known parliamentary rule in this House that you can not offer an amendment until the proper section of the bill has been reached and read, and it must be offered at that time and place; and unless it be so

done it is not germane and the point of order will lie. But, if the Chair please, I am ready to go on with the discussion of the point so that the Chair can consider both at once.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CARLIN. I want to say that the purpose of all the amendments which have been offered by the Appropriations Committee since the Chair held that the paragraph itself was out of order has been to accomplish the same thing expressed in the original paragraph which the Chair held to be in conflict with the rule, namely, as changing the present statutory law relating to the admission of nonresident pupils. Under the present law a nonresident pupil is admitted to the public schools of this city provided his parents are taxpayers in the District of Columbia. That is the only condition that he has to comply with.

In order to prevent that class of children from attending the public schools in the District of Columbia the Appropriations Committee first inserted in the bill a paragraph reciting the present law and then providing that any nonresident pupil might be admitted to the public schools on the payment of an amount of money to be fixed by the board of commissioners.

The Chair held that that was affirmative legislation and therefore out of order; whereupon two other amendments were offered, the first dropping the proviso and inserting the word "except." The Chair held that to be out of order, the purpose plainly being to change the present law with reference to the admission of nonresident pupils. Finally we come to this art-fully drawn provision, intended to accomplish the same identical purpose, namely, to provide a different rule for the admission of nonresident children. All of these amendments have been offered under the guise of a limitation. I now invite the attention of the Chair to section 826 of the present Manual, found on page 406. There the Chair will find precedents for my contention, which hold that though a limitation can be placed upon an appropriation bill in entirely negative words, it says that "care should also be taken that the language of limitation be not such as, when fairly construed, would change extation be not such as, when fairly construed, would change existing law or justify an executive officer in assuming an intent to change the existing law." Does the Chair catch the point? The CHAIRMAN. The Chair is following the gentleman.

Mr. CARLIN. Now, if the Chair please, it is a very simple matter for us to test this amendment by that precedent and

other precedents which are quoted to sustain that view. In words, if this amendment may in any way justify an executive officer in construing it to mean a change of existing law, it is not a limitation and has no place upon this appropriation bill. Now, let us see if it changes existing law. amendment provides that a nonresident can not be admitted to the schools unless he pays taxes—they have stricken out the word "provided" and inserted the word "excess"—unless he pays taxes in excess of the estimated cost of tuition. There is no present statute which provides that he shall pay taxes in excess of the cost of tuition, and that is exactly the provision that they have written into every amendment that they have offered.

It is a change of existing law. It justifies an executive officer in construing it as a change in existing law, and in effect prevents a nonresident pupil from entering the schools of the District of Columbia unless he pays a sum in excess of the esti-mated cost of tuition. That is a direction to the executive officer to estimate the cost, and requires an affirmative act by the executive officer. He is charged with the duty of estimating the cost the nonresident applicant for tuition must pay in excess of the estimated cost. So when we come to apply the rulings of the Chair—and all previous Chairs—as expressed in this language, "but care should be taken that the language of limitation be not such as when fairly construed it would change existing law, or justify an executive officer in assuming an intent to change existing law," it is apparent that this is a plain purpose to change existing law. It imposes on the commissioner the duty of applying a different rule to non-resident pupils than that which now exists and is required by

Indeed, Mr. Chairman, there is no concealment of the fact on the part of the movers of this amendment that their plain purpose, the plain intention of the committee, is to change existing law. The Chair has three times ruled that they can not existing law. The Chair has three times ruled that they can not do it upon this appropriation bill in the form in which it first appeared as an original paragraph, and they failed to do it three times by subsequent amendment—first, they had the word "provided," and then the word "except," and finally they dropped both words out, but retained the exact language that the Chair has held is new legislation.

There is not a word in this amendment that is the law to-day

relating to nonresident pupils. Every line of it is new legislation, and imposes a new condition upon nonresident pupils, and imposes new executive duties upon the executive officers of the District of Columbia. What are those new duties? They must estimate the cost which the applicant must pay in excess of the estimated cost. Who is to require that payment? The school authorities. That duty is imposed upon them by implication, and the rule says in plain terms that nothing should be admitted under the guise of a limitation which would justify an executive officer in assuming an intent to change the law.

Does the Chair think an executive officer would be justified under that provision in assuming an intent to change the law? He would not be justified in doing anything else. It is not only an intent to change the law, but it is a specific change of law which it becomes the duty of the executive officer to carry into force and effect. He could not carry that into effect now, because the law does not permit him to exclude the children. He is compelled to accept the application of the children now if they or their parents are taxpayers in the District of Columbia, but under this provision they would not be compelled to accept their application unless they paid "in excess of the estimated cost of tuition."

Now, Mr. Chairman, what is the effect of that? The parent of a child may be paying \$1.50 taxes to the District of Columbia and the child is admissible to the schools. Under this provision if it should appear after the estimated cost of tuition has been found by the executive officers to be perhaps \$40 or \$50, then the executive officer under this provision would have but two options; he would have to exclude the child from the schools or require him to pay a sum in excess of the estimated cost of the tuition.

The Chair knows what this means. This is a bald attempt to induce the Chair, under the guise of a limitation, to make a ruling which means the reversal of the rulings the Chair has made three times in the last few days on the same subject. The Chair has ruled that this language is new legislation in an original paragraph, and by the rules of the House if it is new legislation, requiring any affirmative act to be done, unless it be entirely negative, it can not be held to be a limitation.

Once more, for the information of the Chair, I quote this language, which is sustained by an unbroken line of decisions:

Care should also be taken that the language of limitation be not such as, when fairly construed, would change existing law or justify an executive officer in assuming an intent to change existing law.

The Chair has before it the bold declaration of the committee that it is the purpose of the amendment to change existing law. It has before it for its further guide and advice its own ruling that this language is a change in existing law. So it remains for the Chair to determine in the last analysis whether by artful, skillful language the real purpose of the ruling of the Chair shall be thwarted and the real purpose of the rules of this House diverted.

Mr. BURLESON. Mr. Chairman, in response to the suggestion made by the gentleman from Virginia [Mr. Carlin], I desire to state this: The effect of this amendment is clearly to limit the benefits of the appropriation to a particular class of pupils, or, to state it in a different way, to exclude a particular class of pupils from the benefits to be derived from its expenditure. Undoubtedly the House has the power, if it sees fit, to place any character of limitation upon an appropriation sought to be made. If the House saw fit to do it, it could limit this appropriation to those pupils who are under 4 years of age, and it would be clearly within the rule. We now limit this appropriation so as to exclude a particular class of pupils from the benefits thereof, and the amendment is clearly within the rules of the House.

Mr. CARLIN. Mr. Chairman, just one moment in answer to the last suggestion of the gentleman from Texas. The gentleman says that this appropriation is intended to exclude certain nonresident pupils. On the contrary, it provides expressly for their admission. It is not an exclusion. It provides that they shall be admitted to the public schools, and provides the terms upon which they shall be admitted, namely, that they shall pay a tuition in excess of the estimated cost of admission. Is there any exclusion in that language? It is a provision under which they may be admitted, and it is designed for that purpose, but to admit them under a different condition of law. I am surprised at the gentleman having reached the conclusion himself that this language was designed to exclude certain children from the benefits of this appropriation. On the contrary, it expressly provides that they shall enjoy the benefits of this appropriation. They shall have all of its bounty, all of its blessings, provided they pay a tuition in excess of the estimated cost of tuition. It is an artful method of changing by language only the very amendment that the Chair has ruled to be out of order.

Mr. LINTHICUM. Mr. Chairman, it is very hard indeed to add anything to the full and clear argument of the gentleman

from Virginia [Mr. Carlin], and I can not realize how it is possible for there to be two sides to this question. It seems to me so clear and so distinct that this is legislation, pure and simple, that I can not understand how the gentleman from Texas [Mr. Burleson] can hope to bring it in as part of an appropriation bill. I find on page 405 of the Manual, in the third line from the top, these words:

Propositions to establish affirmative directions for executive officers, even in cases where they may have discretion under the law so to do, or to take away an authority or discretion conferred by law, are subject to the point of order.

We certainly can not say that under the existing law the present officers have not authority to admit pupils, whoever they may be and wherever they may be from, whose parents pay taxes in the District of Columbia. Under the particular amendment proposed it takes away from them that discretion. It takes away from them the authority to admit these pupils. The language of the amendment is not only subject to the point of order and adds new legislation prohibited by the rules, but is also manifestly unfair to our people, and should certainly not be tolerated as new legislation in a District appropriation bill. The tuition may be \$20 a year, and the man who is not able to pay \$20 in taxes, or who does not pay \$20 in taxes, but who may pay seventeen or eighteen or nineteen dollars, under this amendment is excluded from participation in that which his richer neighbor may enjoy.

I do not propose to take up much time of this committee, but it seems that the language which the gentleman from Virginia [Mr. Carlin] read from page 406 of the Manual is conclusive on this point. Brushing aside from this amendment all verbiage, taking it as we all understand it, it is purely and simply a change of existing law, it matters not what the language may be; and any Member of this House when asked whether it is a change of existing law will say that it is. I think, therefore, that under this rule it is absolutely impossible to bring in an amendment at this time, no matter how skillfully it may be drawn, no matter what the words may be, if, when the whole thing is stripped and looked at in plain, broad light, we find it is a change of existing law it is certainly out of order. Anyone who will read this amendment or the two previous amendments will say that the pure intent of this provision is to prohibit nonresidents who do not pay sufficient taxes in the District of Columbia from coming in here and participating in these advantages.

Now, as I have said, the fairness of this amendment is not germane to the subject. It would be proper, perhaps, to say at this time that the State of Maryland, which I have the pleasure to represent, in part, has never been in anywise close or mean to the District of Columbia. For 100 years or more her roads have been open to everybody who wanted to travel over them. The entire State has been subject to the enjoyment of the District of Columbia, and as the years roll on and as the District becomes more populated and as the city of Washington grows, Maryland is bound to become a part of the suburbs of this District, is bound to bear a large part of the expense of the people who travel through that State and enjoy its benefits, its beauties, and its advantages. So, I say, when you come down to the question, because it is a small question, when you exclude the children of officeholders, when you exclude those who pay excess of tuition in taxes, why, the number remaining is so small and negligible that it is hardly worth considering, and when you think of the small number of children who come here and desire to get the greater benefits of the schools in the District because of the large population and the benefit of large and graded schools—when you take these matters into consideration it seems to me that the amendment is too small to be taken up in an appropriation bill, where it certainly is out of order, not needed, and should not be inserted, and I sincerely hope the Chair may find it so. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the question of limitation upon appropriations is marked so clearly that it is generally understood, and the rule is easy of application if it be clearly stated. Congress is under no obligation to appropriate for any services authorized by law. It need not appropriate to maintain these schools. It would be in order to propose an amendment which would prohibit the use of appropriations for schools, for the maintenance of schools in which pupils were admitted in accordance with the law which it is contended here is changed. The act of April 14, 1906, provides:

That hereafter pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who, during such tutelage, do not own property in and pay taxes levied by the government of the District of Columbia or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia.

That is the law, and yet it is in order as a limitation upon the appropriations for schools to provide that no part of the appropriation made for the support of schools should be used for maintaining schools to which pupils were admitted under

Mr. CARLIN. Unless they pay taxes in excess

Mr. FITZGERALD. If the gentleman will permit me to make my statement to the Chair, he can correct later any errors which he believes I make. I have said, Mr. Chairman, that there can be no question that under the rules of the House a limitation prohibiting the use of money appropriated in this bill for the support of any school in which there were pupils admitted in accordance with the law would be in order, because it has been repeatedly held that the House is not bound to appropriate to carry out services, projects, and so forth, authorized by law. The House may withhold appropriations for such purposes. Now, what does this amendment do-

Mr. LINTHICUM. Will the gentleman yield?

Mr. FITZGERALD. It does not change the law in the slightest, but it withholds the appropriations. Does the gentleman from Maryland desire to ask a question?

Mr. LINTHICUM. I do. Under the existing law any pupil who pays taxes or the child of a parent who pays taxes can enter the schools of the District, can he not?

Mr. FITZGERALD. Yes; I have just read the law. Mr. LINTHICUM. Under this law the parent must pay taxes in excess of the tuition unless he is an officeholder or something of that kind, must be not?

Mr. FITZGERALD. That is absolutely apparent; yes.

Mr. FITZGERALD. That is absolutely appared Mr. LINTHICUM. Is not that a change of law?

Mr. FITZGERALD. No; it is not; and if the gentleman would permit me to attempt to make my statement in a connected and logical way I shall endeavor to demonstrate it, but I can not do it if interrupted by the asking of questions that are absolutely apparent and which there is no attempt to controvert. If this amendment is not in order, it can not be made in order by any subterfuge. Mr. Chairman, so I may get the matter straightened out, I repeat that it would be in order to offer an amendment to withhold this appropriation for the support or maintenance of any school in which pupils of the class indicated were admitted. Now, what does the amendment do? Merely places a restriction upon the use of the appropriation. It withholds the appropriation from the support of any school in which pupils are admitted who or whose parents do not pay taxes amounting to a definite, be-cause easily ascertained, sum. Gentlemen are much mistaken as to what constitutes a limitation. as to what constitutes a limitation. A limitation under the rule must be negative in character. I assert this provision is negative in character. I wish to call the attention of the Chair to a ruling which illustrates what can be done under the rule. A paragraph in an appropriation bill had been read, as follows:

To meet the actual and necessary expenses of the delegates of the United States to the Third International Conference of American States to be held in the city of Rio de Janeiro, beginning on the 21st day of July, 1906, and of their salaried clerical assistants, to be expended in the discretion of the Secretary of State, and to continue available during the fiscal year of 1907, \$60,000.

I shall read just what happened, so that the Chair will have clearly in his mind the distinction between the legislative provision and the limitation.

The CHAIRMAN. What volume?

Mr. FITZGERALD. Volume IV, section 3971, page 658, of Hinds' Precedents.

Mr. John 'A. Sullivan, of Massachusetts, offered the following amend-

ment:

"Page 2, after line 5, insert: 'That said delegates of the United States are hereby instructed to advocate the establishment of reciprocal tariff relations between the United States and other American States.'"

Mr. Lucius H. Littauer, of New York, made the point of order that the amendment proposed legislation.

The Chairman sustained the point of order.

It was clear that it was a positive legislative direction, and therefore contrary to the rule. I then proposed the following amendment:

Provided, That no part of the sum hereby appropriated shall be expended unless the program for the conference contains provision for a discussion of reciprocal trade relations between the countries participating in the conference.

A point of order was raised to that and overruled, because it was a purely negative limitation upon the use of the appro-The appropriation could not be used unless certain conditions existed.

A most extraordinary ruling, and one which illustrates what can be done under the form of limitation, appears in connection with an amendment that was offered in connection with the compensation of certain postal employees, Volume IV, section 3976, page 661.

The amendment was:

mend by striking out of lines 8 and 9, page 23, the words "twenty llon two hundred and fifty thousand dollars" and substitute the following:

"Twenty-three million two hundred and fifty thousand dollars: Provided, That no part of this appropriation shall be used for said purpose unless in the use thereof the carriers hereinafter mentioned shall be paid salaries as follows during the year beginning July 1, 1904, viz: In all cities which contain a population of 75,000 or more, carriers who have served more than three years, \$1,200 per annum; in all cities containing a population of less than 75,000, carriers who have served more than two years, \$1,000 per annum."

The point of order was made to the provision, and after an elaborate discussion the Chairman held that while the effect of the provision might make it possible to expend any part of the appropriation, because under the law the compensation suggested could not be paid, nevertheless as it limited the use of the appropriation itself, under the rules of the House the limitation was in order.

I admit, Mr. Chairman, that at times there has been some difficulty in determining whether a provision is a limitation or whether it is legislative in character. But this amendment, in my opinion, is quite clearly a limitation and in order. withholds an appropriation for the support of a school unless certain designated conditions exist in it.

The Chair is familiar with the ruling relative to the establishment of canteens at soldiers' homes. I do not have it at hand, but it is one that has been referred to in so many decisions that the Chair is thoroughly familiar with it. The amendments offered and upheld provided that no part of the appropriations made for the support of soldiers' homes should be expended or apportioned to soldiers' homes in which a bar or canteen was maintained.

It was argued that there was no law prohibiting the bar or canteen; that this was legislation. It was held that it merely withheld the use of money unless certain conditions indicated existed.

In the appropriation for the support of certain institutions, which required the Secretary of Agriculture to certify to certain matters, the following amendment was offered (sec. 3942):

Provided, That no part of the appropriation shall be available for the agricultural college of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is en-gaged in the practice of polygamy or polygamous relations.

A point of order having been interposed, it was overruled. The Chair, however, indicated that perhaps one reason was that the point of order had been interposed too late, and expressed the opinion that it was merely a limitation. But the Chair will see on the following page that the same question was raised, as follows:

Provided, That no part of this appropriation shall be available for the agricultural college of Indiana or any other State or Territory until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy.

A point of order was raised to that provision and it was overruled. So that so long as the amendment offered is negative, prohibitory as to the use of the appropriation, the rulings have held that the amendment is a limitation and, under the rules of the House, in order. The fact that a service is authorized for which the appropriation might be held payable does not in any way affect the result of the operation of the rule.

There are other authorities, Mr. Chairman, along the same line. The gentleman from Virginia is under the error of believ-ing that simply because children of a certain class are admitted under the law to the schools of the District of Columbia, therefore no limitation upon the use of the appropriation can be made.

There is another decision with which the Chair, I am quite sure, is familiar. It has probably been referred to in the consideration of this bill. A limitation which would prohibit the payment of pensions to a certain designated class of persons who under the law are entitled to pensions has been held to be in order, so long as it is in form a negative prohibition upon the use of the appropriation. If persons were entitled to pensions for various reasons, an amendment prohibiting the payment of any part of the appropriation to a person who was in receipt of an income of a certain amount would be in order. So this amendment, which merely limits the use to which the appropriation can be put, is in order, in my opinion, under the rules of the House.

Mr. CARLIN. Mr. Chairman, I dislike very much to take up the further time of the House, but I am sure that the Chair must, if only looking casually at this provision, have concluded, as we did, that the amendment was in order. It was only after a very careful examination of the amendment offered that the real joker in it could be discovered, and for that reason I feel that it might be well to call the attention of the Chair to a case almost similar, and to conditions similar, where the whole question of limitation was considered fairly in this House and settled in favor of the point of order that was made against the provi-

The gentleman from New York [Mr. FITZGERALD] argues that this enlarges the restriction in the appropriation. That was his exact language. Now, I admit that if this amendment simply provided that no part of this appropriation could be used for the purpose of paying the expenses of teaching any nonresident child, that would be a limitation in negative terms and that the amendment might be in order. But if the Chair holds this amendment to be in order, he will have spoiled the symmetry and effect of every other ruling he has made on this bill, and he will have put it in the power of an appropriating committee to do, under the guise of a limitation, the very thing which this

Chair and other chairmen have held could not be done.

The CHAIRMAN. Will the gentleman permit a question from the Chair there? Does the Chair understand the gentleman to concede that an amendment which provided simply that no part of the appropriation could be used for nonresident pupils would be in order?

Mr. CARLIN. No; I do not concede that. But there is more authority for that view than there is for this. That might be the case, but it might change existing law and be subject to a point of order.

I ask the Chair to turn to page 672 of volume 4 of Hinds' Precedents. Here we have the subject fully discussed in almost the identical language of this amendment. I refer to section 3984, where it says, in capitals:

Where a proposition might be construed by the executive officer as a modification of a statute, it may not be held as such a limitation of appropriation as is permissible on a general appropriation bill. On February 20, 1907, the Post Office appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Victor Murdden, of Kansas, offered this amendment:

"Amend by adding, after the word dollars, in line 2, page 21:

"Provided, That no part of this sum shall be expended in payment for transportation of the malls by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such malls have been weighed."

Mr. Howard M. Snapp, of Illinois, made the point of order that the amendment proposed legislation.

After debate, the chairman held:

"The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow. The proposed amendment changes existing law as construed by the proper officer, by changing the divisor."

I will not quote the balance of the ruling, because it is not necessary for my point. There the only change in the law was the change in the divisor, and the limitation was sought to be made through the change of the divisor.

Now, if the Chair please, to boil this thing down to the very Now, if the Chair please, to boil this thing down to the very last analysis, it is a simple proposition. The present law provides that nonresident pupils may enter the public schools of the District of Columbia by the payment of taxes. This amendment provides that they may enter only when they pay taxes in excess of the estimated tuition. They enter now by the payment of taxes, however small. If this provision is adopted, they can only enter by the payment of taxes in excess of the estimated tuition. As I have previously said, there are several things to be done by the executive officers. First, he must estimate the cost of tuition. Then he must ascertain whether the applicant pays taxes in excess of the estimated tuition. Under the present law he simply has to pay taxes. Under this amendment he must pay taxes in excess of the estimated cost of The gentleman says that does not change anything. The change that is made is as great as the difference between night and day. If this amendment does not prevail, then nonresident pupils will enter the schools upon payment of small taxes. If this amendment does prevail, they must pay taxes in excess of the estimated cost of tuition. That is the difference. This is not negative but affirmative in its effect. The amendment is a qualification for admission to the schools and not a limitation to prevent admission. It simply provides that you must pay more money than you pay now. That is the last analysis, and that is the common sense of it. Any other con-struction is lacking in reason and in common sense, and these gentlemen know as well as anybody knows that that is the effect of it, and the Chair must know it. He can not help knowing that the difference between paying 50 cents taxes and paying taxes in excess of the estimated cost of tuition is a change, and the officers charged with administering the school affairs of this city are required to ascertain, first, the estimated cost of tuition; and second, whether or not the pupil pays taxes in excess of the estimated cost.

It is a surprise to me that the gentleman from New York [Mr. Fitzgerald], with all his skill and all his reputation as a parliamentarian, has been unable to devise some amendment which would accomplish the purpose desired by the committee. They speak of it as a plain, simple thing to do. They have

tried it four times, and three times the Chair has said they were in error

Mr. FITZGERALD. Does not the gentleman from Virginia perhaps think that part of his argument had better be reserved until after the Chair has passed upon this amendment?

Mr. CARLIN. If I thought that, I would not make the argument now. The point I am making is that these gentlemen have contended each time that the amendment offered was a simple' little limitation. They contended it then as strongly as they contend it now. They looked as bland and mienful then as now. Their faces have not expressed the shadow of a doubt. Three times they have tried, with mild and innocentlooking faces, to convince the Chair that these were simple limitations. Three times their purpose has been exposed, and now they come to the fourth. They are trying to make children who can now enter the public schools by the simple payment of taxes come in under a different condition and a different law, and require the payment of taxes in excess of the estimated cost of tuition.

The CHAIRMAN. The amendment proposed by the gentleman from Texas is as follows:

No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein.

To that the gentleman from Virginia [Mr. Carlin] makes the point of order. On behalf of the amendment it is insisted that it is a limitation upon the appropriation such as is proper under the rules and precedents. That has been pretty elaborately argued. The Chair will not go into any long analysis of it. There was a provision in the bill as it was reported from the committee, which appears on page 56 of the bill, that changed existing law. It was insisted that that was in order under what was called the Holman rule, and it was under the Holman rule, measuring it by the Holman rule, that the occupant of the chair at that time, Mr. Pou, of North Carolina, passed upon the question. The gentleman from North Carolina passed on the question in precisely the same manner as would have the present occupant of the chair if he had been in the chair at that time-that it was not in order under the Holman rule.

Then it was proposed as an amendment by way of limitation, and, as then proposed, it carried affirmative legislation. It provided that "any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount to be fixed by the board of education, with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil." And provided further, that "all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

At first the present occupant of the chair overruled the point of order which was made to that amendment. But, upon that order being vacated by unanimous consent, at the request of the gentleman from Pennsylvania, and being argued by the gentleman from Virginia [Mr. CARLIN], the gentleman from Pennsylvania [Mr. OLMSTED], and the gentleman from Illinois [Mr. MANN], the Chair reversed the ruling and sustained the point of order.

The most serious objection to it suggested by the gentleman from Illinois [Mr. Mann] and by the gentleman from Pennsylvania [Mr. Olmsted] was that there were two provisions, one which would be construed by the District officials as imposing positive duties—the language "by the payment of such amount with the approval of the Commissioners of said District," and again, that provision that "payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia," are positive affirmative directions of law; as stated by the gentleman from Pennsylvania, that they change existing law by making law where none before existed.

Then the attention of the Chair was called to certain expressions in the Manual and Digest, and the Chair reversed himself and sustained the point of order. Now it is presented again in the form in which it has just been read. The decisions on the matter of limitations are not uniform so far as the Chair has been able to find. There has been considerable variation in the line of ruling on the question of limitation, but the Chair has examined in the last two days the precedents with considerable care and arrived at the conclusion, measuring it by the cases that have been read by the gentleman from New York [Mr. FITZGERALD] and some other cases, one or two of which the

Chair may insert in the RECORD, that this is in order now as a limitation on the appropriation, and the Chair overrules the

Mr. BURLESON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Add to the amendment: , or during such tutelage pay taxes levied by the District of Columbia in excess of such estimated cost of tuition.

Mr. CARLIN: Mr. Chairman, I make a point of order to that. Now, it is perfectly plain what is meant by the amend-

Mr. BURLESON. Mr. Chairman, this does not change the effect of the limitation in the slightest. In the first amendment it provided that "if the pupil owns land or property on which taxes are paid," and this provides that "if the parents own property or land on which taxes are paid."

Mr. MANN. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.
Mr. MANN. As I understood the original amendment, it provided that the pupils must own the property.
Mr. BURLESON. That is right.

Mr. CARLIN. No; the original amendment provided for both the pupil and the parents. The gentleman has given the wrong

Mr. MANN. If the gentleman will read the original proposition he will see that the payment of taxes applies only to the

The CHAIRMAN. The Chair thinks the amendment is negative in character and the amendment to the amendment is affirmative in character, and therefore the Chair is inclined to sustain the point of order.

Mr. MANN. Mr. Chairman, I think the Chair is in error as to the effect of the amendment.

The CHAIRMAN. The Chair will hear the gentleman from

I think it is also negative in character.

The CHAIRMAN. If the Chair is in error about that, it would affect his ruling.

Mr. MANN. It would make the amendment read:

No part of any money appropriated, etc., * * * or whose parents do not reside or are not engaged in public duties or who do not pay taxes, etc.

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the Chair to the fact that the law has this provision in it, and the only difference is that it withholds the appropriation unless the amount of taxes paid by the parents is in ex-

cess of a designated sum.

The CHAIRMAN. The Chair upon examination finds that the negative is continued to this part of the amendment. The Chair overrules the point of order. The question is on the

amendment to the amendment, Mr. CARLIN. Mr. Chairman, has the gentleman from Maryland [Mr. Linthicum] an amendment that he wants to offer

before I undertake to discuss this?

Mr. LINTHICUM. Yes. Mr. BURLESON. Mr. Chairman, I will ask that my amend-

ment to the amendment be acted upon first.

The CHAIRMAN. The question is on the amendment to the amendment. Does the gentleman from Virginia desire recognition on the amendment to the amendment?

Mr. CARLIN. No. I took the floor in order to give the gentleman from Maryland an opportunity to offer an amendment. The CHAIRMAN. Does the gentleman from Maryland desire

to offer an amendment by way of a substitute?

Mr. LINTHICUM. No.

The CHAIRMAN. Then, this is the only amendment that could be considered at this time. The question is on the amendment to the amendment proposed by the gentleman from Texas. The question was taken, and the amendment to the amend-

ment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add the following amendment to the amendment: "And such pupils or parents of such pupils who pay taxes less than the estimated cost of their tuition shall receive credit for such payment upon their bill for such tuition."

Mr. BURLESON. Mr. Chairman, I reserve the point of order on the amendment, although I may say that I am in sympathy with the purpose that the gentleman has in mind.

The CHAIRMAN. The Chair will hear the gentleman from

Maryland on the point of order.

Mr. BURLESON. Mr. Chairman, I want to state to the gentleman that I am in sympathy with the purpose of his amend-As I understand it, it provides that if the amount of taxes is paid on property owned in the District, and it does not

equal the amount of the tuition, that that shall be taken into consideration or deducted from the tuition when the tuition is made.

Mr. LINTHICUM. That is the idea.
Mr. BURLESON. Mr. Chairman, I think it is subject to the point of order, but I will not insist upon the point of order.

The point of order is withdrawn. The CHAIRMAN. Mr. MANN. Mr. Chairman, reserving the point of order, let

me ask for what year the taxes are to be paid?

The CHAIRMAN. There is no mention in the amendment

Mr. MANN. Well, for how long a time?

Mr. LINTHICUM. Mr. Chairman, I will say to the gentleman from Texas [Mr. Burleson] and the gentleman from Illinois [Mr. Mann] that I have no objection to any change that may be suggested in this amendment. My sole purpose is that the man who pays small taxes shall have credit for that payment just the same as the man who pays taxes in excess of the estimated cost of tuition.

Mr. MANN. Mr. Chairman, I am inclined to think that under the gentleman's amendment the effect would not be that. When

are the taxes payable in the District?

Mr. LINTHICUM. I suggest that the gentleman might insert there the words "for the year preceding."

Mr. BURLESON. Add after the word "taxes" the words "for any one year" or "the year preceding."

Mr. CARLIN. That is satisfactory; or make it read for the words the words the words.

the current year or the year preceding.

Mr. MANN. I suggest that on the current year no one will know probably what the taxes are until after the pupils have

paid their tuition fees, and there is no authority to refund the

Mr. CARLIN. Under the first provision of the act they make an estimate of the cost and an estimate of the taxes to be

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to amend the amendment by inserting the words "for the year preceding.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Let the amendment be reported.
The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Add the following to the amendment: "And such pupils or parents of such pupils who pay taxes less than the estimated cost of their tuition shall receive credit for such payment upon their bill for such tuition for the preceding year."

Mr. BURLESON. That would not be right. I suggest that the gentleman redraft his amendment.

Mr. MANN. I reserved the point of order and have it reserved.

The CHAIRMAN. The Chair would inquire if the gentleman has his amendment prepared.

Mr. BURLESON. The gentleman is attempting to redraft his amendment.

WATER METERS, DISTRICT OF COLUMBIA.

Mr. SIMS. Mr. Chairman, while this is going on I desire to ask unanimous consent to print in the RECORD a letter received this morning in regard to the placing of water meters in private houses, which gives information which was not known by me on

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the Record the letter indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

1706 JACKSON STREET NE., Washington, D. C., January 24, 1912.

Hon. THETUS W. SIMS, M. C.,

House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: I beg to assure you that citizens of the District of Columbia appreciate your protest against curtailing the supply of water to small householders. I note, however, that no one on the floor of the House on Tuesday challenged the statement that water rates were lower here than elsewhere in the country, although Mr. Mann seems to think that in Chicago the rates are somewhat lower. A further statement was made that weter rates in the District are \$4.50 for 15,000 cubic feet. It should have been added that the rate has recently been raised to \$4.50 for 7,500 cubic feet, and this without giving the citizens an opportunity to be heard in protest, although such a hearing was promised to the Rhode Island Avenue Suburban Citizens' Association months before the order increasing the rate was entered by the District Commissioners.

missioners.

In this connection, I deem it proper to suggest that the so-called \$4.50 rate is deceptive, for this reason: Taking my own case as an example, when the water main was placed in the street in front of my home an assessment of \$125 was placed against my abutting 100 feet of property. The interest on this sum at 6 per cent, the amount I am required to pay on deferred payments on my property, is \$7.50, which, added to the \$4.50 for service, amounts to \$12. Thus I am in fact charged \$12 per annum for my water, the amount of which I may use for that sum being also now curtailed one-half. Either that or every

property owner in the District is an involuntary stockholder in a concern paying no dividends.

I have brought this fact out because no one on the floor of the House on Tuesday seemed to appreciate the real conditions here.

Every one of your arguments against curtailing the use of water is absolutely sound. If healthful conditions in the District are desired; if lawns and gardens inure to the beauty of our National Capital; if dust-ridden streets are to contribute to the comfort of our people, the liberal use of water should not only be permitted but encouraged. In fact, there are any number of progressive people everywhere who believe that pure water should be furnished by the municipality or State as freely as street lights or police protection.

Very truly, yours,

DAN C. VAUGHAN.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The CHAIRMAN. The Chair will state that the Committee is waiting by unanimous consent. If there be objection-

Mr. MANN. Mr. Chairman, would it be in order to ask unanimous consent to temporarily pass this item?

The CHAIRMAN. The Chair thinks so.
Mr. BURLESON. Mr. Chairman, I ask unanimous consent to temporarily pass this item until the gentleman from Maryland can prepare his amendment.

The CHAIRMAN. The gentleman from Texas requests unanimous consent that the amendment be temporarily passed. Is there objection? [After a pause.] The Chair hears none.
Mr. CARLIN. Mr. Chairman, I understand we pass not only

the amendment but the whole paragraph.

The CHAIRMAN. That the entire matter be passed. matter before the House is the amendment proposed by the gentleman from Texas, which was held by the Chair to be in

Mr. BURLESON. That amendment was adopted.

The CHAIRMAN. No; it was an amendment to the amendment which was adopted. The next matter in order is the point of order made by the gentleman from Kentucky [Mr. JOHNSON] to the paragraph on page 73, which reads:

For interest and sinking fund on the funded debt, \$975,480.

The gentleman from Kentucky made the point of order that it is not authorized by existing law. The question for the Chair to pass upon is whether there is authority to appropriate for

the interest and the sinking fund. All the authority—
Mr. JOHNSON of Kentucky. Pardon me there one moment, Mr. Chairman. The point I undertook to make in my argument was to appropriate a specific sum; that the law already provided for an amount without an appropriation of a specific sum and that the other law was directory.

The CHAIRMAN. The Chair understood that phase of the contention of the gentleman. All the law that has been cited to the Chair and all the Chair has been able to find is contained in the act of 1874, in the act of 1878, and the act of 1879, except a slight amendment which was in the act of 1875 amending the act of 1874. The language applicable to this matter in the act of 1874, as amended by the act of 1875, is as follows:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated by this act, and by causing to be levied upon property within said District as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable and create a sinking fund for the payment of the principal thereof at maturity.

Perhaps it renders this statute easier of construction if the arrangement be changed in reading and we omit that part after the first comma down to the third comma, and read it, "and the faith of the United States is hereby pledged that the United States will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable and create a sinking fund for the payment of the principal thereof at maturity." How? Going back, first, "by proper proportional appropriations as contemplated in this act," and, second, "by causing to be levied upon property within said District such taxes as will do so." The Chair can not escape the conclusion that the expression is the contemplated in the second soil of the second soil o sion "by proper proportional appropriations as contemplated in this act" means something, and the Chair thinks that what it does mean is made clear by a subsequent section of the act of 1874, which appointed a joint committee to draft an act for the government of the District of Columbia in pursuance of the policy which had been defined by the passage of the act of 1874. And it is clear from all that occurred in that act of 1874 that it was then in contemplation, not only by the committee that reported the act of 1874, but in the contemplation of the Congress, because Congress passed the act, that there should be proportional appropriations, that a certain part of the expenses of the District of Columbia should be paid out of the funds of the Government of the United States and another part should be paid out of the revenues raised in the District.

Consequently the Chair regards that section of the act of 1874, as amended by the act of 1875, as being very persuasive and having a very potent meaning.

We come next to the act of June 11, 1877, the so-called "organic act" of the District of Columbia. That provides:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

It seems to the Chair that is clear authority for the payment of the interest, and the Chair suggests that the expression in regard to the method of crediting may be explainable when we consider the time at which the act of 1878 passed it was a general provision of law. It was not in an appropriation bill. It was a direction to the Secretary of the Treasury to pay it, and the Chair thinks that the direction as to the crediting may have been put in by reason of the time at which the act was

With the matter of bookkeeping, upon the proposition of whether or not the Government is bound for half the interest under the terms of this act, the Chair does not deem it necessary for him to pass. The sole question before the Chair be-Is there authority of law to appropriate? And if that authority exists, then of course the appropriation must be administered under the law. And the responsibility rests not upon the legislative branch or upon the Chair in passing upon the point of order but upon the administrative officers. Chair thinks there is authority of law for appropriating for the interests in the manner appropriated in this bill, and that brings us to the act of 1879, contained in the sundry civil bill,

And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia, issued under the act of Congress approved June 20, 1874, at maturity, which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof, and all bonds so redeemed shall cease to bear interest, and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed.

That section has given the Chair more difficulty than any of the others. But upon the whole, construing it as best the Chair could, the Chair has concluded that it clearly authorizes Congress to appropriate for the sinking fund. And the same thing, however, as to the administration of that appropriation after it is made applies to this section as applies to the interest act to which the Chair has just made reference. Believing that there is found in the law as quoted the authority to make the appropriation, the Chair overrules the point of order made

by the gentleman from Kentucky [Mr. Johnson].

Mr. Johnson of Kentucky. If I correctly understand the Chair, the Chair makes no ruling at all in this matter as to the half-and-half payment of this?

The CHAIRMAN. The Chair does not deem it necessary to

pass upon that.

Mr. JOHNSON of Kentucky. I properly understood you in Now, my inquiry is as to whether or not you in your decision express any opinion as to the purchasing of bonds at exceeding par, or that you hold you have nothing to do with

The CHAIRMAN. The Chair expresses no opinion upon that. It is certainly a matter with which the administrative officers of the Government are charged, not the Chair.

Mr. JOHNSON of Kentucky. A parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. I wish to inquire whether an amendment to the sinking fund section is now in order?

The CHAIRMAN. It is in order to offer an amendment. Mr. CARLIN. Mr. Chairman, if my friend will permit, I hope the discussion of the amendment will not take precedence over the amendment which was proposed a few moments ago.

The CHAIRMAN. That was passed by unanimous consent. The Chair thinks this matter should proceed until its conclusion now. Of course, that is a matter within the control of the committee.

Mr. CARLIN. I want to ask the gentleman from Maryland [Mr. Linthicum] if he has finished his amendment yet?

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4109. An act to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Kentucky [Mr. John-

son] offers an amendment, which the Clerk will report.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 73 I move to strike out lines 5, 6, 7, and 8 and in lieu thereof insert an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amend page 73 by striking out lines 5, 6, 7, and 8 and inserting the

Amend page 73 by striking out lines 5, 6, 7, and 8 and inserting the following:

"Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress approved June 20, 1874, when the same shall be due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided. And there is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1912, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issayd under the act of Congress approved June 20, 1874, at maturity; which said sum the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same way that United States bonds are canceled and destroyed."

Mr. BURLESON. Upon that, Mr. Chairman, I reserve a

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not propose seriously to discuss the point of order. It is a precedent so well established, and it has gone through so many years that the statute itself can be offered, that I do not propose to dis-

Mr. Chairman, in this matter I do not propose to change the law in the least. The amendment which I have offered is nothing more and nothing less than a copy of the law as it was originally passed by Congress. If this amendment is adopted, it will change the law in no respect whatever. But I have contended all along, and I insist now, that if this sinking fund and interest item remains in the bill as it is it gives the Committee on Appropriations the right to say how much money shall go toward interest and sinking fund, when the law itself says that the Secretary of the Treasury, in the first instance, is directed to set apart such an amount as is sufficient to pay the interest on these bonds; and next, that the Secretary of the Treasury is authorized by law to set apart such a fund as is sufficient, with the interest thereon, to pay these bonds when they reach maturity.

Now, that is a simple proposition. These four lines in this bill now are used by the Committee on Appropriations to say to the Secretary of the Treasury how much money he shall set apart toward the payment of the interest and toward the payment of the principal of these bonds, whereas the law says, and says plainly and emphatically, that that is in the dis-

cretion of the Secretary of the Treasury alone.

I have said it so often that it is unnecessary for me to repeat it now, that I believe the United States Government should, as it originally bound itself to do, see to it that this interest and principal are paid. I insist now that the Committee on Appropriations shall not deprive the Secretary of the Treasury of the right, which has been given him under the law, to say how much money he shall set apart for interest and sinking fund. I insist that the Secretary of the Treasury be allowed all his rights under these two sections of the law, and that he shall determine how much money is necessary to pay the interest, and then pay it.

Mr. Chairman, for no other reason than that the law may be held inviolate as to these bonds, I have offered the law itself. I have offered the law as an amendment to something which, in my judgment, with all due deference to the Chair,

has no right to be written into the bill.

The CHAIRMAN. The time of the gentleman has expired. Mr. BURLESON. Mr. Chairman, as I understand it, the Chair has held that the item carried in this bill is authorized by law. The gentleman now moves to strike it out and to substitute therefor certain language which he says is the law itself. If such is the case, as it does not change the law, then I insist that there is no necessity for the amendment. I am unable, by a hasty reading of the amendment, to determine whether it effects a change of law, but if it does not, then I again insist that it is wholly unnecessary. If it does, I make the point of order that it is legislation, and not authorized under the rules of the House.

Congress has a right to make the appropriation, I say now that Congress should be entitled to make the appropriation just as the law says it shall be made. I am not opposed to the appropriation being made. I want it made, but I want it made according to law. I want to take it out of the hands of anybody short of the Secretary of the Treasury to construe what that law means. This amendment offered by me changes no law, but it continues the law that has been made, and under my amendment an appropriation is made, and the Secretary of the Treasury is given the discretion to determine the amount, instead of the Committee on Appropriations doing it.

Mr. BURLESON. Conceding the correctness of the ruling of the Chair that the item is authorized by law, what is the

necessity for the gentleman's amendment?

Mr. JOHNSON of Kentucky. The Chair has ruled nothing more and nothing less than that an appropriation is authorized. This amendment offered by me authorizes an appropriation, but instead of the Committee on Appropriations saying how much money is to be appropriated, I say let the Secretary of the Treasury determine it under my amendment, which does appropriate the money and which is the law.

Mr. BURLESON. Then the position of the gentleman is

that we ought to carry in an appropriation bill in detail every act of Congress under which an appropriation is sought to be

made?

Mr. JOHNSON of Kentucky. I do not; but the chairman of your committee, the gentleman from New York [Mr. Fitz-GERALD], said this morning that no appropriation is necessary to carry out existing law. Upon that theory no appropriation of any specific amount is now necessary to carry out this provision of law.

Mr. FITZGERALD. The gentleman from Kentucky is mistaken as to what I said. I said that Congress is not under any obligation to appropriate money to carry out the purposes au-

thorized by law

Mr. JOHNSON of Kentucky. Take it at that

Mr. FITZGERALD. That is an entirely different proposition.

Mr. JOHNSON of Kentucky. The amendment offered by me does appropriate money. It is a continuation of an appropriation under law, and it is for the Secretary of the Treasury to determine the amount. I asked the other day if this committee could tell me how much of this amount was due for interest and how much for sinking fund, and they could not tell me; but under the amendment which I offer all of the amount necessary is appropriated, and then the Secretary of the Treasury can figure out how much for interest and how much for sinking fund.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. BURLESON. I make the point of order; yes.

The CHAIRMAN. The Chair has examined the amendment, and it is in the exact language of the statute. The Chair over-

rules the point of order.

Mr. BURLESON. Such being the case, I move to strike out the last word, and I now ask the committee to vote down the amendment offered by the gentleman from Kentucky [Mr. Johnson], because if his amendment does not change the law, and the item carried in the bill being couched in proper appropriating language, there is no necessity whatever to encumber it by engrafting this long amendment into it. If we were to follow that practice with reference to every other item carrying into effect acts of Congress, it would make a bill 18 times as long as the bill now laid before you for consideration.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURLESON. Yes.

Mr. MANN. Does the gentleman think it would take 18 times as long to pass the District of Columbia appropriation bill as it has taken to pass this one.

Mr. BURLESON. I hope not, but it would probably take a much longer time.

Mr. SAUNDERS. Mr. Chairman, as I understand the status of the situation and the ruling of the Chair, there is authority for the payment of the interest on the funded debt and there is also authority for the payment of a proportion of the funded debt-on the part of the Government of the United States, this proportion being one-half.

This being so, why should we not carry one item in the bill, setting aside a specific amount in the aggregate for the two purposes of sinking fund, and interest thus continually advising and apprising the House thereby in each bill of the amount to be expended on the above accounts? Why should we turn over Mr. JOHNSON of Kentucky. If I may be pardoned, con-ceding for the sake of argument that the Chair is right that amounts necessary for the interest, and sinking fund? Why

should this House not be apprised when it acts upon this bill

of the amount required for this compound purpose?

It is perfectly apparent, Mr. Chairman, that there can be no confusion arising from carrying the appropriation, in the present form. The amount necessary for the interest is easy to be ascertained. It is the amount necessary to pay the interest on the present outstanding obligations. An account kept of the progress of liquidation of these obligations, so that there is no difficulty in ascertaining at any time the precise amount for discharging the outstanding interest.

The amount that will be used by the sinking fund is dependent, of course, to some extent on the premium paid on the bonds that will be purchased in that connection. An account is kept from time to time, and the amounts used for sinking fund, and interest, are yearly ascertained. This information is easily secured, since it is in the form of written reports.

Mr. FOWLER. Will the gentleman yield? Mr. SAUNDERS. I will yield to the gentleman.

Mr. FOWLER. I desire the opinion of the gentleman as to whether he regards an appropriation to be an appropriation unless it is for a specific sum.

Mr. SAUNDERS. That is exactly why we carry a definite sum for the sinking fund and interest.

Mr. FOWLER. Did the committee ascertain what amount was required for the sinking fund and what amount was required for interest?

Mr. BURLESON.. The clerk of the Committee on Appropriations verified the amount and ascertained that it was mathematically correct. We desire to carry that sum in the bill rather than to leave to another functionary the authority to expend an indefinite sum.

Mr. SAUNDERS. I will say that the precise amount carried, is the amount that is needed, according to the information before us, to liquidate accruing interest, and provide the necessary part now required for the ultimate extinguishment of the

Mr. FOWLER. Did that information come from the Secre-

tary of the Treasury?

Mr. SAUNDERS. The estimates always come from the Secretary of the Treasury. The commissioners make them, and forward them to the Secretary. They are returned by the Secretary of the Treasury, to the Committee on Appropriations.

Mr. FOWLER. Does the gentleman regard the method set up by this amendment to be an appropriation at all?

Mr. SAUNDERS. As I understand it, it is authority for the application by the Secretary of the Treasury of the necessary amount for the discharge of the interest, and the proper proportionate part of the sinking fund.

Mr. FOWLER. Without making an appropriation for a spe-

Mr. SAUNDERS. I do not know whether the gentleman's amendment proposes to strike out the specific sum carried in our bill for sinking fund, and interest. If this item is not to be stricken out, then there is no occasion for the amendment; if it is to be stricken out, then there is a greater reason why the amendment should not be written into the present law.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-four Members are present-not a quorum. Under the rule the Clerk will proceed to call the roll, and those present will answer "Present."

The Clerk called the roll.

The committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 240 Members, a quorum, had answered to their names, and he reported the following absentees:

Ainey	Cary	Fornes	Hensley
Ames	Clark, Fla.	Foss	Higgins
Anderson, Ohio	Connell	Foster, Vt.	Hill
Andrus	Conry	Gallagher	Holland
Ansberry	Copley	Gardner, N. J.	Hughes, Ga.
Anthony	Covington	George	Hughes, W. Va.
Ashbrook	Cox, Ind.	Goldfogle	Humphrey, Was
Barchfeld	Currier	Good	Humphreys, Mis
Bartholdt	Dalzell	Gould	James
Bates	Davidson	Graham	Jones
Bathrick	De Forest	Gray	Kennedy
Beall, Tex.	Donohoe	Greene, Mass.	Kindred
Berger	Driscoll, D. A.	Gudger	Konig
Bingham	Dupre	Hamill	Kopp
Borland	Dwight	Hamilton, W. Va.	Lanerty
Broussard	Edwards	Hanna	Langham
Buchanan	Ellerbe	Harris	Langley
Burgess Burnett	Estopinal Fairchild	Hartman Hawley	Lawrence
Butler	Fields		Lee, Pa.
Campbell	Finley	Hayes Heald	Lever
Candler	Flood, Va.	Heflin	Lewis Lindsay
Canalor	Proou, va.	TIGHT	Timusa)

	Littlepage	Murray	Scully	Taggart
Ş	Lloyd .	Needham	Sells	Talbott, Md.
	Loud	O'Shaunessy	Sherley	Talcott, N. Y.
	McCall	Padgett	Sherwood	Taylor, Ala.
	McCov	Patten, N. Y.	Simmons	Thayer
ł	McDermott	Pepper	Slayden	Townsend
ł	McKellar	Plumley	Slemp	Turnbull
3	McKenzie	Prince	Small	Tuttle
Ì	McKinley	Puio	Smith, Cal.	Vreeland
	Maher	Ransdell, La.	Sparkman	Warburton
	Malby	Riordan	Stack	
	Martin, S. Dak.	Roberts, Mass.	Stanley	Whitacre
Į	Matthews	Robinson		Wickliffe
ä			Stephens, Cal.	Wilder
	Miller	Rodenberg	Sterling	Wilson, Ill.
	Moore, Tex.	Rucker, Colo.	Sulzer	Wilson, N. Y.
2	Murdock	Sabath	Sweet	

The SPEAKER. A quorum being present, the House will resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. GARRETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. GARRETT in the chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe, under the rule, that I have five minutes within which to discuss the amendment?

The CHAIRMAN. Yes. Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to be heard for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, we have now under consideration, on page 73 of the bill, an amendment offered by me to strike out lines 6, 7, and 8. Those lines read as follows:

For interest and sinking fund on the funded debt, \$975,408.

Mr. Chairman, the law provides that the Secretary of the Treasury shall, out of the funds of the United States Government, advance the interest on these 3.65 bonds as it falls due. There is another provision of the law which creates a sinking fund. The law says, in substance, that that sinking fund shall be made up of such amount as the Secretary of the Treasury may determine, which, with the interest thereon, will be sufficient to pay these bonds when they mature. Now, instead of following that law the Committee on Appropriations has brought in those three lines to which I object and which I wish to have stricken out, which are in substance this: That instead of permitting the Secretary of the Treasury to use, for the payment and interest on these bonds, such a sum of money as will pay the interest on these bonds and, in addition to that, permit the Secretary of the Treasury to set aside so much money as will with the interest thereon retire these bonds when they are due—instead of that, the Appropriations Committee has set aside a specific sum with which to pay the interest and with which to retire these bonds when due. Now, I wish to be clearly understood that I admit that, under

the existing law, the Secretary of the Treasury must set aside such a sum of money as will pay this interest; and, in addition to that, he must set aside such a sum of money as will pay this interest and, in addition to that, he must set aside such a sum of money, together with the interest thereof, with which these bonds must be paid. I wish it more clearly still understood again that I seek in nowise to prevent either the payment of interest or to divert any money from the sinking fund which goes toward retiring those bonds when due; but what I do ask is this: That this committee do not attempt to name the exact sum of money which will pay the interest and retire these bonds, because I say they do not know, and they have, by failing to reply to my challenge of several days ago, shown that they do not know, and I assert they do not know. If they do not know, and they do not, it is just as easy for them to appropriate too small a sum to meet this interest and sinking fund as it is to appropriate too large a sum to meet these items. Now, there was injected into the debate but a moment ago the statement that the Secretary of the Treasury had approved this amount, because he has transmitted this estimate to this Congress. I said more than a week ago to this House, I then challenged anybody to controvert me upon that, that the Secretary of the Treasury has not sent an estimate to this House. The Commissioners of the District of Columbia made out an estimate. They sent that estimate to the Secretary of the Treasury for his approval. Without the dotting of an "i" or the crossing t" he sent that back here, and when he sent it back he did not send it back with his approval. He neither approved it nor disapproved it, but in transmitting it he sends it with the statement on the first page of the estimates that he sends it back only for the information of the House. Now, then, Mr. Chairman, the only question is, Shall this Appropriations Committee set aside a specific sum to pay the interest and the sinking fund when I say they do not know how much that is, when at the same time, as I have just said, that amount may be too small or too large? It should be as the laws says it shall bethat the Secretary of the Treasury himself shall determine how much each of those amounts is, and then pay it, and for that purpose I offered an amendment, not in my own language, but I have copied the statute. Against my amendment, which is nothing more and nothing less than a copy of the statute upon this subject, a point of order was made. The Chairman overruled the point of order and has said that this House can vote upon the proposition whether or not this committee, which does not know the amount, shall set aside a specific amount, either too large or too small, with which to pay the interest and sinking fund that is required by law.

All I now ask is that the old law, without which they would have no sinking fund, without which they could not appropriate for the interest, be carried out to the letter in this bill, and that instead of permitting the committee to fix the amount which shall be paid as interest and retire these bonds, that the Secretary of the Treasury, in compliance with the law that is in his hands, shall set aside such an amount as is sufficient, too large nor too small-because I admit that the United States Government should see that this is paid, and I want it paid-but I want the Secretary of the Treasury, in whose hands this law for execution has been placed, to say how much money shall be set apart for the payment of these two items, and now, without the scratch of a pen, he has that So, to make it clear, I simply ask that the law upon the statute books be repeated in this act to-day, and that the Secretary of the Treasury administer that law just as it is found in the statute books and just as it is found in this amendment which I have offered, which amendment is nothing more or less than an exact copy of the law on the statute books.

Mr. BURLESON. Mr. Chairman, I will repeat what I stated

a moment ago when there was a very much smaller number of the committee present. The Committee on Appropriations in proper, succinct, appropriating language has embodied in this bill an item for the interest and sinking fund of the bonded indebtedness of the District of Columbia. The Chair has held that the item as framed is authorized by law. We now insist that this item as framed is much better than the amendment offered by the gentleman from Kentucky, for, as I understand, it has always been the policy of the Appropriations Committee to appropriate a specific sum for a purpose when that sum can be definitely ascertained, rather than carry an appropriation for an indefinite sum for the accomplishment of the same

We further insist that it is wholly unnecessary to encumber the bill by setting forth in their entirety the two or three acts of Congress referred to by the gentleman from Kentucky [Mr. JOHNSON], and I ask that the committee vote down his amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask that the

amendment be reported.

Mr. PALMER. Mr. Chairman, I want to ask the chairman of the subcommittee a question, simply for information. I have not heard very much of this discussion. Do I understand that appropriations have been made in previous District appropriation bills for the sinking fund and interest?

Mr. BURLESON. Since 1879.

Mr. PALMER. In a specific amount? Mr. BURLESON. Varying from time to time as the necessities of the existing situation demanded.

Mr. PALMER. Have these appropriations by Congress been the exact sum which was used by the Treasury Department to meet the sinking fund and interest?

Mr. BURLESON. The authorities have always utilized the amount appropriated for such purpose.

Mr. PALMER. But what I am getting at is was the objection that was made by the gentleman from Kentucky, that there is no way of telling whether this amount would be too large or too small? What has been the practice in the Treasury Department?

Mr. BURLESON. I will say to the gentleman that the clerk of the Committee on Appropriations, during the preparation of the bill and for the purposes of this particular bill, made the calculation to ascertain to a mathematical certainty that the amount carried in the bill is the requisite amount required.

Mr. PALMER. I assume that the clerk of the Committee on Appropriations made the calculations in past years also. What

I want to know is, were those calculations correct?

Mr. BURLESON. I do not think there has been any error in the amount that was appropriated for this purpose in years

past or the amount sought to be appropriated now.

Mr. MANN. The gentleman from Texas does not mean that the clerk of the Committee on Appropriations made the original

calculations?

Mr. BURLESON. No. The original calculation was made by officials of the Treasury Department. We had the clerk of the Committee on Appropriations verify the accuracy of those figures and he states to me he did make the calculation and that

the bill carries the proper amount. Mr. PALMER. All I want is to clear my mind of a doubt raised by the remarks of the gentleman from Kentucky [Mr. Johnson], who says there is not anything before the committee that makes it possible to say exactly what sum would be necessary for sinking fund and interest. As I understand, the practice of the House has been to make these appropriations in the past in a specific sum. I want to know whether in the past the sums which have been appropriated turned out to be the exact sums which were necessary to be taken out of the Treasury to meet this requirement. That is all.

Mr. BURLESON. I have no knowledge that there has ever been an unexpended balance of appropriations made for this purpose, and I will state further to the gentleman from Pennsylvania that this estimate came to the Appropriation Committee through the usual channels, as directed by law, but because of the issue raised, out of double precaution, we had the efficient clerk of your committee make the calculation this time, and he

made it with the result I have indicated.

Mr. PALMER. I understand; but the argument presented by the gentleman from Kentucky raises a pretty serious question.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me

for one minute?

Mr. PALMER. Yes.

Mr. JOHNSON of Kentucky. I will say to the gentleman that I believe I know to a positive certainty that not a single one of these appropriations which have been made has ever fitted the exact amount. I believe that one item alone has, during the run of years, exceeded the amount more than three-quarters

of a million dollars.

Mr. PALMER. That ought to be a very easy matter to determine.

Mr. JOHNSON of Kentucky. If my amendment is adopted, which is nothing more or less than the statute, then the Secretary of the Treasury ascertains the amount himself and pays it, instead of having fixed here an amount which you do not know and which I do not know is correct.

Mr. PALMER. Has the Secretary of the Treasury transmitted to the Congress or to the Committee on Appropriations any statement of the past expenditures under this item which show the appropriation to have jibed with the actual money set

Mr. TAYLOR of Ohio. Mr. Chairman, I think I can answer the gentleman's question.

Mr. JOHNSON of Kentucky. I think I can, too. It was addressed to me.

Mr. TAYLOR of Ohio. I will wait, then, until the gentleman answers.

Mr. JOHNSON of Kentucky. The reports, I contend, made by the Treasurer of the United States show exactly what I say; and a report later on will be made showing to be true exactly what I say.

Again I insist that I want this interest and sinking fund paid, and I want it done just as the law says shall be done, that the Secretary of the Treasury must himself ascertain the amount and take the responsibility for the ascertainment of that amount, and not have people like us, who do not know, fix the amount for him.

Mr. PALMER. I, too, want the interest and sinking fund paid. I am with the gentleman from Kentucky on that propo-I think, if it is possible to ascertain the amount accurately, the amount ought to be named in the appropriation bill.

What I am trying to get at is whether that is possible or not.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield? Mr. JOHNSON of Kentucky. The gentleman from Ohio [Mr. Cox] has asked me a question. I will yield to him first.
Mr. COX of Ohio. The gentleman concedes that the account-

ing officer in this transaction is the Treasurer of the United States, is he not?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX of Ohio. The contention that the gentleman from Kentucky is making before this committee-I would not want to call it an insinuation, although it amounts practically to that—is that there has been too much money appropriated. Is it not strange that, despite the very exhaustive study which

the gentleman has made of this subject, he is not in possession of tangible facts upon which to base his insinuation?

Mr. JOHNSON of Kentucky. I will answer the gentleman in this way: That I wish to disavow any sort of insinuation against the Treasurer of the United States. On the contrary, I wish that the Treasurer of the United States, acting under the Secretary of the Treasury of the United States, shall ascertain this amount and that he shall not have it sent down to him already ascertained by Congress. That is my contention.

Mr. COOPER. Mr. Chairman, will the gentleman permit a

question?

Mr. JOHNSON of Kentucky. In just one minute. I hear it stated by a gentleman near me that the Treasurer has fixed it. I challenged them 10 days ago to produce the place where he has fixed it.

Mr. COX of Ohio. If he is the sinking-fund officer, it is fair to assume that he has fixed it; and we challenge the gentleman from Kentucky to show that he has not correctly stated the

figures.

Mr. JOHNSON of Kentucky. I say that the Secretary of the Treasury, in transmitting this report, does not approve it, but says in transmitting it to Congress has neither approved nor disapproved it, but sends it to Congress for information

The CHAIRMAN. The time of the gentleman from Penn-

sylvania has expired.

Mr. PALMER. I was not aware that I had control of any

time.

Mr. JOHNSON of Kentucky. I would be very glad, Mr. Chairman, to answer the question of the gentleman from Wis-

consin [Mr. Cooper]. I ask permission, Mr. Chairman, to answer the gentleman's question.

Mr. BURLESON. Mr. Chairman, I have not heretofore during the consideration of this bill made a motion to limit debate, but I am anxious to bring to an end its consideration, and now ask unanimous consent that the debate on this proposition be limited to 10 minutes.

Mr. SIMS. Make it 15 minutes.

Mr. BURLESON. Does the gentleman from Illinois [Mr. Cannon] desire any time?

Mr. CANNON. No; I think not. Mr. BURLESON. Then, I ask that all debate be concluded in 10 minutes; 5 minutes to be controlled by the gentleman from Kentucky [Mr. Johnson] and 5 minutes to be controlled by

the gentleman from Virginia [Mr. SAUNDERS].

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the debate on the pending amendment be closed in 10 minutes, and that one-half of the time be controlled by the gentleman from Kentucky [Mr. Johnson] and one-half by the gentleman from Virginia [Mr. SAUNDERS]. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. Saunpers] is recognized for 5 minutes.

Mr. JOHNSON of Kentucky. I understand I have the conclusion.

The CHAIRMAN. That is correct. The gentleman from Virginia is recognized for 5 minutes.

Mr. SAUNDERS. Now, Mr. Chairman, the suggestion has been made that the Secretary of the Treasury has not approved the estimates that he sent to us this year. Well, he is not required as a matter of necessity to formally approve the estimates. They are sent to him for approval, or disapproval. If there are special items that he disapproves, he can submit to the committee on the return of the estimates a formal disapprobation. But the estimates are sent to the Secretary, in the very language of the act, for approval or disapproval. he returns them to the committee without any expression of attitude, this nonaction may be fairly taken as tantamount to approbation of the items included in the estimates. It may be properly assumed that if he was opposed to any one, or more of the items, he would give expression to that opposition.

Mr. PALMER. Is there any difference in the manner in which the Secretary has sent down the estimates for this particular item in this appropriation bill and the manner in which

it has been sent to us in the past?

Mr. SAUNDERS. I can not specifically answer that question. So far as I am informed, I answer no. It may be that heretofore he may, at some time have singled out special items for commendation, or disapprobation, but if he sends to the Committee on Appropriations a body of estimates which he is required to examine, and sends them without comment, that omission does not affect in the slightest degree the validity of our action.

Mr. SIMS. Will the gentleman allow me to ask him, if this amendment goes on, will it hurt or affect the appropriation

or reduce it in any manner whatever?

Mr. SAUNDERS. It changes the present method of appropriation, so that the House will be no longer advised by the terms of the bill of the specific amount appropriated for the particular purpose of interest and sinking fund. I maintain that the House ought to have that information, and ought to continue the appropriation in the present form.

Mr. SIMS. But the appropriation itself is not specific.

Mr. SAUNDERS. It is specific. Mr. SIMS. It is for sinking fund and interest.

Mr. BURLESON. Last year there was \$39.10 of this fund uninvested.

Mr. SAUNDERS. When any gentleman asks the committee what is the amount needed for interest, and what the amount needed for sinking fund, we are not able on the moment to give the exact amount of the segregated portions, but that does not mean that the information is not within easy reach. If any Member of the House insists upon knowing how much of the amount appropriated is interest, and how much is sinking fund, the exact proportion of each can be readily calculated from existing figures.

Mr. SIMS. That is not specific enough.
Mr. SAUNDERS. We know the amount of outstanding We know therefore the amount needed for interest on those bonds.

Mr. SIMS. But the House does not know.

Mr. SAUNDERS. If the gentleman will pardon me, there is one feature of the sinking-fund law which makes it impossible to determine in advance the precise amount that will be used out of the amount required for the sinking fund, after the payment of interest. The outstanding bonds may be purchased above par, when it is conceived to be to the interest of the District to make such purchases. It is impossible to determine when the appropriation is made, what amount will be precisely required, since the price of the bonds fluctuate, and they may be purchased on more favorable terms than are anticipated or needed for interest. But every appropriation is for interest, and sinking fund is thereafter settled. The last settlement of this fund shows that about \$39 of the amount appropriated for sinking fund, and interest was not used. This amount of \$39 therefore lapsed, and went back into the Treasury. Is there any reasonable likelihood of fraud in such a situation as I have presented?

Mr. SIMS. Does the gentleman approve the idea of allowing

the Secretary to exercise his own discretion?

Mr. SAUNDERS. That is exactly what this amendment would do. It would remit the payments on interest, and the sinking fund to the judgment of the Secretary of the Treasury.

Mr. SIMS. I mean, does the gentleman approve of the idea of allowing the Secretary of the Treasury to purchase

bonds at his own discretion?

Mr. SAUNDERS. That is the present law. How are we concerned with that?

Mr. SIMS. It ought to be repealed.

Mr. SAUNDERS. Then repeal it. But let us deal with what is before us. You may have aided in the past in giving him that discretion.

Mr. SIMS. I do not think I have. I never voted in favor

Mr. SAUNDERS. The House at any rate has given him the power to purchase bonds above par. Permit me to call attention to the figures. Under the last item, for sinking fund and interest precisely like the one in the present bill, bonds were retired amounting to \$622,050. They cost \$674,287, and the unexpended portion of the amount for sinking fund was \$39.10. This amount lapsed. It was the duty of the Secretary of the Treasury when the estimates with respect to this specific item for the sinking fund and interest, were submitted to him, if he had any reason to believe that there was any error in them, to apprise the Committee on Appropriations to that effect. The estimates submitted to the Secretary of the Treasury, contained the following specific item for this purpose: "Interest and sinking fund on the funded debt, \$975,pose: 408." The item was returned without any comment by the Secretary.

Mr. CANNON. Will the gentleman allow me a question? Mr. SAUNDERS. Yes, if I have the time. Mr. CANNON. That is the official estimate that is transmitted under the law?

Yes, to the Secretary of the Treasury, Mr. SAUNDERS.

and returned by him to us.

Mr. CANNON. And this bill carries the amount of money on its face necessary?

Mr. SAUNDERS. For both purposes, sinking fund and interest.

Mr. CANNON. I understand that if the amendment of the gentleman from Kentucky is adopted, then this bill does not carry on its face the amount that it will require, but is a

blind appropriation of nearly a million dollars.

Mr. SAUNDERS. The Secretary of the Treasury would pay out the amount necessary; we would not know what that amount would be inasmuch as we would not carry it in our

Mr. COX of Ohio. Will the gentleman yield?
Mr. SAUNDERS. My time has expired; otherwise I would yield with pleasure.

Mr. JOHNSON of Kentucky. Mr. Chairman, under the act of 1878 the law says:

The Secretary of the Treasury shall carefully consider the estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes as he may see fit.

Now, then, that law does not pertain to any other appropriation bill which comes before Congress, but is the law applicable to this bill.

The point has been made that the House can not be advised if my amendment is put on the statute book. The Secretary of the Treasury makes his annual report to Congress, which shows the amount. The gentleman from Illinois [Mr. Cannon] says it would be a "blind appropriation." The law for which the gentleman himself voted authorized the Secretary of the Treasury to "blindly" take from the Treasury so much money as was necessary to pay this interest and sinking fund. Now, it is too late for the graph can be for the graph can be says that too late for the gentleman from Illinois to come and say that if we put into this bill the very act for which he voted—I say it is too late for him to brand it as "a blind appropriation."

Mr. CANNON. If the gentleman will allow me, the law provides for a sinking fund. This appropriates the money to meet that law and states it on its face.

Mr. JOHNSON of Kentucky. And I will say to the gentleman from Illinois that my amendment appropriates the money

to pay this interest.

Mr. CANNON. Without stating the amount.

Mr. JOHNSON of Kentucky. It leaves the amount to the
Secretary of the Treasury to determine each year, because the amount of the bonds differ every week in the year.

Mr. CANNON. If the gentleman will pardon me, this would be in order: There is hereby appropriated from any money in the Treasury not otherwise expended, one thousand million dollars to be expended under law by the President of the United States. That would do away with all necessity for considering bills in detail.

Mr. JOHNSON of Kentucky. I do not believe the gentleman from Illinois would have supported, as he did, such a measure as he now describes. This work having been properly done by the Secretary of the Treasury, I am more than willing to take his judgment, as did the gentleman from Illinois when he

voted on this proposition years ago.

Now, Mr. Chairman, my amendment does nothing except this-instead of fixing a certain sum in this bill above which the Secretary of the Treasury shall not go, and below which the Secretary of the Treasury shall not go, in doing justice to the men who hold these bonds, my amendment leaves it open that he may ascertain the amount and pay them dollar for dollar.
Mr. COX of Ohio. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.
Mr. COX of Ohio. With reference to the gentleman's statement that there may be some likelihood of an erroneous certification, I want to ask this question: The bonds run for 50 years?

Mr. JOHNSON of Kentucky. Yes; due in 1924.
Mr. COX of Ohio. Was not this plan adopted, that they would pay off each year one-fiftieth of the original debt?

Mr. JOHNSON of Kentucky. There was nothing adopted by

Mr. COX of Ohio. Well, it was the custom.

Mr. JOHNSON of Kentucky. And I am protesting now because of that custom. There was no sinking fund for the 3.65 bonds until five years after the bonds were authorized.

Mr. COX of Ohio. The law provides that they shall pay off the debt in such a way as to reduce the entire bonded debt at its maturity.

Mr. JOHNSON of Kentucky. And I am offering the law to you and you refuse to take it. It is the statute doing that which I now offer, and it is that against which the gentleman

Mr. COX of Ohio. In the face of this statement of facts, how can the gentleman successfully contend that there can be any error in the certification when, following the practice of years, we pay one-fiftieth of the debt, plus the interest? There is no possibility—not even a remote one—of there being any error in the certification.

Mr. JOHNSON of Kentucky. Then, if there is not, why not follow the law as it is on the statute books?

Mr. COX of Ohio. This is the legal effect of the statute-a compliance with the statute.

Mr. JOHNSON of Kentucky. But I say not.

Mr. PALMER. Mr. Chairman, will the gentleman yield? Mr. JOHNSON of Kentucky. Certainly.

Mr. PALMER. Is it not also true that if there is any error in the certification of the amount necessary to the Committee on Appropriations, or if there is any failure to comply with the law in the approval of the estimate, that that error and that failure is made by the same official of the Government of whom the gentleman from Kentucky now proposes to intrust the

power to not only pay but to make the appropriation?

Mr. JOHNSON of Kentucky. I do not propose to intrust it to him. The law already intrusts it to him. But I say this: If this amount falls short, then it requires another act to provide

an amount sufficient to pay this interest and sinking fund.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired. The question is on the amendment proposed by the gentleman from Kentucky.

The question was taken, and, pending the announcement of the result, Mr. Johnson of Kentucky demanded tellers.

The CHAIRMAN. The gentleman from Kentucky demands tellers. All those in favor of ordering tellers will rise and Six gentlemen have [After counting.] stand until counted. risen; not a sufficient number, and tellers are refused. noes have it, and the amendment is not agreed to.

Mr. LINTHICUM. Mr. Chairman, I now call up the amendment which I have sent to the Clerk's desk and which was put

over by unanimous consent.

The CHAIRMAN. By unanimous consent the paragraph on page 56 was passed for the purpose of enabling the gentleman from Maryland to prepare an amendment to the amendment offered by the gentleman from Texas. Without objection, the committee will return to that amendment. Without objection, the amendment of the gentleman from Texas will be first reported.

There was no objection, and the Clerk read as follows:

No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who, during such tutelage, do not own property in and pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein or during such tutelage pay taxes levied by the District of Columbia in excess of such estimated cost of tuition.

The CHAIRMAN. The gentleman from Maryland offers an amendment to the amendment just reported, which the Clerk will report.

The Clerk read as follows:

Add to the amendment the following:

"Provided, however, That when a pupil or parent of a pupil is assessed upon property and pays the taxes thereon, which annual payment is less than the estimated cost of tuition, then the said payment so made for the year preceding shall be credited upon the bill for tuition for the current year."

Mr. MANN. Mr. Chairman, I reserved a point of order upon that amendment in order that the amendment might be perfected. I shall withdraw the point of order, although I doubt whether the amendment has been perfected to accomplish the purpose desired.

The CHAIRMAN. The gentleman withdraws the point of order. The question is on the amendment to the amendment.

Mr. BURLESON. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was agreed to. Mr. FITZGERALD. Mr. Chairman, I offer the following substitute for the pending amendment, which I send to the desk and ask to have read.

Mr. CARLIN. Mr. Chairman, pending that I have a parliamentary inquiry to make.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. I wish to oppose the entire amendment as it

has been perfected, and I want to know whether we will lose our right by having this substitute reported?

The CHAIRMAN. The gentleman does not lose his rights by the substitute. The Clerk will report the substitute offered by the gentleman from New York.

The Clerk read as follows:

The Clerk read as follows:

Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: Provided, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such

amount, to be fixed by the board of education, with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. CARLIN. Mr. Chairman, I make a point of order against the substitute

The CHAIRMAN. The gentleman from Virginia makes the point of order against the substitute.

Mr. FITZGERALD. What is the point of order?

Mr. CARLIN. The point of order is that this substitute is not germane to the legislation which the amendment has been held to be, and that it is new legislation-

Mr. FITZGERALD. I desire to call the attention of the Chair-

Mr. CARLIN. And to a paragraph which the Chair has held

was not germane.

Mr. FITZGERALD. The situation is different at this time than when the Chair ruled on the provision in the original bill. This is offered as a substitute to a pending amendment which is itself legislation, and had the point of order been pressed would have been subject to the point of order. The amendment offered by the gentleman from Maryland [Mr. LINTHICUM] was obnoxious to the rule because it was a legislative provision; but having been adopted by the committee, the only question to be determined now is whether this amendment is germane. I offered this amendment, Mr. Chairman, in this form because the adoption of the amendment proposed by the gentleman from Maryland is in effect an attempt to accomplish in a very indirect way what was proposed by the committee originally. I believe that the provision reported by the committee was proper legislation. Gentlemen in the exercise of their rights under the rules made it impossible for the committee to put in the legislative provision, and so they were compelled to take advantage of their rights under the rules and to limit the use of the appropriation. When that had been accomplished those gentlemen who were antagonizing the committee then desired to obtain concessions that would eliminate what they thought would be an unfair operation of the provision so far as those in whom they were interested would be affected, and the result was that with the adoption of the amendment proposed by the gentleman from Maryland the effect would practically be the same, although the manner in which the provision is worded and framed is not the manner in which it should be in order to permit the proper legislation. So long as with the cooperation of the gentleman from Maryland and his associates the provision which he proposed, subject to the point of order, was not objected to, I assume that so long as this seems to be inevitable they would prefer to have it done in a manner about which there could be no misunderstanding. not believe that there is any question that the provision offered by the gentleman from Maryland was subject to the point of order. That makes any amendment germane in order at this time regardless of what might have been the determination of the Chair upon it as an original proposition.

The CHAIRMAN. Will the gentleman permit the Chair a

Mr. FITZGERALD. Certainly.
The CHAIRMAN. Does not the amendment as proposed by the gentleman from New York as a substitute broaden the legislation?

Mr. FITZGERALD. I am unable to hear the Chair.
The CHAIRMAN. The Chair desires to ask if the substitute proposed by the gentleman from New York does not broaden the legislation beyond that which is contained in the amendment?

Mr. FITZGERALD. Undoubtedly. If it is a legislative provision it must either narrow or broaden the amendment which is pending now. I have no hesitation in saying that it does broaden the scope of the legislation proposed in the amendment which is offered as a substitute. The rule is well settled that if a provision in an appropriation bill be subject to a point of order and is permitted to remain in the bill without objection, or if an amendment which would be obnoxious to the rule is permitted to be considered without the point of order being interposed, then any amendment germane to the pending amendor pending provision is in order. That, I take it, is the situation here.

Mr. MANN. Mr. Chairman, I am not particularly concerned as to whether this item goes in the bill or out of the bill, but it seems to me that the point of order made against the substitute offered by the gentleman from New York is a good point of order. In the first place, while I reserved the point of order against the amendment offered by the gentleman from Maryland, if I understood it correctly, I do not think it was subject to the point of order.

Mr. FITZGERALD. I assure the gentleman it was.

Mr. MANN. The original amendment of the gentleman from Texas provided in effect, by negation, that pupils might be admitted to the schools here whose parents paid in taxes the amount of the tuition, and the amendment offered by the gentleman from Maryland along that same line, a previous amendment being held in order by the Chair, simply provided that if admitted to the schools here they should only pay the difference between the taxes and the estimated cost of tuition.

Mr. FITZGERALD. That is clearly a change of existing law. Mr. MANN. Oh, well, it is all a change of existing law, so

far as this appropriation is concerned.

Mr. FITZGERALD. Oh, no. Mr. MANN. Why certainly.

Mr. FITZGERALD. Not at all.

Mr. MANN. The law provided here that red-headed children may go to the schools, and we may insert a provision in this bill no part of this money shall be appropriated to teach redheaded children.

That would be a change of law so far as this appropriation is concerned, but would not change the statute law. Both pro-

visions change the effect of the law.

As I say, I think the amendment offered by the gentleman from Maryland [Mr. Linthicum] was not subject to a point of order and does not bring the substitute within the rule invoked by the gentleman from New York [Mr. FITZGERALD]. But even if it were subject to a point of order, I call to the attention of the Chair that the amendment as it stands is a mere negation of the appropriation, but the amendment offered by the gentleman from New York proposes to insert in positive language that nonresident pupils may be admitted and taught in the schools on the payment of tuition. That is not a germane amendment to a proposition limiting the appropriation, nor is the provision in this amendment that the amount paid for tuition shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District, a germane amendment to the original proposition, which was merely negativing the use of the appropriation.

The CHAIRMAN. The Chair is prepared to rule. amendment proposed by the gentleman from New York [Mr. Fitzgerald] as a substitute for the amendment is in precise language the amendment which has heretofore been ruled out by the Chair. It is insisted, however, that the parliamentary situation has changed, and that by virtue of certain legislation having come in in the way of a limitation upon an appropriation, then an amendment which was probably subject to the point of order having been added to that, therefore it is now in order to bring in this original proposition, which has been two or three times removed from the bill on a point of order,

and offer it as a germane substitute.

The Chair finds this in Hinds' Precedents:

In an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

And, after stating the case, there is this reasoning of the Chair, Mr. THEODORE E. BURTON, of Ohio, being the Chairman:

The Chair, though somewhat doubtful, thinks this the best rule: That if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the further paragraph which is proposed as an amendment carries a further degree of illegality affecting the whole paragraph as amended, then it is not in order. not in order

Concededly, the amendment proposed by way of a substitute by the gentleman from New York does broaden the legislation and extends it beyond the scope included in the amendment offered by the gentleman from Maryland [Mr. Linthicum], and to that extent carries what Mr. Burton described as "a further degree of illegality." The Chair thinks the reasoning sound. The Chair thinks the amendment is not in order, and sustains the point of order.

The question is on the amendment proposed by the gentleman

from Texas [Mr. Burleson], as amended.

Mr. CARLIN. Mr. Chairman— The CHAIRMAN. The gentleman from Virginia [Mr. Car-LIN] is recognized for five minutes.

Mr. CARLIN. Mr. Chairman, we now have finally reached the material question involved, and I do not want anything I shall say to be a criticism of the ruling of the Chair. The Chair has ruled this is not new legislation, but I am compelled, in appealing to this committee to defeat the amendment of the gentleman from Texas, to point out to the committee the fact that the amendment as now pending does change in effect the present existing statutes.

The law relating to the admission of nonresident pupils to the schools of the District of Columbia, as it exists to-day, simply provides that they shall be taxpayers in the District of Columbia. The amendment pending provides that they shall not only pay taxes in the District of Columbia, but to pay taxes in excess of an estimated tuition. In other words, it affects the amount of taxes they are to pay. And then, reduced to its last analysis, it simply means if you own \$2,500 worth of property in the District of Columbia and your tax bill amounts to \$40 a year, you are eligible to admission to the schools, wherever you may live. But if you only own \$1,000 worth of property in the District of Columbia you are not eligible to admission to the schools. So, after all, the only question this committee has to determine as to whether it will sustain this amendment or not is the one whether it will exclude the children of the parent who does not own \$2,500 worth of property, but who may own \$2,400 worth of property.

If you are a man of means, though you be a nonresident, the schools are open to your children, because of this difference in taxation which you may pay; but if you are a person of small means and own only a small amount of property in the District of Columbia, the schools are closed to your children. That is the policy which this committee insists upon, and says it insists upon it because it is the policy of the committee. They have adopted this principle as a policy and are pursuing it, and have pursued it, here for days, because they say it is a policy. It is to that policy to which I propose to pay my attention.

The CHAIRMAN. The time of the gentleman from Virginia

has expired.

Mr. CARLIN. Mr. Chairman, I ask that I be allowed 10

Mr. BURLESON. Mr. Chairman, this matter has been thoroughly discussed. I think I have been considerate, and-

Mr. MANN. Its merits have not been discussed. Mr. CARLIN. We have not discussed it on its merits at all. Mr. BURLESON. How much time does the gentleman from Virginia desire?

Mr. CARLIN. I think I can conclude in 10 minutes

The CHAIRMAN. The gentleman from Virginia [Mr. Carlin] is recognized for 10 minutes.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the debate on this amendment be ended in 15 minutes, and that the gentleman from Virginia [Mr. CARLIN] be given 10 of it and that I be given 5.

Mr. LINTHICUM. Mr. Chairman, I would like to have 5

Mr. BURLESON. Then I will make it 15 minutes, and agree that the gentleman from Maryland [Mr. Linthicum] shall be given 5 minutes.

Mr. MANN. We may desire time on this side. Mr. BURLESON. Then I will make it 20 minutes, Mr. Chairman.

Mr. MANN. The gentleman from Virginia [Mr. CARLIN] wants 10 minutes himself.

Mr. BURLESON. I ask unanimous consent, Mr. Chairman, that the debate on this amendment be concluded in 25 minutes; that the gentleman from Virginia [Mr. CARLIN] be given 10 minutes, that the gentleman from Maryland [Mr. Linthicum] be given 5 minutes, that the gentleman from Ohio [Mr. Taylor] be given 5 minutes, and that I be given 5 minutes.

Mr. MANN. There are other gentlemen who want time on

this side.

Mr. TAYLOR of Ohio. I think we ought to have more time on this side. I think there are gentlemen on this side who

Mr. BURLESON. I will give the gentleman from Ohio [Mr. TAYLOR] 9 minutes and for my time I will take only 1 minute.

Mr. TAYLOR of Ohio. I think gentlemen on this side of the House should have time enough.

Mr. BURLESON. Mr. Chairman, I move that the debate close in 25 minutes.

The gentleman from Texas moves that the The CHAIRMAN. debate on this amendment be closed in 25 minutes. The question is on agreeing to that motion.

The question was taken, and on a division (demanded by Mr. Austin) there were—ayes 25, noes 9.

So the motion was agreed to.

The CHAIRMAN. The debate will close in 25 minutes.

Mr. TAYLOR of Ohio. Mr. Chairman, I simply want to state that it will be necessary for me to insist on more than five minutes for the minority side. I am quite of the opinion that the gentleman from Virginia [Mr. CARLIN] should have his 10 minutes undiminished.

Mr. BURLESON. There is no dispute as to the distribution

of time under the motion.

Mr. TAYLOR of Ohio. I understand that; otherwise I would be compelled to insist upon the strict enforcement of the five-

minute rule. If there can be a fair agreement as to the distribution of time, I shall be willing to listen to the gentleman from Texas

Mr. BURLESON. So far as I am concerned, I am willing that the gentleman from Virginia [Mr. Carlin] shall have 10 minutes, that the gentleman from Maryland [Mr. Linthicum] shall have 5 minutes, and that gentlemen on the other side shall have 9 minutes. All I shall want is 1 minute in which to make a short statement.

I think that is a fair arrangement. Mr. TAYLOR of Ohio. The CHAIRMAN. Without objection, the gentleman from Virginia is recognized for 10 minutes.

Mr. CARLIN. This is insisted upon by the Committee on Appropriations as a matter of policy. It is to that policy that

I desire to enter my protest.

had hoped, when this District bill was brought into the House, that it would have something in it that we could call a policy of progress and improvement, instead of a policy of standstill and do nothing, which is the policy which speaks from

every page in this bill.

There is not a line here giving to this great city a public park, a new school building, or a new public improvement. The whole policy of the bill seems to be to stand still and mark time, and that is a policy to which I object. A great city like this, growing as it is in wealth and importance, is entitled to more consideration in the way of public improvements than are provided for in this bill. And in my judgment this amendment is the last straw upon the camel's back, when it insists that any nonresident, whoever he may be, may, if he owns \$2,500 worth of real estate, send his children to the schools of the District of Columbia, but if he only owns \$1,200 worth of real estate his children shall be excluded from the schools. That is the point I want to make clear to this House. If it was a provision excluding nonresidents, then there might be some ground for argument, but it does not exclude nonresidents. It specifically admits them. It admits the nonresident if he is rich, refuses to admit the nonresident who is poor. That, briefly speaking, is the whole thing in a nutshell. How many children does it affect? The Committee on Appropriations has told us that there are 1,600 empty seats in the schools of Washington, 1,600 more seats than are needed to accommodate the present pupils of the District of Columbia. They tell you that it will not require the expenditure of one single dollar to let the law remain as it is to-day, and that is the only thing I contend for. I ask that by defeating this amendment you allow the present law upon the statute book to remain. It has been found to be wise. It has worked out well. It has been found to be just, discriminating against no one, rich or poor, to permit every taxpayer in the District of Columbia to send his children to the schools here if he desires to do so. This amendment makes an unjust discrimination. In my opinion it ought not to prevail, and I hope it will be the pleasure of the Committee of the Whole to vote it down.

Mr. LINTHICUM. Mr. Chairman, my colleague, Mr. Lewis, whose district covers that part of Maryland west of Washington, is now absent with a delegation of this House in Florida. As secretary of the Maryland delegation, and at his request, I am asking a few moments of this committee's time to make a statement in his behalf.

It seems to me that we have the cart before the horse on this proposition. People are going all through the country preaching the doctrine "back to the farm." We hear them saying that it is the salvation of the poor man to leave the city and go into the country, where he can live more cheaply, where he can breathe the pure air and enjoy God's sunshine, instead of living in tunnels as we do in the city. We hear all this, and yet the moment a poor man goes out of the District of Colum-We hear all this, and bia upon the lands of Maryland, the moment he leaves the District of Columbia, already crowded, whose land is so high that it is almost impossible for him to obtain a piece of it, as soon as he leaves the limits of this District and goes into the State of Maryland, where he can possibly rent some little house for \$6 or \$7 or \$8 a month, that moment you propose to tell him that his children must be taxed for the privilege of attending the schools of this District, whereas his neighbor, living in a \$10,000 house on the hill above him in the same county, who is also a taxpayer to the District, is not taxed to send his children to the schools of Washington, because God has given him riches which he has not given to the man working upon the streets or in some factory, or standing in a grocery store, or in some other business which pays him but a small remuneration for his work.

To the man who comes here from the South, from the North, or the West, able to get a Government position, you say, "Live where you please. Send your children to the schools of Washington and enjoy them and we will pay for it."

I say you have got the cart before the horse. You are taxing the poor man, while you are letting off the man who is rich enough not to mind it, because he is paying taxes here anyhow.

Mr. Chairman, this is a matter which does not affect the District of Columbia to any great or appreciable extent, because the additional burden imposed upon the people of the District of Columbia is very slight. But these United States, of which these people are citizens, but in which they hold no office, and some of them ask for none, pay one-half of the expenses of these

While some may say that the people living in the territory about the District of Columbia would be entitled to slight consideration for the amount paid, yet it is a fact that they are citizens of this country, believe in this country of ours, and this country is paying one-half of the taxes of the District of Co-I therefore see no reason why they should not directly enjoy some of the blessings of this Government, and I know of no blessing this Government can bestow greater than the education of their children.

I ask this committee on behalf of these people and on behalf of fair play between children of the rich and the children of the poor to vote down this amendment. We have got along for years under the present existing law and the people have enjoyed it. The cars have carried them out to the suburbs, where they have small homes, where they live and enjoy the healthful surroundings of country life. They can not ride back and forth in automobiles. If they could, their children would be admissible to the schools under this amendment, because they would have property.

I say in all earnestness that we should help these people. The people of the District of Columbia have enjoyed the parks of Maryland and Virginia, the wild flowers, and the pure air for more than 100 years without paying a penny of taxes to either of these States. Shall we now at this late day begin to tax the people of Maryland and Virginia for their children's attendance in the schools of the District of Columbia? I hope not. I believe it would be a serious mistake.

I regret to oppose the Committee on Appropriations, but I hope that this committee will see its way clear to vote down this amendment and maintain these people in the enjoyment of a privilege which it should be a pleasure for this Government to bestow.

Mr. NYE. Mr. Chairman, imperfect as it may be, the publicschool system of America is the pride of every American citizen. It will be the last refuge, the last spring from [Applause.] which shall flow the streams that purify, morally and intellectually, the masses of our people when government and law and order and all that is sacred to this Republic shall be assailed.

The public-school system is, for all practical purposes, so far as I am acquainted with it in the West, a free system. own city has never drawn the line on poor children that live outside of its borders, and I think generally among broadminded people, who comprehend the necessity and the blessing of the public-school system, no one has ever attempted to split hairs in regard to it; and it seems to me a reproach that in the American Congress the privilege of a child shall be measured by the amount of wealth that his parents possess. [Ap-

It ought to stand as a reproach to the great Congress of the United States that we spend hours and days here in a quibble over a little matter of tuition of the pupils of the poor, whose fathers are toiling from morning to night, and whose mothers are toiling from morning to night, to give their children the opportunities which our institutions are designed to give.

It is a materialistic age after all, and in the last analysis we are prone to measure everything by dollars and cents. Soul, character, all that makes for the strength of American manhood and womanhood, must be subjected to the test of dollars and cents. Tuition in the public schools! Away with this quibble. I am against this amendment; I am for free schools to children of the poor as well as of the rich in the city of Washington. [Applause.]

I congratulate this great Appropriations Committee on the wisdom, the ability, and ingenuity of their work, but they have in two or three things concerning the public schools in this city taken a course which I think is a mistake of far-reaching importance. It is economy in name but profligacy and ultimate ruin to the American people to pursue such a policy. I am against this amendment, and all amendments that restrict the rights of the children to the public schools in the city of Washington. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1650) to amend section 110 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Co-lumbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. CURTIS, and Mr. POMERENE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2973. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; and

H. R. 11321. An act to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis. The message also announced that the Vice President had ap-

pointed Mr. Clarke of Arkansas and Mr. Burnham members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. TAYLOR of Ohio. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. Mann].

Mr. Mann. Mr. Chairman, I do not know how I would vote on a proposition to require all pupils outside of the District coming into the District schools to pay tuition fees, but I fail to understand the distinction in drawing the line between those living outside of the District who have wealth and those living outside of the District who have not wealth, and in drawing the line between those living inside of the District who have wealth and those who have not, so far as the attendance on the public schools is concerned. I would not have it said that the Congress of the United States, the great deliberative body of the country, should give encouragement in any way to the idea that the attendance upon the public schools of the country depends upon the parents' ability to own property or pay taxes, because, for sooth, those who have the least property often have the most children, and they are the support of the public in the way of schools. Wealthy parents support of the public in the way of schools. The poor parents depend upon the public schools. I hope the line will never be drawn by Congress, so far as the attendance of children upon public schools is concerned, as between those whose parents pay taxes and those whose parents do not pay taxes but who wish they could. [Applause.]

Mr. TAYLOR of Ohio. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has used seven minutes of his time.

Mr. TAYLOR of Ohio. Mr. Chairman, I yield the balance of

my time to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I yield to no man in my desire that the children of the poor in this country should have every opportunity to obtain the same education as the children of the wealthy might receive, but gentlemen misunderstand the object and purpose of this amendment. This is simply an effort to provide that each community shall pay for the education of its own children. That is all there is to this amendment, and that is what we compel each community to do in my own State. Those outside of a city or town do not ask that their children shall come in free to the schools of that city or town. The outside communities are ready, if necessary, to pay the expense of having their children attend school within the city, if they should be so poor as to be unable to pay tuition; but this amendment is really and actually, as I understand it, to enable these wealthy people who have elegant residences outside of the District, in Chevy Chase, to send their children to the public schools of Washington, because they will not tax them-selves for the support and maintenance of schools in their own community. It is said here that this is against the interest of the poor man. The poorest laborer in the city of Washington the poor man. The poorest laborer in the city of Washington can have his children sent to the public schools, and the poor man who lives in this town and who is not in the employ of the Government invariably becomes a resident. It is only the wealthy gentlemen who have residences back in some other State who do not become residents here. [Applause.]

Mr. BURLESON. Mr. Chairman, by no process of sophistical reasoning can the pending amendment be distorted into an attack upon the free-school system, which is, as so eloquently said by the gentleman from Minnesota [Mr. Nys], "the pride of all the American people." By no sort of misrepresentation of the facts can this amendment be construed so as to operate as a discrimination against the poor and in favor of the rich. The simple proposition confronting this committee for decision is, Shall the people of Maryland and Virginia tax themselves for the education of their own children, or will you take advantage of a power that rests with you to shoulder the burden which honesty requires they should carry upon the help-less people of the District of Columbia? Mr. Chairman, we have a law now upon the statute books relating to the subject matter sought to be dealt with by this amendment which, if fairly construed and properly enforced, would exclude the children of school age of certain people living without the District in Chevy Chase, Takoma, and Alexandria from sending their children to the public schools of the city of Washington; but by some of these people of Virginia and Maryland that law has been shamefully avoided. A dozen or more of them, by combining together and purchasing a small piece of property, aggregating in value only \$50 in one case brought to our attention by a member of the school board, they practice a palpable fraud upon the authorities by forcing their children in the schools of the District. By availing themselves of the plea that they are taxpayers of the District, they claim that under existing law they are entitled to send their children to the public schools of the District of Columbia, notwithstanding such attendance operates to exclude from those schools children of the poor who are justly entitled under the law to privileges of those schools.

Mr. YOUNG of Kansas. And they were not poor men, either. Mr. BURLESON. No, indeed; they are not all poor men. As was well said by the gentleman from Iowa [Mr. Green], the real beneficiaries of the system contended for by the gentleman from Virginia [Mr. CARLIN] and the gentleman from Maryland [Mr. Linthicum] are those who are well able to pay the tuition of their children in the public schools but who seek to avoid it by evading the law, even if it takes the perpetration of a fraud to accomplish their end. Gentlemen, you can not possi-bly escape this conclusion if the facts which have been made known to you are fairly considered. The attendance of these nonresident pupils in the District schools was brought to the attention of your committee during the hearings on the bill. It was our duty to take action on the matter. We did so. Since then the newspapers state that resolutions have been adopted by citizens' associations asserting that their children were being excluded from the schools by reason of this unjustifiable and indefensible condition. We thought it was our duty to correct that condition if it was possible to do so. We placed in this bill a provision, broad and liberal-more liberal, in fact, in its terms than the provision now carried in the amendment I have offered, offered in its narrow and restricted form because of the objections made by the gentleman from Virginia [Mr. Carlin]-and I do not know how the gentleman [Mr. Carlin] can square himself with his constitutents when he is confronted with the charge that the House Committee on Appropriations reported the bill carrying a provision that was broad and liberal, but which, because of his tactics of obstruction, the committee was compelled, in order to accomplish its purpose, to so narrow as to now exclude many children from Virginia that otherwise would be permitted to attend the District public schools.

Now, gentlemen of the committee, the determination of this issue rests with you. Do you propose to saddle upon the District of Columbia the burden of educating these nonresident children or will you say to the people of Maryland, "You must provide for the education of your own children"; and to the people of Virginia, "You must bear this burden which is properly yours and roughly to the burden which is properly yours and roughly to the burden which is properly yours and roughly to the burden which is properly yours. erly yours, and you shall not shirk it by imposing it on others." That is the issue pure and simple, and I ask this committee to meet it fairly and to decide it justly by adopting this amendment.

Mr. CARLIN. Mr. Chairman, I do not think I consumed all of my time

The CHAIRMAN. The gentleman did consume five minutes

Mr. CARLIN. I did not reserve it, but with the consent of the House

Mr. BURLESON. Mr. Chairman, I demand the regular order. Mr. CARLIN. Just hear me and perhaps you will not. The gentleman from Kentucky [Mr. Johnson] wanted two minutes and I wanted to give that much time to him.

Mr. BURLESON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. regular order is a vote upon the amendment. The question is upon the amendment proposed by the gentleman from Texas,

The question was taken, and the Chair announced that the

Chair was in doubt.

The committee divided; and there were—ayes 66, noes 23. Mr. CARLIN. Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN. The gentleman from Virginia makes the point of no quorum. The Chair will count. [After counting.] One hundred and twelve gentlemen are present, a quorum. The

ayes have it, and the amendment is agreed to.

The next point of order pending is to the paragraph on page 92 of the bill, beginning with line 25, on page 92, and ending with line 7, on page 93. The Chair will ask the attention of the gentleman from Kentucky for a moment. Did the point of order made by the gentleman from Kentucky apply to the paragraph beginning with line 21 or beginning with line 25?

Mr. JOHNSON of Kentucky. Yes, Mr. Chairman; It make the point of order after the caption "Militia, District of Columexcept some items on page 93, to which the Record will

show I did not make the point of order.

The CHAIRMAN. Upon the first point of order—that is, as to the first paragraph, extending down to line 7, page 93-the Chair-

Mr. JOHNSON of Kentucky. Mr. Chairman, it is on that I wish to be heard.

The CHAIRMAN. And the Chair desires to hear the gentleman on that.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The Chair asked the gentleman from Kentucky to state where his point of order began, and I did not understand-

Mr. JOHNSON of Kentucky. It is page 92, at the bottom of the page.

Mr. MANN (continuing). Whether it commenced with line 21 or line 25.

Mr. JOHNSON of Kentucky. Line 21.
The CHAIRMAN. The gentleman from Kentucky stated it The CHAIRMAN. began with line 21.

Mr. JOHNSON of Kentucky. Mr. Chairman, the Chair desires to hear me, I believe, on line 25, down to line 7, on page 93. The CHAIRMAN. That is what the Chair understood the gentleman wished to be heard on.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, there are in that clause a large number of items, for which \$25,000 is set aside with which to pay them, and I would like to ask the gen-tleman who has the bill in charge whether or not he can tell me in detail how much each one of those items is to cost,

Mr. BURLESON. Mr. Chairman, it is utterly impossible for me to give the information asked; the fact is the cost varies one year with another. I will state to the gentleman from Kentucky that I submitted to the Chair the last day we under consideration, and subsequently all had this bill authority of law within my knowledge for carrying this item in the bill, and I thought we had concluded discussion upon the point of order at that time, and that all that remained was for the Chair to rule upon it.

Mr. JOHNSON of Kentucky. I have not discussed it at all. Mr. BURLESON. I do not desire to shut the gentleman off, but I am anxious to get along with the bill, and I thought he had concluded argument on the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to say I have not been heard.

The CHAIRMAN. The Chair wishes to say there has been no discussion on the point of order. The Chair is willing to

hear the gentleman from Kentucky briefly on the point of order.

Mr. JOHNSON of Kentucky. I would like to ask the gentleman who has the bill in charge for what use is the item on

line 5, "practice ship"?

Mr. BURLESON. As I stated to the gentleman the other day, the navy militia, or District Navy Reserve Corps, is also provided for in this bill, and it has under its control a practice ship which they utilize, also a monitor and certain lanueles, for the care and maintenance of which this item carries an appropriation. I know they have this ship; I was on it myself on one occasion.

Mr. JOHNSON of Kentucky. I would like to ask the gentleman if anywhere in here there is any provision made for the transportation of the men from one point to another?

Mr. BURLESON. I see nothing in this item relating to transportation. I mean the item beginning with line 25, on page 92, and extending to line 7, on page 93. It makes no provision for transportation.

Mr. JOHNSON of Kentucky. What do you mean, then, by the item in line 5, containing the word "boats"? What is to be carried on those boats?

Mr. BURLESON. The District Naval Militia has a number of vessels, and this item provides for their care and maintenance—for the support and maintenance not only of the District Naval Militia, but for the militia proper as well. Mr. JOHNSON of Kentucky. Mr. Chairman, inasmuch as the

law makes no provision for transportation for anything except for baggage, I was inquiring only for information as to whether or not this provided for anything else except for the transportation of baggage.

Mr. BURLESON. It is not intended to cover transportation of baggage or any other character of transportation. It is to cover the care and maintenance of a monitor and two or three

launches and a practice ship, and so forth:

Mr. JOHNSON of Kentucky. Mr. Chairman, in yolume 25, page 778, the law says this, in allowing for expenses for rental or otherwise of a suitable camp and grounds and making necessary provisions thereon for encampment, and so forth:

To provide necessary transportation to and from the same for baggage

No provision is made in the act to expend a cent of money for the transportation of anything except the baggage and supplies.

Mr. BURLESON. I will say to the gentleman that all transportation charges for the District Militia are paid out of another fund, carried in another bill,
Mr. JOHNSON of Kentucky. Then, Mr. Chairman, I certainly am entitled to have this stricken out of this bill.

The CHAIRMAN. As the Chair understands, however, the transportation referred to applies not to the land militia but to the naval militia. What has the gentleman from Kentucky to say about that?

Mr. JOHNSON of Kentucky. I think it applies to any kind of transportation, because the act itself does not make any distinction. There is no distinction made at all in section 43 of the act, on page 778.

Mr. BURLESON. I believe I submitted to the Chair the other day the act of March 11, 1898, for the organization of the Navy Militia of the District of Columbia.
The CHAIRMAN. The Chair has that.

Mr. JOHNSON of Kentucky. If there is no transportation permitted for anything except baggage, and they provide transportation in here for militia, that is a different proposition. Then I do not think it out of place at all to say that but a few years ago the auditor refused to pay an item of \$600 for a trip down the Potomac to Chesapeake Bay to see a display of naval vessels down there; but ultimately it has been paid,

Mr. BURLESON. I will say to the gentleman again that this does not seek to provide for transportation, but for repairs, care, and maintenance of "the boats, dredge machinery, and so forth.'

Mr. JOHNSON of Kentucky. The United States Government, under the act itself, shall furnish such paraphernalia as they need. The transportation is in the last line, section 43, of the act.

Mr. BURLESON. I am speaking of the item in this bill.

Mr. JOHNSON of Kentucky. It does not use the word "transportation." They have carefuly avoided it, but they have used the words "vehicles in which the transportation must be made." The gentleman has already said that they meant to provide therein for the transportation of the men. So, if they are providing for the transportation of the men and the law limits the transportation of their baggage, that is an entirely different proposition.

Mr. BURLESON. Does the gentleman refer there to boats,

practice ships, and so forth?

Mr. JOHNSON of Kentucky. Yes, sir. Under one section of this bill everything of that kind which they have the United States Government is to furnish. And instead of this appropriation being on the half-and-half basis, nine-fenths of it, for the militia, is paid by the United States Government.

Mr. BURLESON. I will state to the gentleman this bill

provides that one-half of amounts appropriated shall be defrayed by the District government and one-half by the General Govern-

Mr. JOHNSON of Kentucky. Yes; I know that part of it is all right. But when you come to take the bill and see what is furnished you will find that the United States Government

furnishes practically everything.

The CHAIRMAN. The Chair is prepared to rule.

Mr. JOHNSON of Kentucky. The Chair will find in sections

55, 56, and 57 of the act the items that may be paid for—a band of music, storerooms, and all that kind of things.

The CHAIRMAN. The following memorandum has been furnished the Chair by the gentleman from Texas [Mr. Burleson]. It quotes the statutes, and the Chair will ask the Clerk to

The Clerk read as follows:

MEMOBANDUM.

The following provision has been questioned on the ground that certain items are authorized and certain of them are not authorized:

"For the following, to be expended under the authorized and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

"For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills and parades, fuel, light, heat, care and repair of armories, offices, and storehouses, practice ships, boats, machinery, and dock, dredging alongside of dock, telephone service, and for general incidental expenses of the service, \$25,000."

Expenses of camps are specifically provided for on page 43, act of

parades, fuel, light, heat, care and repair of armories, offices, and storehouses, practice ships, boats, machinery, and dock, dredging alongside of dock, telephone service, and for general incidental expenses of the service, \$25,000."

Expenses of camps are specifically provided for on page 42, act of March 1, 1889 (25 Stat L., 778), as follows:

"That the National Guard shall perform not less than six consecutive days of camp duty in each year, at such time as may be ordered by the commanding general; and the quartermaster general of the militia, subject to the approval of the commanding general, shall provide, by rental or otherwise, a suitable camp ground for the annual encampment of the militia, make the necessary provisions thereon for the encampment, and provide necessary transportation to and from the same for baggage and supplies."

Hire of horses for officers is authorized by section 52 of the act of February 18, 1909 (35 Stat L., 634), as follows:

"That whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, timult, breach of the peace, or whenever called in aid of the civil authorities, all calisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Fach mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: Pravided. That when the National Guard of the District of Columbia is called into actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

"Expenses of instruction, practice marches, practice cruises of instruction, practice marches, practice cruises of discipline and field exercises ordered to be observ

Practice craises are to the invarious walls and the land forces.

Fuel, light, and heat. These three items are incident to the maintenance of armories and the care of the vessels issued for the naval buttaflen. It goes without saying that an armory where the men drill af night must be lighted and that it must be heated. It is a fact that on the vessels issued to the Naval Militia It is necessary at all times to keep up a certain amount of steam to prevent enormous damages to the vessels by the freezing of water pipes. An estimate was at one time made that it would cost several hundred thousand dollars to repair the damage which might be caused to the coast-defense monitor issued to the militia by the freezing of the water pipes.

The CHAIRMAN. It seems to the Chair that that statement states the law very fully, and that law when applied to this paragraph shows authority for the appropriation, and the Chair overrules that point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I did not eatch it all in the reading of it on account of the noise. I wish to ask whether or not the Chair has ruled that transportation, other than the transportation of baggage and supplies, may be appropriated for?

The CHAIRMAN. The Chair has not ruled on that. The Chair does not think it may be appropriated for, as he understands the law, but he does not understand that this item carries transportation.

Mr. JOHNSON of Kentucky. And it is the opinion of the Chair that if any money is spent for this purpose, it will be an unlawful expenditure?

The CHAIRMAN. The Chair does not know of any authority of law for any transportation except the transportation set out in the law.

The next point of order is on the succeeding paragraph, for rent of armories, storehouses, and so forth,

Mr. JOHNSON of Kentucky. Mr. Chairman, in view of the opinion just rendered by the Chair, I will withdraw my point of order on that.

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order. The next point of order is on the paragraph beginning on line 14 and extending through line 15, referring to

cleaning and repairing uniforms, arms, and equipments.

Mr. JOHNSON of Kentucky. Mr. Chairman, I withdraw the point of order on the paragraphs down to line 22, which covers

the pay of troops.

The CHAIRMAN. The gentleman withdraws the point of order down to the paragraph indicated. The Chair has investigated that paragraph.

Mr. BURLESON. Mr. Chairman, I would like to have a short letter read before the Chair rules.

The CHAIRMAN. Without objection, a short letter sent to the desk will be read.

There was no objection. The Clerk read as follows:

HEADQUARTERS SECOND INFANTRY,
NATIONAL GUARD DISTRICT OF COLUMBIA,
Washington, January 25, 1912.

Hon. Albert S. Burleson, M. C., House of Representatives, Washington, D. C.

Washington, January 25, 1912.

House of Representatives, Washington, D. C.

Dear Sir: I observe that a point of order has been raised against the provision in the District appropriation act providing for the pay of troops in the National Guard. Without discussing the technicality of the subject as to whether the general law covers this, I wish to point out these facts:

The maintenance of the National Guard and giving it proper training is becoming more and more difficult each year. In the District of Columbia we have generally required men to perform two weeks of camp duty. Officers and men are entitled under sections 14 and 15 of the act of January 21, 1903 (32 Stat. L., 777), to the same pay and allowances as officers and men of corresponding grades in the Army. The pay of an enlisted man in the Army is very small, a private drawing \$15 per month or 50 cents a day. For a man in civil life to leave his business and go out and perform 15 days' hard work in the field and draw \$7.50 pay is not a very alluring prospect. Practically all of the States have found it necessary to supplement this Regular Army pay by State appropriations. That is the plan which is being followed in the District—to give men in camp an increased compensation not to exceed \$1.25 per day, but scaled down where the men have not performed full duty during the winter drill season. A copy of the regulations governing this matter, issued under the authority of the commanding general of the District Militia, is inclosed.

This is issued under the provision of law contained in the last District appropriation act of March 2, 1911 (36 Stat. L., 1004):

"For pay of troops, other than Government employees, to be disbursed under the authority and direction of the commanding general.

This is issued under the provision of law contained in the last District appropriation act of March 2, 1911 (36 Stat. L., 1004):

"For pay of troops, other than Government employees, to be disbursed under the authority and direction of the commanding general.

That hereaf

Appropriations for pay of troops of the District have been made as follows:

Appropriations for pay of troops of the District have been made as follows:

July 1, 1902. Thirty-second Statutes at Large, page 614.

March 3, 1903, Thirty-second Statutes at Large, page 980.

April 27, 1904. Thirty-second Statutes at Large, page 980.

March 3, 1905, Thirty-third Statutes at Large, page 389.

March 3, 1905, Thirty-third Statutes at Large, page 513.

March 2, 1907, Thirty-fourth Statutes at Large, page 513.

March 2, 1907, Thirty-fifth Statutes at Large, page 308.

March 3, 1909, Thirty-fifth Statutes at Large, page 308.

March 3, 1909, Thirty-sixth Statutes at Large, page 411.

March 2, 1911, Thirty-sixth Statutes at Large, page 411.

March 2, 1911, Thirty-sixth Statutes at Large, page 411.

March 2, 1911, Thirty-sixth Statutes at Large, page 4104.

These are annual appropriations. The men have been enlisted into the service with these annual appropriations before them. They expect to get this pay when they enlist. It certainly seems almost like a breach of faith for the District to refuse this pay, which has been regularly paid for the past 10 years.

These young men who are serving in the National Guard are performing a public duty with very little encouragement and practically no compensation. The question has been asked me, I suppose, a hundred times, How can you get them to do it? by people who observe the way they are worked in camp. It certainly can not be questioned that an enlisted man in the National Guard, when he engages in the field maneuvers, earns all and more than is given to him. It is a pennywise and pound-foolish policy which denies to the National Guard a small compensation for the time actually spent in military duty. It is unreasonable to expect a man not only to give his time and his work, but to sacrifice all of his pay while rendering service which is purely patriotic.

I sincerely trust that the injustice will not be done the enlisted men of the National Guard in this District by having the small addition

patriotic.

I sincerely trust that the injustice will not be done the enlisted men of the National Guard in this District by having the small addition to their Regular Army pay cut out.

Very respectfully,

Colonel Second Infantry, National Guard District of Columbia.

Mr. BURLESON. Now, Mr. Chairman, in view of the statements contained in that letter, I hope the gentleman from Kentucky will not insist upon his point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is no sort of provision in this bill for the pay of these men. In the bill there is a provision that the United States Government shall furnish to them, free of charge, all of their equipment. They are equipped free of all expense to the taxpayers of the District of Columbia, but, as I said, the whole equipment is charged to the Federal Government.

Now there are items in the original act, very few in number, participation in which said act commits the United States Government upon the half-and-half basis. It is my opinion that inasmuch as the United States Government pays about 90 per cent of the cost of the District Militia instead of 50 per cent, I therefore insist upon the point of order. But I say further that I have never opposed, and I shall never oppose, the proposition that the District of Columbia may spend her own money just as she chooses to spend it.

I make the point of order to the item in its present form, but if anybody offers an amendment to the effect that the District of Columbia may expend her own money in paying these

men in this way, I shall make no point of order to that.

The CHAIRMAN. The gentleman from Kentucky makes a point of order to the paragraph. The Chair has investigated this question in considerable detail. There has not been shown to him nor has he been able to find any authority of law for the payment of the troops. It is true the item has been carried in the appropriation bill for a number of years, but it is a wellunderstood rule of the House that an appropriation carried from year to year does not make continuing law. The Chair sustains the point of order.

Mr. BURLESON. I offer the amendment which I send to the Clerk's desk, and ask to have it reported.

The Clerk read as follows:

On page 93, after line 21, insert: "For pay of officers, enlisted men, and bandsmen, as authorized by law, \$24,000."

Mr. CARLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. I do not understand that this section is now open to any further amendment. The fact is that the point of order was reserved, and that particular paragraph was passed. The bill having been read, no right was reserved to offer further amendments.

Mr. BURLESON. Will the gentleman permit a question? Is the gentleman opposed to paying the enlisted men in the District Militia for service when it is rendered?

Mr. CARLIN. I want to pay them. I want my friend, the gentleman from Kentucky [Mr. Johnson], to withdraw his

point of order, if he will.

Mr. BURLESON. He has refused to withdraw the point, and the Chair has sustained it, striking out the item, and I am now trying to provide compensation for the District Militia as best I can under terms of the law.

Mr. CARLIN. I did not make any point of order. I was

simply asking a question.

The CHAIRMAN. The Chair thinks the amendment is in order. The question is on the amendment proposed by the gentleman from Texas [Mr. Burleson].

Mr. JOHNSON of Kentucky. Does the Chair rule that that

amendment is in order?

The CHAIRMAN. No point of order has been made. Mr. JOHNSON of Kentucky. I raise the point of order against the amendment.

Mr. BURLESON. I make the point of order that that point order comes too late.

Mr. JOHNSON of Kentucky. You can not raise that point,

because the Chair has just ruled on the other.

Mr. BURLESON. However, I will not make the point of order, as I am sure the amendment I offer is in order.

I send to the Chair the law authorizing the payment of the District Militia under certain conditions. The Chair will find marked with a blue pencil the sections of the law authorizing the payment of the District Militia under certain conditions.

The CHAIRMAN. The Chair is familiar with that. Chair thinks the amendment is in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. BURLESON. I will state in this connection that I think the amount carried is too large, as the full amount can not be expended as was contemplated and authorized in the item stricken out, but I have no means of ascertaining just what amount would be required, and having no means of ascertaining it, I offer the amendment for the amount that was originally carried in the item stricken from the bill by the point of order.

The CHAIRMAN. The gentleman from Kentucky will understand that the Chair holds this in order because of the language used in the amendment "as authorized by law."

The question is on the amendment proposed by the gentleman from Texas.

The amendment was agreed to.

Mr. BURLESON. Now, Mr. Chairman, I ask unanimous consent to return to page 13, lines 11 and 12, for the purpose of correcting a typographical error. There is certain language used there that is unnecessary; it is mere surplusage.

The CHAIRMAN. The gentleman from Texas asks unanimous constructions of the construction of the

mous consent to return to page 13, for the purpose of offering an

amendment. Is there objection?

Mr. CARLIN. Reserving the right to object, I prefer to hear

the amendment read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, in lines 11 and 12, strike out the words "assistant inspectors of gas and meters."

Mr. BURLESON. As stated, these words are mere surplusage. Mr. CARLIN. I make no objection.
The CHAIRMAN. Is there objection to returning to the page

indicated, for the purpose of offering this amendment?
There was no objection.

The amendment of Mr. Burleson was agreed to.
Mr. BURLESON. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Garrett, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. BURLESON. Mr. Speaker, I move the previous question

on the bill and amendments to its final passage.

The motion was agreed to.

The SPEAKER. Is there a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. MANN. Mr. Speaker, I offer the following motion to

The Clerk read as follows:

I move to recommit the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, to the Committee on Appropriations, with instructions to that committee to report said bill back to the House forthwith with the following amendment:

amendment:
Insert, on page 55, after line 18, the following:
"For the construction of a four-room addition to the existing Chevy Chase School Building, \$36,000.
"For the construction of a four-room addition to the existing Birney School Building, \$35,000.
"For the construction of a four-room addition to the existing Takoma School Building, \$36,000."

Mr. BURLESON. On that motion, Mr. Speaker, I demand the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to recommit.

The question was taken, and the Speaker announced that

the "noes" seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that no

quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and all those in favor of the motion to recommit will, when their names are called, answer "aye," and those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 74, nays 122, answered "present" 6, not voting 189, as follows:

VEAS-74 Carter Catlin Cooper Crago Davis, Minn. Dyer Esch Griest Hamilton, Mich. Akin, N. Y. Anderson, Minn. Austin Farr Focht Fordney French Harris Hawley Hayes Helgesen Bowman Browning Burke, S. Dak. Dodds Draper Driscoll, M. E. Good Green, Iowa Henry, Conn. Calder Hill

Hinds Hubbard Jackson Kendall La Follette Lenroot Lindbergh McCreary McKenzie McKinney

Moon, Pa. Moore, Pa. Morgan Morse, Wis. Mott Murdock Nelson Nye Olmsted Patton, Pa. Pickett

Dixon, Ind. Doremus

Porter Pray Prouty Rees Reyburn Roberts, Nev. Sloan Smith, J. M. C. Smith, Saml. W. Speer Sulloway

Johnson, Ky. Johnson, S. C. Jones Kitchin

Konop Korbly Lee, Ga.

Switzer Towner Utter Vreeland Wedemeyer Willis Wood, N. J. Young, Kans. Young, Mich.

Rothermel

Rouse Rubey Russell

Saunders

Shackleford Sharp

NAYS-122.

Adair Alexander Allen Ansberry Ayres Bell, Ga. Boehne Booher Brantley Brown Bulkley Burke, Wis. Burleson Burnett Byrnes, S. C. Byrns, Tenn, Callaway Callaway
Cantrill
Claypool
Clayton
Cline
Collier
Cox, Ohio
Cravens
Cullop
Daugherty
Davenport
Davis, W. Va.
Denver
Dickinson
Dickson, Miss.

Aiken, S. C. Ainey Ames Anderson, Ohio Andrus Anthony

Ashbrook Barchfeld Barnhart

Bartholdt

Bartlett Bates Bathrick

Beatl. Tex.

Berger Bingham

Borna. Bradley Brasard Borland

Broussard Buchanan

Burgess Burke, Pa.

Burke, Fa Butler Campbell Candler Cannon

Cary Clark, Fla.

Covington Cox, Ind. Crumpacker

Connell Conry Copley

Curley Currier Curry Dalzell

Danforth Davidson De Forest Dent

Dent Difenderfer Donohoe Driscoll, D. A.

Doughton Faison Ferris Fitzgerald Floyd, Ark. Foster, Ill. Fowler Francis Gallagher Garner Garrett Godwin, N. C. Goeke Goodwin, Ark. Gray Gregg, Pa. Gregg, Tex, Hamlin Hardwick Hardy Harrison, Miss. Hay Helm Henry, Tex. Houston Hughes, N. J. Jacoway

Levy Littlepage Lobeck McHenry Macon Maguire, Nebr. Martin, Colo, Mays Moore, Tex. Morrison Moss, Ind. Oldfield Page Palmer Peters Post Pou Rainey Raker Randell, Tex. Rauch Redfield Reilly Roddenbery Tilson

Sheppard Sherwood Sims Sisson Smith, N. Y. Stedman Stephens, Miss. Stephens, Tex. Stone Sulzer
Talcott, N. Y.
Taylor, Colo.
Thomas
Tribble
Underhill Underwood Watkins Webb White Wilson, Pa. Witherspoon Young, Tex.

Weeks

ANSWERED "PRESENT"-6.

Hobson McMorran

NOT VOTING-189.

Edwards Ellerbe Estopinal Evans Fairchild Fergusson Fields Finley Flood, Va. Fornes Foss Foster, Vt. Fuller Gardner, Mass. Gardner, N. J. George Gillett Goldfogle Gould Graham Greene, Mass. Gudger Guernsey Hamill Hamilton, W. Va. Hammond Hanna Harrison, N. Y. Hartman Haugen Heald Heflin Hensley Higgins Holland Howard

Kinkend, N. J. Knowland Konig Kopp Lafean Lafferty Lamb Langham Langley Lawrence Lee, Pa. Legare Lever Lewis Lindsay Linthicum Littleton Lloyd Longworth Loud Loud
McCall
McCoy
McDermott
MeGillicuddy
McGuire, Okla.
McKellar
McKinley
McLaughlin
Madden
Maher
Malby
Martin, S. Dak.
Matthews Matthews Miller Mondell Moon, Tenn. Murray Murray Needham Norris O'Shaunessy Padgett Howell Howland Hughes, Ga. Hughes, W. Va. Humphrey, Wash. Humphreys, Miss. Parran Patten, N. Y. Kahn Kennedy Kent Kindred Kinkaid, Nebr. Payne Pepper Plumley Powers Prince

Pujo Ransdell, La. Richardson Riordan Roberts, Mass. Robinson Rodenberg Rucker, Colo. Rucker, Mo. Sabath Scully Sells Sherley Simmons Slayden Slemp Small Smith, Cal. Smith, Tex. Sparkman Stack Stanley Steenerson Stephens, Cal. Stephens, Nebr. Sterling Stevens, Minn. Sweet Taggart Talbott, Md. Taylor, Ala. Taylor, Ohio Thayer Thistlewood Townsend Turnbull Tuttle Volstead Warburton Warburton Whitacre Wickliffe Wilder Wilson, Ill. Wilson, N. Y. Woods, Iowa

Dupre Dwlght So the motion to recommit was rejected. The Clerk announced the following pairs: For the session:

Mr. Adamson with Mr. Stevens of Minnesota.

Mr. RIORDAN with Mr. ANDRUS. Mr. Bartlett with Mr. Butler. Mr. Fornes with Mr. Bradley.

Howell

James

Until further notice:

Mr. Anderson of Ohio with Mr. Copley.

Mr. Lewis with Mr. Anthony.

Mr. Talbott of Maryland with Mr. Parran.

Mr. CLARK of Florida with Mr. SIMMONS.

Mr. LITTLETON with Mr. DWIGHT.

Mr. Littleton with Mr. Dwight.
Mr. Daniel A. Driscoll with Mr. Ainey.
Mr. Richardson with Mr. Martin of South Dakota,
Mr. Moon of Tennessee with Mr. Knowland.
Mr. Blackmon with Mr. Bartholdt.
Mr. Blackmon with Mr. Woods of Iowa.
Mr. Wickliffe with Mr. Woods of Iowa.
Mr. Wickliffe with Mr. McGuire of Oklahoma.
Mr. Wilson of New York with Mr. Warburton.
Mr. Turnbull with Mr. Volstead.
Mr. Townsend with Mr. Thistlewood.
Mr. Thayer with Mr. Steenerson.
Mr. Stephens of Nebraska with Mr. Powers.

Mr. Stephens of Nebraska with Mr. Powers.

Mr. STANLEY with Mr. SELLS. Mr. STACK with Mr. PLUMLEY.

Mr. Smith of Texas with Mr. Payne. Mr. Rucker of Missouri with Mr. Needham.

Mr. RUCKER of Colorado with Mr. MONDELL.

Mr. Robinson with Mr. Miller. Mr. Patten of New York with Mr. Madden, Mr. O'SHAUNESSY with Mr. McLaughlin.

Mr. Murray with Mr. Lafferty, Mr. McGillicupdy with Mr. Kiikaid of Nebraska,

Mr. McGhllicuddy with Mr. Kinkaid of Nedrasi Mr. McDermott with Mr. Kahn. Mr. Lloyd with Mr. Humphrey of Washington. Mr. Lever with Mr. Hughes of West Virginia. Mr. Lee of Pennsylvania with Mr. Howell. Mr. Howard with Mr. Higgins. Mr. Kinkead of New Jersey with Mr. Haugen. Mr. Hughes of Georgia with Mr. Hanna. Mr. Holland with Mr. Guernsey.

Mr. Heflin with Mr. Gardner of New Jersey. Mr. Harrison of New York with Mr. Gardner of Massachu-

Mr. Hamilton of West Virginia with Mr. Foster of Vermont. Mr. Hamill with Mr. De Forest. Mr. Goldfogle with Mr. Danforth.

Mr. George with Mr. DALZELL.

Mr. ESTOPINAL with Mr. CURRY. Mr. DUPRE with Mr. CRUMPACKER.

Mr. DENT with Mr. CARY.
Mr. Covington with Mr. Burke of Pennsylvania.

Mr. Connell with Mr. Bingham,
Mr. Borland with Mr. Bates.
Mr. Edwards with Mr. Kennedy.
Mr. Legare with Mr. Loud.
Mr. Cox of Indiana with Mr. Gillett.
Mr. Class with Mr. Stewn

Mr. Glass with Mr. Slemp. Mr. McCoy with Mr. Malby. Mr. Pujo with Mr. McMorran.

Mr. Scully with Mr. Lafean. Mr. Small with Mr. Rodenberg.

Mr. ELLERBE with Mr. CURRIER.
Mr. BROUSSARD with Mr. SMITH of California.
Mr. DONOHOE with Mr. MATTHEWS.
Mr. GALLAGHER with Mr. McKinley.

Mr. FIELDS with Mr. LANGLEY.

Mr. Padgett with Mr. Foss, Mr. Aiken of South Carolina with Mr. Ames.

Mr. Hobson with Mr. Fairchild. Mr. Pepper with Mr. Prince. Mr. Bathrick with Mr. Roberts of Massachusetts.

Mr. HENSLEY with Mr. KOPP.

Mr. Conry with Mr. Campbell,
Mr. Slayden with Mr. Stephens of California.
Mr. Sparkman with Mr. Davidson,
Mr. Buchanan with Mr. Wilson of Illinois.

Mr. McKellar with Mr. Greene of Massachusetts.
Mr. Graham with Mr. Heald.
For January 25:
Mr. Evans with Mr. Howland.

On the vote:

Mr. Sherley with Mr. Taylor of Ohio. From January 25 for balance of week: Mr. Finley with Mr. McCall. From January 25 until Tuesday:

Mr. TUTTLE with Mr. WILDER.

From January 3 to January 26:

Mr. JAMES with Mr. LONGWORTH.

From January 24 to January 26:

Mr. Beall of Texas with Mr. Tilson. From January 19 to January 29: Mr. Candler with Mr. Barchfeld.

Mr. KINDRED with Mr. HARTMAN.
Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.
From January 24 to February 1:
Mr. Burgess with Mr. Weeks.

From January 19 to February 1:
Mr. Asherook with Mr. Langham.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on passing the bill.
The question was taken, and the bill was passed.
On motion of Mr. Burleson, a motion to reconsider the last

vote was laid on the table.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4109. An act to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2750. An act to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

RUREAU OF MINES.

The SPEAKER. The bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, was placed on the House Calendar. On examination the Chair thinks it ought to be on the Union Calendar, and if there be no objection, that change will be made.

There was no objection.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Friday, January 26, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were

taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of the Interior submitting an estimate of appropriation for expenditure for the fiscal year 1913 for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska (H. Doc. No. 477); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and

letter from the Chief of Engineers, report of examination and survey of Little Kanawha River, W. Va. (H. Doc. No. 480); to the Committee on Rivers and Harbors and ordered to be

printed with illustrations.

3. A letter from the Acting Secretary of the Interior, transmitting a schedule of useless papers on file in that department and requesting speedy action by the committee (H. Doc. No. 479); to the Joint Select Committee on Disposition of Useless

479); to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elias J. Riley, administrator of John Riley, deceased, v. The United States (H. Doc. No. 478); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DANIEL A. DRISCOLL, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 261), which said bill and report were referred to the" Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9044) granting a pension to Eugene J. Pierrelee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15161) granting an increase of pension to John A. Spann; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. MORGAN: A bill (H. R. 18711) to regulate the commerce of certain corporations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: A bill (H. R. 18713) to authorize and establish a system of markers for the battle field of Stone River, Tenn.; to the Committee on Military Affairs.

By Mr. DAVENPORT (by request): A bill (H. R. 18714) to

carry into effect agreements between the United States and the Muskogee (Creek) Nation of Indians for the equalization of

Creek allotments; to the Committee on Indian Affairs. Also (by request), a bill (H. R. 18715) to carry into effect agreements between the United States and the Muskogee (Creek) Nation of Indians for the equalization of Creek allotments; to

the Committee on Indian Affairs. By Mr. HAWLEY: A bill (H. R. 18716) to establish a bureau of national parks, and for other purposes; to the Committee on the Public Lands.

By Mr. RUSSELL: A bill (H. R. 18717) for the relief of certain soldiers of the Civil War; to the Committee on Military

By Mr. REES: A bill (H. R. 18718) to convert the regimental Army post at Fort Riley, Kans., into a brigade post, etc.;

to the Committee on Military Affairs,
By Mr. MOON of Tennessee: A bill (H. R. 18719) to authorize the State of Tennessee to sell school lands for educational

purposes; to the Committee on the Public Lands. By Mr. NELSON: A bill (H. R. 18720) to establish a legislative reference bureau in the Library of Congress; to the Com-

mittee on the Library.

By Mr. MORSE of Wisconsin: A bill (H. R. 18721) for the erection of a public building at Antigo, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18722) for the erection of a public building at Merrill, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. GODWIN of North Carolina: A bill (H. R. 18723) to authorize a survey of Lumber River, N. C.; to the Committee on Rivers and Harbors.

By Mr. UNDERWOOD: Resolution (H. Res. 387) to refer the President's message of December 21, 1911, to various committees; to the Committee of the Whole House on the state of the Union.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. DANIEL A. DRISCOLL: A bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAMSON: A bill (H. R. 18724) for the relief of Mrs. J. A. Ellison, widow of Job A. Ellison, deceased; to the Committee on War Claims.

By Mr. AINEY: A bill (H. R. 18725) granting a pension to Bingham Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18726) granting an increase of pension to

Jacob Alles; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: A bill (H. R. 18727) for the relief of Lewis Wood; to the Committee on Military Affairs.

By Mr. ANDERSON of Ohio: A bill (H. R. 18728) granting an increase of pension to Harrison S. Lutz; to the Committee on Invalid Pensions

By Mr. ANSBERRY: A bill (H. R. 18729) granting an increase of pension to Amos Point; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 18730) granting an increase of pension to Daniel Conner; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18731) for the relief of Alberti Operti; to the Committee on the Library.

By Mr. CARLIN: A bill (H. R. 18732) granting an increase of pension to Ernest G. Lee; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 18733) for the relief of Mrs. E. A. Lapier and estate of N. B. Lanier, deceased; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 18734) granting an increase of pension to Aquilla Huff; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18735) granting a pension to Margaret Prescott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18736) granting a pension to Thomas Williams; to the Committee on Pensions.

By Mr. DOUGHTON: A bill (H. R. 18737) for the relief of J. B. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 18738) granting an increase of pension to

William Billings; to the Committee on Invalid Pensions. By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 18739) granting a pension to William P. Wilcox, alias Parker W. Wilcox; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18740) to correct the military record of Richard Dove; to the Committee on Military Affairs.

Also, a bill (H. R. 18741) granting an honorable discharge to

Michael Fitzgerald; to the Committee on Military Affairs. By Mr. FULLER: A bill (H. R. 18742) granting a pension to Sophie Ekstedt; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 18743) granting an increase of pension to Sylvester R. Scott; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 18744) granting an increase of pension to E. G. Handley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18745) for the relief of Emma Louise Du Boise, heir of Amos Towle; to the Committee on Claims.

By Mr. JACKSON: A bill (H. R. 18746) granting a pension to James Henderson; to the Committee on Invalid Pensions.

By Mr. KONIG: A bill (H. R. 18747) granting a pension to Edward Irving; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 18748) for the relief of the trustees of Cassville Female College, Cassville, Ga.; to the Committee on War Claims.

By Mr. LEVY: A bill (H. R. 18749) providing for the adjudication of the claim of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., by the Court of Claims; to the Committee on Claims.

By Mr. MATTHEWS: A bill (H. R. 18750) granting an increase of pension to Louis O. Edgar; to the Committee on Pen-

By Mr. MORSE of Wisconsin: A bill (H. R. 18751) granting a pension to Louis F. Kress; to the Committee on Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 18752) granting a

pension to Margaret Briggs; to the Committee on Pensions.

Also, a bill (H. R. 18753) granting a pension to Jefferson Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18754) granting a pension to Sena Shuster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18755) granting an increase of pension to

Madison Keck; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 18756) granting an increase of pension to Herman Alsover; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 18757) granting an increase of pension to Joshua S. Osbourn; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 18758) granting a pension to Thomas S. Hudson; to the Committee on Pensions. By Mr. RUSSELL: A bill (H. R. 18759) granting a pension to Isaac Sherrell; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 18760) granting a pension to Mary McJenkins; to the Committee on Invalid Pensions. Also, a bill (H. R. 18761) for the reilef of the Old Charter

Distilling Co., of Louisville, Ky.; to the Committee on Claims. By Mr. SMITH of California: A bill (H. R. 18762) for the relief of Lorenzo W. Cooke; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 18763) granting

an increase of pension to Mary Byrne; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 18764) granting an increase of pension to Orrin Rice, 2d; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 18765) to reimburse T. W. Dare for money expended for post office at Gardner, Kans.; to the Committee on Claims

By Mr. THISTLEWOOD: A bill (H. R. 18766) granting an increase of pension to A. D. Loran; to the Committee on In-

valid Pensions. Also, a bill (H. R. 18767) granting an increase of pension to Mitchell Wheatley; to the Committee on Invalid Pensions. By Mr. TOWNER: A bill (H. R. 18768) granting an increase of pension to James H. McCloud; to the Committee on Invalid

By Mr. WEEKS: A bill (H. R. 18769) granting a pension to Margery F. Daly; to the Committee on Pensions.

Also, a bill (H. R. 18770) granting a pension to Ann T.

O'Hara; to the Committee on Pensions.

Also, a bill (H. R. 18771) authorizing the President to issue a commission as major of Cavalry in the name of John T. Haines, with rank to date from March 3, 1911; to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 18772) granting a pension to William A. Pfaff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18773) granting a pension to Ida M. Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18774) granting a pension to Mary E.

Milbourne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18775) granting an increase of pension to James M. Dalzell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Anabasis Literary Club, of Elizabeth, N. J., urging repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. BARTLETT: Petition of G. W. Coraker, of Milledgeville, Ga., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of T. Jack Dempsey, jr., of Jackson, Ga., protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Georgia, for old-age pensions; to

the Committee on Pensions.

By Mr. BOEHNE: Petition of 243 citizens of Princeton, Ind., in favor of old-age pension bill; to the Committee on Pensions. Also, petition of 100 or more citizens, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BROWNING: Petitions of Woman's Christian Temperance Union of Camden County, N. J.; members of St. Paul's Methodist Protestant Church, of Magnolia, N. J.; Camden Central Woman's Christian Temperance Union, of Camden, N. J.; and First Presbyterian Church of Blackwood, N. J., favoring Kenyon-Sheppard bill to withdraw from interstate-com-merce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition of citizens of West Bend, Wis., against the extension of the parcel-post service; to

the Committee on the Post Office and Post Roads.

Also, petition of St. Joseph's German Catholic Society, of St. Cloud, Wis., asking for the passage of House bill 2896, to provide for a tax on white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. CALDER: Papers to accompany House bill 17945, granting an increase of pension to Mary E. Martin; to the

Committee on Invalid Pensions.

By Mr. CATLIN: Resolution of the Colonel S. W. Fordyce Garrison, No. 113, Army and Navy Union, favoring House bill 18230, to provide for preference in appointments in the civil service, etc.; to the Committee on Reform in the Civil Service.

Also, memorial of Central Trades and Labor Union of St. Louis, Mo., favoring the passage of a bill to extend the time for the completion of the municipal bridge at St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: Papers to accompany bill for relief of Mrs. E. A. Lanier and estate of N. B. Lanier, deceased, of Warren County, Miss.; to the Committee on War Claims.

By Mr. CRAGO: Petitions of certain citizens of Carmichaels,

Pa., for the passage of a bill to protect prohibition territory from illicit liquor sellers bringing intoxicating liquors into the State to sell in violation of the laws of the State; to the Com-

mittee on the Judiciary.

By Mr. DALZELL: Petition of C. L. Johnston & Son, of Pittsburgh, Pa., asking for a reduction in duty on raw and

refined sugars; to the Committee on Ways and Means.

Also, petition of Mrs. Lynda S. Rhoades, of Pittsburgh, Pa., in favor of the passage of an effective interstate liquor law; to

the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petitions of German-American Alliance of Red Wing and Sibley County, Minn., protesting against the passage of the Sheppard bill, to prohibit interstate and Post Roads.

commerce in intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Farmers' Mutual Insurance Cos. of Minnesota, in favor of repeal of Canadian reciprocity act; to the Committee in Ways and Means.

By Mr. DENT (by request): Memorial of the Woman's Christian Temperance Union and other organizations of Montgomery, Ala., for the passage of Kenyon-Sheppard interstate liquor bill, to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary

By Mr. DENVER: Petitions of citizens of Ohio, for the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Papers to accompany bill for the relief of Auten Casper; to the Committee on Pensions.

Also, petition of citizens of Cochrane, Wis., opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Wisconsin State Federation of Labor, in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of Woman's Christian Temperance Union of Eau Claire, Wis., favoring Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, memorials of German Catholic Society of Neilsville; citizens of La Crosse, Wis.; and the Wisconsin State Federation of Labor and the Central Federated Union of New York, urging the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. FRENCH: Petition of citizens of the State of Idaho, for old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Berenice, Kuna, Meridian, Nampa, and Rathdrum, Idaho, in favor of the passage of House bill 14 for extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Oakley and Shelley, Idaho, remonstrating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of numerous medical men throughout the United States, in favor of the restoration of the Army canteen; to the Committee on Military Affairs.

Also, petition of W. D. Winter, of Garfield, Ill., protesting against any legislation for the extension of a general parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of H. S. Kirkland and 7 others of Texas, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. GARRETT: Petition of W. A. Ransom and 223 other citizens of Dyer County, Tenn., in favor of the passage of an effective interstate liquor law; to the Committee on the Judi-

Also, papers to accompany a bill granting an increase of pension to W. H. Elmore; to the Committee on Invalid Pensions.

By Mr. KINDRED: Memorials of the Maritime Association and of the Board of Trade and Transportation of New York, relative to harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of citizens of the State of Pennsylvania, for old-age pensions; to the Committee on

By Mr. LEVY: Memorial of the Republican Club of New York City, relative to the organization of a national health service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of Marcus & Co., of New York City, for amendment to corporation-tax law; to the Committee on Ways and

Also, petitions of Rio Chemical Co. and Burton Thompson, of New York City, for breakwater at Gravesend Bay, New York Harbor; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of South Dakota: Petition of Farmers' State Bank of Mina, S. Dak., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Gettysburg Commercial Club, against extension of parcel-post system; to the Committee on the Post Office

Also, petition of German Catholic Society of Parkston, S. Dak., urging the passage of the Esch phosphorus bill; to the Commit-

tee on Ways and Means.

By Mr. MATTHEWS: Petitions of the Woman's Home and Foreign Missionary Society of the First Presbyterian Church and the Christian Endeavor Society of the Bethlehem Lutheran Church, both of New Castle, Pa., favoring passage of the Ken-yon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Braby & Sturgeon, merchants, Wampum, Pa., asking a reduction in the duty on raw and refined sugars; to the

Committee on Ways and Means.

By Mr. MORSE of Wisconsin: Petition of Postal Progress League of Wausau, Wis., favoring the passage of House bill 14;

to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petition of citizens of Fall River, Wis., protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Memorials of Knight of St. George Society and St. Joseph's Society; the Wisconsin State Federation of Jabor, of Milwaukee, Wis.; the Central Labor Union of Meriden, Conn., urging passage of Esch phosphorus bill; to

the Committee on Ways and Means.

By Mr. PARRAN: Papers to accompany House bill 17413, for the relief of Owen Matthews; to the Committee on Military

Affairs.

By Mr. PATTON of Pennsylvania: Memorials of Granges Nos. 109, 223, 533, 534, 715, 1236, and 1405, Patrons of Hus-bandry, for certain amendments to the oleomargarine law; also memorials of Granges Nos. 109 and 1307, Patrons of Husbandry, against removal of tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of citizens of Pennsylvania, for a reduction of the duty on raw and refined sugars; to the Committee on Ways

and Means.

Also, memorial of Pomona Grange, No. 33, of Clearfield County, Pa., for equalization of taxation, etc.; to the Committee on Ways and Means.

By Mr. PRAY: Petitions of citizens of Kalispell, Columbia Falls, Whitefish, Great Falls, and Fowler, Mont., in favor of

old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Plenty Wood, Mont., asking for a reduction in duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Petition of Woman's Christian Temperance Union of Fort Collins, Colo., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. SIMS: Petitions of citizens of Huntingdon, Tenn., urging the passage of an effective interstate liquor law; to the

Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of Marble Arms & Manufacturing Co., in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Michigan Chapter, American Institute of Architects, for Lincoln memorial as recommended by National Fine Arts Commission; to the Committee on the Library.

Also, memorial from Quincy and Coldwater, Mich., against passage of bill for the observance of Sunday in post offices; to

the Committee on the Post Office and Post Roads. By Mr. SULZER: Memorial of the United German Societies

of New York City, against the passage of interstate liquor laws; to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petitions of citizens of Chester, Dongola, and Randolph Counties, Ill., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolution of Cairo (Ill.) Retail Merchants' Association, favoring Panama-Pacific International Exposition; to the Com-

mittee on Industrial Arts and Expositions.

By Mr. WILLIS: Petitions of Blue Jacket Tribe, No. 129,
Improved Order of Red Men, Unionville Center, and Tioga
Tribe, No. 91, of Delaware, Ohio, asking for the enactment of
a law to provide for the erection of an American Indian memorical and pursuant hulling in the city of Washington; to the rial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, petition of Grace Methodist Episcopal Church, of Urbana, Ohio, asking for the enactment of a law for the regulation of interstate commerce in intoxicating liquors; to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Petition of Joe T. Riggs and 19 other citizens of Morrillton, Ark., for extension of parcelpost system; to the Committee on the Post Office and Post Roads.

Also, petition of C. Rodes and 10 other citizens of Brooklyn, N. Y., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Volks Verein, of Brooklyn, N. Y., favoring the Esch phosphorus bill; to the Committee on Ways and

Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 26, 1912.

The House met at 12 o'clock noon,

The Chaplain, Rev. Henry N. Couden, D. D., offered the fel-

lowing prayer:

Infinite and eternal Spirit, everywhere present, we would approach Thee in spirit of the king of men who taught us when we pray to say: Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread, and forgive us our debts as we forgive our debtors, and lead not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory forever and ever. Amen.

The Journal of the proceedings of yesterday was read and

approved.

PERSONAL EXPLANATION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for five minutes. Is there

objection? [After a pause.] The Chair hears none. Mr. JOHNSON of Kentucky. Mr. Speaker, under ordinary circumstances I would pay no sort of attention to the matter to which I shall now allude; but, inasmuch as there is an at-tempt on the outside of the House to create a false impression as to the relations existing between the Secretary of the Treasury and me, I will read from the Evening Star, a Washington paper, published yesterday, wherein this language is used:

Secretary MacVeagh has written a letter declaring that there is no truth in the statement made on the floor of the House by Representative Johnson, chairman of the House District Committee, that the latter had been refused permission from the Treasury for the expert accountant of the House to go over the Treasury Department records.

In the first place, Mr. Speaker, I wish to say that my remarks in the RECORD will show that I never said any such thing. If I had said so, it would have been untrue, because neither the Secretary of the Treasury, the Treasurer of the United States, nor anybody else, so far as I know, has thrown or attempted to throw obstacles in the way of the investigation which is being made. I addressed a letter to the Secretary of the Treasury, as the head of the financial department of the Government, asking for the use of one man of the auditors of the accounts between the United States and the District of Columbia, so that I might have the services of that man longer and oftener than can now possibly be done without the permission of the Secretary of the Treasury. In my speech, made here several days ago, I said that I had addressed a letter to the Secretary of the Treasury asking for the services of this man, and that the Secretary of the Treasury has not deigned to answer my letter. Now, that is the only reference of criticism which I made to the Secretary of the Treasury. As to whether what I said upon the floor is the truth or not, I wish to read so much of a letter from the Secretary of the Treasury, addressed to me upon that subject. January 23, 1912, the Secretary of the Treasury addressed this communication to me:

DEAR MR. JOHNSON: I noticed this morning a report of your statement in the House yesterday commenting upon a lack of courtesy on my part with respect to a letter of yours, and I at once took the matter up in the department. I think you are fully justified in feeling that your letter had been neglected; for, apparently—only apparently—that is true. On the other hand, most of the delay in writing you is due to the consideration which has been given to your suggestion and to some communication with the officials of the District of Columbia. But, after all is said and done in the way of mitigation, there remains the necessity for my personal apology to you, which I now beg to express.

Now, Mr. Speaker, I wish to say that, as between the Secretary of the Treasury and me or as between the Treasurer and me, there is no sort of controversy that I am advised of, and I have made this statement for no other purpose than that the Members of this House may not be led into a false impression as to the relations between the Secretary of the Treasury and me.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4251. An act to authorize the Secretary of Commerce and Labor to purchase from the State of Texas certain land required for lighthouse purposes at the Aransas Pass Light

S. 1508. An act for the relief of the estate of Eliza B. Hause; S. 108. An act to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect;

S. 2848. An act authorizing the sale of certain lands to the

Dwight Mission School, on Sallisaw Creek, Okla.; S. 4179. An act to amend section 73 of chapter 5 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; S. 4032. An act for the relief of C. Person's Sons; S. 1767. An act for the relief of Oakley Randall;

S. 3087. An act for the relief of the Plant Investment Co., of New York, N. Y.;

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota; S. 4180. An act for the relief of Allessandro Comba;

S. 2601. An act for the relief of Douglas B. Thompson; S. 1416. An act for the relief of the Atlantic Coast Line

Railroad Co.; S. 2453. An act for the relief of Benjamin F. Martz, and for

other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1650. An act to amend section 110 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4251. An act to authorize the Secretary of Commerce and Labor to purchase from the State of Texas certain land required for lighthouse purposes at the Aransas Pass Light Station, Tex.; to the Committee on Interstate and Foreign Com-

S. 1508. An act for the relief of the estate of Eliza B. Hause; to the Committee on Claims.

S. 108. An act to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect; to the Committee on Indian Affairs.

S. 2548. An act authorizing the sale of certain lands to the Dwight Mission School, on Sallisaw Creek, Okla.; to the Com-

mittee on Indian Affairs.

S. 4179. An act to amend section 73 of chapter 5 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 4032. An act for the relief of C. Person's Sons; to the Com-

mittee on Claims.

S. 1767. An act for the relief of Oakley Randall; to the Committee on Claims.

S. 3087. An act for the relief of the Plant Investment Co., of New York, N. Y.; to the Committee on Claims.

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

S. 4180. An act for the relief of Douglas B. Thompson; to the Committee on Claims.

S. 2601. An act for the relief of Allessandro Comba; to the Committee on Claims.

S. 1416. An act for the relief of the Atlantic Coast Line Railroad Co.; to the Committee on Claims.

S. 2453. An act for the relief of Benjamin F. Martz, and for other purposes; to the Committee on the Public Lands.

METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up the bill revising the iron and steel schedule. To-day is the day set apart for the consideration of pension business, and I ask unanimous consent that immediately following this bill that pension bills be taken up, if they do not conflict with Calendar Wednesday, and if they do that they may come up immediately after Calendar Wednesday. My purpose in asking that is that I desire a full day's debate on this iron and steel schedule to-day, so that we may take it up under the five-minute rule to-morrow.

Mr. MANN rose.

The SPEAKER. The Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I was going to suggest to the gentleman from Alabama [Mr. Underwood] that he ask unanimous consent to consider the pension bills on the calendar in the House as in the Committee of the Whole. I do not think they will take any great length of time.

will take any great length of time.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I did not expect much general debate on this side of the House, but the gentleman from New York [Mr. PAYNE] notified me yesterday he had gentlemen on that side of the House who desired to debate. If that side of the House desires to have that much time cut out of the general debate to-day, I will agree to the suggestion made by the gentleman from Illinois. But I desired to allow five hours of debate to-day, and I thought the pension bills would not suffer by coming up immediately following this bill. But if that side of the House prefers to have the pension bills come up and take that amount of time, and then close the debate to-day, that will be satisfactory to me. But I shall insist to-morrow morning on closing the debate.

Mr. MANN. That will be for the House to determine.

Mr. UNDERWOOD. Certainly.

The SPEAKER. Is there objection?
Mr. MANN. I object to the request as it is formulated.
Mr. UNDERWOOD. Then, Mr. Speaker, I ask unanimous consent that the pension bills may be considered in the House as in the Committee of the Whole, and I give notice that tomorrow morning I will move to close general debate on the iron and steel bill.

The SPEAKER. The gentleman from Alabama [Mr. Underwood] asks that the pension bills, in order for to-day, be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk will call the first pension bill on the calendar.

Mr. MANN. I suggest the Clerk report the bill on the calendar.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I understand this is the day set apart especially for pension bills, and I ask that the first pension bill on the calendar be called.

The SPEAKER. That is what the Chair directed the Clerk to do, namely, to call the first pension bill on the calendar.

PENSIONS.

The first pension bill on the Private Calendar was the bill (H. R. 18335) granting increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the bill, as follows:

ent children of soldiers and sailors of said war.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—
The name of Margaret J. Smith, former widow of Schofield Furnier, late of Company D, First Regiment Michigan Veteran Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of William H. Jones, late of Company K, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry J. Boles, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses A. Stark, late of Company I, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nancy Hoffman, widow of Frederick Hoffman, late of Company G, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Robert Thompson, late of Company E, Ringgold's Battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Thomas S. Williams, late of Company F, Elghty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph W. Adams, late unassigned, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph W. Adams, late unassigned, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Cooper, late of Company B, Fiftieth Regiment Missouri Volunteer Infant

The name of John Chaney, late of Company F, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 The name of Joed L. Wright, late of Company H, Fifth Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Almon B, Smith, late of Company I, Elighty-first regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levi E, Morey, late of Company K, Shinh Regiment New York Volunteer Cavalty, and pay him a pension at the rate of York Volunteer Cavalty, and pay him a pension at the rate of York Volunteer Cavalty, and pay him a pension at the rate of the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses M, Whitney, late of Company B, Seventeenth Regiment in the rate of \$30 per month in lieu of that he is now receiving.

The name of John W, Werts, late of Company B, Seventeenth Regiment Inlinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Stone, late of Company B, Seventeenth Regiment Stone, and the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Stone, late of Company B, Seventeenth Regiment Wermont Volunteer Lighty, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph C, Sponoge, late of Company B, One hundred remonth of the pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Light G, Daggett, widow of George A. Daggett, late of Company K, Seventh Regiment Missouri Volunteer Cavalty, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Light G, Daggett, widow of George A. Daggett, late of Company B, Third Regiment West Villagia Volunteer Cavalty, and pay her a pension at the rate of \$30 per month in lieu of that he is now

receiving.

The name of Woodford C. May, late of Company E, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles D. Green, late of Company L, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin G. Owen, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

pension at the rate of \$60 per month in Heu of that he is now receiving.

The name of Charles H. Phillips, late of Company A, Twenty-ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of Marvin A. Smith, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of Martin H. Black, late of Company K, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$60 per month in Heu of that he is now receiving.

The name of John Dyer, late of Company F, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in Heu of that he is now receiving.

The name of John H. Mohler, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of George P. Ogg, late of Company K, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of George Smith, late of Company E. Thirty-second Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Wertz, late of Company B. Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ferree Pirtle, late of Company B. Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Simeon L. Coen, late of Company B. First Battalion Nevada Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James R. Clark, late of Companies G and A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Frazee, late of Company K, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of L. Alonzo Dennett, late of Company C, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of L. Alonzo Dennett, late of Company C, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elwin L. Hoopes, late of Company F, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elmin L. Hoopes, late of Company L, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samel Samers, late of Company L, Pifty-second Regiment Fennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is no

The name of Harrison Van Horn, late of Company E, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

a pension at the rate of \$24 per month in heu of that he is now receiving.

The name of Levi H. Brown, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry S. Byers, late of Company F, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James K. Shaw, late of Company D, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram S. Kenyon, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Jacob R. Doughty, late of Company G, Forty-seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Arbuckle, late of Company B, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Philander G. Woodworth, late of Company D, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Oscar J. Piper, late of Company I, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Orlando Martin, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Dickson, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward M. Leonard, late unassigned, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry J. Eveland, late of Company G, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Lang, late of Company H, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Lang, late of Company H, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James C. Drake, late of Second Battery Iowa Light Artillery and Company G, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Ann Mott, widow of Samuel Mott, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles McVey, late of Company C, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elijah W. Fowler, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emmor H. Price, late of Company C, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Cox, late of Companies I and C, Forty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Spehn, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John Mahoney, late of Company D, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cyrus Harrison, late landsman, U. S. S. Delaware, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Vanfossan, late of Company C, First Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harrison Kilburn, late of Company H, Thirty-eighth Regiment Illinois Volunteer Infantry, and Signal Corps, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Laura E. R. Hatfield, widow of James T. Hatfield, late colonel Sixth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Allen Hart, late of Company G. One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James F. Maben, late of Company H. One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Bodley, late of Company I, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Grace Backenstoss, helpless and dependent daughter of Alexander Backenstoss, late of Company I, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

per month.

The name of David Bolles, late of Company F, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Carr, late seaman, United States ships Allegheny, New Hampshire, and Montauk, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

mont Volunteer Infantry, and pay him a pension at the rate of \$24 per ponulation of Charles Carr. Late seaman, United States ships Allechen, New Hampshire, and Montauk, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis S. Duncan, late of Company B, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Patrick Hannan, late of Company B, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Silas Dewey, late of Company A, Nineteenth Regiment New York of the lieu of that he is now receiving.

The name of Silas Dewey, late of Company E, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael Grigeois, late of Companies G and D, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Beridget McAloon, dependent mother of Peter McAloon, late lieutenant coloned Twenty-seventh Regiment Pennsylvania Volunteer-Infantry, and pay her pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin Hobbs, late of Company I, Thirty-fourth Regiment Missachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month of the pension at the rate of \$30 per month in leu of that he is now receiving.

The name of Thomas R. Henthorn, late of Company D, Forty-second Regiment Shansachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in leu of that he is now receiving.

The name of Philip D. Carroll, late of Company B, Forty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Montanteer Infant

him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Cosby, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Edward Mullin, helpless and dependent son of John Mullin, late of Company C, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Teresa Kennedy, widow of Richard Kennedy, late deckhand on the ram Queen of the West, Mississippi Marine Brigade, and pay her a pension at the rate of \$12 per month.

The name of Alfred O. Bush, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. Hudson, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Perry Bottles, late of Companies I and B, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Seal, late of Company D, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas J. Stroup, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$12 per month.

The name of Thomas J. Stroup, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$12 per month.

The name of Mary Reilley, widow of John A. Reilley, late of Company B, First Battalion Frémont Rangers, Missouri Home Guards, and pay her a pension at the rate of \$12 per month.

The name of Charles Nellman, late acting ensign, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ferdinand Armentrout, late of Company A, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert N. Crawford, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James C. Stevenson, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Moss, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James P. Hanlin, late of Company E, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank Sayre, late of Company B, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew Bernandeberry, late of Company B, First Regiment Indox Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew Brandeberry, late of Company A, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward B,

ment Rhode island Volunteer Cavalry, and the One hundred and seventeenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Curtis Holder, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ferrand H. Cleveland, late of Company G, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ellen M. De Coursey, widow of Timothy De Coursey, late of Company K, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Albert F. Schreider, late of band, Twenty-second Regiment Massachusetts Wolunteer Infantry, and Company I, Forty-second Regiment Massachusetts Wolunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zeba D. French, late of Company A, and hospital steward, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. Percival, late of Company A, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Goldvogle, late of Company H. Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Faracis M. Lynch, late of Company H, Twentieth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gharles H. Winck, late of Company B, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receivin

The name of William Helsel, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel H. Lynn, late of Company D, Fifteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Stephen D. Smith, dependent father of Franklin Smith, late of Company G, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Arthur E. Gilligan, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Collins, late of Company G, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Willis S. Barnum, late of Company G, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Christian, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of Isaac Woods, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph P. Jackson, late of Company B, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Davis Sharp, late of Company K, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Boenezer Swartwood, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ebeneze

and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Maud A. Ordway, widow of George H. Ordway, late of Company I, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mary Doyle, widow of Barnard Doyle, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George W. Nichols, late of Company K, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Dickerson, late of Company F, Eleventh Regiment Kentucky Volunteer Cavakry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Partin, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and Day him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Reece, late of Company B, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Hornish, late of Company B, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Edwin McMillan, late of Company B, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Edward G. Ashley, late of Company B, Ninth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Brunner, late of Company E, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Brun

forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. H. Ruble, late of Company C. Sixth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Warren Burch, late acting ensign, United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Albert F. Cummings, late of Company B. Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Overton R. Mallory, late of Company K. Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lamar W. Hadley, late of Company K, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Swartwood, late of Company H, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David B. Clouse, late of Company D, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary E. Milliken, widow of Edward A. Milliken, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry W. Gash, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John L. McIntyre, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Oakley, late of Company B, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Friedrich Miller, late of Company A, Cape Girardeau battalion Missouri Home Guards, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Franklin Lebo, late of Company H, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Josephine Dodge, widow of John M. Dodge, late commissary sergeant, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Nathan Goodman, late of Company F, Second Battalion Missouri State Militia Cavalry, and Company F, Fourteenth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lars B. Foss, late of Second Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas G. Anderson, late of Company A, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Strong, late of Company C, Thirty-eighth Regiment, and Company G, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alpheus L. Winchester, late warrant officer's steward, U. S. S. Sabine, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Nickum, late of Company A, One hundred and thirty-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for t

The foregoing bill is a substitute for the following House bills referred

to the Committee on Invalid Pensions: H. R. 5218. Margaret J. Smith. H. R. 5230. William H. Jones. H. R. 5230. William H. Jones. H. R. 5231. Henry J. Boles. H. R. 7405. Henry J. Eveland. H. R. 7406. Henry J. Eveland. H. R. 7421. John Lang. H. R. 7437. James C. Drake. H. R. 7440. Mary Ann Mott. H. R. 7440. Daryel Ann Mott. H. R. 7440. Mary Ann Mott. H. R. 7440. Mary Ann Mott. H. R. 7440. Mary Ann Mott. H. R. 7440. Daryel Ann Mott. H. R. 7451. James C. Drake. H. R. 7440. Daryel Ann Mott. H. R. 7451. James C. Daryel Ann Mott. H				
H. R. 5218.	Margaret J. Smith.	H. R. 7402.	Edward M. Leonard.	
H. R. 5230.	William H. Jones.	H. R. 7405.	Henry J. Eveland.	
H. R. 5231.	Henry J. Boles.	H. R. 7421.	John Lang.	
H. R. 5251	Nancy Hoffman	H. R. 7440	Mary Ann Mott	
H. R. 5269.	Robert Thompson.	H. R. 7446.	Charles McVey.	
H. R. 5285.	Thomas S. Williams.	H. R. 7450.	Elijah W. Fowler.	
H. R. 5359.	Joseph W. Adams.	H. R. 7451.	Emmor H. Price.	
H R 5385	Charles H Anderson	H R 7620	James Cox.	
H. R. 6447.	Samuel Cooper.	H. R. 7626.	John Mahoney.	
H. R. 5457.	William H. Oppelt.	H. R. 7632.	Cyrus Harrison.	
H. R. 5545.	James Mullins.	H. R. 7687.	James Vanfossan.	
H. R. 5555.	John Chaney.	H. R. 7747.	Harrison Kilburn.	
H. R. 5588.	Almon B. Smith	H. R. 7791	Allen Hert	
H. R. 5589.	Levi E. Morey.	H. R. 7832.	James F. Maben.	
H. R. 5680.	Moses M. Whitney.	H. R. 7850.	William Bodley.	
H. R. 5709.	John W. Werts.	H. R. 7890.	Grace Backenstoss.	
H. R. 5721.	Wallace P Newton	H. R. 7922.	Charles Cars	
H. R. 5743.	Joseph C. Sponogle.	H. R. 7931	Lewis S Duncan	
H. R. 5744.	Lillie G. Daggett.	H. R. 7932.	Patrick Hannan.	
H. R. 5779.	Charlotte Darnell.	H. R. 7937.	Silas Dewey.	
H. R. 5820.	James C. Mynatt.	H. R. 7995.	Michael Grigeois.	
H. R. 5821.	Samuel I Ewing	H. R. 8028.	George W. Nobles.	
H. R. 5947	Lucinda Read	H. R. 8032.	Edwin Hobbs	
H. R. 5996.	John Allen.	H. R. 8043	Thomas R Henthorn	
H. R. 6016.	Jacob Zimmerman.	H. R. 8045.	Philip D. Carroll.	
H. R. 6058.	Thomas J. Edwards.	H. R. 8046.	John A. Smith.	
H. R. 6072.	Jacob S. Plunk.	H. R. 8101.	Henry Abrams.	
H R 6157	Duane P Moore	H. R. 8127.	John L. Temple.	
H. R. 6158.	Henry M. Older.	H. R. 8182.	Fronk M Whiteless	
H. R. 6159,	Frank Munn.	H. R. 8162	Joseph H Koch	
H. R. 6160.	Green M. Wison. Samuel J. Ewing. Lucinda Read. John Allen. Jacob Zimmerman. Thomas J. Edwards. Jacob S. Plunk. Michael G. Clapsaddle. Duane R. Moore. Henry M. Older. Frank Munn. William Bennett. Harriet Walburn. James Manning. Victor M. Wheeler. Woodford C. May. Charles D. Green Edwin G. Owen. Charles H. Phillips. Marvin A. Smith. Martin H. Black John Dyer. John Dyer. John H. Mohler. George P. Ogg. George Smith. David Wertz. Ferree Pirtle. Simeon L. Coen. James R. Clark. George W. Frazee L. Alonzo Dennett. John McMahon. Elwin L. Hoopes. Francis Lombard. Job B. Wetmore. Samuel Sanders. Lucien E. Payne. Riley Liston. David Garey. Charles H. Webster, alias Charles W. Knapp.	H. R. 8190.	Joseph H. Koch. John S. Cochrane, alias George S. Cochrane, James E. McKenna. Erasmus B. Manahan. William Stout. Antoinette S. Edgett. Blackman E. Lawrence, James H. Cosby. John Edward Mullin. Teresa Kennedy. Alfred O. Bush. William W. Hudson, Perry Bottles. Henry Seal. Thomas J. Stroup. Mary Reilley. Charles Neilman. Ferdinand Armentrout. Robert N. Crawford. James C. Stevenson. John C. Moss. James P. Hanlin. Frank Sayre. William Stanley. John K. McKeen, Andrew Brandeberry. Edward B. Pendleton. Curtis Holder. Ferrand H. Cleveland.	
H. R. 6168.	Harriet Walburn.		George S. Cochrane.	
H. R. 6178.	James Manning.	H. R. 8239.	James E. McKenna.	
H R 6221.	Woodford C May	H. R. 8349.	Erasmus B. Manahan.	
H. R. 6233.	Charles D. Green	H R 8490	Antoinette & Facett	
H. R. 6235.	Edwin G. Owen.	H. R. 8431.	Blackman E. Lawrence.	
H. R. 6284.	Charles H. Phillips.	H. R. 8445.	James H. Cosby.	
H. R. 6290.	Marvin A. Smith.	H. R. 8452.	John Edward Mullin.	
H R 6344	John Dyer	H. R. 8475.	Teresa Kennedy.	
H. R. 6363.	John H. Mohler.	H. R. 8521.	William W. Hudgen	
H. R. 6369.	George P. Ogg.	H. R. 8528	Perry Rottles	
H. R. 6376.	George Smith.	H. R. 8534.	Henry Seal.	
H. R. 6388.	David Wertz.	H. R. 8551.	Thomas J. Stroup.	
H. R. 5419.	Simoon I. Coon	H. R. 8552.	Mary Reilley.	
H. R. 6507.	James R. Clark.	H. R. 8553.	Charles Nellman.	
H. R. 6514.	George W. Frazee	H R 8587	Robert V Crawford	
H. R. 6515.	L. Alonzo Dennett.	H. R. 8571.	James C. Stevenson.	
H. R. 6516.	John McManon.	H. R. 8573.	John C. Moss.	
H. B. 6565	Francis Lombard	H. R. 8575.	James P. Hanlin.	
H. R. 6569.	Job B. Wetmore.	H. R. 8584.	Frank Sayre.	
H. R. 6628.	Samuel Sanders.	H B 8675	John K McKeen	
H. R. 6865.	Lucien E. Payne.	H. R. 8695.	Andrew Brandeherry.	
H. R. 6870.	Ruley Liston.	H. R. 8722.	Edward B. Pendleton.	
H. R. 6812.	Charles H Webster	H. R. 8747.	Curtis Holder.	
n. n. 0010.	alias Charles W.	H. R. 8794.	Ferrand H. Cleveland.	
	Knapp.	H. R. 8800.	Albert F Schreider	
H. R. 6887.	Charles N. Merrill.	H. R. 8824	Zeha D French	
H. R. 6888.	Harrison Van Horn.	H. R. 8831.	William A. Percival.	
H. R. 6909.	Levi H. Brown.	H. R. 8835.	Alexander Goldvogle.	
H. R. 7015.	Temas Kashaw	H. R. 8838.	Francis M. Lynch.	
H. R. 7095.	Hiram S. Kenvon	H. R. 8860.	Charles Mosher,	
H. R. 7148.	Jacob R. Doughty.	H R 8988	Source C. French	
H. R. 7186.	Daniel Arbuckle.	H. R. 9045.	Joel P. Quimby,	
H. R. 7202.	Knapp. Charles N. Merrill. Harrison Van Horn. Levi H. Brown. Henry S. Byers. James K.*Shaw. Hiram S. Kenyon. Jacob R. Doughty. Daniel Arbuckle. Philander G. Woodworth.	H. R. 9079.	Curtis Holder. Ferrand H. Cleveland. Ellen M. DeCoursey. Albert F. Schreider. Zeba D. French. William A. Percival. Alexander Goldvogle. Francis M. Lynch. Charles Mosher. Gottfried Langstadt. Squire C. French. Joel P. Quimby. Charles H. Wilcox. Mathew A. Berryhill. Eliza Adair. William Heisel. Samuel H. Lynn.	
II D 5010	worth.	H. R. 9086.	Mathew A. Berryhill.	
H. R. 7218.	Oscar J. Piper. Orlando Martin. John Dickson.	H R 9169	William Helsel	
H. R. 7398	John Dickson.	H. R. 9184.	Samuel H. Lynn.	
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H. R. 9216. Stephen D. Smith. H. R. 9217. Arthur E. Gilligan. H. R. 9229. John Collins. H. R. 9267. Willis S. Barnum. H. R. 9291. George W. Christian. H. R. 9315. Isaac Woods. H. R. 9375. Isaac Woods. H. R. 9379. Davis Sharp. H. R. 9401. Robert F. Wilson. H. R. 9408. Ebenezer Swartwood. H. R. 9556. Mary Doyle. H. R. 9562. Mary Doyle. H. R. 9568. George W. Nichols. H. R. 9617. John H. Dickerson, H. R. 9620. William J. Partin. H. R. 9621. Joseph Reece. H. R. 9642. John Hornish. H. R. 9649. Edward G. Ashley, H. R. 9739. Albert Brunner. H. R. 9737. Mary A. Baxter. H. R. 9750. Abner Wilkins.	H. R. 9794. Enos S. Krauss. H. R. 9800. William H. H. Ruble, H. R. 9806. Warren Burch. H. R. 9808. Albert F. Commings. H. R. 9824. Overton R. Mallory. H. R. 9824. Overton R. Mallory. H. R. 9824. Overton R. Mallory. H. R. 9825. Charles Swartwood. H. R. 9829. David B. Clouse. H. R. 9829. David B. Clouse. H. R. 9871. Henry W. Gash. H. R. 9871. Henry W. Gash. H. R. 9936. William Ferrel. H. R. 9936. William Ferrel. H. R. 10105. William C. Oakley. H. R. 10152. Franklin Lebo. H. R. 10164. Josephine Dodge. H. R. 10174. Nathan Goodman. H. R. 10250. Lars B. Foss. H. R. 10275. Thomas G. Anderson. H. R. 10278. George W. Strong. H. R. 10282. Alpheus L. Winchester. H. R. 10305. Charles W. Nickum.
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During the reading of the bill,

Mr. RUSSELL. Mr. Speaker, I would ask whether or not we can dispense with the first reading of the bill by unanimous consent?

Mr. UNDERWOOD. I understand, Mr. Speaker, that the bill is being read under the five-minute rule now, and I do not think that could be dispensed with. As I understand, this is the final

reading of the bill in the House for amendment.

The SPEAKER. The Clerk will proceed with the reading of

the bill.

The Clerk proceeded with the reading of the bill.

During the reading.

Mr. Speaker, I move to amend by striking out lines 15, 16, 17, and 18, inclusive, on page 24, granting a pension of \$30 a month to John K. McKeen, the beneficiary being dead.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 15 to 18, inclusive, on page 24.

The amendment was agreed to.

The Clerk completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

Mr. RUSSELL. Mr. Speaker, I ask that the next pension

bill be called.

The SPEAKER. The Clerk will report the next bill. The Clerk read as follows:

A bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. RICHARDSON. Mr. Speaker—
The SPEAKER. The gentleman from Alabama.
Mr. RICHARDSON. Mr. Speaker, I supposed that the call

of the invalid-pension cases was concluded.

The SPEAKER. It has not been. The Clerk will report the The Chair will state to Members that if they desire to offer any amendments to this bill it is subject to amendment. The Clerk will read.

The Clerk read as follows:

The Clerk will read.

The Clerk read as follows:

A bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Charles O. Lombard, late of Company G. Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$32 per month in lieu of that he is now receiving.

The name of Abram R. Newman, late of Company F. Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marshall A. Duers, late of Company H, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Reuben Humbarger, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Udora E. Moore, former widow of John W. Morris, late of Company F, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Alfred Bowden, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Patrick Powers, late of Company K, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret A. Wilson, widow of Benjamin F. Wilson, late of Company G. Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Margaret A. Wilson, widow of Benjamin F. Wilson, late of Company G. Ninety-third Regiment Indiana Volunteer Infantry,

Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Thomas Stubbs, late of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Edmonds, alias James Corel, late of Company A, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of Allen King, late of Company G, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry Dorman, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The name of Peter H. Brower, late of Companyles A and C, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Powell, late of Company H, Forty-seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Michael Burke, late landsman, U. S. S. Princeton, Dale and St. Lawrence, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Landon Schwyhart, late of Seventeenth and Second Batteries, Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Landon Schwyhart, late of Seventeenth and Second Batteries, Ohlo Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac R. Fain, late of Company K, Sixtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Bowley, late of Company F, Forty-seventh Regiment Kentucky Volunteer

The name of Livingston D. Smith, late of Companies C and I, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Hawthorn, late of Company F. Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah M. Matteson, widow of Oilver S. Matteson, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Englamin F. Kimler, late of Company E, Sixth Regiment fowar Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J. Scott, late of Company B, Third Regiment Ionath in lieu of that he is now receiving.

The name of Amanda T. Griffin, widow of Thomas J. Griffin, late of Company A, First Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Christopher Bright, late of Company K, Sixth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah Yates, former widow of Henry Peters, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Jarah Yates, former widow of Island pay her a pension at the rate of \$12 per month.

The name of Jarah Yates, former widow of Island pay her a pension at the rate of \$12 per month.

The name of Gorge A. Adams, late of Company H, Ninety-second Regiment Ohlo Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Gorge A. Adams, late of Company H, Twenty-fifth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gorge A. Adams, late of Company

The same of Katherine A. Belford, former widow of Charles T. Haley, late of Company C. Seventh Regiment Rhode Island Volunteer The name of Mary Lenry, widow of Patrick Leary, late of Company II, Thirteenth Regiment Connecticut Volunteer Infantry, and pay her of the property of the Company II, Thirteenth Regiment Connecticut Volunteer Infantry, and pay her of the property of the Company II, Skyty-initity Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of 850 per month in lieu of that he is now receiving.

The name of Party and pay him a pension at the rate of 850 per month in lieu of that he is now receiving.

The name of Augustus E. Zeitler, late of Company A. One hundred pension at the rate of 830 per month in lieu of that he is now receiving.

The name of Lloyd B. Josila, late landsman, U. S. S. North Carolina, Schomer and Sabhe, United States Navy, and pay him a pension at the rate of 830 per month in lieu of that he is now receiving.

The name of Lloyd B. Josila, late landsman, U. S. S. North Carolina, Schomer, and Sabhe, United States Navy, and pay him a pension at the rate of 830 per month in lieu of that he is now receiving.

The name of Lloyd B. Josila, late landsman, U. S. S. North Carolina, Schomer, and Sabhe, United States Navy, and pay him a pension at the rate of 824 per month in lieu of that he is now receiving.

The name of Lloyd B. Josila, late landsman, U. S. S. North Carolina, Schomer, and Google, M. Ridde, late of Company M. Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of 824 per month in lieu of that he is now receiving.

The name of Google, M. Ridde, late of Company G. Minchysecond Regiment Pennsylvania Volunteer, and pay him a pension at the rate of 830 per month in lieu of that he is now receiving.

The name of Google, M. Ridde, late of Company C. Minchysecond Regiment Pennsylvania Volunteer Leavy and pay him a pension at the rate of 830 per month in lieu of that he is now receiving.

The name of Gledon Manon, late of Comp

The name of William Barfield, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per menth in lieu of that he is now receiving.

The name of James Hand, late of Company K, Thirty-first Regiment New Jersey Volunteer Infantry, and Fourth Battery, New Jersey Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin C. Smith, late of Company G, Fifth Reglment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry D, Austin, late of Company E, Twelfth Reglment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susanna Manning, widow of Abraham D. Manning, late of Company D, Seventh Reglment Ohlo Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Nicholas Roth, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David W. Starkey, late of Company B, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Horatio H. Rice, late of Company A, Tenth Regiment New York Volunteer Cavalry, and Company E, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of May Pennington, helpless and dependent daughter of Allison C. Pennington, alias Alfred C. Pennington, late of Company B, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Louisa A. Atherton, widow of Daniel W. Atherton, late of Company B, Nincty-ninth Regiment New York Volunteer Infantry, and ordinary seaman on U. S. S

twenty-first Regiment New York Volunteer Inflantry, and ordinary seaman on U. S. S. Sabine, Hibiscus, and Ino, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louis Schoenfeld, late of Company B. Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Chancy Slayton, late of Company D, One hundred and sixteenth Regiment New York Volunteer Infantry, and Company A, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Adams, late of Company G, Tweifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Blandy M. Brown, late of Company I, One hundred and tenth Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Gragan, late of Company L, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Washington Peddicord, helpless and dependent son of Dorsey Peddicord, late of Company L, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$12 per month.

The name of Charles H. Dutton, late of Third Battery Vermout Volunteer Light Artillery, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Charles H. Dutton, late of Company H, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Colean, late of Company I, Third Regiment Kentucky Volunteer Caylry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Colean, late of Company A, Forty-for

ment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Weirick, late of Company A, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and assistant surgeon, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Bacon, late of Company D, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Nichols, late of Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Cronin, late of Company H, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary E. Hughes, widow of Daniel W. Hughes, late captain and aid-de-camp, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George W. Currier, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albion Jackson, late of Company E, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Springer, late of Company E, Forty-fifth Regiment New York Volunteer Infantry, and Company F, Eleventh Regiment New York Volunteer Infantry, and Company F, Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Alden, late of Company H. Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Scully, late of Company E, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving. The name of Charles Jackson, late of Company E, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving. The name of Henry C. Beswick, late of Company E, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Tabor, late of Company D, First Regiment The name of George W. Tabor, late of Company D, First Regiment The name of Mirgaret A. Hageman, former widow of Isaac N. Lockett, late hospital steward, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mirgaret A. Hageman, former widow of Isaac N. Lockett, late hospital steward, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gideon Sturgis, late of Company F, First Regiment Tenessee Mounted Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eluntaha Beebe, late of Company K, Thirtieth Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Burt, late of Company L, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Burt, late of Company L, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is n

The name of Isaac Washington, late of Company H, One hundredth Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin Brinley, late of Company I, One hundredth Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Augustine Bell. late of Company I, Thirteenth Regiment United States Volunteer Colored Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Marshall Jones, alias Farris, late of Company E, One hundred and twenty-first Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lan Doniphan, late of Company H, One hundred and seventeenth Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Job Washington, late of Company G, Thirteenth Regiment United States Volunteer Colored Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah Combs, late of Company A, One hundred and twenty-first Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emil Montoux, late of Company D, Sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George T. Welch, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Todd, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George T. Welch,

The name of Michael Denigan, late of Company A, Second Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Williams, late of Company H, Thirty ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Pinson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J. Little, jr., late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Hovey, late of Company A, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah E. Gillespie, widow of Thomas Gillespie, late of Company C, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Della R. Parker, widow of Isaac N. Parker, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The name of Jacob Garver, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Turner Branham, late of Company K, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Turner Branham, late of Company B, Thenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Turner Branham, late of Company B, Twenty-seventh Regiment Ohio Volunteer Infantry and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

ferred to the	Committee on Invalid
H. R. 10408.	Charles O. Lombard.
H. R. 10619.	Charles O. Lombard. Abram R. Newman. Marshall A. Duers.
H. R. 10673.	Marshall A. Duers.
H. R. 10715.	Udora E. Moore.
H. R. 10733.	Reuben Humbarger. Udora E. Moore. Alfred Bowden. Kate L. John.
H. R. 10674. H. R. 10715. H. R. 10733. H. R. 10737. H. R. 10765. H. R. 10800. H. R. 10983.	Kate L. John.
H. R. 10787.	Patrick Powers. Margaret A. Wilson.
H. R. 10800.	Milton G. Wiggins.
H. R. 10983. H. R. 10988. H. R. 11008.	Hallie Geer
H. R. 10988.	Thomas Stubbs.
H. R. 11005.	Thomas Stubbs. Charles W. Edmonds, alias James Corel.
H. R. 11010.	Allen King.
H. R. 11065.	Henry Dorman. Peter H. Brower.
H. R. 11077.	Peter H. Brower.
H. R. 11077. H. R. 11085. H. R. 11086. H. R. 11108. H. R. 111109. H. R. 11210. H. R. 11249. H. R. 11277. H. R. 11299. H. R. 11299.	James Powell. Michael Burke.
H. R. 11108.	Arthur R. Frogg.
H. R. 11183.	Arthur R. Frogg. Landon Schwyhart. Lester L. Carr. Isaac R. Fain. John Lakin. James W. Bowley. Wallace J. Harber.
H. R. 11210.	Lester L. Carr.
H. R. 11267.	John Lakin.
H. R. 11278.	James W. Bowley.
H. R. 11299.	Wallace J. Harber.
H. R. 11299 H. R. 11300 H. R. 11327 H. R. 11343 H. R. 11345	Henry Merida. Henry J. Farwell. Livingston D Smith.
H. R. 11343.	Livingston D Smith.
H. R. 11345.	James A. Hawthorn.
H. R. 11353.	Saran M. Matteson.
H. R. 11357.	Thomas J. Scott.
H. R. 11356 H. R. 11357 H. R. 11401 H. R. 11411 H. R. 11424 H. R. 11437 H R. 11437	James A. Hawthorn. Sarah M. Matteson. Benjamin F. Kimler. Thomas J. Scott. Amanda T. Griffin. Christopher Bright. Sarah Vates
H. R. 11411.	Christopher Bright.
H. R. 11424.	Sarah Yates. Josephine Taylor.
H. R. 11439.	Eliza Jane Bundy.
H. R. 11439. H. R. 11470.	Andrew Unger.
H. R. 11473.	Andrew Unger. George A. Adams. Joseph Taylor.
H. R. 11473. H. R. 11486. H. R. 11490.	Catharine Abbott.
H. R. 11517.	Catharine Abbott. Michael Glaub. Harriet W. Cushing. Orren R. Strong. David Linn.
H. R. 11517. H. R. 11519.	Harriet W. Cushing.
H. R. 11521.	David Linn
H. R. 11591.	John E. Penn. John J. Boles.
H. R. 11521 H. R. 11550 H. R. 11591 H. R. 11593 H. R. 11605 H. R. 11608	John J. Boles.
H. R. 11605. H. R. 11608.	Katherine A. Belford.
H. R. 11623 H. R. 11623 H. R. 11649 H. R. 11709 H. R. 11819 H. R. 11820 H. R. 11868 H. R. 1187	Mary Leary. Thomas W. Botkin, Walter E. Truax.
H. R. 11644.	Walter E. Truax.
H. R. 11649.	John Deforge. Angustus E. Zeitler. Eben N. Hewins. Lloyd B. Joslin. Winfield S. Mitchell.
H. R. 11819.	Eben N. Hewins.
H. R. 11820.	Lloyd B. Joslin.
H. R. 11868.	Winfield S. Mitchell.
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H. R. 11934. H. R. 11934. H. R. 11934. H. R. 11941. H. R. 11957. H. R. 11976. H. R. 11990. H. R. 11990.	George A. Carpenter, George M. Riddle.
H. R. 11935.	Gideon Mason.
H. R. 11941.	Joseph Taylor, George W. Gordon, Isnac McKinsey,
H. R. 11975.	Isaac McKinsey.
H. R. 11976.	Ellina L. Goodaic.
H. R. 11990.	
H. R. 11995.	Edwin D. Case. Henry F. Bump. Jerome J. Garrett.
H. R. 12033.	Jerome J. Garrett. Joseph Renfrow.
H. R. 12039.	Joseph Renfrow.
H. R. 12033. H. R. 12039. H. R. 12058. H. R. 12074. H. R. 12078.	Elizabeth E. Atkinson. William Silvey.
H. R. 12078.	
H. R. 12088.	Charles N. Bacon.
H. R. 12136.	Adeline Ireland.
H. R. 12179.	Thomas H. Shoens. John R. Watt.
H. R. 12203.	Edward Blanchard.
H. R. 12204.	John R. Watt. Edward Blanchard. George W. Davis. Levi Berst.
H. R. 12078. H. R. 12088. H. R. 12136. H. R. 12179. H. R. 12203. H. R. 12204. H. R. 12207. H. R. 12201. H. R. 12231. H. R. 12231. H. R. 12231.	Emma A. Crowell.
H. R. 12231.	Emma A. Crowell. George Froh.
H. R. 12259.	Irvin Patrick.

Pensions:

H. R. 12335. Thomas Burke.
H. R. 12340. James E. Cothern.
H. R. 12372. William Barfield.
H. R. 12371. Walliam Barfield.
H. R. 12471. Martin C. Smith.
H. R. 12474. Henry D. Austin.
H. R. 12485. Susanna Manning.
H. R. 12508. Nicholas Roth.
H. R. 12516. David W. Starkey.
H. R. 12516. David W. Starkey.
H. R. 12516. David W. Starkey.
H. R. 12548. May Pennington.
H. R. 12551. Louisa A. Atherton.
H. R. 12552. Charles Thurston.
H. R. 12555. Louis Schoenfeld.
H. R. 12557. Chancy Slayton.
H. R. 12569. James Adams.
H. R. 12703. William Washington
Peddicord.
H. R. 12712. Charles H. Durton.
H. R. 12757. Charles H. Durton. H. R. 12712. Charles H. Dutton. H. R. 12755. Benjamin B. D. Der-ickson. H. R. 12712. Charles H. Dutton.
H. R. 12755. Benjamin B. D. Derickson.
H. R. 12761. Walton W. Harris.
H. R. 12801. Samuel Cobean.
H. R. 12932. Carlton W. Willison.
H. R. 12932. Jonas Kyes.
H. R. 12952. Jonas Kyes.
H. R. 12985. William Cottengim.
H. R. 12996. William H. Weirick.
H. R. 13015. James M. Bacon.
H. R. 13204. Andrew Cronin.
H. R. 13200. Andrew Cronin.
H. R. 13203. Mary E. Hughes.
H. R. 13204. George W. Currier.
H. R. 13213. Albion Jackson.
H. R. 13223. Joseph Springer.
H. R. 13224. Joseph Springer.
H. R. 13255. Charles Jackson.
H. R. 13250. William H. Alden.
H. R. 13251. Henry Scully.
H. R. 13256. Henry C. Beswick.
H. R. 13297. George W. Tabor.
H. R. 13339. Wilson Bray.
H. R. 13339. Wilson Bray.
H. R. 13364. Elhantan Beebe.
H. R. 13404. Carlton M. Dodge.
H. R. 13405. Jeptha Wright.
H. R. 13451. Charles Stearns.
H. R. 13476. Martin H. Robbins.
H. R. 13452. Henry S. Luckett.
H. R. 13542. Henry S. Luckett.
H. R. 13848. Jeptha Wright.
H. R. 13858. Joseph W. Rowe.
H. R. 13858. Rufus E. Dunham.
H. R. 13859. Lan Doniphan.
H. R. 13899. Elijah Combs. Farris.

H. R. 13895. Lan Doniphan.
H. R. 13898. Job Washington.
H. R. 13899. Elijah Combs.
H. R. 13994. Emil Montoux.
H. R. 13996. Mahala J. Jones.
H. R. 14024. George T. Welch.
H. R. 14025. James W. Todd.
H. R. 14175. James N. Hazen.
H. R. 14182. Anna F. Thayer.
H. R. 14184. Kate A. McMichael.
H. R. 14350. William H. Williams,
H. R. 14353. Thomas Pinson.
H. R. 14359. Thomas J. Little, jr.
H. R. 14449. William Hovey.
H. R. 14440. Delia R. Parker.
H. R. 14565. Jacob Garver. H. R. 14565. Jacob Garver. H. R. 15315. Turner Branham.

Mr. SULLOWAY. Mr. Speaker—
The SPEAKER. The gentleman from New Hampshire is recognized

Mr. SULLOWAY. I yield, Mr. Speaker, to the gentleman from Missouri.

Mr. RUSSELL. Mr. Speaker, I offer a committee amendment, to strike out lines 3, 4, 5, and 6, on page 21. The beneficiary has died.

The SPEAKER. On what page?

Mr. RUSSELL. Page 21. That case embodies a bill introduced by the Speaker of the House. The widow named has

died since the bill was ordered to be reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Strike out, on page 21, all of lines 3, 4, 5, and 6.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, if the paragraph referred to is the substance of a bill introduced by the Speaker I think it should be so stated.

Mr. RUSSELL. I did so state when I stated that I moved to amend by striking it out because this beneficiary is dead.

The SPEAKER. The question is on agreeing to the amend-

ment.

The question was taken, and the amendment was agreed to. Mr. SULLOWAY. Mr. Speaker, I move to amend, on page 21, by striking out, in line 9, the word "thirty" and inserting the word "sixty.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New Hampshire.

The Clerk read as follows:

On page 21, line 9, strike out the word "thirty" and insert in lieu thereof the word "sixfy."

Mr. SULLOWAY. Mr. Speaker, that soldier, George W. Currier, served three years and a half. For six years past the evidence shows he has been absolutely helpless and unable to lift a hand or feed himself. In my opinion the amount ought to be \$72, but I have fixed the amount in the amendment at the lower figure I have named.

The SPEAKER. The question is on agreeing to the amend-

ment offered by the gentleman from New Hampshire.

The question was taken, and the amendment was agreed to. The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a

third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

Mr. RUSSELL. Mr. Speaker, I ask to call up bill No. 10 on the calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws:

The name of Michael S. Ashton, late of Company G. Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Angeline Doane, helpless and dependent daughter of Jacob Doane, late of Company C, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

ment Onio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ida L. Baker, helpless and dependent daughter of Henry Baker, late of Company D. One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

Lyling Representation of Company C. Forty first Regiment

Henry Baker, late of Company D, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Julius Bongner, late of Company G, Forty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Woodley C. Winsor, late of Company C, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Horace Greeley, late of Company A, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ammi Johnson, late of Company K, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Banjamin P. Scovill, late of Company C, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John L. Danburg, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard M. Pierce, late of Company A, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah A. Bryan, widow of Abner G. Bryan, late musician, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Augustus Sponsler, late of Company H, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David W, Crider, late of Company F, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C, Smith, late of Company E, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Perry C, Hughes, late of Company H, Forty-fitth Regiment Onlo Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Shadrach Murphy, late of Company D, Thirty-first Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James J. Smith, late of Company C, Seventy-ninth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph W. C. Stevens, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Stevens, late of Company K, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Stevens, late of Company H, Second Regiment Mew Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry L, Stevens, late of Company G, Second Regiment Missachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry H, Camboly, late of Company G, Second Regiment Missachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of tha

and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Seward S. Palmer, late of Company A, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Turner, late of Battery B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Walster, late of Companies M and H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Koons, late of Company K, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eli H. Kimberly, late of Company L, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J. Norris, late of Company C, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William M. Jolly, late of Company A, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eliza A. Faries, widow of Myron J. Faries, late of Company I, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Faxon Hayford, late of Company C, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William O. Medler, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now rece

her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ann Elizabeth Kitchen, widow of Charles W. Kitchen, late of Company B, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Samuel H. Smith, late of Company F, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Edward W. Larue, late of Company A, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jefferson R. Martin, late of Company K, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nelson Pegg, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and Company A, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and company H, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Anderson, late of Company H, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marion Finley, late of Company A, One hundred and fity-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry J. Klotz, late of Company F, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jeremiah Painter, late of Company I, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Villiam M. Myers, late of Company C, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. Settle, late of Company I, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Orvis, late of Company G, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob G. Lobaugh, late of Company F, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George R. Ingersoil, late of Company B, First Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Miller, late of band, United States Reserve Corps, Missouri Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles O. Baker, late of Company C, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Herbert M. Nogle, late

The name of Herbert M. Nogle, late of Company A. One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Alvin Green, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Abraham Sherfy, late of Company B, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Wandling, late of Company C, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Brown, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph M. Guthrie, late of Company B, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucian F, Kellogg, late of Company F, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. Rodgers, late of Company F, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. Rodgers, late of Company G, First Battallon Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George R. Sutton, late of Company G, First Battallon Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George R. Sutton, late of Company G, First Battallon Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of th

The name of Joseph A. McCoskey, late of Seventh Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Howard, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Murray, late of Company K, Sixty-sixth Regiment Pennsylvania Volunteer Infantry, and Day him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Burger, late of Company I, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Burger, late of Company I, Eighty-first Regiment Pennsylvania Heavy Artillery, and Company E, Third Regiment Pennsylvania Heavy Artillery, and Company E, One hundred and eighty-eighth Regiment Pennsylvania Heavy Artillery, and Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oliver Ayers, late of Company H, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James P, Grove, late of Company F, First Regiment New Jersey Volunteer Reserve Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James P, Grove, late of Company F, First Regiment Pennsylvania Volunteer Reserve Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Devney, late of Company A, One hundred and fittleth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alfred S. Weymouth, late of Third Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the r

\$30 per month in lieu of that he is now receiving.

The name of Caroline W. Crittenden, widow of Thomas T. Crittenden, late lieutenant colonel Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Abner Hampton, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ira C. McDonald, late of Company C, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Moore, late of Company K, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Sweeney, late of Company D, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James E. Smith, late of Company A, Ninth Regiment The name of James E. Smith, late of Company A, Ninth Regiment

pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James E. Smith, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nicholas Shults, late of Company A, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Carnahan, late of Twenty-fourth Battery New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jeremiah Van Kirk, late of Company D, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rufus N. Brown, late of Company G, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Quick, late of Company B. Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Dineen, late of Company E, First Battalion Fifteenth Regiment, United States Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Oliver J. Hickey, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John M. Howe, late of Company B, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John M. Howe, late of Company B, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jesse R. Hendrix, late of Company E. Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John L. Shipley, late of Company H, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Fernando D. Forbes, late of Company K, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martha H. Cooper, widow of James W. Cooper, late of Company K, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William Anthony, late of Company A. Flighty-first Regi-

The name of William Anthony, late of Company A, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Miller, late of Company H, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Menser, late of Company F, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James S. Shoppard, late of Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Taylor late of Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Taylor, late of Company A, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margery I, Curtin, widow of John I, Curtin, late colonel Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of the she is now receiving.

The name of James Wood, late of Company E, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William S. Tweed, late of Company H, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Exra A. Bristol, late of Company E, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert N. Barton, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David Kronk, late of Company F, One hundred and fortieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David Kronk, late of Company F, One hundred and forty-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Davius M. Smeltzer, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Ashenhurst, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a

The name of John Gould, late of Company K, One hundred and pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Miller, late of Company M, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Timms, late of Company G, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George N, Dragoo, late of Fourth Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William P, Fullmer, late of Company M, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Solomon E, Frye, late of Company H, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Faulkner, late of Company H, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Faulkner, late of Company C, Sixty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frances A. Steele, widow of Abel Steele, late of Company I, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Daniel Pridemore, late of Company C, Fortieth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John B. Simpson, late of Company B, Fifthement West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin H. Corns, lat

The name of William Harman, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel F, Smith, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John J, Curran, late of Company G, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J, Curran, late of Company G, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J, Curran, late of Company G, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Patrick Lavin, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James N, McDaniel, late of Company B, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Lewis Smith, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Lewis Smith, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Soci, late of Company C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Soci, late of Company A, Sixth Regiment Tenname of John Soci, late of Company B, Seventh Regiment Polyment Polyment Polyment Polyment Polyment Polym

a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Philip Ehresman, late of Company K, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Wood, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Munson M. Lockwood, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The name of Warren G. Gray, late pay clerk U. S. S. E. B. Hale, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John A. Kersey, late of Company C, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cicero P. Welch, late of Company I, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of August Brockmyer, late of Company K, Twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frederick Klammer, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. James, late of U. S. S. Great Western and Collier, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. James, late of U. S. S. Great Western and Collier, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Delilah Worley, widow of George Worley, late of Company E, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Tidball, late of Company E, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Johnson, late of Company F, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F, Wilson, late of Company I, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Pulaski T. Gaither, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William E. Jenner, late quartermaster sergeant, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Butcher, late of Company I, Twenty-seventh Regiment United States Colored Troops, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 2535. Jacob B. Proctor.

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Pensions:

H. R. 2535. Jacob B. Proctor.

H. R. 2566. Alfred S. Weymouth.

H. R. 2621. Thomas A. Stone.

H. R. 2623. William H. Wince.

H. R. 2638. William Peer.

H. R. 2638. Thomas Jennings, alias

Thomas Malley.

H. R. 2640. Taylor Rhines.

H. R. 2837. Samuel B. Carson.

H. R. 2838. Judson F. Snyder.

H. R. 3042. Daniel W. Martin.

H. R. 3263. Miles Boland.

H. R. 3294. Caroline W. Crittenden.
H. R. 81. Michael S. Ashton.
H. R. 110. Angeline Doane.
H. R. 123. Ida L. Baker.
H. R. 123. Julius Bongner.
H. R. 147. Woodley C. Winsor,
H. R. 157. Horace Greeley.
H. R. 158. Ammi Johnson.
H. R. 234. Banjamin P. Scovill.
H. R. 235. John L. Danburg.
H. R. 236. Richard M. Pierce.
H. R. 422. Sarah A. Bryan.
H. R. 448. Augustus Sponsler.
H. R. 449. David W. Crider.
H. R. 449. David W. Crider.
H. R. 477. James C. Smith.
H. R. 528. Perry C. Hughes,
H. R. 533. Shadrach Murphy.
H. R. 613. James J. Smith.
H. R. 620. John C. Stevens.
H. R. 621. Henry C. Stevens.
H. R. 622. Joseph W. Pearl.
H. R. 623. Jacob H. Graham.
H. R. 631. Elbridge G. Brackett,
H. R. 663. John G. Sauers.
H. R. 664. Clark E. Calligan,
H. R. 666. William J. Teed.
H. R. 666. William J. Teed.
H. R. 1018. Alva O. Brooks.
H. R. 1018. Alva O. Brooks.
H. R. 1018. Alva O. Brooks.
H. R. 1549. Christian Teubner.
H. R. 1558. Emille Hoffman.
H. R. 1578. Seward S. Palmer.
H. R. 1578. Seward S. Palmer.
H. R. 1581. Charles Turner.
H. R. 1581. Charles Turner.
H. R. 1582. Charles Walster.
H. R. 1601. William Koons,
H. R. 1602. Ell H. Kimberly.
H. R. 1771. Andrew J. Norris,
H. R. 1932. John B. Shafer.
H. R. 1932. John B. Shafer.
H. R. 1973. Honson, H. R. 1974. Hattie L. Benedict.
H. R. 1975. Richard H. Ely.
H. R. 1771. Andrew J. Morris,
H. R. 1973. Honson, H. R. 1974. William Cook.
H. R. 1973. Ann Elizabeth Kitchen.
H. R. 1974. Samuel H. Smith.
H. R. 1975. William M. Jolly.
H. R. 1974. Samuel H. Smith.
H. R. 1975. Richard H. Ely.
H. R. 1974. Samuel H. Smith.
H. R. 1985. Nelson Pegg.
H. R. 1995. William M. Myers.
H. R. 1995. William M. Myers.
H. R. 1906. William M. Myers.
H. R. 1906. William M. Hers.
H. R. 1981. Edward W. Larue.
H. R. 1981. Edward W. Larue.
H. R. 1983. Jacob H. Hartman.
H. R. 2006. William M. Hers.
H. R. 2008. Henry J. Klotz.
H. R. 2008. Henry J. Klotz.
H. R. 2169. George R. Sutton.
H. R. 2175. Cecilia Quinlan.
H. R. 2169. George M. Bence.
H. R. 2230. Joseph A. McCoskey.
H. R. 2330. Joseph A. McCoskey.
H. R. 2330. Joseph A. McCoskey.
H. R. 2360. James
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H. R. 3294. Caroline W. Crittenden.
den.
H. R. 3298. Ira C. McDonald.
H. R. 3462. Henry Moore
H. R. 3481. John Sweeney.
H. R. 3545. James E. Smith.
H. R. 3546. Nicholas Shults.
H. R. 3562. William C. Carnahan.
H. R. 3584. Jeremiah Van Kirk.
H. R. 3589. Rufus N. Brown.
H. R. 3619. James W. Quick.
H. R. 3648. John Dipeen.
H. R. 3673. John M. Howe.
H. R. 3677. Jesse R. Hendrix.
H. R. 3708. John L. Shipley.
H. R. 3716. Fernando D. Forbes.
H. R. 3721. Martha A. Cooper.
H. R. 3776. William Anthony
H. R. 3776. William J. Miller.
H. R. 3770. William Menser.
H. R. 3771. James S. Shoppard.
H. R. 3774. Margery I. Curtin.
H. R. 3774. Margery I. Curtin.
H. R. 3837. William S. Tweed.
H. R. 3837. William S. Tweed.
H. R. 3852. Ezra A. Bristol.
H. R. 3852. James Wood.
H. R. 3857. David Kronk.
H. R. 3879. William M. Burnett.
H. R. 3900. John Ashenhurst.
H. R. 3900. John Gould.
H. R. 4064. Charles Saladin.
H. R. 4069. John Gould.
H. R. 4098. Joseph Miller.
H. R. 4101. John Timms.
H. R. 4101. John Timms.
H. R. 4121. Solomon F. Frye.
H. R. 4121. Solomon F. Frye.
H. R. 4121. Solomon F. Frye.
H. R. 4124. John Faulkner.
H. R. 4153. Daniel Pridemore.
H. R. 4154. John B. Simpson.
H. R. 4227. Martin H. Corns.
H. R. 4227. Martin H. Corns.
H. R. 4248. Otis Long.
H. R. 4248. Otis Long.
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H. R. 4247. Marquis De Lafayett
Fauver.
H. R. 4248. Otis Long.
H. R. 4259. John Thompson.
H. R. 4260. Charles Randle.
H. R. 4262. James Palmer.
H. R. 4264. Frederick Keidel.
H. R. 4265. William Harman.
H. R. 4271. Daniel F. Smith.
H. R. 4291. Plummer R. Nevens.
H. R. 4301. Plummer R. Nevens.
H. R. 4302. John C. Dunehew.
H. R. 4372. Patrick Lavin.
H. R. 4382. James N. McDaniel.
H. R. 4383. Edward Corder.
H. R. 4393. John Lewis Smith.
H. R. 4393. John T. McCluer.
H. R. 4393. James B. Jernigan.
H. R. 4458. Augusta H. Macomb.
H. R. 4458. Augusta H. Macomb.
H. R. 4458. Augusta H. Macomb.
H. R. 4538. Edwin B. Dixon.
H. R. 4538. Edwin B. Dixon.
H. R. 4538. Edwin B. Dixon.
H. R. 4555. David J. Matheny.
H. R. 4555. David J. Matheny.
H. R. 4621. George W. Brown.
H. R. 4632. Herbert A. Kimball.
H. R. 4634. Sarah J. Porter
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H. R. 4838. Leonidas Leathers.
H. R. 4839. Franklin Lawry.
H. R. 4843. Adna T. Cushman.
H. R. 4847. Mary E. Rutter.
H. R. 4849. Philip Ehresman.
H. R. 4894. George W. Wood.
H. R. 4900. Munson M. Lockwood.
H. R. 4908. Warren G. Gray.
H. R. 4910. John A. Kersey.
H. R. 4918. Cicero P. Welch.
                                                                                                                                                                                                                                                                                                                  H. R. 4932. August Brockmyer,
H. R. 4936. Frederick Klammer,
H. R. 5099. John J. James.
H. R. 5100. Mary A. Dodge.
H. R. 5112. Delilah Worley.
H. R. 5127. John Tidball.
H. R. 5133. Thomas Johnson.
H. R. 5163. John F. Wilson.
H. R. 5177. Pulaski T. Gaither.
H. R. 5193. William E. Jenner.
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Mr. RUSSELL. Mr. Speaker, I move a committee amendment, to strike out the word "twenty-four," in the twenty-second line of page 10, and insert in lieu thereof the word "thirty-six." I will state that there have been additional affidavits filed with the committee since this bill was ordered to be reported.

Mr. MANN. Mr. Speaker, I insist that we have the amendment reported, so that we can know what we are talking about. The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 22, strike out the word "twenty-four" and insert in lieu thereof the word "thirty-six."

Mr. RUSSELL. Mr. Speaker, I would state that this is the only amendment that the committee has to offer increasing the amount, and in this case, as I said, additional affidavits have been filed since this bill was reported, showing that the beneficiary has now a cancer on his face and requires the attendance of an assistant all the time. The committee therefore thinks the amount ought to be increased to \$36.

The SPEAKER. The question is on agreeing to the amend-

ment.

The question was taken, and the amendment was agreed to.
Mr. RODDENBERY. Mr. Speaker, I do not know that I
desire to be heard to any extent on this bill, but I should like to inquire of the chairman of the subcommittee in regard to a few points touching this and the two preceding bills. The bills 18335, 18336, and 18337 are largely for increases of ex-isting pensions. I should like to ask the gentleman how much total authorized increase is there in these three bills?

Mr. RUSSELL. About \$80,000 a year. Mr. RODDENBERY. In the three bills? Mr. RUSSELL. In all three bills, as nearly as I am able to estimate the amount. I will state that there are 561 persons who are beneficiaries under this bill.

Mr. RODDENBERY. In the three bills?

Mr. RUSSELL. Yes; and the average pension provided by this bill, including what they now receive, is \$28.66 a month.

So we do not think we have been extravagant.

Mr. RODDENBERY. I will ask the gentleman if it is proposed by his committee to report other similar bills at this session of Congress.

Mr. RUSSELL. I think every two weeks the committee will have one or more bills. I do not know that they will have as large bills as these, but I want to state that the last Congress passed bills giving pensions to 9,623, or almost 1,000 a month during the regular sessions of that Congress. This session has already been in existence nearly two months, and this is the first bill for special pensions we have asked to have passed,

and it carries pensions for only 561.

Mr. RODDENBERY. The last bill was passed, however, prior to the passage of the Sherwood pension bill, was it not?

Mr. RUSSELL. The last bill of this sort was passed by the

last Congress, and not by this Congress.

Mr. RODDENBERY. At the Sherwood pension bill. And, of course, prior to the passage of

Mr. RUSSELL. Yes; that is true.
Mr. RODDENBERY. Does the gentleman from Missouri think that, in view of the passage by this House of the Sherwood

pension bill, it is wise and proper now to continue the enactment of these special increases of pensions, from \$8 to \$60 a month?

Mr. RUSSELL. I am glad to say that I do. I want to say that I favor them both, but if either bill should be left unpassed by Congress it ought to be the general bill and not this one, which is supposed to benefit, and I believe does benefit, only those who are poor, needy, and helpless from sickness or age; but, as I stated before, the average amount that will be paid under this bill will be \$28.66 to each one, including the increase here provided for.

Mr. RODDENBERY. Do I understand it to have been the purpose of the Sherwood pension bill to obviate largely just

such special pension legislation as this?

Mr. RUSSELL. It was one of the objects of that bill, and if the Sherwood bill should become a law as it passed the House, I do not think there are 20 men whose names are in this bill who would get any benefit from the Sherwood bill, or who would be affected in any way by it. Since the committee reported this bill I am informed that 12 old soldiers whose names appear in it have died. Since the bill was printed 2 have died. They are dying every day, and in view of the uncertainty of the passage of the Sherwood bill we do not think we ought to wait for these old, needy, and helpless soldiers to die without doing, or trying to do, something for their relief.

Mr. RODDENBERY. Does the gentleman apprehend that there is any uncertainty about the passage of the Sherwood pension bill?

Mr. RUSSELL. I do. I think it is very doubtful whether it will ever pass the other body of Congress.

Mr. RODDENBERY. Does the gentleman think a bill similar

to the Sherwood pension bill is likely to pass the other body?

Mr. RUSSELL. Of course I have no way of knowing any

more about it than anybody else, but the general impression seems to be that the Senate will cut down that bill perhaps onehalf. I do not know whether they will or not or whether they will pass any bill. I have no inside information upon that subject.

But if that bill should pass this bill will cost the Government but very little, as it will in nearly all cases pay the soldiers no more than they would get under the Sherwood bill, and no one

can draw a pension under both.

Mr. RODDENBERY. Mr. Speaker, I merely desire to say that, in an apparently small minority, I cast a negative vote against the bills H. R. 18335 and 18336. The pending bill is H. R. 18337, and I shall likewise vote against that. The House has already passed a general pension bill, an argument in its favor being that it would obviate just such bills as this. The majority party, largely concurred in by the minority, insisted that this system of private pension bills is annoying, and in some instances vicious; that it often is unjust, giving people pensions who were not entitled to them and denying them to people who ought to have them. And if that argument was good during the discussion of the Sherwood pension bill, it is no less good now, and I am impelled to record my vote against them all.

The SPEAKER. The question is on the engrossment and

third reading of the bill.

The bill was ordered to be engrossed and read a third time. was read a third time, and passed.

PENSIONS AND INCREASE OF PENSIONS FOR CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY, ETC.

The next pension bill on the Private Calendar was the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of David A. McKee, late of Capt. James Williams's Company N, Second Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Henry E. D. Patee, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Gabrielle Cooper, widow of George A. Cooper, late second lieutenant Company L, Fifteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$25 per month, and \$2 per month additional for each of the officer's children during their minority, in lieu of that she is now receiving.

The name of Ernest S. Cash, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Frank A. Schaller, late of Company E, Seventy-first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Noah H. Stout, late of Company D, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Louis T. Moseley, late of Company D, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$20 per month.

The name of John Dardis, late of Company G, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Cornelius Linnehan, late of Battery A, First Battalion Maine Volunteer Heavy Artillery, War with Spain, and pay him a pension at the rate of \$15 per month.

The foregoing bill is a substitute for the following Hous

H. R. 1917. David A. McKee. H. R. 2051. Henry E. D. Patee. H. R. 8407. Gabrielle Cooper. H. R. 9212. Ernest S. Cash. H. R. 11007. Frank A. Schaller.

H. R. 11710. Noah H. Stout. H. R. 12249. William W. Waters. H. R. 12721. Louis T. Moseley. H. R. 15732. John Dardis. H. R. 16972. Cornelius Linnehan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Richardson, a motion to reconsider the vote whereby the bill was passed was laid on the table.

On motion of Mr. Russell, a motion to reconsider the vote whereby the first three pension bills were passed was laid on the table.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909. And pending that, Mr. Speaker, I ask unanimous consent that there be five hours general debate on this bill, to be equally divided between the two sides of the House, and that at the conclusion of the general debate it be taken up under the five-minute rule.

Mr. PAYNE. I have no objection, Mr. Speaker, to the division of the time, but I do seriously and strenuously object to restricting general debate to five hours on this important bill.

Mr. UNDERWOOD. Then, Mr. Speaker, if the gentleman from New York objects to that proposition, I will ask unanimous consent that there be five hours' general debate on this bill to-day and that it be equally divided between the two sides, the gentleman from New York to control one half of the time and I the other half. Mr. PAYNE. I have no

I have no objection to that.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18642, relating to the metal schedule, and pending that he asks unanimous consent that there be five hours' general debate on that bill to-day, one half to be controlled by himself and the other half by the gentleman from New York [Mr. PAYNE]. Is there objection?

There was no objection.

The motion of Mr. Underwood was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Floyd of Arkansas in the chair.'

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection. Mr. AUSTIN. Mr. Chairman, I want to suggest to the gentleman from Alabama that we be permitted to have a night session for debate upon this important bill. There are many gentlemen who want to speak upon it.

Mr. UNDERWOOD. I will say to the gentleman from Tennessee that we have fixed the time for debate by unanimous consent, and I can not do that now. Mr. Chairman, I yield such time as he desires to the gentleman from Pennsylvania [Mr.

PALMER1. [Applause.]

Mr. PALMER. Mr. Chairman, I approach the discussion of the proposed revision of the duties in the metal schedule of the present tariff law with the frank confession that I am not an expert upon the general tariff question nor have I any other than the ordinary knowledge of that particular phase of the question which is involved in the discussion of the proper rates to be levied upon metals and the manufactures of metals. Without laying claim, however, to technical knowledge or information of a practical character with reference to the manufacture of the various products of the steel and iron industry, so largely affected by this schedule, I feel that the large importance of the industry in my own State and district and the consequently increased interest which this particular branch of the tariff law possesses for the people whom I represent make a demand upon me to explain my attitude with reference to this phase of the tariff law which is especially insistent.

For a Pennsylvanian, representing a rich industrial district, to openly and strongly advocate a reduction in the duties on steel and iron and their various products presents an anomaly which would have been stranger to contemplate a generation

ago than it is now.

Pennsylvania was a pioneer in the industry affected by this schedule, and my particular corner of the State has bristled with iron and steel mills ever since American genius began to extract from the earth the wealth which was there found. Today steel is king and Pennsylvania is the royal palace.

Twenty-two of the 67 counties of the State have some pig-iron production. In 1909 there were 103 furnaces in operation in these 22 counties. Thirty-three counties of the 67 in Pennsylvania made iron and steel in greater or less quantity. In that year the State had a corporate capital invested in the steel and iron business—exclusive of black-plate mills—of \$610,322,731, over half of the entire steel and iron tonnage of the country being manufactured in Pennsylvania, where the business has been in existence from the time the first puddling furnace was built in the southwest part of the State before 1817.

A master in the business has recently asserted that the next decade would see an increase in the production of steel in this country of nearly 100 per cent and that eastern Pennsylvania is destined soon to become the center of the stage from which this enormous growth in the prosperity of the leading American industry will be exhibited to the world.

The time was when many strong men in the Democratic Party of our State felt it their duty to the various industries of the State to adhere to the protectionist view, or at least to put every possible obstacle in the path of those Democrats of other parts of the country who would relieve the people in times of peace from the burden of taxes originally laid in time of war. But that time is gone. The Democratic Party in Pennsylvania, whatever may be its differences of opinion as to internal management or party methods, is a unit in its adherence to the principles of the party in respect to the great fundamental issues which grow out of the exercise of the taxing power. The great Speaker Randall in his day had a large following in the Keystone State, though the size of that section of the party was not entirely accounted for by agreement with his tariff views; but when he passed from the stage of action the following rapidly disintegrated and the demand for tariff reform has been as insistent and persistent amongst the people of that State for the last twenty years or more as in any other State in the Union.

The Pittsburgh millionaires have been able heretofore to convert the smoke of their chimneys, which gauges the rapid strides in their own accumulation of wealth, into Republican votes only because labor has been slow to awaken to the fact that it has not received its due share of the prosperity. Now, that that illusion is being rapidly consigned to the realms of ancient history the people of Pennsylvania, regardless of party, are losing their fear of the distress they had been taught to believe would result from any tampering with the tariff. I would to-day as lief throw down the gage of battle in Pennsylvania upon the single issue of the tariff as upon any other question before the American people; and once that State shall be rid of political conditions which have long throttled the popular will and nullified the popular expression I would face the outcome of such a struggle with entire confidence in the result.

My own district is one of the so-called protected-industry districts. There are but few congressional districts in the country which exceed it in the wealth of its industrial enterprises, either in capital invested or in the number of people dependent upon those industries for support. Eighty per cent of the slate mined and manufactured in the country comes from one of the counties I represent. The largest cement mills in the world dot the Lehigh Valley and scatter their dust as a sign of industrial prosperity amongst the towns where a large part of my people live; and nearly 10,000 men are employed in the giant rolling mills of South Bethlehem, while amongst the men who have honored me with their confidence are those sturdy workers who delve beneath the ground, and with lamps in their hats feed with anthracite the insatiable maw of industry everywhere. I recognize that the prosperity and happiness of the people who have sent me here are involved in the continued success of these industrial enterprises, but my mind has never known a moment's hesitation as to my duty in respect to tariff legislation. [Applause on the Democratic side.]

The tariff has been the issue in many a hard-fought battle in that district, and ever-increasing Democratic majorities have convinced me that our people understand that the welfare of the masses of the people is not dependent upon a continuance of Government-guaranteed profits to manufacturers which they are unwilling to share equitably with those whose labor has made any profit possible.

I do not defend my course in advocating lower duties on the products of the industries of my own district upon the ground that the welfare of the rest of the country demands it. I might well do so, but it is unnecessary. The welfare of my own people demands it. The reduction of duties on the products of the district will not injure the rank and file of producers; the decrease of duties all along the line of production will help them, for they are necessarily all consumers. With the tariff reduced on the necessaries of life and upon those things which enter constantly

in large degree in all the activities of business, no decrease in the returns of the real producer will result, but a large increase in what these returns will buy.

I make the confession of my own lack of expert knowledge of the intricacies of the steel and iron industry and accompany it by discussion of this measure destined to affect it largely with less reluctance because real experts, with the training of a lifetime in the business, differ so widely as to the effect of tariff duties upon the trade and even as to the necessity of a tariff at all that we get little assistance in reaching a proper conclusion from those whose expert knowledge ought to be a great aid in the preparation of legislation of this character.

Andrew Carnegie, properly recognized as the foremost ironmaster of his time, and Charles M. Schwab, whose knowledge of
the business from bottom to top has been gained from the varied
experience acquired by his association with the development of
the industry in many of its different lines, were recently
quoted as expressing directly opposite opinions as to the very
necessity of a tariff for the further development of the industry
in this country. Mr. Carnegie declared that the iron and steel
business has reached a point where it needs no tariff protection.
While he was saying this to a committee of congressional investigators Mr. Schwab was declaring to a gathering of manufacturers in Philadelphia that a protective tariff is still necessary
to maintain the business at home, and especially to permit
labor to have its proper share of the profits of that business.

It is quite possible that the different opinions of these men may be explained by the different viewpoints from which they look at business. The one is the statement of the teacher, who has made his pile and has safely tucked it away in a class of securities little apt to be affected by depression or expansion in the business and who does not have the same interest in the amassing of enormous profits by manufacturers within the shadow of a towering tariff wall which he once displayed. other is the expression of an apt pupil whose activities in the harvest field are employed more in reaping dividend checks than in cutting coupons and who has not yet reached the stage in the accumulation of wealth where he must change him-self into a sort of "corporation sole" for the purpose of giving perpetuity to his distributions of money in benefactions to the people whose demands for his product are bringing him in rapid strides to that comfortable and satisfying position. An analysis of the reasoning by which these two ironmasters have now reached contrary opinions and of the facts upon which each bases his judgment is calculated to inspire us with less confidence in the expert opinion of those interested in manufacture and to make us more inclined to respect the eleventh-hour judgment of such men as have tasted of the benefits of protection in the past and, no longer feeling the necessity of it, now recognize its evils and its sinister influence upon the development of our present-day civilization.

This difference in opinion as to the necessity of a protective tariff to serve the best interest of all classes of men affected by the activities of the steel and iron industry is not confined to these two masters in the trade. There are thinking men everywhere who declare that whatever justification there may have originally existed for a prohibitive tariff behind which the infant steel and iron industry might grow to full size, the present lordly dimensions which it has attained have made its further coddling unnecessary.

The United States leads the world in the production of pig iron and steel. In 1909 the production of 25,795,471 tons of pig iron constituted 43 per cent of the world's output, while our production of 23,955,021 tons of steel was double that of our nearest competitor, Germany, and was 44 per cent of the whole amount of steel produced in all the mills of the world. Our export trade has kept pace with the development of the industry, and the American manufacturer now looks to every clime and country for his market. Iron and steel products made up 11½ per cent of the total exports of this country for the fiscal year 1911, and agricultural implements-which in 1910 amounted to \$31,291,351-cars, carriages, and other vehicles are not included in making this percentage. Iron and steel and the manufactures thereof went abroad last year to the value of In recent years American cutlery has gone to the Canary Islands, laundry machines to darkest Africa, printing presses to Siam, sewing machines to Madagascar, cash registers to South America. American-made locomotives pull Americanmade cars on American steel rails in Canada, the Central American States, Mexico, the West Indies and Bermuda, South America, Japan, and most of the countries of Asia. American structural shapes support buildings which tower to the sky in every hemisphere, and American wire stretches across every developed field in Africa, South America, Asia, and the Pacific islands.

While it may be admitted that the enormous growth of the industry, coincident with the era of high tariff taxation, may be made a plausible argument to support the one-time popular theory of the purpose of a protective tariff-to nurture into full stature the industrial infants which American genius has started on the path to strength and stability-it is also true that the development of no other industry in the United States illustrates so forcibly the iniquities which the opponents of the protective

tariff system assert as its necessary consequence.

The first successful development of the business was followed by the imitation of venturesome capital which paralleled that development in various parts of the country. After the first mills had risen by the mouth of the ore mine and achieved some success the competition which strives constantly for better methods set the next mills beside the mouth of the fuel mines, and then the natural step of locating the mills where ore and fuel were found together followed naturally, with the result that increased efficiency and enforced economies made competition keener, resulting in benefit to the consumer and apparently without loss of the large profits to which the development of the industry had accustomed its promoters. If these conditions had continued to obtain, the patriotic purpose of the original supporters of a protective tariff might have been justified in the growth and prosperity of the industry. Protectionists might then have pointed with some show of reason to the giant strides made by home manufactures in iron and steel, with domestic competition taking care of prices, as conclusive evidence of the true economic value of their doctrine. But the usual result of coddling too long continued and paternal care too long fostered, nowhere more strikingly exemplified than in the development of this industry, followed with a suddenness and an enormity which staggered the imagination of men, awakened dreams of avarice never before conceived, and forced upon the American people new problems which must soon be solved aright or real opportunity in our American industrial civilization will be effectually and permanently stifled. Com-petition was replaced by combination, individual ownership by community of interest, and striving for trade with concessions in price or improvement in quality by sociable gentlemen's agreements, which restricted output, increased price, and forced purchase regardless of quality, all with the result that the protection afforded by the Government for the upbuilding of an infant industry was converted into an enormous burden of added taxation upon the people. [Applause on the Democratic

EFFECT OF DECREASED DUTIES.

While Schedule C covers all the metals and manufactures thereof, by far the larger number of articles covered by the schedule are comprised within the general designation of iron and steel and the products of the manufacture of iron and steel. The iron and steel sections may be roughly classified in three general divisions:

First. Iron ore:

Second. Those products of large weight and great bulk from pig iron through all the forms of manufacture up to wire; and Third. The finer products of manufacture of smaller weight

and bulk and of larger value in proportion to weight.

It is necessary in the consideration of the effect of a reduction of duties upon steel and iron products to keep this general classification in mind, because the large cost of transportation of the heavier forms in itself constitutes a tariff barrier equally as effective as any rate of duty which could be laid by the law and collectible at the customhouse. Competition in the trade between various parts of the country is constantly regulated by the freight tariff, and the foreign manufacturer must not only consider that charge against him in his endeavor to reach the American market, but he must pay two additional tariffs made by the charges for transportation to the American port of entry and by the law which meets him with a revenue charge at that port. Every decrease in freight rates in this country operates to enlarge the area of com-There is a market near to the door of every steel and iron mill which is that mill's own customer without much regard for prices at other mills. Building operations, whether of railroads or other structures, which require iron and steel in large quantities, which are progressing in the South, look to the Birmingham district for their supplies, and Birmingham is protected by the freight rate from the competition of the Chicago, Pittsburgh, and eastern Pennsylvania districts. Similarly, the rolling mills of eastern Pennsylvania supply the smaller manufacturers round about and furnish the material for all structural developments at prices which Birmingham and Pittsburgh could not meet. The effect of railroad rate reduction is to extend the overlapping markets of the various steel and iron centers just the distance that the lowered rate will permit !

the manufacturer to ship his material farther than he could do under the higher rate. A like result will obviously flow from the reduction of the customs duties upon these heavier forms of iron and steel production, where transportation charges so largely enter into the final cost. A lowered duty will widen the zone of competition between the foreigner and the American manufacturer to about the extent that the reduction in duty will pay the transportation charge inland from the port of

entry.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. PALMER. Certainly.

Mr. AUSTIN. The present transportation rate for a ton of pig iron from Birmingham, as I understand it, to the eastern markets—that is, New York, for instance—is about \$4 a ton.

Mr. PALMER. Yes. Mr. AUSTIN. The water transportation on a ton of Scotchmade pig iron is \$1.50.

Mr. PALMER. I think that is low. I think it is from \$2

Mr. AUSTIN. I have read it a hundred times, as American consul at Glasgow, in invoices at \$1.50 a ton. The duty proposed in the present bill on a ton of pig iron is about \$1.25.

Mr. PALMER. Yes; or less.
Mr. AUSTIN. One dollar and twenty-five cents added to one dollar and fifty cents makes two dollars and seventy-five cents. Where does the Birmingham iron maker come in on shipping and selling his product to New York for the Eastern States?

Mr. PALMER. The rate on pig iron was made so that there would be competition, and the difference in the freight rate, taking the ocean rate and the inland rate which the foreign manufacturer must pay, as compared with the American rate, will result, as I shall show in a few minutes when I get to the pig-iron proposition, in competition in certain parts of the country. You can not possibly fix a rate which would result in competition in pig iron all over the United States. The foreigner could not by any human possibility get into the inland markets with his product.

Mr. AUSTIN. But he can get in along the Atlantic seaboard.

Mr. PALMER. Oh, yes; he can; and he will get into the Atlantic seaboard under this rate. He will get to the Atlantic seaboard, and the effect of this rate will be to push back the line which heretofore has barred him from further entering into the inside of the country, so that the territory in which there will be competition in pig iron will be that much wider by the amount which this reduction of rate will carry the article, with transportation charges, inland.

Mr. AUSTIN. Under this bill can the iron maker in Tennessee or Alabama sell a ton of pig iron in New England?

Mr. PALMER. He can not do it now. The freight rate now keeps him from selling pig iron or iron in New England. There is no doubt about that.

Mr. HARDY. Is it not a fact that the railroads or the transportation companies on every change of the tariff schedule have availed themselves of the opportunity to raise their rates so as to largely wipe out the tariff decrease?

Mr. PALMER. I think that is very likely so. I do not want go into a railroad-rate discussion. That can be left safely to go into a railroad-rate discussion.

to be taken care of in another jurisdiction.

The reductions in duty carried in the present bill upon these heavier forms, which average about 37 per cent, while apparently large, sink rapidly to the vanishing point as the railroads begin to eat them up in transporting the foreign-made article. These conditions are bound to operate against large increases in imports, seriously endangering the home market of the American manufacturer, and so when we come to estimate the amount of increased importations by reason of the reduction in duties we find the limit of increase inexorably bound by the cost of transportation. It is this consideration which enters as largely as confidence in American ability, enterprise and energy, to sustain the belief of many men engaged in the manufacture of iron and steel that neither a reduction of the duties nor their total abolition would seriously affect the American production or endanger the legitimate profits of American capital.

In 1909 the American production of steel works and rolling mills, which included all rolled, forged, and other classified products of iron and steel, amounted to \$985,723,000; tinplate and terneplate, \$47,970,000; blast-furnace products, including all forms of pig iron, \$391,429,000; all forms of wire, \$84,487,000; or a total of \$1,509,609,000.

The importation of this class of materials, being the class

in which transportation charges figure to such a large extent, amounted, in 1911, to \$20,508,979. The estimated importations by reason of the reduced duties carried in the pending bill

amount to \$28,007,000, an increase of \$7,498,021. I take the figures of 1909 for domestic production because those are the last which I have been able to secure covering all these items, but the proportions were practically the same in 1910 and probably in 1911. It will be noted that the increased importations by reason of the reduced duties carried in the pending bill, based on the imports of 1911, while 36.6 per cent of these imports are only one-half of 1 per cent of the total American production.

In other words, the extended zone of competition by reason of the reduced rates will affect less than one-half of 1 per cent of the American production, an element of danger to the American manufacturer of which no man with knowledge of American resources and confidence in the American's selling ability and his aptitude for economies in production calculated to meet competition need stand in dread.

Mr. AUSTIN. What is the estimated amount now of the amount of foreign-made goods that we will buy if this bill

should become a law?

Mr. PALMER. I am talking now about the heavier forms in which we estimate the total importations to be about twentyeight millions, as against twenty-one millions now, and in which the American production now is one billion five hundred and odd million. As to all the articles of importation, they will run upward of \$77,000,000, as against a little more than sixty millions in 1910 and \$53,000,000 in 1911, and that will be an increase of 35 per cent on importations, which-will amount to less than one-half of 1 per cent of the total American production of all the articles included within this schedule, because the census figures of 1905, which are the last available figures for the complete production of the articles covered by Schedule C, show that the American production of all the merchandise covered by this schedule was then-six years ago-two billion nine hundred and odd millions of dollars.

Mr. AUSTIN. Then, as I understand it, the gentleman's statement is, if this bill becomes a law, that we will buy Then, as I understand it, the gentleman's \$77,000,000 of foreign goods that we now buy in this country.

Mr. PALMER. Oh, no; I do not say anything of the sort. Speaking in round figures, I said that instead of buying sixty millions abroad we would now buy something over seventy

Mr. HILL. Mr. Chairman, I am struggling with that same proposition, and I will ask the gentleman if he will yield?

Mr. PALMER. Certainly.
Mr. HILL. As I understand it, you propose to increase the importations \$24,000,000 and still lose a million of revenue. The thing I have been thinking about is this: If we are abundantly able in this country to meet competition without any protection whatever, will we not meet that competition and stop that \$24,000,000 from coming in, and if we do, where is your revenue?

Mr. PALMER. The natural increase in consumption by rea-

son of the constant advances in the uses of the articles covered by this schedule will more than take care of the additional onehalf of 1 per cent of the American production, which this increased importation amounts to, and it will do it with some slight decrease in the American price, perhaps, but without sufficient decrease in the American price to seriously affect the profits of the American manufacturer.

Mr. HILL. I might say the gentleman's argument is entirely correct if it related to cigars or whisky or liquors or luxuries of any kind; but would it make any difference in regard to structural steel or iron bars or anchors or chains or things of

Mr. PALMER. Why, certainly.

Mr. HILL. If we meet the competition, and we would meet it, if we are able to do it without protection, where is your

revenue if we do not have the increase?

Mr. PALMER. There will be an increased importation, because the American will not be so eastly able to meet the competition in certain sections of the country. The American will have a market which will be a little more, only a little more, restricted than he has at present, the foreigner being able to pass the port of entry a little further than he has been able to

Mr. HILL. How is he going to do it if we make it cheaper than we are doing now? That is the supposition the gentleman started out with in the beginning.

Mr. PALMER. He is going to do it largely by reason of transportation charges. He is going-

Transportation charges are against him.

Mr. PALMER. One question at a time, please.

The CHAIRMAN. The gentleman declines to yield.

Mr. PALMER. I am not declining to yield, but I trust the gentleman will not ask his questions so rapidly as to shut off reply. Take, for instance, tin plate. Tin plate sells at a cer-

tain price in Pittsburgh. It costs the consumer in New Orleans or San Francisco very much more because, obviously, it costs money to carry it across the continent. Now, the foreign manufacturer can never in a thousand years, perhaps, with all the reduction we put on the article in this bill, bring his tin plate into Pittsburgh, but he can lay it down at New Orleans and at San Francisco at a price which the Pittsburgh manufacturer can not meet, and the Pittsburgh manufacturer will not have to meet it, because the natural increase in the consumption and demand for his product will still leave him, as an American manufacturer, a market which will be sufficient to take the

ordinary supply.

Mr. HILL. Now, does not the gentleman know and will he not admit that the natural increase in the use of an article like tin plate is not particularly dependent upon the price as it would be affected by the tariff, but dependent entirely upon other circumstances; and another thing; so far as the gentle-man's illustration is concerned, the Pittsburgh manufacturer can float his tin plate down the Ohio and Mississippi Rivers at less freight than the foreigner can put it into New Orleans, so

that the gentleman's illustration is not quite fair.

Mr. PALMER. Well, the gentleman can not get any tin-plate man in Pittsburgh to admit that. He will tell you in plain language that he can not possibly meet foreign competition in New Orleans or San Francisco, and he says now we have ruined him. He is saying now we are taking his market from him, and that if this bill becomes a law the tin-plate industry is dead. That is what he is saying. What does that mean? It means that consumption is rapidly increasing in importance on the Pacific coast, where the canning business is going ahead so rapidly, and we are going to have a flood of competition from the foreign markets-

Mr. HILL. Does the gentleman really believe that the lowering of the duty on tin plate is going to increase the con-

sumption of tin plate and increase importations? Mr. PALMER. I certainly do.

Mr. HILL. And on account of the natural increase of consumption?

Mr. PALMER. Yes.

Mr. HILL. Then it must transfer so much of the industry to foreign markets, must it not?

Mr. PALMER. I will tell the gentleman what I think. There is not any importation of tin plate to-day for domestic

consumption, as the gentleman from Connecticut very well knows. If there is, or was, a prohibitory tariff in the world, the tariff on tin plate is one. We get through the customhouse a beautiful-looking book revenue of about \$1,800,000 or \$1,900,-000, and we give back every dollar of it, or, at least, 99 per cent of it, in drawbacks. The only people who bring it in are the oil people and the canning people, who want to send it out as containers. We have written this rate at such a figure that the foreign article will come into this country for domestic con-sumption, and we will have a million dollars of revenue out of the tin-plate paragraph in this bill if it becomes a law, which will be actual revenue and not book revenue.

Mr. HILL. I concede what the gentleman says, that there is no tin plate, as a matter of fact, that comes into this country I also concede that prior to 1890 there was no tin plate made in this country, and it all came here. Was not that change from nothing in one case to everything in the other the

result of a protective tariff duty on tin plate?

Mr. PALMER. Well, the orginial duty on tin plate in 1883 was a revenue rate of a dollar, and whether it be the result of the protective tariff duty or not, I am perfectly willing to admit that the enormous prosperity of the tin-plate manufacturers was due almost entirely to the prohibitive rates which the Dingley law put on tin plate and which the Payne law continued-both of them being slight reductions below the McKinley Act. have not any doubt about that.

But to-day, since that time, the tin-plate industry has grown by such leaps and bounds that, as Senator Dolliver said in the debate on the Payne law in 1909, it had grown to the very measure of the great American market place, that it had been big enough to give enormous profits to its promoters, and finally to sell out to the trust with a rake-off to the promoters big enough to buy the Rock Island system. [Applause on the Democratic side.] That is what your protective tariff law did for tin plate. To-day, though tin plate abroad sells for \$3.80, the American tin-plate manufacturer seems to be scared out of * his wits when he is selling American tin plate here for \$3.60.

Mr. HILL. Is not that about \$2 a box less than it was before

the duty went on?

Mr. PALMER. Yes; the cost has come down. [Applause on the Republican side.] Is it not wonderful? The price has dropped-yes, like aluminum. I will say to my friend from

Connecticut [Mr. HILL] I am not a very old man, but I remember when they brought me pieces of aluminum, and they were as strange to me as diamonds up in our mountain Pennsylvania country. These aluminum sheets sold for many dollars a pound. But aluminum has gone down in price under the benefit of this protective tariff system, and the Aluminum Co. of America, which has brought it down under this beautiful system, is earning now 180 per cent a year on its capital. [Applause on the Democratic side.] Are you going to get any pleasure out of that reduction in price when it shows upon its face if this tariff had not been entirely prohibitive the American manufacturer could have given his article to the consumer at an immensely lower price than now and still make the honest and decent profit that you and I make in our business enterprises?

Mr. AUSTIN rose.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. PALMER. I yield to the gentleman from Tennessee. Is it not a fact that before we established the Mr. AUSTIN. American tin-plate industry we purchased our entire supply from abroad, and foreigners were charging us \$5.20 a box for tin plate, and that later we reduced it in price, by the establishment of our industries, to less than \$3 a box?

Mr. PALMER. I do not care whether it is so or not. It is absolutely immaterial. The prices which prevailed 25 years ago in the steel and iron business are no criterion by which to judge the situation in this year of 1912. That is true everywhere throughout all the length and breadth of the industry. There is not any industry in which the advantages have been so great by reason of inventions, economies, and various other causes to reduce prices as throughout the list of merchandise covered by the steel and iron schedule.

Mr. HARDY. Mr. Chairman, will the gentleman permit a

suggestion there?

Mr. PALMER.

Mr. HARDY. About that same length of time ago kerosene oil sold at 75 cents a gallon. The discovery of additional oil fields and the great increase in the production of oil has brought the price down to 10 cents.

Mr. PALMER. Yes. That is a stump argument unworthy of the distinguished gentleman from Connecticut.

As to the lighter and more highly finished forms of steel and iron production, and of the product of other metals covered by the schedule, the situation is necessarily different. As to these it is difficult and would probably be unfair to argue from the average reduction carried by the bill, for each branch of the industry is affected by its own conditions, and the result of a decrease in the duties will be variously felt by American capital in somewhat the same proportion as the highly protective duties have operated to unconscionably increase the profits which have accrued from the operation of the business to the capital engaged therein.

It is impossible in this comparatively brief discussion of the schedule to go into much detail with respect to each of these various branches of the steel and iron industry, but in a general way it may be said that the effort has been made in fixing these rates to lay them at such a figure as will result in moderately increased importations, without material loss of revenue by reason of the reduced duty, which importations will result in competition between the American and the foreign manufacturer, which will have some effect in lowering prices to the consumer without bringing them down to a point where the manufacturer will be obliged to sacrifice a decent and fair return on the capital invested. They will not result in a decrease in the wages of labor.

Mr. AUSTIN. Will the gentleman permit one question right there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. PALMER. I would not have the gentleman anticipate my argument. I will probably answer the gentleman's question later if he disputes that proposition.

Mr. AUSTIN. I want to ask the gentleman a question right there, where he claims that it will not affect the wages of American workingmen. The gentleman has stated that this bill will not result in the reduction of wages to American working-men, although he concedes it will admit twenty millions more of imports. Under such circumstances will it not affect the wages of American workingmen?

Mr. PALMER. It will not affect the wages of American workingmen in the slightest degree. When you talk about importations of twenty millions of foreign goods it sounds big, but if you talk about it in percentages, you will see that it simply

means that less than one-half of 1 per cent of the present American production will come through the customhouses. That proportion is so small that the effect of it will be not to throw out of employment a single wage earner, but to modify and somewhat decrease the enormous profits which some of these steel and iron manufacturers have been making in the past.

Now, if the gentleman will excuse me, I will go on to demonstrate that more fully, and the gentleman can interrupt me

later.
The CHAIRMAN. The gentleman from Pennsylvania de-

clines to yield further.

Mr. PALMER. A reduction in the selling price of the product of any plant which makes the profit and loss account of the manufacturer at the end of the year show a less favorable figure will result in the reduction in that account being charged up to the returns received by the contributors of the capital. The original capital is always reached last in the distribution of profits. Interest on that portion of the invested capital which is carried as funded debt will necessarily be taken care of first, and a great master in the iron and steel trade has strikingly observed that the first mortgage upon the business is the capitalized cost of labor, and the first charge to be met, even before the interest coupons are canceled, is the wages of that labor. Out of the gross income, arrived at by deducting the cost of materials from the results of sales, must first be distributed wages; next, interest and depreciation in plant; and, third, returns to the contributors to the capital fund. These last returns in the steel and iron business, in all its ramifications, under the operation of a protective tariff, have been so enormous in this country as to challenge the wonder of the world; and we believe that the result of increased competition, flowing from a reduction of the tariff barrier, when charged against these returns of capital, will in but few cases reduce them below such a figure as money in other branches of industrial enterprise is wont to earn.

It is a favorite saying amongst steel and iron manufacturers that nobody makes any big money unless he sells out. The claim is made that the invested capital shown on the books receives only a fair manufacturer's profit. It may be true, but it is also true that the steel and iron people have the habit of selling out very highly developed. There is hardly a plant, certainly none of any considerable size in the country, which has not once gone through the profitable exercise of selling out. The profits on the sale, generally added promptly to capital account, then yield a sort of compound profit, which looks small only to those whose ignorance or lapse of memory conceal the origin of the new capital. Many a stockholder in iron and steel enterprises publicly laments the fact that his stock yields him but a paltry 5 per cent, while in the seclusion of his own counting room he gloats over the fact that these meager dividends represent a return many times as great upon the actual cash capital which originally brought him his shares. The amount which his capital earns is not properly gauged by the size of his dividends upon the par value of his holdings, but by the percentage which those dividends and his accrued profits converted into capital bear to the amount of his wealth with which he had to part to make the original investment.

The rights of so-called innocent third parties, the subsequent purchasers of stock, who enter the game long after the elevator has moved from the ground floor, do not alter the case. They are buying their share of accrued profits as well as capital, and the subsequent earnings are the returns on original capital just

as much as if the holders had been let in on the start Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. PALMER. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Would not this attempted manipulation which the gentleman describes account, in large measure, for some of the exorbitant fortunes that have been made in the iron and steel industry in this country?
Mr. PALMER. Yes; I think it does.

Mr. MOORE of Pennsylvania. Would it not apply particularly to one or more of the individuals who have appeared before the steel-investigating committee?

Mr. PALMER. Yes; probably to many of them.
Mr. MOORE of Pennsylvania. Then will the gentleman be good enough to tell wherein the fault is with the tariff?

Mr. PALMER. It is at fault because it enables them to make such enormous returns on their accrued profits, at the expense of the American taxpayer.

Mr. MOORE of Pennsylvania. The gentleman complains

about the selling-out system, whereby

Mr. PALMER. No; I was not complaining about it.

Mr. MOORE of Pennsylvania. The gentleman complains of the exorbitant profits which are made by this selling-out process. I would ask the gentleman how that is attributable to the tariff?

Mr. PALMER. It is a favorite argument, indulged in by gentlemen sitting on that side of the chamber, that there is not big money in the steel and iron business, and that, as I understand it, is really the argument the gentleman is now making.

Mr. MOORE of Pennsylvania. If it is true, why should the

tariff be blamed for it?

Mr. PALMER. I was answering that contention by showing

how they were enabled to make this big money.

Mr. MOORE of Pennsylvania. Would not that properly be a matter for investigation within this country and not come

back to the tariff barrier? Mr. PALMER. Oh, it comes back to the tariff barrier, as the

gentleman understands.

Mr. MOORE of Pennsylvania. I do not think the gentleman proves that in his argument. Certainly not by showing that a company can be formed with a capital of \$1,000,000 and, by the selling-out process, enabling the disposal of holdings to manipulators or innocent parties for \$10,000,000, thereby producing a profit of \$9,000,000 to certain gentlemen. I ask the gentleman,

even if that be possible, wherein is the tariff to blame?

Mr. PALMER. If the gentleman had followed me in my argument instead of going out to lunch he would not ask me

that question.

Mr. MOORE of Pennsylvania. I listened to the gentleman's argument for quite a while before I went out of the Chamber.

Mr. PALMER. I was showing that this proposed reduction can not affect the wages of labor, but would affect the profits of manufacturers; and while these manufacturers are constantly asserting that they do not make any big money, the fact is, nevertheless, that their capital is largely made up of earned profits, and the profits on their invested capital are now so enormous that if we cut those profits in two we will not do any real harm to any American industry.

Mr. MOORE of Pennsylvania. Wait a moment-

Mr. PALMER. I do not want the gentleman to make a speech in my time. I will answer a question, but I do not want the gentleman to go into an argument on the proposition.

Mr. MOORE of Pennsylvania. The gentleman does not approve this method of juggling stock and overcapitalization, whereby a plant or an industry may be sold out by its owners to innocent purchasers for a very much larger amount than it

Mr. PALMER. Of course I do not approve it. Much less do I approve of the stand of the American manufacturer after he has done that thing and multiplied his capital manyfold, in demanding then that the tariff shall be kept at a rate which will yield him a return, not upon his honest original capital, but upon all this capital accumulated as profits. [Applause on the Democratic side.] Now, take as an instance a case that I know about very well, and which the gentleman knows about very well, the Bethlehem Steel Co. Mr. Schwab, the president of that company, says that a tariff is absolutely necessary in order to keep his men employed and in order to make a fair return upon his capital. In all these years that he has been keeping his men employed in Bethlehem, as the reports of the Department of Commerce and Labor show, they have been getting wages, 61 per cent of them, as low as 18 cents an hour and less, some down to as low as 4 cents an hour. During all that time Mr. Schwab's company was able to build up its capital stock out of profits from \$300,000 to \$15,000,000, and last year this company declared a dividend of 10 per cent, and upon what? Not upon the \$300,000 paid in on the stock, but upon the \$15,-000,000, thus paying \$1,500,000 in one year upon an original investment of \$300,000. [Applause on the Democratic side.] I tell you I listen with little patience to these great capitalists who say, "Give us this tariff in order to enable us to get an honest return upon our capital and an honest wage for our

Mr. MOORE of Pennsylvania. Has the gentleman told the whole story about this great concern located in his district?

Mr. PALMER. No, I have not told it all. There is a lot more to it.

Mr. MOORE of Pennsylvania. The gentleman has not told the whole story of this profitable American enterprise. The gentleman has indicated that there is a difference of opinion between the two great iron masters whom he has quoted—Mr. Carnegie, who does not want any tariff, and Mr. Schwab, who

does. The gentleman has said——
Mr. PALMER. Will the gentleman confine himself to asking

a question?

Mr. MOORE of Pennsylvania. I will put it this way: Would the gentleman rather have a tariff which would protect the workmen employed in his own district under the direction of Mr. Schwab, or take it off for the benefit of Mr. Carnegie, whose employees can not now be located in this country, and who spends much of his time and American money on the other side?

Mr. PALMER. That question is not one which calls for a decision. I am not writing a tariff bill here which will take a penny out of the employees of the Bethlehem Steel Co. are writing a tariff law which may result in such competition that the American consumer will get his article at a lower price than he gets it now; and perhaps my distinguished constituent, Mr. Schwab, will be compelled to be satisfied with something less than the exorbitant profits which he has been able to earn upon his investment. [Applause on the Democratic side.]
Mr. MOORE of Pennsylvania. When the gentleman has

taken the duty off-

Mr. PALMER. I want to discuss some other features of the

Mr. MOORE of Pennsylvania. I should like to ask the gentleman this: When he has taken the duty off, as proposed by this bill revising the metal schedule, will the price of iron and steel be less in the United States than it is to-day?

Mr. PALMER. In some sections, beyond a doubt. Mr. MOORE of Pennsylvania. Then will it be Americanmade iron and steel, or will it be iron and steel made abroad under an international agreement?

Mr. PALMER. The American-made iron and steel in some sections will be less in price. The foreign article as it comes in here will be less than some of the American article. I have gone all over that in discussing the question of transportation, and I will not go over it again, because the gentleman preferred to eat his lunch rather than listen to me.

Mr. MOORE of Pennsylvania. I listened to the gentleman with pleasure. If the gentleman does not welcome my ques-

tions, I will subside.

Mr. PALMER. I am willing to answer any questions about

the things which we are discussing.

Mr. MOORE of Pennsylvania. I am asking a question which is extremely pertinent to the working people and wage earners. I am asking the gentleman how, when he reduces the tariff, if he goes into the foreign markets for the purchase of the commodity, he is going to get a lower price for the commodity in this country and still maintain American wages?

Mr. PALMER. It is just as simple as A B C. Even the gen-

tleman from Pennsylvania ought to see it.

Mr. MOORE of Pennsylvania. I am something of a Samuel J. Randall Democrat myself.

Mr. PALMER. Yes; I know the gentleman is.

Mr. MOORE of Pennsylvania. And that is why I differ slightly from the gentleman from Pennsylvania, who does not now agree with his distinguished predecessor from the Keystone State

Mr. PALMER. I never did agree with him. Do not make

any mistake about that.

Mr. MOORE of Pennsylvania. The gentleman has come to be a leader of his party; he is the modern Democratic Henry of Navarre of the Keystone State, and I welcome him as such, notwithstanding his declaration that he does not agree with that great protection Democrat, Samuel J. Randall, who was the idol of the people of Pennsylvania. [Applause on the Republican side.]

Mr. PALMER. He was the idol of that class so well represented by the gentleman from Philadelphia, who pronounces himself a Randall Democrat. Randall Democrats were largely Republicans. [Laughter and applause on the Democratic side.]

Mr. MOORE of Pennsylvania. I express, so far as I am able to do so, the views he presented in his day and which were so entirely welcome to the people of his district, which I now represent. Now, I will leave the gentleman, if he will answer this question: How, by reducing the tariff on iron and steel, can you maintain the wage scale in the United States and yet give the people of this country cheaper commodities?

Mr. PALMER. I have stated at least three times that the increased importations, while they look large in figures, are so small in proportion to the domestic production they will only result in some decrease of the enormous profits to the American manufacturer, who will be compelled to lower his selling price in order to meet that competition. The consumption will not be less after the tariff law is written than it was before. The American manufacturer will be compelled to employ all the labor which he now employs, and he will pay the labor just what he must, no more and no less. [Applause on the Democratic side.] He will pay the labor just as much as labor can

compel him to pay, just as he does to-day, and there will not be any decrease in the price of it on account of the tariff law. If the steel and iron manufacturers would get all of their labor in this market, they would be compelled to pay more for it; but they get 60 per cent in a foreign market, buying it like any other commodity, from men who bring their product through the customhouse free of charge. They bring their free labor into competition with American wage earners, and thus keep the price of labor down.

Mr. MOORE of Pennsylvania. Can the gentleman say that if \$20,000,000 worth of iron and steel comes in from foreign countries in a year that it will not displace that much in the United States and take that much away from American labor?

Mr. PALMER. That is not true, with all due deference to the gentieman from Pennsylvania. He has his facts wrong.

Mr. MOORE of Pennsylvania. The material is here, the labor is here, but for this \$20,000,000 of imported product no

wages are paid in the United States.

Mr. PALMER. In this schedule are included many articles which can not be and are not made in America and which would be imported under any circumstances. They are not articles of importation which cut off American employment. Perhaps in a few of the increased importations caused by this reduction of duty American goods will be replaced by foreign goods. But I repeat what I said before, and what is perfectly plain to everybody, that the advance in American business activity, the very advance in American civilization, is going to be responsible for the increase in consumption far greater than the slight increase in importations.

Mr. AUSTIN. I would like to ask the gentleman a question about Mr. Schwab.

Mr. PALMER. I will yield to the gentleman. Mr. AUSTIN. I have listened with a great deal of interest to the gentleman's statement about Mr. Schwab's enterprise and the immense amount of money he makes, and I would like to know why you gave him more money by putting iron ore on the free list. I think he is the largest importer of iron ore of

any manufacturer in the United States.

Mr. PALMER. We put iron ore on the free list for the benefit of all the independent manufacturers who do not have iron ore in this country, in order to put them on an equal footing with the great corporations which do control the ore bodies in the United States. Among these independents is Mr. Schwab and the Bethlehem Steel Co., and to that extent Mr. Schwab is benefited by this act. There is no question about that. But Mr. Schwab is a seller of pig iron and he sells everything carried in this schedule up to wire, and on all of these articles, from the very first, we have cut the duty so largely that whatever benefit Mr. Schwab may get from free ore will be more than dissipated in the cut on the products which he sells.

Mr. HILL. If the gentleman wants to discuss the matter later on, I will not ask him the question now.

Mr. PALMER. I do not know whether there will be much "later on."

Mr. HILL. I will admit certain things, but here is something that I can not admit because I can not understand it. The gentleman says he reduces the duty and lowers the price. You have put on the free list linotypes, printing machines, cash registers, typewriters, and sewing machines, all of them patented articles.

Mr. PALMER. Yes; and if the gentleman wants my honest

opinion about that-

Mr. HILL. In almost every case I think the proprietors of the patents and the manufacturers of the patented articles have their factories abroad. Have you not, by reducing the duties on the primary materials, without in any way influencing or controlling the finished product, absolutely transferred to the owners of those patents and the manufacturers of those patented articles the benefit which you claim would arise from reducing the duty on the primary article, the raw article? In other words, have you not provided for a finished product free and a raw material at a somewhat lower duty than before, and then given to the manufacturers of these patented articles the privilege of getting their raw materials free on the other side, making them up in the parts, shipping them here, and simply assembling them? If the gentleman is going to discuss that question later on, I will not press it now.

Mr. PALMER. Mr. Chairman, I will answer the gentleman now. While it is true that these finished articles are brought in free, they are articles on which the Americans beat the

world to-day.

Mr. HILL. Yes. Mr. PALMER. And which, under the gentleman's theory, are not entitled to any protection.

Mr. HILL. Even admitting that-

Mr. PALMER. I am not certain that the result of our putting articles of that kind on the free list will be to the benefit of the consumer, but I am certain that the reduction of the price of raw material will not benefit the manufacturer of that article which we put on the free list, because all of the manufacturers of these articles are so located in this country that the market at their door is the market they are going to deal with, as far as their purchases are concerned. The foreigner never can put any steel into Dayton, Ohio, for a cash register. The gentleman knows that.

Mr. HILL. But the manufacturer has a monopoly under

his patent.

Mr. PALMER. That is his selling product. The gentleman asked me why we helped him by reducing the duty on raw material, though leaving some duty on it, but still placing his finished article on the free list. I simply repeat that we are taking away the alleged protection from a man who admittedly needs no protection.

Mr. HILL. Of course he does not if he has a patented article

which gives him a monopoly.

Mr. PALMER. Unquestionably, and which will not result in any decrease of price, and we are dong no injury to the manufacturer.

Mr. HILL. But you are giving him an additional benefit by transferring the industry to the other side from where he can

ship the finished parts to be assembled here.

Mr. PALMER. Is it possible that the gentleman from Connecticut is criticizing this bill because the manufacturer is going

to get a benefit out of it?

Mr. HILL. I do not criticize or praise any bill because a particular man is making or losing money. I want him to stand on the merits of the proposition. I do not want to discuss the question of whether the industry is paying large or small returns in individual cases. I want to know what is right. I do not believe in transferring an industry to the other side of

the water out of pique.

Mr. PALMER. I think what the American industries are earning goes right to the root of this question, because if, as I have shown here in the iron and steel trade, and as the gentleman knows perfectly well, they are earning unconscionable profits upon the honest capital invested, and if the result of a cut in the tariff will be not to hurt wages of labor, not to hurt the amount of production, but to decrease the profits of the American manufacurer, then the manufacturer's mouth is closed in attack on such a bill, because the profits he has taken out of the American people in the past have been more than his capital is entitled to earn. [Applause on the Democratic side.]

Mr. HILL. Let me put the question in a concrete form, and then I shall stop. If the gentleman were a manufacturer of a patented typewriter, and could make it on the other side and ship it here either complete or in the finished parts, and paid the duty on the materials here, and did not pay a duty on the finished parts coming from the other side, would he not ship the parts from his factory in Belgium or Germany or England

and assemble them here?

Mr. PALMER. No; I do not think I would.

Mr. HILL. Why not, if you can make more money by doing it?

Mr. PALMER. Why, I could not make more money.
Mr. HILL. Then the duty does not count.
Mr. PALMER. I have said several times, as far as this duty on typewriters, printing presses, and various articles of that kind is concerned, it meant nothing, never did, and there never was any defense for it.

Mr. HILL. It does on pig iron.

Mr. PALMER. Oh, well, that is another—
Mr. HILL. Would it not on the parts which are made from pig iron, the addition of the duty or the freedom from the duty

Mr. PALMER. Oh, certainly. If the manufacturer of the typewriter used imported materials, there might be something in the gentleman's argument, but you will find the American material man supplies him now.

Mr. HILL. Then he gets the benefit of that much absolutely. Mr. PALMER. I have discussed that as far as I care to go.

Mr. HILL. Well, I am willing to leave it there.

Mr. PALMER. And so am I. While it is not possible within the scope of this argument to discuss many of the sections of the bill in detail, I desire to point out the reasons for the changes in a few of the paragraphs in relation to which there has been much controversy in the past and about which the interests affected have already been somewhat caustic in criticism.

AD VALOREM RATES.

This bill contains no specific rates whatever. It contains no compound rates, but adheres consistently to the doctrine which we declared for during the extraordinary session of last summer when we reported and the House passed bills reducing the woolen and cotton schedules with every rate fixed on an ad valorem basis. In the case of some schedules, to be revised hereafter, it will doubtless be wise to insert specific rates, for exceptional reasons. There are, beyond a doubt, some well-founded objections to the ad valorem system. They have been voiced by the friends of a high protective tariff for many years. The stronger the friendship for high rates the louder has been the voice which condemned the ad valorem system. It is urged with much force that the administrative difficulties in the operation of a law containing ad valorem duties should cause the legislator to hesitate before accepting that system as the best calculated to bring to the Government the revenue which a tariff law is designed to secure. The natural desire of the importer to evade payment of duties leads to undervaluation of goods which is sometimes difficult for the officers of the Government to cope with. In the very nature of things, however, this objection is less potent when urged against ad valorem rates in reference to the steel and iron products, where values, as a rule, are easily fixed, because information as to the world's prices is always readily obtainable. There are objections, however, equally obvious and much more serious, to the straight specific system, which leaves out of all consideration the fluctuating values or changing conditions of the market and automatically converts a rate, fair when made, into one unconscionable when enforced. Especially is this true in many lines of manufacture included within the general classifications of iron and steel products, where inventions, discoveries, and various economies have operated with astonishing rapidity to reduce cost of production and consequent selling value, while the industry is protected behind a moderate specific rate, growing constantly higher with every advance in method or improvement in conditions of manufacture which make for lower prices. But every objection which could be urged against both the specific and ad valorem systems may be raised with equal force against the compound dutiesan ad valorem superimposed upon a specific rate—the favorite method of the latter-day high protectionist. If ad valorem rates induce undervaluation and make the administration of the customs laws difficult and expensive, compound rates must have the same result; and if specific rates are calculated to deceive the consumer and make the worse appear the better rate, surely a compound duty is no less guilty.

The ad valorem system, easier to be understood by the taxpayer, immediately responsive to fluctuating values and automatically keeping pace with changing conditions in the manufacture and market of the product, free from all the objections to the specific system and from nearly all the faults of the compound, we believe to be the most satisfactory to all parties affected. To say that such a system can not be successfully enforced by the Government is to indict the revenue officials with incompetence and inefficiency, which the friends of the compound rates dare not charge without confessing the failure of the present law to result in an honest collection of the duties

laid under its compound system:

The only articles covered by the metal schedule where an ad valorem system of duties would be likely to result in serious undervaluations are cutlery and watches. The danger is possibly greater in respect to watches than any other article in the tariff law. A watch movement is an extremely delicate piece of machinery, and its grade and approximate value are determined by whether or not it has been subjected to certain processes of manufacture which can not readily be discovered by the appraisers. The number of jewels and adjustments has always been and will continue to be the true standard for determining the value of the movement. The lowest grade of movements, as classified under the present law, are those having seven jewels or less, and the importations of these at the average unit of value of only \$1.07 have been very extensive. These cheap watches are seldom, perhaps never, adjusted to either temperature or positions, but the higher grade movements containing more than seven jewels are largely adjusted either to temperature or to positions, and the best watches, containing 17 jewels or more, are all adjusted both to temperature and to five positions. These adjustments require a long time in the manufacture and add much to both the cost and the value of the watch. No appraiser, however skilled, could determine the fact as to these adjustments and the consequent effect upon importing

value by any examination of the movement however critical.

Not even by taking the watch apart, which is obviously not practicable, but which it would be necessary to do to de-

termine the number of jewels, could the adjustments be discovered. In consequence, solely for the purpose of preventing fraud and undervaluations and to assist in the administration of the law, we have retained all the marking provisions of the present law, and have amended them so as to require the plate to be marked if the watch movement is imported "knocked down." Under the present law the provision as to marking has been evaded by importing the movements in parts and assembling them here after importation. It is believed this new provision will to a large degree stop this practice and make it possible for the Government officers to assess and collect all the revenue on these articles which the law intends shall be paid. The so-called marking provisions in the two cutlery paragraphs are retained just as written in the present law for similar reasons.

The adoption of a uniform ad valorem system of rates has made unnecessary numerous fine distinctions between the various classifications in the Payne law. Sizes and values of the product, while important in classifying the articles subject to specific and compound rates, are in most cases no longer necessary to be considered when all the duties are ad valorem. Such a system naturally takes care of the increased values and of the different prices obtained for different sizes. The schedule, therefore, has been much simplified, and nearly all the changes in the classifications under the proposed law from those fixed in the Payne law are explained by the reason just stated. Some few other changes have been made in order to give symmetry to the schedule by throwing into the same paragraph articles of kindred nature. Only one article, bauxite, has been lifted from another schedule in the law. This being an ore, the raw material for the manufacture of aluminum, which is covered by the metal schedule, it was thought proper to include it also within the same schedule.

Taking the classifications made by the Department of Commerce and Labor in showing imports entered for consumption of the merchandise covered by this schedule, the proposed law reduces the rates below those of the Payne law in 180 cases, while increasing the rates in 2 cases and leaving the rates at the same figure in 2 classes of goods. In making this comparison, the ad valorem equivalent of the specific or compound rates, as the case may be, as shown by the imports for the year 1911, is taken, although it must be recognized that in some instances this ad valorem equivalent is not always accurate. cles on which the rates remain the same are gold pens and jewels for use in watches or clocks. The rate on gold pens remains at 25 per cent. The amount introduced into this country is negligible and no reduction of the rate would increase importations. As to jewels for use in watches or clocks, the Payne law was already low. A lower rate would not result in increased revenue, and the effect of a higher rate would probably be offset by smuggling, which under high duties would become more common in articles of this nature.

The items in which increases above the Payne rates have been made are upon metallic pens with nib, a new classification under the Payne law, under which the importations are negligible, though the rate now is less than 8 per cent, and ferro-manganese. Scrap iron and steel shows only a very slight decrease from the equivalent ad valorem based on 1911 importa-tions, but this decrease is really larger than appears on its face, for we have made a change in the verbiage which will really result in the smaller consumers of scrap iron receiving the article at a price less affected by the duty than at present.

Mr. HILL. May I ask the gentleman a question? As the gentleman was the particular agent in preparing the bill, I therefore take the liberty of asking him these questions.

Mr. PALMER. Certainly.

Mr. HILL. I find on comparing the rates which were adopted by the party which the gentleman represents last summer on watches, and so forth, there has been a very material increase in this bill over those rates. Was that done as the result of careful investigation, or was the rate of last summer the result of no investigation?

Mr. PALMER. Well, the gentleman from Connecticut refers, presume, to what is called the Cummins amendment.

Mr. HILL. No; the Bacon amendment. It was purely a

Democratic amendment, supported by Democrats.

Mr. PALMER. The Cummins amendment-

Mr. HILL. Senator Bacon said it was his own, and it was passed in the Senate by Democratic votes, and came to the House and was adopted in the House by Democratic votes, and there was not a Republican who voted for it in either the

Senate or the House.

Mr. PALMER. I do not care who introduced it, so long as we are talking about the same thing.

Mr. HILL. I refer to the question of watches.

Mr. PALMER. There was a horizontal reduction of 40 and 30 per cent in the Cummins amendment, which carried the metal schedule as an addition to our cotton bill.

Mr. HILL. Was that too much?

Mr. PALMER. It did not take out all the inconsistencies in the Payne law-

Mr. HILL. Was that too much?

Mr. PALMER. Yes; from a revenue standpoint.

Mr. HILL. From a purely revenue standpoint. So it has been increased new purely from a revenue standpoint.

Mr. PALMER. If the gentleman is right about the so-called Cummins amendment, and I have no disposition to dispute his figures, though as to this particular item of watches I do not now have them at hand.

Mr. HILL. I have the figures, from 28 to 30 per cent on watch cases, from 28 to 30 per cent on clocks, from 7 to 10 per cent—an increase of 33½ per cent—on jewels for use in watches and clocks. Now, the point I want to get at, and in all good faith, is, was the amendment which the gentleman's party sent to the President last summer for his signature as a completed act too low, or have they had reason to revise-

Mr. PALMER. The amendment which was put upon our cotton bill by a Member of the Senate, which was originally drafted by a member of the gentleman's own party-it was the particular creation of Senator Cummins, of Iowa-cut the duty 30 per cent on this class of goods; and as the duty was originally about 40, brought it down to 28 per cent. We cut the equiva-lent ad valorem because there were specific, compound, and ad valorems in the watch schedule, which ran up to very high figures. When we came to this schedule we discovered that a proper correlation of the various paragraphs by reason of the varying degrees of manufacture, taking into consideration the necessity for raising revenue, made it advisable for us to make this rate 30 per cent; and we did it, regardless of the Cummins rate or the Bacon rate or any other rate.

Mr. HILL. Let me ask this question, then: Take the case of scrap iron, which in the Payne bill was a dollar a ton, and you cut it and sent a bill to the President at 60 cents a ton. You have now raised it to \$1.04. Were you right then or right

Mr. PALMER. Well, this is our bill.

Mr. HILL. That is what the chairman of the committee said before he brought in the other one. That is just exactly what he said, and I will read it, not in the gentleman's time, but at some other time. That was your bill, and that was the bill which you forced on us then and which you sent to the Presi-

dent for signature.

Mr. PALMER. That was our cotton bill, on which an amend-

ment had been placed in another body.

You adopted it. Mr. HILL.

Mr. PALMER. And we accepted it when it came over here at the time.

Was 60 cents or \$1.04 right, on scrap iron? Mr. HILL

Mr. PALMER. I say that the rate in this bill is the right rate on scrap iron.

Mr. HILL. And you were wrong last summer?

Mr. PALMER. We will not say we were wrong then; but we thought that we were taking a position that was better than the position that was taken by you in 1909. We were trying to improve the condition, and we are now trying to finish the job. the job.

Mr. HILL. We made the duty a dollar and then you cut it to 60 cents, and you now raise it to \$1.04. Which is right?

Mr. PALMER. We think there is no reason on earth why scrap iron should have any different duty from pig iron. never have seen the reason for any difference, and we now make the rate conform to our settled belief in that regard.

Mr. HILL. I would not have any duty on scrap iron if I had my way

Mr. PALMER. I think the gentleman believes it ought to be

Mr. HILL. I simply want to know whether you were right last summer or right now.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. Palmer] yield to his colleague [Mr. Moore]?

Mr. PALMER. I yield.

Mr. MOORE of Pennsylvania. I ask the gentleman the question now, because I do not want to interrupt him during his peroration. The gentleman said to the gentleman from Connecticut that this was their bill-a Democratic bill. I wanted to inquire—as I understand that the gentleman from Pennsylvania was chairman of the subcommittee having charge of the metal schedule—whether during the preparation of this bill

public hearings were given to those interested in the metal

Mr. PALMER. I trust the gentleman will not take up my time with questions of that kind. He knows perfectly well what the answer to that is. We gave no public hearings to manufacturers or anybody else in the consideration of this tariff legislation, and the gentleman knows it. I trust he will confine his questions to the seeking of information.

Mr. MOORE of Pennsylvania. I think this is very important, Mr. PALMER. I hope he will not attempt to inject into my speech the criticism of my conduct before the committee.

Mr. MOORE of Pennsylvania. The gentleman has not answered yes or no. Were public hearings given to the parties

interested during the preparation of this bill?

Mr. PALMER. I think I said that we gave no public hearings in the consideration of this bill. We had the benefit of all hearings of 1908 and 1909; conditions are about the same now as then, and we had the benefit of a vast fund of information from other sources.

Mr. MOORE of Pennsylvania. One more question, and I will not bother the gentleman again. In the consideration of this bill, which is a Democratic measure and which makes a vital cut in the tariff rates on this schedule, was any information obtained from the Tariff Board or were its reports in any way considered?

Mr. PALMER. As far as I know, the Tariff Board has not yet done anything in relation to the steel and iron schedule

which would be valuable for any purpose.

Mr. MOORE of Pennsylvania. Then, in the preparation of the bill, which is a Democratic bill, the Tariff Board's recom-

mendations have been in no way sought or considered?

Mr. PALMER. We have thought that the necessities of the situation in the country to-day were so great that it would not do to wait upon the extremely deliberate methods of this socalled Tariff Board. We do not know when its report will come in, if it ever will.

Mr. HILL. And why did you not wait for the Tariff Board's

report on wool?

Mr. MOORE of Pennsylvania. The Tariff Board seems to have the confidence of the country just now, and the gentleman from Pennsylvania [Mr. PALMER] might have waited until it made its report on iron and steel.

Mr. BARTLETT. What authority has the gentleman from Pennsylvania [Mr. Moore] for that?

Mr. PALMER. The country has more interest in the rates we write in tariff laws in this Congress than in the findings of any tariff board. I want to finish what I started to say about scrap iron. The present law, carrying a rate of \$1 per ton upon wrought and scrap iron and scrap steel, provides that "nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be remanufactured by melting." The words "by melting" were new in the Payne law and were placed there in the interest of the large manufacturers who employ the melting process to convert the scrap iron which comes to their mills.

I hope the gentleman from Connecticut will continue his affirmative headshaking on that proposition. [Laughter on the

Democratic side.]

Yes; and I have done so since the Payne bill was Mr. HILL. passed. I will not take any position on this tariff question which I am unwilling to maintain just as strongly when it is in harmony with any proposition brought in by the Democratic Party as when it is against them.

Mr. PALMER. The smaller mills do not melt scrap iron and consequently could not receive the benefit of this rate upon their importations of scrap iron. The smaller independent manufacturers have, therefore, been compelled to pay a price for scrap iron which is made by taking into consideration the duty which it would be required to pay if imported under another clause carrying a higher rate—that is to say, "and not fit to be remanufactured by melting." No good reason has ever been advanced why scrap iron and scrap steel should carry a lower duty than pig iron. Scrap is used for precisely the same purpose as pig iron and in many respects is more desirable from the manufacturing standpoint.

The increase on ferromanganese results from taking this alloy out of the pig-iron section and including it with kindred alloys like ferrosilicon, and so forth. The Payne bill as passed by the House made such a classification, but it was put back into the pig-iron section in the Senate at the solicitation of the manufacturers who sought this indirect method of reducing the duty on an article imported solely for their use. Will the gentleman from Connecticut [Mr. Hill] kindly give that statement his approval also?

Mr. HILL. No; the gentleman is mistaken about that.

Mr. PALMER. The gentleman from Connecticut has been so generous in nodding his approval that I thought he would follow me clear through.

Mr. HILL. No. The gentleman is mistaken about that propo-

sition.

Mr. PALMER. As the rate on all pig iron under the Payne law is specific, the comparatively large unit of value of ferromanganese has made the equivalent ad valorem on importations since the Payne law went into effect about 61 per cent. This change has been made from a revenue standpoint. The production of ferromanganese in this country is limited, and the importations are bound to take place without much regard for the rate. The steel corporation is the only concern which makes its own ferromanganese, and the production in 1910 was 71,376 tons against 82,209 tons in 1909. During these years importations were, respectively, 64,106 tons and 107,790 tons, and in 1911 105,528 tons. The increased rate will have no other effect than increased revenue and will not operate to protect any American manufacturer nor increase the price of the finished steel product. It is not made for sale in this country, but is, in a sense, a raw material of the manufacturer used as a medicine for strengthening his product.

Mr. HILL. Will the gentleman pardon me for a question

right there?

Mr. PALMER. Yes.

Mr. HILL. Will not the direct effect of it be to compel the independent manufacturers who do not own their own ferromanganese product to pay three times as much for it as they now pay, thereby giving an advantage to the competing concerns that own a ferromanganese plant?

Mr. PALMER. I think the independent manufacturers will have to pay more for their ferromanganese.

Mr. HILL. Yes.

Mr. PALMER. But they use so small a quantity of it in proportion to their total output that the cost will not be felt, and this tax will be paid by the manufacturers out of their gross receipts or profits, and it can not be carried forward to the detriment of the consumer. At any rate, there is sufficient merit in that argument to justify an increase from a revenue standpoint, for surely there is not enough ferromanganese made in this country now for the use of the manufacturer, and that article ought to raise some revenue for the Government

Mr. HILL. The gentleman knows that it is essential in the

manufacture of steel?

Mr. PALMER. Yes; certainly.

Mr. HILL. Does the gentleman think he should increase the rate 230 per cent in order to get revenue, and thereby

damage a basic industry?

Mr. PALMER. Well, the gentleman from Connecticut was on the Committee on Ways and Means in 1909, and the gentleman joined in a report on the Payne bill which put ferromanganese in at a higher rate, along with other manganese alloys; and it seems to me the gentleman should not object to our adopting his classification.

Mr. HILL. No. The gentleman is entirely mistaken. The duty under the Payne bill is \$2.50 a ton. This bill raises it to \$5.75 a ton, although this is a commodity which is essential in the conduct of a basic industry, and independent manufacturers will be compelled to pay 230 per cent additional for the sake of securing that much revenue.

Mr. PALMER. Well, the remarks of my friend from Con-

necticut-

Mr. HILL. I do not refer to remarks. Are not the facts correct?

Mr. PALMER. The gentleman's remarks show how futile is the explosion of even a big gun when it goes off halfcocked [laughter], because if the gentleman will read his own bill the Payne bill, which he assisted in preparing, which in 1909 the gentleman assisted in bringing into the House—he would find that instead of ferromanganese being in the pig-iron paragraph it was placed in the ferroalloys paragraph, and it was only at the other end of the Capitol that they took ferromanganese out of the ferroalloys classification. The gentleman was right in the attitude he took in the House. The gentleman from New York [Mr. PAYNE] and my friend from Pennsylvania [Mr. DALZELL] and all of you, so far as I know, supported the proposition that ferromanganese should bear the same rate as ferrosilicon and these other ferros. In the Senate the steel manufacturers got at it, and instead of cutting down the duty on ferromanganese, they took it out of the alloys and put it into the pig-iron paragraph, where it carries \$2.50 a ton. My facts

are absolutely correct on that proposition.

Mr. HILL. I will look the matter up to-night. I have not the details before me. [Laughter on the Democratic side.]

Mr. MANN. Will the gentleman yield for a question? I do not want to cut the gentleman off from any time he may need. Mr. PALMER. I have been interrupted so much that I can

not say all I expected to say, but I will yield to the gentleman.

Mr. MANN. No; I will ask the gentleman a question when

we reach the paragraph under five-minute debate.

Mr. PALMER. Now, as compared with the so-called Cummins amendment, which my friend from Connecticut insists on calling the Bacon amendment, which was the steel-and-iron schedule attached to the cotton bill during the extraordinary session of Congress last summer, the proposed law increases the rates above those carried in that amendment in 25 cases and reduces them in 55 classifications.

The Cummins amendment was a horizontal reduction, reducing the lower grades 30 per cent and the higher grades 40 per cent. It accomplished a reduction from an average ad valorem under the present law for the entire schedule of 33.35 per cent, based on importations of 1910, to an average of 21.50 per cent, or a reduction of 11.85 points, which is approximately 33 per cent. Such a horizontal reduction had no effect to straighten out the inconsistencies in the Payne schedule, and, consequently, in some cases resulted in a lower rate than those which we carry in the present bill, where we have attempted to make the rates more nearly conform to the relative stages of manufacture.

Without considering the additions to the free list carried in the present bill, its average percentage of reduction under the Payne law is 35.03 per cent. That is, on the average it results in a larger reduction than the Cummins amendment. The additions to the free list make this reduction even greater.

These additions to the free list carried in the present bill are iron ore, cotton ties, fence wire and wire fencing, cut and wire nails, tungsten-bearing ores, zinc-bearing ores, cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and tar and oil spreading machines used in the construction and maintenance of roads.

Some of these articles were included in the free-list bill passed during the extra session of last spring and now are included in the free list here for the same reasons as prevailed to include them in that measure; others are trust-controlled goods, largely exported now, on which the present duties are clearly prohibitive; and iron and zinc bearing ores are free listed in order to put all American manufacturers in those metals on the same level as to their raw material and to offset the advantage which the larger corporations now possess by reason of their control of ore beds in this country.

PIG IRON.

Charles M. Pepper, the special agent of the Department of Commerce and Labor who made an investigation of the German iron and steel industry, and of the industry in the United Kingdom, in 1908, discussed at much length and with great detail the costs of the various manufactures in these principal countries, and his findings are probably as authoritative as anything which has been offered or which can be secured. As to the cost of production in German blast furnaces of basic pig iron, he says:

pig iron, he says:

So many factors enter into the cost of production that no absolute standard can be taken. Blast furnaces and rolling mills located in different sections naturally have variations in the cost of their fuel and ore, and these disadvantages are sometimes equalized by advantages in the freight rates and the nearness of the markets for the half-finished products. However, the marketing of the product is not here considered in connection with the cost of production. Information obtained from those identified with the industry and confirmed by disinterested trade authorities gives the following result, which may be taken as the average obtaining in the localities named in 1908:

Dortmund district and city—

Cost of 1 ton basic raw iron, 57-60 marks, equal \$13.57-\$14.28; conversion of 1 ton raw iron to steel, 14-16 marks, equal \$3.33-\$3.81; labor cost of 1 ton basic raw iron, 3.50-4 marks, equal \$0.84-\$0.96.

Luxemburg—

One ton basic pig iron with 1½ per cent of manganese, 52-53 marks, equal \$12.38-\$12.61; conversion of 1 ton pig iron lnto steel billets, 24-25 marks, equal \$5.71-\$5.85; labor cost of 1 ton pig iron, 2.50-3 marks, equal \$0.60-\$0.72.

ANALYSES OF FIGURES.

The figures for Dortmund may be taken as absolute. Those for Luxemburg are high, it being understood that with the prices prevailing in the fall and early winter of 1908 pig fron could be produced at the works at 48 marks (\$11.42) per ton. The Lorraine works, however, approach the figures given. At Aix la Chapelle, which is not a large producer of pig iron, the cost is \$12.60 to \$14.10 per ton.

While the British costs he gives as follows:

In 1908 the conditions as to cost of production approximated closely those which obtained in 1903-4, the general opinion of the trade being that they were a little higher, about in proportion to the difference in the selling price, which in the case of Cleveland pig averaged \$14.40 for 1908, as against \$12.94 in 1904. The figures of Mr. J. Stephen

Jeans, secretary of the British Iron Trade Association, may be taken as trustworthy. According to Mr. Jeans, the cost per ton of making pig iron in the two chief British districts approximates as follows:

Cost factors.	Cleveland.	Hematite.
Iron ore	\$3.89 3.89	\$6.20 5.10
Limestone	.36 .91 .16	.32 .97 .14
Bricks, clay, and boiler coal	.16 .55	.55
Total	9,92	13.45

While this represents a general average, it is agreed that pig iron in the Cleveland district has been made at a net cost under \$8 per ton by some of the companies controlling collieries, as well as ore beds, and having exceptional facilities for production. The ironstone required to produce a ton of pig iron in the Cleveland district is estimated to cost the companies which have their own mines about \$3 per ton at

As \$13.50 is practically the maximum of British cost, while being the minimum in the Dortmund district and considerably above the Luxemburg figures, it may perhaps be accepted as a fair average of foreign pig-iron cost. Adding the duty of 10 per cent to an average cost of \$13.50, and figuring the foreign freight and ocean rates at \$2.50 per ton, which is the average cost for the ocean transportation, we have the possibility of pig iron laid down in New York without profit to the foreign manufacturer at \$17.35, there to compete against Pittsburgh, which can lay down its pig iron, costing \$14, in New York City for about \$16.50. It will thus be seen that the districts abroad which are able to manufacture below this assumed averageand there are several such—will be able to compete at and near the American seaboard with Pittsburgh and with eastern Pennsylvania, which can put its pig iron in New York for approximately \$1.50 less than Pittsburgh. That such competition can and will follow is the certain consequence of fluctuating conditions here and abroad which at times make American costs high while foreign costs are low, and vice versa. Judge Gary testified before the Ways and Means Committee in 1909 that, exclusive of profits on raw material, his company could make pig iron for \$12.65 per ton. Mr. Schwab fixed the cost of pig iron at \$14. The report of the Commissioner of Corporations, published January 23 last, gives the book costs, all charges included, as follows (p. 25):

cluded, as follows (p. 25):

The allocation of the "additional-cost" items to the costs of pig iron still further increases the advantage of the southern pig iron over the northern in respect to costs, giving for the total book costs per ton \$14.01 for Bessemer, \$12.82 for basic, and \$9.65 for southern. As stated above, however, while these allowances for northern furnaces were too high, those for southern furnaces were too low. Therefore, if these allowances were all figured on a uniform basis, these additional costs for the two districts would be more nearly equal. If an additional cost of 50 cents per ton for both general expense and general depreciation combined be assumed, and it is undoubtedly enough for most iron and steel companies, the total costs would be as follows: Bessemer \$13.76, basic \$12.80, and southern \$10.02 per ton.

Judging from the book cost of production simply, the southern pig fron shows a distinct advantage over northern basic pig iron, with which it should be compared, and not with Bessemer. As will be shown later (see Ch. VII, sec. 5), this holds true even after the elimination of intermediate profits. But it must be considered that this is counterbalanced by the much higher freight charges necessary to get the southern pig iron to the most important markets of consumption.

English pig can be laid down in Atlantic-coast markets now

English pig can be laid down in Atlantic-coast markets now to compete with the eastern American producer and the reduction provided for in this bill will widen the territory through which this competition can take place and make more frequent the conditions under which the domestic consumer may have the benefit of the lower foreign prices.

Mr. AUSTIN. Your bill enlarges the market in this country

for the foreign pig iron, does it not?

Mr. PALMER. It enlarges the zone of competition in which the American maker of pig iron will have to meet the foreigner. He is meeting him now. There is no doubt about that. Pig iron is laid down in Philadelphia to-day for \$12. Bethlehem must meet it, Pittsburgh must meet it, West Virginia must meet it, and all that we are doing is to make the country that is going to have the benefit of that foreign competition a little

bigger than it was before.

Mr. AUSTIN. You are reducing the present duty on pig iron of \$2.50 to \$1.25, and giving that to the foreign manufacturer, so he

can ship farther into the interior of our country with his output.
Mr. PALMER. We are not giving it to the foreign manufacturer. We are giving it to the American consumer, because by reason of the reduction the foreigner can penetrate farther into this market and make more competition and increase the number of persons who will have the benefit of that competition and reduce the prices somewhat. That is the proposition.

Now, I had intended to make some observations with respect to the statements of the president of the Bethlehem Steel Co., recently made, that steel can be made in this country as cheaply as abroad, despite the fact that labor here costs twice as much, as he says it does in Germany and in Great Britain, and I had intended to make some comment upon the basis of fact which he lays for that statement and to argue from it that it did not show the necessity for the tariff which Mr. Schwab now argues for, and which does prove that the reduction we carry in this bill will do no injury to labor or to invested capital by way of funded debt, but may possibly result in such a reduction of price, by reason of increased competition, as will somewhat decrease the profit which he and others similarly situated have been able to earn in the past. But my time is running on so rapidly that I fear I shall not be able to go into that as fully as I had hoped.

Mr. MANN. Can not the gentleman get his time extended

so that we may have this valuable information?

Mr. PALMER. I will print it in the RECORD.

Mr. MANN. It is very important that we should have it, and it is very difficult to read those things. I hope the gentleman will give the information now.

Mr. PALMER. I have already used pretty nearly two hours, and I feel that it is unfair that I should use all the time on

Mr. MANN. I have noticed no impatience on the part of the Members of the House, and I hope the gentleman will give us the full information.

Mr. AUSTIN. I hope it will be arranged so that we can have

two or three days' general discussion.

Mr. PALMER. If we had two or three days' discussion I would go fully into the details of wages and cost and matters with respect to two or three paragraphs, in one of which I think the gentleman from Tennessee is interested, and that is aluminum.

Mr. AUSTIN. Aluminum, pig iron, and iron ore are of in-

terest to me and the district which I represent.

Mr. PALMER. The gentleman from Alabama has given notice that to-morrow he will move to close general debate. I am unwilling to occupy all of the time on my side of the House, and therefore I shall soon conclude my remarks.

LABOR AND THE METAL SCHEDULE

I have referred to the statement of Mr. Schwab as to the necessity of maintaining a tariff in the interest of the iron and steel trade. At a gorgeous dinner of manufacturers given in his honor in Philadelphia recently he is reported by the press to have said:

Fifteen thousand wage earners depend for their bread and butter upon the Bethlehem Steel Co. You see there is really nothing that enters into the cost of manufacture but labor. Materials? Analyze materials. You find that material means nothing but labor. Freight and supplies? Analyze them. They mean nothing basically but labor; just so much labor. Therefore, my friends, you must acknowledge the obvious. If the tariff does not protect the manufacturing industries, the laborer must suffer. Either we must dispense with a portion of our labor or else we must cut down wages.

Our tariff system is the only system in which the average earnings of the workingman could have been so consistently increased. There has been only one year in the history of the organization in which they have not been increased.

Mr. Schwab's reasons for demanding tariff protection are interesting, especially when the rapid pace with which the profits of his corporation have increased under the operation of an amply protective tariff are compared with the snail-like advances in wages which he has grudgingly accorded to the men of his employ. His plaintive appeals for labor lose much of their power to persuade when met by his own statements as to cost of production here and abroad and by his own actions, under the tariff, of keeping labor down to the condition described in the report of the Commissioner of Labor, who investigated conditions in his plant in 1910. In the hearings before the Committee on Investigation of the United States Steel Corporation (p. 1303), Mr. Schwab said:

Mr. Danforth. How are the costs of labor in steel and iron industries in the other countries that you mention as compared with ours?

Mr. Schwab. Do you mean the cost per ton—the cost of labor per ton of steel—or the average labor per man?

Mr. Danforth. The labor per man is what I had in mind.

Mr. Schwab. The cost of labor per man in the United States is about double what it is in Holland and Belgium, and I should say two and a quarter times as much as it is in Germany. I refer to the earnings of the American steel workers.

Mr. Danforth. How does that affect the price of our product in this country?

Mr. Danforth. How does that affect the price of our product in tals country?

Mr. Schwab. I think the cost per ton in the United States is as cheap as it is abroad, notwithstanding the fact—

Mr. Danforth. Even with the added load of labor?

Mr. Schwab. Yes. I think the reason for that is because we manufacture in such large quantities. We manufacture under the economic conditions that I spoke of, and our tonnages are so great.

Mr. Steeling. Why is the tariff duty necessary, if you can produce a ton here as cheaply as they can there?

Mr. Schwab. For the same reason that the tariff duty is necessary over there. Why do they have a high tariff with this low labor?

Mr. Sterling. You would say, then, that the only purpose of our tariff was to set off the tariff of other countries?

Mr. Schwar. The tariff would, I think, protect our own labor, as a matter of fact, because in some of these countries they have very cheap raw material. China, for example, is now shipping pig iron into the United States.

When pressed by a member of the committee who is an avowed advocate of high protection to explain this remarkable statement, because, as the questioner said (p. 1335), if he was correct, "There is no justification on earth for any tariff on these rails," he exposed the bogy which seems to keep all American manufacturers awake at night. "If Germany could ship another million tons of rails into the United States," he said, "it would enable them to devise the same mechanical appliances and methods for cheap production of steel rails that we In other words, German manufacturers are have to-day." throwing away money every day and only waiting for the American market to be open to them to start such economies and improved methods as American manufacturers practice. Profits are of no importance to them unless made out of American trade. And this equal cost at home and abroad, Mr. Schwab says, is maintained despite the fact that labor here costs twice as much as in Germany and other foreign countries. To support that assertion he declares that Bethlehem pays its menexcluding salaries—on an average, \$1,000 per annum, including boy apprentices, "and you will find this about the same in the Steel Corporation."

It may be observed in passing that the men at Bethlehem, if they could get the time from their toil to read this interesting statement of their president, would doubtless be much pleased to learn of this sudden increase in their wages, for the company reported at the time of the investigation of strike conditions at Bethlehem by the Department of Commerce and Labor that the average wages paid the men at the Bethlehem works were \$727.11 per annum. This average was obtained despite the fact that 62 per cent of the total number employed were working for amounts varying from 4 to 18 cents per hour. But I suspect their pleasure would have been vastly increased if the announcement had been made by the paymaster when the pay envelopes were distributed at the end of a week's grueling work instead of by the president when he was so far away from the plant that

the paymaster could not hear nor heed. The only increase of wages at Bethlehem since that report was made, concerning which the public has any information at least, was that which was accompanied by a great blare of trumpets soon after the strike was settled, when widespread advertisement was given to the fact that the company had increased the wages of nearly 3,000 employees 10 per cent. Inquiry at that time developed the fact that this large increase consisted in raising the wages of common labor from \$1.25 for

a 10-hour day to \$1.37\frac{1}{2}.

The last published report of the secretary of internal affairs of the State of Pennsylvania, covering industrial statistics for that State, shows the average wages paid per annum in the pigiron industry to be \$627.20; in steel mills which do not make a rolled or finished product, \$622.09; in steel works which have rolling mills and make a finished product, \$682.16; in iron mills,

\$581.48; in the tin-plate industry, \$700.72.

The fact is that Mr. Schwab, like the United States Steel Corporation, and fike every other manufacturer in the steel and iron business, pays his labor just what he must; no more and no less. He buys his labor in the market for the lowest price which market conditions permit. About 60 per cent of it he buys in a free market, for that proportion of his men are for-eigners who have come here bringing their product free from any charge at the customhouse and willing to work at a less sum than their fellow workmen in this country can do.

If Mr. Schwab's statement that steel can be made as cheaply here as abroad is to be taken at its face value, and he is probably the expert of greatest practical knowledge in the country, we must assume that he based it upon his imaginary scale of wages of an average of \$1,000 per annum. As the facts seem to be that the average wages are at least 30 per cent below that figure, his men have good claim to ask for the difference between the actual and the imaginary wage scale, for is not the tariff maintained so that labor shall not suffer?

Now, how has labor prospered at Bethlehem during all the ears of high protection? And how has capital suffered during the troublous times since this great ironmaster took hold of that

The report of the strike at the Bethlehem Steel Works, pre pared under the direction of Charles P. Neill, Commissioner of Labor, printed as Senate Document No. 521, Sixty-first Congress, describes the conditions of labor in that plant and the wages received by the men. It is a striking commentary upon the off-repeated argument of the steel and iron manufacturers that the tariff is necessary to continue the high wages of labor

and improve the condition of the workingman, and adequately answers the other time-worn argument that the wages of labor in the last 10 years have been constantly increased; for a comparison of the wages shown by this report and of the wages paid by the Steel Corporation with those paid 10 years ago proves that while the efficiency of labor in promoting added production has increased nearly 50 per cent, wages have in-creased less than 15 per cent. Dr. Neill says (pp. 10 and 11):

creased less than 15 per cent. Dr. Neill says (pp. 10 and 11):

In January, 1910, 9,184 names appeared on the pay roll. Of this number 79 worked in occupations regularly requiring 13½ hours a day for the entire 7 days of the week; 3 worked in occupations regularly requiring 13 hours for the 7 days of the week; and 11 at occupations regularly requiring 13 hours for 6 days a week. Three worked 123 hours 7 days a week, 26 worked this number of hours 6 days a week, and 48 worked a 123-hour day 5 days a week.

Of the total employees appearing on the January pay roll, 2,322 worked in occupations regularly requiring 12 hours a day for the 7 days of the week and 2,233 worked in occupations regularing 12 hours a day for 6 days in the week. Thus, 4,725, or 51 per cent of the 9,184 employees on the pay roll, were employed in occupations regularly requiring 12 or more hours per day on their regular working day.

Of the 9,184 employees on the pay roll, 5,244 worked over 10 hours at least 6 days a week; something less than 4,000 of the entire force had 5½ hours per day on Saturday. Excluding this Saturday half holiday and considering the other 5 working days of the week only, over 99 per cent of the entire force of the works had a normal working day of 10 hours and 25 minutes or over.

A further analysis of the January pay roll of the company shows that out of 9,184 persons employed during that month, 2,628, or 29 per cent, worked regularly 7 days a week. Sunday work was for them the rule and was not considered overtime. Some of this number were in departments where the work is necessarily a continuous process from which Sunday work can not be largely eliminated. Of the 2,628 regular 7-day workers, 79 worked 13 hours and 10 minutes per day or night, 2,322 worked 12 hours per day or night, and 212 worked 10 hours and 25 minutes; a few only worked other irregular hours.

OVERTIME AND SUNDAY WORK.

OVERTIME AND SUNDAY WORK.

Practically 71 per cent of the entire force, or 6,504 persons, had nominally a 6-day week; that is, 6 days was their normal working week, and no Sunday work was done, except as overtime. Of these 6-day workers, 40 had a working day exceeding 12 hours, 2,233 worked 12 hours per day or night, while 3,893 worked 10 hours and 25 minutes per day from Monday to Friday, and 5 hours and 20 minutes on Saturday.

And again (pp. 18 and 19):

And again (pp. 18 and 19):

That is to say, some 29 per cent of the men worked in departments which run regularly 7 days a week, and in which, of course, Sunday work was not considered overtime. Again, as practically 54 per cent of the total employees were on a regular 12-hour day, they were not interested in overtime work, which ordinarily could not exist for them.

The protest against overtime and Sunday work came only from the departments normally working 6 days a week, and from those which worked 10 hours and 25 minutes per day from Monday to Friday and 5 hours and 20 minutes on Saturdays. It was, in fact, a protest from those enjoying the shortest hours per day and per week against encroachments which they claim they thought might ultimately make the longest hours the uniform ones for the entire plant.

The January pay roll shows that large numbers of laborers were working for 12½ cents an hour, 12 hours a day, 7 days in the week. Of the 9.184 employed in January, 2,640, or 28.7 per cent, were working for 12 and under 14 cents an hour; 1.528, or 16.6 per cent, for 14 and under 16 cents an hour. Forty-eight and five-tenths per cent of all employees were getting less than 16 cents an hour. 31.9 per cent less than 14 cents, and 61.2 per cent less than 18 cents an hour.

The following table gives classified hourly earnings of the entire force, irrespective of occupations or departments. The figures are based on the January (1910) pay roll:

Report on strike at Bethlehem Steel Works—Number of employees of the Bethlehem Steel Works earning classified amounts per hour.

	Trumper.
For and under 6 cents (apprentices) 6 and under 8 cents (apprentices) 8 and under 10 cents (apprentices) 10 and under 12 cents 12 and under 14 cents 14 and under 16 cents 16 and under 18 cents 18 and under 20 cents 20 and under 22 cents 22 and under 24 cents 24 and under 26 cents 25 and under 26 cents 26 and under 27 cents 27 and under 28 cents 28 and under 28 cents 29 and under 29 cents 30 and under 30 cents 31 and under 30 cents 32 and under 31 cents 33 and under 34 cents 34 and under 35 cents 35 and under 36 cents 36 and under 37 cents 37 and under 38 cents 38 and under 40 cents 42 and under 46 cents	97 38 100 53 2,640 1,528 1,162 551 677 480 581 432 933 256 116 121 552 553
42 and under 46 cents	65

These conditions obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909:

The capital stock of the Bethlehem Steel Co. amounts to \$15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at \$50 par. While nominally only \$1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus.

Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace relining reserves and con-

siderable redemption of funded debt, the comfortable amount of \$1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to \$1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of \$300,000 contributed in cash and \$14,700,000 earned profits. What this return on the actual cash investment amounted to is a simple problem in arithmetic in the solution of which the men at Bethlehem, whose wages have been tabulated by the Bureau of Labor, would find an interesting though unprofitable occupation. TIN PLATE.

The tariff act of 1883 fixed the duty on tin plates at 1 cent per pound, and under it importations reached high-water mark in 1889, when 331,311 gross tons, of the value of \$21,726,707, came through the customhouse. The McKinley tariff of 1890 made the duty 2.2 cents per pound, which, however, did not become operative until July 1, 1891. This prospective increase in the duty kept the importations up, and though slightly falling off in tonnage, they increased in value. From the beginning of the operation of the McKinley law down to the present day the importations have been steadily downward, from \$25,900,305 in 1891 to \$1,134,314 in 1911. The McKinley rates were practically prohibitive, and the Dingley rates, which were 1½ cents per pound, and the present duty of 1.2 cents per pound, have been equally so. Ever since 1896 all such tin plates as have been imported have been chiefly by the oil and canning interests for reexportation as containers, by reason of which, under the drawback provision of the tariff law, 99 per cent of the duty has been refunded and the Government has actually received no benefit whatever from this duty. The drawbacks paid on tin plate are larger than upon any other item of importations and constitute 94 per cent of the total drawbacks paid on all products of iron and steel.

Tin plate is made by the United States Steel Corporation, and also by a number of independent concerns, there being now 16 or 17 plants in 5 States, two-thirds of them in what is known as the Pittsburgh district. The independents have declared that they would be satisfied with a further reduction of the present duty to 1 cent per pound, or \$1 per package of 100 pounds.

An examination of cost of production and transportation charges, however, clearly shows that such a rate would be just as prohibitive now as the rate of 2.2 cents was under the McKinley law. The duty fixed by the pending bill of 20 per cent is equivalent to 64 cents per hundred pounds, and this will result in an estimated revenue of \$1,000,000.

It is currently reported that the importation of tin plate for export by the oil and canning industries is about over, for the United States Steel Corporation is said to have contracted to furnish tin plate required by these large consumers, so that the revenue estimated to be secured under this duty will be actual revenue and not merely the book revenue, which the tin-plate section now produces.

The consumption of tin plate is very largely in and near the seaboard cities, and the foreigner, by reason of the low ocean freight rates, unquestionably has some advantage in these markets. More than two-thirds of the domestic production is in the Pittsburgh district, while the consumption in that particular district is relatively very small. While the American price for 1910 was \$3.60 per hundred pounds, obviously the price which the consumer had to pay was increased by the freight tari. I to various sections of the country, a tariff so high as to make it impossible for the foreigner, even with his cheaper ocean rates, to undersell the American at the point of

The duty proposed under the present bill will preserve the Atlantic coast and eastern market for the American manufacturer in addition to all the great inland territory, which the foreigner can not possibly reach. It will, at the same time, permit competition in the Gulf and Pacific markets, a share of the business which the American will either be forced to relinquish, reduce the present price of his product, or build his plant nearer to the point of consumption, where his raw materials can be secured at even less cost than he now gets them in the Pittsburgh district; in either of which cases the consumer will be very materially benefited.

The American tin-plate manufacturer contends that his Welsh competitor has an advantage at present of \$1.11 per hundred pounds by reason of the lower cost of foreign labor and raw materials, smaller capital of the foreign investment, and lower freight cost from mills to consuming points. In this estimate he includes 15 cents per hundred pounds as the differential in favor of the foreigner on the cost of raw materials, while admitting that at the present time there is no actual difference in this cost between Wales and the Pittsburgh district. His

natural desire for protection breeds the fear that there may be such a difference in the future. He includes also 40 cents per hundred pounds for average difference in favor of the foreigner in freight rates. This alleged average difference in freight rates is unsupported by the facts. The differential in freight rates to the Atlantic seaboard is 7 cents per hundred pounds; to San Francisco, not to exceed 25 cents; and to New Orleans, 24 cents. Eliminating the alleged lower cost of foreign raw materials and correcting the differential in freight rates we find that hy placing the lower cert of foreign labor. rates, we find that by placing the lower cost of foreign labor at 45 cents per hundred pounds, which is probably excessive, the smaller foreign capital invested at 10 cents, and the freight differential to American seaboard cities at 7 cents, the foreigner has an advantage of 62 cents per hundred pounds, while the proposed duty is 64 cents. The seaboard cities and eastern market will thus be secured to the American manufacturer, while a larger differential in ocean freight rates to New Orleans and San Francisco will result, as before stated, in the duty being insufficient to keep out the foreign article, as long as present prices obtain. The American tin-plate manufacturer will not be seriously injured for he is, even under present conditions, becoming less of a factor in the Pacific markets, and the increased domestic consumption arising out of the phenomenal increase in the canning industry in all parts of the United States will leave him with a market ample to absorb his entire production even if he must abandon the New Orleans territory. He still has his enormous foreign market, rapidly and constantly increasing. The figures of the Bureau of and constantly increasing. The figures of the Bureau of Statistics, Department of Commerce and Labor, show, for instance, that the imports for October, 1909, were 11,117,035 pounds, while in the same month of 1911 it had fallen to 1,286,877 pounds. The exports, on the other hand, increased from 1,414,110 pounds in October, 1909, to 15,941,893 pounds in 1911. The average import price was \$2.70 in October, 1909, as against \$3.80 in October, 1911. As the American price is \$3.60, it does not seem that the American manufacturer need have much cause to complain, at least as long as the present conditions as to the price of raw material at home and abroad continue.

The inquiry may naturally suggest itself, Why confine the benefits of the reduced rates, as far as prices are concerned, to the Gulf and Pacific markets?

Why write the rate at a figure high enough to permit the manufacturer to have his large, valuable, and exceedingly profitable Atlantic coast market undisturbed by foreign competi-tion? It must be remembered that there are a number of comparatively small, independent concerns engaged in this industry who have built up their business under hothouse conditions more carefully devised for their benefit than in the case of most other industries. Without desiring to protect the profits of these manufacturers to any extent, we must have regard for the effect upon a business created under Government favoritism-in which the manufacturer's end of the partnership was entered into in absolute good faith-and we must accommodate the proposed reductions somewhat to the ability of the industry to bear them without actual distress or excuse for feigned distress. Besides, the extension of the area of competition is bound to have some effect in lessening prices in the interest of the consumer even in the noncompeting territory saved to the American manufacturer by reason of advantages in freight rates. The general tendency of this reduction of duty, as in the case of nearly all the heavier forms of iron and steel production, will be to decrease prices everywhere, in some places more than in others, but nowhere enough to cripple the industry, because natural conditions as to location of factory and market and increased demand from certain advances in uses of the product will always operate to the benefit of the home producer.

It may be of interest to some of our friends on the other side, especially those who have at times shown a disposition to aid us in giving relief from the burdens of tariff taxation, to recall that the enormous protection afforded tin-plate manufacturers under former laws was one of the conditions which called forth the powerful philippics of the lamented Senator Dolliver:

Is it possible-

He said-

that a man, because he voted for the Allison tin-plate rate of 1889 and heard poor McKinley dedicate the first tin-plate mill in America, can be convicted in this Chamber of treachery to the protective-tariff system if he desires that schedule reexamined, after seeing the feeble enterprise of 1890 grown within a single decade to the full measure of this market place, organized into great corporations, overcapitalized into a speculative trust, and at length unloaded on the United States Steel Co., with a rake-off to the promoters sufficient to buy the Rock Island system? If a transaction like that has made no impression upon the mind of Congress, I expose no secret in saying that it has made a very profound impression on the thought and purpose of the American people.

ALUMINUM.

Crude aluminum carries a duty under the Payne law of 7 cents per pound, while aluminum in plates, sheets, bars, and rods carries a duty of 11 cents per pound. Bauxite, which is the ore from which aluminum is made by various chemical processes, is protected by a duty of \$1 per ton, carried in the agricultural schedule. Alumina, or refined bauxite, is carried in the chemical schedule with a duty on which the equivalent ad valorem, based on importations of 1911, was 24.56 per cent.

Bauxite is worth approximately \$5 per ton at the mines in this country, all of which are situated in Alabama, Tennessee, Georgia, and Arkansas, so that the duty is equivalent to 20 per cent of the American price. The foreign price for export is about the same. The equivalent ad valorem on the present specific duties on crude aluminum, based on 1911 imports, was 46 per cent, and on plates, and so forth, 47 per cent, the total importations amounting to about 15 per cent of the domestic production and being only a little in excess of the exports. The rate in this bill of 25 per cent is therefore equivalent to about 4 cents per pound on crude and about 6 cents per pound on plates, and so forth.

The aluminum-manufacturing business is all in the hands of one concern, the Aluminum Co. of America, which owns 20,000 acres of bauxite-producing land in the South, has large power plants along the Niagara and St. Lawrence Rivers, and manufacturing plants at East St. Louis and Pittsburgh. It produces all of its own bauxite and sells bauxite to manufacturers of alum sulphate in all parts of the country.

The foreign and American prices of bauxite being about the same and the article, like all other ores, being of large bulk, the only effect of a reduction of the duty would be to extend the zone of competition, which is now confined to points near the Atlantic coast. The southern bauxite can be laid down at all points from Pittsburgh west at such a price that the foreigner could not compete even if the ore were duty free. A reduction of the duty to 10 per cent would make the new duty about 50 cents a ton and would result in considerably more revenue to the Government by reason of the enlarged zone of competition which would thus be made, and the American producer would not be injured, because the market still left to him

would be large enough to take the normal supply.

The present rate on aluminum is, of course, not prohibitive, for 15 per cent of the American consumption comes through the customhouse, and a reduction of the duty of about 50 per cent would unquestionably largely increase the imports. It doubtless costs the American manufacturer more money to produce his article than it does the foreigner, but the best information obtainable in the case is that a duty of 25 per cent would approximately equalize this difference and operate to increase competition and somewhat lower the American price of the

The history of the Aluminum Co. of America pretty plainly indicates that such lowering of the price of its product would not cut its profits below an honest and decent return for the capital invested. Its present capital of \$35,000,000, on which it earned last year 18 per cent, represents \$3,000,000 in cash, contributed to the company by stockholders, and \$32,000,000 of accumulated profits. Most of these profits were earned when the company's process was protected by an American patent, but the profits since the patent expired have been so generous that it presents a typical case illustrative of the ability of a manufacturing enterprise under the operation of a competitive tariff to give the people its product at a less price and still make a generous return upon the capital actually invested, without a reduction of operating expenses by cutting down the wages of labor. In fact, the company frankly admits that the only effect of a reduction of duty would be a loss of profits to it because of a decreased selling price of its product—that it could not and would not reduce the wages of its operatives, for these are now fixed by conditions which would be unaffected by tariff changes. Considering that its profits have been as high as 180 per cent per annum on the actual capital invested, we may look with equanimity upon the result which its officers anticipate, and even if its profits should be cut in two and its stockholders forced to be content with a paltry 90 per cent per annum, they would find difficulty in gathering a sympathetic audience to listen to their tales of the Democratic purpose to ruin business enterprises.

UMBRELLA RIBS.

Paragraph 39. Umbrella and parasol ribs and stretchers were carried in the Dingley law at 50 per cent ad valorem. The Payne bill, as introduced and as it passed the House, reduced the rate to 35 per cent ad valorem; but the old rate was restored in the Senate. The duty has always been absolutely prohibitive, and even the rate fixed originally in the Payne bill,

while a considerable reduction, would have been equally effective to prevent competition with the American manufacturers. The American production amounts to about \$1,000,000 per annum, while the imports in recent years have never exceeded \$19,000 and have generally run much below that figure. These umbrella ribs constitute a very material and important part of the finished article and are sold in bundles of eight dozen each, which is intended to represent the material for one dozen umbrellas. The statement of the trade is that the actual cost of manufacture in the largest and best-equipped plant in the country, using the most modern machinery known, is a trifle less than 80 cents per bundle. For this product the average price which the manufacturer is able to obtain in the market is \$5\frac{1}{2}\$ cents.

The foreign competitors are principally Germans, and the average prices f. o. b. Hamburg or Antwerp, including packing of the various sizes produced by five German manufacturers, is 60% cents. It will thus be seen that the proposed duty of 30 per cent will just about cover, on the average, the American excess in cost of production, and the domestic manufacturer, having the advantage over his foreign competitor resulting from his proximity to his market and the consequent lower transportation charges, should be able to retain almost the entire domestic consumption for his own market, while such parts of the country as can be reached by the foreigner at less transportation cost than the American manufacturer can reach the same will have the benefit of a reduced price in the commodity for that reason.

It is urged by the American manufacturer that the customers being few and taking their product in large quantities would take advantage of the slightest reduction in the foreign price to buy cheaper abroad than what the Americans could sell for, but it is apparent that this fear results from consideration of the remote possibility of the German being able to reduce his production cost so as to permit him to sell at a less sum than the present prevailing prices. This commodity undoubtedly presents one of the cases where a considerable reduction of the duty would have a serious effect upon American manufacturers, it being an article of comparatively small consumption and produced by a small number of manufacturers. rate should therefore be made such as will produce not destructive competition throughout the entire American market, but some competition in portions of the American market where the consumer is now compelled to pay larger prices than he would if foreign competition existed. An added reason for re-fusing to lower the duty to a rate far below the difference in cost of production at home and abroad arises from the fact that while the frame constitutes a material part of the finished umbrella, it does not bear any such large relation to the final cost to the consumer as would ordinarily be expected. The covering, whether of silk or of other material, and the middlemen's and dealers' profits result in prices to the consumer which would doubtless be little lower by a drastic cut in the duty on the frames. The rate is therefore laid at 30 per cent in the belief that it will result in sufficiently increased importations to make the gain in revenue worth while without so materially increasing competition with the American manufacturer as to interfere with his chance to gain a fair return upon the capital invested in the industry.

CONCLUSION.

This bill is presented in the confident expectation that it will become a law. [Applause on the Democratic side.]

Mr. AUSTIN. I think the gentleman will be disappointed.

I think the gentleman will be disappointed. Mr. PALMER. I still hope not. The record of the other branch of the Congress in respect to the metal schedule is such as to inspire more than a hope that this revision of that schedule will receive favorable consideration there. Cummins amendment, ingrafted on the cotton bill last summer, presumably embodied the ideas of the only section of the Republican Party to whom the public can look for assistance toward any relief from tariff taxation. The pending bill does not travel far enough beyond the destination of the Cummins amendment to frighten the supporters of that proposition from journeying to the limit fixed in this measure. If that particular section of the Populiscon Party will be a section of the section o section of the Republican Party will now accept this oppor-tunity for placing on the statutes one of the great changes in the tariff law which some of their most important and able leaders have so strongly and loudly urged, if they will now permit the sound of their preaching to be silenced by the accomplishment of that for which they have so energetically preached, they will find a united Democratic Party in that body willing also to take at least one tariff issue out of the realm of politics by putting upon the statute books this legislation, so written as to be well calculated to remain there even through the travail of a change of administration.

Mr. MILLER. Mr. Chairman, I do not know to whom the gentleman from Pennsylvania refers-

Mr. PALMER. I hope, for the gentleman's sake, that I am

referring to him among others. [Laughter.]

Mr. MILLER. If that be the case, and it is desired by gentlemen on the other side to secure votes on this side, does not the gentleman think that you ought to give us a chance to examine the bill, to have it discussed and learn something about it, and not ask us to come here blindfolded, put our faith in our pockets, and pray to God that the Democratic leaders will land us safely at last? [Laughter,]
Mr. PALMER. I trust that the gentleman from Minnesota

has learned something about it to-day.

Mr. MILLER. I am glad to say that I have listened to every word of the gentleman's remarks and been much interested. I have enjoyed it. I have no doubt he has examined into all the subjects, but I have a little curiosity myself to look up and see if all the things that the gentleman has said are true. I frankly confess that I hoped this measure would be brought in in a way in which it might receive my own support, but I think it is asking an awful lot to ask us to vote upon this measure after a discussion of only five hours. I would like to inquire why it is that gentlemen on that side are afraid of the light of day thrown on your bill?

Mr. PALMER. That is an assumption which the gentleman

from Minnesota has no right to make. This bill has been public

since last Monday morning.

Mr. MILLER. Since yesterday. Mr. PALMER. The bill was given to the public last Monday, given to the Members on that side of the House, and Republican Members talked to me about it on Monday morning, having seen it. I ask the gentleman from Minnesota, who is so anxious for light, did he go to get a copy on Monday, or when did he think it wise to take it up and study it?

Mr. MILLER. I did not, because the bill bears date of yes-

terday, and I never saw it before that time.

Mr. PALMER. That is a quibble, and the gentleman knows

it is a quibble.

Mr. MILLER. I did not know where I could get a copy of it. Mr. PALMER. On my left is a gentleman interested in the bill who wanted to study it, and he accepted the opportunity we gave to you, to see every line of this measure, and all the information the Democratic Party gave to the caucus was available to the gentleman as long ago as last Monday, and if the gentleman from Minnesota had taken the time from Monday until to-day to study the bill he would have had more time to study the steel and iron schedules than we had given us when the Payne law was passed. [Applause on the Democratic side.]

Mr. MILLER. Unfortunately, I was not permitted to enter

the Democratic caucus.

Mr. PALMER. The gentleman has properly described his ab-

sence. It was his misfortune.

Mr. MILLER. When was it that the Committee on Ways and Means presented to the House the report which contains the information on this bill?

Mr. PALMER. I said that was a quibble. Mr. MILLER. Did it not come in to-day?

Mr. PALMER. The gentleman knows, if he has kept track of business, that this bill and accompanying information, with the rates fixing the amount of imports upon every schedule and paragraph, the rates fixed by the Payne law, the rates fixed by the Dingley law, the rates fixed by the Wilson law as it passed the House and as it became a law, were given to the public, and would have been given to the gentleman from Minnesota if he had asked for it, nearly a week ago. His present anxiety to learn about this bill, accompanied by his confession that he made no effort to see this data before yesterday, shows that it is simply for political purposes. [Applause on the Democratic side.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. PALMER.

Mr. LONGWORTH. Do I understand the gentleman to say that the bill before us is precisely the same bill as that submitted to the Democratic caucus?

Mr. PALMER. Mr. Chairman, I did not think my friend

from Ohio would quibble about that. There is one item——
Mr. LONGWORTH. Mr. Chairman, I asked the gentleman
if it was exactly the same bill submitted to the Democratic

caucus. I am not quibbling, but asking a question.

Mr. PALMER. This is the same bill, with the exception of about three words.

Mr. MANN rose.

Mr. PALMER. Mr. Chairman, I would like to conclude.

Nothing these the President has said need deter him from

Nothing that the President has said need deter him from giving executive approval to the measure. Nothing that he

action later as political exigencies at the time seemed to require; certainly no declaration of his would seriously plague him if he were to change his attitude, when the change would be effective for public good. In his annual message to Congress on December 6, 1910, the President said that—

The halt in business and the shock to business due to the announcement that a new tariff bill is to be prepared and put in operation will be avoided by treating the schedules one by one as occasion shall arise for a change in the rates of each.

We have met his desire in this regard by presenting this single schedule revision, and if any other schedules are added elsewhere, the responsibility for thus inviting executive disapproval will not rest upon us. It is to be earnestly hoped that the President's approval of the single schedule plan of revision will appeal to the friends of revision in the Senate, and that his agreement therein with the Democratic program will not cause any partisans in that body, for political or other purposes, to flinch from their frequently expressed intention to revise this schedule when opportunity should offer. But the President rather ominously adds:

And only after a report upon the schedule by the Tariff Board com-petent to make such report.

His designation of the august power for whose ukase we are to wait is so indefinite and indeterminate, as if he were quite uncertain as to what body he would ultimately expect to furnish a report to satisfy his craving for knowledge—"the Tariff Board competent to make such report "-that we have high hopes he may sign this bill with the light that is before him from sources that are constitutional.

Undoubtedly the arguments for delay until an executive Tariff Board shall report have less merit with respect to the

metal schedule than any other in the tariff law.

The elaborate reports of the British, German, and American iron and steel associations, the publications of the Geological Survey, the detailed customs statistics, the extensive technical literature, the innumerable reports of reliable experts after critical examination of plants in this and other countries, like Pepper's report on the British and German iron and steel industry, the open and public method of all steel and iron producers in publishing not only prices prevailing here and abroad for all forms and stages of production, but costs of every step as well, the reports of the Bureaus of Manufactures and of Labor in the Department of Commerce and Labor, and the sworn testimony of nearly every expert in the trade given in recent years before legislative and other bodies digging for the bottom truth, supply a fund of information, with a fullness of detail not possible to obtain in respect to any other industry in the country.

To digest this information, tabulate the statistical data, and arrange the whole in systematic and scientific correlation for a proper understanding of the facts is the legitimate work of expert statisticians. To draw inferences and conclusions from the figures so arranged and the facts so presented is properly within the exclusive province of the body charged by the Constitution with the duty of converting those inferences and con-

clusions into the concrete law of the land.

The work of no tariff board, either advisory to the Executive or auxiliary to the legislative branch of the Government, will add to the sum of knowledge now available for the writing of a law to revise the metal schedule, whether the purpose be to establish a prohibitive or a competitive system of rates. The task of assembling the information already at hand is not of sufficient magnitude to justify the expense of maintaining the present so-called Tariff Board or to warrant a continuance of the unsettled conditions due to waiting for the result of its extremely deliberate investigations.

Let the President be assured that the necessary facts are now available and that the clerical force to assemble them has been active in the assistance of the Ways and Means Committee of the House of Representatives, and he may conclude that the "Tariff Board competent to make such report" is that organization which since the foundation of the Government has been charged with the duty of preparing the legislation which the Constitution declares shall originate in this House.

If this bill shall become a law, we express the confident belief that it will stimulate industrial development by a reduction in prices of materials which enter largely into every phase of our present-day business activities; it will injure no legitimate manufacturing operation by reducing profits below a fair return upon honest capitalization, and it will secure to labor a nearer approach to its fair share of the earnings to which it contributes so large a part. It will do these things without material sacrifice of revenue for governmental purposes, indeed, without any loss of revenue, and it will prove the industrial equity, the ever has said in the past has deterred him from taking such economic justice, the social benefit, and the fiscal honesty of a

tariff for revenue only. [Prolonged applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I ask how much time has been consumed upon this side?

The CHAIRMAN. One hour and 55 minutes. The gentleman from Alabama has 35 minutes remaining.

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman from New York to consume an equal amount of time.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. Dalzell] such time as he may desire.

Mr. DALZELL. Mr. Chairman, I have listened with great pleasure to the very eloquent speech of my colleague from Pennsylvania [Mr. Palmer], and I wish now to give him credit for the honesty, the frankness, and the courage with which he has advocated in this presence the abolition of the protective system in this country and the substitution in its place of the system of free trade. Upon no other possible ground could he have justified the provisions of the pending bill. I regret that he did not undertake to justify its introduction at this particular time, and to justify further the very extraordinary method by which it is being considered.

Mr. Chairman, Schedule C of the tariff law deals with metals and the manufactures of metals. It is popularly known as the iron and steel schedule, but any such definition falls far short of denoting its scope and its importance. It deals not only with iron and steel, but with every metal known to commerce and industry—gold, silver, copper, zinc, lead, brass, bronze, tin, antimony. It deals not only with the production of these metals, but it deals with the manufacture of them, and of every one of them. These manufactures are of infinite variety and importance. They include articles of luxury, of comfort, of convenience, of necessity. Their uses enter into every condition of individual life, and to the ends of government, offensive and defensive. Their range is large; from the armored plate of a battleship, that symbols our sovereignty upon the seas, to the needle in the hands of the sewing girl. They furnish the tools of industry and the machinery of production, as well as the means of their transportation and distribution.

Our metal-manufacturing industries are first in magnitude of all our manufacturing industries. They have more capital invested, more men employed, and at higher wages than any other industry. They enter more universally and intimately into the causes and maintenance of prosperity and contentment than do any other material factors. I believe that I would amaze some of the gentlemen who are now within the sound of my voice if I should call their attention to the items that are included in Schedule C outside of the mere manufactures of iron and steel. For instance, take artificial limbs. Did any gentleman here, until his attention was called to it, suppose gentleman here, until his attention was called to it, suppose that the manufacture of artificial limbs was covered by the metal schedule? It is a small industry, having 104 establishments, with a capital of \$442,206. But it employs an average number of 342 wage earners. Their wages amount to \$221,913 and its output to \$883,731 a year. There are many such. I might run through this schedule and point out to you various industries, some large, some small, of which I assume many of you have not heretofore heard, or at all events have not regarded as being placed in this metal schedule, but I shall not stop to do it. I will insert a table which enumerates them. There are 83 of them in all, big and little, with a number of establishments of 21,650, with a capital stock of \$3,157,388,329, employing on an average 1,171,824 wage earners, with wages amounting to \$652,109,633 annually, and with an output annually of \$3,130.253,195. The figures that I give you are the census figures of 1905. These figures may very well be added to by at least 25 per cent. It is perfectly apparent, therefore, that any legislation affecting these industries must be of farreaching and supreme importance, and that its wisdom or unwisdom will depend upon its relation to their well-being. And it is equally manifest that such legislation ought to be unprejudiced, deliberate, intelligent, and founded upon knowledge.

Phenomenal progress has been made in our metal industries during the last 40 years. For instance, in 1864 we made of pig iron, which lies at the base of our steel industry, barely 1,000,000 tons. In 1910 we made over 27,000,000 tons, and that is more than all the world produced 21 years ago. What is true of pig-iron production is true relatively of other items covered by the metal schedule—iron rails, steel rails, tin plate, structural steel, and so on.

It is easy of demonstration that all of this progress was made under and by reason of a protective tariff. The people of this country know that their industrial progress and prosperity has come from that source, and for that reason the policy of the country has been, and I venture to say will continue to be, a policy of protection. For I verily believe that in any contest

between parties, the one advocating the policy of protection and the other that of free trade or tariff for revenue only, the latter will inevitably go to the wall.

Now, I assert at the start that no reason has been shown or can be shown why there should be a lowering of the duties in Schedule C at this time. Pursuant to a pledge made in the Republican platform in 1908 there was a revision of the tariff in the Sixty-first Congress. That revision is our present law. That revision was made after the most thorough investigation known to our tariff history. The testimony adduced through months of patient hearings constitutes the most complete compendium of knowledge upon the subject of our industries possible to be secured unless by a process of scientific research.

The Payne bill was no sooner on the statute books than it was made the subject of assault. No tariff bill, in my judgment, was ever so unjustly assailed. It was not, however, assailed equally all along the line. It was said that the wool schedule was indefensible. It was said that the cotton schedule was indefensible, but I know of no general popular complaint as to any other schedule in the tariff law. Certainly it has never been shown, and it can not be shown now, that a single item of the metal schedule has been raised in price, or commands any extravagant price by reason of the tariff. Metal products are as cheap in this country to-day as they are in any country on the face of the globe, and some of them are much cheaper than anywhere else in the world. But, however that may be, the metal schedule was cut by the Payne bill to the bone. The revision of that schedule by the Payne bill was most drastic in its character.

The truth is that the complaints against the Payne bill were not so much against the rates as they were against the method by which the bill was alleged to have been framed. Those complaints were voiced, perhaps, better in a paragraph which I will read to you from the North American Review than they were voiced anywhere else. It reads thus:

were voiced anywhere else. It reads thus:

The methods by which tariff bills are constructed have now become all too familiar, and throw a significant light on the character of the legislation involved. Debate in the Houses has little or nothing to do with it. The process by which such a bill is made is private, not public; because the reasons which underlie many of the rates imposed are private. The stronger faction of the Ways and Means Committee of the House makes up the preliminary bill, with the assistance of "experts," whom it permits the industries mostly concerned to supply for its guidance. The controlling members of the committee also determine what amendments, if any, shall be accepted, either from the minority faction of the committee or from the House itself. It permits itself to be dictated to, if at all, only by the imperative action of a party caucus.

That was written by the then president of Princeton University. [Laughter and applause on the Republican side.] That is what he thought he thought at the time he wrote it; what he thinks about it now I do not know [laughter and applause on the Republican side], since the gentleman in the meantime has become distinguished as the most expert lightning change artist whoever by his antics contributed to the joy of a political vaudeville. [Applause on the Republican side.] But he was not alone. The newspaper press, the magazine press, manufacturers' associations, merchants' associations, of all classes entered upon a crusade upon Congress for the creation of a Tariff Commission. They said that Congress was not competent to make a tariff bill. They said that the testimony adduced before the Committee on Ways and Means was likely to be testimony in the interest of "the interests," that the making of tariff rates was a scientific process, and that no fair tariff bill would ever be made until an expert board was secured which should take up the matter and deal with it impartially and in a scientific way.

Members of the House of Representatives from various sections of the country introduced bills providing for a Tariff Commission. All of those bills went to the Committee on Ways and Means, and as a result out of them finally was evolved a bill which authorized the President to appoint a bipartisan Tariff Board whose duty it should be to examine into the difference in the cost of production at home and abroad and kindred subjects, and make its report to Congress and to the President, as a basis upon which to make a scientific tariff bill. That bill was reported by the Committee on Ways and Means unanimously. No member of that committee, Republican or Democrat, raised his voice in dissent. It was considered upon the floor of the House, it was advocated and indorsed by the then leader of the Democratic Party, the now honored Speaker of this House; it was indorsed by the then ranking Member of the Committee on Ways and Means, now the distinguished leader of his party on the floor of this House; and it was indorsed by other distinguished gentlemen of the Committee on Ways and Means. It went from this House to the Senate. It was debated and considered in the Senate, and passed the Senate with an immaterial amendment. It came back to this

House only to fail in the dying hours of the session by reason of a Democratic fillbuster, led by the gentleman from New York [Mr. FITZGERALD].

Fortunately, however, Congress had made an appropriation to be used by the President for the purpose of ascertaining the same facts, getting the same knowledge, the same information, that was intended to be secured by the tariff board bill which failed. The President appointed a bipartisan board. That

board went to work to execute its functions,

What, I ask you, under those circumstances, had the people of this country the right to believe? Did not every manufacturer, every merchant, ever dealer, have a right to invest his capital and maintain his business upon the assumption that existing conditions would remain, and that they would remain until a report should be made by that board? Had not the country a right to believe that for a time there would be an end to tariff agitation, the forceful and mischievous cause of business unrest and depression, that there would be an end of all tariff legislation until this board should have performed its duty and made a report? There is no other answer possible than an answer in the affirmative.

And if the people had a right then to believe there would be no further tariff agitation or tariff revision until the Tariff Board had reported, how much more have they a right now to believe it? That Tariff Board made a report upon the wool schedule. It is the most exhaustive, comprehensive, illuminating report of its character that was ever made. And the people have a right, in view of the justification of the appointment of that board by its work, now to rely upon the stability of tariff conditions until schedule by schedule they shall be adjusted in accordance with the information reported to Congress by the

Tariff Board. [Applause on the Republican side.]

If it be true, then, as I have stated, that Schedule C is the most far-reaching and comprehensive of all our tariff schedules; if it be true, as I have also stated, that its duties have been reduced to the lowest point by the Payne revision, and if it be further true that there exists a Tariff Board charged with the duty of making an examination in a scientific way of the facts relating to this schedule, then I ask you what justification is there for the presentation of this bill at this time?

It can not be justified on the ground that the Committee on Ways and Means now has any information that the Committee on Ways and Means that made the present law did not have. They Lave no further light; they have had no public hearings; they have given audience to no person interested in the items in this schedule. To each applicant a deaf ear has been turned. The bill was made in private, made by the majority members of the committee, without consultation with the minority. Of that I do not complain, because that has been a custom that has existed for a great many years in the making of tariff bills. But never before has the minority of the committee been denied the right to take on the floor of this House the judgment of their colleagues upon amendments to be presented to the bill. This bill was framed by three expert gentlemen, members of a subcommittee-the gentleman from Pennsylvania [Mr. Palmer], a tariff expert of large experience I doubt not; the gentleman from Tennessee [Mr. HULL], another tariff expert of equally large experience; and the gentleman from Indiana [Mr. DIXON],

still another tariff expert of equally large experience.

I might concede the ability of these gentlemen and their knowledge, but sometimes even Homer nods. These three gentlemen reported this bill to the full committee. bers of that committee had anything at all to do with the framing of any paragraph in the bill? How much does any one of them know about it. The truth is the bill was approved in a perfunctory way by the majority of the committee upon the report of these three members. And, then, before being sub-mitted to the minority of the Committee on Ways and Means, before being given to the public, it was submitted to a Demo-cratic caucus. It was indorsed by the caucus without debate and as a matter of course. To-day there is not a man on that side of the aisle that dare vote his convictions upon any single paragraph of this bill. Its consideration in the House at this time is a farce. It is of a mere perfunctory character. This is legislation by caucus, and legislation by caucus is totally inconsistent with our ideas and theories of representative governnent. [Applause on the Republican side.]
Mr. LONGWORTH. Will the gentleman yield for just one

question?

Mr. DALZELL. Certainly.

Mr. LONGWORTH. I would like to call the gentleman's attention to the fact that up to the present moment this bill

has not even been read, either in the committee or in the House.

Mr. DALZELL. That is true. This bill was not read to the
minority members of the Ways and Means Committee when yesterday morning they were invited into the committee room.

It has not yet been read in this House. It matters not, however, whether it is read or not, because, as we were notified by the chairman of the committee when we met in the committee room, it made little difference whether we had general debate or five-minute debate, as in any event the bill was to be passed, pursuant to the decree of a Democratic caucus, without the crossing of a "t," the dotting of an "l," or the change of a punctuation point. And I repeat, because I think the country ought to know it—I repeat, there is not a man on that side of the House to-day that dares vote his conviction upon a single paragraph of this great bill, so largely affecting the interests of this country, because for representative government you have substituted government by caucus. [Applause] on the Republican side.]

Now, the Committee on Ways and Means had no additional information over that which the committee which made the present law had, and therefore there is no justification for the

presentation of this bill at this time.

But in one respect I ought to say they did have additional information. They had the information to be gained from the operations of the present law, from its effect upon imports in their relation to our industries. The operation of the present law, so far from justifying the introduction of this bill at this time, shows that the duties of Schedule C under the Payne revision have already been cut so low as to operate to the disadvantage of our own people and to the advantage of people abroad.

Let me call your attention to the situation on the Pacific past. Under the operation of the Dingley law, for the year coast. ended June 30, 1909, there was not imported on the Pacific coast a single ton of iron ore. Under the operation of the Payne bill there were imported 24,910 tons, a small amount, but indicative of the effect of the Payne revision upon our industries. Of pig iron, spiegeleisen, and so forth, for the year ended June 30, 1909, under the Dingley law there were imported 18,610 tons; under the operation of the present law there were imported 48,247 tons.

Scrap iron and steel are small items, but of bar iron, a large item, there were imported, for the year ended June 30, 1909, under the operation of the Dingley law, 667,779 tons; but under the operation of the present law there were imported 5,385,255 tons.

And so on. I might go down the whole line, but I will give these figures in detail a little further on.

Of steel ingots, blooms, and billets there were imported during the year ending June 30, 1909, under the operation of the Dingley law, in round numbers, 6,000,000 tons; but under the operation of the present law there were imported 48,000,000 tons-eight times as much; 800 per cent of an increase over the importations in that important manufacture-important to the domestic manufacturer. In other words, there were imported in the year 1911 on the Pacific coast alone an increase of importations over those of the year 1909 of \$1,386,877, or over 153 per cent. That is to say, in plain language, men of other climes furnished us \$1,833,000 worth of material, of products, that ought to have been made in American workshops by American workmen-that had the Dingley law remained in force would have been made in American workshops by American workmen. [Applause on the Republican side.]

Oh, how does my friend from Pennsylvania [Mr. PALMER] answer that? Why, he says the figures look large, but the percentage is small. Would not that be a poor consolation to the American workingman, wandering the streets of San Francisco, whose job has been taken from him by the work of a foreigner?

Mr. YOUNG of Michigan. By a Chinaman, for instance. Mr. DALZELL. We have the material, we have the skill, we have the labor, we have everything that is necessary to supply the American public with what these foreigners supply to the American public to the extent of \$1,833.000, and just in so far as labor contributed to that product of \$1,833,000, just to that extent were American workingmen robbed of an opportunity to work at an American wage.

It is perfectly apparent that, so far as our Pacific coast is concerned, our iron and steel manufacturers are without any adequate protection under existing law. What their condition will be should this measure in the interest of the foreigner become a law it is easy to foresee. And when the rapidly growing industries of the Orient—the products of Chinese coal, Chinese ore, and Chinese labor-shall grow to maturity our condition will be still more deplorable. And more deplorable still when the furnaces of England and Germany and Belgium and France shall enjoy the advantage of cheap direct-water car-riage through the Panama Canal. There will then be an end to the consumption of American metal products on our western

And cui bono? Did any consumer of these imported products enjoy any benefit by way of reduced price? Not at all—not to the extent of a single farthing.

Comparison of imports of iron and steel at Pacific ports under Dingley law and under Payne law.

(Compiled by Bureau of Statistics, Department of Commerce and Labor.)

Articles—Gross tons, pounds, and values.	Year ended June 30, 1909.	Year ended June 30, 1911.
Iron ore tons. Pig iron, spiegel, etc. do	None.	24,910
Pig fron, spiegel, etcdo Scrap fron and steeldo	18,610	48, 247 914
Bar iron nounds	667,779	5, 385, 255
Bar iron. pounds. Iron or steel rails tons. Hoop hand or seroll pounds	55	404
Atoop, bund, or seron and an arrangement and arrangement and arrangement and arrangement and arrangement arrangeme	78, 591	Not available.
Steel ingots, billets, blooms, etcdo	6, 260, 769	48, 744, 401
Sheet, plate, and taggers'do	362,690	1,951,974
Tin plates and terneplatesdo	386,010	6,691,616
Wire rods, iron or steeldodo	None. \$119,535	45, 095 \$210, 317
Building forms and all other structural shapes	4210,000	4210,011
fitted for usepounds	10,065,907	20, 459, 750
Cutlery	\$18,462	\$22, 228
Firearms	\$593	\$1,184
Machinery	\$87,604	\$26,765
Sheets, plates, wares, etc	\$31,514	\$96,099
Total value of iron and steel	\$905,030	\$2,291,907
Increase		\$1,386,877 153+

But there is nothing exceptional in this California experience. I advance this proposition, and I challenge its successful denial, that on every leading article in Schedule C the duties are so low that on every leading article in Schedule C the duties are so low as to permit the substitution of foreign-made goods for homemade goods. I repeat that: On every single article embraced in Schedule C the duties of the present law are so low as to permit the substitution of foreign goods for goods of home manufacture; and I will prove it to you. I will give you only a few examples, because I shall publish in the Record full proof of what I have said.

Here is pig iron. And by the way, any person who knows anything about the condition of American industries knows that at the present time, and for some months preceding, pig iron has been manufactured in the United States and sold at a loss because of foreign importations.

During the last two years of the operation of the Dingley law there was imported into the United States pig iron of the value of \$0,000,000. During the two years of the operation of the present law there has been imported into the United States pig iron to the value of over \$11,000,000. So \$11,000,000 worth of pig iron made abroad has taken the place of \$11,000,000 worth of pig iron that should have been made at home. The same is true with respect to scrap.

In the last two years under the Dingley law there was an importation of scrap to the amount of \$274,975; but under the operations of the present law there was imported in the last two years scrap to the amount of \$1,804,000, or nearly \$2,000,000 worth, of foreign manufacture, which, of course, took the place of what ought to have been produced at home. After all, this question of tariff is a question of wages and labor. If you so put down the duties as to compel the American manufacturer to operate at only a bare living rate, the disadvantage will not come out of his pocket entirely. It must be shared, in whole or in part, by his labor.

The total of importation of steel ingots in the last two years of the Dingley bill was \$3,959,000. The importations in the last two years of the operation of the present law amount to last two years of the operation of the present law amount to over \$7,000,000. And so, as I say, I am going down the whole line. It is not worth while to take up the attention of the committee by reading these figures. I shall put them in the RECORD, and they will demonstrate what I have said. They will demonstrate the truth of my proposition that on every item in Schedule C the operation of the present law is such as to deprive our home people of an opportunity to make these things which the foreigner is enabled to send into and sell in our markets.

That is the purpose of this bill, declared by the gentleman from Pennsylvania [Mr. Palmer] who preceded me. But it was unnecessary that he should make any such declaration. If you will turn to page 96 of the caucus print of this bill you will find that the estimates of import for a period of 12 months under this proposed bill amount to \$77,952,000, or nearly \$78,000,000, whereas the imports for the year 1911 under the present law amounted to \$53,036,199. Or, in other words, this Committee on Ways and Means openly proclaim when they frame this bill that it is their purpose to increase importations into this coun-

try under this one single schedule of our tariff law to the extent of \$25,000,000.

Oh, the gentleman from Pennsylvania [Mr. Palmer] says \$25,000,000 sounds big, but the percentage is small. But all the same, whatever the percentage may be, it remains true that \$25,000,000 worth of goods, that we have the material, the skill, and the labor to make, will be replaced by goods made in foreign factories and by foreign workmen.

But the gentleman from Pennsylvania [Mr. PALMER] arguesand that is the only ground upon which this bill could be sustained at all, and it can not be sustained on that ground-that these duties are imposed for revenue. The Democratic Party is a party for revenue only! Now, let us see. At the same time that it is proposed to increase importations to the extent of \$25,000,000, it is proposed to decrease unportations to the extent of \$25,000,000, it is proposed to decrease our annual revenues to the amount of \$1,600,000. Oh, this is a nice party for revenue only! Let us look back a little. They passed a reciprocity measure which, if it had become a law, would have taken \$5,000,000 annually out of the United States Treasury. They passed a free-list bill, so called, that would have taken anywhere from \$16,000,000 to \$60,000,000 annually out of the United States Treasury.

They passed a wool bill that, according to their own con-fession, would have taken a million and a half dollars out of the United States Treasury, and now this party for revenue only proposes to take an additional slice amounting to \$1,600,000 annually. In other words, adding up all the performances of the party for revenue only, we will have taken out of the Federal Treasury anywhere from \$23,000,000 to \$68,000,000 a

My friend from Ohio [Mr. Longworth] tells me that I have overlooked another of the enormities of the tariff-for-revenue-only party, to wit, the cotton bill. I do not recollect how much the cotton bill took out of the Treasury, but I will ven-ture the assertion that it took something, and whatever it was must be added to the \$23,000,000 to \$68,000,000 that they have provided for as the annual Treasury deficit.

Now, I do not wish to examine in detail the various paragraphs in this bill for the purpose of showing you that it is a measure destructive of American industries, for three reasons:

First and foremost, because the duties of the Payne bill were intended to be so levied, upon the evidence produced, as to equalize the difference in cost between production at home and abroad.

Second, because, as I have demonstrated to you, the duties under the present law are not so adjusted as to be protective of our industries at home and to equalize the difference of cost of production at home and abroad.

Thirdly, and principally, because the bill on its face is nonprotective, and my colleague from Pennsylvania, who preceded me, so announced, and said that it has no reference at all to or care for American industries; that it is drawn along lines simply for revenue only.

I have shown you, as far as that is concerned, that the bill is utterly indefensible.

Mr. HARDY. Will the gentleman from Pennsylvania yield?

Mr. DALZELL. I will. Mr. HARDY. I understand the gentleman to object to the bill because it will admit \$25,000,000 more of foreign products into the country than now comes in?

Mr. DALZELL. I do. Mr. HARDY. Would not any bill that reduced the duties below the prohibitive point be followed by increased importations?

Mr. DALZELL. I have sought to show that there was no justification for this bill at this time, because under existing law, under the law that existed prior to the existing law, there was a large number of importations, and that the existing law reducing the duties on our industries increased the importations; and this bill is a step still further in that direction—the robbery of American workmen in favor of the foreign workmen. [Applause on the Republican side.]
Mr. HARDY. Will not the gentleman answer my question?

Would not the reduction below the prohibitive point increase importations?

Mr. DALZELL. Theoretically, I should say, yes; but that was not our experience under the Wilson bill. The reduction of duties under the Wilson bill did not increase importations, contrary to the book theory of the subject.

Mr. HARDY. Would not the reduction of duties below the prohibitive point result in increased importation, is my question.

Mr. DALZELL. Every reduction of duty on an American product shows an increased importation until you get to free trade, when our markets will be at the mercy of the producers of the world.

Mr. HARDY. Now, one other question: Is the gentleman opposed to any reduction of duties?

Mr. DALZELL. I am opposed to any reduction of duties that is not fairly protective to American industry and to American labor. [Applause on the Republican side.]

Mr. HARDY. Does the gentleman consider a duty protective

when it is less than one-half of 1 per cent on the consumption of the country?

Mr. DALZELL. Oh, that depends on circumstances; and depends on a number of circumstances. It would be impossible to give a categorical answer to that question.

Mr. HARDY. What proportion-

Mr. DALZELL. I do not propose to be cross-examined by the gentleman from Texas; I have answered his question. Mr. BARTLETT. Will the gentleman yield?

Mr. BARTLETT. Will the Mr. DALZELL. Certainly.

BARTLETT. Does the gentleman regard the present law and the Dingley law, so far as this industry is concerned, as protective of that industry?

Mr. DALZELL. I regard the present law as intended to protect all of the industries of the country.

Mr. BARTLETT. I am speaking of this particular industry.
Mr. DALZELL. Yes; it was intended to protect them.
Mr. BARTLETT. Does not the gentleman believe that this country can produce the articles embraced in this schedule

cheaper than they are produced abroad?

Mr. DALZELL. Yes; with one exception, and that is wages. If you will reduce the wages of the American workman to the wages of his colleague on the other side of the water, whether in England, Germany, or France, then we can produce as cheaply as they can.

Mr. BARTLETT. Is it not a fact that having the American wages as they are now and the European and foreign wages as they are now we produce the articles in this schedule more cheaply than they are produced abroad?

Mr. DALZELL. I do not think so.
Mr. HILL. Refer the gentleman from Georgia to the report of the Tariff Board which is just out.

Mr. PALMER. Will the gentleman yield? Mr. DALZELL. Certainly.

PALMER, The gentleman recognizes Charles M. Mr Schwab

Mr. BARTLETT. Mr. Chairman, I was about to ask that question myself. The purpose of my inquiry was to ask that particular question. Mr. Schwab, before the committee investigating the steel corporation, stated in New York on the 8th day of August, in answer to inquires by members of the committee, that this country could produce these steel products here more cheaply than they could abroad, notwithstanding the cheaper wage scale abroad.

Mr. PALMER. Just as cheaply. Mr. DALZELL. I would answer that by saying that the evidence does not justify Mr. Schwab in his statement, if he made any such statement.

Mr. BARTLETT. He made it. Mr. DALZELL. I should be very careful to accept the testimony of Mr. Schwab or the testimony of my old friend Mr. Carnegie on this subject.

Mr. BARTLETT. I did not put Mr. Carnegie forward. Mr. DALZELL. I am glad the gentleman did not. Mr. PALMER. The gentleman thinks that Mr. Schwab was speaking in what he is fond of calling "an optimistic vein"? manufactures of the United States Steel Co.:

Mr. DALZELL. I know Mr. Schwab. I think he is exceedingly able and quite competent to take care of himself under all circumstances

Mr. PROUTY. Is it not also a fact that the gentleman from Pennsylvania [Mr. PALMER] said that Mr. Schwab did not agree with Mr. Carnegie in that statement?

Mr. DALZELL. I believe that he did make that statement. There is this to be borne in mind, and that is suggested by my friend from Pennsylvania [Mr. Palmer] and by the citation of Mr. Schwab and Mr. Carnegie. There are two sets of steel industries in this country. One of them is represented by the United States Steel Corporation and the other by the independent steel manufacturers. These stand on entirely different bases. I do not know but that it may be true that the United States Steel Corporation can live to-day without any tariff upon many of its products. It would be reasonable to suppose so, because the United States Steel Corporation owns all of the raw material from the ore in the ground up to the finished product, and on each and every process from the taking of the ore out of the ground to the making of pig iron and the making of billets and the rolling of rails it makes an independent profit. It may very well be that the United States Steel Corporation can conduct its business without any tariff, or at least without a high tariff, but the independents stand on an entirely different basis. They are owners, as a rule, of only a single process. They have to buy their raw material. The pig-iron manufacturer has to buy his ore, and he makes no profit on that. All the profit that he makes is on his pig iron. The independent steel-billet manufacturer owns neither the ore nor the pig iron, and all of the profit that he makes is on his billets.

Mr. HARDY. Will the gentleman yield?

Mr. DALZELL. Certainly.
Mr. HARDY. If these independents now have to compete with the United States Steel Corporation, which can compete with the foreign manufacturers, would they be any worse off if the foreign manufacturer, who can not produce any cheaper, were admitted also to compete with them?

Mr. DALZELL. Pass this bill and neither the United States Steel Co. nor the independents will be able to compete with foreigners. If you put the United States Steel Corporation in a position where it can make all the iron and steel in this country, then the question of tariff loses interest for the independent manufacturer.

There is an impression in this country that the United States Steel Corporation enjoys a monopoly of the product of steel made in this country. That is entirely unjustified as an asmade in this country. That is entirely unjustified as an assertion or an assumption. The United States Steel Corporation was incorporated in April, 1901. In 1902, which was the first year of its operations, it had shipments of Lake Superior ore amounting to 60.4 per cent of the total shipment, and in 1910 those objectives of Lake Superior or was reduced. those shipments of Lake Superior ore were reduced to 51.1 per cent. In 1902 the independents shipped of Lake Superior iron ore 39.6 per cent, and in 1910—last year—these same shipments amounted to 48.9 per cent. And so all along down the line. This table that I have here shows that the percentages of the manufacture of various metals by the United States Steel Co. and by the independent companies have varied from time to time; that there has been a general increase in the manufactures of the independents and a corresponding decrease in the

Production of the United States Steel Corporation and independent companies in 1902 and 1910 c

Products (net tons for coke, kegs of 100 pounds for nails, and	1902—Production and shipments.		1902—Percentage.		1910—Pro ship	1910—Percentage.		
gross tons for all other products).	Corporation.	Independents.	Corpora-	Inde- pendents.	Corporation.	Independents.	Corpora-	Inde- pendents.
Shipments of Lake Superior iron ore	16,659,470 16,063,179	10, 926, 434 19, 490, 956	60. 4 45. 2	39. 6 54. 8	22, 185, 972 25, 245, 816	21, 256, 425 31, 643, 918	51. 1 44. 4	48. 9 55. 6
Total production of coke	9,521,567	15,880,163	37.5	62.5	13, 649, 578	28, 059, 232	32.7	67.3
Production of all kinds of pig iron	7,975,530	9,845,777	44.8	55. 2	11,831,398	15, 472, 169	43.3	56.7
Production of steel ingots and castings.	9,750,386	5, 196, 864	65. 2	34.8	14, 179, 369	11,915,550	54. 3	45. 7
Production of sleel rails. Production of structural shapes Production of plates and sheets Production of wire rods. Production of iron rails and other rolled.	1,992,010 753,481 1,583,865 1,126,826 1,701,700	949,411 546,845 1,081,544 447,467 3,760,967	67.7 57.9 59.4 71.6 31.2	32.3 42.1 40.6 28.4 68.8	2,138,946 1,163,300 2,380,106 1,508,294 3,203,279	1,496,855 1,103,590 2,575,378 733,536 5,317,995	58.8 51.3 48.0 67.3 37.6	41. 2 48. 7 52. 0 32. 7 62. 4
Total production of finished rolled forms	7,157,882	6,786,234	51.3	48.7	10, 393, 925	11, 227, 354	48.1	51.9
Production of wire nails (kegs)	7,122,354 264,109	3,859,892 95,891	64. 9 73. 4	35. 1 26. 6	7,041,692 440,694	5, 663, 210 282, 076	55. 4 61. 0	44. 6 39. 0

I verily believe that the passage of this bill, leaving cut of consideration the United States Steel Co., would do one of two things: It would either shut up all steel establishments in the United States or compel their operation upon a lower rate of wages. Now, there are some things about this

Mr. LONGWORTH. Before the gentleman leaves that point, may I ask him a question?

Mr. DALZELL. Certainly.

Mr. LONGWORTH. The gentleman alluded to the testimony of Mr. Carnegie, which the gentlemen upon the other side have quoted frequently. I would like to call the gentleman's attention to the statement made by Mr. Carnegie before the Committee on Ways and Means, to this effect, apropos of the steel

The time has gone past when in this great country the things that are used by the hundreds of thousands of tons of steel can be economically produced on a small scale.

Mr. Gaines, then a member of the committee, said:

Then your opinion is that the time for the small manufacturer of steel has gone by and we are to recognize the day of the large man and legislation solely with reference to him?

Mr. Carnegge. I think that is true.

Mr. DALZELL. Yes; and this bill would carry out Mr. Carnegie's idea, the ruin of the little fellow. There are some things in this bill that seem to justify me in characterizing it as crude and ill digested. For example, in this caucus print of the bill you will find under each paragraph an estimate of the anticipated imports for a 12-month period. Upon what basis was that estimate made? Upon what basis can such an estimate be made? For example, you will find under the head of pig iron that the importations for 1911 under the existing law were \$957,000. The estimate for a 12-month period under the proposed law is \$1,500,000. Upon what basis can any gentleman here justify himself in assuming that these estimates have any other ground than guesswork? If you will follow these paragraphs one after another all through you will find that these estimates have been made, not in accordance with any standard or upon any recognized theory. They are purely from beginning to end guesswork. I submit that when you undertake to revise a tariff schedule relating to one of the great industries of this country it is dangerous to undertake it upon mere guesswork.

Mr. PALMER. Will the gentleman yield? The gentleman from Pennsylvania put his statement in the form of a question, and may I be permitted to make an observation?

Mr. DALZELL. Certainly. Mr. PALMER. The average imports of pig iron during the two years that the Payne bill has been in effect are nearly \$1,300,000, so that the estimated imports under the proposed bill is only an increase of about \$200,000 over the average under the Payne law, while the reduction in rate is 50 per

Mr. DALZELL. Ah-

Mr. PALMER. And I will say, further, that these estimates were all fixed by an expert of the Treasury who adopted this method. He took the imports under the Dingley law for the last two years of its operation and the imports under the Payne law for the first two years and noted the increase by reason of the reduction in the Payne law and figured that a proportionate increase would result from a further reduction of the

Will the gentleman allow an interruption? Mr. HILL.

Mr. DALZELL. Certainly.

Mr. HILL. I see that the rate taken under the Dingley law

was for 1905 instead of for the last two years.

Mr. PALMER. That is the rate which is shown here upon this caucus print that those statistics might conform to the census statistics as to production, but the estimate of the Treasury expert was based upon the last two years.

Mr. HILL. Then, the estimate of the increase or decrease of importations was not taken from the year 1905; his calculations were not made on that basis?

Mr. PALMER. No; I understand not.

Mr. HILL. Is the gentleman sure about that? Mr. PALMER." Yes.

I do not know why they put it this way. Mr. HILL.

Mr. PALMER. I have just explained that.

Mr. MANN. Will the gentleman from Pennsylvania [Mr. DALZELL] yield for a sort of a question?

Mr. DALZELL. Yes.

Mr. MANN. The figures given to the Democratic caucus show that the production of 1910 in the United States, under the head | yield to his colleague?

of pig iron, spiegeleisen, and so forth, was \$387,000,000, and that the importation that year amounted to \$2,106,000. The gentleman on that side of the House charged that that tariff was practically prohibitory because with an annual production of \$387,-000,000 in the United States there was only imported \$2,100,000 worth. The question that I desire to ask the gentleman from Pennsylvania [Mr. Dalzell] is whether the prohibitory form of the tariff is changed by the estimate and that the importation hereafter will be less than it has been heretofore?

Mr. DALZELL. Certainly not.

Mr. PALMER. If my colleague will permit me, the rate on pig iron would be prohibitive as to a large part of the country, even if it were down to 1 per cent. You can not write a rate which would permit pig iron to compete all over the United States. The only thing you could do is to increase the area in which the foreign competition can take place. We have merely made it less prohibitive.

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER] has not made it less prohibitive if his estimate is anywhere near correct, because he estimates smaller importation under the tariff than has actually occurred under the existing law.

Mr. PALMER. The year 1910 was an unusually large year,

as the gentleman knows.

Mr. MANN. I do not know that at all, and neither does the

gentleman know it.

Mr. PALMER. And 1909 was a small year. Our estimate of imports are very much greater than the imports of 1911. The gentleman picks out 1910 and argues from that. I have just explained to the gentleman from Connecticut that we took the average of the two years under the Payne law.

Mr. MANN. There have been two years under the Payne Last year there was an abnormal depression in the steel trade and less importation, and yet the gentleman undertakes to say that he is changing a prohibitory tariff into a competitive tariff, and acknowledges that he expects smaller importations under the competitive tariff than have existed under the prohibitive tariff, as he says, within the last two years, showing that his estimate of importation is ridiculous.

Mr. DALZELL. I think it is very apparent, Mr. Chairman, to anyone who considers the question that it is utterly impossible to rely upon these guesses as to what imports would be should this bill become a law. I have called attention to that, and I have called attention also to the fact, and the gentleman from Connecticut [Mr. Hill] has called attention to the fact. that while comparisons are made of the years 1910 and 1911, so far as the Payne bill is concerned, the year 1905 is selected for some reason or other as the year with which to compare the Dingley bill.

Mr. HILL. There is just one other point. The entire Dingley period was far higher than this. It averaged \$17.44 instead of \$14, as here, and the statement of the average is not worth the

paper it is written on.

Mr. DALZELL. Of course it is not. And, furthermore, the figures given for production are from the Census Bureau report. The figures given of imports are from the Bureau of Statistics. The Bureau of Statistics presents the figures of the fiscal year ending June 30 each year, while the figures from the Census Bureau are for the calendar year ending December 31. It is impossible to make any accurate comparison when you are juggling with standards—one standard here and another standard there.

But the most remarkable blunder in this whole bill, as it seems to me, is the duty laid on ferromanganese. The caucus print of the bill shows that of ferromanganese we imported in the year 1910 \$4,075,537 worth, and that we only produced in the United States \$3,175,860 worth. And the duty under the Payne law is 6.52 per cent and under this present law 15 per cent. In other words, on a raw material that lies at the base of the manufacture of steel the duty is increased 230 per cent. Surely there were experts at work when that paragraph was put into the bill! Two hundred and thirty per cent of duty on an article of which we do not produce enough for our own consumption. Ferromanganese is produced only by the United States Steel Corporation, and only in amounts sufficient for their own needs.

Under this bill the independents, who have no means of producing this article, and do not produce it, are compelled to pay an additional duty of 230 per cent for their raw material. And the gentleman from Pennsylvania [Mr. Palmer] thinks that that would have no effect in increasing the prices of steel.

Mr. PALMER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Pennsylvania

Mr. DALZELL. Oh, I do not want to be uncivil to the gentleman, but I heard his explanation, which, I respectfully submit, was no explanation at all.

Mr. PALMER. I wanted to hear the gentleman's explana-tion, and hear why he stood for even a higher rate than this when he brought the Payne bill into the House. [Applause on the Democratic side.]

Mr. DALZELL. I did not. What was done in the Payne bill was to take this out from the ferroalloys paragraph in conference and to put it where it is now, subject to the duty that it

Mr. PALMER. But I am referring to the bill which the gen-tleman reported from his committee, which he assisted in passing through the House, in which he put ferromanganese in with the other ferroalloys, and which carried a much larger rate of duty than that carried in our bill.

Mr. DALZELL. I was referring to the bill which was agreed on in conference, the existing law, which, according to the gentleman's own figures, imposed a duty of 230 per cent less than the duty he puts on.

Mr. PALMER. And which was done in conference at the

urgent request of the manufacturers.

Mr. DALZELL. I do not know at whose request it was done, and I do not think it makes any difference. It was proper to do it.

Mr. Chairman, will the gentleman yield? Mr. MANN.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. DALZELL. Certainly. Mr. MANN. Is it not a fact that in the hearings that were held previous to the preparation of the Payne bill a concern located in Chicago-although I am not certain about thatasked to have a higher rate of duty put upon ferromanganese as a protective duty in order that the industry might be developed in the United States outside of its manufacture by the United States Steel Co., with the statement that if given that protection for a reasonable time they would be able to produce ferromanganese in the United States and sell it at as low a cost as it could then be obtained for by purchase

Mr. DALZELL. I must be frank with the gentleman and say

I do not recollect whether that is so or not.

Mr. MANN. I will remind the gentleman that that is the use. I have no doubt that when the committee brought the Payne bill into the House it was for the purpose of building up the industry of the protection of ferromanganese in the United States. That policy was not pursued in conference. The in-dustry has not been built up nor would the 15 per cent build it up, according to the statement of these gentlemen, but would only add to the cost of it when paid by the independents in

purchasing it abroad.

Mr. DALZELL. Now, in another respect this bill seems to me crude and ill-digested, and that is in respect to the changes of classification which are made throughout the bill here and there. For example, in the billet paragraph—paragraph 9, I think it is-steel ingots, cogged ingots, blooms, and so forth. Under the existing law there are gradations of duty in accordance with the value of the product, and those gradations of duty were put in so as to answer to the difference in the labor cost of making the various products. It was developed at the hearings had before the Ways and Means Committee that since the passage of the Dingley law there had been established in this country a new industry, to wit, the manufacture of "high-speed steel," which had no protection at all under the Dingley law.

Now, the present law makes a provision for that; I think it is 20 per cent, although I am not sure; 20 per cent in addition to the duty on the next lower grade. Now, that high-speed steel lies at the very base of our cutlery industry in this country. A manufacturing establishment with which I have some familiarity, the Crucible Steel Co. of America, has been laboring for years under difficulties in an endeavor to develop that high-class steel industry. It has not had the protective duties that it ought to have had, though they were somewhat improved by the passage of the existing law. But now this bill has en-tirely destroyed the classification in that paragraph of the schedule, and will take away absolutely the foundation of the cutlery industry in this country. And, so far as the cutlery industry in this country is concerned, this bill cuts the duties on that one-half. There was handed to me only a few minutes ago, by a gentleman who came in here, this news paragraph, cut from a paper last night:

NEW YORK.

United States District Attorney Henry A. Wise filed suit in the Federal district court against Max Klass, an importer of German cut-

lery, of No. 298 Broadway, for \$192,747.72 for alleged undervaluation of importations of cutlery from Germany. This is the first of a number of suits against cutlery importers that the Government has in preparation. Frauds aggregating millions of dollars will be shown, it is declared.

What chance will the Government have as against these importers under the provisions of this ad valorem law if the Government now, under a law which provides for specific duties, is suffering to the extent named in this paragraph?

Mr. FITZGERALD. Will the gentleman yield for a ques-

Mr. DALZELL. Certainly.

Mr. FITZGERALD. In the last two or three years the district attorney in New York has brought a number of prosecutions against importers in various lines, alleging that the Government had lost in the aggregate many millions of dollars, and that fact has been shown. Does not that demonstrate that the specific rates can not have any advantage over the ad valorem rates, so far as protection to the Government is concerned?

Mr. DALZELL. Oh, no; it does not argue that at all. It does not go to show that if the rates had been ad valorem there would not have been more undervaluations. It is very easy to show that the levying of ad valorem duties tends to undervaluations as long as human nature is what human nature is, and as long as the provisions of our tariff law for fixing valuations at the ports of entry are as they are.

Mr. FITZGERALD. One concern that imported works of art and articles of virtu voluntarily paid \$1,250,000 in settlement of claims against them by the Government. It seems incredible that the frauds could have been any greater if the rate had been an ad valorem rate than they have been under a specific rate.

Mr. DALZELL. It seems incredible that they would not have been greater had the duties been ad valorem. has placed certain articles upon the free list. The first of them is cotton ties.

Mr. MANN. Mr. Chairman, before the gentleman passes from paragraph 9 will he yield for a question?

Mr. DALZELL. Certainly.

Mr. MANN. I notice in various places in the report, under various paragraphs, the chairman of the committee, reporting the bill, undertakes to give the production in the United States, so that the House may have some information upon the subject of the production as it might be affected by the importations. In paragraph 9 they give a large estimated importation, or \$4,000,000. I have not been able to find that they knew what the production in the United States was. The gentleman from Pennsylvania [Mr. Dalzell], being a member of the Committee on Ways and Means, I should like to inquire of him or any other member of the Committee on Ways and Means on either side if the committee had any information before them on the subject of the production in the United States of the items covered by paragraph 9.

Mr. DALZELL. I have no such information.

Mr. MANN. Does the gentleman imagine that the majority side have any?

Mr. DALZELL. I do not think so. I do not know where they got it unless they dreamed it.

Mr. MANN. At least, they did not furnish it to the House? Mr. DALZELL. They did not furnish it to the minority members of the committee. In fact, they furnished nothing to us except the opportunity to say a few words in general debate,

and then to indorse their caucus bill. Mr. FITZGERALD. I hope you will.

Mr. DALZELL. This bill puts certain things on the free The first of them is cotton ties, in the interest of the southern planter. All I have to say to that is this, that cotton ties were put upon the free list by the Wilson bill, and the result of it was that every single cotton-tie manufacturer in the United States went out of business, and the price of cotton ties was dictated, not by home and foreign competition, but by the foreign producer.

They put some other things upon the free list. They left lead ore on the dutiable list—for a reason, I suppose—but they put zinc ore on the free list. I recall now how much wailing there was before the Committee on Ways and Means from the State of Missouri when we were discussing the question as to whether or not zinc should bear a duty. Why, the Joplin district elected a Republican and sent him to Congress to secure a duty on zinc ore. We were told that the ministers of the various churches out there were praying, Sunday after Sunday, that Congress would put a duty on zinc ore. They bewailed

the fact that if we did not do so they would be put in ruinous competition with their Mexican brethren. What the gentleman's constituents in the Joplin district will do now with their Democratic Representative, whom they sent here in place of the Republican, I will not undertake to predict; but I imagine there is wailing and desolation in Joplin to-day. Rachel mourning for her children, and refusing to be comforted because they are not. [Laughter.]
Mr. RUSSELL. Will the gentleman yield?

Mr. DALZELL, Certainly.

Mr. RUSSELL. They sent a Republican down here and they did increase the tariff on zinc.

Mr. DALZELL. They did.

Mr. RUSSELL. And he was defeated in the next election.

Mr. DALZELL. Yes, and he is now dead; he is in a bad way. I will tell you one thing they did not put on the free list; they did not put agricultural implements on the free list. Six months ago the zeal on that side of the House, to help the farmer by putting agricultural implements on the free list, was something wonderful to behold. Now, when they come to make this bill, they leave them on the dutiable list at 15 per cent. [Laughter and applause on the Republican side.] That is the Payne rate. The rate of this bill may be higher. I am not certain about that, because I have not had time to look into it thoroughly, but unless the basket clause of the pending bill includes agricultural implements, instead of being 15 per cent they will be 25 per cent. But what amazes me is how the zeal of the Democratic to help the farmer has died down within the last six months. [Laughter and applause on the Republican side.] I suppose they have lost any resentment that they ever had against the President for vetoing that free-list bill. But so it is, their zeal has died and the duty still remains on agricultural imple-

Now, just a word more. I have occupied more time than I had any intention to when I began.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. RUCKER of Colorado. I notice the gentleman from Pennsylvania did not mention the fact that tungsten ore was put on the free list.

Mr. DALZELL. Yes; it is on the free list.

Mr. RUCKER of Colorado. Is it not true that the gentleman from Pennsylvania now speaking, as well as the gentleman from Pennsylvania, Mr. Palmer, stood shoulder to shoulder on that proposition?

Mr. DALZELL. Under the present law? Mr. RUCKER of Colorado. In this bill.

Mr. DALZELL. I have said nothing about it. I am glad the gentleman from Colorado called attention to it, because I see that Colorado has been struck. [Laughter on the Republican

Mr. RUCKER of Colorado. Yes; that is very true.

Mr. DALZELL. I expected to hear from Missouri, but I had forgotten about Colorado.

Mr. PALMER. Which shows that we are playing no favors. [Laughter.]

Mr. YOUNG of Michigan. All getting poor together. [Laughter.]

Mr. RUCKER of Colorado. I want to say on behalf of the gentleman from Missouri, who represents the Joplin district, that he has indicated that he is not responsible for this bill so far as it refers to zinc. [Laughter and applause on the Republican side.] Now, with reference to tungsten, I assume that the gentleman from Pennsylvania, now occupying the floor, and the gentleman from Pennsylvania, Mr. PALMER, were in favor of free tungsten because of its use in the hardening of steel manufactured in the State from which the two gen-tlemen come. It benefits Pennsylvania while it hurts Colo-

Mr. DALZELL. May I ask the gentleman from Colorado whether the gentleman from Missouri and he will vote for this

Mr. RUCKER of Colorado. I am going to offer an amendment to this bill. [Laughter on the Republican side.]

If the gentleman from Missouri does not avail himself of the privilege of offering the amendment that he should offer, I will offer it in his place.

Mr. DALZELL. Bold man!

Mr. MANN. Idle ceremony.

Mr. FITZGERALD. He could not have done it if the Republicans had the bill in charge.

Mr. MANN. He would not have needed to.

Mr. DALZELL. Mr. Chairman, the worst feature of this bill, what I might call the supreme folly of this bill, is the substitution of ad valorem for specific rates. It is not possible to make any argument in favor of ad valorem rates. been abandoned by every civilized country on the face of the earth. They have been denounced by every Secretary of the Treasury, with the exception of Robert J. Walker, from Albert Gallatin to Franklin MacVeagh. Theoretically they are impossible of defense, because when they need to be highest they are lowest and when they need to be lowest they are highest. vary from day to day as the price of the commodity on which the duty is levied varies, and for that reason it is absolutely impossible to estimate what may be the income for any particular time or for any particular year. That is one of the worst features. Another feature of ad valorem duty that is absolutely impossible of defense is that they are a direct temptation to frauds upon the revenues, as all of our history shows. The report of every Secretary of the Treasury who has ever dealt with the question shows that an ad valorem duty results invariably, in spite of all precautions, in fraud upon the Treasury. And why? An ad valorem duty is a duty according to value. According to value where? In the ports of the United States or some place else? Under our tariff law there are two methods of estimating values for customs purposes. In the one case it must be the actual cost in the place of exportation. the other case it must be the ruling market price in the country from which imported. It stands to reason that in every case the burden is imposed upon the customs officer to ascertain—it may be in the heart of Asia or Africa—what was the actual cost or what was the ruling market price of the article upon which he is to estimate duty. It falls out that in many cases duties are at one rate when imposed on an article coming from one place in a country and at another rate when coming from another place in the same country.

For instance, hay imported from one of the cities of Canada will pay one rate of duty and hay imported from another city in Canada will pay another rate of duty, although the hay may be imported at the same time and by the same person, because of the variation in the price of hay at the several places from which it was imported. Ad valorem duties are antiquated, and there is no better evidence of the inexpertness with which this bill was prepared than is found in the substitution for our system of specific duties of this infamous system of ad valo-

I said awhile ago that there was no justification for this bill at this time. If you gentlemen want to try your hand at tariff revision, why do you not try it on the wool schedule? [Applause on the Republican side.] Six months ago you were anxious "to take the burden of taxation imposed by the wool schedule from the shoulders of the peepul," to adopt a phrase that runs musically murmuring through all the tariff speeches of my friend from Alabama [Mr. Underwood]. Why are you not equally anxious to relieve him now? The report of the Tariff Board furnishes you the necessary information. Of what are you afraid? Are you afraid of yourselves? Are you afraid that you can not seduce another. can not seduce another Democratic Congress into smothering its convictions upon the subject of free wool? Are you afraid to encounter the antagonism of the Peerless Leader? Or, to be frank, is it not a fact that the magnificent report of the Tariff Board has convicted you of insincerity? [Applause on the Republican side.] So you sidetrack the wool schedule in answer to public clamor and to the call of the demagogue denouncing the United States Steel Corporation. You fear to face the report of the Tariff Board and you take refuge in a revision of the metal schedule. [Applause on the Republican

After all, gentlemen, there is only one issue involved here. is apparent from the speech of my friend from Pennsylvania [Mr. Palmer], who preceded me, it is a question between the policy of protection and the policy of free trade. That is the fundamental issue upon which parties divide and that the issue upon which they must appeal to the people at the next election. You have made the issue. We on this side of the Chamber welcome it with open arms. We know that every hour of prosperity that this country has enjoyed has been because of the protective system. [Applause on the Republican side.] For years we were carried to victory under its banner, and when the contest comes again, following that same banner on which shall be emblazoned "Protection to American industries," we will appeal to the people in the full assurance that the intelligent citizenship of the United States will decide in accordance with what are their best interests. [Loud and continued applease.] continued applause.]

APPENDIX.

Imports, entered for consumption in the United States, of certain classes of iron and steel during the years ending June 30, 1908, 1909, 1910, and 1911.

[Prepared by Bureau of Statistics, Department of Commerce and Labor, O. P. Austin, Chief of Bureau.]

Autolan	Year ending	Under	act of July 24,	1897.	Under act of Aug. 5, 1909.			
Articles.	June 30—	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	
ron in pigs (tons)	1908 1909 1910 1911	184,707.14 89,863.79	\$5,351,568.77 2,954,064.00	\$738, 828. 55 359, 455. 10	236, 497. 25 190, 488. 90	\$6,182,233.00 5,481,163.00	\$613, 657. 6 476, 222. 5	
Total iron in pigs.		274, 570. 93	8, 305, 632. 77	1,098,283.65	426, 986. 15	11,663,396.00	1,089,880.2	
Scrap iron and steel, waste or refuse, etc. (tons)	1908 1909 1910 1911	17, 309. 39 5, 112. 12	214,791.49 60,184.00	68, 530. 38 20, 373. 27	115, 150. 30 26, 565. 99	1, 499, 472. 73 304, 746. 00	115, 147. 0 26, 565. 9	
Total scrap, etc.		22, 421. 51	274, 975. 49	88,903.65	141,716.29	1,804,218.73	141,712.9	
Slabs, blooms, loops, etc., and bar iron	1908 1909 1910 1911		1, 436, 067. 98 611, 102. 40	389, 793. 63 181, 203. 70		1,390,358.95 1,330,516.86	269, 299. (241, 829.)	
Total slabs, etc., and bar iron			2,047,170.38	570,997.33			511, 128.7	
Steel ingots, cogged ingots, blooms, and slabs, etc. (pounds)	1908 1909 1910 1911	35, 544, 401. 39 26, 850, 847. 35	2,112,469.17 1,846,536.88	441,894.40 374,751.77	85, 062, 102, 22 80, 237, 537, 34	3, 680, 723. 42 3, 377, 072. 16	801, 140. 739, 086.	
Total steel ingots, etc.		62, 395, 248. 74	3,959,006.05	816, 646.17	165, 299, 639. 56	7,057,795.58	1,540,226.7	
Hoop, band, or scroll iron or steel, etc. (pounds)	1908 1909 1910 1911	355,147.00 2,234,458.00	9,168.00 32,578.00	1,918.47 11,318.37	1,165,828.00 599,288.00	18, 321. 63 9,786. 00	4,163.2 1,809.1	
Total hoop, band, etc		2, 589, 605. 00	41,746.00	13, 236. 84	1,765,116.00	28, 107. 63	5,972.4	
Bands and strips of steel, etc. (pounds)	1908 1909 1910	676, 434. 00 738, 592. 00	68,874.00 73,356.00	35,710.74 38,042.67		230,164.00	83,578.0	
	1911	1 415 000 00	140 000 00	mo mgo 41		306, 321. 00	109, 211.	
Total bands and strips	1908 1909 1910 1911	1, 415, 026. 00 640, 507. 00 485, 282. 00	142,230.00 11,176.00 9,136.00	73,753. 41 4,361.26 3,283.69	1,883,896.00 486,111.00	22, 016, 00 6, 449, 00	9, 465.2 2, 429.3	
Total boiler, etc.		1,125,789.00	20,312.00	7,644.95	2,370,007.00	28, 465.00	11,894.	
Sheets of iron or steel, common or black, and skelp iron or steel (pounds)	1908 1909 1910 1911	1, 554, 508. 00 1, 563, 735. 00	47,587.00 47,064.00	14,393.04 15,342.00	2,652,513.33 3,638,434.00	64, 960. 00 67, 090. 16	19,494.: 21,096.	
Total sheets, etc., common, etc.		3, 118, 243. 00	94, 651. 00	29,735.04	6, 290, 947. 33	132, 050. 16	40, 590.	
Sheets and plates, and steel, n. s. p. f. (pounds)	1908 1909 1910 1911	3,585,427.50 5,452,060.00	279, 777. 18 459, 075. 00	62,737.02 96,519.00	9, 919, 710.30 4, 100, 185.50	462, 813, 70 255, 482, 00	99, 250. 55, 846.	
Total sheets and plates		9,037,487.50	738, 852. 18	159, 256. 02	14,019,895.80	718, 295. 70	155,096.	
Tin plates (pounds)	1908 1909 1910 1911	140,783,162.00 118,155,771.00	4,296,290.77 3,230,659.00	2, 104, 415, 60 1, 763, 624, 30	154, 588, 076, 00 94, 526, 169, 17	4, 358, 777. 00 2, 998, 436. 50	1,882,891.0 1,134,314.0	
Total tin plates		258, 938, 933. 00	7,526,949.77	3,868,039.90	249, 114, 245. 17	7,357,213.50	3,017,205.	
Wire rods, etc. (pounds)	1908 1909 1910 1911	29, 410, 578. 00 25, 326, 859. 00	664, 694. 00 557, 776. 00	118, 446. 43 101, 780. 34	36,527,628.00 41,935,443.00	809, 373. 00 894, 837. 00	113,318. 126,315.	
Total wire rods.		54, 737, 437. 00	1, 222, 470.00	220, 226. 77	78, 463, 071. 00	1,704,210.00	239, 633.	
Wire, and manufactures of (pounds)	1908 1909 1910 1911	47, 488, 649. 25 16, 079, 792. 00	1,206,065.49 980,831.00	500, 790. 76 405, 993. 00	21, 459, 466. 22 22, 079, 210. 05	1,335,371.77 1,343,778.14	542, 998. 515, 920.	
Total wire, and manufactures.		63,568,441.25	2, 186, 896. 49	906, 783. 76	43, 538, 676. 27	2,679,149.91	1,058,918.	
Corset clasps, corset steels, dress steels, and all flat wires, etc. (pounds)	1721	348, 325. 13 79, 272. 50		25, 068. 23 8, 002. 96		79, 425. 63 30, 277. 02		
Total correct clasms ato		497 507 69	73, 765. 55	33, 671. 19				
Total corset clasps, etc	1908 1909 1910 1911	3,042.69 1,343.91	91,746.83	23, 854. 66		156,089.00	27,160. 3,726.	

Imports, entered for consumption in the United States, of certain classes of iron and steel during the years ending June 30, 1908, 1909, 1910, and 1911—Continued.

	Year ending	Under	r act of July 24,	1897.	Under act of Aug. 5, 1909.			
Articles,	June 30—	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	
Beams, girders, joists, etc., not assembled, etc. (pounds)	1908 1909	3,605,630.00	\$83, 252.00	\$18,028.17				
	1910 1911	11,945,034.00	182, 200. 00	59,725.21	24, 417, 605, 00 24, 907, 259, 00	\$323, 363. 00 325, 018. 00	\$39,613.53 99,326.86	
Total beams, etc		15, 550, 664. 00	265, 452. 00	77, 753. 39	49, 324, 864. 00	648, 381. 00	198, 940. 39	
Nails and spikes, cut, of iron or steel (pounds)	1908 1909	47, 268. 00 47, 128. 00	1,258.00 1,321.00	283. 61 282. 79				
	1910 1911	41,120.00	1,321.00	202.19	37,796.00 41,514.00	877.00 1,176.00	155.31 166.04	
Total nails, etc., cut		94, 396. 00	2,579.00	566. 40	79, 310.00	2,053.00	321.35	
Nails, horseshoe, hob, and all other, wrought, etc. (pounds)	1908 1909	15, 572. 00 16, 056. 00	1,917.00	350. 40 361. 31				
	1910 1911	10,000.00	2,647.80	301.31	13,849.00 14,725.00	2,162,20 2,249.50	259, 69 220, 89	
Total nails, etc., wrought		31,628.00	4, 564. 80	711.71	28, 574. 00	4, 411. 70	480. 58	
Nails, wire, made of wrought iron or steel (pounds)	1908 1909	12,153.00 4,442.00	748.00 206.20	68.78 23.54				
	1910 1911	1,112.00	200, 20	20.04	8,648.00 12,795.00	209.20 434.75	37.37 52.13	
Total nails, wire		16, 595. 00	954. 20	92.32	21, 443.00	643.95	89.50	

Census statistics of manufactures in the United States, grouped in conformity with the schedules of the tariff law of 1897, including articles classified under section 6 and the free list.

			Wage earners	and wages.		Value of prod-
Schedule, tariff law of 1897, and industry, census of manufactures, 1905.	Number of establishments.	Capital.	Average number.	Wages.	Cost of materials used.	ucts, including custom work and repairing.
SCHEDULE C Metals and manufactures of. (Pars. 121 to 193.)						E PROPERTY.
Total	21,650	\$3, 157, 388, 329	1, 171, 824	\$652, 109, 633	\$1,766,123,776	\$3, 130, 253, 19
Artificial limbs	104	442, 266	342	221,913	136, 645	883,73
Artificial limbs Automobile bodies and parts (Schedule D)	57	2, 528, 613	1,810	980,008	1, 493, 227	3,388,47
Automobiles	121	20, 555, 247	10,239	6, 178, 950	11,658,138	26,645,06
Babbitt metal and solderBells	75 21	4, 128, 645 881, 634	569 530	337, 507 253, 188	10, 863, 752 463, 377	13,099,83 1,000,22
Bicycles and tricycles	101	5, 883, 458	3,319	1.971.403	2, 628, 146	5, 153, 24
Bicycles and tricycles Brass and copper, rolled Brass castings and brass finishing. Brassware	25	32,942,594	10,909	5,733,487 6,208,291 5,176,758	39,798,683	51,912,85
Brass castings and brass finishing	520	23, 492, 943	11,305	6, 208, 291	16, 170, 153	29, 671, 92
Brassware	229	18, 930, 472 1, 856, 737	10,078	5, 176, 758 501, 054	7,631,943	17, 499, 05 2, 622, 49
Cars, steam railroad, not including operations of railroad companies	27 73 14	88 179 047	34.058	20, 247, 821	1,688,831 75,657,126 5,341,444	111, 175, 31
Cars, street railroad, not including operations of railroad companies	14	12,975,703 7,587,972	4,730	2,839,579	5,341,444	10,844,19
Cash registers and calculating machines	32	7,587,972	4,079	2, 442, 001	1,515,980	9,875,09
Clocks (Schedule B).	38 1,989	9,703,170 31,944,237	7,249 22,556	3,514,185 13,765,688	3,077,574 27,147,964	8,868,00 56,082,02
Cutlery and edge tools	254	20, 809, 821	14,545	7,076,018	6,028,166	18, 614, 92
Electrical machinery, apparatus, and supplies	784	20, 809, 821 174, 066, 026	60,466	31,841,521	66, 836, 926	140,809,36
Brassware Bronze castings. Cars, steam railroad, not including operations of railroad companies. Cars, street railroad, not including operations of railroad companies. Cash registers and calculating machines. Clocks (Schedule B). Coppersmithing and sheet-iron working. Cutlery and edge tools. Electrical machinery, apparatus, and supplies. Electroplating. Enameling and mameled goods.	312	1,286,996	1,943	1,092,835	747,331	2,965,01
Enameling and enameled goods. Engraving and diesinking Files.	92 305	17, 975, 456 1, 210, 673	9,537 1,573	3,642,322 1,032,232	7,152,090 376,409	15,709,28 2,422,48
Files	62	5,866,256	3, 276	1,514,412	1,310,978	4, 391, 74
Files Firearms Fire axtinguishers, chemical Foundry and machine-shop products Galvanizing Gas and lamp fixtures Gas machines and meters. Gold and silver, leaf and foil	30	10, 376, 264	6, 224	3,722,850	1,738,012	₩ 8,275,56
Fire extinguishers, chemical	35	337,607	178	107,540	229,003	581, 97
Foundry and machine-shop products	8,993 36	845,024,825 2,690,471	348,380 1,256	196, 247, 431 620, 012	278, 074, 203 4, 744, 466	685, 901, 38 6, 418, 85
Gas and lamp fixtures.	263	20, 206, 957	8,141	4,237,394	7, 395, 207	17,560,38
Gas machines and meters	89	5,601,157	2,674	1,532,247	2,612,907	5, 630, 97
Gold and silver, leaf and foil	83 224	1,071,562 1,231,866	1,402	662, 813 511, 808	1,476,111 564,728	2, 695, 29 2, 017, 53
		52,884,078	31,713	14, 580, 589	16,631,214	45,770,17
Hardware Hardware, saddlery	82	4,319,151	3,395	1,623,890	1,830,108	4,820,72
Horseshoes. Instruments, professional and scientific. Iron and steel, blast furnaces. Iron and steel, bolts, nuts, washers, and rivets, not made in rolling mills or steel works.	8	1, 227, 457	232	126, 629	255,742	798,98
Instruments, professional and scientific	225 190	5, 382, 930 236, 145, 529	3, 437 35, 078	1,823,205 18,934,513	1,350,153 178,941,918	5,377,75 231,822,70
Iron and steel, bolts, buts, washers, and rivets, not made in rolling mills	180	200, 140, 029	00,010	10, 204, 313	170,841,810	201,022,10
or steel works	88	18, 912, 546	8,090	3,642,268	7,807,239	14,687,10
Iron and steel, doors and shutters	24 138	1,119,542	699	407, 390 3, 428, 190	601,754	1,477,23
Iron and steel forgings.	. 138	28, 246, 474	5,665	3, 428, 190	5, 752, 315	12, 110, 39
Iron and steel, nails and spikes, cut and wrought, including wire nails, not made in rolling mills or steel works	76	8,741,916	3,681	1,684,077	4,686,349	8,922,89
Iron and steel pips, wrought. Iron and steel, steel works and rolling mills	27 415	13,052,606	5,416	2,472,721	12,746,619	17,400,91
Iron and steel, steel works and rolling mills	415 32	700, 182, 310 595, 695	207,562	122, 491, 993 187, 736	441, 204, 432 242, 238	673,965,02 607,06
Lamps and reflectors	142	7,795,527	4,429	2,170,590	3,682,551	8,999,87
Lead, bar, pipe, and sheet	32	5,015,161	646	405,025	7,910,180	9,277,46
Locomotives	15	38, 421, 048	24,806	15,798,432	27,702,930	59, 552, 09
Learns and reflectors Lead, bar, pipe, and sheet Locomotives Needles, pins, and hooks and eyes Ordnance and ordnance stores	46	5,331,939 3,278,190	3,965 289	1,595,923 186,993	1,583,644 131,612	4,750,58 557,90
		446,933	309	225, 454	274, 235	692,02
rens, sout. Pens, steel. Phonographs and graphophones. Plated ware. Plumbers' supplies Printing materials (Schedules D and M). Safes and vaults.	5	575,788	663	204,778	103,005	473,84
Phonographs and graphophones	14	8,740,618	3,397	1,683,903	4,161,136	10,237,07
Planted ware	60 185	13,830,480 20,290,463	6, 281 10, 753	3,360,425 5,996,361	5,448,619 9,923,810	12,138,886 21,542,48
Printing materials (Schedules D and M)	77 31	1,008,889	357	239,036	372, 480 3, 211, 336	1,207,16 7,861,06
Safes and vaults	31	7, 326, 133	3,488	2, 162, 246	3,211,336	7,861,060
Saws	83	11,287,816	4,650	2,707,423	4,035,530 1,633,150	9,819,78 6,002,63
Sars and balances Scales and balances Screws, machine Screws, wood	85 26 7	8,512,993 4,133,141	3, 133 1, 965	1,754,789 941,859	1,633,150 950,627	2,711,600
Scraws wood	7	5, 969, 446	1,488	556, 330	731, 542	2, 133, 84

Census statistics of manufactures in the United States, grouped in conformity with the schedules of the tariff law of 1897, etc. - Continued.

			Wage earners	and wages.		Value of prod-
Schedule, tariff law of 1897, and industry, census of manufactures, 1905.	Number of establishments.	Capital.	Average number.	Wages.	Cost of mate- rials used.	ucts, including custom work and repairing.
SCHEDULE C Metals and manufactures of. (Pars. 121 to 193)-Contd.						
Sewing machines and attachments. Silversmithing and silverware. Smelting and refining, lead. Smelting and refining, zinc. Smelting and refining, zinc. Smelting and refining, not from the ore. Soda-water apparatus (Schedule B). Springs, steel, car and carriage. Stamped ware. Stamped ware. Stamped ware. Steam fittings and heating apparatus. Steneils and brands. Stereotyping and electrotyping. Stoves and firmaces, not including gas and oil stoves. Stoves, gas and oil. Structural ironwork Tin and terne plate. Tinfoil. Tinware. Tools, not elsewhere specified. Type founding. Typewriters and supplies (Schedules L and M). Vault lights and ventilators (Schedule B). Watch and clock materials. Watch cases. Watches. Wire. Wire. Wire.	98 32 31 65 37 52 174 176 103 146 415 79 775 36 14 377 584 21 66 24 17 28	\$26, 695, 294 23, 901, 545 63, 822, 810 22, 701, 586 9, 807, 238 3, 414, 676 4, 016, 463 22, 107, 758 28, 541, 509 683, 367 3, 297, 546 52, 971, 105 9, 981, 711 76, 598, 507 10, 813, 239 1, 917, 839 92, 555, 596 22, 919, 371 4, 916, 723 16, 641, 892 240, 809 245, 838 12, 649, 771 19, 409, 931 14, 898, 817 26, 893, 614	12, 671 8, 580 7, 573 6, 528 1, 712 1, 469 2, 476 13, 560 11, 690 2, 679 29, 728 3, 676 4, 276 4, 847 766 16, 919 11, 643 1, 446 6, 232 222 385 4, 221 10, 724 4, 737 13, 379	\$7, 464, 325 5, 265, 049 5, 374, 691 3, 856, 466 994, 951 1, 242, 553 5, 660, 459 6, 581, 578 285, 458 1, 993, 067 17, 823, 434 1, 946, 489 19, 760, 210 2, 383, 070 303, 307 6, 842, 491 6, 048, 587 883, 595 3, 468, 784 154, 334 182, 475 2, 170, 507 6, 024, 400 2, 883, 743 6, 099, 869	\$\$, 107, 366 9, 010, 086 168, 958, 076 17, 028, 418 13, 759, 805 1, 923, 835 2, 741, 764 10, 524, 880 10, 425, 332 171, 787 1, 032, 053 18, 483, 865 3, 786, 763 47, 452, 099 31, 375, 714 1, 887, 724 26, 248, 253 7, 249, 567 7, 46, 176 1, 870, 261 160, 604 107, 361 4, 428, 627 2, 228, 83 30, 062, 487 17, 856, 211	\$20, 869, 877 20, 700, 703 185, 826, 827 17, 402, 983 4, 634, 264 5, 740, 836 24, 930, 857 24, 930, 857 24, 930, 857 7, 723, 699 90, 944, 697 35, 283, 300 2, 794, 822 41, 892, 800 407, 377 2, 727, 757 10, 640, 493 484, 466 428, 696 8, 626, 501 11, 866, 400 37, 914, 411 33, 038, 492

Mr. PALMER. Mr. Chairman, how much time has the gentleman from Alabama remaining?

The CHAIRMAN. Thirty-five minutes. Mr. PALMER. The gentleman from Alabama has gone

Mr. PAYNE. Mr. Chairman, I yield 30 minutes to the gentleman from Indiana [Mr. CRUMPACKER]. [Applause.]
Mr. CRUMPACKER. Mr. Chairman, I appreciate the gen-

erosity of the gentleman from New York [Mr. PAYNE] in allotting to me such a large share of the limited time for general debate on this important measure that belongs to this side of the House. I understand that general debate is limited to five hours. There are 300 minutes in five hours, and those 300 minutes, apportioned equally among the 391 Members of the House, would give each Member 45 seconds in which to express his views upon the bill and incidentally indulge in such flights of oratory as his imagination may have in stock. In the generous amount of time allotted to me I will state some of the reasons why I intend to vote against this bill.

In the first place it is one of the most extraordinary measures, considering the circumstances under which it was prepared and brought into the House, of any that I have known during my service as a Member of this body. The bill deals with some of the most important industrial interests of the with some of the most important industrial interests of the country, industries in which there is invested more than \$3,000,000,000 of capital, industries that have an annual product of over \$3,000,000,000, industries that employ 1,100,000 laborers and pay them in the neighborhood of \$700,000,000 of wages every year, industries that were established and have grown to stupendous proportions under the fostering influence

of a protective tariff.

It is now proposed to make a radical reduction of the tariff on foreign-made competitive products under the rule of guess, with little or no regard for the status of those industries or for the welfare of the 1,100,000 men employed by them. Gentlemen on the other side of the House boast that they are opposed to the policy of protection, and their chief argument in support of every tariff bill they have brought into the House is that it carries no protection whatever to American industries or American labor. They declare that the steel and iron industries of this country need no protection, that they are strong enough to compete with the world on an equal footing, and that the duties provided in this bill are for revenue only, and yet they admit that the revenue the bill will yield will fall at least \$1,500,000 below the amount collected under the same schedule in the Payne tariff. What becomes of the pretense, then, that the proposed change is exclusively for revenue, when they admit that its operation will result in a loss of revenue to the country?

The average duties fixed by the bill are 22 per cent, and the gentleman from Pennsylvania [Mr. Palmer] in his speech in support of the bill declared that its purpose was to put foreign and domestic iron and steel products upon a competitive basis in our markets. If Americans can and do make steel and iron products as cheaply as they can be made anywhere else in the

world, how can foreign products compete in our markets under a law that taxes them 22 per cent to enter this country at all?

Is a tariff competitive when it imposes a burden upon one of the competitors as large as this bill proposes? But I do not agree with the supporters of this bill, either upon the facts or upon their theory, if they can be said to have a theory.

I am opposed to the pending bill because, among other reasons, it is impossible for anyone to determine what its effect may be upon American industries. It is constructed upon the haphazard rule, in the hope that portions of it may be right. I can not give my support to a measure so vitally affecting one of the greatest industries in the country unless I feel reasonably certain that it will not destroy that industry and precipitate a general panic. I am a firm believer in the policy of protection as expressed in the last Republican national platform. The duties on competitive articles ought to be high enough to cover the difference in the cost of production in this country and in foreign countries, but no higher. Reasonable protection should be secured to American industries, so that our factories and mines may continue to pay the high rate of wages that prevails in the United States and at the same time make a reasonable profit on the capital they have invested, but not high enough to enable them to impose unfair charges upon the consumers of their products. Protection must operate both ways. Any industry that demands or seeks a higher rate of duty than will reasonably cover the difference in the cost of production here and abroad must have in view the purpose of extorting unreasonable profits from those who buy and consume its products. With the tariff adjusted according to the Republican standard, there will be prosperity among the industries and fair and reasonable prices to the consumer.

The time has come when our tariff must be revised by rational methods. The country is altogether out of patience with the old, unscientific, haphazard method of imposing customs duties, without regard to the difference in cost of production here and in foreign countries. The guesswork rule must go. It is almost a crime for Congress, in this day of enlightenment and progress, to revise tariff duties without a careful investigation of conditions, so that legitimate industries may be secured against disastrous competition from abroad and yet not be sheltered behind a tariff so high as to enable them to mo-nopolize production at home. Under the old method, periodic agitations for drastic tariff revisions have come, always accompanied by industrial depression and often by a general panic. The industries are insecure under that method. They can not know whether the tariff adopted under the random method will be too low for legitimate production, and the consumers are always concerned lest it be too high. Under the guesswork rule Congress may guess wrong and make the rate so low as to practically destroy many great industries that employ millions of American laboring men at good wages. The time has come when this periodic agitation must cease, in so far as it can be prevented by a wise and rational method of making tariffs. Our tariff must be put upon a business basis and kept there, and this can only be done by making the duties high enough to afford domestic producers the protection they reasonably require on account of the cheap labor and cheap production in other lands. Such a tariff can only be established through the agency of an expert, nonpartisan tariff commission. The cost of production here and in foreign countries must be ascertained with practical certainty, so that not only Congress, but the people of the country, may know what rates of duties should be established.

The ascertainment of the cost of production of commodities is largely a technical question, and information concerning it can only be secured through a board or commission composed of experts along that line. Congress can not make a scientific or technical investigation of that character. It is utter nonsense to contend that Congress or any committee of Congress men can make an investigation of the costs of production that will be accurate or trustworthy. It requires time and intelligent expert study to ascertain the necessary facts. Experts must be sent to all the other great producing countries and must remain there long enough to ascertain all the reliable facts bearing upon conditions of production. Congress might as well undertake to investigate the cause and cure of yellow fever, cancer, or any other malignant disease without consulting physicians, who, by education and experience, are able to give trustworthy information upon the science of medicine.

When the tariff is established on a business basis it will be an easy matter, through the aid of a permanent tariff commission, to make such changes in the various schedules, from time to time, as may be required by the changed conditions of the methods and cost of production. This can be accomplished the methods and cost of production. without exciting any fear or apprehension in the minds of American producers. They will feel secure in the belief that whatever changes may be made in schedules, the duties will be high enough to protect them from disastrous competition from foreign countries, and the people of the country, as a body, will be content in the faith that the tariff will not be made so high as to enable industrial combinations to exact unjust prices for their products. Then, and not until then, will there be economic stability, industrial peace, and popular

The great issue now before the American people is the establishment of a permanent, nonpartisan, expert tariff commission, and the people will fight for the achievement of that end until the commission method of adjusting tariffs has come to be the fixed and established method.

The Tariff Board, appointed by President Taft, investigated the wool schedule and has submitted its report to Congress. That is the only thoroughly scientific and reliable investigation of the cost of production, relating to any tariff schedule, that has ever been made in this country. That magnificent report carries on its face evidence of its own reliability. It is a thorough, extensive, and accurate report, and it will be an easy task to revise the wool schedule so as to cover the difference in the cost of production here and in other lands. But the Tariff Board is not a permanent institution. It lives only upon annual appropriations, and it is currently reported that the Democrats in this body have determined to withhold any appropriation for the board for the fiscal year beginning the 1st day of next July. It is their deliberate intention to starve the board out of existence. They seem to be afraid to turn the light of truth upon the tariff question. It would seem that even they, fatuously following their policy of tariff for revenue only, might profit by trustworthy information. In their guess-work method of making tariffs they might guess wrong in some instance and fix the rate high enough to protect American industries, a result that would be most objectionable to all members of that party, judging from their preachments.

If it were ascertained with practical certainty that it cost the American producer 30 per cent more to produce a given line of products than it costs abroad, our adversaries would then know how low to fix the duty so that it would not afford protection to any American producer and yet be high enough to yield a large revenue. If the difference in production should be 30 per cent, they could easily arrange the duty at 20 per cent or 25 per cent on the foreign product, thereby giving the foreigner control of American markets, and the result would be a large revenue in the Federal Treasury, provided always that the people of the United States have the means to buy and consume the imported products. Trustworthy information could not put the Democrats at a disadvantage, if they are sincere in their advocacy of the revenue-only policy.

At the special session of the present Congress the Democrats seemed very anxious to revise the wool and cotton schedules. They were notified that the Tariff Board was making an investigation of those schedules and would report thereon the first of this year. They could not wait. They put through bills

revising both of those schedules by guesswork, and the bills were vetoed by the President. Since then the Tariff Board has made its report upon the wool schedule, and now Congress knows with practical certainty how low the duties may be imposed without destroying American production and how high they may be placed without injustice to the American consumer. Why does not the majority side of the House bring the wool schedule up for revision in accordance with the facts contained in the report of the Tariff Board? They seem to be side-stepping that question.

The truth is, the report of the Tariff Board completely vindicates the President in his vetoes of the wool and cotton whiteless the Fresident in his vetoes of the wool and certain schedules, and they lack the candor to admit it. Will they bring in a bill for the revision of the wool schedule during this session of Congress? They are in control of the House. The minority side can not report a bill. If there shall be no revision of the wool schedule during this session of Congress the responsibility will be on the Democratic side of the House.

The metal schedule, covered by the pending bill, was quite thoroughly revised by the Payne tariff law. The duty on iron ore was reduced from 40 cents to 15 cents a ton. Steel rails were reduced from \$7 to \$3.50 a net ton and pig iron from \$4 to \$2.50, and substantial reductions were made in the duties on all steel and iron products, with very few exceptions. The Payne law did not change the wool schedule. That schedule. remains substantially as it has been for many years. Last summer the Ways and Means Committee selected the wool schedule as the one among all the schedules most needing revision. Now that they are provided with scientific information respecting conditions of production in all parts of the world, the need of revision of the wool tariff certainly is as imperative now as it was last summer. They furnish no trustworthy information respecting the metal schedule. The Ways and Means Committee has had no hearings in relation to the cost of production at home or in any place else. They summoned no witnesses and made no investigations. Who can tell what the difference in the cost of the production of steel and iron is here and abroad?

The Tariff Board, I am informed, will report upon the cotton schedule within a few days, and it will then take up the steel and iron schedules for investigation. It is impossible, with the information now before Congress, to fix duties upon steel and iron products upon a just and equitable basis. If this schedule shall be revised now, when the report of the Tariff Board is received—provided, of course, that the Democrats do not starve it out of existence-another revision, accompanied by another business disturbance, will be necessary. The people of the country are anxious to have all the tariff schedules revised, but they are not deceived by the Democratic method of slipshod revision. They expect and demand scientific revision. expect and demand a business tariff, and they would rather revision be delayed a short period and have it right than to have an unsatisfactory revision now. There is no evidence showing the difference in the cost of production here and in foreign countries, and if Congress shall adopt the pending bill for the revision of the metal schedule, without waiting for an investi-gation by the Tariff Board, it will discredit the commission method of making tariffs and postpone indefinitely the day when tariffs shall be made a business rather than a political issue.

I quote here a short editorial, printed in the Saturday Even-

ing Post of this week, upon the Tariff Board:

The Democratic House can not afford to starve the Tariff Board. It should, on the contrary, support it liberally. The country has had more than enough of superficial, partisan, ex parte tariff investigation. It wants something different—a comprehensive, disinterested intelligent inquiry into the important facts. There is no good reason to doubt that the Tariff Board is willing and able to supply this want. No such inquiry was ever before undertaken in this country. To organize its staff and map out the groundwork cost the board months of time and a great deal of money. It is now in good running order, and, as must always be the case with every similar body, it gains in efficiency with experience. To check the board now would mean to throw away, in good part, the time, effort, and money that have been expended in organization and preliminary work, leaving all that costly work of organizing a staff and mapping out the ground to be done over again at some later day, for if this Tariff Board doesn't do it some future tariff board will. The country will not be content until it has a tariff inquiry of this scope and nature.

Mr. MOORE of Pennsylvania. Mr. Chairman

The CHAIRMAN. Will the gentleman from Indiana yield to the gentleman from Pennsylvania?

Mr. CRUMPACKER. I yield.

Mr. MOORE of Pennsylvania. It having been conceded upon the floor by our friends on the other side that there were no public hearings during the consideration of this schedule, will the gentleman say whether or not it was the practice of the old Ways and Means Committee, which prepared the Payne bill, to give public hearings?

Mr. CRUMPACKER. It was. The Ways and Means Committee, in preparing the revision of the Dingley tariff in 1908 and 1909, held sessions for weeks and months, and took testimony covering more than 10,000 printed pages upon all questions involved in the schedules. It had the benefit of the report of the Bureau of Corporations that is referred to in the report accompanying this bill. It had the benefit of Mr. Pepper's investiga-

Mr. MOORE of Pennsylvania. Is it not true that not only Government experts, who were sent around the world, but also representatives of industries upon all sides and all who had information to give were invited to appear before the com-

Mr. CRUMPACKER. That is true in a measure, and yet our evidence was discredited by many people of the country. The committee did the best it could without the aid of an expert tariff commission

Mr. SHACKLEFORD. May I ask the gentleman whether or not all these hearings in regard to the Dingley bill and those in regard to the Payne bill were not published and are now accessible to anybody who desires to make an investiga-

Mr. CRUMPACKER. They were published in book form and are accessible.

Mr. SHACKLEFORD. Another question. The gentleman said we wanted tariff legislation by the Tariff Board rather than by Congress, which latter knows nothing about the sub-Is he willing to let a tariff board, which the President, who appointed the board himself, expressly said has no expert knowledge, determine what the tariff of this country shall be?

Mr. CRUMPACKER. No. I am not contending that the board should revise the tariff. The Constitution makes that the duty of Congress, and it can not be delegated to a tariff commission or to any other officer or tribunal. But the Constitution does not prohibit Congress from securing information necessary to the intelligent performance of its duties. gress has the right to create expert commissions to investigate technical subjects and furnish information necessary to wise legislation thereon. That is all there is in a tariff commission.

The present Tariff Board now has in its service numerous experts in all important commercial countries investigating industrial conditions with the view of ascertaining the cost of production of dutiable products for the enlightenment of Congress. Congress is not compelled to act upon the information furnished by the board. It may still blunder along in darkness if it so chooses, but the individual Member must answer to his constituents for his folly if he does so.

The Payne tariff was a disappointment to the country because it could not be determined with practical certainty that the duties carried in it simply covered the difference in the cost of production here and in foreign lands. That bill contained a great many beneficent provisions, but the people of the country, with a just sense of discrimination, discredited much of the evidence upon which that tariff was based. It was impossible for Congress to have made a satisfactory tariff at that time because of the want of trustworthy, expert information on the subject of the cost of production. The Payne law did, however, illustrate to Congress and to the country that it was impossible to make a business tariff for this country without the aid of a tariff commission. That experience was a necessary step toward the establishment of a scientific method of tariff making. fore the Payne revision was undertaken there seemed to be little demand for the creation of a tariff commission. The Government had been making and revising tariffs, under method, ever since it was established, and its attention had not been riveted upon the vital necessity of a tariff commission.

The Payne law did that very thing, for now nine-tenths of the people of this country are earnestly in favor of the commission method. The pending bill is a good illustration of the danger of revising a tariff now under the old method. It betrays a reckless disregard for the vital interests of the country. It shows that the Democratic majority in this body has little appreciation of the responsibility that rests upon their shoulders. Their attempts at tariff revision will be regarded by the country as evidence of their utter lack of capacity to wisely administer the affairs of this great Government.

Several years ago the Hon. John Sharp Williams, who is now a Senator in Congress from the State of Mississippi, while leader of the Democratic side in this body, on an occasion when his party colleagues were urging some radical and dangerous measure, took occasion to lecture them on the floor of the House for their recklessness. He said, "The country is tired of the Republican Party, but it is afraid of us." The latter part of Mr. Williams's statement is undeniably true. Just such measures as this excite fear and concern in the minds of the people,

and as a campaign issue it will be a large factor in determining the result of the election next November.

Mr. FOWLER. As to the extent of the investigation of prices and of conditions with respect to the metal schedule, and particularly of the iron and steel schedule, I will ask the gentleman if it is not a fact that a special committee has been investigating that subject for six months and more, and has had before it the presidents and head authorities of this industry and has gone into that subject most thoroughly?

Mr. CRUMPACKER. I do not know. If that committee has been doing all that work, I would like to see some of the fruits of its labors. They certainly do not appear in this measure.

Mr. FOWLER. I will ask the gentleman if these investigations have not been made public, so that every Member of Congress can have access to them?

Mr. CRUMPACKER. I do not know. I never saw a report of that kind, and never knew there was anything of that character that was accessible to all the Members of Congress. Stanley committee, I understand, is engaged in investigating monopolies, not cost of production, if the gentleman has that committee in mind.

Mr. FOWLER. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CRUMPACKER. I yield.

Mr. FOWLER. How would the gentleman tell the difference between the cost of production abroad and the cost of production at home when the manufacturer is continually importing cheap foreign labor?

Mr. CRUMPACKER. I do not see what that has to do with the difference in cost of production at home and abroad.

Mr. MOORE of Pennsylvania. The manufacturer can not import labor. That is contrary to law.

Mr. CRUMPACKER. As is suggested by the gentleman from Pennsylvania, the manufacturer can not import labor. I will tell the gentleman from Illinois the reason why a great many foreign laboring men are coming to the United States. because under our policy of protecting American industries and American labor they can get more for their labor here than they can at home or any other place on earth. They come here because conditions are better here. They can make more money here than they can at home, or they would not come here.

Mr. FOWLER. I will ask the gentleman if it is not a fact that in Gary, one of the towns of his district, more than half of the men employed in the steel plant are foreigners, many of whom are so ignorant that they can not speak the English lan-

Mr. CRUMPACKER. I do not think so.

Mr. FOCHT. The fact that they can not speak the English

language does not make them ignorant.

Mr. CRUMPACKER. There are a number of foreigners employed in many of the industries to do unskilled work, ordinary labor, and they receive more for common labor in this country than they do for skilled labor at home. We need the men. The work must be done. A large number of people come from European countries and perform ordinary labor in this country. This increases the opportunities for skilled labor, which is performed chiefly by our own citizens. We can not have skilled labor without common labor to prepare the foundation for it.

Mr. FOWLER. Are there not as many as 80 per cent of the laborers in the Gary Steel Works who are foreign, many of whom are ignorant, cheap laborers?

Mr. CRUMPACKER. Not ignorant or cheap. The Gary mills pay good wages—better, I will venture to say, than are paid in the district represented by the gentleman. Common laborers with shovels receive in Gary from \$2.25 to \$2.50 a day for their work.

Mr. FOWLER. I will ask you one more question.

Mr. CRUMPACKER. I will say to the gentleman that I do not want my time occupied in discussing matters that have no relevancy to the bill under consideration.

Mr. FOWLER. One more question, and that is all.

Mr. CRUMPACKER. If the gentleman will ask that question and make it short, I will answer it.

Mr. FOWLER. Are not a great number of the laborers in that institution working at 12½ cents an hour?

Mr. CRUMPACKER. I think not.

Mr. FOWLER. And working 12 hours a day, too? Mr. MOORE of Pennsylvania. Will the gentleman from Indiana be kind enough to ask the gentleman from Illinois what particular nationality he refers to when he says that foreigners employed in the mills at Gary are so ignorant that they do not understand the English language?

Mr. CRUMPACKER. I have not the time to go into that.

Mr. MOORE of Pennsylvania. I ask the gentleman from Indiana whether he is willing to ask the gentleman from Illinois that question—what particular nationality he refers to.

Mr. CRUMPACKER. Mr. Chairman, I do not care to prolong

this irrelevant controversy.

The report submitted by the Committee on Ways and Means with the pending bill makes some reference to the cost of production in the United States, and it quotes principally the recent report made by the Bureau of Corporations, showing the cost of production of steel and iron in this country, but there is no reference to the cost of similar products in foreign coun-It only presents one side of the case. of the Bureau of Corporations, it appears that the United States Steel Corporation, with its elaborate integration, is able to make steel and iron products at a cost of from \$2.50 to \$4 below the cost of making the same class of products by independent establishments. This report presents a very interesting problem. If the basis of cost in this country is fixed upon the output of the United States Steel Corporation, and duties are adjusted accordingly, the result will be the closing up of practically all of the smaller independent iron and steel mills in the land. The United States Steel Corporation makes about 50 per cent of all the steel and iron produced here. The other 50 per cent of production is distributed among hundreds of smaller concerns that are not members of any combination.

If they are legislated out of existence the Steel Corporation

will have no competition except that which may come from abroad. It would soon enlarge its stupendous capacity and would ultimately have a complete monopoly of the steel and iron industry in this country. If, on the other hand, the cost of production by the independent concerns should be made the basis of tariff adjustment, the duty would be high enough so those establishments could operate, pay good wages, and make a reasonable profit. Such a tariff would enable the Steel Corporation to make the same legitimate profit on its investments and in addition thereto the margin of from \$2.50 to \$4 a ton on its output because of the fact that it can supply its products that much cheaper. Such a tariff would give the Steel Cor-

poration an unfair profit.

A new school of industrial economy in this country contends that large aggregations of capital and combinations of establishments are the logical result of modern industrial conditions; that they enable manufacturers to avail themselves of economies in production that result in a low cost. Abstractly that doctrine contains more than a grain of truth, but if the big combinations do not share with the people the savings in the cost of production that come from the employment of additional economies, they not only do no public good but do a positive harm to the country. It creates discontent among the people. One of the great problems before the country is what shall be done with the large combinations that practically control the prices of the necessaries and comforts of life. The Steel Corporation, producing one-half of the iron and steel in this country, is able thereby to fix the prices of the entire product. There can not be two prices for the same line of commodities. The demand of the country requires practically the combined products of the Steel Corporation and the independent concerns, and therefore the Steel Corporation, organized as it is, can determine the prices for all steel and iron products.

While I am not the champion or defender of the United States Steel Corporation, I believe I have such a sense of fairness as to be able to treat that corporation with absolute justice. I am willing to stand by it when it is right and I am equally willing to condemn it when it is wrong. If it violates the law, it should suffer the penalties of the law. Its officers and managers should be responsible under the law in their capacities as officers and managers, the same as they are and the same as

every citizen is individually.

The country insists that if large combinations are to continue to control the industries the benefits resulting from large aggregations of capital and from combinations shall be shared equitably with the people rather than go altogether to increase the dividends of the stockholders. The people are entirely willing to see those large enterprises make a good profit upon their investments, but they do protest against their taking advantage of the libertles they enjoy in appropriating to themselves substantially all of the benefits that come from combination

Distinguished leaders of public thought are earnestly advo-cating the repeal of the Sherman antitrust law, thereby in effect legalizing monopolistic combinations, and of supplementing in its stead a law for the control by the Federal Government of such concerns as are engaged in interstate and foreign trade. The Sherman law denounces monopolistic combinations.

Its repeal would put many lines of industry in complete control of the combinations.

Under any system of regulation the Government might provide to keep the profits of the large concerns at a reasonable basis the smaller independent concerns would be driven out of business. If the smaller concerns could survive and make a reasonable profit on their investments, the large combinations would wax fat because of their ability to produce so much cheaper than the small ones. The repeal of the Sherman antitrust law means the placing of many lines of industry under the complete control of monopolies, subject to such regulations as the Government may be able to effect under Federal laws. The Government as a business institution is not a decided success. I believe I am safe in saying that it costs the Government from 25 per cent to 40 per cent more to conduct its own business affairs than it would cost a private concern to conduct similar enterprises. The Government has done excellent work in regulating transportation, and yet under its regulations freight costs have increased. It has, however, secured equality of rights and privileges in relation to transportation to all the people in the land.

I am not reconciled to the repeal of the Sherman antitrust law. I do not believe in eliminating competition from our industries With the Sherman law administered so as to prevent monopoly, supplemented by wise Federal laws defining specifically, as far as it is practicable to do so, the things that large industries shall not do and securing to the Government a general supervision over them in the way of requiring complete publicity of all of their affairs, and the creation of an industrial commission with reasonable discretionary authority, in my judgment will bring about the highest degree of good.

If the benefits of monopolies in the way of cheaper production go to the monopolists themselves, there is no reason, from the standpoint of the public, why monopolies should exist. Furthermore, there is some sentiment involved in the solution of the problem in this free land of ours. It seems a little humiliating to the average American to be absolutely dependent for the necessaries and comforts of life on a few large private

Large concerns are not necessarily monopolies. lishment may grow and expand its business and influence to such an extent as to occupy a controlling influence, and yet if its growth is the result of its superior capacity and the excellency of its products, there can be no just cause of criticism. But if a number of concerns that have been competing with each other for the market should effect a combination for the purpose of stifling competition and thus create a monopoly, the country must of necessity look upon such a combination with some degree of concern. Competition and rational control of industries must, in my judgment, be the ultimate solution of the great industrial problem that confronts the public at this time. The Government is supreme, and its power must and will be employed for the advancement and welfare of the people generally. It will be a sad day in this country when competition among large industries shall be eliminated. The principle of competition is the basis of economic science. To that principle is due the credit for most of the progress the world has made. It is God's way of advancing civilization and His method of race building. Suppress competition and progress will stop. There will be no reward for excellence; the inventive genius will be paralyzed. It will mean the deterioration of the human race, the deadly blight of socialism.

President Taft is right in standing by the Sherman law and in advocating a Federal corporation act and other legislation for the proper regulation of interstate industries. competition is better than no competition at all. The disintegration of great monopolistic combines that are in unreasonable restraint of trade will ultimately be effected. If the decree of the courts in the Standard Oil and the Tobacco cases shall prove ineffectual, other laws and other decrees can and will be made that will as effectively compel competition among the larger establishments as it exists among the smaller ones. The solution of the problem pointed out by President Taft is the one, in my judgment, that must ultimately be adopted. In this connection, one of the first steps toward bringing about competition is the placing of the tariff upon a business basis along protective lines. That important reform can not be brought about by the enactment of such legislation as is proposed by the bill pending before the House at this time. On the contrary, its consummation will be seriously retarded. All sincere advocates of a higher and better standard of tariff laws and business methods should stand together for the great reforms that are indispensable to the accomplishment of that beneficent

Mr. PAYNE. Mr. Chairman, how much time have I re-

The CHAIRMAN. The gentleman has 30 minutes.

Mr. PALMER. Mr. Chairman, I yield 20 minutes to the gen-

tleman from Georgia [Mr. Bartlett].

Mr. BARTLETT. Mr. Chairman, before I proceed I ask permission to extend my remarks by inserting certain publications and tables that I desire to print in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Mr. BARTLETT addressed the committee. See Appendix.]

Mr. UNDERWOOD. Mr. Chairman, I ask the gentleman from New York [Mr. PAYNE] to consume the balance of his time.

Mr. PALMER. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?
There was no objection.

Mr. DALZELL. Mr. Chairman, I make the same request. The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I yield 14 minutes to the gentleman from Tennessee [Mr. Austin].

Mr. AUSTIN. Mr. Chairman, I regard this bill as the most important measure introduced in this Congress, or any Congress to my knowledge, affecting the interests of the South. This bill not only affects that section, but it vitally affects more than 25,000 industries in this country with a capitalization of more than \$3,000,000,000 and giving employment to more than a million and a half of American wage earners. The most important schedule in the entire tariff system of our country is thrown upon this House with five hours of general discussion, and a majority and minority report, covering a hundred pages, submitted for the investigation of its Members on the very eve of its discussion.

You can not possibly expect a favorable consideration of this measure at the hands of the Republican Senate or to have the approval of the present occupant in the White House. [Ap-No party except one hostile to American development would dare to so recklessly deal with great problems of millions of dollars of invested American capital and reaching the homes of 1.500,000 of American wage earners.

The American people are fortunate in having at the other end of the Avenue a man who has the courage and patriotism to stand between them and the attempted wrecking of the American protective system which has developed this country until it is the marvel and admiration of every man who sits even upon the other side of the Chamber. [Applause.]

It was admitted by the chairman of the subcommittee who framed this bill that its purpose was to enlarge the market for foreign makers of the articles affected by this schedule, and to extend their zone for the shipment to and sale on the American shores of the cheap, foreign, pauper-made goods of Europe. That is the declared purpose and intention of this bill, namely, to take from the workshops of America over \$20,000,000 worth of goods, and have those goods made, not by American mechanics, but by the cheap, pauper-paid laborers of Europe.

Mr. ALLEN. Will the gentleman yield?

Mr. ALLEN. Yes, sir.
Mr. ALLEN. Will the gentleman kindly state what proportion of foreigners are employed in these industries in this

Mr. AUSTIN. The difference is this: The man of foreign birth who works in the mills here buys his food and buys his clothing here, and pays his taxes to the American Government. The foreigner you propose to support and give employment to under this bill buys his food, his clothing in, and pays his taxes to a foreign government. [Applause.]

Not only that, but we know that the great majority of the foreigners who seek America come here for the purpose of becoming American citizens, whereas the men you are favoring have shown no indication to sever their allegiance to a foreign government and cast their lot with us and take up their homes in America. If our workshops and factories are filled with foreigners, it is absolute proof that the American workingman is better paid, better clothed, and better fed than the working people of any foreign land. If you will examine the census returns you will find that more than 20,000,000 of foreign workingmen have deserted the cheap pauper-paid system of work and landed in America to be identified with a country that pays the highest known wages to mechanics and other wage earners.

Now, what does this bill propose to do? It proposes to allow American manufacturers to buy more pig iron in England, Germany, and China, and less in Alabama and Tennessee. It proposes to allow our iron makers to buy more iron ore from the mines of Cuba, Spain, and far-off Sweden and to buy less from the iron-ore producers of Alabama, Georgia, Tennessee, and the other Southern States of the Union.

What else? This bill not only proposes to put iron ore on the free list, but it proposes also to put zinc ore on the free list. What States of the South are producing zinc? Tennessee, Arkansas, and Missouri. Why, the gentleman who has this bill in charge stated that Mr. Schwab had made an immense amount of money under the Republican protective system. Returning from Europe last summer, Mr. Schwab, the gentleman's fellow townsman, with his iron mills with cheap water transportation, stated in an interview in the New York papers that he had entered into a contract to bring to his mills 25,000,000 tons of iron ore from And this bill proposes to present to him the duty now levied of 15 cents per ton, and rob the National Treasury of more than \$250,000 that is annually paid as a tax on imported iron ore.

Mr. PALMER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. AUSTIN. Certainly.

Mr. PALMER. Of course, Mr. Chairman, the gentleman is laboring under a very serious misapprehension if he thinks Mr. Schwab is the only importer of iron ore in this country. the duty now paid by Mr. Schwab on iron ore coming from Cuba is only 12 cents a ton, not 15. But Mr. Schwab is not the largest importer of Cuban ore. All the eastern furnaces are now getting Cuban ore, and it is going to many other consumers besides Mr. Schwab.

Mr. AUSTIN. The Pennsylvania Steel Co., Mr. Schwab, and the Maryland Steel Co. are the only heavy importers of foreign iron ore. The gentleman's constituent, Mr. Schwab, stated in an interview that he had a contract to import into this country 25,000,000 tons of iron ore from Sweden, and this bill proposes to remove that duty of 15 cents per ton on the 25,000,000 tons for which he has entered into a contract.

Mr. PALMER. Is the gentleman trying to charge that I am

trying to look out for Mr. Schwab?

Mr. AUSTIN. I charge that the schedule which the gentleman prepared and which his caucus approved and which he reported and defended wipes out this duty and virtually presents to Mr. Schwab, his constituent and the largest iron producer in his district, 15 cents a ton on 25,000,000 tons of iron ore, or \$3,750,000.

Mr. PALMER. Well, when Mr. Schwab has seen the pig-iron rate and the other rates in this bill he will not be as pleased and enthusiastic about it as the gentleman from Tennessee.

Mr. AUSTIN. I want to say to the gentleman that when the Payne-Aldrich bill was in course of preparation here, in the Sixty-first Congress, the man whom the southern Representatives had to fight in order to get a duty on iron ore was Mr. Schwab, of Pennsylvania.

Now, let us see about the pig-iron business. The Birmingham mills have not sold, I suppose, a ton of pig iron on the Pacific coast since the recent reduction of the duty on pig iron.

Mr. UNDERWOOD. I will say to my friend more than that, They never did.

Mr. AUSTIN. The Manufacturers' Record, a reputable paper of Baltimore, is authority for the statement that the Pacific Coast Steel Co., of San Francisco, have notified the Birmingham mills, from which they have been purchasing their pig iron in the past, that they would not renew their contract, for the reason that they could have laid down at their mills on the Pacific coast pig iron made in China more cheaply than the Alabama mills could deliver it on the Pacific coast. Now, let us see. We are now importing pig iron from China, and it has been sold in New York City and Hawaii, Humboldt, Cal., Los Angeles, Cal., Portland, Oreg., Puget Sound, and San Francisco with the duty \$2.50 a ton.

They are now shipping cheap Chinese pig iron made 750 miles in the interior, on the Yangtse River, boating it down to the coast, loading it upon merchant vessels and shipping it across the Pacific Ocean, paying the transportation cost and \$2.50 a ton duty, and underselling the American mills that have no duty to pay. This bill reduces the present duty, which is entirely too low to keep out either cheap European pig iron or Chinese pig iron. This bill cuts that duty in two. The result will be that Chinese makers of pig iron will in the future, if this ruinous, unjustifiable, un-American bill becomes a law, drive the American mills out of the market on the Pacific coast. market will be monopolized by the cheap Chinese-iron producers, Mr. PAYNE. I yield 10 minutes to the gentleman from

Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, the presentation of this bill at this time and in this way gives me no small degree of embarrass-Whether right or wrong, I have been one of the Members on this side of the Chamber who believe in lower duties on many of the schedules in the tariff law. I have consistently endeavored to maintain that position whenever a matter of this kind has presented itself for discussion or a vote. When the Payne bill was under consideration I was for the first time a Member of this body. I recognized then that I knew very little about the tariff law. I appreciate now, much stronger than before, how imporlaw. I appreciate now, much stronger than before, how important information on tariff matters is to the Members of this body. I appreciate as never before how imperfect and improper action is likely to be, unless guided by the fullest possible knowledge.

The only distinct contribution made to our tariff policy in recent years is not that duties should be a little higher or a little lower, but that the duties, whatever they are, should be based upon facts and that the law should be both scientific and The ascertainment of the facts is and must be the work of experts. There followed the need of a tariff commission, and the work of a tariff commission must be antecedent to tariff legislation. Mr. Chairman, the people of this country believe in a tariff commission, they expect this body to make use of the tariff commission, and every consideration of common sense requires that we make use of the tariff commission we now have,

The only reason that some of us voted against the Payne bill was that the duties it imposed upon wool and cotton goods were too high. The basis of the criticism that bill has experienced before the country is that its schedules of wool and cotton were not lower. The one schedule of that bill reduced from the previous law in the most marked degree was the iron and steel schedule. Duties therein were cut about 50 per cent, and no one

complained they had not been cut enough.

For a period of two years 90,000,000 of people have been asking for a revision of the wool and cotton schedules. The Tariff Board has long been busy, expending large sums of money, in securing full and accurate information on these important items. For the first time in the history of all tariff legislation in this country a legislative body now has at its command the basic facts upon which to frame a logical, sensible, just tariff law. The Tariff Board report on the cotton schedule will soon be available; that on the wool schedule has long been before this House. Ever since early in December there have been before this body complete, accurate, illuminating facts covering every part of the wool schedule, accompanied by a recommendation from those who compiled them, the Tariff Board, that the duties of that schedule should be greatly reduced-have been before this body literally crying for attention, and yet the majority have turned their backs upon them, upon the wishes of the people, upon the necessities of the people, and brought in here for consideration and to be passed a bill revising the iron and steel schedule. They well know the Tariff Board is expected to ascertain the facts relating to this schedule later in the year, and report them to the House, but they must be afraid of those facts, they must want to put through legislation the facts do not warrant, else why this procedure?

Then another consideration, Mr. Chairman. Not long ago the storm of the country broke upon this body because important measures were not given full consideration on the floor, because the individuality was largely lost in the procedure of the House, and voting occurred under a machine-like process. attributes of tyranny, heretofore known or condemned, are employed by the majority on this bill, and several new ones have been resorted to. Here is a bill vitally affecting nearly 30,000 different industrial institutions and directly affecting 1,500,000 wage earners in this country, and yet it is brought here in the morning, we are given just five hours to debate and investigate it, and then must start to vote on its provisions. know what is in the bill, we can not know what is in the bill, and when we vote we vote absolutely in the dark. This bill directly affects 25,000 wage earners—miners—in my district, but I do not know whether it will bless them or ruin them, and you do not propose to give me a chance to find out. I can not help but ask, What is the matter with this bill that the Democratic majority wrote it in secret and now pass it in the dark? We expected better things from you than this. Truly, we have been grievously disappointed. Can it be you expect men who have some regard for the duty they owe their constituents and their country to vote for a measure thus proposed and thus shoved through?

Mr. RAKER. Will the gentleman yield? Mr. MILLER. For a question.

Mr. RAKER. The Tariff Board report was not available to Members until about the 7th of January. Is not that correct?
Mr. MILLER. I do not understand it so; I received a copy in December.

Mr. RAKER. The printed report?

Mr. MILLER. I think so.

Mr. RAKER. I sent to the Printing Office and was not able to get a copy.

Mr. PAYNE. I think the gentleman from Minnesota is talking about the synopsis of the report.

Mr. MILLER. Well, it does not really matter. Mr. RAKER. I want to say, so as to get it square on the record, that I was informed by the Public Printer about the 4th or 5th of January that it was not permissible to give out advanced sheets, and that it was not in a shape then to be delivered.

Mr. MILLER. It may be that the statement made by the gentleman from New York [Mr. PAYNE] is a correct one, and that the report which I first saw was the synopsis, but it was ample, full, and a good indication of what was to follow.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. TALCOTT of New York. Did the tariff report refer to anything but wool?

That is all we cared to have it refer to at Mr. MILLER. that time-wool and woolen manufactures.

Mr. RAKER. The gentleman from Minnesota says he wants to be fully advised on the subject that he is going to investigate?

Mr. MILLER. Yes. Mr. RAKER. Has the gentleman had time since he received

the Tariff Board's report to read it?

Mr. MILLER. I will say that I have read large parts of it; that I have had vastly more opportunity to read it than I have had to read this bill.

Now, Mr. Chairman, I think I had better proceed, in order to complete what I have to say. The bill which is presented, on its face states that it is a tariff for revenue only in respect to this schedule. The gentlemen who are sponsors for the bill on the floor of the House state emphatically, if not exultantly, that it is strictly on a revenue basis. Mr. Chairman, for one, I never have believed, and I do not now believe, in a tariff on a revenue basis. I always have believed, and I believe now, in the principle of protection, and I think the degree of protection should be the difference in cost of production at home and abroad; this that the wages of the American workman may not be reduced, and that his standard of living may be maintained.

While I have for some time strongly insisted, and voted accordingly, that many of the duties now in force should be reduced, because they are unreasonably high, because they are above a point actually needed for just protection, yet I have as strongly insisted upon the maintenance of protection. It should be the basis of all our tariff legislation. It matters not that doctrinaires and Democrats declaim against it; no civilized nation on earth has ever existed entirely without it. A country with a low wage scale naturally might ask for free trade, if she wanted to keep her wage scale down; but a country with a high wage scale can not live without protection, if she intends to maintain that wage scale.

While they tell us, Mr. Chairman, that this is a revenue bill, yet they also tell us it is a failure as a revenue producer. Strange, indeed, it should be named a bill for revenue, when the revenue it will produce is less than that derived under the present law. Possibly they have unwittingly admitted that a bill drawn on a revenue basis is a failure in every respect.

Then, too, Mr. Chairman, this bill changes the law from specific to ad valorem duties. As yet no one on that side of the Chamber has seen fit to give any reason for making this change. They can well be silent. It is a system condemned by more than a hundred years of tariff labor in this country. Every authority on tariff matters condemns it; every collector of customs condemns it; experience everywhere condemns it. Such a system promotes fraud and the escaping of tariff charges, for undervaluation is always, everywhere, the simplest thing in the world.

There are some particular items, Mr. Chairman, to which I desire to call attention. By this bill iron ore is placed on the free list. Never since we became an industrial Nation has there been an hour when there was not some protection on iron Under the law that existed from 1897 to 1909 the duty was 40 cents per ton, a very considerable protection. In 1909 the Payne bill was passed, reducing this duty 65 per cent, or to the small sum of 15 cents per ton. Cut to the quick, reduced to the last notch, just a shadow of protection remained. This bill puts it on the free list; inaugurates free trade in iron ore. The object in so doing has been frankly stated by the gentleman from Pennsylvania, who drew the bill. He says it is to give relief to the manufacturers of steel in Pennsylvania, who have been hit by the other provisions of this bill. A remarkable situation. We are told this bill was aimed at the manufacturers of iron and steel, to take from them the unholy profits they are making. That having been done by the other provisions, it is

now proposed to compensate them by giving them free iron ore. And at whose expense? At the expense of the mining regions in the West—in Minnesota, in Wisconsin, in Michigan.

The gentleman stated that steel was king and his palace was Pennsylvania. I reply that this palace of the king would be but a whitened sepulcher for dead men's bones were it not for the iron mines of Minnesota. It is proposed to rob Peter to pay Paul. Nay, to rob Peter to pay Satan. The wealth of three great States is to be drawn and their people robbed to bring relief to the steel manufacturers who are hit by this bill.

There are three possible sources of iron-ore importations into this country-Canada, Sweden and Finland, and Cuba. There is no prospect that iron ore in anything but negligible quantities will ever be imported from Canada. The large deposits are all this side of the line. From Sweden and Finland some iron ore is now being brought to this country, a condition made possible by the reduction in the duty made by the Payne bill. Under free trade more importations will occur, but not to affect seriously the iron-ore market in America for at least many years to come. The situation in Cuba is different. A large area of excellent ore, easily mined, has recently been made available. This is at present, as far as is now developed, in the control of Mr. Schwab and his associates. They can and will import Cuban ores at a large profit to themselves, as they will have this advantage over their competitors. This importation would probably not affect, immediately, the ore market in America. This bill can then be rightly termed a bill for the relief of the Pennsylvania Steel Co., the Bethlehem Steel Co., and the Maryland Steel Co.

But the danger to American ores lies in the future. Other ore bodies in Cuba can and will be developed, importations on a large scale occur, and the price of iron ore in the United States be materially affected. Mine workmen in Cuba get about 60 cents a day, and the supply is inexhaustible. In the United States these workmen get from two to three dollars a day. Surely free iron ore will strike a direct blow at American labor. It is not unlikely, yes, I am willing to predict, that if this bill becomes a law the mine operators of the West, in order to meet this cheap labor, free ore from Cuba, will be compelled to reduce wages all along the line. The man who goes down into the bowels of the earth to labor for himself and family bears burdens heavier than those borne by any other toiler on earth. His work is harder, his surroundings more unpleasant, the danger to life and limb infinitely more imminent. Surely the mantle of protection, if spread anywhere, should be extended to shield his wages in at least some degree. This bill proposes to take away some of the profits from the steel manufacturers and then to pay him back out of the wages of the toilers in the mines.

We are also told, Mr. Chairman, that this bill is designed to lower the price of iron and steel products along the Atlantic coast, while that price will remain untouched between the Alleghenies and the Rockies. It is expected that material importations from foreign parts will be made to Atlantic cities, but by reason of railroad freight charges such importations will not reach beyond the Allegheny Mountains.

And I think this statement is true. The many millions who occupy the great center of the continent have no immediate interest in the bill. It will not reduce to them the price of a steel rail or a needle, the price of a steel girder or a hairpin. It is essentially sectional, and by the arrangement of its parts is made peculiarly so. We all know that freight rates on heavy commodities like iron and steel are determining factors in the price of those commodities, and certain areas can not be affected by general tariff laws. But all the country, all its sections, all its people are to-day vitally interested in the sums they pay for clothing and the sums they pay for food; are insistently asking for legislation on wool and cotton articles, that all the people and all the country may be benefited. In refusing to legislate respecting the pressing needs of all the people rather than passing sectional measures; in refusing to revise the tariff with the aid of the Tariff Board in the face of opportunity and the wishes of the American people; in refusing to legislate by a deliberative process rather than in the dark by a steam roller, the Democratic majority of this House can rightly be charged with having completely abandoned every principle they have talked for during the past four years. It is fortunate, having in view an approaching election, that thus early they have shown what can be expected of them.

Mr. PAYNE. Mr. Chairman, I yield the balance of my time

to the gentleman from Rhode Island [Mr. UTTER].

Mr. UTTER. Mr. Chairman, it is a long time since I have heard a more adroit presentation of a case than that which was made by the gentleman from Pennsylvania [Mr. Palmer] when he appeared as the champion of the Democracy. He said some things, however, during his presentation to which, if we did

not call particular attention, it seems to me we should be unfair to ourselves and unfair to him also, certainly unfair to his party.

All during his argument he used but two illustrations. One was the illustration which centered around Andrew Carnegie and the other was the illustration which centered around Charles M. Schwab. Any man who knows the history of those men-and who does not, if he knows the history of the United States for the last few years-knows that if either one of them were dropped on a desert island, by evening they would own the island and have it organized. You can not frame a tariff bill with Charles M. Schwab and Andrew Carnegie as your typical men. A tariff bill must be framed for the average man, and Charles M. Schwab and Andrew Carnegie are not average men. Therefore I want to call particular attention to the fact that while we have been discussing this bill, perhaps not intentionally, we have had in view how it may affect Charles M. Schwab and Andrew Carnegie, and we have apparently forgotten the other 20,000 people who are employers of labor, and the million and a half of laborers and the three billions of capital that are interested outside of those two men. It seems to me we ought to remember that the people outside of those two men are as much interested as are the two men themselves.

The gentleman from Pennsylvania said another thing, and we on the Republican side applauded. He said he was proud of what had been accomplished in this industry, and, we believe, through the protective system. I am proud, too, and every American citizen must be proud, that under a system that has built this country up to its present position, we have been able to develop not only Charles M. Schwab and Andrew Carnegie, but the men who work with their hands and who receive better pay and more comforts and more of the luxuries of life than they would anywhere else on the face of God's green footstool. [Applause on the Republican side.] It is something to be proud of. Now what is the proposition? It is proposed to bring in a bill that the Democrats themselves admit will push back this line that limits the competition and that saves the market to the American workman. They have admitted that the purpose of this bill is to push that line back, back, back, and the further you go the more satisfied they are. As an American citizen, as a believer in the principle of protection, my idea is to hold the American market for the American workingman, and to hold it faithfully. [Applause on the Republican side.]

Another statement made by the gentleman in the first part of his speech did not agree wholly with the last part of his speech. In almost the second sentence of his remarks he began by saying that he had no special information upon the subject, and yet later, when the question was put to him by the gentleman from Connecticut [Mr. Hill], if the committee had had any hearings, he said, No, they had not. Pity the remark! Pity the confession of a man who stands in the American Congress, ready to legislate for all the people of America, and who admits at the beginning of his speech that he has no special information upon the particular subject about which he desires to legislate, and who would not ask it from anybody else! It seems to me we ought to remember as Americans that the American people stand not waiting so much for legislation as they do for information. It is not because they have had legislation thrown at them on the tariff question that they are finding fault. It is because, as they say, so much misinformation has been thrown at them. The Republican Party in the last Congress and in this Congress stands ready and back of our President in support of a board that is to obtain information, and find it in a way that the gentleman from Pennsylvania [Mr. Palmer] admitted himself he did not have time to do. Therefore, Mr. Chairman, it seems to me, for the sake of the country, for the sake of Democracy, for the sake of the Republican Party, the thing to do with this bill is to stop it before it goes any further. It has been sired in darkness and brought forth in ignorance. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Alabama has 15 minutes remaining.

Mr. UNDERWOOD. Mr. Chairman, I do not intend to go into an extended discussion of this bill. I have expressed my views in reference to the general tariff question a number of times to the House during this session of Congress. It is not necessary for me to again state to the House what my position upon the tariff is. I only rise now to answer a few criticisms that have been made on this bill, and I am really surprised that there are so few criticisms that have been made to a bill of such importance as the revision of the metal schedule. gentlemen on that side of the House complain that they have not had ample time for debate. I want to say that we expect to pass a number of tariff schedules. Most of the appropriation bills must yet be passed, and it was therefore necessary for us to limit this debate in order that we may transact the business of this House and not be driven into another summer

Mr. MILLER. Mr. Chairman— Mr. UNDERWOOD. No; I do not care to yield. The CHAIRMAN. The gentleman declines to yield.

Mr. UNDERWOOD. Now, as to the criticism that we have only allowed one day's debate on this bill, I would like to call the attention of gentlemen on that side of the House to the fact that when the Payne bill came before this House for consideration there were only about 12 days devoted to general There are 14 schedules in the Payne bill besides the administrative features of the bill. If one day's debate on each schedule had been devoted to each schedule of that bill and one day to the administrative features of the bill, it would have taken 15 days. Therefore we have given more time to general debate on this schedule than you averaged for debate when you brought the Payne bill before this House. And more than that, it does not lie in the mouth of gentlemen on that side of the House who claim to be progressive Republicans to criticize this side of the House for the way in which it presents its bills to the country. When the Payne bill was presented to this House and to the country there was not a Member of the House who was allowed to offer a single amendment to the iron and steel schedule. [Applause on the Democratic side.]

You brought in a rule providing for five, six, or seven amendments to the bill, not one of them applying to this schedule, and then you criticize us when to-morrow we will take up this bill and take it up under the five-minute rule and allow every man in this House an opportunity to offer amendments, paragraph by paragraph. Now, you may say that you can not change the bill. Why can not you change it? Because a majority of this House is in favor of the bill; but if a majority of this House is not in favor of the bill, your amendments can be adopted and you have no right to change a bill if a majority of this House does not agree with you. I was rather surprised at the criticism of my distinguished friend from Pennsylvania when he called to the attention of this House that we had abandoned the free-list bill that we sent to the President last year and that he vetoed, that we had not included in this bill a paragraph putting agricultural implements on the free list. there is no man in this House who knows better than the gentleman from Pennsylvania that agricultural implements are not included in this schedule. They have never been included in this schedule; they are in the sundry schedule, and it would have been just as apt and just as proper for us to have put free bread and free meat in the iron and steel schedule as it would be to put free agricultural implements. We have put in this bill every item on the free-list bill that relates to the metal schedule, and more besides. [Applause on the Democratic side.] Now, as to the criticism of my friend from Tennessee that we are opening the gates of the Pacific to Chinese pig iron. I have heard that all my life. I have lived in an iron and steel district, and I have never in all my life stood for protection. I do not believe to-day that I as a manufacturer of pig iron and you as a producer of steel rails have any more right to have the Government protect your profits than the banker or the broker or the baker has a right for the Government to protect his profits. [Applause on the Democratic side.]

If you are going to protect profits why do you not protect the wages of labor as well as protect the profits of the manufac-I believe that the only function of levying taxes at the customhouse is to levy them for the necessary revenue furnished by the Government, and I believe that in this bill that I hold in my hand the Democratic Committee on Ways and Means have cut out the protection of profits and presented to this House a purely revenue measure. I do not believe that it will work an injury to the iron and steel business. I am free to say that you could not destroy the entire iron and steel business of this country if you put every item in it on the free list. Now, I am not a free trader; I did not bring in a free-trade bill; I brought in a revenue bill. This great industry is able to sustain itself, and, more than that, it has a protection in a large part of this country, not due to legislative enactments, but due to the law of

gravity, the cost of hauling freight.

You may divide this great country of ours into three geographical sections, namely, the Pacific slope; that portion of the country lying between the Rocky Mountains and the Alleghanies; and the portion lying between the Alleghanies and the Atlantic Ocean, and the gentleman from New York [Mr. Payne] knows, even if my friend from Tennessee [Mr. Austin] does not know, that you can not write a tariff bill on the heavy products of iron and steel that would prohibit importation on the Pacific slope that would not be an absolutely prohibitive schedule at the Atlantic ports and not produce any revenue at all.

Mr. AUSTIN. Will the gentleman yield?

Mr. UNDERWOOD. I have only two or three minutes.

Mr. AUSTIN. As you referred to me, I think you ought to vield.

Mr. UNDERWOOD. Very well.
Mr. AUSTIN. When the Panama Canal is completed you can put the Alabama pig iron and Tennessee pig iron on the Pacific coast if you will put up the tariff high enough to keep out the

cheap Chinese pig iron.

Mr. UNDERWOOD. My friend, there is not any cheaper Chinese pig iron, so far as I know, than there is in Birmingham. I am not writing this tariff bill from the Birmingham standpoint, because it would not be fair to the country if I did, but if you can find me any cheaper Chinese pig iron than you can find of Birmingham pig iron I would like to see it. There are only 40,000 tons coming in on the Pacific coast to-day, and we produce 22,000,000 tons of pig iron. The gentleman from Tennessee [Mr. Austin] throws up his hands in horror that 40,000 tons are coming in against the production of the United States of 22,000,000 tons. As much came in under the \$4 rate under the Dingley law, and more came in last year under the \$2.50 rate under the Payne bill, and it will come in under this bill. It costs \$10.50 a ton of freight to carry pig iron from Birmingham to San Francisco, and there is only a \$5 freight rate from Manchester or Liverpool by water on pig iron to San Francisco. So, leaving all other questions aside, if you want to equalize the freight rates from Birmingham—and it is greater from Tennessee and greater from Pittsburgh than from Birmingham—you would have to put a \$6 or \$7 duty on pig iron. And

you reduced it from \$4 to \$2.50.

As to the Mississippi Valley, that same question of freight rate prevents the foreigners from entering the Mississippi Valley at all. If you put the heavy iron and steel commodities on the free list there would not be importations into the Mississippi Valley, because they could not pay the freight and compete. There is one competitive territory in this country for iron and steel, and that is between the Allegheny Mountains and the Atlantic Ocean, and we have fixed a rate here where it would be sufficiently competitive to raise some revenue for the Government, practically as much as you raise with the higher rate, without protecting the manufacturer's profit.

You can not destroy the iron industry of this country. There is no foreigner from China or England or Germany who can enter the Mississippi Valley. Whenever he leaves the Atlantic contents of the contents o seaboard and starts anywhere freight rates are making him pay more to invade our country than the tariff rate that you yourself write in an iron and steel schedule. It is simply absurd. There is no reason why the American people should be taxed one dollar more on this schedule than is necessary to raise the revenue that must be raised for the use of the Govern-

ment of the United States. [Applause on the Democratic side.]
The CHAIRMAN. The time of the gentleman has expired.

All time has expired.

Mr. UNDERWOOD. Mr. Chairman, I desire to ask unanimous consent to have printed as part of my remarks the report of the majority that I submitted.

The CHAIRMAN. The gentleman from Alabama asks unani-

mous consent to print as a part of his remarks the document

indicated. Is there objection?

There was no objection.

(House Report No. 260, Sixty-second Congress, second session.) TO REDUCE DUTIES ON METALS AND MANUFACTURES OF METALS.

Mr. Underwood, from the Committee on Ways and Means, submitted the following report to accompany H. R. 18642.

The Committee on Ways and Means, to whom was referred the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equallize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

and recommend that the bill do pass.

ABUNDANT INFORMATION AVAILABLE.

In reporting H. R. 18642 the committee regards it as unnecessary to make more than a very general review of present conditions, as the industries involved in Schedule C have been studied and analyzed with great care within the past two years by several departments of the Government at great expense. This is especially true of the iron and steel manufacture. About two years ago the United States Immigration Commission prepared an elaborate study relating to social and economic conditions in the iron and steel and allied industries. An equally extensive study of coal and its products in relation to labor was likewise prepared by that commission. The Bureau of Labor, in its report on the strike at the Bethlehem Steel Works (S. Doc. 521, 61st Cong., 2d sess.), has furnished valuable data concerning hours and conditions of labor, wages, and allied matters prevailing in one of the important plants of the country. The results of the 1910 inquiries by the Bureau of the Census and late reports of the Geological Survey are all available.

STEENGTH OF IRON AND STEEL INDUSTRY.

STRENGTH OF IRON AND STEEL INDUSTRY.

A survey of the Iron and steel industry shows convincingly that it has reached a position of such strength and independence that the industry does not need the helping hand of the Government in order to stand in competition with foreign countries. This desirable state of affairs has been reached as a result of progressive improvements in industrial methods coincident with steady reductions of the tariff, which have impressed upon steel producers the necessity of shaping their methods in accordance with the recent inventions and processes and with the principles of effective business organization. Under these

conditions the committee feels warranted in recommending that the duties on metals and manufactures thereof be placed upon a distinctly revenue basis, while definitely adhering to the object of securing for the Treasury as large an income as can be obtained from this schedule consistent with conserving the general interests of the consumer.

ABILITY TO COMPETE.

ABILITY TO COMPETE.

That the iron and steel industry is fully able to accept a schedule of duties based upon the revenue principle can be seen from a brief consideration of the following facts:

American iron and steel makers have access to what is probably the best supply of raw material in the world, a condition fully admitted by leading manufacturers. Mr. E. H. Gary, chairman board of directors of United States Steel Corporation, when recently before the House Committee on the Investigation of the United States Steel Corporation (Hearings, p. 106), was asked by Mr. Young, "I understood you to say that you thought the Messal was the finest iron-ore district in the world."

To this Mr. Gary replied, "I did." This view is amply confirmed by the report of the Bureau of Corporations, which has devoted elaborate study to the ore resources of the country, and particularly those owned by the United States Steel Corporation. Furthermore, the Bureau of Corporations clearly shows that the iron-ore resources of the country have been acquired at prices which represent an exceedingly moderate investment on the part of the concerns which now own and operate them. They are therefore able to compete on most favorable terms with foreigners, in so far at least as concerns raw material and coal. Both in the natural abundance of ore and coal, and in the geographical location of these production factors with reference to one another, as well as cheapness in mining, it is doubtful whether any other country can compare with the United States. Certainly no other is in position to manufacture so large a tonnage under such favorable conditions of access to raw materials and abundance of supply.

Mr. Andrew Carnegie is on record as saying:

"After the Civil War Congress seent for the manufacturers and explained that it was ready to 'protect' steel, and 30 per cent duty was imposed. Steel rails, all imported, then cost \$90 per ton; the duty \$82. To-day the price is \$28 per ton, home production, and the duty \$4. No foreign supply is nee

LOW WAGES IN INDUSTRY.

in the infant industry has grown to be a giant, protection has done its work." (Century Magazine, May, 1911.)

Low Wages in Industries are handicapped by the necessity of paying abnormally high wages, and that high-tariff drages enable producing plants to pay these high wages. The recent investigation of the country work their employees excessively long hours, but the general rates of wages paid are extremely low.

In speaking of these conditions in its report on the steel industry, the Bureau of Labor says:

"The investigation developed that the seven-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation and in which department nine-tenths of the employees worked seven days a week, but it was also found that to a considerable extent in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sundays just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating seven days a week for commercial reasons only.

"The hardship of a 12-hour day and a 7-day week is still further accentuated by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either its to work one shift of employees on the day of change through the centre 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work is hours, one shift of employees on the day of change through the centre 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work is hours.

"That much of the Sunday labor in the steel

sider that the general tendency in other industries for years past has been toward a shorter working day. Years ago the 10-hour day became almost a standard; since that time further reductions have brought the working day to nine, and in many cases to eight, hours, and this reduction has been accompanied by a part holiday on Saturday. * * * Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of anskilled workmen in the labor force. These unskilled workmen are very largely recruited from the ranks of recent immigrants. * * * * "Taking the employees in all occupations in the industry, nearly 60 per cent are foreign born, and nearly two-thirds of the foreign born are of the Slavic races. Large as is the proportion that unskilled labor forms of the total labor force in the iron and steel industry, steel experts have noted the fact that the tendency of recent years has been steadily toward the reduction in the number of highly skilled men employed and the establishment of the general wage on the basis of common or unskilled labor. Nor is this tendency likely to diminish, since each year sees a wider use of automatic appliances which unskilled labor can easily be trained to handle."

With reference to rates of wages, the recent inquiries are equally conclusive. In the following table, taken from Senate Document No. 521, Sixty-first Congress, first session, is given the number and per centage of employees receiving each specified rate of wage per hour at the Bethlehem Steel Works. This affords a typical example of the situation. It will be noted that the largest number of employees are those who are grouped from 12 to 18 cents per hour or from \$1.20 to \$1.80 for a 10-hour day.

TARLE 1.—Number and per cent of employees of the Bethlehem Steel Works earning classified amounts per hour and per cent earning each classified amount or less.

[Bureau of Corporations.]

[Bureau of Corporations.]

Classified earnings per hour.	Employees in each group.	of total employees in each group,	employees earning specified amount per hour or less.
4 and under 6 cents.		11.1	11.1
6 and under 8 cents	1.38	1,4	11.5
8 and under 10 cents	1 100	11.1	12.6
10 and under 12 cents	53	. 6	3.1
12 and under 14 cents	2,640	28.7	31.9
14 and under 16 cents	1,528	16.6	48.5
16 and under 18 cents	1,162	12.7	61. 2
20 and under 22 cents	551 677	7.4	74.5
22 and under 24 cents	480	5. 2	79.8
24 and under 26 cents		6.3	86.1
26 and under 28 cents	432	4.7	90.8
28 and under 30 cents	93	1.0	91.8
30 and under 32 cents	256	2.8	94.6
32 and under 34 cents		1.6	96. 2
34 and under 36 cents	121	1.3	97.5
36 and under 38 cents.	52	. 6	98.1
38 and under 42 cents	55	.6	98.7
42 and under 46 cents	36	.4	99.1
46 and under 60 cents	-65	.7	99.8
60 cents and over	21	.2	100.0
Total	9,184	100.0	100.0

¹ Apprentices.

How this compares with the general rate of wages prevailing in the industry can be seen from Table 2, in which is reviewed the rate paid throughout the industry as a whole. This table has been prepared by the Bureau of Labor for its forthcoming report on iron and steel.

More than one-half, or 56.48 per cent, of the 172,706 employees included in the steel report of the Bureau of Labor earned 16 and under 25 cents per hour; almost one-fifth, 19.92 per cent, earned less than 16 cents per hour; almost exactly one-half, 49.69 per cent, earned less than 18 cents per hour; three-fourths, 76.40 per cent, earned less than 25 cents per hour; 7.45 per cent earned less than 50 cents per hour; and 2.55 per cent earned 50 cents and over per hour.

The table which follows shows by means of cumulative percentages the classified earnings for each of the principal branches of the industry.

Table 2.—Per cent of employees earning less than specified amount per hour, by branch of industry.

[Bureau of Labor.]

	Number	Per cent of employees earning per hour—					
Branch of industry.	of em- ployees.	Under 14 cents.	Under 18 cents.	Under 25 cents.	Under 50 cents.		
Blast furnaces	31,354	16. 29	65.96	92.30	99.94		
Steel works and rolling mills: Bessemer converters. Open-hearth furnaces. Puddling mills and crucible furnaces. Rolling mills. Tube mills.	5,618 14,618 7,489 43,631 4,252	1.21 9.37 5.35 5.74 3.01	47.03 48.80 27.89 40.25 47.81	73.64 76.25 48.54 67.55 88.29	95.64 98.54 94.26 93.03 97.77		
Total, steel works and rolling mills.	75,608	5.91	41.61	68.97	94.68		
Power, mechanical, and yard force	65,744	6.52	51.22	77.36	99.46		
Grand total	172,706	8.03	49,69	76.40	97.45		

With this may be contrasted the figures of Table 3, showing rates of wages and composition of working forces in the steel industry as compiled by the Immigration Commission for the volume on steel included in its forthcoming report.

Table 3.—Per cent of male employees 18 years of age or over earning each specified amount per week, by general nativity and race.

[Includes only races with 80 or more males reporting, but the totals are for all races. Wages or earnings for the period indicated are shown, but no account is taken of voluntary lost time or lost time from shutdowns or other causes.]

[Report of Immigration Commission.]

	Number	Average		P	er cent eari	ning each s	specified an	nount per	week.	
General nativity and race.	reporting complete data.	earnings per week.	\$7.50 or over.	\$10 or over.	\$12.50 or over.	\$15 or over.	\$17.50 or over.	\$20 or over.	\$22.50 or over.	\$25 or over.
Native-born of native father:				7023	678100	1188111	ESS IV		CHARLE	
White	17,911	816.54	97.8	86.2	69.3	52.0	33.8	21.9	13.8	9.
Negro	3,787	10.64	96.0	47.2	18.0	6.7	4.7	2.5	1.9	1.
Native-born of foreign father, by country of birth of father:	29.101		8010	11.2	201.0		10.30		4.0	-
Austria-Hungary	261	12.66	92.7	73.6	46, 4	26,1	12.3	3.1	1.1	
Canada	134	17.11	98.5	90.3	69.4	53.0	38.8	29.9	17.2	11.
	1, 415	17. 26	98.3	89.1		57.9		25.0		
England	1,413	18.48	98.2	86.5	73.7		40.8		15.9	10
France					76.1	61.3	46.6	27.0	19.6	14
Germany	3,693	16. 43	97.5	84.6	67.4	51.6	33.6	20.9	13.4	9
Ireland	2,703	16.60	98.1	87.4	70.6	53.3	36.2	22.7	14.2	9
Russia	108	13.42	95.4	78.7	58.3	32.4	12.0	5.6	2.8	
Seotland	471	17.53	99.4	91.9	79.6	61.1	45.0	27.6	15.9	10.
Sweden	161	16:36	96.9	91.3	81.4	61.5	34.2	19.3	11.8	5.
Wales	690	17.54	98.8	90.4	74.6	60.7	41.4	25.5	16.1	10.
Foreign-born, by race:										
Bohemian and Moravian.	236	13, 58	98.7	63.11	53.0	41.9	28, 0	6.4	2.1	
Bulgarian	194	10.41	99.5	47.9	- 18.0	2.1	.5	.0	.0	
Canadian (other than French)	195	18, 04	99.5	92.8	79.5	62.6	47.7	34.4	20,0	15
Croatian.	3,703	11.02	92.7	55.7	22.5	8.7	2.8	1.3	.8	10
English.	2, 191	18.76	99.6	92.8	78.4	61.9	44.8	31. 2	21.3	15
Dissib	186	15.61	100.0	93. 0		61. 3	26.3			
Finnish					75.3			14.0	4.3	1
French	120	16.50	100.0	80.0	60.0	49.2	34.2	15.8	9.2	8
German	4,028	14.38	97.8	76.8	53.9	38.6	23. 2	12.6	7.7	4
Greek	542	10.70	99.4	46.3	23.6	11.8	4.8	.4	.2	
Irish	2,309	15.83	98.4	83. 1	65.0	44.0	29.1	18.3	12.4	9
Italian, North	1,021	11.80	96.0	59.1	31.2	17.6	9.2	3.8	3.2	1
Italian, South	1,544	10.59	95.1	49.9	20.6	8.9	4.3	.8	.6	
Lithuanian	948	12.89	98.3	82.5	40, 6	18.9	9.3	2.7	1.1	
Macedonian	257	9,30	80.9	35.0	7.4	.4	.0	.0	.0	
Magyar	4,035	11.69	95. 9	68.3	34.6	9.7	4.3	1.6	.6	
Norwegian	96	16, 84	100.0	93.8	75.0	60.4	. 38.5	26.0	16.7	9
Polish	7,489	12.69	98.7	76.6	44. 4	20.1	9.3	3.8	1.9	1
Roumanian	767	11.08	98.3	61.9	20.1	7.5	1.6	.3	.0	
	1,294	12.05	97.8	70.3	38. 9	14.2		1.7	.8	
Russian	622						7.7			
Scoteh	899	18.62	99.5	94.4	83.6	67.4	51.1	33.8	21.5	14
Servian		10.75	84.5	49.2	24.9	7.8	2.8	1.4	.8	
Slovak	8,363	12.27	99.0	72.9	39. 7	15.0	5.9	1.9	.9	
Slovenian	1,271	11.85	96. 2	69.8	31.9	17.5	5. 9	1.3	.5	8 122
Swedish	1,043	19.07	100.0	97.6	87.0	66.3	46.5	30.1	19.7	15
Welsh	1,156	22.75	99.8	95. 3	85.6	71.7	59.6	49.1	41.1	33
Grand total	77, 280	14.35	97.5	76.4	752.2	33.7	21.1	12.7	8.1	5.
otal native-born of foreign father	9,996	16.62	97.8	86.5	69.8	53.3	35.7	22.1	14.0	9
'otal native-born	31,694	15.86	97.6	81.6	63.3	47.0	30.9	19.7	12.5	8.
'otal foreign-born	45,586	13, 29	97.4	72.8	44.4	24.4	14.2	7.9	5.1	3.

It is an unavoidable conclusion from these figures that the steel industry at the present time is not paying its employees excessively high rates of wages per man or per hour, and that with the large immigration, constituting free trade in labor, which now exists, the employees of the industry are not affected beneficially by the tariff on iron and steel. Their cost of living is made high by the other schedules of the tariff, and they receive no compensating benefit in wages to offset this increased cost.

TABLE 4 .- Earnings of the United States Steel Corporation, 1901 to 1910.

[Bureau of Corporations.]

			A	mounts restored to	earnings by burea	u.
Year.	Net earnings as shown by annual reports.	Adjustments by corporation in sundry accounts.	Interest on bonds, mortgages, and purchase-money obligations of subsidiary com- panies.	Locked up inter- company profits in inventories.	Excessive depre- ciation allow- ances.	Total adjusted carnings.
1901 F 1902 1903 1904 1905 1906 1907 1908 1908 1909	83, 675, 786, 51 4 57, 791, 196, 80 96, 432, 595, 93 125, 966, 938, 13 133, 244, 929, 28	-\$1, 207, 886.84 - 5, 427, 540.33 + 413,108.34 - 99, 253.78 - 90, 501.19 - 681, 515.52 + 394, 034.59 + 548, 445.08 - 818, 182.64	2 \$4,500,000.00 6,113,584.34 6,553,861.06 6,573,146.54 6,710,214.73 6,561,478.70 6,492,195.42 7,401,205.18 7,887,178.18 7,263,453.66	(3) (4) (5) (7) (8) (9) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	-\$1,765,000.00 8,062,272.00 9,354,851.00 - 631,165.00 3,480,088.00 8,216,388.00 6,616,572.00 1,981,460.00 1,281,348.00	877, 741, 230, 89 121, 502, 343, 75 94, 156, 955, 24 62, 491, 950, 20 112, 830, 834, 71 143, 393, 707, 38 155, 416, 873, 66 84, 793, 295, 73 120, 807, 578, 76 127, 216, 083, 90
Total	980, 045, 838. 66	- 7,369,292.29	66, 056, 317. 81	23, 332, 636. 07	38, 285, 357. 00	1,100,350,857.25

Approximated; this amount never computed by the corporation.

In these years the intercompany profits in inventories were not deducted by the corporation, and hence need not be restored.

After deducting employees' bonus fund, which in this year was taken out after stating net earnings, but which in other years is deducted before determining the net earnings.

This statement s'ould be examined in comparison with the following table compiled by the bureau and showing the Steel Corporation's earnings:

ABLE 5.—Comparison of investment of Steel Corporation, with total earnings thereon yearly, as adjusted by Bureau of Corporations, 1901 to 1910. TABLE 5 .-

Year ended Dec. 31—	Total invest- ment in tan- gible property as computed by bureau.	Earnings as adjusted by bureau.	
		Amount.	Per cent.
1901 1 1902 1903 1904 1905 1906 1907 1907 1908	\$698, 869, 756 763, 574, 919 806, 615, 979 818, 238, 143 874, 840, 920 947, 397, 884 1, 078, 763, 602 1, 090, 425, 487 1, 146, 875, 993 1, 186, 982, 038	1 \$77, 741, 231 121, 502, 344 94, 156, 958 62, 491, 950 112, 830, 835 143, 393, 707 155, 416, 873 84, 793, 296 120, 807, 579 127, 216, 084	214.8 15.9 11.7 7.6 12.9 15.1 14.4 7.8 10.5
TotalAverage		1, 100, 350, 857 \$ 112, 856, 498	12.0

1 Nine months, April to December; investment includes additions during this period.

² Indicated rate per annum based on actual earnings for nine months.

³ Average yearly profits for nine and three-fourths years.

ABILITY OF INDEPENDENTS TO COMPETE.

ABILITY OF INDEPENDENTS TO COMPETE.

It is thus established that an average annual earning of 12 per cent has been made by the United States Steel Corporation during a period of 10 years, in which its total investment in tangible property has increased from \$698,000,000 to \$1,186,000,000. This probably may be taken as a fair representation of the general condition of the industry as shown by the fact that the percentage of total output of iron and steel products manufactured by the United States Steel Corporation has been decreasing while that of other plants presumably in competition with it has been increasing. The Bureau of Corporations furnishes the following summary table, showing the percentage of all steel products turned out in the United States by the United States Steel Corporation as compared with the percentage of products turned out by other concerns.

ABLE 6.—Proportions of output of principal iron and steel products produced by United States Steel Corporation and by independent companies, respectively, in 1901 and 1910. TABLE 6 .-

(Bureau of Corporations.)

Product.	Steel Corpora- tion's per- centages.		Independent companies' percentages.		
	1901	1910	1901	1910	
Pig iron, spiegel, and ferro Steel ingots and castings Rails. Structural shapes. Plates and sheets of all kinds!. Black plate produced in tin mills. Costed tin-mill products. Black and coated sheets produced in sheet mills. Wire rods. Wre nails. Wrought pipe and tubes?. Seamless tubes?	43. 2 65. 7 59. 8 62. 2 64. 6 79. 8 73. 1 67. 3 77. 7 68. 1 57. 2 82. 8	43. 4 54. 3 58. 9 * 47. 0 * 49. 7 52. 9 61. 1 38. 9 67. 3 55. 5 38. 2 55. 3	56. 8 34. 3 40. 2 37. 8 35. 4 20. 2 26. 9 32. 7 22. 3 31. 9 42. 8 17. 2	56. 6 45. 7 41. 1 *53. 0 *50. 3 47. 1 38. 9 61. 1 32. 7 44. 5 61. 8 44. 7	

¹ Includes sheets for tinning, galvanizing, and other coatings.

² These percentages are based on capacity and not production. The capacity of independent companies is, moreover, partly estimated.

³ For 1909; figures for 1910 not available.

This clearly shows that the general output of the corporation in nearly every line of steel manufacture has been declining as compared with the total output of the country. The independent companies, in short, must have been able to gain upon the United States Steel Corporation in their sales to consumers, a fact which would indicate that they were able to do more than hold their own. On the other hand, it has always been recognized that many of the plants which were taken into the United States Steel Corporation at the time of its organization were not the most efficient establishments in the industry; that in spite of this fact the corporation has been able to make an average earning of 12 per cent while enormously increasing its actual tangible investment is conclusive in showing that there is no reason for regarding it as more than ordinarily representative of general conditions throughout the industry.

STEEL EXPORTS.

At present American manufacturers of iron and steel are fully able to compete in the export trade. Mr. E. H. Gary, when recently testifying before the committee on the investigation of the United States Steel Corporation, informed the committee (Hearings, p. 95) that—

"So far as we are concerned in this country, we get pretty nearly the same price from those countries all the time"—

Countries to which iron and steel products are regularly exported, particularly South America—

"I think, so far as foreign manufacturers are concerned, they get higher prices from the South American countries and the other countries that you speak of, at times at least, than they do in their own country.

"Elsewhere Mr. Gary said that the average price of our exports rails was 27 cents a ton higher than the domestic price."

Elsewhere Mr. Gary said that the average price abroad for export rails "would be a little less" than at home. He thought they were netting the corporation about \$25.50 per ton. Very similar conditions are understood to exist with reference to products other than rails. If it be true that the American iron and steel industry can successfully compete in the foreign market at prices nearly, and sometimes quite, as good as those which obtain at home, there would appear to be no reason for the maintenance of protective duties on those items which are in this favorable condition.

That we are able to compete successfully in foreign markets is amply proved by the figures for export trade in iron and steel products afforded by the most recent official reports of our trade abroad. Detailed data covering our foreign commerce in metals and manufactures thereof are presented in this report as Appendix B. As will be seen by reference to that appendix, exportation of iron and steel products during the fiscal year 1911 amounted to \$230,725,000.

COST OF PRODUCTION.

Reference is frequently made to the question of comparative cost of production of iron and steel and their products in the United States and in foreign countries. The method of argument is misleading, because of the fact that money outlays for the production of given articles have no necessary connection with or bearing upon the relative competitive power of various countries. It may easily be that a high money cost of production in a given country is coincident with a large power of competition. High wages per hour may be associated with a more than correspondingly high degree of efficiency, and even where this is not the case it is frequently true that large money costs are offset by charges for transportation, while in not a few instances high costs have absolutely nothing to do with international competition, since they represent the necessary costs of producing portions of the supply which are absolutely indispensable and which can not be obtained from a less expensive source. It remains true that even with these reservations money costs of production for iron and steel in the United States are probably as low as they are anywhere in the world.

In its recent extensive study of domestic steel costs the Bureau of Corporations has not been able to assemble corresponding data for foreign countries. In this connection the Commissioner of Corporations says:

"The bureau made a comprehensive investigation into the costs of

In its recent extensive study of domestic steel costs the Bureau of Corporations has not been able to assemble corresponding data for foreign countries. In this connection the Commissioner of Corporations \$\text{Says}\$:

"The bureau made a comprehensive investigation into the costs of the raw materials and finished products of the iron and steel industry in the United States, the principal results of which are presented in this report. It also attempted to get similar costs of manufacture in the chief foreign producing countries, but while much information of a general character was obtained relating to the subject it was found impossible to obtain any comprehensive information as to the costs as shown directly on the books of account."

Under these conditions it is not necessary to examine the cost figures presented in the report of, the bureau for their bearing on the rates of duty in Schedule C. The figures of the bureau show low costs and large margins of profit, both for the United States Steel Corporation and for independent companies, a condition which amply sustains the digest of findings already cited in this report.

Judged by all available tests, the American iron and steel industry is fully able to sustain itself without Government aid. It has unrivaled supplies of raw material well situated with reference to one another. It has the use of abundant capital and the best of business organization, as shown by the large profits earned and the large reinvestments made in the industry. It is able to export in competition with foreign countries, as is freely admitted by its chief officials and as is shown by the figures of the Government. Were the domestic demand not so extensive as it has been, exports might be increased, and the testimony of the officers of the United States Steel Corporation shows that prices abroad are about as satisfactory as they are at home. The industry has the advantage of low costs when estimated even from a rigid accounting standpoint. For all these reasons, it may be regarded a

CHANGES MADE BY ACT OF 1909.

CHANGES MADE BY ACT OF 1908.

The act of 1909 reduced the duty on iron ore in paragraph 117 from 40 to 15 cents per ton. Basic slag was transferred to the free list. Pig iron, paragraph 118, was reduced by the act of 1909 from \$4 to \$2.50 per ton. Wrought and cast scrap iron was made \$1 per ton instead of \$4, while ferrosilicon was transferred to paragraph 184 at \$5 per ton for a silicon content up to 15 per cent, and 20 per cent for that of a content containing more than 15 per cent of silicon. The definition of scrap iron or scrap steel was amended by providing that scrap should include iron or steel which could be remanufactured only by melting.

Bar iron, muck bars, rolled iron, etc. were reduced by the steel was a scrap steel by the steel was a scrap steel by melting.

scrap should include from or steel which could be remanufactured only by melting.

Bar iron, muck bars, rolled iron, etc., were reduced by the act of 1909, paragraph 119, from six-tenths of a cent per pound, the rate in 1897, to three-tenths of a cent per pound.

The tariff of 1909 reduced the rate on round iron in paragraph 120 from eight-tenths to six-tenths of a cent per pound. Slabs and blooms were cut from five-tenths of a cent to four-tenths of a cent per pound, except in the case of iron bars, blooms, etc., in which charcoal is used as fuel, which were reduced from \$12 to \$8 per ton. This reduction on the paragraph as a whole was equivalent to about one-third of the former rate on a basis of ad valorem equivalents.

Important action was taken regarding structural iron and steel shown in paragraph 121. The rate on these items had been five-tenths of a cent per pound in 1897. Under that rate iron had been admitted "whether plain or punched or fitted for use." The tariff of 1909 made the rate three-tenths and four-tenths of a cent per pound, according to value. It, however, in describing the items subject to this rate, used the words "not assembled or manufactured," etc. In the event that structural iron and steel was thus assembled it would be dutiable at 45 per cent. The effect of this change was to transfer a considerable number of articles largely imported to a higher rate than was paid under the tariff of 1897.

Boller or other plate, provided for in paragraph 122, was dutiable at five-tenths of a cent per pound and upward according to valuation under the act of 1897, but was made dutiable at three-tenths of a cent per pound and upward according to valuation under the act of 1897 but was made dutiable at three-tenths of a cent per pound and upward according to valuation under the act of 1897, but was made dutiable at three-tenths of a cent per pound and upward according to value, for sthe four included in the act of 1897. The general effect was a slight decrease from the former rates.

Iron or steel anchors dutiable under paragraph 124 of the act of 1909 were given a duty by that act of 1 cent per pound in place of 1½ cents in 1897. The act of 1897 made forgings dutiable at 35 per cent, the duty being reduced to 30 per cent by the act of 1909 on all forgings not machined, etc. Ball bearings, etc., were made dutiable at 45 per cent, the same as in 1897, with a slightly changed classification. Hoop, band, or scroll iron or steel was reduced by paragraph 124 of the act of 1909 from five-tenths to eight-tenths of a cent per pound according to gauge to one of three-tenths of a cent per pound and upward.

according to gauge to one of three-tenths of a cent per pound and upward.

Hoop or band iron for baling cotton or any other commodity was made dutiable in paragraph 125 under the same description as in 1897, but at three-tenths of a cent per pound instead of five-tenths of a cent. In the same way paragraph 126 of the act of 1909 reduced the rate on steel rails from seven-twentieths of a cent per pound (\$7.84 per ton) to seven-fortieths of a cent per pound (\$3.29 per ton), while railway plates and bars were reduced from four-tenths to three-tenths of a cent per pound. The cut in steel rails was about 40 per cent of the ad valorem equivalent.

Common or black sheets of iron or steel were dealt with in paragraph 127 of the act of 1909, being there classified upon a slightly altered basis at a duty of from five-tenths to nine-tenths of a cent per pound in place of from seven-tenths to 1½ tents per pound in 1897.

Paragraph 128 of the act of 1909 taxed iron or steel sheets or plates except tin plates at two-tenths of a cent per pound in excess of the regular rate on untreated sheets when galvanized or coated, this being the same rate as in 1897. A new provision covering sheets coated with layers of other metal by forging with a duty of 40 per cent was added.

the same rate as in 1897. A new provision covering sheets coated with layers of other metal by forging with a duty of 40 per cent was added.

Sheets of iron or steel, polished, were covered in paragraph 129 at a rate of 1½ cents per pound in place of 2 cents per pound in 1897.

Tin plates, temeplates, and taggers tin were provided for in paragraph 130 at a rate of 1½ cents per pound, against 1½ cents in 1897.

Ingots, blooms, slabs, etc., were made dutiable in paragraph 131 of the act of 1909 with a very slightly changed classification at seven-fortieths of a cent per pound up to 7 cents per pound and 20 per cent, according to value, instead of three-tenths of a cent per pound upward to 4½ cents per pound under the act of 1897.

In paragraph 132 of the act of 1909 steel wool was made dutiable at 40 per cent, instead of being dutiable as an "article manufactured from steel wire" at 1½ cents per pound in addition to the rate of duty imposed upon the wire used in the manufacture of the article.

In paragraph 133 iron grit, shot, and sand were separately enumerated at 1 cent a pound, as against 45 per cent under the act of 1897. this being an increase of about 66 per cent.

Wire rods, untempered or untreated, were made dutiable under paragraph 134 on about the same basis as in 1897, but at three-tenths and six-tenths of a cent per pound in place of four-tenths and three-fourths of a cent in 1897.

Iron and steel wire were reclassified in paragraph 135 at duties of from 1 to 1½ cents per pound, but not less than 35 per cent ad valorem. The act of 1897 had established three subclassifications, ranging from 1½ to 2 cents per pound, all valued at more than 4 cents being dutiable at 40 per cent. In the same paragraph, telegraph, telephone, and other similar wires were given a rate of 40 per cent, and wire heddles were taxed 25 cents per thousand plus 40 per cent.

The rate on bars or rods cold rolled, in paragraph 137, was reduced from one-fourth of a cent per pound, in addition to the rete on bars or rods hot rolled, i

the rate on common sheets, instead of that rate plus 1 cent per pound in 1897.

In paragraph 140 anvils were reduced from 1½ to 1½ cents per pound. Automobiles, bicycles, etc., were taxed by paragraph 141 at 45 per cent, this being a new classification not appearing in the act of 1897, the articles then being taxed at 45 per cent as unenumerated manufactures.

Axles were reduced by paragraph 142 from 1 cent to three-fourths of a cent per pound.

Blacksmiths' hammers, etc., were reduced by paragraph 143 of the act of 1909 from 1½ to 1½ cents per pound.

In paragraph 144 bolts, hinges, etc., were reduced from 1½ to 1½ cents per pound, the former being the rate in 1897.

Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof was reclassified in paragraph 145 of the act of 1909 at 29 and 45 cents per square foot the same as in 1897, while a new classification at 55 cents per square foot was added.

Cast-iron pipe was made dutiable under paragraph 146 at one-fourth of a cent instead of four-tenths of a cent per pound.

Cast-iron plates, etc., were reclassified in paragraph 147 of the act of 1909. A number of enumerated articles were given a rate of eight-tenths of a cent per pound, the same as in 1897, but a new subclassification covering chiseled and drilled castings dutiable at 1 cent a pound was added.

Malleable iron castings included in paragraph 148 of the act of 1909 were reduced from nine-tenths to seven-tenths of a cent per pound.

Cast hollow ware dutiable in 1897 at 2 cents a pound was reduced

Maleable from castings included in paragraph 148 of the act of 1909 were reduced from nine-tenths to seven-tenths of a cent per pound.

Cast hollow ware dutiable in 1897 at 2 cents a pound was reduced by paragraph 149 of the act of 1909 to 1½ cents a pound.

Iron or steel chains were reduced on some sizes in paragraph 150 of the act of 1909. In 1897 they were dutiable at 1½ cents up to 3 cents, according to size, but not less than 45 per cent. In the act of 1909 they were made dutiable at from ½ to 3 cents per pound, but not less than 45 per cent. This amounted to a slight decrease in rate based on ad valorem equivalents. The old rates worked out at 47.72 for 1909, while the corresponding average in 1911 was 47.30 per cent on the strictly dutiable imports.

In paragraph 151, iron or steel tubes, pipes, etc., were reclassified. In 1897 iron or steel boiler tubes, pipes, etc., were 2 cents per pound. The act of 1909 omitted the word "boiler" before tubes and established a classification according to the diameter of the tubes. The 1909 rate ranged from 1 cent to 2 cents per pound and a new provision was added fixing a rate of 1½ cents per pound on other articles made of charcoal iron.

Cutlery, covered in paragraph 152 of the act of 1909, was enumer-

made of charcoal iron.

Cutlery, covered in paragraph 152 of the act of 1909, was enumerated and taxed in the same way and at the same rate as in 1897, except for a special provision relating to blades, handles, etc. Razors were subclassified more elaborately than in 1897, the lowest classification being given a rate of 35 per cent instead of 50 cents per dozen and 15 per cent. This amounted to a very large increase in rates on

blades and unfinished razors, and the present rates are practically prohibitory. The equivalent ad valorem rate on razors and razor blades under the Dingley Act was 54.62 per cent on the imports of 1909, but under the act of 1909 was 71.34 per cent for 1910, and 71.30 per cent for 1911.

Swords and sword blades were increased in paragraph 153 of the

1909, but under the act of 1909 was 71.34 per cent for 1910, and 71.30 per cent for 1911.

Swords and sword blades were increased in paragraph 153 of the act of 1909 from 35 per cent, the rate fixed in 1897, to 50 per cent.

In paragraph 154 of the act of 1909 some changes were made in the enumeration of table and other knives for the purpose of extending the classification, making the rates 1 cent each and 15 per cent up to 14 cents each and 15 per cent, as against 1½ cents each and 15 per cent up to 16 cents each and 15 per cent, as against 1½ cents each and 15 per cent up to 16 cents each and 15 per cent, the rates in 1897. The minimum rate to be collected on any was made 40 per cent in 1909 instead of 45 per cent in 1897. Under the old rates of duty the ad valorem equivalent was 51.25 per cent in 1909, compared with 43.26 per cent for 1910 and 43.43 in 1911.

In paragraph 155 of the act of 1909, files, rasps, etc., were reduced from a rate of 30 cents to \$1 per dozen, to one from 25 cents to 775 cents per dozen, according to length. This was equivalent to a reduction of about 14 per cent of the old rate. The old rates were equivalent to 79.35 per cent on the basis of 1909 importations, while the new rates were equivalent to 68.06 on the basis of 1910 importations.

Firearms were made dutiable under paragraphs 156 and 157 of the act of 1909, the same as in 1897, with a slight change in the classification of pistols at 75 cents each plus 25 per cent. This rate was equivalent to 62.23 per cent in 1909 and 41.81 per cent in 1910.

Hollow and enameled wares were made dutiable in paragraph 158 at 40 per cent, the same as in 1897, with a slight change in classification.

Cut nalls and spikes were reduced in paragraph 159 of the act of

at 40 per cent, the same as in 1897, with a slight change in classification.

Cut nails and spikes were reduced in paragraph 159 of the act of 1909 from six-tenths to four-tenths of a cent per pound.

Horseshoe nails were reduced in paragraph 160 from 2½ to 1½ cents per pound.

Wire nails less than 1 inch in length and lighter than No. 16 wire gauge were reduced in paragraph 161 from 1 cent to three-fourths of a cent per pound, and the rate on the class not less than an inch in length and not lighter than No. 16 wire gauge from one-half to four-tenths of a cent per pound. Owing to variations in the amount brought in under the different classifications this worked out as an increase from 11.42 per cent in 1909 to 17.86 per cent on the basis of the importations of 1910.

Horseshoes, spikes, etc., were reduced from 1 cent to three-fourths

from 11.42 per cent in 1909 to 17.86 per cent on the basis of the Importations of 1910.

Horseshoes, splikes, etc., were reduced from 1 cent to three-fourths of a cent per pound in paragraph 162.

Cut tacks, brads, etc., were reduced by paragraph 163 of the act of 1909 from rates of 1½ cents per thousand and 1½ cents per pound according to weight, to five-eighths cent per thousand and three-fourths cent per pound.

Needles were taxed by paragraph 164 at the same rate as in 1897, at \$1 per thousand and 25 per cent ad valorem, except that latch needles were raised from \$1 per thousand plus 25 per cent to \$1.15 per thousand plus 35 per cent. The ad valorem equivalent of the duties shows a considerable increase as a result of this addition.

Fishing tackle, provided for in paragraph 165 of the act of 1909, was a new classification at 45 per cent.

Engraved and electrotyped plates were materially raised in paragraph 166 of the act of 1909. The act of 1897 had levied a duty of 25 per cent. This was now made 20 per cent, but plates engraved for the purpose of making figures on glass were left at 25 per cent, while lithographic plates were raised to 50 per cent.

Rivets, studs, etc., dutiable under the act of 1897 at 2 cents per pound, were taxed at 45 per cent in the act of 1909, paragraph 167, when lathed, etc., while on ordinary rivets the rate was reduced from 2 cents to 1½ cents per pound.

In paragraph 168 saws were cut from 6 cents, the rate in 1897, to 5 cents, with corresponding changes on various kinds and classes of saws. The result has been a slight ad valorem decrease.

Wood screws dutiable under paragraph 169 were reduced from rates ranging in 1897 between 4 and 12 cents to rates ranging from 3 to 10 cents.

In paragraph 170 umbrella ribs, etc., were extended in classification

Wood screws dutiable under paragraph 169 were reduced from rates ranging in 1897 between 4 and 12 cents to rates ranging from 3 to 10 cents.

In paragraph 170 umbrella ribs, etc., were extended in classification and given the same rate as in 1897, at 50 per cent.

Railway wheels were reduced in paragraph 171 of the act of 1909 from 1½ to 1½ cents per pound, while ingots, blooms, etc., in the same paragraph, were reduced from 1½ to 1 cent per pound.

Aluminum, barium, etc., were taxed under the act of 1897 at varying rates and under varying classifications, which were changed in paragraph 172 of the act of 1909. In 1909 the rate on aluminum, with a slightly changed classification, was made 7 cents instead of 8 cents, the reduction working out about 10 per cent of the old rates on the crude product. Aluminum in plates, etc., had paid under the old classification an equivalent of 26.61 per cent in 1909, which was now raised under the new one to 47.02 in 1911. Barlum, etc., was taxed at 3 cents per pound plus 25 per cent. Crude magnesium, which had not been taxed, was given a duty of 3 cents per pound plus 25 per cent.

Paragraph 173 of the act of 1909 raised the rate on antimony as regulus or metal from three-fourths of a cent to 1½ cents per pound. Changes in classification were made which further raised the rate.

Bronze powder, etc., was reclassified in paragraph 175, but kept at the same rate of 12 cents per pound as in 1897.

Gold leaf in paragraph 177 of the act of 1909 was to be 35 cents per 100 leaves, but the rate was applicable only to small sizes, additional duties being paid for an increase in size.

Silver leaf in paragraph 178 was reduced from 75 cents per 500 leaves to 10 cents per 100 leaves.

Bullions and metal threads in paragraph 179 of the act of 1909 were changed in classification and rate. The old rate was 5 cents per pound plus 35 per cent.

Hooks and eyes dutiable under paragraph 180 of the act of 1909 were reduced from 5½ cents per pound, the rate in 1897.

Crude mineral substances were du

Nickel, paragraph 185 of the act of 1909, was made dutiable at 35 per cent, instead of 6 cents per pound when in sheets or strips, this being a doubling of the rate of duty.

The classification of pens in paragraph 186 left the rate as in 1897, except for pens with nib and barrel in one piece, which were made dutiable at 15 cents per gross.

Metallic pins were retained in paragraph 188 of the act of 1909 at 35 per cent, as in 1897.

Tungsten ores not enumerated in 1897 were given a rate in paragraph 190 of the act of 1909 of 10 per cent.

Watches and clocks were largely reclassified and rates changed in paragraph 192 of the act of 1909. The classification was broadened and clauses requiring the marking of places of origin, etc., were introduced. On the cheaper watch movements the rate was changed from 35 cents each plus 25 per cent to 70 cents each. On the higher grades the rate was changed from 50 cents each plus 25 per cent to \$1.35 each and from 75 cents each and 25 per cent to \$1.85 each. Dials were dutiable under the act of 1897 at 40 per cent, but were now made dutiable at 3 cents per dial and 40 per cent.

Zinc-bearing ore was provided for in new paragraph 193 at from one-fourth of a cent to 1 cent per pound on the zinc contained therein when more than 10 per cent.

Zinc in blocks or pigs, etc., was reclassified in paragraph 194, being dutiable at 1½ instead of 1½ cents per pound. Zinc in sheets was made 1½ cents per pound when not coated, etc., in place of 2 cents per pound.

Cans, boxes, etc., were made dutiable at 4 cents per pound and 35 per cent but not less than 55 per cent.

Bottle caps were made dutiable in new paragraph 196 at one-half cent per pound and 45 per cent when not colored, etc., and 55 per cent when colored, etc.

Cash registers, sewing machines, etc., covered in paragraph 197, are also an addition to the list. The paragraph in question gave them rates of from 30 to 45 per cent in place of 45 per cent under the act of 1897.

of 1897.

In paragraph 198 of the act of 1909 nippers and pliers were made dutiable at 8 cents per pound and 40 per cent as against 45 per cent as unenumerated manufactures under the act of 1897. This was equivalent to an increase of about one-fourth.

The results of these changes worked out in equivalent ad valorems for 1905, 1910, and 1911 are shown under corresponding paragraphs of H. R. 18642 in Appendix A.

CHANGES MADE BY H. R. 18642.

for 1905, 1910, and 1911 are shown under corresponding paragraphs of H. R. 18642 in Appendix A.

CHANGES MADE BY H. R. 18642.

In framing the present revision of the metal schedule, the committee has adopted the general principle of reducing all duties to a revenue basis, so far as practicable, except in those cases where more cogenic considerations than those relating to the fiscal policy of the Garden considerations than those relating to the fiscal policy of the Garden considerations than those relating to the fiscal policy of the Garden considerations than those relating to the fiscal policy of the Garden considerations of the fiscal policy of the Garden consideration of

with tin or lead, formerly dutiable at 1.2 cents per pound. A common rate of 20 per cent ad valorem in lieu of all of the preceding rates has been assigned to the items in this paragraph.

Steel ingots, bars, shafting, shapes, etc., included in former paragraph 131 at seven-fortieths of a cent per pound and upward, are now grouped as paragraph 9 at 10 per cent ad valorem.

Steel wool, formerly in paragraph 132 at 40 per cent ad valorem, is now classed under paragraph 10 at 20 per cent ad valorem.

Grit, shot, etc., formerly at 1 cent per pound as paragraph 133, is now classed as paragraph 11 at 20 per cent ad valorem.

Paragraph 12 includes various iron and steel wire rods, etc., formerly grouped in paragraph 134 at three-tenths of a cent per pound and upward, but now given a general rate of 10 per cent. Included in the paragraph are in future to be cold-rolled, drawn, hammered, and polished rods, formerly included in paragraph 137 at one-eighth of a cent per pound over the ordinary rate on hot-rolled rods. The proviso that all tempered or treated rods shall pay an extra duty of one-half of 1 cent per pound is eliminated.

Round iron or steel wire is included in paragraph 13 (formerly 135) at 20 per cent ad valorem, and the subclassifications by size are eliminated. The proviso formerly included in the paragraph that no article shall pay less than 40 per cent ad valorem is changed to 20 per cent, are now made 25 per cent. As already noted, barbed and all other fence wire and balling wire is made free.

In paragraph 136 without change.

Paragraph 136 without change.

Paragraph 136 on crucible and Bessemer steel, etc., is identical with former paragraph 13 are grouped automobiles and allied articles, formerly grouped in paragraph 17 at 15 per cent.

In paragraph 18 are grouped automobiles and allied articles, formerly grouped in paragraph 17 at 15 per cent.

Blacksmiths' hammers, formerly included in paragraph 142 at three-fourths of a cent a pound, are now made 10 per cent.

Bolts, formerly 12 cents per pound un

valorem.

Paragraph 23 now contains cast-iron pipe, formerly at one-fourth of a cent per pound in old paragraph 146, consolidated with the items in old paragraph 147, such as andirons, stove plates, etc., formerly eight-tenths of a cent per pound. Chiseled castings, included at the old rate given to the other items plus two-tenths of a cent per pound, are put on the same basis as the other items, and to them are added malleable from castings and cast hollow ware, formerly grouped as paragraph 148 at seven-tenths and 1½ cents per pound, respectively. To this entire paragraph (23) is given a general rate of 10 per cent ad valorem.

Chains of all kinds, formerly included in paragraph 150 at varying specific rates from seven-eighths of a cent up, are now in paragraph 24 at 20 per cent.

Lap-welded and jointed iron, tubes, pipes, etc., formerly carried in paragraph 151 at varying specific and ad valorem rates, ranging at about 30 per cent, are now given a general rate of 20 per cent in paragraph 25.

Cutlery, formerly included in paragraph 152 at varying specific and developed as paragraph contains a contains

about 30 per cent, are now given a general rate of 20 per cent in paragraph 25.

Cutlery, formerly included in paragraph 152 at varying combined ad valorem and specific rates, is now included in paragraph 26 at 35 per cent ad valorem. The same rate is made applicable to partially completed articles of the same class. Scissors are dutiable at 30 per

In paragraph 27 are included sword blades and side arms, formerly dutiable at 50 per cent under paragraph 153, and now reduced to 30 per cent.

per cent.

In paragraph 28 are included the various classes of knives, formerly grouped under paragraph 154 at varying combined specific and ad valorem rates, ranging about 43 per cent. The new rate is 25 per cent. Paragraph 29 includes the items formerly in paragraph 155, comprising files, file blanks, etc. These were dutiable at specific rates equivalent to about 60 per cent, but are now made 25 per cent advalorem. valorem.

valorem.

In paragraph 30 are given muskets, rifles, etc., formerly classed in paragraph 156 at 25 per cent. The new rate is 15 per cent.

Breech-loading shotguns and rifles, etc., formerly taxed at an equivalent rate of about 45 per cent under paragraph 157, are now given a general rate of 35 per cent ad valorem, which is made applicable to parts and fittings under paragraph 31.

In paragraph 32, table, kitchen, and hospital utensils, formerly dutlable under paragraph 158 at 40 per cent, are given a rate of 25 per cent.

per cent.

per cent.

In paragraph 33, knitting needles for sewing machines and other needles, formerly dutiable under paragraph 164 at combined specific and ad valorem rates, are given the general rate of 25 per cent formerly applicable to crochet needles.

In paragraph 34, fishhooks and fishing apparatus, formerly dutiable at 45 per cent under paragraph 165, are given rates of 10 and 30 centered.

In paragraph 34, issued and any super cent.

Steel plates, stereotype plates, etc., formerly taxed at 20 and 25 per cent, are made 15 per cent as paragraph 35, while lithographic plates, formerly 50 per cent, are now made 25 per cent.

In paragraph 36, rivets, etc., formerly taxed under paragraph 167 at 45 per cent, are now 20 per cent.

In paragraph 37 saws, which were taxed at varying specific and ad valorem rates, are given a general rate of 12 per cent.

Wood screws, included in old paragraph 169 at varying specific rates, are now classed as paragraph 38 at 25 per cent.

Umbrella ribs, formerly 50 per cent under paragraph 170, are now in paragraph 39 at 30 per cent.

Railway wheels, etc., dutiable under old paragraph 171 at 14 cents per pound, are now included under paragraph 40 at 25 per cent, while ingots or blanks, formerly 1 cent per pound, are now 10 per cent.

In paragraph 41 aluminum, formerly dutiable at 7 cents per pound and upward in paragraph 172, is given a general rate of 25 per cent.

Antimony, included under old paragraph 173 at 1 cent per pound and upward, is given a general rate of 10 per cent as paragraph 42, except oxide of antimony, which is taxed 25 per cent.

German silver, etc., formerly 25 per cent under paragraph 174, is now given a rate of 15 per cent under paragraph 43.

Paragraph 44 contains bauxite, crude, at 10 per cent, which has been transferred from Schedule B.

In paragraph 45 bronze powder, etc., formerly dutiable under paragraph 175 at 12 cents per pound, is now dutiable at 25 per cent ad valorem.

In paragraph 46 braziers' copper, etc., formerly dutiable at 2½ cents per pound under paragraph 176, is now given a rate of 5 per cent ad valorem.

per pound under paragraph 176, is now given a rate of 5 per cent ad valorem.

In paragraph 47 gold leaf, formerly dutiable under paragraph 177 at 35 cents per hundred leaves, is now 35 per cent.

In paragraph 48 silver leaf, formerly 10 cents per hundred leaves under paragraph 178, is now made 30 per cent.

Under paragraph 49 tinsel wire and a variety of ornamental wire products, formerly dutiable at 5 cent per pound up to 15 cents per pound plus 60 per cent under paragraph 179, are now given rates of 10, 30, and 40 per cent ad valorem.

In paragraph 50 hooks and eyes, formerly dutiable at 4½ cents plus 15 per cent under paragraph 180, are now dutiable at 15 per cent as paragraphs 51 and 52, relating to lead ore, lead dross, etc., contain identically the same items as the corresponding old paragraphs 181 and 182, but lead ore is now 25 per cent instead of 1½ cents per pound; lead dross, 25 per cent instead of 2½ cents per pound; lead dross, 25 per cent instead of 2½ cents per pound; lead dross, 25 per cent instead of 2½ cents per pound; lead dross, 25 per cent instead of 2½ cents per pound in the present law.

Paragraph 53 levies rates of 10 and 25 per cent upon crude metallic mineral substances formerly dutiable under paragraph 183 at 20 per cent and upward.

In paragraph 54 nickel and its alloys, formerly dutiable at 6 cents

Paragraph 53 levies rates of 10 and 25 per cent upon crude metalic mineral substances formerly dutiable under paragraph 183 at 20 per cent and upward.

In paragraph 54 nickel and its alloys, formerly dutiable at 6 cents per pound under paragraph 185, is given a rate of 10 per cent, while sheets or strips of nickel, formerly 35 per cent, are now 20 per cent.

In paragraph 55 metallic pens, formerly 12 and 15 cents per gross under paragraph 186, are made 25 per cent ad valorem.

Penholder tips, etc., are made dutiable at 25 per cent under paragraph 56, as against varying specific and ad valorem rates under old paragraph 187

In paragraph 57 pins with solid heads, etc., formerly 35 per cent under paragraph 189, is made 10 per cent ad valorem.

In paragraph 58 quicksilver, formerly 7 cents per pound under paragraph 189, is made 10 per cent ad valorem.

In paragraph 59 new types, formerly dutiable under, paragraph 191 at 25 per cent, is given a rate of 15 per cent.

Watch movements, watch cases, etc., formerly dutiable under old paragraph 192 at varying rates, are made dutiable under paragraph 60 of H. R. 18642 at 30 per cent. Enameled dials, etc., formerly dutiable at 3 cents per dial and 40 per cent, now are taxed at a rate of 35 per cent.

In paragraph 61 zinc in blocks and pigs, formerly dutiable under paragraph 193 at various specific rates, is given a general rate of 15 per cent.

In paragraph 62 cans and containers, formerly dutiable under paragraph 195 at 4 cents per pound and 35 per cent, but not less than 55 per cent, are made 30 per cent.

In paragraph 63 bottle caps, formerly from about 50 to 55 per cent, are made 30 per cent.

In paragraph 64 steam engines are given a rate of 15 per cent, as under old paragraph 197.

In paragraph 65 articles or wares not specially provided for, formerly 45 per cent under old paragraph 199, are made 25 per cent.

SCHEDULE C AND THE REVENUE.

SCHEDULE C AND THE REVENUE.

In 1911 Schedule C produced only 6.07 per cent of the total tariff revenue of that year. This was the sixth position in the order of importance as a revenue producer in the 14 tariff schedules. In 1894 this schedule produced 13.73 per cent, 8.43 per cent in 1896, 3.86 per cent in 1899, 5.59 per cent in 1905, and 6.84 per cent in 1910. The percentage of our imports to domestic consumption of Iron and steel manufactures is comparatively small and the exports are rapidly increasing. Our manufacturers are splendidly equipped to supply not only the domestic market but to compete in the world's markets, and this they are doing at the present time.

Under these conditions the most important feature to be kept in mind in revising Schedule C in the interest of the general public is that the rates be made truly competitive as far as possible; that is, that they be made low enough to permit potential competition from imports for the sake of natural and proper regulation of domestic prices. Such competition will properly encourage imports, affect domestic prices in the interest of the people, and encourage increased consumption and production by making more nearly normal the conditions of supply and demand. It is believed that the rates provided for in the bill (H. R. 18642) are competitive, and if enacted would effect a substantial economy to the people greatly disproportionate in its advantages to the small apparent loss in revenue.

The estimates of imports for the first fiscal year under the bill H. R. 18642 have been made by an expert of the Treasury Department from a careful study of the imports of the past, more especially those in the last five years, an effort being made to give due consideration to the effect on the imports which may be made by the indicated changes in the duties as well as the present condition of the industry.

The total estimates from all the articles carried by the bill indicate probable imports during the first 12-month period under H. R. 18642 of 377,952,000 and

TABLE 7.— Tariff and total revenues of the United States, quantity of revenue derived from Schedule C, and per cent that revenue from Schedule C is of the total tariff: 1890 to 1911.

[Compiled from reports of the Bureau of Statistics, Department of Commerce and

Van		Reven	ue of the Unit	ed States.		
Year.	Tariff.1	Internal.	All other.	Total.2	From Schedule C.	
1890	\$226, 540, 037	\$142,606,706 \$33,934,240		0 \$403,080,983	\$17,131,406	
1891	216, 885, 701	145, 686, 249			23, 109, 252	
1892	174, 124, 270	153, 971, 073	3 26,842,44		21,507,930	
1893	199,143,678	161,027,62- 147,111,23	25,648,32	7 385,819,629	27,248,271 17,791,78	
1894 1895	129, 558, 892 149, 450, 608	147,111,230	21,051,89 20,517,79	4 297,722,019 5 313,390,075	14, 929, 35	
1896	157,013,506	146, 762, 864			13, 232, 16	
1897	172,760,361	146, 688, 574		0 347,721,705	8, 955, 13	
1898	145, 438, 385	170, 900, 641	88, 982, 30	9 405, 321, 335	8, 454, 28	
1899	202,072,050	273, 437, 162	2 40, 451, 40	8 515, 960, 620	7,809,28	
1900	229, 360, 771	295, 327, 927		4 567, 240, 852	11,280,85	
1901	233, 556, 110	307, 180, 664			10,922,077	
1902 1903	251, 453, 155 280, 752, 416	271, 880, 122 230, 810, 124		6 562, 478, 233 5 560, 396, 675	14,973,24	
1904	258, 161, 130	232, 904, 119	48,651,66	5 539,716,914	22, 368, 210 15, 682, 48	
1905	258, 426, 295	234, 095, 74			14, 448, 673	
1906	293, 910, 396	249, 150, 213		3 594,717,942	18,769,610	
1907	,329,480,048	269, 666, 773	63, 978, 83	9 663, 125, 660	21,882,14	
1908	282, 582, 895	251,711,127	66,766,70	1 601,060,723	16,003,78	
1909	294,667,054	246, 212, 644			15, 656, 103	
1910	326, 561, 683 309, 965, 692	289, 933, 519 322, 529, 201			22, 333, 34 18, 819, 349	
	500,000,002	022,020,20	00,011,10	2 101,012,010	10,010,020	
Y	ear.	Per cent of revenue from Schedule C to total tariff.	Population.3	Wealth.3	Per capita wealth.	
1890						
		7.56	62,947,714	\$65,037,091,000	\$1,038.57	
		10.66	62,947,714 63,844,000	\$65,037,091,000	\$1,038.57	
1892		10.66 12.35	63,844,000 65,086,000	\$65,037,091,000	\$1,038.57	
1892 1893		10.66 12.35 13.69	63,844,000 65,086,000 66,349,000	\$65,037,091,000	\$1,038.57	
1892 1893 1894		10.66 12.35 13.69 13.73	63,844,000 65,086,000 66,349,000 67,632,000			
1892 1893 1894 1895		10.66 12.35 13.69 13.73	63,844,000 65,086,000 66,349,000 67,632,000 68,934,000 79,254,000	\$65,037,091,000 77,000,000,000		
1892 1893 1894 1895 1896 1897		10.66 12.35 13.69 13.73 9.99 8.43 5.18	63,844,000 65,086,000 66,349,000 67,632,000 68,934,000 79,254,000			
1892		10.66 12.35 13.69 13.73 9.99 8.43 5.18	63, 844, 000 65, 086, 000 66, 349, 000 67, 632, 000 68, 934, 000 70, 254, 000 71, 592, 000 72, 947, 000			
1892 1893 1894 1895 1896 1897 1898 1899		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86	63,844,000 65,086,000 66,349,000 67,632,000 70,254,000 71,592,000 72,947,000 74,318,000	77,000,000,000	-1,117.01	
1892 1893 1894 1895 1896 1897 1897 1898 1899		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92	63, 844, 000 65, 086, 000 66, 349, 000 68, 934, 000 70, 254, 000 72, 947, 000 74, 318, 000 75, 994, 575		-1,117.01	
1892 1893 1894 1895 1896 1897 1898 1899 1900 1901		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.68	63, 844, 000 65, 086, 000 66, 349, 000 67, 632, 000 68, 934, 000 71, 592, 000 72, 947, 000 74, 318, 000 75, 994, 575 77, 613, 000	77,000,000,000	-1,117.01	
1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.68 5.95 7.97	63, 844, 000 65, 086, 000 66, 349, 000 67, 632, 000 68, 934, 000 70, 254, 000 72, 947, 000 74, 318, 000 75, 994, 575 77, 613, 000 80, 849, 000	77,000,000,000 88,517,306,775	-1,117.00 1,164.76	
1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.68 5.95 7.97	63, 844, 000 65, 086, 000 66, 349, 000 67, 632, 000 70, 254, 000 71, 592, 000 74, 318, 000 75, 994, 575 77, 613, 000 79, 231, 000 80, 849, 000 82, 467, 000	77,000,000,000	-1,117.00 1,164.76	
1892 1893 1894 1895 1896 1897 1897 1898 1899 1900 1901 1902 1903 1904 1904		10. 66 12. 35 13. 69 13. 73 9. 99 8. 43 5. 18 5. 81 4. 92 4. 68 5. 95 7. 97 6. 07 5. 59	63, 844,000 65, 086, 000 67, 632, 000 68, 934, 000 71, 592, 000 71, 592, 000 72, 947, 000 74, 318, 000 75, 994, 575 77, 613, 000 80, 849, 000 82, 467, 000 44, 085, 000	77,000,000,000 88,517,306,775	-1,117.00 1,164.76	
1892 1893 1894 1895 1896 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.68 5.95 7.97 6.07	63, 844,000 65, 086, 000 67, 632, 000 68, 934, 000 71, 592, 000 71, 592, 000 72, 947, 000 74, 318, 000 75, 994, 575 77, 613, 000 80, 849, 000 82, 467, 000 44, 085, 000	77,000,000,000 88,517,306,775	-1,117.00 1,164.76	
1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.60 7.97 6.07 5.59 6.39 6.64	63, 844, 000 66, 349, 600 67, 632, 900 67, 632, 900 71, 592, 900 72, 947, 900 74, 318, 900 75, 994, 575 77, 613, 900 79, 231, 900 80, 849, 900 84, 685, 900 85, 703, 900 87, 321, 900	77,000,000,000 88,517,306,775	-1,117.00 1,164.76	
1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1906 1907 1908		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.68 5.95 7.97 6.07 6.39 6.64 5.56	63, 844, 000 65, 085, 000 66, 349, 900 67, 632, 900 70, 254, 900 71, 592, 900 72, 947, 900 74, 318, 900 75, 994, 575 77, 613, 900 80, 849, 900 82, 467, 900 84, 985, 900 87, 321, 900 87, 321, 900 88, 703, 900 88, 393, 900	77,000,000,000 88,517,306,775 107,104,211,917	1,164.79	
1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908		10.66 12.35 13.69 13.73 9.99 8.43 5.18 5.81 3.86 4.92 4.68 5.95 7.97 6.07 6.39 6.64 5.56	63, 844, 000 66, 349, 600 67, 632, 900 67, 632, 900 71, 592, 900 72, 947, 900 74, 318, 900 75, 994, 575 77, 613, 900 79, 231, 900 80, 849, 900 84, 685, 900 85, 703, 900 87, 321, 900	77,000,000,000 88,517,306,775	1,164.7	

Unliquidated returns.

² Does not include receipts from loans, premiums, Treasury notes, or revenues of the Post Office Department.

³ Continental United States; estimates for other than census years.

⁴ Estimated.

ABLE 8.—Imports entered for consumption, duties, and equivalent ad valorem rates on metals and manufactures of (metals), with an average for each tariff act from 1883 to 1909.

[Compiled from reports of the Bureau of Statistics, Department of Commerce and Labor.]

Tariff act.	Year ending June 30—	Imports for consumption.	Duties.	Equiva- lent ad valorem rate (per cent).
1883.	1883 1884 1885 1886 1887 1888 1889 1890	\$61, 559, 681 46, 528, 108 37, 330, 556 42, 655, 741 55, 223, 364 55, 457, 500 47, 832, 778 48, 460, 028	\$22,957,826 16,116,162 13,315,980 16,091,176 22,423,011 22,872,414 18,347,813 17,131,406	37, 29 34, 64 35, 67 37, 72 40, 60 41, 24 38, 36 35, 35
Average	{ 1883 1890	} 49,380,970	18, 656, 973	37.78
1890	1891 1892 1893 1894	68,788,174 42,449,094 47,556,563 30,271,453	23, 109, 252 21, 507, 930 27, 248, 271 17, 791, 784	33. 59 50. 67 57. 30 58. 77
Average	{ 1891 1894	} 47,266,321	22, 414, 309	47. 42

Table 8 .- Imports entered for consumption, duties, etc .- Continued.

Tariff act.	Year ending June 30—	Imports for consumption.	Duties.	Equiva- lent ad valorem rate (per cent).
1894	1895	\$33,168,037	\$14,929,358	45. 01
	1896	34,853,090	13,232,162	37. 97
	1897	23,603,665	8,955,132	37. 94
Average	{ 1895 1897	30,541,597	12, 372, 217	40.51
1897	1898	18,847,123	8,454,289	44.86
	1899	18,152,727	7,809,281	43.02
	1900	29,089,333	11,280,853	38.78
	1901	28,631,743	10,922,077	38.15
	1902	38,870,207	14,973,244	38.52
	1903	65,164,750	22,368,210	34.33
	1904	40,011,304	15,682,484	39.20
	1905	36,327,218	14,448,673	39.77
	1906	50,917,147	18,769,616	36.86

TABLE 8 .- Imports entered for consumption, duties, etc .- Continued.

Tariff act.	Year ending June 30—	Imports for consumption.	Duties.	Equiva- lent ad valorem rate (per cent).
1897	1907 1908 1909	\$67,148,963 45,279,789 41,103,417	\$21,882,145 16,003,780 15,656,102	32. 59 35. 34 38. 09
Average	{ 1898 1909	} 39,961,977	14,854,230	87. 17
1909	1910 1911	66, 960, 781 58, 756, 531	22,333,344 18,819,349	33. 35 32. 03
Average	{ 1910 1911	62,858,656	20, 576, 347	32.73
Estimated,12-month period.		77,952,000	17,477,640	22.42

TABLE 9 .- Articles covered by Schedule C exported with benefit of drawback: 1905 to 1911.

[Exports wholly or partly manufactured from imported materials on which drawback was paid.]

[Bureau of Statistics.]

Article.	1905	1906	1907	1908	1909	1910	1911
Aluminum. Antimony. Brass, manufactures of.	96	\$44,535 138 24,193	\$65,589 521	\$16,501 ,745	\$53,061 564 9,315	\$189,639 353 767	\$303,894 919 156
Bronze. Clocks and watches, parts of. Copper, manufactures of.	1,240	1,304 2,115	1,807 4,372	5,459 8,742	1,934 5,296 1,996	1,378 6,851 1,042	1,995 5,191 995
Gold and silver, manufactures of	2,391	2,829	2,133	1,142	1,249	1,878	1,732
Iron ore. Iron in pigs Scrap iron and steel. Steel ingots, blooms, slabs, billets, bars, etc Tin plate. Wire rods. Wire, and manufactures of. Structural iron or steel. Wheels, or parts of.	197,420 27,068 70,589 2,252,382 802 17,393 20,215	104, 356 317, 072 48, 935 44, 511 1,788, 762 1, 200 9, 054 15, 356 13, 263	65,000 152,559 97,624 25,471 1,525,282 1,750 22,531 21,870 29,449	14, 114 :214, 559 25, 614 67, 085 2, 359, 486 17, 472 14, 825 5, 371 15, 395	15,045 154,093 7,491 27,488 1,734,887 3,543 21,585 489 30,931	12,758 26,051 10,099 9,535 1,899,585 1,438 21,535	9,573 15,036 12,861 20,187 1,461,479 2,725 26,565 4,904 10,192
All other. Lead, etc.: Lead-bearing ore.	66,828	112, 181 61, 340	39,585 25,556	42,800 87,396	85, 815 87, 894	33,518 108,404	46, 815 17, 119
Pigs and bars, etc. Metals, metal compositions, etc. Zinc, etc., and manufactures of.	248,761 421	205, 435	231,273 11,666 44,788	278, 195 15, 299 37, 598	157,299 292 31	158,210 5,173 40,828	412,057 20,888 156,213
Total	3,096,456	2,796,579	2,368,826	3,227,798	2,400,298	2,528,215	2,531,496

The total revenue produced by Schedule C during the seven-year period covered by this table is \$127,962,672 gross. These figures include a total drawback during the seven years of \$18,949,668, thus making the net revenue for the period \$109,013,004, a yearly average of \$15,573,286.

During the period covered by Table 9 the total revenue derived from tin plate, terneplate, and taggers tin amounted to \$13,227,231, while the drawback on this item of the schedule amounted to \$13,021,863, thus indicating a net revenue from this item of only \$205,368 for the seven years.

The amount of drawback paid on articles covered by Schedule C in 1911, as shown in Table 9, was \$2,531,496, out of the total revenue, as

officially reported, of \$18,819,349, leaving the net revenue from this schedule for 1911 as \$16,287,853. The large loss from drawbacks in this schedule is due chiefly to that paid on tin plate, which in 1911 amounted to \$1,461,479, out of the total drawback for the schedule of \$2,531,496.

As already stated, it is believed that the revision of the tariff rates made by H. R. 18642 would, if enacted into law, have the effect of greatly extending the zone in which the manufacture of tin plate will be conducted in this country, and this, with other conditions now in formation in the industry, will result in a great saving to the net revenue to be produced by this schedule under H. R. 18642.

Table 10.— Comparative summary of imports and duties for metals and manufactures thereof, for the fiscal year 1911, with estimated imports and duties for a 12-month period under H. R. 18642.

	Comparable paragraphs.		Fiscal year 1911.		Twelve-month period under H. R. 18642.		
Item.	H. R. 18642.	Act of 1909.	Imports.	Duties.	Rate of duty.	Estimated imports.	Estimated duties.
DUTIABLE LIST.			L Dillo				BY LUE
Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron, etc., ierro- manganese, chrome or chromium metal, etc., and ierrosilicon. Iron in slabs, blooms, leops, etc., and bar iron, muck bars, square iron, round iron, etc. Beams, griders, joists, angles, channels, etc., and building forms, together with all	1 2	118, 184 119, 120	\$6,746,969 1,335,143	\$699, 249 250, 238	Per cent. 8, 15 10	\$7,500,000 1,837,000	\$953,500 183,700
other structural shapes of iron or steel, etc		121, 199 122, 127, 137 123 124 126	325, 018 135, 068 1, 223, 124 260, 039 126, 316	99, 327 37, 609 529, 727 89, 431 20, 133	15 15, 20 15, 25 15 10	1, 250, 000 239, 000 1, 953, 000 513, 000 170, 000	187, 500 37, 500 467, 950 76, 950 17, 000
Iron of steel anchors, etc., forgings, etc., and antifiction balls, etc. Hoop, band, or scroll iron or steel, n. s. p. f Rallway bars, etc., and railway fishplates, etc. Iron or steel sheets or plates, hoop, band, or scroll iron, galvanized, etc., sheets of iron or steel, polished, etc., pickled, etc., cold rolled, etc., cold hammered, etc., and tin plates, terne plates, and taggers tin. Steel ingots, etc., and sheets and plates and steel, n. s. p. f Steel wool or steel shavings. Grit, shot, and sand made of iron or steel, etc. Wire rods, etc., and iron and steel bars, cold rolled, etc. Round iron or steel wire, iron, steel, or other wire, covered, etc., iron or steel wire, cold hammered, etc., coated, articles manufactured of wire, etc., telegraph and telephone wires, etc., wire heddles and healds.	8 9 10 11 . 12	128-130, 137 131 132 133 134, 137	3, 112, 466 3, 533, 621 13, 665 28, 316 919, 680	1, 164, 531 770, 962 5, 466 20, 658 130, 620	20 10 20 20 10	5, 141, 000 4, 375, 000 20, 000 75, 000 1, 130, 000	1, 628, 200 437, 500 4, 000 15, 000 113, 000
'cold hammered, etc., coated, articles manufactured of wire, etc., telegraph and telephone wires, etc., wire heddles and healds	13 17 18 19 20	135 140 141 142 143	1,594,875 66,771 2,142,765 114,987 1,539	(29, 116 21, 302 962, 490 17, 031 263	20, 25 15 40 10 10	2,383,000 80,000 2,500,000 125,000 2,000	481,000 12,000 1,000,000 12,500 200

Table 10.—Comparative summary of imports and duties for metals and manufactures thereof, for the fiscal year 1911, with estimated imports and duties for a 12-month period under H. R. 18642—Continued.

		able para- phs.	Fiscal year 1911.		Twelve-month period under H. R. 18642.		
Item.	H. R. 18642.	Act of 1909.	Imports.	Duties.	Rate of duty.	Estimated imports.	Estimated duties.
DUTIABLE LIST—continued.					Dos and		
Bolts, with or without threads or nuts, etc	21 22	144 145	\$13,358 256,899	\$3,883 147,415	Per cent. 15 30	\$20,000 500,000	\$3,00 150,00
		146-149 150	233,275 70,542	37,448 21,952	10 20	316,000 100,000	31,60 20,00
etc., castings of malicable iron, n. s. p. f., and cast hollow ware, etc. Lhains of all kinds, etc. Lubes, pipes, flues, lap-welded, etc., cylindrical or tubular tanks, etc., and welded cylindrical furnaces, etc. Penknives, pocketknives, etc., razors, etc., and scissors and shears, etc. word blades, and swords and side arms, etc. Knives, forks, and steels, finished or unfinished, with or without handles, etc. Lies, file blanks, rasps, etc. Muskets, muzzle-loading shotguns, rifles, etc. Streech-loading shotguns, combination shotgus and rifles, etc.	25 26	151 152	655,747 1,694,498	197,124 1,162,663	20 30,35	780,000 3,600,000	156,00 1,210,00
word blades, and swords and side arms, etc. Chives, forks, and steels, finished or unfinished, with or without handles, etc Files, file blanks, rasps, etc	27 28 29	153 154 155	31,001 198,915 66,298	14,916 86,394 40,550	30 25 25	40,000 400,000 175,000	12,00 100,00 43,75
		156 157	47,655 119,791	11,899 54,677	15 35	70,000 160,000	10,50 56,00
able, kitchen, and hospital utensils, etc. leedles for knitting or sewing machines, etc. ishhooks, fishing rods, and reels, etc.	33	158 164 165	764, 956 252, 093 170, 756	305, 829 108, 348 76, 840	25 25 10, 30	1,250,000 300,000 250,000	312,50 75,00 75,00
issimous, issuing rous, and rees, etc. teel plates engraved, etc., plates of iron or steel engraved, etc., lithographic plates of stone, etc. tivets, studs, and steel points, etc. rosscut saws, etc., pit and drag saws, circular saws, steel-band saws, etc., hand, back, and all other saws, n. s. p. f. crews, commonly called wood screws, etc. Imbrella and parasol ribs and stretchers, etc.	35 36	166 167	91, 291 9, 742	24, 755 3, 873	15, 25 20	112,000 14,000	19, 80 2, 80
rosscut saws, etc., pit and drag saws, circular saws, steel-band saws, etc., hand, back, and all other saws, n. s. p. f. crews, commonly called wood screws, etc.	. 37 38	168 169	55, 157 1, 984	13, 401 1, 076	12 25	92,000 2,000	11,04 50
luminum aluminum scran and alloys of any kind etc. aluminum in plates etc.	40	170 171	10,566 77,813	5, 283 39, 393	30 10, 25	20,000 101,000	6, 00 25, 10
barium, calcium, etc. .ntimony as regulus or metal, antimony ore, etc., antimony, oxide ofrgentine, albata, or German silver, unmanufactured. .auxite, or beauxite, crude, not refined or otherwise advanced in condition from	41 42 43	172 173 174	1,018,525 570,876 582	466, 608 162, 664 146	10, 25 15	2,585,000 925,000 1,000	646, 2 107, 5
its natural state	44 45	90 175	127,713 540,263	32, 308 235, 713	10 25	200,000 900,000	20, 0 225, 0
opper in rolled plates, etc., sheathing or yellow metal, etc. old leaf. ilver leaf. insel wire, etc., bullions and metal threads, etc., fabrics, laces, etc ooks and eyes, etc	46 47 48	176 177 178	23,645 40,395 3,220	2,701 15,611 2,824	5 35 30	33,000 60,000 10,000	1,6 21,0 3,0
ead bullion, or base bullion, lead in pigs and bars, etc. lead in sheets, etc.	52	179 180 181, 182 182	1,523,200 14,138 164,931 551,990	803,746 4,610 87,041 515,441	10,30,40 15 25 25	2,350,000 20,000 400,000 1,605,000	840,0 3,0 100,0 401,2
etallic mineral substances, etc., metal, unwrought, etc., monazite sand and thorite, thorium oxide, and salts of, gas mantles, etc., and gas-mantle scrap, etc. ickel, nickel oxide, etc., sheets or strips of nickel. ens, metallic.	53 54 55	183 185 186	466,770 150,175 145,641	171,448 27,107 71,046	10, 20, 25 10, 20 25	690,000 170,000 202,000	150,0 19,0 50,5
enholder tips, and parts, etc., gold pens, fountain pens, stylographic pens, combi- nation penholders, etc. ins with solid heads, etc.	56 57	187 188	81,094 245,412	23,956 85,894	25 20	104,000 350,000	26,0 70,0
uicksilver. ype metal, etc., new type. atch movements, etc., watchcases, etc., chronometers, etc., lever clock move-	50	189 191	191,108 367,027	25, 293 122, 453	10 15	75,000 760,000	7,5 114,0
atch movements, etc., watchcases, etc., chronometers, etc., lever clock move- ments, etc., all other clocks, etc., jewels for use in watches, etc., enameled dials, etc. inc in blocks, etc., zinc in sheets, etc.	62	192 194 195	3, 176, 851 269, 522 95, 059	1,209,993 72,867 63,241	10, 30, 35 15 30	4,810,000 415,000 170,000	1,306,0 62,2 51,0
ottle caps of metal, etc., whether plain or colored, etc. Il steam engines, embroidery machines, and lace-making machines, etc. ippers and pliers of all kinds, etc. rticles or wares, n. s. p. f.	63 64 65 66	196 197 198 199	251, 626 2,003, 470 81,015 14, 429, 252	136, 660 82, 087 48, 395 6, 025, 612	30 15, 25 30 25	500,000 1,575,000 130,000 21,317,000	150, 0 386, 2 39, 0 5, 329, 2
Total metals, and manufactures thereof			53, 036, 199	***************************************		77,952,000	17, 477, 64
FREE LIST.							
on ore, including manganiferous iron ore, etc. cop or band iron, or hoop or band steel, etc., for baling cotton or any other com-	67	117	6,691,681	283, 116			
modity.urbed and all other fence wire urbed and all other fence wire urbed and all other wrought-iron or steel valis, etc., horseshoe nails, hobnails, and all other wrought-iron or steel valis, etc., wire nails e.c., spikes, nuts, and washers, horse and mule	68	125 135	567 4	164			
shoes, cut tacks, and brads, etc. nigsten-bearing ores of all kinds. nc-bearing ores of all kinds, including calamine. sh registers, linotype and all typesetting machines, machine tools, printing	70 71 72	159-163 190 193	25, 434 241, 795 393, 303	3,720 24,180 206,787			
presses, sewing machines, typewriters, and tar and oil spreading machines	73	197	275, 821	82, 614			
Total metals and manufactures thereof	••••••		7, 628, 605	000,582			

Dross included in "Lead bullion, etc."

Comprehensive statistical data are presented in connection with each paragraph of the bill H. R. 18642, published as Appendix A, while in Appendix C are shown comparable tariff rates on metals and manufactures thereof in foreign countries. From these foreign tariffs, pages 84–93, it will be seen that the rates in most of the foreign countries on articles of the same general description as those included in Schedule C are lower than those fixed in H. R. 18642. This is conspicuously true in Belgium and in the Netherlands, while the rates levied by Germany are for the most part much lower than those proposed by this bill. The duties in the French tariff are in some instances higher than those in H. R. 18642, while in others the comparison is close. Somewhat the same is true of Italy. High rates are assessed in Russia, where the industry has not reached an advanced state of development. It is a noteworthy fact that in Canada, where a strong endeavor is being made to build up the iron and steel industry by means of a distinctly protective policy, the general range of duties is lower than that of H. R. 18642.

FRAMING AND PHRASEOLOGY OF THE BILL.

It has been the purpose of the committee in framing H. R. 18642 to conform as nearly as practicable to the phraseology of the act of 1900 and to change the wording and classifications of Schedule C only where

actually necessary to eliminate unnecessary provisions and complexities. The bil is an amendment of the existing tariff act and leaves undisturbed the administrative provisions of the act of 1909. The warehouse provision (sec. 2) conforms to the corresponding provision of the act of 1909 (sec. 29), except that the provision for levying duties based on weight at the time of the entry of the merchandise is omitted, since the bill H. R. 18642 provides for no duties based on weight. Under this warehouse provision, as in the present act, articles in warehouse when the bill H. R. 18642 shall take effect, on which duties have not been paid, shall be subject to duty when withdrawn as if they had been imported after the date of the effectiveness of the act; but articles in warehouse on which duties have been paid and a permit of delivery issued shall be subject to the duties in force prior to the enactment of the new bill.

OSCAR W. UNDERWOOD,

Chairman.

CHOICE B. RANDELL.

FEANCIS BURTON HARRISON.

WILLIAM G BRANTLEY.

DORSEY W. SHACKLEFORD.

CLAUDE KITCHIN.

OLLIE M. JAMES.

A. MITCHELL PALMER.

A. MITCHELL PALMER.

APPENDIX A.

A bill to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

other purposes," approved August 5, 1909.

Be it enacted, etc., That on and after the day following the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutulla), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 117 to 199, inclusive, of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

DUTIABLE LIST.

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 8 per cent ad valorem; but nothing shall be deemed scrap iron or scrap steel except second-hand or waste or refuse iron or steel fit only to be remanufactured; ferromanganese, chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, 15 per cent ad valorem.

Item.	Dingley tariff	Payne t	Estimates for a 12-month	
item.	(1905).	1910	1911	period under H. R. 18642.
Iron in pigs, etc.: Imports— Quantity (tons) Value Average unit Duties Equivalent ad valorem (per cent).	54,342 \$777,648 \$14.00 \$217,369 27.95	99, 582 \$1, 520, 984 \$15. 27 \$256, 619 16. 87	59,945 \$957,074 \$15.97 \$149,864	\$1,500,000 \$120,000 8.00
Wilson bill.		Equivalent ad valorem (1896).		
As passed House	20 per centum \$4 per ton			

aura - I	Dingley tariff Payn		ariff.	Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.	
Spiegeleisen: Imports— Quantity (tons) Value Average unit. Duties Equivalent ad valorem (per cent).	22, 443 \$536, 980 \$23, 93 \$89, 773 16, 72	29, 124 \$585, 712 \$20, 11 • \$72, 856 12, 44	25, 015 \$476, 494 \$19, 05 \$62, 539 13, 12	\$550,000 \$44,000 8.00	
Wilson bill		Rate		Equivalent ad valorem	

Wilson bill.	Rate.	(1896).
As passed House	20 per centum ad valorem	Per cent.
	\$4 per ton	1 16.32

¹ Includes ferromanganese.

	Dingley tariff	Payne	Estimates for a 12-month		
Item.	(1905).	1910	1911	period under H. R. 18642.	
Total iron in pigs, etc., and spiegeleisen: Imports— Quantity (tons)— Value. Average unit. Duties. Equivalent ad valorem (per cent) Production!— Quantity (tons) 2. Value. Average unit. Exports.	76, 785 \$1,314,628 \$17.12 \$307,142 23.36 16,623,625 \$228,911,116 813.77 \$828,123	128,706 \$2,106,696 \$16.37 \$329,475 15.64 25,652,000 \$387,830,000 \$15.12 \$1.353,589	84,960 \$1,433,568 \$16.87 \$212,403 14.82		
Consumption	\$229, 397, 621	\$388,583,107			

¹ Production statistics throughout the bill relate to calendar years 1904 and 1909,

respectively.

² Includes ferromanganese and ferrosilicon.

Wilson bill.		Equivalent ad valorem (1896).			
As passed by House As enacted	20 per centum \$4 per ton	Per cent. 17.42			
	Dingley tariff	Payne t	ariff.	Estimates for a 12-menth	
Item.	(1905).	1910	1911	period under H. R. 18642.	
Vrought and cast scrap iron, etc.: Imports— Quantity (tons) Value Average unit Duties Equivalent ad valorem (per cent). Production— Quantity (tons) Value 1 Average unit Exports Consumption	\$172, 861 \$13, 79 \$50, 128 28, 94 5, 275, 203 \$71, 542, 246 \$13, 56	\$15.63 \$281,825			
Wilson bill.		Equivalent ad valorem (1896).			
As passed House					

1 Includes muck and scrap, bar produced for sale valued at \$3,940,998 in 1905 and \$4,986,000 in 1910, the remaining value representing iron and steel scrap used in works, not including that consumed in plants where produced.

Item.	Dingley tariff (1905).	Payne	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Ferromanganese: Imports— Quantity (tons) Value Average unit Duties Equivalent ad valorem (per cent). Production— Quantity (tons) Value 1 Average unit	41,166 \$1,340,626 \$32,57 \$164,664 12,28 57,072 \$2,217,247 \$38,85	107, 791 \$4,075,537 \$37,80 \$284,183 6,97 \$2,000 \$3,175,860 \$38,73	105, 528. \$4,047,595. \$38,36 \$263, \$20 6,52	\$4,000,000 \$600,000 15.00

1 Estimated from the quantity and the average import unit of value for the same

Wilson bill.	Rate.	Equivalent ad valorem (1896).
As passed House As enacted	10 per centum ad valorem	Per cent.

¹ Includes spiegeleisen. Payne tariff. Estimates for Dingley tariff (1905). a 12-month Item period under H. R. 18642. 1910 1911 Chrome or ehromium metals, etc.: netals, etc.:
Imports—
Quantity (tons)—
Value.
Average unit.
Duties
Equivalent ad valorem (per cent). 729 \$537, 566 \$737, 40 \$108, 901 1,218 \$480,540 \$394.53 \$99,400 \$550,000 \$26,957 \$82,500 \$5,391 20,00 20, 26 20, 69 15.00

Wilson bill.	Rate.	Equivalent ad valorem (1896).
Name of the last o	Not specifically mentioned	Per cent.
passed House	20 per cent on ferrochrome only	20.00

. Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Ferrosilicon: Imports— Quantity (tons) Value A verage unit Duties Equivalent ad valorem (per cent).	6,834 \$334,384 \$48,93 \$27,336 8.17	13,815 \$541,713 \$39,21 \$106,132	10, 481 \$480, 520 \$45, 85 \$97, 060 20, 20	\$500,000 \$75.000 15.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	20 per centum ad valorem			Per cent. 17.08

2. All iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings; muck bars, bar iron, square iron, rolled or hammered, round iron, in colls or rods, bars or shapes of rolled or hammered iron not specially provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem.

Item.	Dingley tariff	Payne to	ariff.	Estimates for a 12-month
Tietii.	(1905).	1910	1911	period under H. R. 18642.
Slabs, blooms, etc., I ss finished than bars: Imports— Quantity (lbs.) Value. Average unit Duties. Equivalent ad valorem (per cent).	36,778 \$1,178 \$0,032 \$184 15.62	198, 477 \$3, 356 \$0, 017 \$794 23, 66	31,052 \$484 \$0.016 \$124 2_62	\$2,000 \$20 10.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed H rase,	22½ per centum ad valorem.		Per cent. 21.70	
	Payne tariff.		Estimates for a 12-month	
Itam.	(1905).	1910	1911	period under H. R. 18642.
Bar iron, muck bars, square iron, rolled or hammered, etc.: Imports— Quantity (lbs.) Value	5,706,456 \$231,417 \$0.041 \$34,239 14.80	6,084,401 \$174,074 \$0.029 \$18,519 10.64	8,376,420 \$182,132 \$0.022 \$25,129 13.80	\$200,000 \$20,000 10.00
Wilson bill.	Rate.		Equivalent ad valorem (1896).	
As passed House	25 per centum % to % cent p mensions.	ad valorem er pound, acco	rding to di-	Per cent.
	Payne tarif		Payne tariff.	
Item	(1905).	1910	1911	a 12-month period under H. R. 18642
Round iron in coils or rods, etc.: Imports— Quantity (lbs.) Value Average unit Duties	128, 475 \$5, 021 \$0. 039 \$1, 028	242, 276 \$9, 437 \$0. 039 \$1, 479	1, 526, 432 \$26, 916 \$0.018 \$9, 159	\$35,000 \$3,500
Equivalent ad va- lorem (per cent).	20.47	15, 67	34.03	10.0

Wilson bill.	Rate. 25 per centum ad valorem			Equivalent ad valorem (1896).	
As passed House				Per cent. 23.94	
Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month period under H. R. 18642.	
	(1905).	1910	1911		
Bars, blooms, etc., in the manufacture of which charcoal is used: Imports— Quantity (tons) Value Average unit Duties Equivalent ad valorem (per cent).	24, 249 \$884, 750 \$36. 48 \$290, 991 32. 89	30, 283 \$1,189,094 \$39,27 \$246,885 20.76	26, 978 \$1, 125, 611 \$41. 72 \$215, 823 19. 17	\$1,600,000 \$130,000 10,00	
Wilson bill.		Rate.		Equivalent ad valorem (1896).	
As passed House	Not specificall, \$12 per ton	y mentioned	******	Per cent	

3. Beams, girders, joists, angles, channels, car-fruck channels, TT columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled or manufactured, 15 per cent ad valorem.

	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Imports:	0 791 045	94 417 005	04 007 050	
Quantity (pounds)	9,731,645	24, 417, 605	24,907,259	25 070 000
Value	\$134,790	\$323, 363	\$325,018	\$1,250,000
A verage unit	\$0.014	\$0.013	\$0.013	
Duties	\$48,658	\$99,614	199, 327	\$187,500
Equivalent ad valo-		- 1000		The state of
rem (per cent)	36.09	20.8t	30.56	15.00
Production:				
Quantity (tons)	954,537	2,124,000	**********	
Value	\$32,730,901	\$65,565,000		
Average unit	\$34. 29	\$30.87		
Exports	\$3,622,320	\$5,800,551		
Consumption	\$29, 243, 371	\$60,087,812		
			, Sugar	Equivalent
Wilson bill.		Rate.		ad valorem (1896).
		VE VOSE IS		Per cent.
As passed House	30 per centum			
As enacted	a cent per po	und		45.44

4. Boiler or other plate iron or steel, and strips of iron or steel, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; sheets of iron or steel, common or black, of whatever dimensions, whether plain, corrugated, or crimped, including crucible plate steel and saw plates, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel, whether sheared or rolled in grooves, or otherwise, 15 per cent ad valorem.

Item.	Dingley tariff	Payne	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.
Boiler or other plate iron or steel: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per	472, 504 \$7,781 \$0.016 \$3,354	1, 883, 896 \$22, 016 \$0. 012 \$9, 465	486, 111 \$6, 448 \$0. 013 \$2, 429	\$33,000 \$6,600
cent)	43.11	42, 99	37.68	20.00
Quantity (tons) Value Average unit Exports Consumption	1,856,469 \$77,802,001 \$41.91 \$3,105,020 \$74,704,762	3,333,000 \$133,272,000 \$39.99 \$11,980,591 \$121,313,425		

¹Census classification: Plates and sheets, except nail and tack plates or sheets for tinning, tie plates, fish plates, and armor plate.

Wilson bill.	25 per centum ad valorem			Equivalent ad valorem (1896).
As passed House				Per cent. 35, 14
Item.	Dingley tariff	Payne t	Payne tariff.	
	(1905).	1910	1911	period under H. R. 18642.
Sheets of iron or steel, common or black, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent)	663, 009 \$11, 549 \$0. 017 \$4, 680 40. 52	2,059,287 \$44,715 \$0.022 \$12,758	3,345,515 \$56,080 \$0.017 \$18,138	\$100,000 \$15,000
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	35 per centum ad valorem and $\frac{1}{7}$ cent per pound, according to kind or dimension. $\frac{1}{7}$ to $1\frac{1}{7}$ cents per pound.			Per cent. 51. 18
Item.	Dingley tariff Payne tariff.		Estimates for a 12-month period under	
174 P S - 484		1910	1911	H. R. 18642.
Sheets of iron or steel, cold rolled, etc.: Imports— Quantity (lbs.) Value A verage unit Duties Equivalent ad valorem (per cent)	101, 922 \$2, 609 \$0. 026 \$1, 061 40. 67	381, 647 \$9, 695 \$0, 025 \$3, 234	134, 669 \$3, 383 \$0. 025 \$1, 016	\$6,000 \$900 15.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	% cent per pound and 35 per centum ad valorem.			Per cent. 64.29
Item.	Dingley tariff (1905).	Payne t	ariff.	Estimates for a 12-month period under
Steel circular com plates	(1800).	1910	1911	period under H. R. 18642.
Steel circular saw plates: Imports— Quantity (lbs.) Value A verage unit Duties Equivalent ad valorem (per cent)	738, 076 \$59, 347 \$0, 080 \$16, 549 27, 89	1,239,425 \$102,507 \$0.083 \$23,659	836, 776 \$69, 157 \$0. 083 \$16, 026 23. 17	\$100,000 \$15,000 15.00

5. Iron or steel anchors or parts thereof; forgings of iron or steel, or of combined iron and steel, but not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem; antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished, 25 per cent ad valorem.

Item.	Dingley tariff (1905).	Payne t	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Anchors, etc.: Imports— Quantity (lbs.) Value. Average unit Duties. Equivalent ad valorem (per cent).	58, 591 \$2, 302 \$0. 039 \$879 38. 18	78, 435 \$2, 855 \$0, 036 \$784 27, 47	82, 648 \$2, 071 \$0, 025 \$827	\$3,000 \$450 15.00

Wilson bill.	Rate. 25 per centum ad valorem			Equivalent ad valorem (1896).	
As passed House				Per cent. 28.21	
Item.	Dingley tariff			Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.	
Forgings, etc.: Imports— Value. Duties Equivalent ad valorem (per cent).	\$35, 834 \$12, 542 35, 00	1 \$311,798 \$94,997 30.47	\$137,159 \$41,148 30.00	\$200,000 \$30,000 15.00	
Wilson bill.	Rate			Equivalent ad valorem (1896).	
As passed House	25 per centum ad valorem			Per cent. 36. 21	

 $^{\rm 1}$ Includes \$112 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 30.48 per cent.

Item.	Dingley tariff (1905).	Payne tariff.		Estimates for a 12-month
		1910	1911	period under H. R. 18642.
Antifriction balls, etc.:			in Res	
Imports— Value	60 000	et 202 000	81 000 CO4	81 750 000
	\$3,602	\$1,326,922	\$1,083,894	\$1,750,000
Duties	\$1,621	\$597,115	\$487,752	\$437,500
Equivalent ad va-	45 00	48.00	40.00	
lorem (per cent).	45.00	45.00	45.00	25.00
Total paragraph 5:			I SAFIE A	
Imports—		***		
Value	\$41,738	\$1,641,575	\$1,223,124	\$1,953,000
Duties	\$15,042	\$692,896	\$529,727	\$467,950
Equivalent ad va-			The state of the s	and the second second
lorem (per cent).	36.04	42.21	43.31	15 and 25
Production 1	\$23,217,918	\$32,483,000		
Consumption	\$23, 259, 656	\$34,124,575		

¹ Census classification: Iron and steel forgings; Iron and steel armor plate and gun forgings; Ordnance manufactured in steel works and rolling mills; and Ordnance and ordnance stores.

6. Hoop, band, or scroll iron or steel not otherwise provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.		1910	1911	period under H. R. 18642.
Hoop iron, etc.: Imports— Quantity (lbs) Value Average unit Duties Equivalent ad valorem (per cent).	347, 932 \$7, 922 \$0, 023 \$2, 404 30, 35	375, 250 \$5,006 \$0.013 \$1,252 25.01	544, 279 \$9, 219 \$0, 017 \$1, 644 17. 83	\$12,000 \$1,800 15.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum a 30 per cent	ad valorem		Per cent. 30.00
	Dingley tariff	Payne	tariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Barrel hoops: 1 Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad va-		68, 165 \$944 \$0. 014 \$274		\$1,000 \$150

¹ Classification first made by act of 1909.

Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Bands, etc.: Imports—1 Quantity (lbs.) Value Average unit	\$6,417 \$0,145	2 \$213, 378	\$250,820	\$500,000
Duties Equivalent ad va- lorem (per cent).		2 \$77,384 36.27	\$87,787 35,00	\$75,000 15.00

¹ In 1905, steel bands or strips suitable for making band saws.
² Includes \$17,470 worth of steel bands or strips suitable for making saws, the duty being \$8,817.

7. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, railway fishplates or splice bars made of iron or steel, 10 per cent ad valorem.

Item.	Dingley tariff (1905).	Payne	tariff.	Estimates for a 12-month period under
	(1900).	1910	1911	H. R. 18642.
Railway bars, etc.:			Mark Sales	
Imports— Quantity (tons)	19,739	6,928	4,297	
Value	\$445,617	\$156,089	\$169,808	\$150,000
Average unit	\$22.58	\$22.53	\$25.56	
Duties	\$154,754	\$27,161	\$16,842	\$15,000
Equivalentad va-	94 79	17 40	15.04	10.00
lorem (per cent). Production—	34.73	17.40	15.34	10.00
Quantity (tons)	2,194,605	2,859,000		
Value	\$58, 256, 750	\$81,128,000		
Average unit	\$26.55	\$28.38		
Exports	\$10,291,442	\$10,546,180		
Consumption	\$48, 410, 925	\$70,737,909		
				Equivalent
Wilson bill.	STATE OF THE STATE OF	Rate.		ad valorem
				(1896).
				Per cent.
As passed House	20 per centum	ad valorem.		a er cem.
As enacted	\$7.84 per ton.			38.04
				Estimates for
	Dingley tariff	Payne tarlif.		a 12-month
Item.	(1905).		1	period under
		1910	1911	H. R. 18642.
Railway fishplates, etc.:				
Imports-				
Quantity (lbs.)	1,606,773	861, 167	1,097,055	
Value	\$18,095	\$13,471	\$16,508	\$20,000
Average unit Duties	\$0.011 \$6,427	\$0.016 \$2,860	\$0.015 \$3,291	\$2,000
Equivalent ad va-	90,321	\$2,000	60, 201	92,000
lorem (per cent).	35. 52	21. 23	19.94	10.00
Production—	7465 6246	222 222		
Quantity (tons)	174,055	397,000		
Value Average unit	\$5,663,052 \$32.54	\$14, 488, 000 \$36, 49		
Consumption	\$5,681,147	\$14,501,471		
****	STATE PARTY	Rate.	19	Equivalent
		Rate.		ad valorem (1896).
Wilson bill.				[1000].
Wilson bill.				TAILURE OF S
As passed House	25 per centum			Per cent.

S. All iron or steel sheets, plates, or strips, and all hoop, band, or scroll iron or steel, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding; sheets of iron or steel, polished, planished, or glanced, by whatever name designated, including such as have been pickled or cleaned by acid, or by any other material or process, or which are cold rolled, smoothed only, not polished, and such as are cold hammered, blued, brightened, fempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed such as a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, 20 per cent ad valorem.

Item.	Dingley tariff	Payne t	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.
Iron or steel sheets or plates, galvanized, etc.: Imports— Quantity (lbs.) Value Average unit Duties. Equivalent ad valorem (per cent)	26,450 \$1,116 \$0.042 \$262 23,48	67, 867 \$3, 090 \$0. 046 \$1, 062 34, 37	64,052 \$1,777 \$0.028 \$601 33.82	\$5,000 \$1,000 20.00

Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	35 per centum ad valorem			Per cent. 11. 29
	Dingley tariff	Estimates for a 12-month		
Item.	(1905).	1910	1911	period under H. R. 18642.
Hoop, band or scroll, etc., galvanized, etc.; galvanized, etc.: Imports— Quantity (lbs.) Value	383,118 \$16,496 \$0.043 \$4,775 28.95	230, 380 \$3, 629 \$0, 016 \$1, 392 38, 36		\$3,000 \$600 20.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	35 per centum 135 cents per	Per cent. 61. 24		
Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Sheets or plates composed of iron, steel, copper, etc., with layers imposed thereon by forging, hammering, etc¹ Imports— Value. Duties. Equivalent ad valorem (per cent) Sheets of iron or steel, polished, etc.: Imports— Quantity (lbs.) Value. Average unit. Duties.	117, 738 \$6, 859 \$0. 058 \$2, 355	\$19,960 \$7,984 36.06 114,824 \$6,614 \$0.058 \$2,229	\$7, 198 \$2, 879 40.00 85, 252 \$5, 593 \$0.066 \$1, 279	\$25,000 \$5,000 20.00 \$7,000
Equivalent ad va- lorem (per cent)	34. 33	33. 70	22.86	20.00

Wilson bill.	Rate.			Equivalent ad valorem (1896)
As passed House	s passed House		Per cent. 28.35	
	Dingley tariff	Payne t	ariff.	Estimates for a 12-month period under H. R. 18642.
Item.	(1905).	1910	1911	
Sheets and plates of iron or steel, pickled, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	or steel, pickled, etc.: Imports— Quantity (lbs.) 64,569 28, Value \$1,781 \$ Average unit \$0.028 \$0. Duties \$660 \$		8, 982 \$259 \$0, 029 \$63 24, 27	\$1,000 \$200 20.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	% cent per pou valorem. % to 1% cents p		centum ad	Per cent. (0. 23

Item.	Dingley tariff		e tariff.	Estimates for a 12-month
Mein,	(1905).	1910	1911	period under H R. 18642
Bands and strips, cold rolled, smoothed only, not polished: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent). Sheets and plates and steel, n. s. p. f., cold rolled, etc.:			38, 100 \$9, 004 \$0, 237 \$3, 227 35, 84	\$20,000 \$4,000 20.00
Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad va-	57,786 \$1,703 \$0.029 \$551	83, 183 \$5, 783 \$0, 069 \$1, 199	49, 973 \$2, 312 \$0, 046 \$686	\$5,000 \$1,000
Strips, plates, or sheets of iron or steel, cold ham- mered, etc.: Imports—	32. 33	20, 73	29. 68	20.00
Quantity (lbs.) Value Average unit Duties	285, 829 \$10, 811 \$0, 038 \$6, 225	141,355 \$31,938 \$0.226 \$9,660	301, 674 \$65, 243 \$0. 216 \$21, 482	\$75,000 \$15,000
Equivalent ad va- lorem (per cent). Sheets or plates, etc., coated (tin and terne plate), etc.: Imports—	57.58	30. 24	32.93	20.00
Quantity (lbs.) Value	161,410,157 2 \$4,558,820	154,5%8,076 *\$4,358,777	95, 188, 130 4 \$3, 021, 081	\$5,000,000
A verage unit Duties Equivalent ad va-	\$0.028 \$2,414,094	\$0.028 \$1,882,892	\$0.032 \$1,134,314	\$1,000,000
lorem (per cent). Production—	53.12	43. 20	37.55	20.00
Quantity (lbs.) Value Average unit	1, 032, 940, 706 \$34, 767, 019 \$0. 034 \$880, 810	1,334,714,000 \$46,336,000 \$0.035 \$912,171		
Exports Consumption	\$38,445,029	\$49,782,606		

¹Classification first made by act of 1909.
²Includes \$14,089 on which the duty was remitted.
³Includes \$16,511 on which the duty was remitted.
The ad valorem rate on the strictly dutiable imports is 43.36 per cent.

⁴Includes \$22,645 on which the duties were remitted.
The ad valorem rate on the strictly dutiable imports is 37.83 per cent.

[The following statement relates only to "Sheets or plates, etc., coated (tin and terne plate), etc."]

Wilson bill.	Wilson bill. Rate.	
As passed House	11 cents per nound	Per cent.
As enacted	1½ cents per pound	51. 86

9. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed. sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates and steel not specially provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem.

Item.	Dingley tariff _ (1905).	Payne	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Steel ingots, etc.: Imports— Quantity (lbs.) Value. Average unit Duties. Equivalent ad valorem (per cent)	22, 925, 063 \$1, 665, 921 \$0. 073 \$339, 480 20. 37	\$5,012,934 \$3,672,730 \$0.043 \$799,414 21.77	80, 149, 518 \$3, 368, 274 \$0, 042 \$736, 096 21, 85	\$4,000,000 \$400,000 10,00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum ad valorem			Per cent. 27.65

Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Sheets and plates and steel, n. s. p. f.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent)	1,544,184 \$87,532 \$0.057 \$19,843 22.67	8,532,523 \$338,725 \$0,040 \$70,674 20,86	3,130,646 \$165,346 \$0.053 \$34,865 21.08	\$375,000 \$37,500 10.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	25 per centum ad valorem			Per cent. 27.65
10. Steel wool or st	eel shavings,	20 per cent	ad valorem	
Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
Atelli.	(1905).1	1010	1011	period under

Item.	Dingley tariff (1905).1	Payne	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Imports: Quantity (lbs.) Value. Average unit. Duties. Equivalent ad valorem (per cent).		98, 416 \$13,500 \$0,137 \$5,400 40,00	99, 982 \$13, 665 \$0, 137 \$5, 466	\$20,000 \$4,000 20.00

¹ Classification first made by act of 1909.

11. Grit, shot, and sand made of iron or steel, that can be used as abrasives, 20 per cent ad valorem.

	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.	(1905).1	1910	1911	period under H. R. 18642.
Imports: Quantity (lbs.) Value A verage unit Duties		2,043,462 \$27,243 \$0.013 \$20,435	2,065,750 \$28,316 \$0.014 \$20,658	\$75,000 \$15,000 20.00

¹ Classification first made by act of 1909.

12. Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, all the foregoing in coils or otherwise, including wire rods and iron or steel bars, cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, 10 per cent ad valorem: Provided, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutlable as wire.

Item.	Dingley tariff	Payn	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Rivet, screw, fence, and other iron or steel wire rods, etc.: Imports—				
Quantity (lbs.)	34,274,935	36,527,628	41,935,443	
Value	\$690,916	\$809,373	\$894,837	\$1,100,000
Average unit	\$0.020	\$0.022	\$0.021	6110 000
Duties Equivalent ad va-	\$141,725	\$113,319	\$126,315	\$110,000
lorem (per cent).	20, 51	14, 00	14.12	10.00
Production:	20.01	11.00	A.4. A.	20.00
Quantity (tons)	1,792,704	52, 295, 000		
Value	\$52,995,031	\$61,948,000		
Average unit	\$29.56	\$26.99		
Exports	\$592,732	\$789,193		
Consumption	\$53,093,215	\$61,968,180		
Wilson bill.		Rate.		Equivalent ad valorem. (1896).
As passed House	25 per centum			Per cent.

Item.	Dingley tariff	Payne	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642,
Iron or steel bars, cold rolled, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	21, 411 \$6,087 \$0, 284 \$1,060 17, 41	49, 378 \$22, 391 \$0, 453 \$3, 350 14, 96	\$24,843 \$3,705 14.91	\$30,000 \$3,000 10.00

13. Round iron or steel wire, all wire composed of iron, steel, or other metal except gold or silver, covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel in strips, not thicker than No. 15 wire gauge and not exceeding 5 inches in width, whether in long or short lengths, in colls or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, and all other wire not specially provided for in this act or in the first section of the act cited for amendment; iron and steel wire coated by dipping, galvanizing, or similar process with zinc, tin, or other metal, 20 per cent ad valorem: Provided, That articles manufactured wholly or in chief value of any wire or wires provided for in this paragraph shall pay the rate of duty imposed in this act or in the first section of the act cited for amendment upon any wire used in the manufacture of such articles: And provided further, That no article made from or composed of wire shall pay a less rate of duty than 20 per cent ad valorem: And provided further, That barbed and all other fence wire and wire fencing, and baling wire shall be exempt from duty; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, 20 per cent ad valorem: wire heddles or healds, 25 per cent ad valorem.

Dingley tariff (1905).

Item.

As passed House As enacted.....

Payne tariff.

1911

1910

Estimates for

a 12-month period under H. R. 18642.

				The state of the state of
Round iron or steel wire: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	6,974,193 \$323,928 \$0,046 \$137,061 42.31	18,221,009 \$871,568 \$0.048 \$334,923 38.43	18,917,593 \$833,611 \$0,044 \$318,302 38.18	\$1,200,000 \$240,000 20.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	30 per centum 1½ to 2 cents pe			Per cent. 39.80
	Dingley tariff	Payne	tariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Iron, steel, or other wire (except gold or silver), covered with silk, etc.: Imports— Value. Duties. Equivalent ad valorem (percent). All iron and steel wire, cold hammered, tempered, etc.:	\$146,929 \$66,118 44.99	\$218, 640 \$77, 438 35, 42	\$402,296 \$140,804 35.00	\$600,000 \$120,000 20.00
Imports— Quantity (lbs.) Value. Average unit Duties. Equivalent ad valorem (per cent).	\$7,378 \$0.163 \$3,730	28,227 \$5,871 \$0,208 \$2,168 36,92	99, 268 \$19, 158 \$0, 193 \$7, 102 37, 07	\$25,000 \$5,000 20.00
Iron or steel wire, coated, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	\$18, 186 \$0, 145 \$3, 063	447, 076 \$38, 948 \$0, 087 \$14, 729	393, 186 \$40, 031 \$0, 102 \$14, 902 37, 23	\$50,000 \$10,000 20.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
Acceptable to the second	NEW YORK			n.

30 per centum ad valorem on wire, covered, cold drawn, coated, etc.
40 per cent.

40.00

	Dingley tariff	Payne	taritf.	Estimates for
Item.	(1905).	1910	1911	a 12-month period under H. R. 18642.
Articles manufactured wholly or chiefly of wire, etc.: Imports— Quantity (lbs.) Value A verage unit Duties Equivalent ad valorem (per cent).	* 887,179 \$180,327 \$0,203 \$83,142 46.11	1,625,760 \$208,716 \$0.128 \$91,441 43.81	2,055,842 \$249,304 \$0.121 \$111,094	\$400,000 \$80,000 20.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	35 per centur and strand. 2½ to 3 cents ; strand, and pound.	Per cent. 43. 16		
Item.	Dingley tariff (1905).		tariff.	Estimates for a 12-month period under
	(1000).	1910	1911	H. R. 18642.
Telegraph and telephone wires: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent) Wire heddles and healds: Imports—		127, 242 \$34, 446 \$0, 271 \$13, 778 40, 00	50,711 \$6,143 \$0,121 \$2,457 40.00	\$20,000 \$4,000 20.00
Quantity (thou- sands)		88,030 \$48,523 \$0.551 \$41,417	66,888 \$44,332 \$0.663 \$34,455	\$88,000 \$22,000
lorem (per cent) Total paragraph 13:2 Imports—		85. 35	77.72	25.0
Value Duties Equivalent ad va-	\$676,748 \$293,114	\$1,427,317 \$575,942	\$1,594,879 \$629,116	\$2,383,00 \$481,00
forem (per cent) Production 3—	43.31	40. 35	39. 45	20 and 2
Value Exports Consumption	\$94,879,259 \$6,264,918 \$89,291,089	\$187, 494, 000 \$8, 396, 966 \$180, 524, 351		

1 Classification first made by act of 1909.

² Includes barbed fence wire.

³ Census classification: Iron and steel wire, and wire products, not including wire nails, spikes, brads, etc.; and Wire work, including rope and cable.

3 Census classification: Iron and steel wire, and wire products, not including wire nails, spikes, brads, etc.; and Wire work, including rope and cable.

14. No article not specially provided for in this act or in the first section of the act cited for amendment, which is wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steet shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

15. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any manufacture of iron or steel.

16. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron castings, shall be classed and denominated as steel

17. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, 15 per cent ad valorem.

Item.	Dingley tariff (1905).	Payne t	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Imports: Quantity (pounds). Value. Average unit. Duties. Equivalent ad valorem (per cent).	\$24,332	1,201,266 \$63,906 \$0.053 \$19,740	1,310,863 \$66,771 \$0,051 \$21,302	\$80,000 \$12,000 15,00

Wilson bill.	Rate.	Equivalent ad valorem (1896).
As passed House	25 per centum ad valorem	Per cent. 29.01

18. Automobiles, bicycles, and motor cycles, and finished parts of any of the foregoing, not including tires, 40 per cent ad valorem.

Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Automobiles:		TO THE		
Imports—			Service American	2
Quantity (num-	653	1 905	792	
ber)		1,305 1 \$2,809,436	2 \$1,666,684	\$1 700 000
Value	\$2,297,104 \$3,517.77	\$2,152.82	\$2,104.40	\$1,700,000
Average unit Duties	\$1,033,697	\$1,263,283	\$748,253	\$680,000
Equivalent ad va-	61,000,001	\$1,200,200	\$1 20, 200	9000,000
lorem (per cent).	45.00	45.00	45,00	40.00
Production—	30.00		20.00	201.00
Quantity (num-			No. of the last	
ber)	22,830	127,000		
Value	\$24,630,439	\$165,098,600		
Average unit		\$1,299.98		
Exports	(3)	\$9,548,700		
Consumption	(3)	\$158,358,736		
Automobiles, parts of:				
Imports—	10 10 L 57 100			The same of the
Value	\$136,403		\$360, 204	\$650,000
Duties	\$61,381	\$427,040	\$162,092	\$260,000
Equivalent ad va-		47 00	47.00	40.00
lorem(per cent).	45.00	45.00	- 45.00	40.00
Production—	00 000 470	een 100 000	" - " - " - " - " - " - " - " - " -	
Value	\$3,388,472	\$89,482,000 \$1,641,520	***************************************	
Exports Consumption	(3)	\$88,789,457		
Total automobiles and	(-)	900,100,301		*************
finished parts:	HI TO WELL			Barrier .
Imports—				
Value	\$2,433,507	\$3,758,413	\$2,026,888	\$2,350,000
Duties	\$1,095,078	\$1,690,323	\$910,345	\$940,000
Equivalent a d		200000000000000000000000000000000000000	2550//630	Contract.
valorem (per	- Indiana			14
cent)	45.00	45.00	45.00	40.00
Production—				
Value	\$28,018,911	\$254, 580, 000		
Exports	\$2,481,243	\$11,190,220		
Consumption	\$27,971,175	\$247,148,193		
Bicycles and motor cycles				
and finished parts of,	- 77		1 3 m 3 5 1	
not including tires: Imports—	W		2000	
Value	\$186	\$103,664	\$115,877	\$150,000
Duties	\$84	\$46,649		\$52,500
Equivalent ad	901	910,010	600,170	602,000
valorem (per		- III I C A II		
cent)	45.00	45.00	45.00	35.00
Production-		-	1	
Quantity (num-	100 M	The second	The second	The state of
ber)	252,958	253,000		
Value	\$4,113,279	\$6,244,000		
Average unit	\$16.26	\$24, 68		
Exports	\$1,378,428 \$2,735,037	\$620,760 \$5,726,904		

¹ Includes \$2,140 on which the duties were remitted. ² Includes \$3,899 on which the duties were remitted. ³ See "Total automobiles and finished parts."

19. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem: Provided, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

Item.	Dingley		Payne	tariff.	Estimates for a 12-month	
	(1905).).	1910	1911	period under L. R. 18642.	
Imports: Quantity (pounds) Value Average unit Duties Equivalent ad valorem (per cent) Production: Quantity (tons) Value Average unit Consumption	\$29 \$0 \$6 2 83 \$2,875	4.40	1,916,993 \$94,963 \$0.650 \$14,530 15.30 102,000 \$3,831,000 \$37,56 \$3,925,963	2, 270, 766 \$114, 987 \$0. 051 \$17, 031 14. 81	\$125,000 \$12,500 10.00	
Wilson bill.			Rate.	* 7	Equivalent ad valorem (1896).	
As passed House		per ce	ntum ad vale per pound	orem	Per cent. 26. 29	

¹ Census classification: Iron or steel car axles.

20. Blacksmith's hammers, tongs, and sledges, track tools, wedges, and crowbars, whether of iron or steel, 10 per cent ad valorem.

Item.	Dingley tariff (1905).	· Payne to	ariff.	Estimates for a 12-month period under H. R. 18642.
		1910	1911	
Imports: Quantity (pounds) Value Average unit. Duties. Equivalent ad valorem (per cent)	43, 949 \$3, 460 \$0, 079 \$559 19, 05	24,009 \$1,886 \$0.079 \$333 17.66	19,146 \$1,539 \$0.080 \$263 17.12	\$2,000 \$200 10.00
Wilson bill.	Rate.		Equivalent ad valorem (1896).	
As passed House	25 per centum ad valorem			Per cent.

21. Bolts, with or without threads or nuts, or bolt blanks, finished hinges or hinge blanks, and spiral nut locks and washers, whether of iron or steel, 15 per cent ad valorem.

	Dingley tariff	Payne to	Payne tariff.	
Item.	(1905).	1910	1911	a 12-month period under H. R. 18642.
Imports: Quantity (pounds) Value. Average unit. Duties. Equivalent ad valorem (per cent)	131,548 \$9,314 \$0.063 \$1,973 23.73	196, 024 \$11, 549 \$0, 059 \$2, 218 19, 21	345, 123 \$13, 358 \$0 039 \$3, 883 29, 07	\$20,000 \$3,000 15.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	25 per centum a 1½ cents per pou			Per cent. 22.81

22. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or round steel wire, tempered or untempered, and including that manufactured with plated wire or other than iron or steel wire, or with felt face, wool face, or rubber face cloth containing wool, 30 per cent ad valorem.

Item.	Dingley tariff _ (1905).	Payne to	ariff.	Estimates for a 12-month
		1910	1911	period under H. R. 18642.
Imports: Quantity (square feet) Value. Average unit. Duties. Equivalent ad valorem (per cent)	413, 053 \$288, 152 \$0, 698 \$184, 691 64, 09	501, 604 \$376, 119 \$0, 750 \$225, 904 60, 06	324, 431 \$256, 899 \$0, 792 \$147, 415 57, 34	\$500,000 \$150,000 30.00
Wilson bill.	Rate.		Equivalent ad valorem (1896).	
As passed House	25 and 35 per centum ad valorem 20 and 40 cents per square foot, according to character of wire.			Per cent. 48.77

23. Cast-iron pipe of every description, cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles; castings of malleable iron not specially provided for in this act or in the first section of the act cited for amendment; cast hollow ware, coated, glazed, or tinned, 10 per cent ad valorem.

Item.	Dingley tariff	Payne t	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.
Cast-iron pipe, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	88, 886 \$1, 920 \$0, 022 \$356 18, 52	205, 714 \$3, 138 \$0, 015 \$568 18, 10	213, 121 \$3, 270 \$0. 015 \$533 16. 30	\$5,000 \$500 10.00

Wilson bill.	Rate. 25 per centum ad valorem			Equivalent ad valorem (1896).
As passed House				Per cent. 89. 94
	Dingley tariff	Payne t	ariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Cast-iron andirons, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent)	618, 407 \$32, 076 \$0, 050 \$4, 947 15, 42	3, 223, 599 \$237, 185 \$0, 073 \$25, 789 10, 87	1,565,340 \$112,190 \$0.072 \$12,521 11.17	\$150,000 \$15,000 • 10.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed HouseAs enacted.	25 per centum n cent per pou			Per cent. 27.63
As enacted	a cent per pot			27.63
As passed House		ind		Per cent. 27. 63 Estimates for a 12-month period under H. R. 18642.
As enacted	Dingley tariff	Payne t	ariff.	Estimates for a 12-month period under

¹ Classification first made by act of 1909.

[The following statement relates only to "Castings of malleable iron, n. s. p. f."]

Wilson bill.		Rate.			
As passed House	25 per centum ad valorem			Per cent. 18.51	
	Dingley tariff	Payne	tariff.	Estimates for a 12-month	
* Item.	(1905),	1910	1911	period under H. R. 18642.	
Cast hollow ware, etc.: Imports— Quahtity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	\$126 \$0.056 \$45	\$78 \$0.159 \$7	11,802 \$885 \$0.075 \$177 20.01	\$1,000	
Wilson bill.	Rate.			Equivalent ad valorem (1896).	
As passed HouseAs enacted	30 per centum ad valorem			Per cents 24.90	

24. Chain or chains of all kinds, made of iron or steel, 20 per cent ad valorem.

	Dingley	Payne	ariff.	Estimates for a 12-month
Item.	tariff (1905).	1910	1911	period under H. R. 18642,
Imports: Quantity (lbs.) Value. Average unit. Duties. Equivalent ad valorem (per cent)	620, 668 \$42, 098 \$0. 068 \$19, 756 46. 93	797, 958 \$42, 739 \$0. 054 \$20, 880 48. 85	1,146,598 1 \$70,542 \$0.062 \$21,952 31.12	\$100,000 \$20,000 20.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As enacted	30 per cent			Per cent. 30.00

¹ Includes \$24,132 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 47.30 per cent.

25. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays, cylindrical or tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty, flexible metal tubing or hose, not specially provided for in this act or in the first section of the act cited for amendment, whether covered with wire or other material, or otherwise, including any appliances or attachments affixed thereto, welded cylindrical furnaces, tubes or flues made from plate metal, and corrugated, ribbed, or otherwise reenforced against collapsing pressure, and all other iron or steel tubes, finished, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

Item.	Dingley tariff		ariff.	Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Tubes, pipes, flues, etc.: Imports— Value Duties. Equivalent ad valorem (percent).	\$123, 282 \$42, 916 34. 81	\$188, 299 \$56, 443 29. 97	1\$178,336 \$51,739 29.01	\$250,000 \$50,000 20.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per cent ad 25 per cent	valorem		Per cent. 25.00

¹ Includes \$136 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is, 29,03

Item.	Dingley tariff	Payne	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.
Cylindrical or tubular tanks, etc.: 1 Imports—				
7773733		² \$291,840 \$87,458	* \$462,075 \$138,375	\$500,000 \$100,000
lorem (per cent). Welded cylindrical furnaces, etc.:		29. 97	29, 95	20.00
Imports— Quantity (lbs.) Value	151, 254 \$10, 502	307, 186 \$13, 659	350, 490 \$15, 336	\$30,000
Average unit Duties Equivalent ad va-	\$0.070 \$3,781	\$0.044 \$6,144	\$0.044 \$7,010	\$30,000
lorem (per cent). Total paragraph 25:	36, 01	44. 98	45, 71	20.00
Imports— Value Duties	\$133,784 \$46,697	\$493,798 \$150,045	\$655,747 \$197,124	\$780,000 \$156,000
Equivalent ad va- lorem (per cent).	34. 90	30. 39	30.06	20.00
Quantity (tons) Value	1,187,391 \$63,676,874	1,930,000 \$104,494,000		
Average unit	\$53.63 \$63,810,658	\$54.14 \$104,987,798		

¹ Classification first made by act of 1909.
¹ Includes \$263 on which the duties were remitted.
strictly dutiable imports is 29.99 per cent.
¹ Includes \$316 on which the duties were remitted.
¹ Includes \$316 on which the duties were remitted.
¹ The ad valorem rate on the strictly dutiable imports is 30 per cent.
¹ Census classification: Pipes or tubes—Iron or steel, wrought; Seamless-drawn; and Clinched, brazed, etc.

26. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this act or in the first section of the act cited for amendment, which have folding or other than fixed blades or attachments, and razors, all the foregoing, whether assembled but not fully finished or finished, 35 per cent ad valorem: Provided, That blades, handles, or other parts of any of the foregoing knives, razors, or erasers shall be dutiable at not less than the rate herein imposed upon knives, razors, and erasers. Scissors and shears, and blades for the same, finished or unfinished, 30 per cent ad valorem: Provided further, That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month
Teem.	(1905).	1910	1911	period under H. R. 18642.
Penknives, pocketknives, etc.: Imports— Quantity (number). Value. Average unit. Duties. Equivalent ad valorem (per cent).	13,096,195 \$33,844 \$0.064 \$664,564 79.50	12,642,068 \$789,662 \$0.062 \$604,164 76.51	12, 196, 950 \$804, 679 \$0. 066 \$624, 624 77. 62	\$1,800,000 \$630,000 35.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	45 per centum 12 to 75 cents and 25 to 50 p		25 per cent, ing to value.	Per cent. 53.12
Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Razors, and blades for, etc.: Imports— Quantity (no.) Value. Average unit Duties. Equivalent ad valorem (per cent).	225, 914 \$472, 401 \$2, 09 \$257, 640 54, 54	\$305,657 \$218,042 71.34	\$375,835 \$267,964 71.30	\$800,000 \$280,000 35.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House As enacted	45 per centum ad valorem			Per cent. 45.00
Item.	Dingley tariff (1905).	Payne t	ariff.	Estimates for a 12-month period under H. R. 18642.
Scissors and shears, etc.: Imports— Quantity (dozens) Value. Average unit. Duties. Equivalent ad valorem (per cent).	272, 114. \$340, 881 \$1. 25 \$179, 072 52. 53	382,981 \$509,571 \$1.33 \$265,493 \$2.10	405, 572 \$513, 984 \$1. 27 \$270, 075 52. 55	\$1,000,000 \$300,000 30.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	Not specifically	y mentioned		Per cent. 45.00
27. Sword blades, ar or use, in part of meta	nd swords an 1, 30 per cent	d side arms, ad valorem.	irrespectiv	re of quality
Item.	Dingley tariff (1905).	Payne t	ariff.	Estimates for a 12-month period under H. R. 18642.
Imports: Value. Duties. Equivalent ad va- forem (per cent)	\$28,319 \$9,905 34.98	1\$19,348 \$8,967 46.35	2 \$31,001 \$14,916 48.11	\$40,000 \$12,000 30.00

Rate.	Equivalent ad valorem (1896).
35 per centum ad valorem	Per cent.
	35 per centum ad valorem.

¹ Includes \$2 on which the duty was remitted, and \$89, free of duty. The ad valorem rate on the strictly dutiable imports is 46.56 per cent.

² Includes \$577 on which the duties were remitted, and \$591, free of duty. The ad valorem rate on the strictly dutiable imports is 50 per cent.

28. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners', plumbers', painters', palette, artists', and shoe knives, forks and steels, finished or unfinished, with or without handles, 25 per cent ad valorem: Provided, That all the articles specified in this paragraph, when imported, shall have the name of the maker or purchaser, and beneath the same the name of the country of origin indelibly stamped or branded thereon in a place that shall not be covered thereafter.

	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Imports: Quantity (number) Value. Average unit Duties. Equivalent ad valorem (per cent)	913, 491 \$125, 290 \$0. 137 \$62, 900 50. 20	1,887,313 \$192,971 \$0.102 \$83,487 43.26	1,997,405 \$198,915 \$0,100 \$86,394 43,43	\$400,000 \$100,000 25.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House		35 per centum ad valorem		

29. Files, file blanks, rasps, and floats, of all cuts and kinds, 25 per nt ad valorem

	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Imports: Quantity (dozens) Value. Average unit. Duties. Equivalent ad valorem (per cent) Production: Value. Consumption.	69, 726 \$63, 233 \$0, 907 \$42, 955 67. 93 \$4, 391, 745 \$4, 454, 978	80, 313 \$64, 205 \$0, 799 \$43, 699 68, 06 \$5, 696, 000 \$5, 700, 206	73, 802 \$66, 298 \$0. 898 \$40, 550 61. 16	\$175,000 \$43,750 25.00
Wilson bill.		Rate.	71120	Equivalent ad valorem (1896).
As passed House		35 per centum ad valorem		Per cent. 56.80

	Dingley tariff	Payne t	Payne tariff.	
Item.	(1905).	1910	1911	a 12-month period under H. R. 18642.
Imports: Value. Duties. Equivalent ad valorem (per cent)	\$43, 279 \$10, 820 25. 00	1 \$105,040 \$26,252 25.00	\$47,655 \$11,899 25.00	\$70,000 \$10,500 15.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum : 25 per cent			Per cent. 25.00

¹ Includes \$20 on which the duties were remitted. ² Includes \$60 on which the duties were remitted.

31. Breech-loading shotguns and rifles, combination shotguns and rifles, and parts thereof and fittings therefor, including barrels further advanced than rough bored only; pistols, whether automatic, magazine, or revolving, or parts thereof and fittings therefor, 35 per cent advanced

		Payne tariff.		Estimates for a 12-month
Item.	Dingley tariff — (1905).	1910	1911	period under H. R. 18642.
Imports: Value Duties. Equivalent ad valorem (per cent)	\$539, 358 \$275, 145 51, 01	\$140, 183 \$65, 225 46, 53	\$119, 791 \$54, 677 45. 64	\$160,000 \$56,000 35.00
Wilson bill.	Rate.		Equivalent ad valorem (1896).	
As passed House	30 per centum ad valorem			Per cent. 30,00

32. Table, kitchen, and hospital utensils, or other similar hollow ware, of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated with lithographic or other printing, 25 per cent ad valorem.

	7311110	Payne tariff.		Estimates for
Item.	Dingley tariff — (1905).	1910	1911	a 12-month period under H. R. 18642.
Imports: Value Duties. Equivalent ad valorem (per cent)	\$721,500 \$288,604 40.00	\$835,716 \$334,286 40.00	1 \$764, 956 \$305, 829 40. 00	\$1,000,000 \$250,000 25.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	35 per centum a 35 per cent			Per cent. 35.00

Includes \$384 on which the duties were remitted.

33. Needles for knitting or sewing machines, latch needles, crochet needles, and tape needles, knitting and all other needles not specially provided for in this act or in the first section of the act cited for amendment, and bodkins of metal, 25 per cent ad valorem; but no articles other than the needles which are specifically named in this act or in the first section of the act cited for amendment shall be dutiable as needles unless having an eye, and fitted and used for carrying a thread. Needle cases or needle books furnished with assortments of needles or combinations of needles and other articles shall pay duty as entireties according to the component material of chief value therein.

	District total	Payne t	Estimates for	
Item.	Dingley tariff (1905).	1910	1911	a 12-month period under H. R. 18642.
Imports: Value. Duties. Equivalent ad valorem (per cent)	\$145,064 \$50,354 34.71	\$206,875 \$86,746 41.93	\$252,093, \$108,348 42.98	\$300,000 \$75,000 25.00
Wilson bill.		Equivalent ad valorem (1896).		
As passed House	25 per centum a 25 per cent	Per cent. 25.00		

34. Fishhooks, 10 per cent ad valorem; fishing rods and reels, artificial files, artificial baits, snelled hooks, and all other fishing tackle or parts thereof, not specially provided for in this act or in the first section of the act cited for amendment, except fishing lines, fishing nets and seines, 30 per cent ad valorem.

	Dingley tariff — (1905).1	Payne to	Estimates for	
Item.		1910	1911	a 12-month period under H. R. 18642.
Imports: Value Duties Equivalent ad valo-		\$152,925 \$68,816	\$170,756 \$76,840	\$250,000 \$75,000
rem (per cent)		45.00	45.00	10 and 30

¹ Classification first made by act of 1909.

35. Steel plates engraved, stereotype plates, electrotype plates, and plates of other materials, engraved for printing, plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other

glass, 15 per cent ad valorem; lithographic plates of stone or other material engraved, drawn, or prepared, and wet transfer paper or paper prepared wholly with glycerin, or glycerin combined with other materials, containing the imprints taken from lithographic plates, 25 per cent ad valorem.

	D: 1	Payne	Estimates for	
Item.	Dingley tariff (1905).	1910	1911	a 12-month period under H. R. 18642.
Steel plates, engraved, etc.: Imports— Value. Duties. Equivalent ad valorem (percent).	\$30, 404 \$7,601 25.00	\$56, 525 \$11, 643 20. 60	\$67,553 \$13,511 20.00	\$80,000 \$12,000 15.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum 25 per cent	ad valorem		Per cent. 25.00
Item.	Dingley tariff		tariff.	Estimates for a 12-month period under
	(1905).	1910	1911	H. R 18642.
Plates of iron or steel, engraved, etc.:¹ Imports— Value. Duties Equivalent ad value orem (per cent). Lithographic plates of stone, etc.:¹ Imports—		\$732 \$183 25.00	\$2,226 \$557 25.00	\$2,000 \$300 15.00
Value Duties Equivalent ad va-		\$15,923 \$7,961	\$21,512 \$10,687	\$30,000 \$7,500
lorem (per cent). Total paragraph 35: Imports—		50.00	50.00	25.00
Value Duties Equivalent ad va-	\$30,404 \$7,601	\$73, 180 \$19, 788	\$91,291 \$24,755	\$112,000 \$19,800
lorem (per cent). Production 2—		27.04	27.12	15 and 25
Value Exports Consumption	\$7, 427, 825 \$41, 838 \$7, 416, 391	\$13,701,000 \$95,662 \$13,678,518		

 1 Classification first made by act of 1909. 2 Census classifications: Engraving and diesinking; and Stereotypi ng and electrotyping.

36. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, and rivets of iron or steel, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

Item.	Dingley tariff (1905). Payne tariff,	Payne to	Estimates for a 12-month	
		period under H. R. 18642.		
Imports: Quantity (lbs.) Value. Average unit. Duties. Equivalent ad valorem (per cent)	11,416 \$828 \$0.073 \$228 27.58	\$18, 165 \$7, 257 39. 95	\$9,742 \$3,873 39.76	\$14,000 \$2,800 20.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House		30 per centum ad valorem25 per cent		

37. Crosscut saws, mill saws, pit and drag saws, circular saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for in this act or in the first section of the act cited for amendment, 12 per cent ad valorem.

Item.	Dingley tariff	Payne t	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.
Crosscut saws: Imports— Quantity (linear feet)	10,717 \$3,648 \$0,340 \$643 17.63	16,001 \$4,237 \$0,265 \$820 19,35	15, 465 \$4, 459 \$0. 288 \$773 17. 35	\$5,000 \$600 12.00

Wilson bill.		Equivalent ad valorem (1896).		
As passed House	25 per centum 6 cents per line	Per cent. 12.88		
Item.	Dingley tariff Payne tariff.		Payne tariff.	
	(1905).	1910	1911	period under H. R. 18642.
Pit and drag saws: Imports— Quantity (linear feet) Value A verage unit Duties Equivalent ad valorem (per cent).	93 \$29 \$0.312 \$9 31.03	1,095 \$290 \$0.265 \$72 24.83	1,708 \$326 \$0.191 \$103 31.44	\$1,000 \$120 12.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum 8 cents per line	ad valorem		Per cent. 20.00
¹ The imports for 1905 inc \$9. No mill saws imported			ued at \$24, 1	he duty being
Item.	Dingley tariff	Payne t	ariff.	Estimates for a 12-month
Tein.	(1905).	1910	1911	period under H. R. 18642.
Circular saws: Imports— Value Duties Equivalent ad va- forem (per cent)	\$474 \$119 25.00	\$5,711 \$1,165 20.00	\$2,522 \$504 20.00	\$4,000 \$480 12.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	25 per centum 25 per cent Dingley tariff (1905).	ariff Payne tariff.		Estimates for a 12-month period under
		1910	1911	H. R. 18642.
Steel band saws, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent) Hand, back, and all other saws, n. s. p. f.: Imports—	3,301 \$1,844 \$0,559 \$699 37.90	2,523 \$1,631 \$0.646 \$457 28.02	2, 261 \$1, 102 \$0. 487 \$334 30. 26	\$2,000 \$240 12.00
Value Duties Equivalent ad valorem (per cent)	\$21,068 \$6,320 30.00	\$45,792 \$11,747 25.65	\$46,748 \$11,687 25.00	\$80,000 \$9,600 12.00
The following statement re	elates only to "	Hand, back, an	d all other s	aws. n. s. n. f."
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum 25 per cent	ad valorem		Per cent. 25.00
Item.	Dingley tariff (1905).	Payne t		Estimates for a 12-month period under
Total paragraph 37: Imports— Value. Duties. Equivalent ad valorem (per cent). Production—	\$27,063 \$7,790 28.78 \$9,819,787 \$556,809	\$57, 661 \$14, 261 24.73 \$12, 122, 000 \$919, 483	\$55, 157 \$13, 401 24. 30	\$92,000 \$11,040 12.00

38. Screws, commonly	called	wood	screws,	made	of ire	n or	steel,	25
per cent ad valorem.								

	Dingley tariff	Payne	Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.
Imports: Quantity (pounds) Value Average unit Duties Equivalent ad valorem (per cent) Production: Value Consumption	4,080 \$292 \$0.072 \$184 63.01 \$2,133,844 \$2,134,136	17, 856 \$1, 053 \$0, 059 \$577 54, 76 \$6, 641, 000 \$6, 642, 053	35, 513 \$1, 984 \$0, 056 \$1, 076 64, 23	\$2,000 \$500 25,00
Wilson bill.		Equivalent ad valorem (1896).		
As passed House	35 per centum 3 to 10 cents pe	Per cent. 13. 24		

39. Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, 30 per cent ad valorem.

Item,	Dingley tariff _	Payne to	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642
Imports: Value Duties Equivalent ad valorem (per cent)	\$10,972 \$5,486 50.00	\$18,348 \$9,174 50.00	\$10,566 \$5,283 50.00	\$20,000 \$6,000 30.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	Not specifically 50 per cent			Per cent. 50.00

40. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured, 25 per cent ad valorem; ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, 10 per cent ad valorem: Provided, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

Item.	Dingley tariff	Payne t	ariff.	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.	
Wheels for railway purposes, etc.: Imports— Quantity (lbs.) Value Average unit. Duties. Equivalent ad valorem (per cent)	4,211,664 \$113,123 \$0.027 \$63,175 55.85	1, 466, 140 \$37, 708 \$0, 026 \$18, 403 48, 80	3, 151, 372 \$77, 808 \$0, 025 \$39, 302 50, C3	\$100,000 \$25,000 25.00	
Wilson bill.		Rate.		Equivalent ad valorem (1896).	
As passed House	30 per centum s			Per cent. 41. 40	
Item.	Dingley tariff	Payne t	ariff.	Estimates fo a 12-month	
	(1905).	1910	1911	period under H. R. 18642,	
Ingots, etc.:¹ Imports— Quantity (lbs.) Value		21, 197 \$453 \$0, 021 \$212	70 \$5 \$0.071	\$1,000	

¹ Classification first made by act of 1909.

Wilson bill.		Equivalent ad valorem (1896).		
As passed House	30 per centum 11 cents per pe	Per cent. 31.79		
	Dingley tariff	Payne	Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.
Total paragraph 40: Imports—				
Quantity (lbs.) Value	4, 211, 664 \$113, 123	1, 487, 337 \$38, 161	3, 151, 442 \$77, 813	\$101,000
Average unit Duties Equivalent ad va-	\$0,022 \$63,175	\$0.026 \$18,615	\$0.025 \$39,393	\$25,100
lorem (per cent)	55.85	48.78	50.63	10 and 25
Quantity (tons) Value Average unit	274, 061 \$15, 684, 967 \$57, 23	366,000 \$18,740,000 \$51,20		
Exports	2 \$177, 638 \$15, 620, 452	2 \$410, 291 \$18, 367, 870		

¹ Census classification: Miscellaneous forged, cast, or other iron or steel products, not including remanufacture of rolling-mill products.

² Car wheels.

41. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, aluminum in plates, sheets, bars, and rods; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, 25 per cent ad valorem.

Item.	Dingley tariff (1905).	Payne	Estimates for a 12-month	
		1910	1911	period under H. R. 18642.
Aluminum, etc.: Imports— Quantity (lbs.) Value Average unit. Duties Equivalent ad va-	683, 513 \$153, 134 \$0. 240 \$51, 081	12, 386, 898 \$1, 840, 851 \$0, 149 \$875, 462	6,240,826 \$945,820 \$0.152 \$436,858	\$2,500,000 \$625,000
forem (per cent) Consumption — Quantity (lbs.) Value Average unit Export	33, 36 11, 347, 000 \$3, 246, 300 \$0, 286 \$175, 859	47.56 34,210,000 \$6,575,000 \$0.192 \$666,937	46, 19	25.00

¹ From report of United States Geological Survey: Mineral production of the United States in 1909.

Wilson bill.	Rate. 25 per centum ad valorem			Equivalent ad valorem (1896).	
As passed House				Per cent. 13.00	
	Dingley tariff	Payne tari		Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642,	
Aluminum in plates, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem(per cent). Barium, calcium, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent)		41,054 \$12,385 \$0.302 \$4,575 36.94 24,670 220,035 \$0.812 \$5,649 28.77	213, 123 \$49, 860 \$0. 234 \$23, 444 47. 02 19, 832 \$22, 845 \$1. 15 \$6, 306 27. 60	\$60,000 \$15,000 25.00 \$25,000 \$6,250 25.00	

¹ Classification first made by act of 1909.

transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishment, they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishment, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph; antimony, oxide of, 25 per cent ad valorem.

	Dingley tariff	Payne t	ariff.	Estimates for a 12-month
f Item.	(1905).	1910	1911	period under H. R. 18642.
Antimony, as regulus or metal: Imports— Quantity (lbs.) Value. Average unit Duties Equivalent ad vaforem (per cent).	4, 696, 554 \$318, 701 \$0. 067 \$35, 224 11. 05	8,202,240 \$515,978 \$0.063 \$116,673 22.61	7, 988, 844 \$460, 856 \$0, 058 \$119, 833 26, 00	\$725,000 \$72,500 10.00
Wilson bill.			Rate.	
As passed HouseAs enacted		Free. Do.		
Those Dingley tariff		Payne tariff.		Estimates for a 12-month
Item.	(1905).1	1910	1911	period under H. R. 18642.
Antimony ore, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad va- forem (per cent)		720, 883 \$24, 944 \$0. 034 \$7, 209 28. 90	1,609,916 \$59,649 \$0.037 \$16,099 26.98	\$100,000 \$10,000 10.00
Wilson bill.		Rate.		
As passed HouseAs enacted		Free. Do.		
Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
DESCRIPTION OF THE PROPERTY OF	(1905).1	1910	1911	period under H. R. 18642.
Antimony, oxide of: Imports— Quantity (lbs.) Value. Average unit Duties Equivalent ad valorem (per cent).		339, 116 \$15, 707 \$0.046 \$9, 013	942, 616 \$50, 371 \$0. 053 \$26, 732	\$100,000 \$25,000 25.00

43. Argentine, albata, or German silver, unmanufactured, 15 per cent ad valorem.

	Dinglay tariff	Payne t	Estimates for a 12-month	
Item.	Dingley tariff	1910	1911	period under H. R. 18642.
Imports: Value Duties Equivalent ad valorem (per cent)	\$4,662 \$1,166 25.00	\$479 \$120 25.00	\$582 \$146 25.00	\$1,000 \$150 15.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	15 per centum a 15 per cent	ad valorem		Per cent. 15.00

² Includes \$399 free of duty.

^{42.} Antimony, as regulus or metal, antimony ore, stibulte and matte containing antimony but not containing more than 10 per cent of lead, 10 per cent ad valorem on the antimony contents therein contained: Provided, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the

44. Bauxite,	or	beauxite, crude, not refined or otherwise advanced in	1
condition from	its	natural state, 10 per cent ad valorem.	

	Dingley tariff	Payne t	Estimates for a 12-month		
Item.	(1905).	1910	1911	period under H. R. 18642.	
Imports: Quantity (tons) Value Average unit Duties Equivalent ad valorem (per cent)	9,550 \$32,813 \$3,44 \$9,550 29,10	15, 566 \$71, 779 \$4. 61 \$15, 566 21. 69	32, 308 \$127, 713 \$3, 95 \$32, 308 25, 30	\$200,000 \$20,000 10.00	
Wilson bill.			Rate.		
As passed House	·····	Free. Do,			

 $45.\ \,$ Bronze powder, brocades, flitters, and metallics; bronze, or Dutch metal or aluminum, in leaf, 25 per cent ad valorem.

Item.	Dingley tariff	Payne t	ariff.	Estimates for a 12-month
item.	(1905)	1910	1911	period under H. R. 18642.
Bronze powder, brocades, etc.: Imports— Quantity (lbs.) Value Average unit. Duties. Equivalent ad valorem (per cent).	1,906,172 \$553,049 \$0.290 \$228,741 41.36	1,856,011 \$557,550 \$0.300 \$222,721 39.95	1,557,071 \$455,029 \$0.292 \$186,849 41.06	\$750,000 \$187,500 25.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	30 per centum 40 per cent	Per cent. 40.00		
	Payne tariff.		ariff.	Estimates for a 12-month period under H. R. 18642.
Item.	(1905).	1910 1911		
Bronze, or Dutch metal, etc.: Imports— Quantity (100 leaves)	730, 477 \$72, 954 \$0, 100 \$43, 829 60, 08	796, 156 \$81, 925 \$0, 102 \$47, 769 58, 31	814, 400 \$85, 234 \$0, 105 \$48, 864 57, 33	\$150,000 \$37,500 25.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	30 per centum : 40 per cent	ad valorem		Per cent. 40.00

46. Copper, in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iren ungalvanized, 5 per cent ad valorem.

Item.	Dingley tariff Payne t		ariff.	Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Copper in rolled plates, etc.: Imports— Quantity (lbs.) Value	373,877 \$82,875 \$0.222 \$9,347 11.28	111, 186 \$28, 703 \$0, 253 \$2, 780 9, 68	95, 939 \$20, 896 \$0, 218 \$2, 399 11, 48	\$30,000 \$1,500 5.00
Wilson bill.		Rate.		Equivalent ad valorem (1896),
As passed House	20 per centum a 20 per cent	ad valorem		Per cent. 20.00

	Dingley tariff _	Payne	tariff.	Estimates for a 12-month
Item	(1905).	1910	1911	period under H. R. 18642.
Sheathing or yellow metal of which copper is the component material, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	1, 002 \$136 \$0. 136 \$20 14. 74	1,386 \$616 \$0.444 \$28 4.50	15,077 \$2,749 \$0,182 \$302 10.97	\$3,000 \$150 5.00
Wilson bill.	Rate.		Equivalent ad valorem (1896).	
As passed House	20 per centum ad valorem			Per cent. 20.00
47. Gold leaf, 35 per	cent ad valo	rem.		
Item.	Dingley tariff	Payne	Payne tariff.	
	(1905).	1910	1911	period under H. R. 18642.
Imports: Quantity (100 leaves). Value Average unit. Duties Equivalent ad valorem (per cent)	42, 140 \$38, 101 \$0, 904 \$14, 748 38, 71	45, 152 \$39, 902 \$0. 884 \$15, 803 39. 61	44, 603 \$40, 395 \$0, 906 \$15, 611 38, 65	\$60,000 \$21,000 35.00
Wilson bill.	Rate.		Equivalent ad valorem (1896).	
As passed House	35 per centum 30 per cent	35 per centum ad valorem		
48. Silver leaf, 30 p	er cent ad va	lorem.		
Item.	Dingley tariff	Payne tariff.		Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Silver leaf: Imports— Quantity (100 leaves)	208 \$123 \$0.118 \$156 126.83	8, 913 \$946 \$0, 106 \$894 \$4, 50	28, 240 83, 220 80, 114 82, 824	\$10,000 \$3,000 30.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	35 per centum 30 per cent	ad valorem		Per cent. 30.00

49. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 10 per cent ad valorem; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, 30 per cent ad valorem; fabrics, laces, embroideries, braids, galloons, trimmings, ribbons, bettings, ornaments, toys, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, 40 per cent ad valorem.

	Dingley tariff	Payne t	Estimates for a 12-month	
Item.	(1965).	1910	1911	period under H. R. 18642.
Tinsel wire, etc.: Imports— Quantity (lbs.) Value Average unit Dutles Equivalent ad valorem (per cent)	240,716 \$96,997 \$0.403 \$12,036	327,367 \$159,238 \$0.486 \$16,368 10.28	408, 783 \$195, 585 \$0, 478 \$20, 439	\$200,000 \$20,000 10.00

1912.		CONC	ARESS	LONAL	RECO
Wilson bill.		Rate.	Equivalent ad valorem (1896).	Wil	
As passed House	Not specifica Free	lly mentioned.		Per cent.	As passed l
Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month	52. Les
	(1905).	1910	1911	period under H. R. 18642.	blocks and in sheets, 25 per ce
Bullions and metal threads, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad va- lorem (per cent).	65,782 \$49,128 \$0.747 \$20,484 41.69	235,828 \$291,933 \$1,240 \$99,959 34.24	229,733 \$221,093 \$0.962 \$77,815	\$400,000 \$120,000 30.00	Dross, bul pies, etc.:
Wilson bill.		Rate.	Equivalent ad valorem (1896).	Import Qu Val Av Du	
As passed House		n ad valorem	Per cent. 25.00	Eq	
Item.	Item. Dingley tariff Payne tariff. (1905).		24107112	Estimates for a 12-month period under	Wil
Fabrics, laces, etc.:		1910	1911	H. R. 18642.	As mound 1
Imports— Quantity (lbs.) Value	\$101,706	\$853,606	277,191 \$1,106,522 \$3.99	\$1,750,000	As enacted
A verage unit Duties Equivalent ad valorem (per cent)	\$61,024	\$545,072 63.86	\$705, 492 63. 76	\$700,000 40.00	1
50. Hooks and eyes, per cent ad valorem.	metallic, wl	ether loose,	carded, or o	therwise, 15	
Item.	Dingley tariff	Dingley tariff Payne tariff.			Lead in she Import Qu Va
	(1905).	1910	1911	period under H. R. 18642.	Av Du
Imports; Quantity (lbs) Value Average unit Duties Equivalent ad valorem (per cent) Production:	37, 215 \$6, 428 \$0, 173 \$3, 011 46, 85	14,078 \$2,991 \$0.212 \$1,105 36.94	55,322 \$14,138 \$0.256 \$4,610 32.61	\$20,000 \$3,000 15.00	Wil
Value	\$1,199,483 \$1,205,911	(t)			As passed 1
					As enected

1 Not separately reported.

51. Lead-bearing ore of all kinds, and lead dross, 25 per cent ad valorem upon the lead contained therein: Provided, That on all importations of lead-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the importentries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

Item.	Dingley tariff	Payne	Estimates for a 12-month		
Trem.	(1905).	(1905).		period under H. R. 18642.	
Ore: Imports— Quantity (lbs.) Value. Average unit Duties Equivalent ad valorem (per cent). Production— Quantity (lbs.)	14, 131, 077 \$240, 391 \$0. 017 \$211, 966 \$8. 18 783, 060, 836	6,119,199 \$145,426 \$0.024 \$91,788 63.12 2708,376,000	7, 101, 491 1 \$164, 931 \$0. 023 \$87, 041 52.77	\$400,000 \$100,000 25.00	
Value	\$30, 357, 901 \$0, 039 \$30, 598, 292	\$30,460,168 \$0.043 \$30,605,594		*	

1 Includes \$19,481 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 59.84 per cent.

2 From report of U. S. Geological Survey: Mineral production of the United States in 1909.

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Rate.	Equivalent ad valorem (1896).
15 per centum ad valorem	Per cent.
	15 per centum ad valorem

ad bullion or base bullion, lead in pigs and bars, lead in any specially provided for in this section, old refuse lead run into ad bars, and old scrap lead fit only to be remanufactured; lead

Item.	Dingley tariff	Payn	tariff.	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.	
Dross, bullion, lead in pigs, etc.: Imports— Quantity (lbs) Value Average unit Duties Equivalent ad valorem (percent).	11, 919, 216 \$321, 983 \$0. 027 \$253, 283 78. 66	26, 966, 940 \$657, 435 \$0. 024 \$573, 047	23, 806, 976 \$549, 104 \$0. 023 \$513, 919 93, 59	\$1,600,000 \$400,000 25.00	
Wilson bill.		Rate.		Equivlaent ad valorem (1896).	
As passed House	15 per centum ad valorem and 1 cent per pound according to article.			Per cent. 54.50	
Item.	Dingley tariff	Payne tariff.		Estimates fo a 12-month	
	(1905).	1910	1911	period under H. R. 18642.	
Lead in sheets, etc.: Imports— Quantity (lbs.) Value Average unit Duties. Equivalent ad valorem (per cent).	59, 639 \$2, 532 \$0, 042 \$1, 491 58, 89	41,955 \$2,148 \$0.051 \$1,907 46.88	64,102 \$2,886 \$0.045 \$1,522 52.75	\$5,000 \$1,250 25.00	
Wilson bill.		Rate.		Equivalent ad valorem (1896).	
As passed House	1½ cents per p	ound		Per cent. 32.34	
Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month	
Atem.	(1905).	1910	1911	period under H. R. 18642.	
Total paragraph 52: Imports— Quantity (lbs.) Value. Average unit. Duties. Equivalent ad va-	11,978,855 \$324,515 \$0.027 \$254,774	27, 008, 895 \$659, 583 \$0. 024 \$574, 054	23, 871, 078 \$551, 990 \$0, 023 \$515, 441	\$1,605,000 \$401,250	
lorem (per cent) Production— Value Exports.	78.51 \$9,277,462 \$499,609 \$9,777,071	\$7.03 \$10,062,000 \$481,333 \$10,543,333	93.38	25. 00	

53. Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem; monazite sand and thorite; thorium, oxide of and salts of; gas mantles treated with chemicals or metallic oxides; and gas-mantle scrap consisting in chief value of metallic oxides, 25 per cent ad valorem.

	Dingley tariff	Payne t	ariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Metallic mineral sub- stances, etc.: Imports—				
Value Duties Equivalent ad va-	\$201,397 \$40,279	\$127,008 \$25,401	\$93,442 \$18,688	\$150,000 \$15,000
lorem (per cent).	20.00	20.00	20.00	10.00

Item.	Dingley tariff	a 12-mo		Estimates for a 12-month
	(1905).	1910	1911	period under H. R. 18642.
Monazite sand, etc.: 1		011 5 147		
Imports—	The same of the same of			CLEANING HE
Quantity (lbs.)		145,928	797.885	Committee Committee
Value		\$12,034	\$71,215	\$100,000
Average unit		\$0,082	\$0,090	
Duties.		\$5,837	\$31,915	\$25,000
Equivalent ad va-		40,001	402,020	420,000
lorem (per cent).		48.51	44, 82	25, 00
Thorium, oxide of, etc.:			1100	-
Imports—				12000000
Quantity (lbs.)	38,274	116,362	118,201	cow nemelous
Value	\$200,238	\$179,095	\$237,212	\$350,000
Average unit;	\$5, 23	\$1.54	\$2.01	6000,000
Duties	\$50,060	\$71,182	\$94,885	\$87,500
Equivalent ad va-	\$30,000	911,102	601,000	901,000
Equivalent ad va-	25, 00	39, 75	40.00	25.00
lorem (per cent).	20.00	09.10	40.00	20.00
Gas mantles, etc.: 1	ARTEST CONTRACTOR	-		The same of
Imports—		ams 110	ero mos	\$80,000
Value		\$71,446	\$58,781	
Duties		\$26,257	\$23,512	\$20,000
Equivalent ad va-			40.00	
lorem (per cent).		36.75	40.00	25.00
Gas-mantle scrap, etc.: 1	15576	200		
1mports—	0.0181.020016	The same of		
Value		\$2,892	\$6,120	\$10,000
Duties		\$1,157	\$2,448	\$2,500
Equivalent ad va-		*		
lorem (per cent).		40.00	40.00	25.00

¹ Classification first made by act of 1909.

54. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, or plates, 10 per cent ad valorem; sheets or strips, 20 per cent ad valorem.

Them	Dingley tariff	Payne t	Payne tariff.	
Item.	(1905).	1910	1911	a 12-month period under H. R. 18642.
Nickel, nickel oxide, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).	743, 163 \$259, 303 \$0. 349 \$44, 590	290, 979 \$113, 289 \$0, 389 \$17, 459	391, 689 \$139, 871 \$0. 357 \$23, 501 16. 80	\$150,000 \$15,000 10.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
	Maria de la companya della companya			The state of the s
As passed House	Free6 cents per po			Per cent. 18.41
	6 cents per po	oundPayne t	ariff,	18.41 Estimates for
			ariff. 1911	18.41
Item. Sheets or strips: ' Imports— Value Duties Equivalent ad valorem (per cent). Total paragraph 54: Imports—	Dingley tariff (1905).	Payne t		Estimates for a 12-month period under
Item. Sheets or strips: Imports— Value. Duties. Equivalent ad valorem (per cent). Total paragraph 54: Imports— Quantity. Value.	Dingley tariff (1905). 743,163	Payne t	1911 \$10,304 \$3,606	18.41 Estimates for a 12-month period under H. R. 18642. \$20,000 \$4,000
Item. Sheets or strips: ' Imports— Value. Duties. Equivalent ad valorem (per cuslorem (per cuslorem (per cuslorem). Total paragraph 54: Imports— Quantity.	Dingley tariff (1905).	Payne t 1910 \$3,765 \$1,318 35.00	\$10,304 \$3,606 \$5.00	18.41 Estimates for a 12-month period under H. R. 18642. \$20,000 \$4,000 20.00

Nickel oxide and matte, and manufactures of nickel.

55. Pens, metallic, 25 per cent ad valorem.

		Payne tariff.		Estimates for
Item.	Dingley tariff (1905).	1910	1911	a 12-month period under H. R. 18642.
Pens, metallic, except gold: Imports— Quantity (gross) Value Average unit Duties Equivalent ad valorem (per cent)	\$122,306 \$0.242 \$60,546	593, 593 \$144, 804 \$0. 243 \$71, 231 49. 19	589, 866 \$142, 323 \$0. 241 \$70, 784 49. 73	\$200,000 \$50,000 25.00

Wilson bill.		Equivalent ad valorem (1896).		
As passed House	25	Per cent.		
As enacted	35 per centum a 8 cents per gros	31.77		
	Dingley tariff	Payne	tariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Metallic pens with nib, etc.: 1 Imports— Quantity (gross) Value Average unit Duties		\$21 \$1,297 \$1.58 \$123 9.50	1,747 \$3,318 \$1.90 \$262 7.90	\$2,000 \$500 25.00
Quantity (gross) Value Average unit Duties. Equivalent ad va-	\$122,306 \$0.242 \$60,546	594, 414 \$146, 101 \$0. 246 \$71, 354	591,613 \$145,641 \$0.246 \$71,046	\$202,000 \$50,500
Production— Quantity (gross) Value	49.50 1,853,485 \$550,522 \$0,297	48. 84 \$635, 000	48.78	25, 00
Exports	2 \$130, 654 \$542, 174	\$147,114 \$633,987		

¹ Classification first made by act of 1909.

2 Pens and penholders.

56. Penholder tips, penholders and parts thereof, gold pens, fountain pens, and stylographic pens; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, 25 per cent ad valorem.

	Dingley tariff	Payne	tariff.	Estimates for a 12-month period under H. R. 18642.
Item.	(1905).	1910	1911	
Penholder tips, etc.: Imports— Quantity (gross) Value Average unit Duties Equivalent ad valorem (per cent).	\$22,866 \$5,716 25.00	\$29,558 \$8,381 28.35	30, 283 \$38, 292 \$1, 26 \$11, 087 28, 95	\$40,000 \$10,000 25.00
Wilson bill,		Rate.		Equivalent ad valorem (1896).
As passed HouseAs enacted	25 per centum 25 per cent	ad valorem.		Per cent. 25.00
	Payne tariff. Dingley tariff		Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.
Gold pens: Imports— Value Dutties Equivalent ad valorem(per cent). Production— Quantity (gross) Value A verage unit Consumption.	\$97 \$24 25.00 15,716 \$635,528 \$40.44 \$635,625	\$42,771 \$10,693 25.00 \$1,202,000 \$1,244,771	\$65 \$16 25.00	\$13,000 \$3,250 25.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	25 per centum 25 per cent			Per cent.

Dir	ngley tariff	Payne to	ariff.	Estimates for a 12-month
Item.	(1905).1	1910	1911	period under H. R. 18642.
Fountain pens, stylo- graphic pens: Imports— Value Duties Equivalent ad valorem (per cent) Combination penholders, etc.:		\$27, 338 \$8, 201 30.00	\$42, 414 \$12, 724 30. 00	\$50,000 \$12,500 25.00
Imports— Value Duties Equivalent ad va- lorem (per cent)		\$895 \$358 40.00	\$323 \$129 40.00	\$1,000 \$250 25.00

¹ Classification first made by act of 1909.

57. Pins, with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, 20 per cent ad valorem.

	Dingley tariff	Payne tariff.		Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
Imports:	2100 101	2240 500		*****
Value Duties Equivalent ad valo-	\$138, 431 \$48, 451	\$240, 528 \$84, 185	\$245, 412 \$85, 894	\$350,000 \$70,000
rem (per cent) Production:	38.00	35.00	35, 00	20.00
Quantity (gross)	136, 887, 782 \$2, 067, 637	(1)		
Average unit Consumption	\$0.015 \$2,206,068			
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	20 per centum	ad valorem		Per cent.

Not separately reported.

58. Quicksilver, 10 per cent ad valorem. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

	Dingley tariff	Payn	e tariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642,
Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent). Production: 1 Quantity (flasks) Value Average unit Exports Consumption	\$1,169 \$0.535 \$153 13.07 30,451 \$1,103,120 \$36.23	677 \$366 \$0.541 \$47 12.95 21,075 \$888,710 \$42.17 \$256,084 \$632,992		10.00
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	Free 7 cents per po			Рет cent. 11.66
1 From the report of the States in 1909. 59. Type metal, om per cent ad valorem.				
		Payne	tariff.	Estimates for

	Dissipation	Payne t	tariff.	Estimates for
Item.	Dingley tariff (1905).	1910	1911	a 12-month period under H. R. 18642.
Type metal: Imports— Quantity (lbs.) Value A verage unit Duties Equivalent ad valorem(per cent).	7,847,364 \$274,390 \$0.028 \$117,710 42.90	14, 163, 773 \$614, 028 \$0. 036 \$212, 457 36. 40	8,037,786 \$359,485 \$0.037 \$120,567	\$750,000 \$112,500 15.00

Wilson bill.		Equivalent ad valorem (1396).		
As passed House	15 per centum } cent per pou	Per cent. 31.15		
Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month
Item.	(1905).	1910	1911	period under H. R. 18642.
New type: Imports— Quantity (lbs.) Yalue. Average unit. Duties. Equivalent ad valorem (percent). Production i— Value. Export. Consumption.	30,821 \$5,302 \$0,172 \$1,326 25,00 \$2,727,759 \$167,585 \$2,565,476	31, 126 \$6, 178 \$0, 198 \$1, 544 25, 000 \$2, 764, 000 \$245, 096 \$2, 525, 082	36, 218 \$7, 542 \$0, 208 \$1, 886 25, 00	\$10,000 \$1,500 15.00
Wilson bill.	Rate.			Equivalent ad valorem (1896).
As passed House	15 per centum 15 per cent	Per cent. 15.00		

1 Census classification: Type founding.

Go. Watch movements, including time detectors, whether imported in cases or not, watch cases and parts of watches, chronometers, box or ship, and parts thereof, lever clock movements having jewels in the escapement, and clocks containing such movements, all other clocks and parts thereof, not otherwise provided for in this act or in the first section of the act cited for amendment, whether separately packed or otherwise, not composed wholly or in chief value of china, porcelain, parian, bisque, or earthenware, 30 per cent ad valorem; all jewels for use in the manufacture of watches or clocks, 10 per cent ad valorem; enameled dials for watches or other instruments, 35 per cent ad valorem: Provided, That all watch and clock dials, whether attached to movements or not, shall have indelibly painted or printed thereon the country of origin, and that all watch movements, lever clock movements with jewels in the escapement, whether imported assembled or knocked down for reassembling, and cases of foreign manufacture, shall have the name of the manufacturer and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively; and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed either in words or in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

	Dingley tariff	Payne	Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.
Watch movements, in- cluding time detectors: Imports— Quantity (num-				
ber) Value	776, 120 \$1, 154, 479	339,719 \$639,962	416,777 \$828,726	et F00 000
Average unit	\$1,134,479			\$1,500,000
Duties	\$616,014	\$1.88 \$342.419	\$1.99 \$429,650	8450 000
Equivalent ad va-	\$010,014	\$342,419	\$429,000	\$450,000
lorem (per cent)	53.36	53. 51	51.84	30.00
Value	\$11,866,400	\$11,771,000		
Exports	\$1,124,168	\$1,228,713		
Consumption Watchcases, chronometers, etc.:	\$11,896,711	\$11,182,249		
Imports—	****			
Value Duties Equivalent ad va-	\$586,208 \$234,482	\$624,037 \$249,612	\$814,089 \$325,627	\$1,250,000 \$375,000
lorem (per cent)	40.00	40.00	40.00	30.00
Production =-		near the way		
Value Consumption	\$8,626,504 \$9,212,712	\$10,515,000 \$11,139,037		
Wilson bill.		Rate.		Equivalent ad valorem (1896).
As passed House	10 and 25 per (sentum ad va	lorem	Per cent.

Census classification; Watches.
 Census classification; Watchcases

	Dingley tariff	Payne	Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.
Lever clock movements	Onto town		e la lije	
having jewels, etc.;1			C.Va.Xa. 3	1000
Imports-		0.00*	0.000	
Quantity (no.)		2,227	3,656	ero oov
Value		\$16,202	\$27,704	\$50,000
Average unit		\$7.28	\$7.58	015 000
Duties		\$8,708	\$14,738	\$15,000
Equivalent ad va-		PO 80	FO 00	20.00
lorem (per cent).		53.75	53.20	30.00
All other clocks and parts	0.00		1 3 S S S S S S S S S S S S S S S S S S	State States
of:	- X - X - 3		F 35 100	The same of the sa
Imports-	0.477 770	ecc= 049	2000 501	\$1,200,000
Value	\$477,770	\$665,943	\$803,581	\$360,000
Duties	\$191,108	\$266,363	\$321,415	\$300,000
Equivalent ad va-	10.00	40.00	40.00	30.00
lorem (per cent). Production *	40.00	40.00	40.00	30.00
	\$9,241,926	\$12,610,000	The Desired	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Value	\$1,192,246	\$1,360,218		
Exports	\$8,527,450	\$11,915,725		
Consumption Jewels for use in watches	48,041,400	611, 910, 120		
or clocks:			The state of the state of	
Imports— Value	\$739,799	\$684,587	\$647,980	\$710,000
Dutles	\$73,980	\$68,459	\$64,798	\$71,00
Equivalent ad va-	\$10,000	400, 300	401,100	4.2,000
lorem (per cent).	10.00	10.00	10.00	10.00
Production &—	10.00	10.00	20.00	
Value	\$428,692	\$675,000		The state of the state of
Consumption	\$1,168,491	\$1,359,587		
Enameled dials, etc.:1	41,100,101	41,000,001		
Imports—				
Quantity	000000000000000000000000000000000000000	497,072	1,061,900	West Committees
Value		\$32,184	854,771	\$100,000
Average unit		\$0,065	\$0,052	
Duties		\$27,786		\$35,000
Equivalent ad va-			400,100	
lorem (per cent).		86.33	98.16	35.00

Classification first made by act of 1909.
 Census classifications: Clocks; and Electrical clocks and time mechanism.
 Census classification: Watch and clock materials.

61. Zinc in blocks or pigs and zinc dust; in sheets, and old and worn-out zinc fit only to be remanufactured, 15 per cent ad valorem.

	Dingley tariff	Payne t	ariff.	Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.	
Zine in blocks, etc.: Imports— Quantity (lbs.) Value. Average unit Duties. Equivalent ad valorem (per cent).	737, 837 \$37, 967 \$0. 051 \$11, 968 29. 15	18,763,321 \$806,688 \$0.043 \$261,715 32,44	4, 427, 383 \$213, 073 \$0. 048 \$60, 877 28. 57	\$350,000 \$52,500 15.00	
Wilson bill.		Rate.		Equivalent ad valorem (1896).	
As passed HouseAs enacted	20 per centum 1 cent per pour			Per cent.	
Item.	Dingley tariff			Estimates for a 12-month period under	
		1910	1911	H. R. 18642.	
Zine in sheets, etc.: Imports— Quantity (lbs.) Value Average unit Duties Equivalent ad valorem (per cent).		100,199 \$6,292 \$0.063 \$1,641 26.08	80,145 \$5,111 \$0.064 \$1,302 25.48	\$10,000 \$1,500 15.00	
Wilson bill.	Rate.		Equivalent ad valorem (1896).		
As passed House	25 per centum 1½ cents per po	ad valorem		Per cent.	

Classification first made by act of 1909.

· Item.	Dingley tariff	Payne to	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642,
Zine in sheets, coated, etc.: 1 Imports—			n=form =	
Quantity (lbs.) Value	36,668	334,607	434,310	
Average unit	\$2,413 \$0.066	\$21,187 \$0.063	\$39,275 \$0,090	\$40,000
Duties	\$733	\$5,856	\$7,600	\$6,000
Equivalent ad va-	6100	60,000	41,000	40,000
lorem (per cent).	30.39	27.64	19.38	15.00
Zinc, old, etc.:				
Imports—	107 010	700 000	oro 401	APV
Quantity (lbs.) Value	\$3,861	723, 955 \$18, 170	353, 421 \$12,063	\$15,000
Average unit	\$0,030	\$0.025	\$0,039	\$15,000
Duties	\$1,047	\$6,711	\$3.088	\$2,250
Equivalent ad va-				
forem (per cent).	27.12	36.93	25.60	15.00

1 Includes zine, not coated, for 1905.

[The following statement relates only to "Zine, old, etc.":

Wilson bill.	Rate.			Equivalent ad valorem (1896).	
As passed House	15 per centur ‡ cent per po	Per cent. 46.01			
	Dingley tariff	Payne tariff.		Estimates for a 12-month	
Item.	(1905).	1910	1911	period under H. R. 18642.	
Total paragraph 61:					
Quantity (lbs.) Value	901, 721 \$44, 241	19, 922, 082 \$852, 337	5, 295, 262 \$269, 522	\$415,000	
Average unit Duties Equivalent ad va-	\$0.049 \$12,848	\$0.043 \$275,923	\$0.051 \$72,867	\$62,250	
lorem (per cent). Production—	29.04	32. 37	27.04	15.00	
Quantity (lbs.) Value	373, 979, 078 \$19, 210, 859	1 460, 450, 000 1 \$24, 864, 300			
Average unit Exports	\$0.051 2 \$2,048,489	\$0.054 2 \$465,301			
Production	\$17, 206, 611	\$25, 251, 336			

¹ From report of U. S. Geological Survey; Mineral production of the United States

in 1909.
² Pigs, bars, plates, sheets, and dross.

62. Cans, boxes, packages, and other containers of all kinds (except such as are hermetically sealed by soldering or otherwise), composed wholly or in chief value of metal lacquered or printed by any process of lithography whatever, if filled or unfilled, and whether their contents be dutiable or free, 30 per cent ad valorem; but no cans, boxes, packages, or containers of any kind, of the capacity of 5 pounds or under, subject to duty under this paragraph, shall pay less duty than if the same were imported empty; and the dutiable value of the same shall include all packing charges, cartons, wrappings, envelopes, and printed matter accompanying them when such cans, boxes, packages, or containers are imported wholly or partly filled with merchandise exempt from duty (except liquids and merchandise commercially known as drugs) and which is commonly dealt in at wholesale in the country of original exportation in bulk or in packages exceeding 5 pounds in capacity: Provided, That paper, cardboard, or pasteboard wrappings or containers that are made and used only for the purpose of holding or containing the article with which they are filled, and after such use are mere waste material, shall not be dutiable unless their contents are dutiable.

Item.	Dingley tariff	Payne t	Estimates for a 12-month	
	(1905).1	1910	1911	period under H. R. 18642.
Imports: Quantity (pounds) Value Average unit Dutles Equivalent ad valorem (per cent)		547, 805 \$72, 935 \$0, 133 \$47, 872 65, 64	681, 956 \$95, 059 \$0, 139 \$63, 241 66, 53	\$170,000 \$51,000 30.00

1 Classification first made by act of 1909.

63. Bottle caps of metal, whether plain or colored, waxed, lacquered, nameled, lithographed, or embossed in color, 30 per cent ad valorem.

	Dingley tariff	Payne to	Estimates for a 12-month	
Item.	(1905).1	1910	1911	period under H. R. 18642.
Bottle caps of metal, etc.: Imports— Quantity (lbs.) Value. Average unit Duties Equivalent ad valorem (per cent). Bottle caps of metal, colored, etc.:		243, 092 2\$25, 470 \$0. 105 \$12, 658 49. 70	324, 415 \$30, 962 \$0.096 \$15, 555	\$50,000 \$15,000 30.00
Imports— Value Duties Equivalent ad valorem(per cent)		*\$148,748 \$81,746 54.96	4\$220,664 \$121,105 54.88	\$450,000 \$135,000 30.00

¹ Classification first made by act of 1909.
² Includes \$38 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 49.77 per cent.
³ Includes \$119 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 55 per cent.
¹ Includes \$473 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 55 per cent.

64. All steam engines, 15 per cent ad valorem; embroidering machines, and lace-making machines, including machines for making lace curtains, nets, or nettings, 25 per cent ad valorem.

	Dingley tariff	Payne	Estimates for a 12-month	
Item.	(1905).1	1910	1911	period under H. R. 18642.
All steam engines:				
Imports—				
Value		2 \$93,747	3 \$132,570	\$175,000
Duties		\$27,143	\$39,719	\$36,250
Equivalentad va-		28.95	29.96	15.00
lorem (per cent) Embroidery machines,		20.90	29.90	10.00
etc.:	TOTAL STREET			
Imports—				Company of the
Value	and the street	\$89,467	\$94,152	\$150,000
Duties		\$40,260	\$42,368	\$37,500
Equivalent ad va-		440,1200	411,000	401,000
lorem (percent)		45.00	45.00	25.00
Embroiderly machines				
and lever or Gothrough		Care City		10 000
lace-making, etc.:				S17 # 81
Imports-		10 11 11		
Value		\$1,305,633	\$1,776,748	\$1,250,000
Duties				\$312,500
Equivalent ad va-				25.00
lorem (per cent).			***************************************	25.00

¹ Classification first made by act of 1909.
² Includes \$3,270 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 30 per cent.
² Includes \$173 on which duties were remitted. The ad valorem rate on the strictly dutiable imports is 30 per cent.

65. Nippers and pilers of all kinds wholly or partly manufactured, 30 per cent ad valorem.

Item.	Dingley tariff	Payne t	Estimates for a 12-month	
	(1905).1	1910	1911	period under H. R. 18642,
Imports: Quantity (lbs.) Value Average unit. Duties Equivalent ad valorem (per cent)		174, 520 \$77, 406 \$0, 444 \$44, 924 58, 04	199, 862 \$81, 015 \$0. 405 \$48, 395 59. 74	\$130,000 \$39,000 30.00

¹Classification first made by act of 1909.

66. Articles or wares not specially provided for in this act or in the first section of the act cited for amendment, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, sliver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 25 per cent ad valorem.

Item.	Dingley tariff	Payne to	Estimates for a 12-month	
	(1905).	1910	1911	period under H. R. 18642.
Aluminum: Imports— Value	\$369 \$166	\$10, 131 \$4, 559	\$19,462 \$8,758	\$25,000 \$6,250
Equivalent ad va- lorem (per cent).	45.00	45.00	45.00	25.00

Item.	Dingley tariff	Payne	tariff.	Estimates for a 12-month	
Tiens.	(1905).	1910	1911	period under H. R. 18642.	
Brass; Imports—					
Value	\$70, 521 \$31, 733	1 \$138, 707	2 \$203, 027	\$300,000	
Duties Equivalent ad va-	- warning	\$62,405	\$91, 164	\$75,000	
Bronze: lorem(percent).	45.00	45.00	44. 90	25.00	
Imports— Value	\$184,961	\$224, 362	\$221,817	\$300,000	
Duties Equivalent ad va-		\$100,963	\$99,818	\$75,000	
lorem(percent). Aeroplanes: 3 Imports— Quantity (num-		45.00	45.00	25.00	
Quantity (num- ber)		\$12,667	\$31,037	\$100,000	
Average unit Duties		\$1,583.38 \$5,700	\$13,967	\$25,000	
Equivalent ad va- lorem (per cent).		45.00	45.00	25.00	
Carriages: Imports—					
Value Duties	\$3,406 \$1,533	\$19,531 \$8,782	\$22,007 \$9,903	\$40,000 \$10,000	
Equivalent ad va- lorem (per cent).		45.00	45.00	25.00	
Copper: Imports—					
Value Duties	\$11,864 \$5,339	\$16,094 \$7,242	\$21,432 \$9,644	\$35,000 \$8,750	
Equivalent ad va- lorem (per cent)		45.00	45.00	25.00	
Gold: Imports—					
Value Duties	\$11,235 \$5,056	\$5,488 \$2,470	\$3,073 \$1,383	\$5,000 \$1,250	
Equivalent ad va- lorem (per cent)		45.00	45.00	25.00	
Silver: Imports— Value	\$128, 195	4 \$202,941	s \$256, 299	eetn 000	
Duties Equivalent ad va-	\$57,687	\$91,297	\$113,735	\$350,000 \$87,500	
lorem (per cent) Jute manufacturing ma-	45.00	44. 99	44.38	25.00	
chinery: 3 Imports—					
Value Duties		\$37,835 \$11,351	\$23,836 \$7,151	\$25,000 \$6,250	
Equivalent ad va- lorem (per cent)		30.00	30.00	25.00	
Machines and machinery: Imports—					
Value Duties	\$2,929,982 \$1,318,489	\$8,466,329 \$3,809,794	7 \$6,792,692 \$2,811,675	\$10,500,000 \$2,625,000	
Equivalent ad va- lorem (per cent)		45.00	41.39	25.00	
All other manufactures of iron and steel:	S Later				
Imports— Value	8 \$608, 442	9 \$1,299,831	10 \$1,584,860	\$2,500,000	
Duties Equivalent ad va-		\$584,868	\$589,889	\$625,000	
lorem (per cent)	44. 95	45.00	37.22	25.00	
Imports— Value	\$5,637	\$4,989	\$6,113	\$10,000	
Duties Equivalent ad va-		\$2,245	\$2,751	\$2,500	
lorem (per cent). Metals and metal compo-	45.00	45.00	45.00	25.00	
sition: Imports— Value	85 049 419	11 \$5,225,678	12.85 144 060	e7 000 000	
Duties Equivalent ad va-	\$5,048,413 \$2,271,636	\$2,351,238	\$5,144,262 \$2,221,073	\$7,000,000 \$1,750,000	
lorem (per cent).		44.99	43.18	25.00	
Imports— Value	84,325	\$5,394	\$15,126	\$15,000	
Duties Equivalent ad va-	\$1,946	\$2,427	\$6,807	\$3,700	
lorem (per cent).		45,00	45.00	25.00	

1 Includes \$30 free of duty.
2 Includes \$439 free of duty. The ad valorem rate on the strictly dutiable imports

Includes \$430 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

3 Classification first made by act of 1909.

4 Includes \$55 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

5 Includes \$3,538 on which the duties were remitted and \$13 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

6 Includes \$121 on which the duties were remitted.

7 Includes \$544,56 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 45 per cent.

8 Includes \$677 on which the duties were remitted. The ad valorem rate on the strictly dutiable imports is 45 per cent.

9 Includes \$273,779 on which the duties were remitted and \$42 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

11 Includes \$136 on which the duties were remitted and \$547 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

12 Includes \$207,797 on which the duties were remitted and \$735 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

12 Includes \$207,797 on which the duties were remitted and \$735 free of duty. The ad valorem rate on the strictly dutiable imports is 45 per cent.

10000								
T.	Dingley tariff	Payne	tariff.	Estimates for a 12-month	Wilson bill.	The state	Rate.	
Item.	(1905).	1910	1911	period under H. R. 18642.	As passed House	Not specifica Free.	lly mentioned.	
Pewter:		rives Paris			69. Barbed and all other fence w	ire and wire	fencing and	haling wire
Imports— Value	\$375	\$1,755	\$592	\$2,000		To and made	l and	build witch
Duties Equivalent ad va-	\$169	\$790	\$266	\$500		Dinglan toriff	Payn	e tariff.
lorem (per cent). Platinum:	45.00	45.00	45,00	25.00	Item.	Dingley tariff (1905).1	1910	1911
Imports— Value	\$1,388	\$588	\$5,674	\$5,000				
Duties Equivalent ad va-	\$625	\$265	\$2,553	\$1,250	Barbed fence wire:			
lorem (per cent).	45.00	45.00	45.00	25.00	Imports— Quantity (pounds)		6,277	160
Tin: Imports—					Value		\$605 \$0.096	8
Value Duties	\$21,188 \$9,535	\$33,299 \$14,984	\$74,871 \$33,692	\$100,000 \$25,000	Duties		\$47	\$0.02 8
Equivalent ad va-		45.00	45.00	25.00	Equivalent ad valorem (per cent)		7.77	30.0
Zine: lorem (per cent).	45.00	40.00	40.00	20.00	Production— Quantity (tons)		289,000	
Imports— Value	\$10,454	\$1,415	\$3,073	\$5,000	Quantity (tons)		\$13,882,000 \$48.03	
Duties Equivalent ad va-	\$4,704	\$637	\$1,383	\$1,250	Average unit. Exports. Consumption.		\$4,322,311	
lorem (per cent).	45.00	45.00	45.00	25.00	-		\$9,560,294	
	7	1			¹ Classification first	A CONTRACTOR OF THE PROPERTY O		
	Sum	imary.		1	70. Cut nails and cut spikes of nails, and all other wrought-iron for in this act or in the first section.	or steel nail	s not specia	e name, non
Item.	1905	1910	1911	Estimates for a 12-month period under H. R. 18642.	for in this act or in the first sect wire staples, wire nails made of and washers, and horse, mule, or and cut tacks, brads, or sprigs.	wrought iro	n or steel,	spikes, nuts,
Imports 1	\$34, 638, 600	\$60,170,377	\$53, 036, 199	\$77, 952, 000		Dingley tariff	Payn	e tarifī.
Duties 1 Equivalent ad valorem	\$14, 183, 384	\$21, 494, 043	\$18, 300, 737	\$17, 477, 640	Item.	(1905).	1910	1911
(per cent)	40.95	35.72	34.51	22, 42			1010	1011
				1	Cut nails, etc.:			
	Law.			Average ad valorem rate.	Imports— Quantity (pounds)	25,544	37,796	41,514
				valorem race.	Value	\$864 \$0.034	\$877 \$0.023	\$1,176 \$0.026
				Per cent.	Duties	\$153	\$155	\$166
Wilson (1896)				37.97	cent)	17.74	17.67	14.12
1 Includes bauxite trans	ferred by H R	18642 from Sc	hedule B. witl	h duties. \$9.550	Quantity (kegs of 100 pounds) Value	1,470,000	1,009,000	
in 1905, \$15,566 in 1910, and	d \$32,308 in 191	1.	neadic D, mic	a dataes, sejoso	A verage unit	\$2,684,449 \$1.83	\$2, 218, 000 \$2, 19	
	FREE	LIST.			Exports	\$404,400 \$2,280,913	\$407,904 \$1,810,973	
That on and after articles mentioned in into the United States pine Islands and the	the day following or into any islands of G	ng paragraph of its posses Juam and T	passage of as shall, wh sions (excep utuila), be	this act the ien imported it the Philip- exempt from	Wilson bill.	42,200,010	Rate.	
67. Iron ore, include	ling mangan					~		
residuum from burnt	pyrites.		7	4.30	As passed House	23 per centur 22½ per cent.	n ad valorem.	
		Dingley tariff	Payne	e tariff.	Bullion of the Real Property		Payne	tariff.
Item.		(1905).	1910	1911	Item.	Dingley tariff (1905).	1910	1911
							1910	1011
Imports:			100		Horseshoe and hob nails, etc.:			
Quantity (tons)	•••••	\$1,666,649	2,430,924 \$6,912,372	2,133,828 \$6,691,681	Imports— Quantity (pounds)		13,849	14,725 \$2,250
A verage unit Duties		\$2.20	\$2.84 \$365,535	\$3.14 \$283,117	Value	\$3,204 \$0.175	\$2,162 \$0.156	\$2,250 \$0.153
Equivalent ad valorer	n (per cent)		5. 29	4.23	Duties	\$413	\$260 12,03	\$221 9.82
Consumption: Quantity (tons)		30, 592, 180	49, 189, 000		Production 1—		1 10	
Value Average unit	•••••	\$103, 346, 823 \$3. 38	\$191,553,000 \$3.89		Value Consumption	\$2,345,762 \$2,348,966	\$2,207,000 \$2,209,162	
Exports		\$581,077	\$1,637,019					
THE RESERVE	1			Equivalent	Wilson bill.		Rate.	
Wilson bill.		Rate.		ad valorem (1896).	As passed House		n ad valorem.	
				(1000).	As enacted	30 per cent.		
As would House	Fron			Per cent.	¹ Census classification	n: Horseshoe n	ails.	Aven Taket
As passed House		ton				Dingley tariff	Payn	e tariff.
		40.0			Item.	(1905).	1910	1911
68. Hoop or band wholly or partly many with paint or any oth ings, for baling cotton	er preparatio	on, with or w	vithout buck	or not coated les or fasten-	Wire nails, etc.: Imports—			
ings, for baring cotton	or any othe	l	1 23 7	a tariff	Quantity (pounds)	83, 222 \$6, 373	8,648 \$209	12, 795 \$435
Item.		Dingley tariff		e tariff.	Average unit	\$0.078	\$0.024	- \$0.034
		(1905).	1910	1911	Duties	\$423	\$37	\$52
Imports:					cent) Production—	6.64	17.70	11, 95
Quantity (pounds) Value			449, 529 \$9, 389	54, 939 \$567	Quantity (kegs of 100 pounds) Value	12,587,000 \$24,300,351	14,800,000 \$29,320,000	
A verage unit		\$0.014	\$0.019	\$0.010	Average unit	\$1,93 \$1,793,230	\$1.98 \$1,705,026	
Duties Equivalent ad valore	m (per cent)	\$2,576 36.09	\$1,499 15.96	\$165 29.07	Consumption	\$22,513,494	\$27,615,183	
			- 2.5					

Wilson bill.		Rate.				
As passed House	25 per centum 25 per cent.	ad valorem.	•			
		Payne	tariff.			
Item.	Dingley tariff (1905).	1910	1911			
Spikes: Imports— Quantity (lbs.) Value. Average unit. Duties. Equivalent ad valorem (per cent).	915 \$55 \$0.060 \$9 16.64	17, 935 \$572 \$0, 032 \$148 25, 87	17, 837 \$355 \$0, 015 \$134			
Wilson bill.		Rate.				
As passed House	25 per centum 25 per cent.	ad valorem.				
		Payne	tariff.			
Item.	Dingley tariff (1905).	1910	1911			
Nuts and washers: Imports— Quantity (lbs.). Value Average unit. Duties. Equivalent ad valorem (per cent).	53,382 \$2,539 \$0.048 \$534 21.02	52, 576 \$9, 353 \$0, 178 \$406 4, 34	184, 322 \$12, 847 \$0, 077 \$1, 383			
Wilson bill.		Rate.				
As passed House	25 per centum 25 per cent.	n ad valorem.				
		Payne	tariff.			
Item.	Dingley tariff (1905).	1910	1911			
Horse and mule shoes, etc.: Imports— Quantity (lbs.) Value. Average unit. Dutles. Equivalent ad valorem (per cent) Production!— Quantity (tons) Value. Average unit. Consumption.	3,780 \$211 \$0,056 \$38 17,91 78,594 \$6,282,118 \$79,93 \$6,282,329	642 \$105 \$0.165 \$5 4.72 93,000 \$7,523,000 \$7,523,106	235, 236 88, 366 80, 03 81, 76 21, 08			
Wilson bill.		Rate.				
As passed House.	25 per centum 25 per cent.	ad valorem.				
¹ Census elassification	: Horse and mu	ile shoes.				
Item.	Dingley tariff	Payne	tariff.			
rem.	(1905).	1910	1911			
Cut tacks and brads, etc.: Imports— Quantity (thousands). Value. A verage unit. Duties. Equivalent ad valorem (per cent) Production!— Value. Exports. Consumption.	1,305 \$109 \$0.084 \$15 14.68 \$3,499,634 \$397,974 \$3,101,769	517 \$22 \$0.043 \$3 14.68 \$5,255,000 \$613,004 \$4,642,018				
Wilson bill.		Rate.				
As passed House	25 per centum 25 per cent.	ad valorem.				

Item.	Distant	Payne	Estimates for	
	Dingley tariff (1905).1	1910	1911	a 12-month period under H. R. 18642.
Imports:		•		

				H. It. 18042.
Imports: Value		\$272,311	\$241,795	
Duties		\$27, 231	\$24,179	
rem (per cent)		10.00	10.00	
Quantity (short tons).	803	1,619		
Value	\$268,676	\$614,370	THE REPORT OF THE PARTY OF THE	
Consumption	\$334.59 \$268,676	\$379.47 \$886,681		

¹ Classification first made by act of 1909. ² From report of the United States Geological Survey: Mineral Production of the United States in 1909. 72. Zinc-bearing ore of all kinds, including calamine.

	Di-1	Payne tariff.				
Item.	Dingley tariff (1905).	1910	1911			
Zinc ore, including calamine: Imports— Quantity (pounds) Value Average unit. Duties. Equivalent ad valorem (per cent). Exports.		37, 981, 300 2 \$1, 017, 115 \$0. 027 \$371, 927 36, 57 \$870, 493	22, 474, 396 * \$393, 303 \$0, 018 \$206, 787 52, 58 \$533, 750			
Wilson bill,		Rate.				
As passed House	Free. Do.					

¹ Calamine only.
² Includes \$348,640 free of duty. The ad valorem rate on the strictly dutiable imports is 55.64 per cent.
³ Includes \$1,431 free of duty. The ad valorem rate on the strictly dutiable imports is 52.77 per cent.

73. Cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, all the foregoing whether imported in whole or in parts, including repair parts.

			Payne to	ariff.
It	em.	Dingley tariff (1905).1	1910	1911
Cash registers:				
Imports-			1079.0007	
			\$1,776	\$1,987
Dunes	;;;		\$533	\$596
Equivalent	ad valorem (per	- 22.02	10000000
cent)	• • • • • • • • • • • • • • • • • • • •		30.00	30.00
Linotype, etc.:			S. WO.	
Imports— Value			\$494	\$594
Duties			\$148	\$178
Panimalant	ad valorem (nor	6110	9119
	ad valorent (her	30.00	30,00
Machine tools:	*******************************		00.00	00.00
Imports-			The same of	
Value			\$177,002	\$191,082
Duties			\$53, 101	\$57,324
Equivalent	ad valorem (per	3504,5500	3012000
	•••••		30.00	30.00
Printing presses:				
Imports-			200000000	
			\$30,001	\$28,343
Duties			\$9,000	\$8,503
	ad valorem (00 00	20.00
cent)	• • • • • • • • • • • • • • • • • • • •		30.00	30.00
Sewing machines: Imports—			5110010	
Value			\$76,964	\$52,776
Duties			\$23,089	\$15,833
	ad valorem (ner	920,000	410,000
			30,00	30,00
Typewriters:				
Imports-				
Value			\$833	\$593
Duties			\$251	\$180
	ad valorem (per	- 11	
cent)			30.00	30.00
Tar and oil spreadir	ig machines, etc.:			
Imports-		0. 1 X	04 000	2110
Value			\$4,339	\$440

¹ Classification first made by act of 1909.

. Summary by state	Summary of statistics for free tist.										
Item.	1905	1910	1911								
Imports	\$1,696,404 267,051	\$8,516,507 853,375	\$7,628,605 600,582								

Sec. 2. That on and after the day following the passage of this act all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transporta-

TABLE 11.—Value of exports of domestic metals and manufactures thereof, for selected years from 1880 to 1911. [Compiled from the reports of the Bureau of Statistics, Department of Commerce and Labor.]

	918			Year endi	ng June 30—	Harlis - S		
Article.	1880	1885	1890	1895	1900	1905	1910	1911
luminum, and manufactures of			(1)	\$58, 161 263	\$244,091 76,145	\$175,859 67,215	\$666,937 156,396	\$1,330, 261,
abbitt metal rass, and manufactures of ars, carriages, other vehicles, and parts of Automobiles, and parts of Automobiles	\$183,468 1,407,425	\$538,118 1,864,528	\$467,313 4,746,678	784, 640 2, 382, 714	1,866,727 9,905,610	3,025,764 10,610,437 2,481,243	4,355,561 20,630,859 11,190,220 9,548,700	6, 230, 30, 534, 15, 509, 12, 965,
Parts of. Cars, passenger and freight, and parts of. For steam railways.	583,723	369,053	2,689,698	868,378	3, 542, 677 2, 558, 323 984, 354	3, 154, 008 1, 934, 352	3,715,099 2,192,282	2,544, 8,254, 5,472,
For other railways. Cycles, and parts of. Wheelbarrows, pushcarts, and hand trucks					3, 553, 149	1, 219, 656 1, 378, 428 276, 117	1,522,817 620,760 534,576	2,782, 883, 571,
Automobiles Parts of Cars, passenger and freight, and parts of For steam railways For other railways Cycles and parts of Wheelbarrows, pushcarts, and hand trucks All other carriages, and parts of ooks and watches, and parts of Clocks, and parts of Watches, and parts of	823,702 1,453,237 1,356,742 96,495	1,495,475 1,345,940 1,209,048 136,892	2,056,980 1,605,136 1,344,047 351,089	1,514,336 1,204,005 846,676 357,329	2,809,784 1,977,694 1,190,074 787,620	3,320,641 2,316,414 1,192,246 1,124,168	4,570,204 2,588,931 1,360,218 1,228,713	5,316, 3,126, 1,565, 1,560,
opper, and manufactures of: Pigs, ingots, bars, plates, and old	667, 242 126, 213	5,339,887 107,536	2,220,097 129,295	13,921,460 547,243	55, 772, 166 2, 080, 794	81, 795, 226 4, 430, 065	83,624,806 4,379,591	98, 705, 5, 107,
erman silver. on and steel, and manufactures of: Iron ore.		(1) 12,891 102,888	300,832	6,000 277,066	79,042 3,124,753	(1) 581,077 828,123	1,637,019 1,353,589	2,496, 2,473,
Pig iron. Hoop, band, and scroll iron. Scrap and old, fit only for remanufacture. Bar iron.	15, 401 25, 302	7,705	620	6,411	70, 186 749, 495 378, 120	127, 193 270, 224 1, 180, 901	259,924 281,825 648,965	794, 691,
Bars or rods of steel— Wire rods.					513,866 1,444,522	592,732 1,470,859	789,193 3,468,473	529, 4, 486,
Rails for railways, of steel. Sheets and plates—	15, 223 47, 490	15,674 248,685	15, 884 346, 104	95, 471 309, 869	9,356,448	4,515,586 10,291,442	1,192,565 10,546,180	4,102 11,377
Sheets and plates— Iron. Steel. Tin plates, terneplates, and taggers' tin Structural iron and steel. Wir:		31,764 3,803	39,032 15,949	52,936 66,236	549,975 1,249,576 19,062 2,835,588	316, 449 2, 788, 571 880, 810 3, 622, 320	5,860,526 6,120,065 912,171 5,800,551	6,545 8,563 2,489 8,683
			780, 222	1,277,479	5, 982, 400	6, 264, 918	8, 396, 966 4, 322, 311 4, 074, 655	10, 199 4, 643 5, 556
All other. Builders' hardware and tools. Locks, hinges, and other builders' hardware. Saws.	31,118	1, 156, 654 1, 108, 474	1,985,794 1,865,603	2, 483, 666 1, 984, 612	5, 915, 929 267, 923	5, 402, 036 556, 869	14, 160, 439 6, 561, 153 919, 483	17,064 7,759 1,137
Tools, n. e. s. Car wheels Castings, n. e. s.	926, 882 86, 103 222, 276	92, 698 386, 179	103,782 653,102	140,010 582,988 154,410	3,465,072 166,829 1,576,174 296,795	5, 487, 923 177, 638 1,330, 228 437, 388	6, 679, 803 410, 291 2, 061, 028 906, 683	8,167 367 3,213 1,083
Firearms. Machinery, machines, and parts of.	2, 286, 091 3, 490, 410	1,700,655 3,794,795	797, 564 8, 954, 776	786, 903 16, 898, 088	1, 403, 915 55, 485, 495	1,399,120 63,063,051	2,373,662 79,899,361	2, 916 104, 528 845
Brewers' macminery					813,096 4,340,992	2,036,107 7,290,932	2, 920, 517 6, 048, 263	3, 224 8, 024
Cash registers. Electrical machinery Laundry machinery Metal-working machinery (including metal-working machine tools).					7, 193, 390	518,800 4,332,665	5,975,503	1,233 9,626 7,017
Mining machinery Printing presses, and parts of. Pumps and pumping machinery Refrigerating machinery (including ice-making machinery). Sewing machines, and parts of.	251,227	177,111	317,336	159,627	1,219,774 3,112,525	1,470,156 3,116,088	5,400,420 2,065,299 3,110,908	2,854 3,562 616
Steam and other power engines and parts of—		2,898,698	2,793,780	2,260,139	4,541,774 1,163,265	6, 104, 279 1, 273, 015	7,513,852 1,239,789	9,039 1,633
Locomotives	466,313 136,087	732, 403 137, 675	1,280,606 305,478	2,379,519 220,375	5, 592, 403 673, 197	3,617,010 991,852	2,404,619 3,098,785 2,333,803	3,953 4,042 3,627
All other engines and parts of Sugar-mill machinery Typewriting machines	115,213	218, 169	580,354	385,335	1,782,771 2,697,544	2,297,218 4,745,285	3,741,290 8,239,510 1,484,813	4,424 2,590 9,778 1,929
Woodworking machinery All other. Nalls and spikes.	287 939	246.385	471.760	11,493,093	21,913,202	613, 578 24, 656, 066	1,242,841 22,247,535	1,827 24,497
Stationary. Traction. All other engines and parts of. Sugar-mill machinery. Typewriting machines. Windmills. Woodworking machinery All other. Nails and spikes. Cut. Wire. All other, including tacks Pipes and fittings. Radiators, and cast-iron house-heating boilers. Safes.	20,,000	210,000		283, 646 210, 192	647,711 2,124,528 278,709 7,024,888	404, 400 1,793, 230 397, 974 8,148, 187	407,904 1,705,026 613,004 9,574,748	2,364 737 10,735
Scales and balances	100 412	273,961 209,802	318,749 251,877	292, 918 248, 199	149, 637 536, 040 535, 385	266, 305 674, 771 855, 223	351,835 834,890 1,294,797	268 496 1,061 1,582
Stoves, ranges, and parts of		209, 802 2, 670, 134 16, 592, 155	3, 194, 825 25, 542, 208	5,706,668 32,000,989	15, 322, 922	11, 183, 892 134, 728, 363	18, 908, 525	22, 932
				010.000	205, 786	499,609	481, 333	729
ead, manufactures of Pigs, bars, and old All other ickel, nickel oxide, and matte. Manufactures of				60, 514 155, 573 316, 638	14,081 191,705 1,219,812 447	2,508 497,101 3,196,622 97,083	4,532,897 80,808	6,00

¹ Included in "all other articles" in years for which no figures are shown.

Table 11 .- Value of exports of domestic metals and manufactures thereof, for selected years from 1880 to 1911-Continued.

	Year ending June 30—											
Articles.	1880	1885	1890	1895	1900	1905	1910	1911				
Pens and penholders Plated ware Plates, stereotype and electrotype Platinum, and manufactures of, including scrap. Quicksliver Tin, manufactures of Scrap.	\$292,563 4,071 600 1,360,176 144,185	(1) \$509, 378 28, 598 7, 000 206, 630 152, 304	(1) \$440,714 30,662 45,835 183,096 284,896	(1) \$336, 618 44, 839 11, 895 425, 724 277, 796	\$119, 104 509, 776 48, 877 61, 088 556, 142 387, 381 44, 716	\$130,654 703,783 41,838 10,516 653,337 721,900 29,702	\$147,114 818,444 95,602 43,373 256,084 879,813 64,857	\$254, 289 956, 018 63, 710 105, 298 20, 610 999, 790				
TypeZinc, and manufactures of:		(2)	(2)	(2)	125, 271	167,585	245,096	181,05				
Ore	42,036	22,824	182,990	415	980,999	870, 493	533,750	600,853				
Dross. Pigs, bars, plates, and sheets. All other manufactures of.	119,264	7,270 4,991	126,947 29,203	161,678 76,137	1,584,702 84,513	895, 133 1, 153, 356 166, 263	347,747 117,554 79,330	348, 955 702, 211 129, 612				
Total zinc and manufactures of, not including ore and dross	119,264	12,261	156, 150	237,815	1,669,215	1,319,619	196,884	831,823				

¹ Included in "All other articles" in years for which no figures are shown.

NOTES

TES.—
1880: Rails for railway, of steel, \$47,490, includes both steel and iron rails, viz, steel rails \$14,744, iron rails \$32,746.
1885: Rails for railways, of steel, \$248,685, includes steel rails \$206,401 and iron rails \$42,284; saws, \$1,108,474, includes tools, not separately stated.
1890: Rails of steel, \$346,104, includes steel rails \$315,081, iron rails \$31,023; saws, \$1,865,603, includes tools not separately stated.
1895: Rails for railways, of steel, \$309,869, includes steel rails \$266,773 and iron rails \$43,096; saws, \$1,984,612, includes tools not separately stated.
1900: Rails for railways, of steel, \$9,356,448, includes steel rails \$9,218,144 and iron rails \$138,304
1905: Rails for railways, of steel, includes iron rails \$3,096.
1911: Hoop, band, and scroll iron was included under "All other manufactures of."

APPENDIX C.

Average ad valorem duties on metals and metal manufactures in specified countries.

[Prepared by Bureau of Manufactures, Department of Commerce and Labor.]

The first column serves to indicate the general grouping of the articles in the table. Whenever necessary, variations from the wording appear under the individual countries. Subdivisions are similarly shown; when made for one or more countries, the absence of a corresponding subdivision for other countries is due to lack or incomparability of statistical data. In many of the tariffs the term "iron" includes steel, whenever separate rates are not provided for steel. Numbers in parenthesis refer to the paragraphs of the tariffs of the respective countries.

The rates are based on statistical returns of 1909, with the exception of Canada, for which the statistics are for the fiscal year ending March 31, 1910. The French tariff was revised in 1910, but no adequate statistical basis for calculating the ad valorem equivalent of the new rates is yet available.

For Germany, Austria-Hungary, and Italy the amounts of duty were first calculated from the quantities and the rates of duty, and then divided by the official values of the corresponding articles or groups of articles; in the case of Austria-Hungary, conventional rates were applied throughout. For Belgium, except when the combination of several statistical numbers was necessary, the ad valorem equivalent was ascertained by dividing the rate of duty by the unit value officially assigned. For the Netherlands all metals, not free of duty, are subject to ad valorem rates; hence, no calculation was required. For France, Canada, Russia, and Spain the rates in the table were obtained by dividing the value of the imports of the various articles or groups of articles into the corresponding amounts of duty levied.

In the Canadian statistics declared values are shown; likewise in the statistics of the Netherlands for articles subject to ad valorem rates of duty, and in the statistics of Russia for most articles. The statistics for the other countries embraced in the table represent official values.

Differences in classification, in valuation, and in statistical method re

are as follows:

Germany.—Temporary imports are included in the value, but not in the duty; hence, such imports are treated as free of duty, with a consequent reduction in the ad valorem equivalents as compared with the returns for the other countries represented.

France.—Imports from the Free Zone, but not from the French colonies and protectorates are included.

Austria-Hungary.—No allowance is made for temporary imports nor articles of Austro-Hungarna origin reimported.

Canada.—The averages cover all imports, including those subject to the British preferential rates of duty. The abbreviation "n.o.p." signifies "not otherwise provided for" in the tariff or commercial statistics.

Belgium.—No allowance is made for temporary imports nor for shipbuilding materials.

Nethclands.—All articles included in the table are either exempt from duty or subject to ad valorem rates; consequently no use of commercial statistics was necessary.

Russia.—Duties are shown in separate columns for the whole Empire and for imports over the European frontier (not including imports from Finland). The preferential treatment of imports from Finland and the reductions of duty and exemptions accorded imports over the Asiatic frontier necessitated this course.

Spain.—No allowance is made for temporary imports, government supplies, nor shipbuilding materials.

	Germany.		France.		Italy.		Austria-Hungary.		
Article.	Article.	Rate.	Article.	Rate.	Article.	Rate.	Article.	Rate.	
Iron and steel: Ore Pigs Scrap	(237) Ore	Per cent. Free. 12.7 2.9 Free.	(204) Ore	Per cent. Free. 16.5 12.6 Free.	(206a) Ore (211a) Pigs (235a) Ferrosilicon (210) Scrap	Per cent. Free. 11.1 1.7 10.8	(144) Ore. (428) Pigs. (428) Ferroalloys (428) Filings and scoria; tin-plate waste (under	Per cent. Free. 20. 8 4. 2 23. 8 Free.	
Slabs, blooms, loops, or other forms less finished	mill waste. (784) Blooms, puddled bars, ingots, and bil- lets.	8.7	ria. (206) Wrought iron (213) Steel	41.7 52.1	(212) Blooms and ingots	19.6	official control). (429) Blooms. (429) Ingots. (430) Billets of cast iron or of puddled iron; blooms;	24.3 37.8 39.3	
than bars. Castings and forgings.	(798) Castings and forg- ings:	12.2	(557) Rough articles of cast iron and steel. (552-555) Articles of cast iron, neither turned nor polished, includ- ing kitchen pots and utensils.	15.6 16.7	(211b) Of east iron, rough (217) Of wrought iron and steel.	25.9 22.2	puddled bars. (481) Articles of nonmalle- able cast iron, with or without connecting pieces of malleable iron, combined or not with wood. (483) Articles of malleable iron, combined or not	62.1	
Billets, bars, and rods.	(785) Bars and hoop iron.	13.4	(206, 207) Iron bars, man- ufactured with char- coal. (207) Iron bars, manu- factured with coke.	25, 6 35, 7	(213a) Rods and bars (including T-iron, angle iron, etc.).	84.1	with nonmalleable cast iron or with wood. (431a) Bars or rods, ham- mered, rolled, or drawn, not shaped, including hoop and band iron.	44. 4	
Hoop, band, scroll, and	Included under "Bars and hoop iron."		(213) Steel ingots, billets, and bars. (208) Wire rods, etc (209) Hoop iron or steel	52, 1 40, 6 36, 3	Included under "Rods and bars."		Included under "Bariron"		

² Included in "Lead, manufactures of" prior to 1900.

Average ad valorem duties on metals and metal manufactures in specified countries—Continued.

	Germany.	-00	France.		Italy.		Austria-Hungary.	
Article.	Article.	Rate.	Article.	Rate.	Article.	Rate.	Article:	Rate.
Iron and steel—Ct. Sheets and plates.	(786) Rough, dressed, and varnished. (787) Ground, polished, burnished, or oxidized. (788) Tinned or coated with other common	Per cent. 12.5 6.4 17.1	(210) Sheet and plate iron. (216) Sheets or bands of steel. (211) Iron, coated with tin, copper, lead, or	Per cent. 40.2 41.3 32.4	(213c) Sheets	Per cent. 41. 2 39. 2 31. 1 36. 4	(432a) Rough (black plate) (432b) Dressed or pickled. (432c) Coated with tin, zinc, or lead. (433) Sheets, pierced, per- forated, punched, or cut	Per cent. 61.4 50.5 51.4
	metals. (790) Sheet iron, pressed, s t u d d e d, flanged, welded, and perfo- rated.	20.6	zine.		per, or oxidized.		out.	
Rails Structural	(ex 796) Rails (600) Structural shapes of malleable iron, painted or not.	12.7 16.5	(212 ter) Rails (207) Angle and T iron (558) Structural iron, perforated or riveted.	44.5 35.8 26.5	(215) Rails. (218a 1,2) Articles manufactured principally from heavy pieces of iron and steel planed, filed, turned, perforated, etc.	37.1 24.0	(446) Ralls (431b) Shapes (T iron, angle iron, etc.) (442) Structural iron and steel in bars, sheets, or plates, riveted, screwed, etc.	41.1 53.8 44.1
Wire	(791) Rough	9.3 10.7 21.2	(212) Wire	46.0	(See also "Rods and bars.) (213b) Wire Barbed fence wire. Not specified.	37.5	(434a) Wire, not coated (434b,c) Wire, coated with tin, zine, niekel, etc. (435) Hardened (tem- pered) wire. (466) Manufactures of wire, not specified (in- cluding barbed fence	29.8 38.6 79.7 16.1
Hardware and nails.	(ex 820) Bolts for fish- plates and ties, cross- tie bars, clips, and spikes.	18.8	(563,564) Cut nails (565) Wire nails (566) Screws, bolts, hooks, rivets, and nuts	21. 0 38. 5 27. 3	(ex 218b2) Horseshoe nails. (ex 218b2) Wrought nails. (ex 217b) Hinges, simply wrought.	38. 4 14. 8 17. 4	wire). (461a) Cut nails (461b) Wire nails. (462, 463) Nuts, bolts, and screws.	40.0 69.6 26.4
	(ex 825) Screws and rivets not more than 13 mm. thick (including wood screws). (826) Wire nails	20. 8 28. 6 33. 1	of iron. (559-559 ter) Hardware (including that made entirely or partly of copper or brass).	11.5	(218b) Articles not speci- fied, which have under- gone a second process of manufacture — Manu- factured principally from light pieces of	20.7	(472,473) Hardware, in- cluding saddlery hard- ware, but not including art metal work.	19.1
Tubes and pipes.	(832,833) Hardware (778-779) Cast-iron pipes, including joints. (793-795) Tubes, rolled or drawn.	11.7 23.6 20.9	(567) Tubes of iron and steel.	34.0	iron or steel. (216) Tubes and pipes of wrought iron and steel. Other tubes and pipes are included under "Castitings" (No. 211b) and "Articles, not specified, which have undergone a second process of manufacture" (No. 218b. See under "Hard-	84.0	(438) Pipes of nonmalleable cast iron. (439) Pipes of malleable iron. (440) Pipes made from plates or sheets, riveted or soldered. (441) Joints (fittings) and flanges of malleable	45. 1 44. 6 50. 7
Chains	(829) Chains (not including bicycle chains and parts thereof).	6.9	(560-562) Anchors, cables, and chains, including barbed wire.	16. 4	ware"). Included under "Articles, not specified, which have undergone a second process of manufacture" (No. 218b. See under		wrought iron. (464,465) Chains, except of cast iron and except bicycle chains.	28.4
Blacksmiths' hammers and sledges, wedges, and	(ex 806) Vises, crowbars, and hammers weigh- ing more than 10 kilos each.	6.2	Included under "Tools of iron and steel."		"Hardware"). Included under "Other tools, common" (No. 222).		(456a 1, 2) Hammers, and anvils weighing not less than ½ kilo each.	32. 6
crowbars. Cutlery and tools.	(811) Saws and saw blades. (812) Files and rasps (813-815) Tools not spe- cially mentioned, in- cluding common cut- lery. Common cutlery, in- cluded under "Tools." (836) Fine cutlery	5,6 7,0 5,1	(537) Tools of iron or steel. (549) Cutlery Files, included under "Tools of iron and steel." Saws, included under "Tools of iron and steel."	13.1 _26.1	Cutlery included in part under "Articles not specified, which have undergone a second process of manufacture" (No. 218b; see under "Hardware") and in part under "Other tools, fine (No. 222). Tools:		(479) Cutlery (457) Files and rasps (458) Saws and saw blades. (459, 460) Other tools	15.7 14.6 31.8 18.1
	(800) Fine cuticity	0.0			(222c) Files and rasps . Other, except machine tools— (222a) Common	10.6		
Firearms	(926) Firearms, air guns, fitted barrels, stocks, etc. (927, 928) Trigger guards, springs, barrels, and other parts, finished or	7.2 2.2	(581) Firearms (581) Parts of firearms	39.1 58.7	(236a, 237a) Firearms	10.3 21.0 12.8	(478b) Firearms (478c) Parts of firearms	5.0 4.5
Lead	(237) Ore (850) Pigs and scrap (851) Sheets (852) Wire	Free. Free. 9.1 33.3	(222) Ore	5.5 8.2 16.2	(2085) Ore	Free. 1.5 7.7	(144) Ore. (488a) Pigs, scrap, and waste. (491a) Sheets and plates	Free. 15.5
Nickel	(237) Ore (864) Bars, ingots, slabs. (865) Hammered or rolled, castings, and forgings.	Free. Free. 3.1	rolled. (225) Ore, ingots, and lumps. (225) Sheets and plates	Free. 1.7	(208e) Ore(227a) Cubes, ingots, and scrap. (227b) Sheets, rods, and wire.	Free. Free.	(496a) Bars, rods, and wire. (144) Ore. (488e) Pigs, scrap, and waste. (491d) Sheets and plates (496d) Bars, rods, and wire of nickel or alumi-	34. 3 Free. Free. 3. 3 3. 7
Zine	(237) Ore	Free. Free. 5. 2	(224) Ore and scrap (224) Pigs (224) Rolled	Free. Free. 5.0	(208d) Ore	Free. Free. 6, 2	num. (144) Ore	Free. Free.
Pens	(840) Pens	10.0 14.1	(548) Pens	7. 3 29. 4	Pens, not specified	8.0	(496c) Bars, rods, and wire. (468) Pens. (468, 469) Pins and needles.	7.5 5.8

Average ad valorem duties on metals and metals manufactured in specified countries-Continued.

	Canada,		Belgium.	1	Netherland	s.	Russia.			Spain.	
Article.								R	ate.		
	Article.	Rate.	Article,	Rate.	Article.	Rate.	Article.	All fron- tiers.	Euro- pean fron- tiers.	Article.	Rate
Iron and steel: Ore	(329) Ore	P. ct. Free.	(36) Ore	P. ct. Free.	Ore	P. ct. Free.	(138:1) Ores of all kinds, except cop-	P. ct. 0.1		(25) Ores of all kinds	P. ct 0.
Pigs	(375) Pig iron (375, 385) Ferrosilicon, ferrom anganese, spiegeleisen, and	14.0 7.3	(ex 39) Pigs	31.0	Pigs	Free.	per and lead. (139:1) Pigs and cast iron scrap and filings. (139:2) Ferromanganese ferrosilicon	71.1	100. 0 71. 2	(50) Pigs	11.
Scrap	chrome steel.	10.5	(36,39) Scrap	Free.	Scrap	Free.	"Pigs" and "Bars, ingots, etc."			(52) Scrap and waste	11.
Slabs, blooms, loops, or other forms less finished	(376) Ingots, blooms, and slabs.	13.9	(ex 39) Steel slabs and blooms. (ex 39) Iron blooms	4.0 3.1	Steel slabs and blooms.	Free.	Bars, ingots, etc.: (140: 1) Bars (including angle iron), loops, in- gots, hoop iron, and wrought-iron scrap.	37.7	71.3	(51) Blooms and ingots.	23.
than bars.			Forgings and cast-				(142:1) Steel ingots and bars (including angle steel), hoop steel, and steel scrap.	93.8	95.2		
Forgings and castings.	(393) Forgings (including hammered, drawn, or cold-rolled bars and shapes, n. o. p.)	29.7	ings: (ex 39) Manufactures of cast iron (including castings and cast-iron pipes).	12.7	Forgings and castings.	Free.	(150: 1) Castings of iron. (151) Forgings and castings of wrought iron or steel.	22.1 28.1	24.2 31.3	(68–71) Castings (89, 90) Forgings	22.8
	(453) Castings	26.1	under "Billets and bars."				•	*			
Billets, bars, and rods.	(376, 378, 387, 471, 720) Billets, bars, and rods. ¹ , ²	16.3	Billets and bars: (ex 39) Billets (ex 39) Hammered or rolled iron and steel, not specially men- tioned (including forgings, bars, hoop iron, and structural	5. 5 7. 3	Billets, bars, and rods.	Free.	Included under "Bars, ingots, etc."			(55) Bars	32.0
Hoop, band, seroll, and strip.	(378, 384) Hoop, band, scroll, and strip. ³	6.5	shapes). Hoop and band: Included under "Billets and bars."		Hoop and band.	Free.	Included under "Sheets, plates, and structural shapes." Sheets, plates, and			(61,62) Hoop	38.
Sheets	(380) Boiler plate	Free.		6.4	Sheets and	Free.	structural shapes: (140:3, 4) Iron	95.3	114.1	(56-58) Plates	35.
and plates.	(381, 382, 384) Sheets and plates. ¹ , ² (384) Sheets and plates, coated with other metal (including Canada plate and Russia iron). ²	7.9	plates. (ex 39) Tin plate (ex 39) Coated with other common met- als.	Free. 7.9	plates. Tin plate	Free.	(142;3,4) Steel (141) Sheets coated with any common metal.		103. 1 37. 3	(59) Plates, polished, engraved, galvan- ized, lead coated, perforated, indent- ed, or corrugated. (60) Tin plate (not in- cluding die stamped,	33.3
Rails	The state of the s	1000	(ex 39) Rails	7.6	Rails	Free.	Rails: (140:2) Iron(142:2) Steel	2.0 63.4		lithographed, etc.). (53,54) Rails	29.9
Structural	Structural iron and steel: ³ (377, 379,379a) N o t punched or drilled. (391) Punched or drill- ed. (470) Beams, sheets, plates, angles, knees,	16.1 31.8	Structural: (ex 39) Beams Other: Included under "Billets and bars."	7.4	Structural iron.	Free.	Included under "Sheets, plates, and structural shapes."			(87) Structural wrought iron and steel.	30.4
	masts and parts thereof, and cable										
Wire	chains. (403, 403a, 404, 406, 479,841) Wire. ⁴ (480) Barbed fence wire.	2.1 Free.	(ex 39) Wire (ex 39) Barbed wire	3.1 13.9	Wire	Free.	(155:1) Wire, iron and steel. Barbed wire: Includ- ėd unde "Nails."	26.1	31.8	(91-94,96) Wire Netting, fencing, bar- bed wire, springs, and gauze (more than 1 millimeter	33. 2 32. 3
Hardware	(414) Cut nails and	24.6	(ex 39) Nails		(127) Hardware		(156:1b) Wire and cut	7.6	34. 4	thick). (100-102) Screws,bolts,	31.3
and nails.	spikes. (416) Wire nails, n.o.p. (414) Railroad spikes,	15. 0 30. 0	(ex 39) M a nufactures of iron and steel, not specially mentioned	8.3	Nails, spikes, etc.	Free.	nails and barbed wire. (ex 151) Forged nails.	4.5	3.1	and nuts. (99) Rivets, clench nails, and hooks.	44.
	composition nails and spikes; and nails, brads, spikes, and tacks, n. o. p. (413) Screws		of iron and steel, not specially mentioned (including screws, bolts, chains, and hardware).				(153:2) Locks and screws. (153:1) Manufactures of wrought iron and steel, not specified, including hardware.	33.7	35.0	(99) Rivets, clench nails, and hooks. (103) Horseshoe nails (104) Nails, hooks, staples, and tacks (not including those with head polished or composed of other	29. 4 44. 5
	hardware,	U.I					including list water			metal). (106, 108) Builders' hardware (not composed in part of other metals).	26.

Not including steel in bars or sheets for the manufacture of shovels (No. 387a), 11.3 per cent ad valorem.

Not including rolled iron and steel and cast steel in bars, bands, hoops, scroll or strip, sheet or plate, galvanized or coated or not, and steel blanks for the manufacture of milling cutters, when of greater value than 3½ cents per pound (No. 386), 2.5 per cent ad valorem.

Not including machinery and structural iron and steel for beet-sugar factories, free.

Not including steel strips and flat steel wire when imported by manufacturers of buckthorn and plain strip fencing (ex 480), nor brass, zinc, iron, and steel wire for use with nailing machines in the manufacture of boots and shoes (No. 482), free.

Average ad valorem duties on metals and metal manufactures in specified countries-Continued.

	Canada.		Belgium,	30 145	Netherland	s.	Russia.		9	Spain.	
Article.								R	ate.		
	Article.	Rate.	Article.	Rate.	Article.	Rate.	Article.	All fron- tiers.	Euro- pean fron- tiers.	Article.	Rate
Iron and steel— Continued. Tubes and pipes.	(394-400, 461a) P i p e and tubing.	P. ct. 16.7	Tubes and pipes: Manufactured of cast iron, included under "Castings." (ex 39) Wrought iron or steel.	P. ct.	Tubes and pipes.	P. ct. Free.	Tubes and pipes: (150) Cast iron. (152:2) Wrought iron and steel.	P. ct. 33. 0 36, 2	33.0	Tubes and pipes: (63,64) Of cast iron or steel. (65) Of cast iron or steel, galvanized. (83, 84) Of wrought	P. ct. 28.
Chains	(410, 454) Chains	111.8	Chains, for ships Other: Included under "Hardware."	Free.	Chains (auchor)	Free.	(ex 151, ex 153) Chains.	35.0	42.7	(78, 79) Chains and cables.	31.
Black- smiths' hammers, and sledg- es, wedges, and crow-	(454) Adzes, cleavers, hatchets, wedges, sledges, hammers, crowbars, cantdogs, and track tools; picks, mattocks, and	28.7	Not specified		Not specified		Not specified			Not specified	
bars. Cutlery and tools.	eyes or poles for. (425, 426) Cutlery	26.7	(38) Cutlery	13.0 5.6	(127, 154) Cut- lery and tools.	5.0	(158) Cutlery (161) Tools	25.5 18.4		(130, 131) Cutlery (116) Saws, rasps, and	17.
*	(454) Saws (473) Saw blanks (454) Files and rasps (449) Axes. (454) Other hand tools (except adzes, cleav-	29. 9 ree. 28. 5 22. 5 30. 0	mentioned.							files. (117–119) Other tools	14.
Firearms	ers, etc.). (424) Firearms, includ- ing air guns.	28.9	(3) Firearms	Free.	(7) Firearms	5.0	(ex 159) Firearms	26. 4	26.9	(138,139) Firearms and parts (except bar- rels).	
Lead	(329) Lead ore	10.3 15.6	(36) Ore. (ex 39) Pigs and scrap. (ex 39) Hammered or rolled	Free. Free. 3.5	Lead	Free.	(ex 138) Ore(146:1) Pigs and scrap. (146:2) Sheets, wires, and pipes.	43. 2 31. 7 35. 8	31.9	(88) Barrels for fire- arms. Ore: Included under "Ores of all kinds." (170) Pigs, lumps, and scrap. (171) Sheets, balls, and shot. (172) Pipe, tubes, and	6.1 13.1
Niekel	(329) Nickel ore (355, 356) Nickel ingots, blocks, bars, rods, strips, sheets, or plates.	Free.		Free. Free. 2.3	Nickel	Free.	Ore: Included under "Iron ores." (ex 143) Pigs and serap (ex 143) Sheets and bars.	15.9 17.7		wire. Ore: Included under "Ores of all kinds." (167) Nickel and co- balt, unwrought. (168) Nickel and al- loys, in bars, sheets,	4.
Zine	(329) Zine ore (345) Zine dust and zine spelter. (345) Zine blocks, pigs, bars, rods, sheets,	Free. Free.	(ex 39) Ore, pigs, scrap, sheets, and plate.	Free.	Zine	Free.	Ore: Included under "Iron ores." (147:1) Pigs, scrap, etc. (147:2) Sheets and rods	19.7 28.0		tubes, or wire. Ore: Included under "Ores of all kinds." (174) Bars, lumps, and scrap.	9.
Pens	and plates. (655) Pens, penholders, and rulers.	22.9	(38) Pens	13.0	(154) Pens	5.0	(ex 216) Pens, inkwells, wafers, etc.	31.9	31.9	(175) Sheets, nails, and wire. (122) Pens, needles, fishhooks, watch springs, and similar articles.	13.0
Pins	(419) Pins	22.9	(38) Pins	13.0	(154) Pins	5.0	(156:1) Manufactures of iron or steel wire, including pins.	31.6	32.4	articles. (132,133) Pins and hairpins, except those containing gold or silver (In- cluding French nails, 1 millimeter or less thick).	34.

1 Not including certain tubing and pipe (together with numerous other articles) for use in mining (No. 460) or in the manufacture of automatic gas buoys for the Government of Canada or for export (No. 465), which are free.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Froyp of Arkansas, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bill H. R. 18642 and had come to no resolution thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Chairman, I move that the House

do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House adjourned until Saturday, January 27, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were

taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting to be printed.

supplemental estimate of appropriation required by the War Department for military posts and barracks and quarters for the fiscal year ending June 30, 1913 (H. Doc. No. 482); to the

the fiscal year ending June 30, 1913 (H. Doc. No. 482); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy correcting error in department letter of December 20, 1911, in regard to claim arising out of collision between the yacht Tiger and U. S. S. South Carolina on August 18, 1911 (H. Doc. No. 484); to the Committee on Appropriations and ordered to be printed. ordered to be printed.

a copy of a communication from the Secretary of War submitting supplemental estimate of appropriation required by the War Department, Quartermaster's Department, for the fiscal year ending June 30, 1913 (H. Doc. No. 483); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the president of the Civil Service Commission, transmitting a schedule of useless papers on file and requesting authority to destroy (H. Doc. No. 485); to the Committee on Disposition of Useless Executive Papers and ordered

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RUSSELL, from the Committee on Indian Affairs, to which was referred the bill (S. 4246) to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes, reported the same with amendment, accompanied by a report (No. 264), which said bill and report were referred to the Committee of the Whole on the state of the Union.

Mr. BURKE of South Delete from the Committee of South Delete.

Mr. BURKE of South Dakota, from the Committee on In-dian Affairs, to which was referred the bill (H. R. 49) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, reported the same with amendment, accompanied by a report (No. 265), which said bill and report were referred to the House Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (H. R. 252) authorizing the cancellation of the allotment of Peter Rousseau, reported the same adversely, accompanied by a report (No. 266), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. THOMAS: A bill (H. R. 18776) to amend the act of
March 3, 1911, entitled "An act to codify, revise, and amend
the laws relating to the judiciary"; to the Committee on the

Judiciary. By Mr. WICKERSHAM: A bill (H. R. 18777) to create a legislature in the Territory of Alaska, to confer legislative power thereon, and for other purposes; to the Committee on the Territories

By Mr. MAYES: A bill (H. R. 18778) to prohibit gambling in cotton and grain futures, or interference with commerce among States and Territories, and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and

foreign nations; to the Committee on Agriculture.

By Mr. OLDFIELD: A bill (H. R. 18779) to prohibit interference with commerce among States and Territories and with foreign nations, and to remove obstructions thereto and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture

By Mr. POWERS: A bill (H. R. 18780) to appropriate the sum of \$12,500 for the construction of a bridge across Pitman Creek in Pulaski County, Ky.; to the Committee on Appropria-

By Mr. HAY: A bill (H. R. 18781) providing for cumulative leaves of absence for the superintendent and members of the Female Nurse Corps when serving in Alaska or at places without the limits of the United States; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 18782) providing for an appropriation of \$50,000 for the purchase and distribution of seeds to the drought-stricken homesteaders of Colorado; to the Committee on Appropriations.

By Mr. DAVENPORT (by request): A bill (H. R. 18783) to authorize and direct the Secretary of the Interior to pay cer-tain tribal indebtedness of the Creek Nation, and for other purposes; to the Committee on Indian Affairs.

By Mr. DICKSON of Mississippi: A bill (H. R. 18784) to aid in construction of levees and embankments on the east side of the Mississippi River in Warren, Jefferson, Adams, Claiborne. and Wilkinson Counties, in Mississippi; to the Committee on Rivers and Harbors.

By Mr. BYRNES of South Carolina: A bill (H. R. 18785) to prohibit interference with commerce among States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communica-tion between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. GODWIN of North Carolina: A bill (H. R. 18786) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstruction thereto and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. WILSON of Illinois: A bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia; to the Commit-

tee on Labor.

By Mr. SHERWOOD: A bill (H. R. 18788) to amend an act entitled "An act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States," approved June 9, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 18789) authorizing the patenting of certain lands to rural high-school district No. 1, Nez Perce County, Idaho; to the Committee on the Public Lands.

By Mr. KINKAID of Nebraska: A bill (H. R. 18790) to prohibit interference with commerce among States and Territories and with foreign nations in sales and purchases of cotton, grain, and other farm products; to the Committee on Agriculture

By Mr. RUCKER of Colorado: A bill (H. R. 18791) to increase the appropriation for the purchase of a site and the erection of a public building at Greeley, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 18792) for the relief of homestead entrymen under the reclamation projects in

the United States; to the Committee on the Public Lands. By Mr. KINKAID of Nebraska: A bill (H. R. 18793) for the relief of certain homesteaders in Nebraska; to the Committee on the Public Lands.

By Mr. CURRY: A bill (H. R. 18794) to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico for the use of the State certain furniture and furnishings, law books, and typewriters; to the Committee on the Territories.

By Mr. GOODWIN of Arkansas: A bill (H. R. 18795) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. MONDELL: A bill (H. R. 18796) relieving homestead settlers from the necessity of maintaining residence during certain periods; to the Committee on the Public Lands.

By Mr. CARTER (by request): A bill (H. R. 18797) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 18798) for the erection of a public building at Falls City, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. RODDENBERY: A bill (H. R. 18838) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication be-tween States and Territories and foreign nations; to the Com-

mittee on Agriculture.

By Mr. TRIBBLE: A bill (H. R. 18839) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18799) granting an increase of pension to John P. Hearn; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 18800) for the relief of Capt. Frank B. Watson, United States Army; to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 18801) granting an increase of pension to Aaron G. Pool; to the Committee on Invalid Pensions

By Mr. BURKE of South Dakota: A bill (H. R. 18802) granting two condemned cannon to the city of Madison, S. Dak.; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 18803) granting an increase of pension to Mary Reinhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18804) granting an increase of pension to John H. Adelmeyer; to the Committee on Invalid Pensions. By Mr. CANNON: A bill (H. R. 18805) for the relief of

Michael Rapple; to the Committee on Military Affairs.

Also, a bill (H. R. 18806) for the relief of Thomas Riley; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 18807) for the removal of restrictions from all of the lands of Fannie Winney Kariho; to the Committee on Indian Affairs.

By Mr. DENVER: A bill (H. R. 18808) granting a pension to

William Clephane; to the Committee on Invalid Pensions.
Also, a bill (H. R. 18809) granting a pension to Sarah A.
Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18810) granting an increase of pension to John W. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18811) granting an increase of pension to

Robert H. Sroufe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18812) granting an increase of pension to William Yates; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 18813) granting a pension to Margaret D. Young; to the Committee on Invalid Pen-

By Mr. GOODWIN of Arkansas: A bill (H. R. 18814) granting an increase of pension to John G. Morgan; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 18815) granting an increase of pension to James D. Calahan; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 18816) granting an increase of pension to Charles Harriman; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 18817) granting a pension to John C. Jones; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 18818) granting an increase of pension to Nancy Carwithen; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 18819) granting a pension to Sarah A. Thompson; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 18820) granting a pension to H. P. Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18821) granting a pension to James A. Lynn; to the Committee on Pensions.

Also, a bill (H. R. 18822) granting an increase of pension to

William B. Karr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18823) granting an increase of pension to Done Starks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18824) granting an increase of pension to

William H. Rogers; to the Committee on Invalid Pensions.
Also, a bill (H. R. 18825) conveying certain lands in the Osage Reservation to the city of Fairfax for cemetery purposes; to the Committee on Indian Affairs.

By Mr. MONDELL: A bill (H. R. 18826) granting a pension to George C. Moore; to the Committee on Invalid Pensions

By Mr. NEEDHAM: A bill (H. R. 18827) for the relief of the legal representatives of Parker S. Rouse, deceased; to the Committee on Claims.

Also, a bill (H. R. 18828) to correct the military record of A. E. Wagstaff; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 18829) granting a pension to Bridget A. Owens; to the Committee on Pensions.

Also, a bill (H. R. 18830) granting an increase of pension to Charles Taylor; to the Committee on Invalid Pensions

By Mr. PARRAN: A bill (H. R. 18831) to appoint Louis A Yorke a paymaster in the Navy and place him on the retired list; to the Committee on Naval Affairs.

Also, a bill (H. R. 18832) for the relief of W. H. Hardesty, administrator of the estate of Uriah M. Johnson, deceased; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 18833) granting an increase of pension to Thomas Hogan; to the Committee on Invalid Pen-

By Mr. RUSSELL: A bill (H. R. 18834) granting an increase of pension to Benjamin L. Sheppard; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 18835) granting an increase of pension to Oscar P. Whitney; to the Committee on Invalid Pensions

By Mr. J. M. C. SMITH: A bill (H. R. 18836) granting an increase of pension to Charles Townsend; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18837) granting an increase of pension to Willie A. Robinson; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 18840) granting a pension to Andrew J. Tidwell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Missouri College of Agriculture, for a national nursery-inspection law; to the Committee on Agriculture

Also, resolution of the Atlantic Coast Seamen's Union, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANSBERRY: Petition of Apache Tribe, No. 180, Improved Order of Red Men, of Haviland, Ohio, in support of Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: Petition of citizens of New York City, urging the passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, memorial of North Side Board of Trade, of New York City, urging the suspension of the tariff on potatoes; to the Committee on Ways and Means.

By Mr. BOEHNE: Petition of Tribe No. 195, Improved Order of Red Men, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BOWMAN: Petition of Grange No. 1312, Patrons of Husbandry, against repeal of tax on oleomargarine, etc.; to

the Committee on Agriculture.

Also, petition of Grange No. 398, Patrons of Husbandry, for certain amendments to govern traffic in oleomargarine; to the Committee on Agriculture.

Also, petition of Philadelphia Brigade Association, for erection of statue of Gen. Meade; to the Committee on the Library.

Also, petition of Post No. 97, Grand Army of the Republic, in opposition to incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of State Federation of Pennsylvania Women.

Also, petition of State Federation of Pennsylvania Women, for children's bureau; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Supply Co., of Pittsburgh, Pa., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Council No. 251, Junior Order United American Mechanics, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BROWNING: Memorials of Woman's Christian Temperance Union and Methodist Episcopal Church of Blackwood, N. J., and Woman's Christian Temperance Union of Haddon-field, N. J., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Papers to accompany bills for relief of John H. Adelemeyer and Mary Reinhart; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petitions of citizens of the State of Kansas opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Washington Avenue Methodist Episcopal Church, of Parsons, Kans., for the passage of an effective inter-

state liquor law; to the Committee on the Judiciary.

By Mr. CLINE. Papers to accompany bill for the relief of Cyrus W. Fike (H. R. 11893); to the Committee on Invalid Pensions

By Mr. DAVENPORT: Papers to accompany the bill for the removal of restrictions on lands of Fannie Winney Kariho; to the Committee on Indian Affairs.

By Mr. DICKINSON: Petition of 17 business men of Deepwater, Mo., against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of 18 citizens of Lowry City, Mo., in favor of the passage of parcel-post bill, H. R. 14; to the Committee on

the Post Office and Post Roads.

By Mr. DYER: Papers to accompany House bill 6878, granting an increase of pension to Edward P. Rice; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11520, granting a pension to Jesse H. Wade; to the Committee on Pensions.

Also, resolutions of the Millinery Jobbers' Association, against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph H. Goldman and 18 other citizens of St. Louis, Mo., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolution of the faculty of the Missouri College of Agriculture, in favor of bill relating to a national nursery inspection law; to the Committee on Agriculture.

By Mr. ESCH: Petition of citizens of the State of Wisconsin, protesting against any legislation for the extension of a general parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Whitehall, Wis., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Petitions of Lyman and Adeline Rooks, of Parkersburg, Ill., in favor of the passage of House bill 14, for extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sumner, Ill., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petitions of T. T. Bent & Sons et al., of Oglesby, Ill., in favor of reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GARNER: Memorial of the National German-American Alliance of Texas, against interstate liquor laws; to the Committee on the Judiciary. Also, petitions of citizens of Goliad and San Patricio Coun-

ties, Tex., for the improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GREGG of Pennsylvania: Memorial of Willard Woman's Christian Temperance Union, of Greensburg, Pa., for the passage of a bill to protect prohibition territory from illicit liquor sellers bringing intoxicating liquors into the State to sell in violation of the laws of the State; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 18670, for the relief of James C. and Patrick Connor; to the Committee on War Claims.

By Mr. HANNA: Petition of George D. Palmer and other citizens of Bordulac, N. Dak., requesting repeal of the reciprocity pact with Canada; to the Committee on Ways and Means.

Also, petitions of C. A. Wiswell and E. J. Ericson, of Colgate, N. Dak., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of officers and men of the First Regimental band and the hospital corps of the North Dakota National

Guard, of Lisbon, N. Dak., in favor of House bill 8141, known as the Federal pay bill; to the Committee on Military Affairs.

Also, petition of H. R. Lomen and 16 others, of Wildrose, N. Dak.; Hamlet Cash Store, of Hamlet, N. Dak.; and of a citizen of Cooperstown, N. Dak., against extension of the parcelpost service; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Petition of citizens of the State of Maine, in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HUBBARD: Petition of B. F. Curtis and other citizens of Sibley, Iowa, protesting against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Sellers and other citizens of Cherokee, Iowa, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: Papers to accompany House bill 13209, granting a pension to S. E. Weaver; to the Committee on Pen-

Also, petition of citizens of Vilonia, Ark., in favor of Sulzer parcel-post bill; to the Committee on the Post Office and Post

Also, petitions of citizens of Havana, Ark., in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: Petition of citizens of New Jersey for total elimination of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KONOP: Petition of Wilson Walter Hanson Hardware Co. and others of Green Bay, Wis., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of Select and Common Council of York, Pa., indorsing House joint resolution 177, for an appropriation for the relief of the sufferers from the flood at

Austin and Costello, Pa.; to the Committee on Appropriations.

By Mr. McHENRY: Petitions of Catawissa (Pa.) Grange,
No. 216, Patrons of Husbandry; Strawberry Ridge (Pa.)

Grange, No. 34, Patrons of Husbandry; and Rohrsburg (Pa.) Grange, No. 104, Patrons of Husbandry, asking that the oleo-margarine laws be so amended as to contain certain provisions as set forth in said petitions; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petitions of citizens of the State of South Dakota, protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of Benjamin F. Keith, of Dalzell, S. Dak., and of A. U. Groustrom and four other citizens of Roslyn, S. Dak., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Arlington, Sinai, and Volga, S. Dak., for the enactment of House bill 14, to extend parcelpost system; to the Committee on the Post Office and Post Roads.

Also, resolution of Tri-State Grain and Stock Growers' Convention, indorsing bill making increased appropriations to agri-

cultural colleges; to the Committee on Agriculture.

Also, petition of citizens of Hazel and Naples, S. favor of the Esch bill, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of citizens of California, praying for the enactment of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Turlock, Cal., favoring the passage of the Berger old-age pension bill; to the Committee on Pen-

By Mr. O'SHAUNESSY: Resolutions adopted by the John Mitchell Literary Association, of Providence, R. I., and the county board of Providence County, R. I., against the treaties with Great Britain and France in their present form; to the

Committee on Foreign Affairs.

By Mr. OLMSTED: Petition of citizens of the State of Pennsylvania, in favor of old-age pensions; to the Committee on Pensions.

Also, petition of Pleasant Hill Grange, No. 1358, of Millersburg, Pa., praying for certain changes in the oleomargarine laws; to the Committee on Agriculture.

By Mr. PARRAN: Petition of 155 citizens of Anne Arundel County, Md., favoring House bill 17236, to provide for the examination and survey of the channel through Herring Bay, in the State of Maryland; to the Committee on Rivers and

By Mr. POWERS: Petition of citizens of eleventh congressional district of Kentucky, remonstrating against the extension of the parcel-post system beyond its present limitations; to the

Committee on the Post Office and Post Roads,
Also, petition of D. W. Shearr & Son, of Monticello, Ky.,
praying for a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. RAKER: Memorial of Sacramento (Cal.) Chamber of Commerce, against reduction of duties on sugar; to the Committee on Ways and Means.

Also, petitions of citizens of California, for the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 1689; to the Committee on Military Affairs.

By Mr. J. M. C. SMITH: Papers to accompany bill for the relief of Charles Townsend; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of George Thompson and W. T. Dowd, of New York City, in favor of Senate bill 3194 and House bill 13275; to the Committee on the Judiciary.

Also, resolutions of the council of administration of the Department of New York, Grand Army of the Republic, memorializing the President to nominate and appoint Gen. Sickles a lieutenant general of the United States Army, retired; to the Committee on Military Affairs.

By Mr. TILSON: Resolution of the Norwalk Board of Trade, urging that the so-called pulp and paper clause of the reciprocity agreement with Canada be abrogated; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of citizens of Hornell, N. Y. urging the passage of the militia pay bill (H. R. 8141); to the Committee on Military Affairs.

By Mr. WILLIS: Petition of M. O. Musgrave and other members of Pomona Grange, Hardin County, Ohio, asking for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Wilson S. Maize (H. R. 7244); to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13003, to provide for the erection of a public building at Kenton, Ohio; to the Committee

on Public Buildings and Grounds.

By Mr. WOOD of New Jersey: Petition of the Grand Council of United Commercial Travelers of New Jersey, protesting against the passage of the bill providing for the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

Saturday, January 27, 1912.

The House met at 12 o'clock noon.

Prayer was offered by the Rev. Earle Wilfley, of Washington, D. C., as follows:

Heavenly Father, we thank Thee for life, for liberty, for the right to do those things which shall please Thee and make for the good of our fellow men. We ask to-day for Thy guidance in all things, in word and in deed and in life; to help us to see the great things of life, the higher and the better things, and at all times to try to be worthy of Thee and of Thy care of us. Bless, we pray Thee, all in authority, all who have the responsibility of government in their hands; and may that responsibility meet with an execution of laws, a devising of ways and means, and the doing of those things which shall mean for better government, for broader and truer liberty, and for the mercy and the blessing of Almighty God. We ask it for Thy name's sake.

The Journal of the proceedings of yesterday was read and approved.

PROPERTY VALUATIONS AND INCOMES OF INDIANS (H. DOC. NO. 486).

. Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask unanimous consent to have printed as a public document a tabulated statement prepared by the Commissioner of Indian Affairs, showing the property valuations and incomes of Indians at the end of the feed year 1011.

dians at the end of the fiscal year 1911.

The SPEAKER. The gentleman from Texas asks unanimous consent to have printed as a public document the statistics which he mentions. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I did not understand what the document was.

Mr. STEPHENS of Texas. It shows the property valuations and incomes of the Indians in the various reservations and States of the United States. It is a matter of a great deal of importance to our committee, to the House, and to the general

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHANGE OF REFERENCE.

Mr. WATKINS. Mr. Speaker, House joint resolution 219 was referred to the Committee on Revision of the Laws. I ask that the reference be changed, and that it be referred to the

Committee on Rules. I ask merely a change of reference.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to change the reference of House joint resolution 219 from the Committee on Revision of the Laws to the Committee on Rules.

Mr. MANN. What is the resolution?

Mr. WATKINS. It asks for the appointment of a joint committee to continue the consideration of the revision and codification of the laws of the United States. It ought to go to the Committee on Rules. It is similar to other resolutions that have been introduced and referred to the Committee on Rules. They ought all to go there together.

Mr. MANN. Why does not the Committee on the Revision of the Laws report the resolution? If it goes to the Committee on Rules it probably will never be reported.

Mr. WATKINS. It is of the same character as other reso lutions that have been referred to the Committee on Rules.

The SPEAKER. Is there objection?

There was no objection.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; and, pending that motion, I move that all general debate on the bill do now close, and on that motion I demand the previous ques-

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18642; and pending that he moves that all general debate on that bill close in Committee of the Whole, and on that motion demands the previous question. Those in favor of ordering the previous question will say "aye"; those op-Those in favor posed "no.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the previous question will answer "yea" and those opposed will answer "nay" when their names are called.

The question was taken; and there were—yeas 162, nays 105, answered "present" 6, not voting 118, as follows:

YEAS-162.

Alken, S. C. Alexander Alexander Evans Allen Ansberry Falson Ashbrook Ferris Ferris Korop Konop Rucker, Mo. Koropiy Russell Arres Fitzgerald Arres Fitzgerald Earlett Flood, Va. Ferris Korbly Russell Lamb Sabath Sabath Sabath Sabath Sabath Sabath Lee, Ga. Saunders Sharp Blackmon Foster, Ill. Lever Booher Francis Garret Garret Lewis Sherwood Brantley Garner Littlepage Slayden Sisson Littlepage Slayden Silven Smith, N. Y. Lobeck Byrnes, S. C. Goodwin, Ark. Goeke Byrnes, Tenn. Callaway Cantrill Gregg, Pa. Garger Carter Gudger Carter Clayton Cline Hammond Colline Hammond Colline Hammond Colline Hammond Colline Harrison, Miss. Covington Harrison, Miss. Covington Harrison, N. Y. Cravens Cavington Heflin Curley Henry, Tex. Hensley Palmer Loder Witcor, Mo. Russell Rucker, Mo. Russell Rucker, Mo. Russell Rucker, Mo. Russell Rucker, Mo. Russell Russell Russell Russell Russell Russell Russell Agaunders Sabath Sabath	Adair	Doremus	Johnson, Ky.	Roddenbery
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NAYS-105.

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ANSWERED "PRESENT"-6. Padgett

Weeks

Adamson Buchanan Andrus Kindred

NOT VOTING-118.

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Moon, Pa.
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Talbott, Md.
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Taylor, Ohio
Tuttle
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So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. Andrus.
Mr. Adamson with Mr. Stevens of Minnesota.

Until further notice:

Mr. Bathrick with Mr. Roberts of Massachusetts.

Mr. BARNHART with Mr. AMES. Mr. Borland with Mr. Bartholdt.

Mr. CLAYPOOL with Mr. BATES. Mr. CONRY with Mr. CAMPBELL.

Mr. Connell with Mr. Calder. Mr. Cox of Indiana with Mr. Cary.

Mr. Dickson of Mississippi with Mr. Crago.

Mr. Dupre with Mr. De Forest.

Mr. ESTOPINAL with Mr. MICHAEL E. DRISCOLL.

Mr. GALLAGHER with Mr. FOCHT. Mr. George with Mr. Fordney.

Mr. Hamill with Mr. Gardner of Massachusetts.

Mr. Howard with Mr. Griest. Mr. Kinkead of New Jersey with Mr. Hamilton of Michigan, Mr. Konig with Mr. Heald.

Mr. Konig with Mr. Heald.
Mr. Lindsay with Mr. Knowland.
Mr. McHenry with Mr. Lafean.
Mr. Patten of New York with Mr. Langham.
Mr. Peters with Mr. McCreary.
Mr. Pou with Mr. Madden.
Mr. Redfield with Mr. Malby.
Mr. Robinson with Mr. Matthews.
Mr. Scully with Mr. Mondell.
Mr. Stack with Mr. Moon of Pennsylvania.
Mr. Stanley with Mr. Nye.
Mr. Taylor of Alabama with Mr. Olmsten.

Mr. TAYLOR of Alabama with Mr. OLMSTED. Mr. TUTTLE with Mr. REES:

Mr. Webb with Mr. REYBURN. Mr. White with Mr. Sells.

Mr. Wickliffe with Mr. Volstead, Mr. Wilson of New York with Mr. Steenerson.

Mr. McKellar with Mr. Greene of Massachusetts.

Mr. Buchanan with Mr. Wilson of Illinois.

Mr. FIELDS with Mr. LANGLEY. Mr. Brown with Mr. SMITH of California.

Mr. CLARK of Florida with Mr. SIMMONS. Mr. Talbott of Maryland with Mr. Parran. Mr. Anderson of Ohio with Mr. Copley.

Mr. PADGETT with Mr. Foss. Mr. Lewis with Mr. Anthony. Mr. SMALL with Mr. RODENBERG.

Mr. DANIEL A. DRISCOLL with Mr. AINEY.

Mr. Ellerbe with Mr. Currier. Mr. Glass with Mr. Slemp. Mr. Edwards with Mr. Kennedy. Mr. SPARKMAN with Mr. DAVIDSON.

Mr. KINDRED with Mr. HARTMAN, Mr. MAHER with Mr. CAMPBELL.

For this day:

Mr. Pujo with Mr. UTTER.

For the remainder of the week:

Mr. FINLEY with Mr. McCALL.

Until January 29:

Mr. CANDLER with Mr. BARCHFELD. Mr. Humphreys of Mississippi with Mr. Lawrence.

Until Tuesday next: Mr. Goldfogle with Mr. Wilder.

Until February 1:
Mr. Burgess with Mr. Weeks.
Until Wednesday next, inclusive:
Mr. Cox of Ohio with Mr. Taylor of Ohio.

On this vote:

Mr. Sims with Mr. Bubke of Pennsylvania.

Mr. BUCHANAN. Mr. Speaker, is the gentleman from Illinois, Mr. Wilson, recorded as voting?

The SPEAKER. He is not recorded.

Mr. BUCHANAN. I voted in the affirmative. I wish to with-

draw my vote and answer "present."

Mr. HOBSON. Mr. Speaker, I wish to ask if the gentleman from New York, Mr. FAIRCHILD, has voted?

The SPEAKER. The gentleman from New York, Mr. FAIR-

CHILD, voted in the negative.

Mr. HOBSON. I desire to change my vote, and to vote "aye."
Mr. ADAMSON. Mr. Speaker, has the gentleman from
Minnesota, Mr. Stevens, voted on this roll call?

The SPEAKER. He has not voted.

The SPÉAKER. He has not voted. .

Mr. ADAMSON. I voted in the affirmative. I am paired with the gentleman from Minnesota, Mr. Stevens, and I wish to withdraw my vote and to answer "present."

Mr. PADGETT. I wish to inquire if the gentleman from Illinois, Mr. Foss, is recorded as voting?

The SPEAKER. He is not recorded.

Mr. PADGETT. I have a pair with the gentleman. I voted "aye." I wish to withdraw my vote and to answer "present."

Mr. PEPPER. I desire to inquire if the gentleman from Illinois, Mr. PRINCE, is recorded?

The SPEAKER. He is recorded in the negative.

Mr. PEPPER. I have been paired with the gentleman. As he has voted, I desire to change my vote, and to vote "aye."

Mr. PEPPER. I have been paired with the gentleman. As he has voted, I desire to change my vote, and to vote "aye."

The SPEAKER. Was the gentleman in the Hall, listening for

his name?

Mr. PEPPER. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. Pepper, and he voted "aye."
Mr. KINDRED. Mr. Speaker, I desire to know if the gentleman from Pepnsylvania, Mr. Hartman, is recorded as voting? The SPEAKER. He is not recorded.

Mr. KINDRED. I voted in the affirmative. I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise? Mr. MANN. I ask recognition for 20 minutes' debate, under clause 3 of Rule XXVII, which reads:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for 40 minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition; and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

Mr. Speaker, originally a motion to suspend the rules was not debatable, and yet it has been held that after a second was ordered debate was in order. The Manual says, on page 440:

And after a second is ordered debate is allowed, even though the question would not be debatable under other rules of the House.

This motion, of course, was not debatable until the previous question was ordered, but the plain rule is that when the previous question is ordered, where no debate has been had on the proposition, then the right to debate 40 minutes, 20 minutes on a side, is preserved to those for and against the proposition under the rule.

Mr. UNDERWOOD. Mr. Speaker, the unbroken precedents, as I understand the rules, are that a motion to close debate is not debatable. I moved the previous question on the motion to close debate not for the purpose of cutting off debate but for the purpose of cutting off amendment.

The SPEAKER. It seems to the Chair that if the motion to close debate were a debatable motion, the gentleman from Illinois would undoubtedly be correct in his point of order, but the motion to close debate is not debatable under any circumstances whatever, and therefore the point of order is over-ruled. The question is on the motion of the gentleman from Alabama that general debate be closed. All those in favor of closing general debate will say "aye"——
Mr. MANN. Mr. Speaker, I demand the yeas and nays.
The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 108, answered "present" 2, not voting 122, as follows:

YEAS-159.

Jacoway James Johnson, Ky. Johnson, S. C. Rauch
Reilly
Richardson
Roddenbery
Rothermel
Rouse
Rubey
Rucker, Mo.
Russell
Sabath
Shackleford
Sharp
Sheppard
Sherley
Sherwood
Sims
Sisson
Slayden Adair Aiken, S. C. Allen Ansberry Doremus Doughton Evans Faison Faison Ferris Ferris Fitzgerald Flood, Va. Floyd, Ark. Fornes Foster, Ill. Fowler Francis Garner Johnson, Jones Kindred Kitchin Konop Korbly Lamb Lee, Ga. Lee, Pa. Ansberry Ayres Bartlett Beall, Tex. Bell, Ga. Boehne Booher Borland Brantley Fowler
Francis
Garner
Garrett
Godwin, N. C.
Goeke
Goodwin, Ark.
Gould
Gray
Gregg, Pa.
Gregg, Tex.
Gudger
Hamliton, W. Va.
Hammond
Hardwick
Hardy
Harrison, Miss.
Harrison, N. Y.
Hay
Heflin
Helm
Henry, Tex.
Hensley
Hobson Levy Lewis Linthicum Buchanan Bulkley Burke, Wis. Burleson Burnett Linthicum
Littlepage
Littleton
Lloyd
McCoy
McDermott
McGillicuddy
McHenry
Macon Burnett Byrnes, S. C. Byrns, Tenn. Callaway Cantrill Carlin Sisson
Slayden
Smith, N. Y.
Smith, Tex.
Stedman
Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Stone
Sulzer
Sweet
Talcott, N. Y.
Thaver McHenry
Macon
Maguire, Nebr.
Mays
Moon, Tenn.
Moore, Tex.
Morrison
Moss, Ind.
Murray
Oldfield
O'Shaunessy
Padgett
Page
Palmer
Pepper
Post
Rainey
Raker Carter Clayton Cline Collier Conry Covington Thayer
Thomas
Townsend
Tribble
Turnbull
Underhill Cravens Cullop Daugherty Davenport Davis, W. Va. Denver Dickinson Hobson Holland Houston Hughes, Ga. Hughes, N. J. Underwood Watkins Whitacre Witherspoon Young, Tex. Dickson, Miss. Dies Difenderfer Raker Randell, Tex. Dixon, Ind. Donohoe

NAYS-108.

Akin, N. Y. Ames Anderson, Minn. Austin Bingham
Bowman
Bradley
Browning
Burke, S. Dak.
Butler Canno non Cooper Crago Crago Crumpacker Curry Dalzell Danforth Davis, Minn. Dodds Draper Dwight Dyer Esch Fairchild Foss

3—108.

Kopp
Lafferty
La Follette
Lenroot
Longworth
Loud
McGuire, Okla.
McKenzie
McKinley
McKinney
McLaughlin
McMorran
Mann
Martin, Colo,
Martin, S. Dak.
Miller
Moore, Pa.
Morgan
Mott
Murdock
Needham
Nelson
Norris
Patton, Pa.
Payne Foster, Vt. French Fuller Gardner, Mass. Gardner, N. J. Gillett Porter Powers Pray Prince Prouty Roberts, Nev. Rucker, Colo. Sloan Smith, J. M. C. Smith, Saml. W. Green, Iowa Greene, Mass. Guernsey Smith, Saml. V Speer Steenerson Stephens, Cal. Sterling Sulloway Switzer Taylor, Colo. Thistlewood Tilson Towner Warburton Wedemeyer Willis Wood, N. J. Woods, Iowa Young, Kans. Young, Mich. Hanna Harris Hawley Hayes Henry, Conn. Higgins Hill Hinds Howell Howland Hubbard Hughes, W. Va. Humphrey, Wash. Jackson Kahn Kendall Payne Pickett Plumley Kinkaid, Nebr.

ANSWERED "PRESENT"-2. Andrus Adamsen

NOT VOTING-122.

Driscoll, D. A. Driscoll, M. E. Dupre Edwards Ellerbe Langham
Langley
Lawrence
Legare
Lever
Lindbergh
Lindsay
Lobeck
McCall
McCreary
McKellar
Madden
Maher
Malby
Matthews
Mondell
Moon, Pa.
Morse, Wis.
Nye
Olmsted Ainey Alexander Anderson, Ohio Robinson Robinson Rodenberg Saunders Scully Sells Simmons Slemp Small Smith, Cal. Anthony Ashbrook Barchfeld Ellerbe Estopinal Fields Finley Focht Fordney Gallagher George Glass Goldfogle Good Barnhart Bartholdt Bates Bathrick Berger Blackmon Smith, Cal.
Sparkman
Stack
Stanley
Stevens, Minn.
Taggart
Talbott, Md. Broussard Brown Burgess Burke, Pa. Calder Campbell Candler Good Graham Griest Hamill Taylor, Ala.
Taylor, Ohio
Tuttle
Utter
Volstead Hamilton, Mich. Cary Clark, Fla. Hamlin Hamlin Hartman Haugen Heald Helgesen Howard Vreeland Webb Weeks White Wickliffe Wilder Parran Patten, N. Y. Peters Pou Pujo Claypool Connell Humphreys, Miss, Ransdell, La, Kennedy Redfield Kinkead, N. J. Rees Knowland Reyburn Konig Riordan Lafean Roberts, Mass Cox, Ohio Curley Currier Davidson Wilson, Ill. Wilson, N. Y. Wilson, Pa. De Forest Roberts, Mass.

So the motion to close debate was agreed to. The Clerk announced the following additional pairs:

Until further notice: Mr. DENT with Mr. LINDBERGH. Mr. GRAHAM with Mr. VREELAND. Mr. HAMILL with Mr. LAFEAN.

Mr. Lever with Mr. Burke of Pennsylvania. Mr. Saunders with Mr. Helgesen.

Mr. Blackmon with Mr. Good. Mr. Alexander with Mr. Bartholdt.

Mr. Curley with Mr. Morse of Wisconsin.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HAMILTON of Michigan for three days on account of important business.

THE METAL SCHEDULE.

The SPEAKER. The question now is on the motion of the gentleman from Alabama that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18642, to revise the metal schedule.

The question was taken, and the motion was agreed to. Accordingly the House resolved itself into the Committee of

the Whole House on the state of the Union for the further consideration of the bill H. R. 18642, to revise the metal schedule, with Mr. Floyd of Arkansas in the chair.

The CHAIRMAN. By order of the House general debate is closed on the bill. The bill will now be read for amendment under the five-minute rule. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That on and after the day following the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 117 to 199, inclusive, of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. PLICKED of Colorado. Mr. Chairman, L. offen the fellowed.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the following amendment as a separate paragraph, which I send to the desk and ask to have read:

The Clerk read as follows:

Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, 5 per cent ad valorem.

Mr. MARTIN of Colorado. Mr. Chairman, that amendment is not yet in order. I have an amendment that I would like to offer to perfect the paragraph.

Mr. HILL. Mr. Chairman, I have another amendment that I

wish to offer to the paragraph just read.

Mr. RUCKER of Colorado. Mr. Chairman, I have no objection, if my amendment will remain as it is, to the gentleman from Colorado offering his amendment to that paragraph.

Mr. MANN. Mr. Chairman, I make the point of order that it is not in order to offer an amendment as a new item until the paragraph which has been read has been perfected and passed.

The CHAIRMAN. The Chair sustains the point of order. Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 3, page 2, change the period to a colon and add

At the end of line 3, page 2, change the period to a colon and add the following:

"Provided, That whenever the Secretary of Commerce and Labor, whose duty it shall be to make the necessary investigations and report his findings to the President from time to time and to the Congress annually, unless otherwise requested, shall, after the 1st day of January, 1913, report to the President that 10 per cent or more of the labor required to produce any article or product made dutiable under the previsions of this act is performed by persons who are required to work more than eight hours in any one calendar day, unforeseen emergency or unavoidable accident excepted, thereupon and thereafter, upon proclamation to this effect by the President, such article or product shall be admitted without the payment of any tariff duties whatever; and such article or product shall not be restored to the duties fixed by law upon the same until the President shall be satisfied by the showing of the Secretary of Commerce and Labor that the condition herein mentioned no longer exists."

Mr. UNDERWOOD. Mr. Chairman, I make the point of

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against the amendment upon the ground that it is not This bill is an amendment to what is commonly called the Payne tariff bill. The Payne tariff bill, it is true, has administrative features in the bill, and the amendment just offered by the gentleman from Colorado relates to the administrative portions of the Payne Act. The bill under consideration does not, and the amendment offered by the gentleman from Colorado is therefore not germane to an amendment to the dutiable sections of the bill.

Mr. MARTIN of Colorado. Mr. Chairman, I suppose it will be useless for me to attempt to argue a point of order against the floor leader, but I shall nevertheless submit the observation that the amendment is merely a limitation or condition imposed upon the levying of these duties and is in a measure similar to the maximum and minimum clause of the Payne bill. It specifies a condition under which, when found to exist, the duty shall not be imposed. I am therefore at a loss to understand why such a limitation or condition is not entirely germane to the subject matter to which it refers.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. MOORE of Pennsylvania. I want to ask the gentleman a question.

Mr. MARTIN of Colorado. Certainly.

MOORE of Pennsylvania. . There was some confusion while the gentleman's amendment was being read and I did not catch its full purport. Do I understand the purpose of the amendment to be that the Government of the United States. shall inform itself and provide that no commodity shall come into the country where the workmen abroad have worked more than eight hours a day?

Mr. MARTIN of Colorado. No, sir; the purpose of the amendment is directly contrary; it is to admit free of duty into this country any articles in the production of which in this

country 10 per cent or more of the employees are required to work more than eight hours a day.

Mr. MOORE of Pennsylvania. Then it has no reference—
Mr. MARTIN of Colorado. It simply puts things on the free list where the eight-hour day is not observed in this country; that is what it does exactly.

Mr. MOORE of Pennsylvania. I caught that; but it has no reference, then, to those products of foreign manufacture coming into this country upon which the foreign labor worked for

more than eight hours?

Mr. MARTIN of Colorado. No; this is to secure to the laborer of this country the blessings and benefits of the eighthour day, and, in my judgment, it is a strong and effective method of securing it.

Mr. MOORE of Pennsylvania. But it has no thought of protecting the American laborer who works eight hours a day against the competition of the foreign laborer who works more

than eight hours a day?

Mr. MARTIN of Colorado. That would simply help the American manufacturer; but you write this provision of mine into the law and the American laborer will get his eight-hour

day all right. Mr. MANN. They might not get that; they might not get

any work at all.

Mr. KENDALL. I am entirely in sympathy with the purpose of the gentleman, but I want to inquire if his amendment if adopted will not present to the American manufacturer the alternative of limiting his labor to eight hours or not taking advantage of the protection which is implied in the bill?

Mr. MARTIN of Colorado. I think it would, with the result that the American manufacturer would establish the eight-hour

day.

Mr. BUTLER. Is there any protection in the bill? Mr. UNDERWOOD. Mr. Chairman, I make the point of order that gentlemen are not discussing the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Will the Chair hear anybody on the point of

order?

The CHAIRMAN. The Chair recognizes the gentleman from

Mr. MANN. Mr. Chairman, the bill before us is a bill effecting the duties in the main of the metal schedule of the tariff law or proposing a new tariff law. Under our right as a legislative body we can provide that there shall be no duty upon those articles or that there shall be an excessive duty upon the articles or fix the duty as we please, and I maintain that under that right we can put such limitations as we please upon the articles coming into the country affecting the rate of duty. We can say that the duty shall be 1 per cent, we can say that the rate of duty shall be 1,000 per cent. We can say, in my judgment, that the rate of duty shall be 1,000 per cent under certain conditions and 1 per cent under certain other conditions, or that there shall be a duty imposed under certain conditions and no duty imposed under other conditions. Chair holds otherwise, the Chair decides that the House of Representatives abandons its legislative jurisdiction and that only the Committee on Ways and Means can legislate. This amendment now proposed would clearly have been in order upon the bill as originally introduced, would have been in order for the committee to have reported it as a committee amendment, and if the introducer of a bill can include it in his bill, or the committee can put it in the committee bill, can it be said that the House of Representatives, it having the constitutional power over the tariff, can not amend the bill and insert the identical provision which the introducer might have inserted or which the committee might have reported in the bill? If

we have that power to fix the tariff rates and the power of making the rate nothing or no duty, then we have all the power be-tween the two, and that includes the power either to admit free under limitations or dutiable under limitations. Chair will not rule that the House of Representatives by the adoption of the so-called new and reform rules has entirely abandoned its legislative power and transferred it to the gentleman from Alabama. [Applause.]
Mr. UNDERWOOD. Mr. Chairman, the gentleman from

Illinois says that if the Payne bill was before this House for enactment that this motion would be in order. So far he is correct in that it would be in order to the administrative features of the Payne bill, but the gentleman who offers the amendment admits that it would properly come under the maximum-and-minimum clause of the Payne bill. Now, we

are attempting to amend the Payne bill.

Mr. MARTIN of Colorado. I did not state that. Mr. MANN. And I did not state the other proposition that

the gentleman is quoting.

Mr. MARTIN of Colorado. I said this amendment was a condition or limitation attached to the law, somewhat similar to the maximum-and-minimum clause of the Payne bill.

Mr. UNDERWOOD. That is why I say the gentleman puts himself out of court, because it is somewhat similar to the maximum-and-minimum clause, and the maximum-and-minimum clause is in the administrative features of the act, and therefore an amendment of this kind to be germane must be germane to the administrative features of the Payne bill. This amendment is no more germane to this section that is presented to the House-the schedule on metals-than would an

amendment amending the sugar schedule be germane.

The CHAIRMAN. Will the gentleman from Alabama [Mr. Underwood] permit a question? Will he state whether or not there is any such administrative feature in this bill as that

which exists in the present law?

Mr. UNDERWOOD. Not at all. This bill only amends the dutiable rates of the Payne bill. There is no administrative feature in it, and the administrative features of the Payne bill

are not touched in any way whatever.

Mr. MANN. The administrative features in the Payne law affect every item in this bill, and it would have been in order when the Payne bill was before the House to have offered a maximum-and-minimum provision to every item in the bill. As a matter of convenience only it was inserted in one place in the bill covering all items, but it would have been in order with every item of the bill, because it affects every item in the bill, and the administrative features affect every item in this bill, and hence it is in order in the consideration of this bill, fixing anew the rates of duty, to provide those provisions which are now in the Payne law. Would it be said that we could change the rate of duty by a new bill but could not effect a method of collecting the duty provided in the bill? The proposition seems to me, at least, so plain that it does not require argument, nor has the gentleman from Alabama [Mr. Underwood] attempted to argue the question or to cite any precedent in regard to it.

Mr. MARTIN of Colorado. Mr. Chairman, I would like an-

other minute before the Chair rules.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. MARTIN of Colorado. This is a bill to levy certain rates of duty on certain described articles-metals and manufactures of metals-and this bill is a complete piece of legislation without any reference whatever to the Payne bill or any other act of Congress. So far as the purposes, so far as the operation and effectiveness, of this bill are concerned all reference can be stricken out as to the Payne bill, all reference can be omitted, leaving this a completed piece of legislation and standing on its own bottom. It strikes me the one question to decide—
Mr. UNDERWOOD. If the gentleman from Colorado would

read the enacting clause he would see that this is an amend-

ment to the Payne law.

Mr. MARTIN of Colorado. It says first: The following rates of duty shall be levied, etc.

And it then continues that the act shall be substituted for certain sections of the Payne bill, but I will say, if the Chairman pleases, that to all practical intents and purposes and so far as the amendment under consideration is concerned, that feature of the bill is purely surplusage; that this bill will supplant the Payne bill, whether it says so in express terms or not. The mere enactment of the rates in this act would supplant the rates in the Payne bill.

Now, Mr. Chaimman, there is a great deal of merit to this proposition. Gentlemen on both sides of the Chamber are very profuse in their protestations for labor, and one of the great

mooted questions of all tariff legislation is whether or not labor gets any benefit out of the tariff, and it is very evident that a great many gentlemen would be inclined to break over from their party attachments and strain a point to help labor if they thought the laborer got a fair portion of the benefit of tariff legislation. My amendment presents a simple and effective method of helping labor to share in the benefits. One thing, Mr. Chairman, is perfectly evident, and that is that you can not reduce the wages of labor in this country. The wages of labor in this country have been ground down to bedrock—a mere living wage.

Mr. PALMER. Mr. Chairman, I make the point of order that the gentleman from Colorado [Mr. MARTIN] is not discussing the point of order.

Mr. MARTIN of Colorado. And that wage, Mr. Chairman, can not go lower. You can help labor only by limiting the hours

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Palmer] makes the point of order that the gentleman from Colorado is not discussing the point of order.

Mr. MARTIN of Colorado. Well, Mr. Chairman, I will say that if gentlemen want to dispose of this meritorious proposition by means of points of order that will be their own lookout. I am not responsible for that,

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gen-

tleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from New York?

Mr. MARTIN of Colorado. I do.

Mr. MICHAEL E. DRISCOLL. Supposing that 85 per cent of the people of this country engaged in manufacturing a certain article are working on an eight-hour schedule and 15 per cent refuse to go on an eight-hour schedule. Under such conditions would the gentleman have the article admitted free of duty, so as to affect all alike?

Mr. MARTIN of Colorado. Under those conditions the article would go on the free list. But the gentleman knows as well as I do that nearly all of the articles and products affected by this act, and in fact by all tariff legislation, are so monopolized and so trustized that if this condition is found to obtain as to 10 per cent of the work, it would probably be found also to obtain as to 20 per cent and 30 per cent and 40 per cent and 50 per cent. As to that, however, the percentage named is tentative. I would want the requirement to operate as lightly as possible to the detriment of employers who wanted to treat their employees and laborers justly and admit them to a participation in the benefits of tariff legislation; but in my judgment, under the present lack of competition, industrial conditions, the observance of the condition may be safely put up to the employer. After all, the percentage is only tentative; and if, after consideration, it should be found that 20 per cent or 25 per cent would be fairer, then the author of the provision would have no objection to changing it. The idea is entirely new, so far as I know, and maybe some other per cent would be the proper measure.

Mr. AUSTIN. Mr. Chairman, I want to ask the gentleman from Colorado if he will accept a slight amendment to his proposition?

Mr. MARTIN of Colorado. I may if I can get my amendment before the House.

Mr. AUSTIN. It is this:

Provided. That the same articles shall not be imported free if made by foreign labor required to work exceeding eight hours.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that this discussion is not being confined to the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Alabama.

Mr. AUSTIN. Mr. Chairman, I wish to offer an amendment and have the Chair rule on that at the same time. I desire to ask the gentleman from Colorado [Mr. MARTIN] if he will accept this amendment?

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. A point of order is made against the amendment. The Chair is ready to pass upon the pending

Mr. MICHAEL E. DRISCOLL. Mr. Chairman— The CHAIRMAN. The Chair is ready to decide on the point of order. This proposed amendment relates to the first paragraph of the pending bill, and it refers to certain administrative features in the existing law, as I understand it, and there are no such administrative features in this bill. Now, under Rule XXI, section 3, it is provided:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill, nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

Now, in the view of the Chair, this amendment does not come within the provisions of that rule, so that the Chair sustains the point of order.

Mr. MARTIN of Colorado. Mr. Chairman, I appeal from the decision of the Chair.

Mr. MANN. On that ruling, Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois [Mr. Mann] appeals from the decision of the Chair. The question is, Shall

the decision of the Chair stand as the judgment of the committee?

Mr. MANN. Mr. Chairman, just a word. This is not an administrative feature of the bill at all. This is a proposition to determine the rate of duty, or to determine whether the goods shall be exempted from duty. It requires administration to collect duties; it requires administration, whatever the bill provides. But the amendment offered by the gentleman from Colorado [Mr. MARTIN] is not an administrative feature of the bill. It is a limitation, fixing whether goods come in free of duty or not. That is merely descriptive of the character of goods-Mr. KENDALL. That shall be admitted—

Mr. MANN. Yes; descriptive of goods that shall be admitted free of duty. And when, under the new rules of the House, the Chair rules that the House has abandoned its legislative authority and can not perfect a bill, and can not determine what, goods shall come in free and what goods shall come in dutiable, he has usurped the powers of the House, he and the chairman of the Committee on Ways and Means, more autocratically than ever was done before in the history of the Republic. [Applause on the Republican side.]

Mr. NEEDHAM. I ask unanimous consent that the amend-

ment be reported again.

The CHAIRMAN. The question is, Shall the judgment of the Chair stand as the judgment of the committee on an appeal

from the decision of the Chair?

Mr. UNDERWOOD. Mr. Chairman, I want to say just one word in answer to the gentleman from Illinois [Mr. Mann]. This amendment was not presented to the Ways and Means Committee. It was never brought up for consideration by anyone until it was presented on the floor of this House. has been no opportunity to consider it-

Mr. MANN. In caucus?

Mr. UNDERWOOD. Either in caucus, in committee, or in the House. We do not know whether it is carefully prepared, whether it is correct legislation.

Mr. MANN. Why not consider it here?

Mr. UNDERWOOD. If the gentleman will excuse me, there is no way to determine whether it is wise legislation or carefully prepared legislation. The purpose of the rule was to prevent exactly what is happening here now, and that is to prevent amendments being offered that had not been carefully considered, that had not been wisely considered, and that can not be so considered on the floor. Therefore the rules of this House say that the amendment offered must be germane, not to the bill but to what is in the bill and in the paragraph. And there can be no doubt whatever that the decision of the Chair conforms not only to the rule of this House but to the precedents of this House. I move to close all further debate on this question.

Mr. HARRIS and Mr. WEEKS rose.
The CHAIRMAN. The gentleman from Alabama [Mr. Underwood] moves to close all further debate.

Mr. HARRIS. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. HARRIS. I should like to know whether the gentleman means, by his statement of the rule, that no amendment of this sort can be offered to a bill in this House until it has been previously submitted to a subcommittee of the Committee on Ways and Means.

The CHAIRMAN. That is not a parliamentary inquiry. The Chair is only ruling on one question. The gentleman from Alabama [Mr. Underwood] moves that all debate be closed on this appeal.

Mr. HARRIS. May I have an answer to my parliamentary inquiry?

The CHAIRMAN. The question is on closing debate on the appeal.

The question was taken; and on a division (demanded by Mr. Mann) there were-ayes 85, noes 76.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. UNDERwood and Mr. MANN.

The committee again divided; and there were-ayes 107,

Accordingly the motion to close debate on the appeal was agreed to.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, on a division (demanded by Mr. Mann) there were—ayes 111, noes 81.

Mr. MANN. I ask for tellers, Mr. Chairman. Tellers were ordered, and the Chairman appointed Mr. Un-DERWOOD and Mr. AUSTIN.

The committee again divided; and the tellers reported-ayes 114, noes 81.

Accordingly the decision of the Chair was sustained.

Mr. Chairman, I desire to offer an amendment. Mr. HILL. Mr. MOORE of Pennsylvania. Mr. Chairman, a parlia-

mentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Under the ruling of the Chair and the action of the committee thereon, I should like to know whether it is now in order to offer another amendment, providing that the free list shall not be extended to any articles manufactured in a foreign country in the production of which labor has been employed more than eight hours a day?

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that any Member of the House is at liberty to offer any amendment. The Chair only passes upon these questions when points of order are made. The gentleman from Connecticut [Mr. HILL], a member of the committee, is recognized.

Mr. HILL. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

The amendment was read, as follows:

After the word "nine," in line 3, page 2, insert:
"Provided, That all articles and all parts of patented articles named herein as exempt from duty, and which are made or sold or are intended to be sold under letters patent issued by the United States of America, if manufactured abroad, shall, when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), pay the rates of duty, upon the entry or withdrawal thereof, to which they were subject prior to the passage of this act, and no such patented articles or parts of patented articles manufactured abroad under any patents issued by any other country shall be admitted free of duty when imported from any country, dependency, or colony which imposes a tax or duty on like articles imported from the United States."

Mr. UNDERWOOD. Mr. Chairman, I make the point of

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against the amendment that it relates to administrative features of the bill and is not germane to this paragraph of the bill.

Mr. HILL. It is not an administrative feature of the bill, and if the gentleman had listened to the reading of it he would have seen it. It relates solely to the duties named in this amendment, and nothing else. It relates to nothing in the general law; it simply relates to specified articles in this amendment, and it provides that they shall be dutiable under certain circumstances.

I had some question when I prepared this amendment this morning as to whether it should not be offered as an amendment or proviso to the free list. I am frank to say that, but I want to say to the chairman of the committee and to the other side that I am not offering the amendment in any captious spirit, but only with a desire to improve the bill, and the Lord knows it needs improvement. I offer it with a desire simply to improve the bill, and I found upon careful consideration that, in my judgment, it should be offered to this part of the bill rather than to the free list.

Let us see:

That on and after the day following the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraph of this act upon the articles hereafter enumerated—

Except, and so forth, and the amendment belongs right there. It seems to me that that is the proper place for it; "except cer-

Mr. PALMER. The language would not belong to the enacting clause any more than to the entire free list.

Mr. HILL. It is not providing for a free list. It is providing that there shall not under certain circumstances be a free It means that certain rates shall be provided for except under such-and-such conditions, and it seems to me, after care ful consideration, that it would not be proper to attach that amendment to the free list, but that it would be proper to put it right here where the committee prescribes that the rate of duty of the articles enumerated shall be as follows. And I supplement that by saying "except certain articles."

The CHAIRMAN. The Chair would like the attention of the gentleman from Connecticut. The gentleman's amendment says that it is to line 2, page 2.

Mr. HILL. Well, Mr. Chairman, I may not have the same opy. I understand the bill was amended in caucus, and the bill before the House is not the committee bill but the caucus bill. Where I intend to put it is at the end of the clause which provides what the rates of duty shall be.

Mr. MANN. At the end of line 3, page 2.
Mr. HILL. It should come in after the word "nine," line 3, page 2.

Mr. PALMER rose.

Mr. HILL. Does the gentleman wish to ask a question?

Mr. PALMER. I was going to make some observations to aid the Chair in coming to a proper conclusion on the point of order.

Mr. HILL. I have only one word more. The enacting clause provides that after a certain day the rates of duty prescribed in the paragraph shall be as follows. I provide that that shall

be so except in certain cases. That is an there is a fine of the Mr. PALMER. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Connecticut [Mr. amendment offered by the enacting clause in the bill. If I understand his amendment aright, it is that under certain circumstances certain articles which are covered by the free list in this bill shall be dutiable. Now, it is possible that when we reach the free list in the bill the amendment offered by the gentleman from Connecticut may be germane, although I am not undertaking to foreclose my own judgment on that proposition just now.

Mr. HILL. It is not a restriction of the free list.

Mr. PALMER. I understand that, but the gentleman will observe that if he could put this in as an amendment or restriction into the enacting clause, he should insert at that point as an exception to the articles on which duties shall be paid every article carried in the free list. The Chair will notice, if the Chair reads through the bill, that as each item in the dutiable list is reached, if there are exceptions which take the article out of the dutiable list and place it on the free list, these exceptions are there mentioned. For instance, in the wire clause of the act, wire comes in at a certain rate of duty, but there is a proviso carried in that paragraph providing that barbed and all other fence wire and wire fence and baling wire shall be

exempt from duty.
Similarly in the watch paragraph there is a provision requiring that importers of watches shall mark the plate and the movement with certain words indicating the place of origin, etc., and the provision in the law is, as in the present Payne law, that any watch movement which does not bear such a marking shall not be imported at all. It is the consistent, systematic, and scientific arrangement of these matters that make such exceptions as the gentleman undertakes to make here in order at the point in the bill where the particular article

is specified.

Mr. HILL. The gentleman's point, then, is that the amendment should be offered when the articles are reached in the dutiable list? Of course it would not be proper in the free list to put a duty on any article. It must be offered when the articles are reached in the dutiable list, like wire and the other things to which he refers?

Mr. PALMER. Mr. Chairman, I am not going to decide points of order, but I might say this, that if the gentleman's amendment is in order anywhere, it could only be at some place

in the bill where similar articles are specified.

Mr. HILL. Mr. Chairman, in reply I have to say that the articles are not specified in the dutiable list and consequently it could not be put there.

Mr. PALMER. There is a dutiable list specified, however.
Mr. HILL. They are specified in the free list, but that is for articles that are free. I want to make the articles dutiable under certain circumstances, and therefore it would not be proper for me from my present standpoint to offer the amendment to the free list. I have studied the case somewhat care-My first thought was to offer it as an amendment to the fully. My first thought was to offer it as an amendment to the free list. I could see no propriety in putting dutiable articles into the free list. I tried to put it into the dutiable list. The articles are not mentioned there. Consequently there was no place for the amendment there, and it seemed to me that I was forced to the point of putting it in the definition clause in the beginning; and I do not see, if it does not go there, how it can go into the bill at all under the suggestions of the gentleman

from Pennsylvania.

Mr. PALMER. Mr. Chairman, I will say to the gentleman from Connecticut that while these particular articles are not mentioned in the dutiable list, because they are put on the free list, yet kindred articles with which these have been classified in the tariff laws from the beginning are in the dutiable list; and if there is any place where these articles should carry a duty it would be in the paragraph carrying these kindred articles.

Mr. HILL. There is no kindred article to a patented article, which is a monopoly. The articles are not mentioned in the dutiable list, and therefore must go in the opening clause.

Mr. MANN. Mr. Chairman, if I understand the argument of the gentleman from Pennsylvania [Mr. Palmer] correctly, it is that you can insert no item under the dutiable list except in connection with a paragraph already in the dutiable list. may have misunderstood the gentleman, but I think the gentleman from Pennsylvania will not contend that tungstenbearing ores of all kinds being in this bill on the free list could not by the House be put in the dutiable list. That certainly is not the contention of the gentleman from Pennsylvania?

Mr. PALMER. I made no such contention.

Mr. MANN. I thought the gentleman did not make the contention, but his statement covered that, that it must be offered to an item in the bill. Here is a proposition that can not be offered to an item in the bill. The gentleman from Pennsylvania says that it is offered as a part of the enacting clause. Not at all. The enacting clause is:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That is the end of the enacting clause. All the rest is the bill. The next word commences with the definition of the articles to be covered by duties. I call the attention of the Chair to the fact that if it be claimed that this is obnoxious because it is an administrative feature, then the bill itself contains administrative features. Paragraph 42 of the bill, relating to the tariff on antimony, contains this provision-

Provided, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to preperly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise—

and considerably more along the same line-a purely administrative feature of the bill. I call the attention of the Chair to the proviso in paragraph 26 and paragraph 28. I will read one of those paragraphs

Mr. DALZELL. And paragraph 51 also.

Mr. MANN. And a paragraph similar to the one I read a moment ago is paragraph 51. Paragraph 26 relates to pen-

Provided further, That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

I would not consider that an administrative feature, but it is fully as much an administrative feature as to describe an article as a patented article.

Mr. PALMER. Will the gentleman yield?

Mr. MANN. Certainly. Mr. PALMER. Would the gentleman from Illinois think it would be proper to lift that proviso out of the cutlery section and put it in here, where the gentleman from Connecticut proposes to put his amendment, even if it were germane?

Mr. MANN. Now, the gentleman from Pennsylvania ought to understand-and I am sure he does-that there are two ways in which you can insert a provision like this in a bill, either as to every item in the bill, or, if the paragraph is to cover all the items, insert it generally as one item in the bill; but the gentleman from Connecticut, under the contention of the gentleman from Pennsylvania, might offer his amendment to each paragraph of the bill. How futile it would be, how bunglesome it would be, to insert a general provision following each paragraph of the bill. It has always been the custom in enacting a provision where it was intended to cover all the provisions of the bill to provide that by a general provision, but if it is only intended to cover one provision of the bill, then it is offered as a proposition to that specific provision. Here the committee inserts these provisions as to specific paragraphs of committee inserts these provisions as to specific paragraphs of the bill, because they are only intended to apply to those spe-cific paragraphs; but certainly the Chair will not rule that if they had intended to provide that every article in the bill should have the name of the maker conspicuously marked upon the article that it would have to be inserted in connection with each paragraph and could not be inserted as a general paragraph covering all the provisions of the bill. But, Mr. Chairman, I understand that the gentleman from Alabama stated that no amendment was in order unless it had been previously submitted and passed upon by the Committee on Ways and

Means, although I am reliably informed that the Committee on Ways and Means never read the bill. How could the amendment be submitted to that committee when it never read the [Applause on the Republican side.]

The CHAIRMAN. Does anyone else desire to be heard? Mr. HILL. Mr. Chairman, I desire to be heard briefly.

Mr. UNDERWOOD. Mr. Chairman, rather than take up the time of the Chair to decide the question, I withdraw the point of order and will let the House vote upon it. [Applause on the Republican side.]

Mr. HILL. Mr. Chairman, I would like to be recognized to speak to the amendment. As I said in the beginning, gentlemen, I have not offered this amendment in any captious spirit whatever. I recognize the fact that the countries of Europe invalidate American patents unless the articles which they cover are manufactured in Europe. England does that, I think, unless manufacture is begun within 12 months after the patent is taken out; otherwise the patent becomes invalidated. think that is true in all the countries of Europe; it is certainly true, perhaps with a change of time of one or two years, with Germany and France. This bill provides that certain articles named in the free list, including machine tools which are made under various patents all over the United States, and which is an enormous industry and which uses enormous quantities of metals, both copper, lead, zinc, babbitt metal, and so forth, can be made in Europe and shipped into this country free of duty, not only as to whole machines but as to parts separately. For instance, the cast-iron beds of enormous lathes could be cast in Europe and shipped into the United States free of duty and avoid paying a tax to the United States Government if it was a part of a patented machine. I do not want to see that done.

I do not believe our friends on the other side of the House want to see that done. The ultimate effect of it, and I know the immediate effects of it in two or three other cases, would be to transfer the industries to the other side, where factories are established, and ship the parts into this country and simply have the assembling shops here

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. HILL. Certainly. Mr. CRUMPACKER. Is it not the law in foreign countries that domestic as well as foreign patents will be forfeited unless they are used within a limited time?

Mr. HILL. I have so stated. And it is not the law in the

United States.

Mr. CRUMPACKER. Let me ask the gentleman this in relation to his own amendment: Does that affect domestic patents?

Mr. HILL. No; it does not go to that extent.

Mr. CRUMPACKER. So that patents of foreign countries will not be on the same basis?

Mr. HILL. I did not want to go beyond the strict terms of this law which is now under consideration, and it seemed to me if I attempted to make a change in the patent law under this amendment that I should be offering an amendment which was not germane. But this refers exclusively to the articles named in this bill, namely, that if made or sold under a patent, having a monopoly in the United States, they shall not be admitted free, but shall pay the same rate of duty as heretofore if shipped in and controlled here by a monopoly.

Mr. CRUMPACKER. The effect of the gentleman's amend-

ment, if it should be enacted into law, would be to abrogate the treaties of the United States which guarantee the foreign patents the same rights and privileges that domestic patents enjoy.

Mr. HILL. No; it would not do that. It would provide two things. First, that American manufacturers who are manufacturing patented articles must manufacture them here or else pay a duty. Under this bill they could bring them in free, even if manufactured abroad. Now, I want to say to the gentleman this, that I am not thinking wholly of goods manufactured in Europe-in England, in Scotland, in France, or in Germanybut I am thinking of the situation right across the border, where we are said to have \$200,000,000 of American manufacturing capital to-day employed in making the identical things that can be made here. And it will be just as easy to ship from Toronto or Montreal into the United States free as it is to ship them from Chicago or New York. And this bill as it stands to-day is nothing but a bid for the transfer of American capital into Canada. I do not think it will go to Mexico, but this will transfer it to Canada or to Europe, giving them free admission not only on the finished products, but, what I fear far more, on the finished parts.

In one case of a very large concern in this country they told me last summer, when the free-list bill was pending, they were expecting hereafter and were making arrangements to manufacture parts of their machinery in their factory abroad and ship them to the United States and assemble them here. You do not want that done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. UNDERWOOD. Mr. Chairman, I object. It is evident that gentlemen on that side of the House are attempting to filibuster.

Mr. MANN. That is not true, and I give fair warning that if unanimous consent is denied in this case there will be no more unanimous consents in this Congress. If the gentlemen who are on the committee are not entitled to 10 minutes on an

Mr. UNDERWOOD. I am not charging the gentleman from Connecticut with filibustering, but I am charging that unnecessary motions are being made on that side of the House. gentleman desires to have these amendments considered with reasonable debate, I am willing to consent to it. But as to the use of time unnecessarily upon such a question as the question of closing debate or on questions that are not necessary, I intend to apply the rules of the House.

Mr. HILL. I ask unanimous consent, Mr. Chairman, to be allowed to proceed for five minutes.

Mr. MANN. I will be perfectly frank with the gentleman from Alabama [Mr. Underwood]. There has been no filibustering on this side of the House.

A Member. Oh, no! Mr. MANN. Some gentleman is afraid to rise on the floor back there.

We thought we were entitled to a ruling in a very important proposition, and when we think we are entitled to that we shall exercise our rights as we have exercised them in the past. could have had this morning, or anybody on this side of the House could have had, two additional roll calls. We did not exercise our right on that question. If we had been filibustering, we would have had four roll calls this morning instead

Mr. UNDERWOOD. Mr. Chairman, I will state to the gentleman from Illinois that I have no desire in the world to cut off reasonable debate and reasonable opportunity amendments. If that is all that gentlemen on that side of the House want, they shall have it. But if it is an attempt to delay the passage of this bill, I shall insist upon the rules being strictly applied. For the present I will withdraw my objection.

The CHAIRMAN. The gentleman from Alabama [Mr. Underwood] withdraws his objection. The gentleman from Con-

necticut [Mr. Hill] is recognized for five minutes.

Mr. HILL. In explanation of my request, Mr. Chairman, will say this: The members of the Committee on Ways and Means were assured that when the bill came up under the fiveminute rule the same generous treatment which was accorded to the minority by the gentleman from Alabama last summer would be accorded to the minority here now, with respect to opportunity for offering amendments, and for that reason I declined to take any time in general debate-

Mr. UNDERWOOD. That is my understanding

Mr. HILL. And I told not only the Republican ranking member that we would not take it, but I suggested to other gentlemen that they should not take it, inasmuch as it was the wish of the gentleman from Alabama that the debate should close speedily, with the understanding that the same generous spirit which was manifested last year when we came to the five-minute rule would be manifested now.

Now, Mr. Chairman, I am in earnest in regard to this amendment. It seems to me it is an exceedingly important amend-It seems to me it will stop the transfer of very large industries from this country to Europe. They will naturally avail themselves of the advantage which is given to them under the terms of this bill and bring in articles made there and parts of articles made there-not patented parts, but parts of patented articles made there-which would absolutely destroy and wipe out the duty on the raw materials which otherwise they would have to pay if the articles were made here; and they will bring such articles here. It would transfer not only to Europe but it would also transfer to Canada a great many of our manufacturing institutions.

I think it would have a very serious effect on the production of agricultural implements, for one thing. I do not agree at all with the position taken by the chairman of the Committee on Ways and Means, just as we adjourned last evening, in regard to the effect of this bill upon agricultural implements. He puts no agricultural implements on the free list of this bill, on the ground that agricultural implements are not found in Schedule C and are not affected, and therefore it would not be proper to put them in here, overlooking the fact that in the

free-list bill last year he not only specified certain articles which were specified in the Payne bill, but he also made a basket clause which took in everything covered under section 199, or the basket clause of the same bill; and he has now restored all of these agricultural implements, like wagons, farm carts, and all agricultural tools except those which were specified before in the Payne bill and which do come in under the metal schedule—all of these things are transferred and made dutiable at 25 per cent now under this bill, notwithstanding the solicitude that was manifested by the gentleman for the farmer class last summer.

Now, I do not want to have that done. Furthermore, I do not want to see the products of great trust monopolies manufactured in Canada and sent over here free of duty. I do not want to see the typewriting industry transferred from this country to Europe and the machines made in their factories I do not want to see the cash registers that are now made in Dayton, Ohio, manufactured in European factories and brought here. I know many of these concerns have within the last 12 months seriously considered the transfer of their plants from the Central West to the Atlantic coast. them, which I will not name, but an exceedingly large concern, one of the largest in the United States, making a purely patented monopoly, was negotiating, either authoritatively otherwise, through an agent, to transfer that industry from the Central West into the State in which I live in order to get the advantage of ocean transportation. I do not want to see your Western States stripped of your patented manufactures and see them transferred to the seacoast, with the privilege of bringing all their product into the United States free of duty, and then, under Democratic legislation, maintain the prices, as they could do, with an absolute monopoly under a patent. If you want to do that, then vote against the amendment.

Mr. AUSTIN. If this bill should become a law, would we need any cash registers in this country?

Mr. HILL. I am offering the amendment not in any critical spirit but to improve the bill.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

SEVERAL MEMBERS. Vote!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. Hnl].

The question being taken, on a division (demanded by Mr.

HILL) there were—ayes 61, noes 86.

Accordingly the amendment was rejected. Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Add after the word "nine," page 2, line 3:
"Provided, That no article of foreign manufacture upon which labor has been employed for more than eight hours per day shall be admitted into the United States."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that is not germane to the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, those of us who are protectionists believe sincerely

The CHAIRMAN. The gentleman from Alabama makes a point of order.

Mr. MOORE of Pennsylvania. Surely the gentleman will serve his point of order upon a question of this importance.

Mr. UNDERWOOD. I can not reserve the point of order. the interest of the bill I shall have to make the point of order

that the amendment is not germane.

Mr. MOORE of Pennsylvania. I am sure there are gentlemen on that side of the House who would like to discuss this

question. It comes very close to home to many of them.

Mr. UNDERWOOD. The parliamentary question is identical

with the one first raised.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is a matter of so great and overpowering importance to the working-men of this country, who are put in competition with the lowpaid labor of Europe, that I must appeal from the decision of the Chair if he rules this to be out of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. MOORE of Pennsylvania. I do; but I understood I was foreclosed by the attitude of the gentleman from Alabama.

The CHAIRMAN. The gentleman from Alabama makes the point of order, but the gentleman from Pennsylvania [Mr. Moore] has a perfect right to discuss the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, with regard to the point of order, I desire to say that I have drafted this amendment so that it entirely harmonizes with the paragraph

to which it is proposed to attach it. I have omitted the word "products" in order that the amendment may harmonize with the word "articles" used in the first paragraph of this bill. The provision is general. It applies as broadly to the subject which constitutes the text of the bill as does the opening paragraph itself, and it seems to me it is germane, particularly in view of the fact that those who propose the bill intend to cut down duties which we say protect labor in the United States. My amendment proposes directly to protect labor against what we believe to be the invasion of foreign imports provided for in this bill. We are presenting a contradiction to the bill itself in this amendment, and simply putting the question up to the House whether we shall have the opportunity to say no to your affirmative proposition.

The CHAIRMAN. The Chair is prepared to rule. Under Rule XXI, paragraph 3, no amendment shall be in order to any bill affecting the revenue which is not germane to the subject matter in the bill. As the Chair understands, there is nothing in the entire text of the bill relating to that proposition embodied in the amendment. The Chair, therefore, sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. UNDERWOOD. Mr. Chairman, I want to give gentlemen notice on that side. I stated before that this identical question had been raised once this morning and had been decided on appeal, and if gentlemen insist on that procedure the debate must be limited to five minutes on a side.

Mr. MANN. I did not know that anybody was going to debate it, but I want to say that if we are to be run over we will cer-

tainly kick while being run over. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to say to the gentleman from Alabama and to the House that if a Member on this side who presents an amendment in good faith, which he believes to be for the welfare of the wage earners of this country, is to be regarded as insincere because the committee on the other side brings in a report which is to be acted upon without debate, then we are operating in this House under what is virtually gag rule [applause on the Republican side], and the voice of the voting man is not heard here. There are labor leaders in this House upon that side as well as upon this who are continually asking that the eight-hour law in this country be enforced. Now, you bring in a measure upon which no debate is to be allowed, you, who are a majority in control of the House, and when a Member, rising in his place on this side, offers to discuss a question of vital interest to the workingmen of this country you say that he is not sincere and you do not propose to hear him. I think this will come home to

Mr. SHACKLEFORD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SHACKLEFORD. The gentleman has been a long time a Member of this House; he was a Member when the Payne-Aldrich bill was passed. Did he ever introduce an amendment of this kind before?

Mr. MOORE of Pennsylvania. I have voted in favor of the eight-hour amendments, and I ask the other side for the same

support that I have given their measures.

Mr. SHACKLEFORD. Will the gentleman answer; did he ever offer his amendment to the Payne-Aldrich tariff bill?

Mr. MOORE of Pennsylvania. I voted for the Payne tariff

bill.

Mr. SHACKLEFORD. Did the gentleman offer this amend-

ment or a similar one to the Payne-Aldrich tariff bill?

Mr. MOORE of Pennsylvania. I offer this amendment now in good faith because I believe that it is in the interest of the workingmen.

Mr. SHACKLEFORD. But the gentleman does not answer my question, and does he not know that he does not and that he is playing buncombe politics, with a smile on his face, while

we are trying to argue the question? [Laughter.]

Mr. MOORE of Pennsylvania. Does the gentleman from Missouri, a member of the Ways and Means Committee, which brings in a bill which I believe is vital to the interests of the working people of this country, mean to tell me that I have a smile on my face and am not sincere in wanting to take care of the interests of the workingmen of this country?

Mr. SHACKLEFORD. I say that when the gentleman's own party was in power, and when his own party presented a bill that became odious all through this country, he did not offer this amendment to that bill, and when I put the question to him whether he did he has a cynical expression on his face any of my time?

which I take to be a smile; at any rate, it shows that he is

not sincere. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania is keeping in good humor and trying to discuss the matter in a manner that befits a Member of this House. The gentleman from Pennsylvania has good will in his heart and love for his fellow members, and an interest in the welfare of

the working men of his country as well.

Mr. SHACKLEFORD. In the manifestly deep-seated love which the gentleman bears to us all, will he kindly and specifically answer my question: When the Payne bill was before this House did the gentleman offer the amendment which he

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania did not offer the amendment to the Payne tariff bill, but in view of the fact that the gentleman from Missouri has referred to that "nefarious" and "odious" measure, as he calls the Payne tariff bill, I desire to call his attention to the fact that the only spokesman on the other side of the House in support of the measure now before us, the gentleman from Pennsylvania [Mr. Palmer] told us yesterday of the marvelous development of this country, the great growth of industries and the wealth created, all of which came under the Payne and Dingley tariff bills. [Applause on the Republican side.] the gentleman wants to ask any more questions about that "nefarious" bill that built up this country he may do so. Does he want to destroy the industries that we want to protect?

Mr. SHACKLEFORD. Did the Payne-Aldrich or the Dingley bill contain such a provision as the gentleman is offering to

put into this one?

Mr. MOORE of Pennsylvania. It did not. Mr. SHACKLEFORD. The gentleman was here, and why did he not try to put it on that bill?

Mr. MOORE of Pennsylvania. I would ask the gentleman whether if the provision had been in the Dingley or the Payne tariff bills the gentleman from Missouri would have voted for either of those bills? Will the gentleman answer that question, categorically, yes or no? Mr. Chairman, the gentleman does not answer.

Mr. KENDALL. Mr. Chairman, the gentleman does not

answer.

Mr. MOORE of Pennsylvania. Why does not the gentleman answer?

Mr. SHACKLEFORD. I am not playing politics. [Laughter on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I have regarded the gentleman, who is a member of the Committee on Ways and Means, as sincere, and I have always regarded the Democratic chairman of the Committee on Ways and Means, since I have been in the House, as sincere in presenting a measure. I have no thought that the gentlemen are playing politics when they bring this bill into the House. I believe they want it to pass, and if they do, and are not putting it up to us so that the Republican President can veto it, why in the name of heaven do they not open wide the doors and let us discuss it

Mr. SHACKLEFORD. The gentleman is discussing it now in violation of the rules of the House, and I do not see why he should complain.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think I have

some time remaining.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. HAY. Mr. Chairman, I rise to a point of order, that the discussion now going on is not germane to the question before the committee.

The CHAIRMAN. The gentleman from Virginia makes the point of order that the discussion now proceeding is not germane to the question before the committee. The Chair sustains the point of order. The question is, Shall the decision of the Chair stand as the decision of the committee?

Mr. MOORE of Pennsylvania. Mr. Chairman, does the Chair rule that this proposition can not be further debated?

The CHAIRMAN. Oh, the gentleman from Pennsylvania is entitled to the floor.

Mr. MOORE of Pennsylvania. Being entitled to the floor,

am I not permitted to concede some of my time? Mr. SHACKLEFORD. How much time has the gentleman? The CHAIRMAN. The Chair holds that the gentleman from Pennsylvania [Mr. Moore] is entitled to the floor to discuss

the question before the committee, and that is the question of the appeal from the decision of the Chair. Mr. MOORE of Pennsylvania. Am I not permitted to yield

The CHAIRMAN. The gentleman is permitted to yield time, but there is so much confusion and so many gentlemen are clamoring for recognition that the Chair has been trying to restore order.

Mr. MOORE of Pennsylvania. But the Chair was about to put the question, as I understood, and that prompted my inquiry whether time was still under my control.

The CHAIRMAN. The time of the gentleman from Pennsylvania under the five-minute rule has expired.

Mr. NORRIS. Mr. Chairman—
The CHAIRMAN. The gentleman from Nebraska is recog-

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to know whether, under the question as it is now pending before the committee, an appeal from a decision of the Chair, I am limited to five minutes?

The CHAIRMAN. That is the holding of the Chair. We are proceeding under the five-minute rule.

Mr. NORRIS and Mr. GARNER rose.

The CHAIRMAN. The committee will be in order.
Mr. MOORE of Pennsylvania. Mr. Chairman, I again respectfully present this parliamentary inquiry to the Chair.
The CHAIRMAN. The gentleman will state it.
Mr. MOORE of Pennsylvania. Are we not now considering

an appeal from a decision of the Chair?

The CHAIRMAN. The gentleman is correct.

Mr. MOORE of Pennsylvania. And on that appeal, have we not passed from the five-minute rule to the hour rule?

The CHAIRMAN. The Chair thinks not. If the gentleman from Pennsylvania can show any authority for that, the Chair It is the opinion of the Chair that we are will hear him. operating under the five-minute rule.

Mr. MOORE of Pennsylvania. And the Chair rules that the gentleman from Pennsylvania having concluded five minutes, is now out of order?

The CHAIRMAN. The time of the gentleman from Penn-

sylvania has expired.

Mr. NORRIS. Mr. Chairman, it seems to me that we ought to recognize the fact that this is an appeal from the decision of the Chair ruling out of order a certain amendment; and I submit to my friend from Missouri [Mr. SHACKLEFORD] that the questions he has been propounding to the gentleman from Pennsylvania have no bearing upon the point of order that we are now called upon to decide, and that we must decide in voting upon this appeal. The Chair has held that this particular motion is out of order. The motion to amend offered by the gentleman from Pennsylvania is in the nature of an administrative feature of the bill. I can not understand upon what ground the Chair has held the motion to be out of order. It is immaterial now, in deciding this question, whether any man is in favor of the motion upon its merits or not. We ought to decide the question as to whether it is in order as a parliamentary proposition. Now, if you take the pending bill, page 10, line 13, you will find there an administrative provision. It

Provided. That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin, etc.

This amendment is a certain restriction as to administration on certain articles unless certain conditions have been complied with and have been shown to exist. You have in the provision that I have read a similar administrative provision, You have in the so that if this amendment is out of order the provision that I have read is subject to the point of order, and I have no doubt there are many other similar provisions in this bill. We ought not to decide the question simply because we are opposed to an amendment or perchance are afraid to go on record in voting on that amendment, but the question ought to be decided upon the parliamentary law as applying to the question now before us. It seems to me that the Chair, with all due respect, is entirely wrong in this ruling, and if he is right, then he must hold out of order every provision that is in the bill or offered as an amendment that goes in any degree to any administrative feature of the bill as it applies to particular items included in this bill. Now, Mr. Chairman, I do not believe that your position can be substantiated by any parliamentary authority. It seems plain, and I have no doubt that when we get to page 10, if the point of order were made against the proviso I have read, the point of order would be overruled and the House would consider it rightly so, and if that is right, then you ought to be consistent and vote to overrule the Chair in this particular decision and hold that the amendment offered by the gentleman from Pennsylvania is in order.

Mr. HARRIS. Mr. Chairman, I should like to say a word here in behalf of some Members of the House on this question

who are neither to be praised nor blamed for what past Congresses have done. There are new Members in this House who desire to vote upon some of these questions and to express their opinions, and I stand here now feeling that I have a right to vote upon these propositions and not be gagged in the start and not have a chance to express my opinion. It seems to me that the ruling of the Chair is not proper to be sustained and ought not to be sustained. Now, I think that in this House new Members, at least having for the first time in our history a chance to do so, should be given an opportunity to record a vote upon vital questions.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I be indulged for just one moment before the Chair makes a decision?

The CHAIRMAN. The Chair has already decided, the question is on an appeal from the decision of the Chair. The question is, Shall the decision of the Chair be sustained as the judgment of the committee?

The question was taken; and the Chair announced that the

"ayes" seemed to have it.
On a division (demanded by Mr. Moore of Pennsylvania)
there were—ayes 105, noes 63.

So the decision of the Chair was sustained as the decision of the committee.

Mr. YOUNG of Michigan. Mr. Chairman, I wish to offer an amendment to the amendment offered by the gentleman from Colorado.

Mr. UNDERWOOD. There is no amendment pending. The CHAIRMAN. The Chair will state to the gentleman from Michigan that the gentleman from Colorado has no amendment pending.

Mr. YOUNG of Michigan. Very well, then, I will offer this as an amendment to follow line 3, page 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 3, by inserting after the word "nine" the following:

following:

"Iron ore, including manganiferous ore and the dross or residuum from burnt pyrites, 15 cents per ton: Provided, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith."

Mr. UNDERWOOD. Mr. Chairman, I understand the gentle-

man to offer that as a new paragraph at this place.

Mr. YOUNG of Michigan. Yes. Mr. Chairman, this is the provision of existing law. If I offered the amendment which I think ought to be offered, I should make the rate much higher; but this is the provision in the present law, and I know it is the very best that can be expected from the present Congress, and I wish very briefly to call the attention of the committee to a few facts. The chief producer of iron ore, aside from the United States, which comes to this country is the island of Cuba. Now, just a word as to the cost of production here and in Cuba.

In the late report of Herbert Knox Smith on the cost of Lake Superior iron ore, I find, on page 76, that he states the average cost of iron ore at Lake Erie ports from the Lake Superior district was \$2.70 a ton. And he then gives a table showing the exact cost of the United States Steel Corporation, which furnishes the cheapest ore from that district. He shows that that ore at Lake Erie ports costs \$2.40 a ton-\$1.21 for mining, 40 cents actual cost of rail freight, 61 cents lake freight, and 18 cents general charges. The freight from there to Pittsburgh is 96 cents. Of course, the steel corporation has its own railroad, and some deduction ought to be made for actual cost of transportation. Suppose we throw off the 36 cents, and we have \$3 in Pittsburgh. We all know that Pittsburgh is the great mart for iron ore.

Now, let us look at the Cuban situation. I was talking day before yesterday with a very distinguished mining engineer, one very familiar with Lake Superior conditions, who has spent many months examining the Cuban ore deposits, and he is a gentleman of such character that he has been selected by the Bureau of Mines to prepare a monograph on the mining of iron ore throughout the world. He tells me that the Cuban iron ore from the Mayari district can be mined and placed in boats for 25 cents a ton; that the companies now mining there have an offer from a steamship company to put on a line of boats to transport that ore for 50 cents a ton to Sparrows Point. The rail rate from there to Bethlehem is 50 cents, making the cost of ore at Bethlehem \$1.25. The rate now to Pittsburgh is \$1.50, making the cost there \$2.25. But, sirs, I am also informed that the railroads have already consented to a substantial reduction in the \$1.50 rate. Now, this means

The CHAIRMAN. The time of the gentleman has expired.
Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. Young] may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman have five minutes more. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan will proceed.

Mr. YOUNG of Michigan. Now, then, against this situation must be taken the fact that the Lake Superior ores run about

50 per cent in iron and Cuban ores 40 per cent in iron. But this is sufficient to show that in this great market at Pittsburgh, at the foot of the Allegheny Mountains, this Cuban ore can meet

the Lake Superior ore on more than even terms.

The condition of the New York mines is even worse. The gentleman from Pennsylvania said that it was the intention in this bill to enlarge the zone somewhat in which foreign products could come into this country, but I wish to submit to him that that zone as to iron ore is already sufficiently large. No Lake Superior ore and scarcely any New York ore has been sold along the Atlantic seaboard for years even when the tariff was 40 cents a ton. If you wish a protective tariff, then there ought

to be some duty on iron ore.

And I wish to say a word to my Democratic friends. From the foundation of this Government until the present time there has been a duty on iron ore. Political parties have come and political parties have gone, but never has it been attempted before to take all duty off of iron ore. There ought to be a duty on it for revenue purposes alone, if for nothing else. Why? Because it will come in in large quantities, anyway, for use along the Atlantic seaboard and for a considerable distance west. There are immense bodies there. It is bound to come in, and the Government might just as well have a reasonable revenue from it.

Mr. AUSTIN, Mr. RUCKER of Colorado, and Mr. PALMER

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

PALMER] is recognized.

Mr. PALMER. Mr. Chairman, in writing this bill we have had two purposes in mind; first, to lighten the burden of taxation now resting on the people by reason of the operation of the Payne law, and, second, to raise as much revenue at least as the Payne law was able to raise for the purpose of the operation of the Government. We firmly believe, Mr. Chairman, that in presenting this bill, so far as this schedule goes, we have accomplished both of those purposes. Of course, it is true that there are exceptional cases where, in order to lighten the burden of taxation upon the people, we must sacrifice revenue. And there are similarly other exceptional cases where, in order to raise the necessary amount of revenue, we must add to the bur-den of taxation. We feel that as far as iron ore is concerned, by placing it upon the free list, we do an act of simple justice and fairness to the manufacturers in America and at the same time make it possible that the final consumer of the articles which are manufactured from that ore will benefit in the price of their product.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman permit a question right there?

Mr. PALMER. I want to take only five minutes on this, but

I will yield to the gentleman.

Mr. YOUNG of Michigan. I presume the gentleman is familiar with the testimony of Mr. Schwab, given before the Committee on Ways and Means when he appeared to favor taking the duty off from iron ore, when he said that in his opinion it would not lower the cost of any manufactured product

to the consumer if it were done?

Mr. PALMER. I understand that is Mr. Schwab's opinion about the final cost to the consumer. But Mr. Schwab is not the only manufacturer of steel and iron in this country who is affected by this provision in this act. That might definitely and finally understood right now. The fact is that nearly all of the independent people in the iron and steel business are necessarily interested in this proposition. The big people, as for example the Steel Corporation, have practically an absolute control of the American ore beds to-day, not only by ownership and leasing, but by a variety of devices with which my friend the gentleman from Michigan must be perfectly familiar.

He says that no western ore has been sold along the Atlantic seaboard for years. That is true, and the reason for it is not so much in the control by ownership and leasing on the part of the corporation as in the indirect control by various devices of transportation across the Lakes. Why, there are upon the Lakes to-day men who would be anxious to carry in their vessels this ore at prices which would make it possible for it to be laid down in the eastern Pennsylvania market at such price that they would not have to bring in Cuban ore.

Mr. YOUNG of Michigan, Mr. Chairman, will the gentleman riold?

vield?

Mr. PALMER. But, Mr. Chairman, the steel corporation will not permit that kind of transportation on the Lakes even by these independent transporters.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentle-

man permit a statement right there?

The CHAIRMAN. The time of the gentleman has expired. Mr. PALMER. I do not want to hold up the debate, so I

think I will not go on any further.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan offers an amendment providing for a duty on iron ore. I made the assertion, Mr. Chairman, without fear of contradiction, that there are not a dozen Members in this House to-day, outside of the membership of the Committee on Ways and Means, who are in any position to form any intelligent judgment as to whether the amendment of the gentleman from Michigan should be adopted or not.

[Applause on the Republican side.]

This bill is now ostensibly being read for amendment, and what I say concerning the amendment of the gentleman from Michigan is true of every item in this bill. This bill was introduced on the 24th day of January. It was reported back on the 25th day of January. It was not until yesterday that Members of this House could secure a copy of this bill, or could secure a copy of the report of the committee. The membership of this House have had no opportunity to examine this bill, to examine the report of the Commissioner of Corporations referred to by the gentleman from Michigan—a report which is as full of information, so far as it goes, as the report of any tariff board can be. And yet you throw that report aside absolutely and deny to this side of the House the opportunity either to offer carefully framed amendments, designed to perfect the bill, or to form any intelligent judgment upon the bill itself.

Mr. PALMER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Wisconsin yield

to the gentleman from Pennsylvania?

Mr. LENROOT. I will.
Mr. PALMER. In view of the very full character of the report of the Commissioner of Corporations, I assume that the gentleman will agree with us in the opinion that it is not neces sary to wait for any report of any other board before bringing in this bill?

Mr. LENROOT. I do agree with the gentleman so far as the commissioner has reported upon this schedule. I am very frank to make that statement. But we have had that report only three days, and does the gentleman assume that the membership of this House should be compelled to study a voluminous report of that character and form a judgment upon it in three days—upon a schedule involving \$18,000,000?

Mr. PALMER. I will make this assertion, that the body

which is charged by the Constitution with the duty of preparing this legislation for the use of the House, namely, the Committee on Ways and Means, has had the information that is contained in the report of the commissioner for a very much longer period.

Mr. LENROOT. I do not question that, Mr. Chairman. But, then, the gentleman's conclusion must be this, that so long as the Committee on Ways and Means has information it is not necessary for the membership of the House to have any. [Applause on the Republican side.]

I am well aware that the gentlemen on the other side of this aisle to-day do not require information. They are slaves of the caucus, and the caucus is the slave of the majority of the Com-

mittee on Ways and Means.

But I do say that there are some men, at least upon this side of the House, who believe it is their duty to their constituents and their country to examine bills of this importance upon their merits and vote their convictions upon such bills. Applause on the Republican side.] You are denying to this side of the House that right to-day. I want to read just a few lines from an article in the February number of McClure's Magazine, which pays a very high and well-deserved tribute to the distinguished leader of the majority [Mr. Underwood], this article being written by Mr. Burton J. Hendrick. This is what he says:

The most important legislation before the Fifty-fourth Congress was the first Dingley bill. The Rules Committee made a rule which practically provided that the House should accept or reject this legislation as it stood, without amendment. This same rule limited debate on this, the most important legislation proposed in the session, to a single day.

Just what you have done with reference to this bill.

Greatly as Underwood admired Speaker Reed, his soul revolted from this kind of thing—

[Laughter on the Republican side.]

and he determined, if he should ever acquire any influence in Congress, to do his utmost to abolish the system.

[Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Wiscon-

sin has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. PALMER. I suggest to the gentleman that if he will solve the simple question in arithmetic, which is indicated in that statement, he will know that the time given for the discussion of this schedule is just 14 times as much as was given for the discussion of the same schedule in the Dingley bill at that time.

Mr. LENROOT. The gentleman from Pennsylvania must certainly be aware that I never have defended that old system. There was a time in this House when the gentleman from Pennsylvania [Mr. Palmer] joined with us in doing what we could to abolish that system; but I want to say frankly that I believe that old system, which was open and aboveboard in denying to the membership of this House their rights, was just as good and no worse than the system which you now force upon this House when you pretend to give them a right which in fact is a hollow mockery. [Applause on the Republican side. 1

Mr. Chairman, I have given such time as I could since this bill came into my possession to the study of it. It bristles with question marks from beginning to end, and I would like to have an opportunity to investigate some of those things. For instance, and to illustrate, you place certain machinery upon the free list in this bill; but machinery made by the Shoe Machinery Trust—for instance, the United Shoe Machinery Co., which is under indictment to-day in our Federal courts is given a protection of 25 per cent ad valorem, a reduction, I believe, of only 5 per cent from the nefarious Payne-Aldrich bill. So I might go on. The gentleman from Pennsylvania [Mr. Palmer] referred to ferromanganese yesterday, admitting that it was an article that was necessary in the manufacture of iron, and admitting that the United States Steel Corporation manufactured their own while the independents were compelled to secure their supply from abroad. But, gentlemen, you have raised the duty upon that 230 per cent.

Now, Mr. Chairman, this bill as a whole may be an improvement upon the present law. At this moment I am not certain whether it is or not, and I submit you have not been fair to this House in denying its membership an opportunity to investigate the bill which you have brought before us for considera-tion. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I am satisfied that the gentleman who has just taken his seat does need time to study this bill. [Applause on the Democratic side.] He needs very much more time than it is possible for this House to give him,

as shown by his own statement.

The Payne bill has been upon the statute books for nearly three years, and most of the Members of this House know that the basket clause in the Payne bill carries an ad valorem rate of 45 per cent. The basket clause in this bill is reduced to 25 per cent. The machinery that the gentleman refers to, that he says is controlled by a monopoly, namely, shoe machinery, happens to be in the basket clause of the Payne bill and in the basket clause of this bill.

And it is reduced in this bill, not 5 per cent, as the gentleman says, but is reduced from 45 per cent, the basket clause of the Payne bill, to 25 per cent in this bill. [Applause on the Democratic side.] Now, if, after having had an opportunity to study the Payne bill for three years, the gentleman has not yet discovered that the basket clause, the most universal clause in the metal schedule, was 45 per cent, I am sure we could not help him by giving him the necessary time in this session of Con-gress to study this bill. [Applause on the Democratic side.]

Will the gentleman permit a ques-Mr. YOUNG of Michigan. tion?

Mr. UNDERWOOD. No; I do not wish to be interrupted right now. Now, as to not putting this machinery on the free list. The reason that it was not put on the free list was be-cause it would have been of no avail. It is a patented article: it is a monopoly by reason of the patent rights. It can only be made where the owners of the patent desire it to be made. A tariff will not protect it, because the patent protects it. A reduction of the tariff would not have helped anybody, because the patent protects the owners of the article, so that it would simply have been a matter of absurdity to take that article out of the basket clause where it happens to fall because it is not fixed in the bill and place it on the free list, and then gone to

the country and said that we had done something. That would merely be fooling the country, and we did not want to do that.

Now, as I recollect, the gentleman from Wisconsin [Mr. LEN-ROOT] voted for the Payne bill. He himself voted to put a tax of 45 per cent ad valorem on these very articles that he criticizes us for reducing the tax on to 25 per cent. [Applause on the Democratic side.]

Now, as to the article of iron ore, the amendment offered by the gentleman from Michigan is the identical law that is con-

tained in the Payne bill.

Mr. YOUNG of Michigan. I so stated.
Mr. UNDERWOOD. A tax of 15 cents. The gentleman from Wisconsin was unable, by reason of the fact that we have reported this bill and he has not been able to read the Commissioner of Corporation's report, to determine whether he was right or wrong when he voted for a tax of 15 cents under the Payne bill. There is nothing unusual in reporting this bill. We have given more opportunity for consideration of it, far more opportunity, than has ever been given by gentlemen on that side of the House for the consideration of a tariff bill.

The Payne bill was constructed in secret, introduced in the House one afternoon, called in Ways and Means Committee the next morning, immediately reported, and taken up the next day for debate. We published all of our statistics with this bill a week ago. [Applause on the Democratic side.] We gave it to the press; it was given out in the newspapers, and there was not a gentleman in this House that could not have got it if he had wanted it.

[Mr. RUCKER of Colorado addressed the committee. See Appendix.1

Mr. AUSTIN. Mr. Chairman, I represent on the floor of this House a southern district, and I wish to say now a word to those on the other side of the aisle who come from the South. We have taken from New England more than half of the manufacture of cotton-made goods, and we have transferred the manufacture of it to the South. We are on the eve of taking from Pennsylvania and the North the seat of steel and iron making. This contest in this House and on this bill is a fight between the United States Steel Corporation and Pennsylvania steel corporations as to how cheaply they can get iron ore in order to compete successfully with the iron makers of Birmingham and the iron makers of Tennessee. It developed in the hearing of the Stanley committee, I believe, that the Pennsylvania Railroad owns the Pennsylvania Steel Corporation. At least, there was evidence to that effect.

Mr. YOUNG of Michigan. They do own it.

Mr. AUSTIN. They do own it. The Maryland Steel Corporation is another importer of foreign iron ore, and the Bethlehem Steel Corporation, located in the district of the gentleman from Pennsylvania [Mr. Palmer], who drafted this bill, is another. They are the three independent orphans who need to take out of the Treasury of the United States annually not less than \$280,000 and put it into their pockets for dividends; and this at the expense of the American taxpayers, and at the expense of the iron makers of Alabama and Tennessee. against it, and I ask the men here from the South to let the Pennsylvania Railroad Co., the Pennsylvania Steel Co., the Bethlehem Steel Co., and the Maryland Steel Co. take care of themselves, and that they guard well the interest of the southern people who send them here. [Applause on Republican side.]

Mr. PALMER. Mr. Chairman, the thinly disguised charge of the gentleman from Tennessee [Mr. Austin] that this bill, so far as the iron ore paragraph is concerned, is written in the interest of the Bethlehem Steel Co., which happens to be a constituent of mine, perhaps deserves some reply; and I want to make a short statement about that matter now, once and for all, to end the matter and to permanently fix my status in this House, if there is any misunderstanding anywhere about it. I want to say that though it has been the practice in Pennsylvania for the great manufacturing corporations to have their representatives on the floor of this House, I come here as the representative of the people of my district. [Applause on the Democratic side.] So far from being the mouthpiece or the spokesman or the defender of the Bethlehem Steel Co., I want it understood here and now, as my people understand, that I am here in spite of the opposition of the Bethlehem Steel Co., which with all the power of its resources has sought to prevent my being here. [Applause on the Democratic side.] I say my being here. [Applause on the Democratic side.] I say that with greater pleasure in this presence to-day because within 48 hours I have received my notice from the Bethlehem Steel Co.—though indirectly—that because of this so-called act of treachery to them—so-called treachery to the Bethlehem Steel Co. and to Mr. Schwab—I am marked again for slaughter at their hands. [Applause on the Democratic side.]

Mr. Chairman, I hope that that will be sufficient for that forever in this House, at least during the short time that I am going to be permitted to remain here.

Mr. AUSTIN. Mr. Chairman, the gentleman does not controvert, I understand, the statement that I made that this bill, so far as iron ore is concerned, will let in free of duty 25,000,000

tons for which Mr. Schwab has contracted.

Mr. PALMER. I do controvert the statement that Mr. Schwab has contracted for 25,000,000 tons of iron ore. He has made a contract for a shipment of Swedish ore, but nothing like that amount, according to the statements I have seen from him in the newspapers. I want to repeat what I said yesterday, that the Bethlehem Steel Co. is not the only concern interested in this matter of free ore from Cuba. The Bethlehem Steel Co. owns only a small portion of the Cuban ore beds.

Mr. AUSTIN. Name the others. Mr. PALMER. The Spanish-American Iron Co. is not the property of the Bethlehem Steel Co. The only company in Cuba owned by the Bethlehem is the Juragua Co. Southeastern Pennsylvania manufacturers, as my friend the gentleman from Chester County understands, have iron ore in Cuba just exactly as Mr. Schwab has, and there are other manufacturers along the Atlantic seaboard who have iron ore in Cuba along with the Bethlehem Steel Co., so that when we put this iron ore upon the free list we did not do it as any special favor to Mr. Schwab and the Bethlehem Steel Co., but we did it as a simple act of justice in putting all of the small manufacturers on a level with those who have sought to control the ore beds that God has placed upon our American soil. [Applause on the Democratic side.]

Mr. YOUNG of Michigan. Will the gentleman permit a ques-

Mr. PALMER. I will make this one further statement that anybody ought to be able to understand: That nobody can charge us with doing any favor for eastern Pennsylvania steel manufacturers when he reads beyond this clause in the bill, for I know by the language of the telegrams and letters I am getting already that if free ore will do some good for Pennsylvania manufacturers, they think it has been far more than nullified by the reductions which we have put upon pig iron and the other products of iron ore. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. Mr. UNDERWOOD. Mr. Chairman, I move that all debate

on this amendment be now closed.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this amendment be now closed.

The question was taken, and the motion was agreed to. The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

DUTIABLE LIST.

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 8 per cent ad valorem; but nothing shall be deemed scrap iron or scrap steel except secondhand or waste or refuse iron or steel fit only to be remanufactured; ferromanganese, chrome or chomlum metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, 15 per cent ad valorem.

Mr. HILL. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in lines 6 and 7, the words "8 per cent ad valorem"; insert, after the word "spiegeleisen," in line 5, the words "\$1.50 per ton"; strike out, in lines 6 and 7, the words "8 per cent ad valorem" and insert in place thereof the words "60 cents per ton"; insert, after the word "ferromanaganese," the words "\$1.50 per ton."

Mr. HILL. Mr. Chairman, my purpose in offering this amendment is to restore the rates of the bill which the Senate and the House sent to the President last August for his signature and which he had the honor of vetoing. The changes that have been made since in this bill, and made presumably with knowledge, show a decrease of 18 per cent in pig iron, an increase of 73 per cent in scrap iron, an increase of 383 per cent in ferro-manganese. It seems to me in view of the fact that after a full and careful deliberation by both the House and the Senate in a bill which met the approval of every Democrat in both bodies and which met the approval of the conference committee be-sides and went to the President of the United States for his signature to become a law, that it is only fair and right that we should now restore those rates to the rates which were passed upon by the Congress at that time. Either you were right, then, gentlemen, or you are wrong now; I do not know which it is. I have taken this bill and I have gone through

every item of it from the first paragraph to the last and compared the changes that you have made from the bill which you sent to the President last summer. You have by your action now fully justified the veto which he put upon the measure then. [Applause on the Republican side.] I think now you are going to justify a further veto in the future if I am any judge of the changes that have been made in this bill.

You have increased 43 of these paragraphs above the rates which you had then, and some of them above the rates of the Payne bill itself. Ferromanganese is increased 230 per cent above the Payne bill. Now, concerning the suggestion that I made yesterday, I was wrong when I said the Payne bill in the House carried a rate of \$2.50. It was reported to the House from the committee with a rate of 15 per cent ad valorem. It was changed to a specific rate of \$4 per ton in the House when it was acted upon there. It was reduced to \$2.50 per ton in the Senate after it left the House, and was confirmed by the conference committee. You have now raised it to \$5.75, which is 383 per cent higher than you voted to have last summer, and \$1.75 a ton higher than in the Payne bill when it passed the House, and \$3.25 a ton higher than the bill as it was enacted into law.

Now, then, you have not only changed this, but you have changed 43 other items. Were you right then or are you right now? You were wrong then. Your bill was vetoed. You are worse than wrong now, and the bill ought to be vetoed if

it should be passed and sent to the President.

Now, in regard to the first part of this proposition-a change from an 8 per cent ad valorem to \$1.50 a ton duty on pig iron. What does that mean? That means this, and I want gentlemen on the other side of the House to bear in mind the fact, that you are presumably voting that 8 per cent ad valorem on pig iron means now the equivalent of \$1.27 per ton. I ask you to change that to \$1.50 specific. If you do not want to change it to \$1.50 specific, change it to \$1.27 specific. Because pig iron is lower to-day, the value on which you figure your ad valorem is lower to-day, than it has been in a long, long time, and if you will simply go back to the import rate for the last 12 or 15 years you will find pig iron has been in its import value up to twenty, twenty-one, twenty-two, twenty-three, and twenty-four dollars a ton sometimes.

Mr. UNDERWOOD. I have the figures here. You can not

show any such figures as that.

Mr. HILL. The figure stated there, showing the full unit of pig iron under the Dingley law as \$14, is absolutely misleading. It averaged \$17.14.

The time of the gentleman has expired. The CHAIRMAN. Mr. HILL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. I want to say to you that you have only got to raise the value of pig iron to \$19 a ton—and the United States Steel Co. can put it there whenever they see fit-and your 8 per cent comes to more than the amendment I have offered there in the way of duty. Does not that protect our Alabama and Tennessee friends? Make it specific if it is for revenue. Make it \$1.50 a ton.

The gentleman said here the other day that pig iron could be made in Birmingham, Ala., at \$7.50 a ton. Why does he want \$1.50, or \$1.25, or \$2, or \$2.50, according to the unit value, under his ad valorem? And that is what you would get; and the higher it gets here in the United States and the more we need it under this system the higher becomes the duty.

Mr. AUSTIN. Is it not a fact that the gentleman from Alabama stated or intimated yesterday that they could make iron in Birmingham as cheaply as they could in China?

Mr. HILL. He said \$7.50 a ton. It is entirely in the power of the ironmasters of this country to put it to \$19, and your duty becomes \$1.52. I ask you to make it \$1.50, and stop it there. You have it at \$1.27. Make it a specific duty if you want it for revenue. If you want it for other purposes, leave it ad valorem, and let the great steel and iron companies of the United States control the prices.

Mr. UNDERWOOD. Mr. Chairman, my friend from Connecticut says he knows figures, and, as a rule, he does, but I never saw any gentleman in the United States display such ignorance of figures as he has just displayed here. [Applause on the Democratic side.] I have stated on this floor that the Birmingham district can make pig iron cheaper than it can be made anywhere else in the world. Not all, but some, companies in the Birmingham district to-day can make pig iron at \$7.50 a ton, but it costs us in the neighborhood of \$5 a ton to get it to the eastern seaboard, and the eastern seaboard is not our market and we are not concerned in it. Our market is

in the Mississippi Valley and westward. I stated yesterday that I did not write this bill from the standpoint of the Birmingham which are located in a market that would not be affected if you put iron on the free list. This bill was written from the standpoint of the competitive market in the East, and the Bureau of Corporations says that where you exclude all intermediate profits the cost of making pig iron is \$12 a ton there; that where you do not exclude them it is \$14 a ton.

Now, the gentleman from Connecticut knows, if he knows anything about the situation in reference to this bill, that the enforced price of ordinary pig iron to-day, the price of ordinary pig, at Philadelphia or New York, is \$12 a ton, which would make this tax \$1.20 instead of \$2.50 as in the Payne bill.

The gentleman from Connecticut knows, if he knows anything about this proposition and anything about the reports, that Mr. Pepper's report to the Ways and Means Committee, taken when the gentleman's own side was in the majority, shows that the cost of making pig iron at the Cleveland furnaces, in the Middlesburg district in England, is \$9.92 a ton, with a \$2 freight rate across the ocean.

Mr. HILL. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Alabama yield

to the gentleman from Connecticut?

Mr. UNDERWOOD. I will yield in a moment. If that is not competitive, Mr. Chairman, what would you make it? We do not pretend that this is a protective bill, but we intended it should be a competitive bill. You are paying a freight rate of \$2 a ton where you are up against \$12 iron on the eastern seaboard, balancing the difference between the cost at home and abroad, if you exclude all intermediate profits.

Now, as to the importations of pig iron, the gentleman has probably been looking at figures where he saw pig iron classed in the same class as ferromanganese and ferrosilicon, as it was carried in the law before the Payne bill was written, because all these high ferroalloys were classed under pig iron at that

Mr. HILL. I want to say to the gentleman that it is reported in the gentleman's own statement here at \$16 for pig iron. It is in the gentleman's own statement here; pig iron

Mr. UNDERWOOD. Certainly; and if the gentleman had his ears open he would know that he and his colleagues on the committee put back ferromanganese, or consented to have ferromanganese, which is a ferroalloy, dropped back into the pig-iron clause, and he would know that ferromanganese is worth from \$28 to \$38 a ton, and that it brings up the cost of pig iron to \$16-the joker that was put into the Payne bill by the gentleman in control on the other side, for the benefit of a great Steel corporation. But there has not been any pig iron imported into this country with a foreign valuation; real pig, not Scotch charcoal iron, which is not competitive in this country; not ferromanganese, but real competitive pig, which has been over \$16 or \$17 a ton, even back in 1907, when you had a good market; and to-day it is imported at the price of \$12 a ton.

Mr. HILL. Does the gentleman dispute the fact that it was imported at as high as \$24 a ton under the Dingley law?

Mr. UNDERWOOD. Oh, yes; under the Dingley law, that went back to 1897; but that is not the condition to-day.

The CHAIRMAN. The time of the gentleman has expired. Mr. AUSTIN. Mr. Chairman, I want to say that the cheapest producers of pig iron in the world are in China, and not in Birmingham, Ala., in my judgment. They pay in the iron mills of China 15 cents a day for labor working 12 hours. They get for \$5 in American gold the labor of 30 laboring men in China for

They have the coal, the iron ore, and the fluxing stone in close proximity, as they have in the Alabama fields. They have demonstrated by shipments to New York and the Pacific coast that they can overcome an American tariff duty of \$4 per ton and sell their pig iron in New York and on the Pacific coast at a profit. There is one furnace on the Yangtze River with a daily capacity of 300 tons. They are working the cheap Chinese labor at a dollar a week for 12 hours per day, and they are making pig iron in China more cheaply than in any other known mills in the world. Every cut in our pig-iron tariff duty means an increased importation of cheap foreign-made pig-iron from Germany and Great Britain on the east and from China You have cut the present duty more than one-half, on the west. and in doing that you give the European competitor an advantage to ship his foreign pig iron farther into the interior to meet competition from the iron mills of Alabama and Tennessee and the other Southern States. As the gentleman having this bill in charge yesterday said, this means an increase of the foreign purchase of steel and iron articles amounting to \$20,000,000. In the last session you reported bills here that meant to

transfer to the workshops of Europe woolen goods to the value iron from Cuba to manufacturing it in Tennessee?

of \$40,000,000, cotton goods to the amount of \$11,000,000, raw wool to the amount of \$19,000,000, and in this schedule \$20,and in your free list \$40,000,000, making a total of \$131,000,000 of goods that are now made in American workshops and by American wage earners, which you have attempted to transfer from your own country and place in the workshops of our foreign competitors. When you do this you stand on the floor of this House and on the hustings and say that these bills will not hurt or injure an American workingman. There are 14 schedules. If you can transfer to foreign workshops \$131,-000,000 in 5 of your schedules, what will be the total amount of which you rob American mills and American workingmen when you have finished your reductions on all the schedules? [Applause on the Republican side.]

Our manufacturers have in good faith invested their money and given employment to our people; have developed our resources and furnished good wages, the best wages in the world, to great armies of deserving workingmen and mechanics. have taken an average of \$32,500,000 from each schedule and have given that amount over to the foreign manufacturer and the foreign wage earner. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Tennes-

see has expired.

Mr. SIMS. Mr. Chairman, when my genial colleague [Mr. AUSTIN] gets up here and makes a plea for the barons who own the iron ore and coal of this country, he becomes very eloquent over the suffering that will come to the laborers who possibly might have to take one-thousandth part of 1 cent a day less provided it worked that way, but I want to ask gentle-men on the other side to be logical. Why do you not ask for a men on the other side to be logical. Why do you not ask for a duty on foreign gold brought into this country? Why do you not put a prohibitive tariff upon gold and silver ores that come to this country? American labor is engaged in mining gold and silver as well as iron and coal. Why do you not say that nothing shall be used in this country for any purpose if it can be produced in this country? Why not increase the wages of the gold miner by putting a prohibitive duty on gold ores? Why not put a prohibitive duty upon foreign capital and prevent it coming to this country, so that the American banks may loan at higher rates of interest? Why do you let the capitalists of this country borrow money in London or Paris or any other foreign city to invest in manufactures in this country when we have banks here that can loan the money to them? It seems to me, Mr. Chairman, that we go into all sorts of absurdities when we say to the people in effect that the more we limit your opportunities to buy the better it is for you. Why, you can raise bananas in Tennessee if you build glass houses over them and put a prohibitive tariff on the foreign grown and then pass a law compelling people to buy them whether they like them or not.

My friends, this old robber protective tariff is beginning to be understood. The people are tired of paying unreasonable prices for what they have to buy in order that somebody who makes an article with no more labor cost than is required to make that article in another country can sell it at a higher price at home than in the competitive markets of the world.

Whenever we collect all the revenue that is needed and necessary in this country by a tariff you have got all the protection that an American ought to have or needs. Any kind of a duty on any kind of a competitive article is protection to the extent of the duty, and we can not get away from it. If we put any duty on an article imported to this country, and the same kind of goods are produced here, it is protection to that

extent—inevitable, if unintentional, protection.

I am surprised, especially as to iron ore, that anybody complains of putting iron ore on the free list. Why, if iron ore on the free list helps Mr. Schwab, let it help him. If he can sell in competition with some others cheaper and thus reduces the price of the manufactured product, what harm is there in it?

Mr. YOUNG of Michigan. Is the gentleman aware that Mr. Schwab said that in his judgment he would not sell any cheaper

if he got the tariff off?

Mr. SIMS. Well, I suppose he will make all the money he can and in any way he can, but if we put a tariff on iron ore you give Mr. Schwab and everybody else an excuse to say that they must have a compensating duty on the manufactured products, which must come out of the pockets of the consumer. tariff duties come out of the pockets of the consumer. are more consumers than producers in this country of every kind, and it is time that we did something for all the people instead of working all the time for a limited number of the people.

Mr. AUSTIN. Will the gentleman yield?
Mr. SIMS. Certainly.
Mr. AUSTIN. Would you prefer to get your iron ore and pig

Mr. SIMS. If we get it cheaper than the price charged by the owners of iron ore in Tennessee, all those who consume the products of iron are benefited, and they vastly outnumber the few who sell the iron ore that nature has made, without any of the benefits of Republican protection or help of any kind. [Laughter and applause on the Democratic side.]

Mr. PALMER. Mr. Chairman, if I understand the situation correctly, the pending amendment is the amendment of the gentleman from Connecticut [Mr. Hill], who proposes to change this paragraph so as to conform with the rates carried in the so-called Cummins amendment to the cotton bill, which was

passed during the special session last summer.

Mr. HILL. And make them specific.

Mr. PALMER. I understand they are proposed to be specific, but they equal the Cummins rates. Now, I want to say a word or two in opposition to that proposition. It seems to me, if that is the purpose of the gentleman from Connecticut, he has put himself into a position of inconsistency, to extricate himself from which will require all of his boasted abilities as the leading strenuous statistician in this House.

Mr. HILL. I hope the gentleman from Pennsylvania will

try to assist me.

Mr. PALMER. I will try and pull the gentleman out. [Laughter.] Take ferromanganese, which raises the gentle-In 1909 the gentleman man's ire more than anything else. from Connecticut sat in the Committee on Ways and Means, joined in the report to the House, and supported in the House a proposition to make ferromanganese carry a rate of 15 per cent, which is precisely the same rate which we now carry it at in this bill.

Afterwards, when the pressure of the manufacturers of the country became so strong that the House, on the majority side, could not resist it they made the rate on ferromanganese in-stead of 15 per cent, \$4 per ton, and finally, in the conference, or in the Senate, it was reduced still further to \$2.50 per ton, 15 per cent being larger than \$4. Now, if I understand the proposition of the gentleman from Connecticut correctly, it is that he now wants to cut out of this bill the rate which he then voted for and to put into this bill the rate that he voted against last summer. That is exactly the gentleman's proposition, and I quote from his speech when I ask him, Are you right now or were you right last summer? [Laughter.]

Mr. HILL. Both times.

Mr. PALMER. The gentleman's statement that he is right at both times will hardly go down, because he is on both sides of the proposition. The fact about the gentleman is, as it looks to me, that when he sits in his committee and studies these matters over he recognizes what is a just rate, with the revenue always in mind, and he votes for the 15 per cent, which is the rate carried in this bill, but when he gets into the House where the pressure becomes strong, and he can side-step the responsibility and put it off on a committee of conference, he is willing that the great manufacturers of the country should have the benefit of this decreased rate. [Applause on the Democratic side.]

Mr. Chairman, just one word more about this ferromanganese proposition and I am through. The gentleman makes a large matter out of what is really a small one. It is not possible, as any steel manufacturer will tell you, to carry the cost of ferromanganese into the cost of the final article. There is just about 34 cents' worth of manganese in a ton of steel, and it is absurd to say that 15 per cent tax on an article which costs 34 cents in a ton of steel is ever going to be felt at the end of the line. It is a tax on the manufacturer, pure and simple, for revenue purposes, and that fact was shown very plainly by the pressure which the manufacturers brought to bear upon the Republican Congress in 1909, when they succeeded in getting

that tax reduced.

Mr. MANN. Mr. Chairman, I am not sure but the gentleman from Pennsylvania in his last remark is correct. At least, that has been the doctrine often enunciated on this side of the House that increasing the tariff did not mean an increase in the cost of the article to the consumer.

Mr. PALMER. It generally does.

Mr. MANN. Oh, well, the gentleman from Pennsylvania imagines that he has gotten away from the protective-tariff idea in Pennsylvania, but he still maintains the doctrine as to ferromanganese; and if it be true as to ferromanganese, it is true as to other articles.

The gentleman from Alabama [Mr. Underwood] stated a moment ago that the design of this paragraph was to place the articles named in it on a competitive basis, and he has stated heretofore in the House that the tariff now was upon a

pig iron, spiegeleisen, and those particular items in the paragraph connected with pig iron, not including the ferrohydrates, was \$387,000,000 in 1910. He states in the report that the imported articles for that year amounted to over \$2,100,000, and he says that that is not a tariff upon a competitive basis, and he proposes to have a tariff upon a competitive basis. he assumes the amount of importations for a year under this competitive basis and makes it less than it was actually in the year 1910. What competition is there on a competitive basis between a production of nearly \$400,000,000 worth in the United States and an importation of only one-half of 1 per cent of that amount? Competitive basis! I am not sure but that it is placed upon a competitive basis, but I am very confident that the estimate made by the committee of importation of only \$2,000,000 worth hereafter under a basis proposed by this bill is erroneous, and was known to be erroneous by the gentleman who makes the report or the committee which presents the bill. I believe that if this bill passes and becomes a law in the shape it now is, instead of importations of \$2,000,000 worth, it will be an importation of many times \$2,000,000 worth; and certainly if a competitive basis is preserved by the bill that will be the case. The gentlemen seem to be exercised only to extend what they call the competitive zone on the Atlantic seaboard. Have the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. Underwood] forgotten that there are other parts of this country beside the Atlantic seaboard? Why should they legislate only to extend the competitive zone a few miles farther from the Atlantic coast? If that be a good thing, why not endeavor to extend it farther, to the great body of the country, the Mississippi Valley. If it is good for the Atlantic coast, it ought to be good for us, although I believe it is bad for all.

The CHAIRMAN. The time of the gentleman has expired. Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

Just one moment, Mr. Chairman.

Mr. UNDERWOOD. How much time does the gentleman want?

Mr. HILL. Five minutes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the gentleman's amendment and on the paragraph close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and amendments close in five minutes.

Mr. NORRIS. Mr. Chairman, I submit that the gentleman from Iowa [Mr. Green] wants five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none, and it is so ordered.

Mr. HILL. Mr. Chairman, I would like to say here and now that in the 17 years I have been a Member of the House— Will the gentleman permit, did the Chair put Mr. NORRIS.

the request?

The CHAIRMAN. The Chair did.

Mr. NORRIS. I understood the gentleman from Alabama was going to change it to 10 minutes.

Mr. UNDERWOOD. I will yield to the gentleman when Mr. HILL gets through; I do not want to cut him off.

Mr. HILL. Mr. Chairman, I want to say that in the 17 years I have been in Congress I have never felt that I was justified in attributing to any man a wrong or improper motive for any action which he took upon the floor of this House, and I think altogether too much of that is done throughout the country, and I think that ninety-nine times out of a hundred when it is done it is unjustifiable. [Applause.] I stated a few moments ago I had examined the records in regard to ferromanganese. The Payne committee did originally report 15 per cent; when the bill was considered on the floor of the House it was changed to \$4 specific duty, but when it went to the Senate it was changed to \$2.50 there. Now the gentleman from Pennsylvania [Mr. Palmer] sees fit to assert that it was done in response to the demand of manufacturers and that my vote may have-I judge from his statement-been controlled by such action. In the first place, I want to state there is no iron or steel manufacturing so far as I know—certainly no iron manufacturing and that is what this relates to—and no primary manufacturer of iron or steel either in my district or in the State of necticut. I would not attribute that, and I would not hold such a thing as that, of the gentleman from Pennsylvania, and the only thing that ever gave me a shadow of a thought of wavering from absolute belief was the statement he made himself on the floor of the House a few moments ago, that he had received this morning a notice that the Bethlehem Steel Co. prohibitive basis. In the report of the committee they state that the total value of the production in the United States of rightly with the statement he made a moment before that he

had been opposed by them, for if he had been opposed by them and was fighting them I could not understand how he could be accused of treachery to them.

Mr. PALMER. Will the gentleman yield? The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Pennsylvania?

With great pleasure. Mr. HILL.

Mr. PALMER. I want to say that of course I had no earthly idea in my remarks of casting any reflection upon the honesty of purpose or conduct of the gentleman from Connecticut for whom I have the greatest regard and the highest admiration. I meant to say, and I think I did say, that the pressure which was brought to bear upon Congress to reduce this duty on the part of manufacturers occurred after the gentleman had ceased to be actively connected with it.

Mr. HILL. I have been actively connected with it from that

time to this.

Mr. PALMER. I meant to say it was done in conference.

Mr. HILL. It was not done in conference; it was done on the floor of the Senate.

Mr. PALMER. I said in my remarks, in conference or in another body of which the gentleman was not a member.

Mr. HILL. What the gentleman said was that he had been accused of being guilty of treachery, was not it?

Mr. PALMER. I said I had received notice from my dis-

That you had been guilty of treachery?

Mr. PALMER. That the Bethlehem Steel Co. was going after

me again, or words to that effect, because of treachery

Mr. HILL. Mr. Chairman, that leaves my mind absolutely in accord with what it was before. That remark was the only reason for my having any question whatever.

Now, in regard to the question of the values of pig iron. The gentleman from Alabama questioned my statement in regard to pig iron being imported into this country at \$19, and thus rais-

ing the rate of duty materially above what it is now.

I have here the document entitled "Imports and Duties,"

which was prepared some time ago by the statistician of the Ways and Means Committee, and I find that under the Dingley law pig iron was imported at \$22.98, \$18.45, \$17.15, \$16.57, \$23.02, \$24.22, and then, in 1902, and from there down it has been very much lower. The gentleman from Alabama [Mr. Underwood] explained that by the fact, or what he assumed to be the fact, that spiegeleisen, ferromanganese, and ferrochrome were reported with pig iron, but they are reported here separately and pig iron is reported by itself. So I will say to the gentleman from Alabama that I was correct in my statement and his figures only relate to the time from 1902

Mr. UNDERWOOD. As I assured the gentleman from Connecticut [Mr. Hill] I had the report here, showing I had the

Mr. HILL. Surely. He was correct and so was I.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. Hill] has expired.

Mr. UNDERWOOD. Mr. Chairman, I understand the gentleman from Iowa [Mr. Green] desires five minutes, and I ask unanimous consent that he may have that much time.

The CHAIRMAN. The gentleman from Alabama asks that the gentleman from Iowa [Mr. Green] have five minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, it is quite evident that the action of the majority of this House could have been forecasted more than a month ago, when the message of the President, accompanied by the report upon the wool schedule, was brought before this House. At that time a most extraordinary scene ensued. Our Democratic friends, seemingly terror stricken, gazed upon the package that held that report as if it contained dynamite or some infernal machine. It contained facts, and the gentlemen did not know what to do with them. They were not accustomed to use them upon this floor or else-

Mr. HUGHES of New Jersey. Not accustomed to get them,

Mr. GREEN of Iowa. And also another matter was brought forward which added to the horror of the situation. Some one suggested-and I think it was the gentleman from Pennsylvania [Mr. Palmer]—in anything but the confident tones in which he has been expressing himself this afternoon, that the distinguished chairman of the Ways and Means Committee was not present. A terrible crisis had arisen. They were confronted by the cold, hard facts, and the peerless leader was absent.

Oh, where was Roderick then? One blast upon his bugle horn were worth a thousand men.

As the matter went on, we suggested upon this side that the usual number of copies in this report be printed for the information of this body and for others who might desire them. finally got consent that one copy for each Member might be printed, notwithstanding the fact that it was well known there would be a demand from all parts of the country for this information.

And when the distinguished gentleman from Albandary Underwood arrived did he meet the situation which was pre-And when the distinguished gentleman from Alabama [Mr. sented by the tariff report? In the language of the day, walked right in, and turned around, and walked right out He was presented with a report containing the facts in relation to wool, and he and his committee in secret—that is, the majority of the committee-prepared this bill containing the metal schedule which is presented here to-day. And the gentleman says it would have been easy to have gotten full information in relation to this bill. I tried, and others tried, in vain to get a copy of the bill or of the report that accompanies it. I finally succeeded in getting a copy of the bill that was given to the Democratic caucus. I got it day before yesterday, and yesterday I succeeded in obtaining the report of the committee upon it.

They tell us now that we should have looked to the newspapers for our information. Since when, Mr. Chairman, has it been held that this House should act upon statements contained in the newspapers, and upon that information frame a bill to be presented to the American people? Not until to-day, I think. I have had no information, no one upon our side has had information, upon which he could act intelligently in relation to the bill, and for that reason I am opposed to it.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Connecticut [Mr. Hill], which, without objection, the Clerk will again report.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected.
Mr. WARBURTON. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman

Mr. WARBURTON. I desire to offer an amendment.
The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out in lines 6 and 7, in paragraph 1, the words "8 per cent ad valorem" and inserting in lieu thereof the words "shall be admitted free of duty."

Mr. WARBURTON. Mr. Chairman, in making this motion I do it as a Republican.

Mr. UNDERWOOD. Mr. Chairman, all debate on this paragraph has been closed, but if the gentleman from Washington desires five minutes, I will ask unanimous consent that he may have five minutes in which to explain his amendment.

Mr. WARBURTON. Yes; I desire five minutes. Mr. UNDERWOOD. All debate on this paragraph has been I asked unanimous consent to close the debate on the paragraph and pending amendments, but—
The CHAIRMAN. The parliamentary clerk informs the

Chair that the proposition put to the Chair is the amendment offered by the gentleman from Connecticut [Mr. HILL].

Mr. UNDERWOOD. I asked unanimous consent that debate be closed on the paragraph and amendments. The gentleman has the right to offer an amendment, and I ask unanimous con-

sent that he may have five minutes to explain it.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Washington [Mr. Warburton] may have five minutes in which to explain his amendment. Is there objection?

There was no objection.

Mr. WARBURTON. Mr. Chairman, I do not believe that it is necessary for the protection of the producers of pig iron that we maintain a tariff upon imports. The United States can produce pig iron as cheaply as any country in the world. I do not understand that this is denied by the majority party. If we compare the price of pig iron, as given by the Department of Commerce and Labor with a like study of prices in England, we will observe that the cost of production here is quite as cheap as in England. England is the largest exporter of pig iron, and next to the United States manufactures it as cheaply as any other country. No unnecessary tariff should be placed on pig iron. We have no competitor in the production of pig iron nearer than Europe. The transportation charge on pig iron from Liverpool to New York is \$2.75 a ton, so if we can produce

pig iron as cheaply in this country as can be done in England the transportation charge on it is quite sufficient protection for all purposes; it insures a profit over and above the profit that

the English manufacturer can make of \$2.75 a ton.

During the last five years ending with the calendar year of 1910 we exported to Canada on an average \$965,000 worth of pig iron; England exported to Canada \$1,061,000 worth on an average during the same period. The freight rate from our blast furnaces into Canada quite equal the freight rate from We paid on our pig iron exported to Canada England to Canada. \$1 a ton more of tariff than England did, and it will be observed that we exported about the same amount. Now, it is very clear that if we can export as much pig iron to Canada as England does, and pay a dollar a ton duty more than England, we have nothing to fear from England exporting her pig iron to the United States. In order for England to export any of her pig iron into any of our seaports she would be compelled to pay the same freight rate to our American port that she pays to Canada. We would have no freight charge or transportation In other words, England, in order to export her pig iron to the United States, would be compelled to sell it for a sum equal to the difference between the tariff we pay in Canada plus the freight we pay from the place of manufacture into Canada, or we would have an advantage over England in our own markets, as distinguished from the Canadian markets, of \$1 a ton in tariff and the cost of transporting our pig iron from the place of manufacture to Canada—\$2.50 per ton—or England would be compelled to sell her pig iron in our seaports \$3.50 a ton less than she sells it in Canada in competition with us.

The difference between our selling pig iron in Carada and selling pig iron in our own scaports and in our own markets is easily \$3.50 a ton, or almost 30 per cent of the cost price. This would give our manufacture of pig iron a profit of 30 per cent on the sale of our goods in America over that which we sell in Canada. The Payne law reduced the tariff on pig iron from \$5 a ton to \$2.50 a ton. This has not resulted in any increased importation of pig iron. We imported on an average for the five years preceding the fiscal year of 1910, 242,000 tons of pig iron. Our importers of pig iron in 1909 and for 6 to 12 months prior to the Payne law going into effect, which was in 1909, knew that the rate would be reduced \$2.50 a ton when the Payne law became effective, so they withheld as much as possible the imports until after that time. This made the importations light for the fiscal year 1909 and much heavier for 1910 than they otherwise would have been and much heavier than a normal importation under the Payne law would be. Notwithstanding this, our importations of pig iron for the fiscal year 1910 were 237,594 tons, or 5,000 tons less than the average for the preceding five years. Our importations for 1911 were 206,194 tons, or 34,000 tons less than the last five years that the Dingley law was in effect. So the gentleman from Illinois was wholly in error when he undertook to show that our importations of pig iron increased under the Payne law. It will be observed that our importation of pig iron, amounting to a little over 200,000 tons per annum, is only about 1 pound out of every 135 we consume. The importations of pig iron came in as readily under a tariff of \$5 a ton as they do under a tariff of \$2.50 a ton, and this importation would come in whether we have a tariff or not. If we would remove the duty on pig iron we would not import a larger quantity of it than we do now, for the simple reason that no European country can manufacture cheaper than we do, and they can not pay the freight of \$2.75 a ton across the water and sell it in our market in competition with us. The advantage of removing the tariff on pig iron is to prevent our manufacturers of it from fixing the price as high on pig iron as the tariff will permit. The average selling price of pig iron from 1891 to 1898, eight years prior to the formation of any steel or iron trust, was \$13.78 a

The average selling price since the United States Steel Corporation was organized in 1901 for eight years was \$19.25 a ton, or a difference in the average price of \$6 a ton. This increased price is largely due to the fact that the United States Steel Corporation, together with the independent concerns, can fix the price of pig iron. They can establish this price from month to month quite as easily as they can the price of steel rails. So if we leave an unnecessary tariff of \$1.50 a ton on pig iron we enable the steel corporation to charge this \$1.50 than they otherwise could if we could import pig iron free of duty; or we enable the United States Steel Corporation and the independent concerns to charge the American people \$1.50 a ton on 27,000,000 tons of pig iron which we will annually produce. We enable them to overcharge the people of the United States \$40,000,000 annually. The majority call this a tariff for revenue only. Under this proposed law we would get \$1.50 a

ton in revenue, say on 240,000 tons that we import, or an annual revenue of \$360,000, but in doing so we would permit these great steel corporations to tax the American people this sum of \$40,000,000 in profit. If this is a fair sample of tariff for revenue, the sooner we dispose of it the better off the country will be. I do not believe that our manufacturers of pig iron need any tariff to protect them. The freight from foreign iron-producing countries in Europe, our only competitors, to our seaports is \$2.75 a ton, or 15 per cent of the cost price of this class of merchandise. If we can manufacture it as cheaply here as it can be manufactured abroad, the 15 per cent freight charge is certainly all the protection that this industry needs. The steel corporation and the independent corporations can arbitrarily fix a price on this product quite as easily as they can upon steel rails; and if we put an unnecessary tariff upon imports we simply enable them to add this tariff, or any portion they see fit, to an otherwise reasonable profit. It is claimed by some that the steel corporation and the independents do not fix the price of pig iron. Be that as it may, an unnecessary high tariff does permit them and invite them to do it. We had no large combinations in the steel industry or in the manufacture of agricultural implements, nor in scarcely any other line of manufacturing, prior to the enactment of the Dingley law, but we had enormous ones before the Dingley law was repealed, and it is wholly unwise from an economic point of view to place a tariff high enough to encourage this sort of thing.

Mr. Chairman, I think I can show that we do not need a penny of protection on iron and steel nor on 90 per cent of our manufactures of which iron and steel are the components of chief value. I firmly believe in the doctrine of protection. firmly believe that we should protect every industry that is economically worth maintaining wherever and whenever that industry can not produce the manufactured article here as cheaply as it can be produced abroad, but we should not have a penny of protection above the amount that will equal the difference between the cost of producing such article here and abroad. I do not believe in a so-called doctrine of a tariff for revenue. I think it is a sham and a fraud. Under its cloak every evil may be sheltered that is sheltered by a high protective tariff. Just as high a tariff, just as unconscionable a tariff, can be levied in the guise of a tariff for revenue as can be under the

doctrine of high protection.

I am utterly opposed to any tariff on any necessity of life, on any article manufactured that is a necessity in business or trade, that we can produce here as cheaply as it can be produced abroad. I am opposed to a tariff on any food product that we can not produce here economically and to which our soil, our climate, and our country are not adapted. We can raise every dollar of revenue that the Government needs from a tariff and an internal-revenue tax on luxuries and semiluxuries. If this is true, there should be no tariff levied on any manufactured article that we can produce here as cheaply as abroad and which is used in our trade, commerce, on the farm, in the building of our cities and the construction of our railroads, and in our public improvements.

I want to show-and I think I can show-that the freight charge or transportation tariff is all the protection that our iron and steel industries need. The ratio that the transportation charge or tariff on heavy products, like steel and iron, bears to the selling price of the same is very large and a most important one to bear in mind when preparing a tariff, and one which seems to have been entirely overlooked in the tariff

heretofore.

WE DO NOT NEED A PENNY OF PROTECTION ON ANY IRON AND STEEL PRO-DUCTION THAT IS MANUFACTURED OR MARKETED 125 MILES INLAND FROM ANY SEAFORT IN THE UNITED STATES.

No one claims or contends that our present tariff on iron and steel is not sufficiently high to protect the industry in our seaports. No one would think of increasing the tariff to protect our trade in those places. I want to show that if our present tariff is sufficient to protect our iron and steel trade in our seaports, then we do not need any protection at all for our steel and iron trade and manufactures in that part of our country far enough inland so that the transportation charge or tariff are equal to our present tariff on iron and steel. This is self-evident and needs no argument or statement or fact to sup-This is selfport it. If our tariff was removed and our European competitors were to attempt to sell their products west of the Allegheny Mountains, they would at once ascertain that the freight charge for transportation on iron and steel from Boston, Philadelphia, New York, Baltimore, or Savannah to points west of the Allegheny Mountains was quite as heavy on all our iron

less than our present tariff. The rate from Savannah to Birmingham on carload lots is \$5.40 a ton, or more than twice our present tariff. The rate from New York and Philadelphia to Buffalo is \$2.60 a ton, or 10 cents a ton above our present tariff. The charge for steel rails and structural steel is higher. This list might be extended indefinitely. It is sufficient to say that on the average the freight rate on pig iron and like products 150 to 200 miles inland from our seaports is practically equal to our present tariff. Then it must follow that if our present tariff is sufficient protection for the trade in our seaports our freight tariff or charge is ample protection for all territory farther removed from our seaports than the distance mentioned. Then under no circumstances do we need any protective tariff on steel and iron west of the Allegheny Mountains or east of the Rocky Mountains. But there is still a further item to be taken into consideration, which will show that the foreigner without any tariff could not sell his products inland over one-half the distance mentioned. Our larger centers for the manufacture of steel and iron are just west of the Allegheny Mountains, although we also have very large ones east

If it is admitted, as it must be, that the freight rates from Savannah to Birmingham and from New York, Baltimore, and Philadelphia to Pittsburgh are equal to our present tariff, then those great plants could ship their products as far east toward the seaports as the foreigner could ship his west from the sea-It then follows that the foreign shipper could then only sell his product a distance inland equal to one-half the distance between the seaports and the great iron districts mentioned. To put it in miles, the foreign competitor could not get farther inland than 125 miles from the seaports if our tariff was wholly removed. This argument is based on the theory that our present tariff is sufficiently large enough to prevent competition in our seaports.

I will now undertake to show that we need no tariff in the zone mentioned, and that if our tariff was wholly removed we would still be able to dominate the markets in our seaports, although possibly the steel producer would have to lessen his profits at those points.

OUR EXPERIENCE IN THE MARKETING OF OUR IRON AND STEEL PRODUCTS IN MEXICO AND THE PAN AMERICAN STATES IN COMPETITION WITH GREAT RRITAIN, GERMANY, BELGIUM, AND HOLLAND SHOWS THAT WE CAN DOMINATE THAT TRADE IN THOSE COUNTRIES WITHOUT ANY TARIFF IN OUR FAVOR AND WHERE WE HAVE TO PAY TRANSPORTATION CHARGES FROM OUR SEAPORTS TO THOSE COUNTRIES.

I believe there is little doubt in the mind of any man who has made an investigation of the cost of producing iron and steel and the manufactures thereof, and especially the crude and semifinished manufactured products of iron and steel, but that we can manufacture them as cheaply in this country as it can be done elsewhere. Experts who have given much time and attention to the question have reached this conclusion. Mr. Gary, who testified recently, stated that he believed the Steel Trust could compete with the foreigner, although he expressed some doubt as to whether the independent manufactur-ers of iron and steel could do so. Mr. Carnegie, who has had more to do with the establishment of the iron and steel industries in this country than any other one man, has testified that we can manufacture iron and steel as cheaply here as it can be done abroad. If we compare the figures on the cost of products of pig iron, as given a few days ago by the Department of Commerce and Labor, with the figures of experts on the cost of producing pig iron abroad, we must at once see that we can manufacture it here as cheaply as abroad; but what is more conclusive to me than trade reports, more conclusive than the comparison of cost figures here and abroad by experts, more conclusive than the testimony of the great ironmaster, are the trade statistics showing what, in truth and in fact, our manufacturers have been able to do in competition with the foreign manufacturers where our manufacturers enjoyed no protective tariff and stood on an equality as to freight rates.

It is wholly unnecessary to speculate about what we are able to do when we have before us years of trade experience and data showing conclusively what we can do. The old adage, "That the proof of the pudding is in the eating," applies with To what purpose is it to theorize and speculate equal force here. as to what we will be able to do when we have manifold illustrations of what we can do and what we will be able to continue to do? If we can sell our iron and steel products to countries immediately north and south of us, where we have no protective tariff in our favor and where we have the additional charge of freight transportation, have we anything to fear from the same foreign manufacturers dealing in like goods in our own sea-ports? An investigation of this question will show whether or not, in fact, we are able to manufacture and sell our goods as cheaply as the foreigner can do. Mexico and the Central American States are as far removed from our manufacturing centers of iron and steel, as a matter of freight charge, as are the like manufacturers of England, Germany, Belgium, and Holland. To every part of Mexico, to every one of the Pan-American States the transportation is higher, if anything, from our American seaports than it is from the seaports of the other countries mentioned. It costs our manufacturers of iron and steel at least \$3 a ton to reach the seaports of Mexico and the Central American States. So we are at a disadvantage of \$3 a ton in selling our iron and steel in competition with European countries in Mexico and the Pan American States over what we would be if we were to sell them in our own seaports from which they were shipped, and it is as clear as day that if we can practically monopolize the trade in Mexico and the Pan American States with no tariff in our favor and with \$3 a ton transportation charge against us, as compared with selling the goods in our own seaports, we have nothing at all to fear from competition in our own ports. If European countries can not under these conditions drive us from the seaports of Mexico and the Central American States, they certainly can not compete with us in our own ports which are within the shadow of the smoke of our great iron and steel industries. I have no complete data as to relative exports to the Pan American States so I will only give the statistics on the exports to Mexico from the leading iron and steel-producing countries of Europe and from the United States. However, these figures are illustrative of the like trade in the Pan American States. However, these figures are fairly

During the fiscal year 1910, as given me by the Bureau of Statistics, we exported to Mexico of iron and steel, including agricultural implements and cars and carriages, which include automobiles, \$18,130,000 worth, England \$3,722,000 worth, Germany \$2,423,000 worth, and Belgium a little less than \$250,000 worth; or we exported about five times as much as Great Britain, almost eight times as much as Germany, and over sixty times as much as Belgium. If we could have sold our iron and steel in the ports of Mexico without paying the transportation charge, as we could sell them in our own seaports from which they are shipped, it is safe to say that the three countries mentioned above would have been unable to have exported but a fraction of the amount that the statistics show. Three dollars a ton on the crude and semifinished product of iron and steel in the favor of any one country will exclude any other competitor. If we give Germany an advantage of \$3 a ton on this class of goods and the same freight as England to any country, Germany will sell the goods and England will export no goods, except in negligible quantities. If we give England a preference over Germany of \$3 a ton in any country, each having the same freight charge, Germany will be able to sell no goods in that country.

TRADE STATISTICS OF CANADA SHOW THAT WE CAN UNDERSELL GREAT BRITAIN IN THAT MARKET, ALTHOUGH GREAT BRITAIN HAS THE PREFERENTIAL TARIFF EQUAL TO FULLY 10 PER CENT AD VALOREM ON MOST IGON AND STEEL PRODUCTS. WE PRACTICALLY EXCLUDE THE OTHER IGON COUNTRIES FROM THE CANADIAN MARKET.

It may be said that our control of the Mexican iron and steel market is an exceptional case, and other reasons may be ascribed than our ability to undersell the European countries. Such a claim is without any foundation, in fact. We get the business wholly for the reason that we can pay the freight to Mexico and sell the steel and iron cheaper than European countries can who are on an absolute equality with us in tariff rates. No one who is unbiased and who wants to arrive at the truth has reached any other conclusion than the one I have reached. But let us take up the trade statistics of another and closer country, where the trade is immensely larger and which will show beyond cavil that we are correct in our contention.

Canada lies just to the north of us. She is connected with us closely by interlacing railway systems. Very little of the trade between us moves except as carried by the railways of the two countries, only a small fraction being carried to her borders by water transportation. All of England's goods are carried to her seaports by the cheaper transportation. The iron and steel producing countries of Europe can reach her seaports and her large centers of population by ocean boats, and quite as cheaply as can those same countries reach our own seaports. Great ocean transportation lines connect her seaports directly with the seaports of England and other iron and steel producing countries of Europe. England's great iron and steel industries are located at her seaports, which gives her an advantage over Germany and other European States in the foreign iron and steel trade. Canada gives Great Britain a preferential in her tariff of 35.7 per cent, so Great Britain manufacturers of iron and steel pay only 64 cents tariff where our like manufacturers are required to pay \$1. Then, too, Canada is a part, and a

loyal part, of the great British Empire. English capital has built and largely owns her great railroads; English capital has largely financed all of her great enterprises; in fact, English money has largely taken up and developed her great country. England has subsidized a line of fast steamers between the two countries-the fast mail line extending from Liverpool to Canada, across Canada to Vancouver, and thence to Australia. This is one of the lines to which England gives her largest subsidies in the way of mail contracts. Under these conditions, these advantages accruing to the manufacturers of Great Britain and resting on the American manufacturers, it would seem that our iron and steel manufacturers would be excluded from the Canadian markets. These conditions do practically exclude all other iron and steel producing countries; they certainly would exclude us if we could not manufacture our iron and steel more cheaply than can the like manufacturer of iron and steel in Great Britain. If America can dominate the iron and steel market in Canada under these adverse conditions, has she anything to fear from Great Britain as to her own markets? If we can successfully dominate the Canadian iron and steel market as against Germany, Belgium, Holland, France-yes, all other countries of Europe, who are on an equality as to tariff rates and transportation rates-what have we to fear from them in our own markets, in our own seaports, much less our inland markets?

I might add here, on pig iron we pay a tariff of \$2.50 per ton, England \$1.50; on steel billets, ingots, slabs, and so forth, we pay \$2.50 tariff, England \$1.50; on rolled iron and steel angles, beams, girders, and so forth, we pay \$7 a ton, England \$4.25; on bar iron and steel we pay \$7 a ton, England \$4.25; on rolled iron and steel sheets, sheared or unsheared skelp iron, we pay \$7 a ton, England \$4.25; on iron and steel rails we pay \$7 a ton, England \$4.50; on almost all other dutiable iron and steel products the variation is from 22½ per cent to 35 per cent ad valorem, or from 20 to 30 per cent ad valorem. The ad valorem preference given on other iron and steel dutiable articles will easily exceed 10 per cent.

In the calendar year 1910, as appears from the Canadian Yearbook, Canada imported in iron and steel and the manufactures thereof \$61,183,000, of which Great Britain sold \$11,-212,000; Germany, Holland, Belgium, and all other countries, except the United States, \$1,930,000; and the United States \$48,040,000; or we sold in the open market of Canada under the adverse conditions mentioned, 41 times as much of iron and steel and the manufactures thereof as Great Britain did and over 24 times as much as Germany, Belgium, Holland, France, and the balance of the world. We exported to Canada of this class of goods almost four-fifths of all she imported. Not only have we dominated this market during the year 1910, but we have done so for many years, and year by year we obtain an increased precentage of it. In the calendar year 1906, acording to the Canadian Yearbook, we exported to Canada \$34,529,000 worth of such goods. The same year Great Britain exported to Canada \$8,391,000 worth. In the five years subsequent to 1906 our exports to Canada increased \$13,510,000, and Great Britain increased her exports only \$2,820,000 worth. It will be noticed that during these five years our increased exports exceed the total exports of Great Britain for the year 1910 by \$2,250,000.

I want to ask, in all fairness, does any Member of this body, in the light of these uncontrovertible facts, knowing that we can sell our iron and steel and the manufactures thereof in the open market of Canada, under all the adverse circumstances I have mentioned, and in competition with England and the whole iron and steel producing world, and at the same time honestly and sincerely believe we have anything to fear from England or any other country exporting like goods to our own seaports, whether we maintain our tariff or not? Is it not wholly absurd to express a fear as to our own market in the face of these facts? Germany, Belgium, Holland, France, and Sweden, all the rest of Europe, compete with us for this large Canadian trade on an equality as to tariff and with a transportation less, if anything, than ours, and yet are able to export to Canada only \$1 worth of iron and steel to our \$24 worth. We beat them only a little over 2,400 per cent. The Canadian Yearbook, from which I gathered these statistics, does not show what these other countries exported into Canada, but I venture to say that they were largely of cutlery and certain kinds of galvanized iron, or rolled iron or steel sheets of a certain width, of which we export none, or some kind of manufactured iron or steel, which especially satisfies the trade market of Canada and which we are not prepared to fill—just as England imports iron and steel from Germany, Holland, and Sweden, and just as those countries each in turn import specialized iron and steel from England and each other. That kind of trade always prevails, no matter what the tariff may be. These are great trade

facts as contradistinguished from theory.

It has been said frequently, especially by those who want to maintain a wholly unnecessary high tariff on iron and steel and many of the manufactured articles thereof, that our oxports to Canada consist largely of agricultural implements. This statement goes as wisdom and is undisputed as to fact. However, such a statement is not true and has but a small and misleading fraction of truth in it. Out of the \$48,000,000 worth of iron and steel and the manufactures of them that we exported to Canada in 1910 only \$3,230,000 worth were agricultural implements—about \$1 worth out of \$16 of our total exports to that country. We dominated the market on nearly every iron and steel product, no matter what its form. Great Britain exported to Canada in 1910 iron and steel billets, weighing not less than 60 pounds per lineal yard, \$61,000 while we exported \$380,000 worth. Great Britain exported bar iron and steel, and so forth, to the amount of \$385,000 worth; we exported \$1,530,000 worth. Great Britain exported iron and steel angles, and so forth, to the amount of \$145,000 worth, while we exported \$950,000 worth; Great Britain exported skelp iron and steel, sheared or rolled into grooves, \$11,000 worth, while we exported \$1,535,000 worth; Great Britain exported wire rods, not over three-eighths of an inch in diameter, to the amount of \$96,000 worth, while we exported \$662,000 worth; Great Britain exported of boiler plate, not less than 30 inches in width nor less than one-fourth of an inch thick, \$30,000 worth, while we exported \$404,000 worth; England exported steel wire to the amount of \$291,000 worth, while we exported \$1,130,000 worth; England exported of steel rails \$291,000 worth, while we exported \$1,103,000 worth. On crude or semifinished manufactured steel and iron, as above mentioned, of which England exported \$1,378,000 worth to our \$6,573,000 worth, we paid a duty of \$2.75 a ton more than England did. We also exported \$1,103,000 worth of steel rails to England's \$291,000 worth, on which we paid a duty of \$2.50 a ton more than England did. Our transportation charge on this manufactured product from the place of manufacture into Canada was quite as large as that of the English manufacturer.

In order for England to export like manufactured steel and iron products into our seaports she would have to pay the same transportation charge as she pays to Canada, if not a little more, while we would be relieved of the average transportation charge to Canada of at least \$2.50 a ton. We would also be relieved of the differential in tariff that we pay in Canada of \$2.75 a ton on most of the products and \$2.50 a ton on steel rails. In order for Great Britain to compete with us in our own country, in our own seaports, she would be compelled to sell this class of merchandise in our seaports for at least \$5.25 a ton less than she is willing to sell it in Canada. Our manufacturers have an advantage of selling in our own seaports over Great Britain of over \$5.25 a ton on these products, the cost price of which is from \$18 to \$22 a ton. But the competition in Canada between Great Britain and ourselves is sharp and strong. In order to get the small fraction of trade that England now gets she makes as low a price as is possible for her to sell at a profit. Does anyone imagine that England can export this class of merchandise into our country and sell it for \$5 and more a ton less than she is able to sell it in Canada? Five dollars a ton is over 20 per cent of the cost price of this class of iron and steel manufacture. Great Britain makes nothing like \$5 a ton, nor half of it, on this class of goods that she sells in England. In order for her to compete in our sea-ports on this like trade she would have to sell her goods at less than cost, and we could meet that and still have 20 per cent profit on our goods.

WE NEED NO PROTECTIVE TARIFF ON THE STEEL PAILS.

Upon what theory we are justified in fixing a duty on steel rails has not been explained-can not be explained. It can serve no other purpose than to enable the Steel Trust to maintain the price of steel rails at \$28 a ton. It will enable the Steel Trust to do this. The manufacturers of steel rails will be the sole beneficiaries of the proposed tariff on steel rails. There can be but little doubt in the mind of anyone who will examine the question but that we can make steel rails as cheaply here as they can be anywhere. No country that manufactures steel rails can ship them to our markets at less than the transportation charge of about \$2.75 a ton. This is a larger protection than the steel-rail industry needs.

According to a statement given me by the Bureau of Statistics, we exported last year to Mexico steel rails to the value of \$1,916,000; England exported \$31,000; Germany, \$157,000; Belgium, \$31,000: Holland exported none at all; or we exported to Mexico \$1,916,000 worth as opposed to the combined exports of Germany, Great Britain, Belgium, and Holland amounting to

\$219,000. We exported steel rails to the West Indies and to the Pan American States to the value of \$1,751,000; Germany exported them to the value of \$16,000; Great Britain, Belgium, and Holland exported none. We exported to Labrador and New foundland \$118,000 worth of steel rails; Great Britain, Holland, and Belgium exported none; or we exported to Mexico and the Pan American States, Newfoundland, and Labrador \$3,785,000 worth of steel rails to the combined exportations of Great Britain, Germany, Belgium, and Holland of \$235,000 worth; or we sold in those countries in that one year 17 times as many as all the other countries. We paid a freight rate equal to more than \$3 a ton, which we would have saved had we sold the same rails in competition with the same countries in our own seaports; or these foreign countries, in order to have competed with us in our own seaports in the rail market, would have been compelled to sell their rails at \$3 a ton less than they did in the markets mentioned. It is idle to say that they could have exported any rails to our own seaports and cut their price \$3 a ton.

According to the Canadian Year Book of 1910, we exported to Canada \$1,103,000 worth of steel rails against Great Britain's \$291,000 worth, and as against all other countries' \$3,000 worth. Our freight rate to the Canadian markets was about the same as that of England and other countries, but we are compelled to pay a tariff of \$7 a ton as opposed to the English manufacturers of \$4.50 a ton. Our manufacturers of steel paid \$2.50 a ton on steel rails more than the English manufacturers did. If we had been on an equality as to tariff with Great Britain, I think I am safe in saying that Great Britain would not have sold a larger percentage of steel rails in Canada than she did in the markets of Mexico, the Pan American States, and the West Indies, where we sold \$3,785,000 worth as against England's \$31,000 worth.

In order for Great Britain to compete with us in the sale of rails in our own seaports, as compared with the competition in Canada, she would be compelled to sell her steel rails for as much less than she did in Canada as our freight rate to Canada is plus \$2.50 a ton tariff; or she would have been compelled to sell her steel rails in our own seaports for at least \$5 a ton less than she sold them in Canada. No one would undertake to maintain that she could do this. If we compare our exports of steel rails to the world at large with like exports of steel rails from Great Britain, Germany, Holland, and Belgium, we will at once see that we have nothing to fear from any European country exporting steel rails to this country.

In 1910 we exported, all told, of steel ralls \$10,546,000 worth as against England's \$13,275,000, Germany's \$12,924,000, Belgium's \$4,209,000, and Holland's about \$3,480,000. If we exclude the exports of these countries to other countries in Europe, which they dominate and control against us by reason of freight rates, and exclude the exports to the colonies of each of these countries which they in a large measure and in many cases entirely control, and take into consideration only foreign markets where all countries stand on an equality as to tariff and somewhere near an equality as to freight rates, we exported more dollars' worth of steel rails than any country. We exported in such open markets \$10,546,000 worth of steel rails as against Great Britain's exports of about \$4,000,000, Germany's exports of about \$5,000,000, Belgium's exports of about \$2,500,000, and Holland's exports of about \$1,300,000.

Again, I ask what reason may we advance for maintaining a tariff on steel rails? We certainly do not need it as a matter of protecting the industry, and it will be a failure from a revenue point of view. We have imported on an average less steel rails since the Payne law went into effect than we did on an average for the five years preceding, although the Payne law reduced the tariff about \$4 a ton.

Not only does our trade with Canada, Mexico, the Central American States, and West Indies show conclusively that we have nothing to fear from exports of iron and steel from abroad, but our exports to South America, Europe, Asia, Africa, and Oceania alike show it beyond question. In 1910 we exported \$179,132,000 worth of iron and steel; of agricultural implements, \$28,124,000; of cars and carriages, including automobiles, \$20,630,000. This amount was sold in competition with the world and upon the world's market. Not one dollar's worth of this was sold in markets where the freight rate or tariff rates was not against our American manufacturer, and on the bulk of it the rate was quite heavy against us. Of this amount we exported to Europe \$58,000,000 worth, to North America we sold \$90,000,000 worth, to South America we sold \$32,000,000 worth, to Asia we sold \$11,000,000 worth, to Oceania we sold \$20,000,000 worth, and to Africa we exported \$4,000,000 worth. England exported of like iron and steel \$300,000,000 worth and Germany \$200,000,000 worth; or, the United States is only surpassed by the two countries mentioned.

The amounts given above as exported by England and Germany include the exports of iron and steel products to their own colonies. I have endeavored to ascertain just how-much of their export trade went to their own colonies, but I am informed by the Bureau of Statistics that no table is extant which would show this, and it would take a very large amount of work to ascertain what it would be, but I venture the assertion that if we were to exclude the foreign exports of Germany and England to their own colonies and to the countries that lie adjacent to them in Europe, and which they can control against us by reason of freight rates, it would show that the United States surpassed both Great Britain and Germany in exports to countries outside of their own colonies and Europe.

I have already shown that we surpassed Great Britain, Germany, Belgium, and Holland in the exports of steel rails in countries other than Europe and the colonies of each of those countries. The exports of iron and steel rails from these leading iron and steel producing countries is fairly illustrative of iron and steel trade as a whole. This could easily be shown by a comparison of the export trade of other iron and steel

products.

Two hundred and twenty-six million dollars of exports of iron and steel, agricultural implements, and of cars and carriages is an enormous sum. These figures are so large that it is difficult to comprehend them, and we can best do it by comparison with other exports. During the fiscal year 1910 the United States exported of barley, buckwheat, corn, oats, rye, wheat, bread and biscuit, corn meal, oatmeal, rye flour, wheat flour, preparation for table, cattle, fowls, hogs, sheep, all other animal food, including fowls, canned beef, fresh beef, salted or pickled beef, other cured beef, tallow, bacon, hams, canned pork, fresh pork, salted or pickled pork, and lard, \$240,723,000. These exports of our farm products exceed our exports in iron and steel, agricultural implements, cars and carriages, only \$14,000,000.

A high protective tariff on any article which we produce in quantities sufficient to supply our home market is not a serious thing. A high protective tariff or an unnecessarily high tariff is not a serious thing on any class of goods where a monopoly is impossible or where a comparatively few men can not fix the price. It is a most dangerous thing and one of great evil where a few men or corporations can and do control the output and arbitrarily fix the price, because in all such cases the manufacturer can fix the price just below the point where a like article can be imported. An unnecessarily high tariff affords the opportunity to corporations or individuals who control the output or fix the price to hold it up as high as the tariff will permit, no matter what the cost of production may be or what an enormous profit they may make. There can be no doubt in the mind of any man who is conversant at all with our iron and steel industries that the steel corporations and the independent steel manufacturers do arbitrarily fix the price at which manufactured crude iron and steel sells. If we compare the price of steel rails for eight years prior to 1899, which is prior to the beginning of the consolidation of the great steel plants in 1898, and ending in the spring of 1901 with the organization of the United States Steel Corporation, with the price eight years subsequent to the organization of the Steel Trusts, we will at once see how this great corporation, in connection with the independent companies, has been able to fix the price of steel rails.

In the first eight years mentioned the price of steel rails varied each year and each month of the year. During those years we had real competition, and the average price of each year varied from the highest average price in 1892 of \$30 a ton to the low-est average in 1898 of \$17.62 a ton. The average price each year of any of the two years mentioned varied from 33 cents a ton to \$10 a ton, the average price of each of the eight years

being as follows:

	Per ton.
1891	\$20, 92
1892	30, 00
1893	28, 12
1894	28.00
1895	24, 33
1896	28.00
1897	18, 75
1898	17.62

Compare these figures for the average price of the last eight vears:

	rer ton.
1902	\$28.00
1903	28.00
1904	28, 00
1905	28. 00 28. 00
1907	28. 00
1908	28. 00
1909	28.00
1910	28. 00

Each year of these eight years, and each month of the year, the price of steel rails has been the same to a penny. Some one arbitrarily fixed this price. It is fair to assume it was fixed by the only people who could do so, to wit, the corporation who manufactured it. The price could not have been the same from month to month under ordinary trade conditions. In fact, under ordinary trade conditions it would have varied each month of the whole eight years. In the light of these facts we do not need the testimony of Mr. Carnegie or the Department of Commerce and Labor to the effect that the Steel Trust and the independent corporations together have arbitrarily fixed the price during the last eight years. Somebody did fix the price, and it was done by those most interested in holding it at a high figure.

The average price for steel rails during the first eight years' period mentioned was \$24.46 per ton. The steel corporation since its organization has been able to hold the price on an average of \$3.54 above that amount. They could not have done this successfully for any length of time but for the fact that the high tariff has enabled them to do so.

The price of other crude steel commodities is likewise fixed from month to month by the Steel Trusts and the independent companies cooperating together. If not, it can be done at any time the manufacturers desire to do so. If we leave a dollar or two dollars or three dollars of unnecessary tariff on steel rails, pig iron, ingots of steel, and so forth, we invite the steel corporation to fix the price of them just that amount more than they would be able to do if we removed the tariff entirely. If we leave a tariff of two or three dollars a ton, we give the steel corporation the opportunity to add that much to the price of these products, and its officers would be little more than human if they did not take advantage of it. The proposed law leaves a tariff on these products on the theory that it is a revenue measure. This is absurd and will prove a great injury to the American people. The Payne law reduced the tariff on steel rails about \$4 a ton and on pig iron \$2.50 a ton. We have not imported on the average as many tons of steel rails or pig iron since the Payne law became effective as we did on an average during the five years preceding the enactment of the Payne law. If we leave \$1.50 on pig iron, as proposed, it will enable the manufacturers of steel to add this \$1.50 a ton to the 27,000,000 tons that we annually consume, or it will give the Steel Trust and the manufacturers of pig iron an opportunity to make a profit on the pig iron that we consume of \$40,000,000 and on steel rails about \$10,000,000. We will not receive in revenue under the proposed law more than \$350,000. This ought not to be done; there is no reason for it, and the people of this country are liable to be injured the full amount if we do.

The CHAIRMAN. The time of the gentleman has expired. Mr. WARBURTON. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks manimous consent to extend his remarks in the RECORD. Is there objection?

Mr. NORRIS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Nebraska evidently wants to delay the game. That is evident.

Mr. NORRIS. No, I do not. I want to say to the gentle-

Mr. UNDERWOOD. The gentleman himself [Mr. WARBUR-TON] does not ask an extension of time. He asked to extend his remarks in the RECORD.

Mr. NORRIS. The gentleman was making a speech which was really illuminating, and I should like to hear him talk at greater length.

Mr. UNDERWOOD. I hope the request of the gentleman to

extend his remarks in the RECORD will be granted.

The CHAIRMAN. If there is no objection that request will be granted.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. WARBURTON].

The question being taken, the amendment was rejected.

The Clerk read as follows:

2. All iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than plg iron, except castings; muck bars, bar iron, square iron, rolled or hammered, round iron, in coils or rods, bars or shapes of rolled or hammered iron not specially provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of Members to the intimate relation that the cost of construction material bears to industrial depressions. It has recently been established as an indisputable fact that industrial depressions are due to the

cessation of investment contracts and construction. I will not detain the committee on that proposition, but will read one or two extracts from a recent work called "Industrial Depres-"by George H. Hull, of New York, in which this fact is established. One paragraph in that book is as follows:

From these facts it would appear that of all the alleged causes gathered by the three commissions appointed by the United States Senate and House of Representatives and those gathered by the Bureau of Labor during the first year of its existence, together with those gathered from all other available sources, there is but one alleged cause which stands the test of all forms of analysis which can be brought to bear upon it. That one, "high prices," stands the test, no matter in what manner it appears or in what particular form of words it may be expressed.

This investigator, following the lines of Adam Smith, has made an industrial discovery that will probably be epochmaking, establishing the fact that it is the high price of construction material and labor or the high price of construction that causes investment construction to cease; that that construction makes about one-third of the total construction, leaving the necessity construction to run all the time, and that it is that one-third, or investment construction, which, entered into, makes a boom, and which, not entered into, makes a depression. Now, investment construction is entered into or is not entered into precisely according as those who hold the funds for investment recognize that the cost is low or high. I will quote one other paragraph to call attention to the importance of the matter, and will then ask unanimous consent to insert other paragraphs in my remarks. That paragraph reads as follows. After making an analysis of all the depressions we have had, and finding that they throw out of employment about one breadwinner out of five, the author says:

An industrial depression which throws out of employment one out of every five of the breadwinners of this country is a great calamity. It is a loss at the rate of over \$3,000,000,000 in the annual earnings of the people, an amount nearly equal to the value of all the gold and silver taken out of the Western Continent since it was discovered by Columbus. As the country grows in population and wealth the magnitude of these calamities grows. As labor becomes specialized and as the control of the great industries becomes centralized the helplessness of those who are thrown out of employment becomes greater. What has already grown to be a serious matter may grow to be a dangerous matter.

The facts established in this volume indicate very clearly to

The facts established in this volume indicate very clearly to my mind that the management of the steel industries of America has reached the point where it not only tends to produce industrial depression, but to interfere with those economic forces that bring relief from such depressions. Heretofore in the great periodical depressions that have come the low prices of construction that followed the depressions brought about renewal in investment construction, and the new investments brought about a general revival; but in the present condition of the control of the steel industry in America the high prices of construction material can be maintained and are maintained in spite of industrial depression.

The CHAIRMAN. The time of the gentleman from Alabama

has expired

Mr. HOBSON. I ask an additional three minutes, and then permission to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three minutes and to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOBSON. When an industry fills up the home market and receives such high profits in that market that it cares but little for the markets of the world, that industry not only ceases to continue in its natural growth, but it turns upon itself and begins to adopt methods under which it can control the prices in the home market.

It makes such enormous profits in the home market that the two-thirds of construction, or necessity construction, that must go on all the time yields large dividends whether there is general depression or not. And they can and do maintain high prices for construction materials even now in a condition of general industrial depression. A recent disregard of the gentleman's agreement to maintain prices has caused a slight fall in prices, which has brought temporary activity, but it is only temporary, and does not relieve us from facing a grave situation when the general growth and prosperity of a whole people and even of the whole world is falling under the control of a few men who dominate the steel and iron industries. We live in the iron and steel age, and iron and steel determine the booms or depressions of all the industrial nations of the earth. Conditions are gathering, and are practically already formed, un-der which the prosperity of the world can be absolutely controlled at will irrespective of the economic forces of supply and demand. Instead of periodical depressions, as in the past, we are facing a condition when, through high prices, a permanent depression can be maintained upon the American people, unless a combination is in the forming between the steel and iron pro-

ducers and distributors of the world. Such a combination, if completed, could, under existing conditions, control the iron and steel industries of the whole world, and by maintaining high prices could reap large profits themselves upon necessity construction and yet hold all the rest of the world in continual depression. [Applause.]

Mr. HILL. Mr. Chairman, stating frankly that I had intended to offer an amendment to each of these paragraphs, reducing it to the rates of the bill passed by the Democratic Party in August last, if I may have the privilege of reading the names of the articles in which the rates have been changed, I will stop the further offering of amendments in that direction.

I find, by taking the figures given in the Democratic caucus print, that the articles that have been increased above the rates which gentlemen on the other side unanimously voted for in

August last are:

Chromium metals, ferrosilicon, bar iron, muck bars, square iron, saw plates, hoop bands and scroll iron, sheets of iron or steel polished, sheets and plates pickled, cold-rolled plates and sheets, strips and plates cold hammered, iron and steel wire rods, cold-rolled bars, which takes a large portion of the cruder forms of steel; zinc in sheets, automobiles, automobile parts, bicycles and motor cycles, axles and axle forgings, cast-iron pipe and castings, cast-iron stove plates, and so forth, malleable-iron castings, chains of all kinds, tubes, pipes, and flues, cylindrical tubes, shotguns and pistols, hollow ware and kitchen utensils, steel plates, ingots and cogged ingots, barium and calcium, gold leaf, so that my friend from Tennessee [Mr. Sims] can see that they are even raising the duty on gold, which he suggested a moment ago; tinsel wire, bullions, and metal threads, thorium oxide, metallic pens with nibs on, from 5.53 in the Payne bill to 25 per cent in this bill, penholder tips, gold pens, fountain pens, quicksilver, watch cases, chronometers, and so forth, clocks and parts of jewels for watches and clocks.

Now, then, the reason I read that is that the theory upon which the bill is constructed is, as I understand it, that the lower the duty gets, to a certain point, the more revenue you get. I would like to know how, on that theory, you expect to get more revenue by raising the duty, and therefore I read these items and submit them to the calm consideration of the gentleman from Pennsylvania and others who prepared the bill. There are 43 instances where they have raised their own rates. Of course they lowered the Payne rates, but these are items

where they have raised their own rates of last summer.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn. There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. A moment ago the gentleman from Washington [Mr. WARBURTON] offered an amendment to put pig iron on the free

In connection with this paragraph in the bill I desire to call to the attention of the committee a few figures concerning importations of iron and steel on the Pacific coast. I understood the gentleman from Washington [Mr. WARBURTON] to say that reducing the duty on pig iron, for instance, would make no difference in the importations, practically. I have made a comparison of the importations of iron and steel on the Pacific coast for the last year of the Dingley law and for one year under the Payne law, though not for the last fiscal year, because the figures I have obtained were before the end of the fiscal year. The importations of pig iron at Port Townsend, which is port of entry for the State of Washington, increased from the last year under the Dingley law from 1,494,000 pounds to 12,402,000 pounds from China. At the same time the increase from the United Kingdom was from 4,000,000 pounds to over 21,000,000 pounds. During the same period at San Francisco the importations of iron and steel and their manufactures increased, from Belgium, from 10,000,000 pounds to 30,000,000 pounds; from Germany, from 7,000,000 pounds to 18,000,000 pounds; from England, from 12,000,000 pounds to 31,000,000; from China, from 2,000,000 pounds to 6,000,000 pounds. During the same period at Portland, Oreg., the increase from Belgium was from three million and a half pounds to over 9,000,000 pounds; from Germany, from nothing to over 3,000,000 pounds; from the United Kingdom, from 2,000,000 pounds to 12,000,000.

The figures that I first gave for Port Townsend were pig iron, and the increase in importations in pig iron at Port Townsend during the same period from British Columbia was from nothing during the last year of the Dingley law to 1,232,000

There was a great reduction in the tariff rate in the Payne law from the Dingley law, and the result is that practically all of the iron and steel used on the Pacific coast, or at least an

exceedingly large portion of it, is now imported and the present tariff paid upon it, because it is cheaper to import it than it is to have it made in this country. The importations have so very largely increased from China that, with the decrease proposed by this bill, it is almost certain the importations will be greatly increased.

We have been very kind to the Pacific coast, as far as tariff legislation is concerned. I am not prepared, so far as one Member of Congress is concerned, to say that we will keep a high tariff on everything that the Pacific coast produces and let them obtain everything which they consume from foreign countries at a low rate of tariff. I am not prepared to pay a high price on lemons in order to have them shipped from California across the continent and then say that California and Washington and Oregon shall bring their pig iron from China made by Chinese labor. [Applause on the Republican side.]

Mr. AUSTIN. Mr. Chairman, I think the gentleman from Washington [Mr. WARBURTON] will recognize the fact that it is hardly fair for an American Congress to exclude the cheap Chinese labor by statute and yet at the same time permit the Chinese people to bring in their pig iron on the Pacific Coast. There is no consistency in it. It is not right, and it is not just to keep from the shores of America the cheap Chinese labor and yet at the same time throw our doors wide open to the steel and pig iron made by the cheap coolie labor in China. Now, there is going to be a reduction in the price of delivery of pig iron on the Pacific coast, and it will come with the completion of the Panama Canal, and the pig iron for the Pacific coast will be furnished by the iron mills of the Southern States by the improved waterways, giving them cheap water transportation down the rivers upon which their furnaces are located into the Gulf of Mexico and through the Panama Canal. We owe it to the American workingmen to keep out the goods made either in China or Japan that are sold in competition with the goods made by the American mechanics. If there is anyone in this House who desires to extend the zone in the future and increase the sale of goods made in Germany, France, China, or Japan, let that responsibility rest entirely with the majority in this House. The Republican Party in this House is united to-day as it never was united since I became a Member, and it is united because the majority have stated that they propose to put through the House legislation absolutely robbed of every bit of the American protective-tariff system, and while there is a limit to discussion and a restriction in perfecting this bill, there will be no limit to the discussion that we will have with our opponents before the American people ere the ides of November come. [Applause on the Republican side.] We will be a unit against extending the zone and increasing the sale of foreign-made goods in America, and we will stand solid, where we have always stood, to give the American manufacturer and the American wage earner the protection that they need from the cheap, pauperized labor of foreign lands. We will make our goods at home in American workshops, giving the highest known scale of wages to the American workman. It is on that issue we challenge you in this coming campaign, and it is the ardent hope of the Republican Party that you will go into the national campaign with the declarations you have made on the tariff in the discussion of this bill. [Applause on the Republican side.]

Mr. WILSON of Pennsylvania. Mr. Chairman, it is rather amusing to me, I do not know how it is to others, that whenever a tariff measure is up for consideration by this House that immediately the hearts of Members on that side of the House warm to the American wageworker [laughter and applause on the Democratic side], and yet the policy of the Republican Party for the past 30 years or more has been to protect and take care of the manufacturers, the employers of labor, and then depend upon the generosity of those employers to take care of the wageworker. [Applause on the Democratic side.] The real situation is this, that the American wageworker is placed in the position, by virtue of a high protective and in some instances prohibitive tariff, where everything he needs in his household, in his home, must be purchased in a market where the prices have been embanced by virtue of those high where the prices have been enhanced by virtue of these high tariffs and then sell the only thing he has for sale, his labor power, in a market that has free trade with all the world except China. [Applause on the Democratic side.] So there is no inconsistency on the part of the gentleman from Washington in taking the position that he does. The only part of the world that wageworkers of the Pacific coast are protected against is China. There is practically free trade in labor from all other parts of the world.

You have labor upon the free list and you have the things which laborers have to buy upon the protective list. [Applause on the Democratic side.] And then you hope to deceive

now and in the future, as you have in the past, the American workingman into the belief that a protective tariff or a prohibitive tariff is for his welfare, when, in fact, it is for the welfare of the manufacturer and the employer of labor as against the rest of the people. [Loud applause on the Democratic side.]

The Clerk read as follows:

4. Boiler or other plate iron or steel, and strips of iron or steel, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; sheets of iron or steel, common or black, of whatever dimensions, whether plain, corrugated, or crimped, including crucible plate steel and saw plates, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel, whether sheared or rolled in grooves, or otherwise, 15 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, lines 5 and 6, by striking out the words "20 per cent ad valorem.

Mr. PALMER. Mr. Chairman, this particular paragraph covers plate iron and steel and sheet iron and steel, and it was intended, and the original draft of the bill did place both plate and sheet iron and steel at the rate of 15 per cent ad valorem. This amendment is offered by the committee to correct a clerical error by reason of which the rate of 20 per cent ad valorem crept into the bill without our noticing it until after the caucus

had met and acted upon the bill.

I will call to the attention of the gentlemen upon this side of the House that the Democratic caucus held a few days ago, while it adopted this bill as a party measure, passed a resolution that the committee should be permitted to offer such amendments as might be necessary upon the floor of the House to correct errors, omissions, or clerical mistakes. This is only a clerical mistake in this paragraph. If we did not put this amendment in and reduce the rate from 20 per cent to 15 per cent we would be compelled, in order to make our bill systematic and scientific, to put a proviso in this clause defining the difference between plate steel and sheet steel. There is no difference between plate and sheet steel, except as to thickness, and if we carry a different rate upon plate from that which we carry upon sheet, it will be necessary to define the thickness of the plate, which would make it understood to be sheet steel. I thought that this explanation of the committee amendment was due, particularly to this side of the House.

Mr. MANN. Can we have the amendment reported again?

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. Do you put everything in the paragraph at 15

per cent?

Mr. PALMER. Yes.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

The question was taken, and the amendment was agreed to. The Clerk read as follows:

7. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, railway fish plates or spliced bars made of iron or steel, 10 per cent ad valorem.

Mr. WARBURTON and Mr. MURDOCK rose.
The CHAIRMAN. The gentleman from Washington [Mr.

WARBURTON] is recognized.

Mr. WARBURTON. Mr. Chairman, I desire to offer an amendment to section 7. When I prepared my amendment I had before me the House caucus bill, and I see I did not have the amendment quite right. I move to amend section 4, on page 4, by striking out the words "10 per cent ad valorem" and substituting in lieu thereof "shall be admitted free of duty."

Mr. PALMER. Mr. Chairman, I make a point of order that

we have long passed paragraph 4.

Mr. WARBURTON. This is section 7.
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend line 2, page 4, by striking out the words "10 per cent ad valorem."

Mr. HILL. My impression is that if you strike out and do

Mr. HILL. My impression is that it you strike out and do not fix any other rate you double the duty.

Mr. WARBURTON. I believe I inserted the words "in lieu thereof." The amendment is this, that you strike out the words "10 per cent ad valorem" and substitute in lieu thereof the words "shall be admitted free of duty."

Mr. PALMER. Mr. Chairman, I make the point of order that there is the continuous production which the continuous production.

there are no such words in the section which the gentleman

proposes to strike out.

Mr. MURDOCK. Mr. Chairman, I offer the following amend-

The CHAIRMAN. There is an amendment already pending. Mr. WARBURTON. Mr. Chairman, I desire to be heard on the amendment.

Mr. MURDOCK. I understood the Chairman ruled the gentle-

man out of order.

Mr. PALMER. Mr. Chairman, I simply made the point of order that there are no such words in the section as the gentleman moved to strike out, and he has corrected his motion by making it 10 per cent. There is no point of order pending against the amendment offered by the gentleman from Wash-

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments be

closed in 10 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. Un-DERWOOD] asks unanimous consent that all debate on this paragraph and amendments be closed in 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object-

Mr. MURDOCK. I want to offer an amendment.

Mr. UNDERWOOD. How much time does the gentleman from Kansas want?

Mr. MURDOCK. Five minutes. Mr. UNDERWOOD. I am perfectly willing to give the gentleman 5 minutes out of the 10.

Mr. MURDOCK. Then I offer the amendment. Mr. UNDERWOOD. I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes,

Mr. MANN. Reserving the right to object, I should like to ask the gentleman-

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments The CHAIRMAN.

thereto close in 10 minutes.

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from Alabama what his intention is in regard to the bill, whether he expects to pass this bill on Sunday morning?

Mr. UNDERWOOD. I hope to be able to pass the bill tonight. I certainly expect to work several hours longer on it.

Of course I can not tell whether I can pass it, but I hope to be able to do so.

Mr. MANN. I think the gentleman is quite able to tell whether he can pass it. I wish the gentleman would agree that we should run a little while longer and that we might take Mr. MANN. up the bill and finish it on Monday.

Mr. UNDERWOOD. I can not agree with the gentleman about that, at any rate not now. I renew my request.

The CHAIRMAN. Is there objection to the request made by the gentleman from Alabama?

There was no objection.

Mr. UNDERWOOD. I expect to yield five minutes to the gentleman from Kansas [Mr. Murdock].

The CHAIRMAN. The Chair understood it that way. question is on the amendment offered by the gentleman from Washington [Mr. WARBURTON].

The question being taken, the amendment was rejected.
Mr. MURDOCK. I offer the following amendment.
The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add after the words "ad valorem," in line 2, page 4, the following: "Provided, That if the United States district courts adjudge the United States Steel Corporation a combination in restraint of trade and exists in violation of the act of July 2, 1890, an act to protect trade and commerce against unlawful restraints and monopolies, then, from and after the date of entry of such decree, railway bars, made of iron or steel, and railway bars made in part of steel, T-rails and punched iron or steel flat rails, railway fishplates or spliced bars, made of iron or steel, shall be exempt from duty."

Mr. MURDOCK. Mr. Chairman, this amendment, in brief, provides that if the United States district court eventually decides against the United States Steel Corporation in the suit which the Government has filed in New Jersey, the items enumerated in this paragraph shall not pay a duty of 10 per cent ad valorem, but shall be admitted free. I introduced the amendad valorem, but shall be admitted free. ment because of this: During my political experience, which covers in this field the last 10 years, I have heard it stated over and over again in political debates, that if there was one item in tariff schedules that was completely under the control of a monopoly it was the item of steel rails. I have had that confirmed over and over again here as a listener to the more or less illuminating debates. Gentlemen will remember that less than two weeks ago on this floor, at the close of a busy day; a spirited debate arose over the price of steel rails. It has been represented by maintained in the public prints and on this floor. repeatedly maintained in the public prints and on this floor, that for the last 10 years steel rails have continually been of the same price, namely, \$28 a ton-steel rails, standard rails,

and not the smaller sizes. You will remember that during that debate the gentleman from Kentucky [Mr. STANLEY]-and I think I can say that there is no man on this floor who has devoted lately as much time to the study of the question as he pointed out, under inquiry, that year after year steel rails have remained at the single price of \$28 a ton.

I do not think there is any gentleman who believes, if this circumstance as to the price of rails is a fact, that it is a mere

matter of accident. It does argue collusion.

Now, the point I wanted to make is that there seems to have come into the minds of some men in the Democratic Party a doubt that the United States Steel Corporation is a combination in restraint of trade. There is no such doubt in my mind. do not believe there is a doubt in the minds of the majority on

Mr. BARTLETT. Will the gentleman let me ask him a

question?

Mr. MURDOCK. Let me finish what I have to say in this direction, and then I will allow the gentleman to interrupt me. The point I want to make is that there is nothing particularly sacred about a Democratic or a Republican caucus. There is no reason at all why you should tie yourselves up to a certain program in a matter of this kind. This is not an extreme, this is not a radical proposal. It offers you this: If you are in doubt that the United States Steel Corporation is a combination in restraint of trade, then wait until the court has decided, and if the court does so decide, that it is a combination in restraint of trade, then this bill, if it become a law, will automatically put steel rails on the free list.

Now, I want to say to the gentleman from Georgia before he interrupts me that he is the member of a party that less than four years ago solemnly in convention in Denver declared this, and I challenge him as a member of the party to live up to his party declaration. Here is the declaration from the Democratic

platform:

We favor the immediate revision of the tariff by the reduction en import duties, that articles entering into competition with trust-controlled products shall be placed on the free list.

[Applause on the Republican side.]

Now, I will ask the gentleman from Georgia why does not he, with the majority upon that side, in a matter of this kind, choosing between fidelity to the caucus and fidelity to the national paltform, why do they not adopt this amendment? I pause, that the gentleman from Georgia may answer.

Mr. BARTLETT. I rose to ask the gentleman from Kansas this question. [Laughter on the Republican side.] Oh, I will

answer any question the gentleman asks me.

Mr. MURDOCK. I wish the gentleman would answer it.
Mr. BARTLETT. So far as I am concerned, I am willing to take the duty off from steel rails and every other steel product if controlled by a trust.

Mr. MURDOCK. Why do you not do it, then? Mr. BARTLETT. I say so far as I individually am con-

[Laughter on the Republican side.]

Mr. MURDOCK. I would like to hear the gentleman from Georgia. I esteem him very much and have for many years, and here is a matter I regard a little bit above the political

The CHAIRMAN. The time of the gentleman from Kansas

has expired

Mr. MURDOCK. I would like two more minutes, Mr. Chair-

Mr. UNDERWOOD. I do not like to yield the whole of my time, but I will ask unanimous consent that the gentleman may have two minutes more if he desires.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Kansas be extended two minutes. Is there objection?

There was no objection.

Mr. MURDOCK. Let me say one word to the gentleman from Georgia before he further replies. I want to say on a matter of this kind where there is no general dispute, no politics in it, that we ought for the moment to disregard so slight a thing as a caucus rule and do a plain, simple act, namely, to vote to put steel rails on the free list if the courts should declare that the steel corporation is a trust.

Mr. BARTLETT. Mr. Chairman, will the gentleman permit

an interruption?

Mr. MURDOCK. Certainly. Mr. BARTLETT. The gentleman has singled me out, and it is no offense to me for him to do so, because my views are not concealed about anything, as the gentleman knows.

Mr. MURDOCK. Certainly.
Mr. BARTLETT. The gentleman said that there seemed to be in minds of Democrats an impression that the steel corporation was not a trust.

Mr. MURDOCK. Some of the Democrats.

Mr. BARTLETT. The gentleman said on this side,

Mr. BARTLETT. So So far as I am concerned, I am not in a position to make a declaration with reference to that. It would not be a proper thing for me to do, occupying the position I happen to occupy as a member of that investigating committee; but I will say that the one man I know of who has publicly declared that the steel corporation was not a trust is the ex-President of the United States, Mr. Theodore Roosevelt.

Mr. MURDOCK. So far as I am concerned, I will say that think it is a combination in restraint of trade, and I believe the court will so adjudge it, and this amendment, if carried, will

do no harm.

Mr. BARTLETT. And the officials of that giant corporation are to-day engaged in endeavoring to resurrect that same gentleman as a presidential candidate.

Mr. MURDOCK. Let us take the duty off steel rails if the corporation is adjudged a trust. Will the gentleman agree to

Mr. BARTLETT. I will vote to take the duty off steel rails or any steel product that is controlled by a trust.

Mr. MURDOCK. Why not now?

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, the reason this tax is left on here is that possibly, and I hope it will be so, the con-cingency to which the gentleman points in his amendment may happen. If it does happen, then there is reason for keeping this tax on, more so than there is now. As I understand the situation in reference to steel rails, there is a world-wide agreement between the English and the German manufacturers and the American manufacturers that the German and English manufacturers will not ship rails into this country and that the American manufacturers will not ship them into Europe. balance of the world is an open competitive market between I do not know that dissolving a trust in this country could break that agreement, but it probably could. If the United States Steel Corporation were dissolved and its various rail mills put into separate companies, being competitive, I think probably that agreement would break down

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman

yield?

Mr. UNDERWOOD. I do not want to be interrupted.

Mr. YOUNG of Michigan. Then the gentleman declines to yield?

Mr. UNDERWOOD. I do. I have only five minutes. If that agreement—I do not say that I know it, but I have reason to believe that it is so—as to a division of territory breaks down, then this rate in this bill will be competitive, and it will be a revenue producer; but if the condition remains as it is we would accomplish nothing for the American people by putting rails on the free list, because none would come in under this agreemnt to which I refer. None of the high-class rails are coming in now. The only revenue that is coming in under this paragraph to-day is coming in from light rails, not due to the tariff, but because the one item in the Payne tariff bill which was reduced very low was the item of steel rails. That did not bring them in. I do not contend with this House that this will bring them in as long as this world-wide agreement stands.

It will not affect the tariff one way or the other. as the American manufacturer agrees not to go into the European market and the European manufacturer agrees not to go into the American market, no tariff conditions will affect this item; but if that agreement breaks, then this particular rate will be a low rate and will be a competitive rate and will create

That is the reason we did not come in here and pretend that we were going to accomplish something by putting these articles on the free list when we would not have accomplished anything, and, in my judgment, the gentleman from Kansas [Mr. MURDOCK] has his amendment backward. If the contingency that his amendment looks to should happen, that will probably break this world-wide agreement, and then you will have a competitive rate, because a 10 per cent tax on steel rails will not be a very high tax if there is a competition between the Old World and this world.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. Norris) there were-ayes 19, noes 71.

So the amendment was rejected.

The Clerk read as follows:

8. All iron or steel sheets, plates, or strips, and all hoop, band, ir scroll iron or steel, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals; sheets or plates composed of

iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding; sheets of iron or steel, polished, planished, or glanced, by whatever name designated, including such as have been pickled or cleaned by acid, or by any other material or process, or which are cold rolled, smoothed only, not polished, and such as are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polished better than the grade of cold rolled, smoothed only; and sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, 20 per cent ad valorem.

Mr. FULLER. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend paragraph 8, page 4, by adding, in line 20, after the words "ad valorem," the following:
"Tin plates coated or plated with nickel or other metal, 30 per cent ad valorem."

Mr. FULLER. Mr. Chairman, the coating or plating of tin plates with nickel or other metal called nickeloid is a separate and distinct industry. The manufacturers of these coated plates are compelled to buy their tin plates in the market, so that the tariff on tin plate does them no good. They can be protected only by the difference in the tariff between the tariff on tin plates as such and a higher tariff on tin plates coated or plated with nickel or other material, making an article called nickeloid. It is a considerable industry, and it is unable to compete successfully with foreign manufacturers unless it has some protection. This amendment proposes 30 per cent ad valorem on the coated or plated tin plates, whereas the tariff as proposed in the bill is 20 per cent ad valorem on the tin plates not coated, which would make a protection of 10 per cent on the coated tin plates. This industry should have some degree of protection. Under this bill, unamended, it would have none whatever.

Mr. PALMER. Will the gentleman yield? Mr. FULLER. Certainly.

Mr. PALMER. The raw material of the nickeloid manufac-

turers is tin plate and nickel, is that right?

Mr. FULLER. I think so, perhaps some other metals, but I do not know; but they have no protection on the coated plate.

Mr. PALMER. But the raw material has been very considerably reduced in this bill. Is not that true?

Mr. FULLER. I do not know how much, but that cuts very little figure with them whether or not there is a tariff on the raw material. They can only be protected by a tariff on the coated plates over that on ordinary tin plates.

Mr. PALMER. I think the gentleman is very much mistaken about that. The materials enter very largely in the final cost of nickeloid. The labor involved is not considerable, and the cut which has been made here on tin plate down to 20 per cent will leave the nickeloid people about where they stood, so far as their finished product is concerned.

Mr. FULLER. But I understand there is no protection on the

coated plate.

Mr. PALMER. Well, there is not much protection anywhere in the bill.

Mr. FULLER. So it seems to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FULLER].

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. FULLER) there were-ayes 41, noes 76.

So the amendment was rejected.

The Clerk read as follows:

18. Automobiles, bicycles, and motor cycles, and finished parts of any of the foregoing, not including tires, 40 per cent ad valorem.

Mr. HILL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, we have reached the end of the list of cruder products of iron and steel and I desire to call the attention of the committee, and I hope to some degree of the country, to the fact that the report submitted by the committee on this bill practically makes no reference to the remainder of this schedule, and that the parts to which the report is devoted constitute only about one-third of the schedule. I have taken the census table embodied in the minority report and have segregated from it the cruder forms of iron and steel, the products of the rolling mills and the blast furnaces of the country, and I find that practically two and a half of the entire three and a half billions—and if the increase since 1905 is considered, twothirds of the five billions of products covered by the schedule now-consist of finished products of the products of iron and steel and other metals, and that these have practically received no consideration by the committee, except that they have taken an ax or a "blacksmith's tool" of some kind and cut the rates

in two. In one respect, I do not know that I greatly regret this. This action of the Democratic majority will make the great Middle West of this country, and certainly all of New England, solidly Republican in the next election. [Applause on the Republican side.] Make no mistake about that. We are slowly losing some of these industries in New England; they are going to the Middle West, nearer to the source of their supply of raw materials. You are not hitting us so much in doing it as you are hitting the people between the Mississippi River and the Alleghenies, but you are hitting them and hitting

them very, very hard.

Many of these industries are employing simply labor in addition to the raw material which you produce. A penny's worth of wire being made into a dollar's worth of finished product by labor alone is being cut in two, and a 25 to 50 per cent reduction made on those things, with a reduction of only 5, 10, and 15 per cent on the raw material. Now, if you can stand it politically, try it on. You did try it on in 1894, and you turned the district which I now represent from 2,300 Democratic to 5,400 Republicant. You targed the State of Connection for 5,400 Republican. You turned the State of Connecticut from 5,000 for Grover Cleveland to 54,000 for a Republican successor, and you will do it again by this sort of tariff operation.

I do not say that some of these reductions may not be just or unjust. I do say this, that so far as your report is concerned, so far as any evidence is given by any action that you have taken, you have absolutely refused to these people any chance to be heard as to their industry, and you have absolutely refused to give any information as to your reasons for doing it in the report which you have made here. You have talked about the statistics of making iron and steel and of making steel rails. You have not given us a fact, not a scintilla of evidence, in justification of the reduction of the duty on these things. If you are ready to admit, as the chairman of the committee said last night, that you have ignored all that sort of thing, that you have absolutely given it no consideration, that your only purpose is to eliminate every scintilla of protection and simply put a burden of tax upon these industries without any regard to any other feature of the tariff, well and good; we will meet you fairly and squarely on that ground in the next election, and many of you will not be here to make your reply then. [Applause on the Republican side.]

Mr. Chairman, I think it was paragraph 18 that Mr. MANN. the Clerk read last. That is the paragraph in reference to automobiles, and so forth. It is another illustration in the bill either of a tariff for competitive purposes or of a tariff for revenue purposes. The report shows that there are produced in the United States articles named in the bill for 1910 to the extent of over \$165,000,000; that during that year there were imported nearly \$3,000,000 worth; and that the committee estimates under this bill there will be imported only \$1,700,000 worth. Certainly that is not along the line of a competitive tariff, but if we take it on the grounds of a revenue tariff, how about that? The import duties on these goods under the existing law for 1910 were over \$1,200,000; for the last fiscal year, nearly \$750,000, while the committee estimates only \$680,000 in the future. The bill can not be defended as to this item either on the ground of competition with foreign producers, if their estimate is correct, or on the ground of a revenue duty, but it only illustrates that the figures offered by the committee in their estimate of importations are absolutely unreliable. Everyone knows that under the provisions of this bill there will be great importations from foreign lands of goods made by the aid of foreign capital and by the hands of foreign workmen, which will take the place of goods produced here by the aid of American capital and by the hands of American workmen, at the expense of the prosperity of the entire community and Nation. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

19. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this act, or in the first section of the act cited for amendment, 10 per cent ad valorem: Provided, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

Mr. BOWMAN. Mr. Chairman, I move to strike out the last word. As soon as I reached this section of the bill vesterday when it was presented, I telegraphed to the Sheldon Axle Co., a concern which is engaged in manufacturing steel axles in the city of Wilkes-Barre, located in Luzerne County, which comprises the eleventh district of Pennsylvania, which I have the honor to represent. I would like to read the telegram which I sent them and their response. I telegraphed as follows:

The bill which is presented proposes rate 10 per cent ad valorem upon axles generally. How would this rate affect your business?

The response is as follows:

Am afraid this would let in French, German, and Belgium axles. Rate should be 20 per cent, from our experience.

When searching about the House for information I discovered this pamphlet, headed "Caucus Print," and upon referring to article 19 found a statement regarding axles. The tonnage of imports increased in 1911, 15 per cent, while the percentage of value has-increased 50 per cent, showing, I think, that the more expensive axles are now being imported, upon which American labor should be employed.

Furthermore, it states under the line of duties that the estimate of revenue for a 12 months' period under the proposed bill will be \$12,500, whereas in 1911 over \$17,000 was collected, showing an estimated decrease in revenue; not what the bill

proposed to accomplish—an increase in revenue.

I do not care to go into the matter to any considerable extent, except to say that in this factory there are upward of 1,500 men employed. The factory was started in Auburn, N. Y., about 40 years ago, and in order to obtain economies in production, cheaper fuel, and additional capital it moved to Wilkes-Barre, The gentlemen in control have not made any extravagant profits in the business. They have improved the methods of manufacturing and are producing what are known as long-distance and other first-quality axles using ball bearings, and so forth. I do not believe they have made much profit in axles, as they have also engaged in the manufacture of springs and in other ways have endeavored to make a profit out of their undertaking.

If their statement is correct, this provision in the pending bill will cause a great deal of distress, not only to them, but also to the men in their employ. A main purpose of these gentlemen has been to attract to that city industries that will give employment to those men who can not find employment in the mines,

as they become exhausted.

The majority having informed the House that this bill shall pass to-day, and pass unchanged, without the dotting of an "i" or the crossing of a "t," I shall not waste the time of the House in taking a vote upon an amendment to this section making the duty 20 per cent, as it should be, to properly protect this American axle business and the American workmen that are employed in it. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

23. Cast-iron pipe of every description, cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles; castings of malleable iron not specially provided for in this act or in the first section of the act cited for amendment; cast hollow ware, coated, glazed, or tinned, 10 per cent ad valorem.

Mr. ROBERTS of Nevada. Mr. Chairman, some months ago I had the privilege of addressing this House upon the tariff question, and inasmuch as that question will be one of the main issues in the coming national campaign, if not the paramount issue. I will beg your indulgence for a short time to-day upon the same subject, in order that my views may be more fully understood. To begin with, we must remember that in the colonial days many of our forefathers, monuments in whose memory adorn the various public squares and circles of this beautiful city, were deep students of the same subject, and many of their deductions and conclusions are of record in the public documents of that time. As I pass on in my remarks I shall take occasion to quote briefly from the views of some of those great statesmen. You will remember that the colonists themselves fought for independence, not alone over taxation without representation, but also over the tyrannical policy of Great Britain in refusing them the right to manufacture raw materials for their own use. The Colonies produced the raw materials in abundance, but the mother country, in order to make the Colonies wholly dependent upon her, passed laws which utterly prevented them from founding factories and establishing mercantile industries. Even men skilled in the various lines of industry were prevented from coming to America-England was simply playing a "brace game" with the Colonies, and they knew it to their sorrow long before the Declaration of Independence.

Mr. David H. Mason, who wrote an admirable history of the United States on the tariff question, used the following language, which completely sums up the situation:

It was the strong desire of the colonists to be set free from their helpless and debasing reliance on Great Britain for their manufactured supplies, so that they might manufacture their own raw materials without hindrance and enjoy to the full the development of their native resources, which lay at the bottom of the great struggle. Here is to be found the germ of our protective system, a germ which became the

creative principle in forming a "more perfect Union" and in enacting the tariff of 1789 as measures of deliverance from industrial bondage to Great Britain.

It will be admitted by all that during the long six years from 1783 to 1789 the country was on the verge of bankruptcy. It was swamped with the manufactures of foreign countries, and the money of our own people went into the pockets of foreigners. Foreign factories took on new life, foreign ships dotted the oceans in their traffic with American ports, and our own industries, impoverished and decadent, could not withstand the competition of foreign lands. Our money went into other channels, and we are left only the records of those times under

free-trade principles to guide us in the future.

It might be well to ask ourselves "Whither are we drifting?" There seems to be a natural inclination on the part of malcontents in all parties to get as far away as possible from the great principles of industrial and political liberty as laid down by the framers of our Constitution. They were great men, and it mattered little what section of the country they represented, they agreed upon the great fundamental truths of

government.

Madison summed up the intention of the framers of our Constitution as follows:

The people adopted the new Constitution, I believe, under a universal expectation that we should collect higher duties. We must do this if we mean to avoid direct taxation, which was always a means of revenue in the particular States.

We find men here to-day contending that Washington, Adams, Jefferson, Madison, Monroe, and other eminent statesmen of the early days were wrong in their convictions and did not understand or comprehend the structural form of our_Government or the necessities of the public welfare. It would appear rather strange, to say the least, if those men experienced in the conditions of the times and whose lives were devoted to the upbuilding of the Government and whose acts and deeds form an inspiration for all mankind knew less of the principles they laid down than those of us who live a century afterwards by virtue of what they did for us. The American people may be misled for a time, but in the end they will come back to the

cardinal principles of protection.

Our people are the Government. Is it so anywhere else on earth? Our laws are what we make them, and the industrial and commercial industries of the country are just what the people permit them to be. We can judge of nothing in the future except by the experience we have had in the past, and judging by that experience I do not believe the American people want a repetition of the free-trade doctrine so vigorously advocated by our friends across the aisle who, by virtue of their number, control the legislation of this House. You ask why are number, control the legislation of this House. so many skilled mechanics in the mills and factories of Great Britain paid fairly good wages-largely because the employers of Great Britain had to pay good wages or lose all their best mechanics. It was the protective policy of the United States that raised the wages of the skilled mechanics of Great Britain, and not the free-trade policy of that country. Why is it that you can not go into a mill or a factory in the United States but what you will find workingmen from foreign countries, who have come to our shores seeking employment? Even will find England, of whom we hear so much, well represented. will find her laborers in every factory in America; and yet you say England is the highest-wage country in the world outside of America. Do these foreign workingmen like their positions in our American factories? As soon as they get money enough they send for all their relatives, even unto their "mothers-in-law." Go into the mines, mills, and factories of forcion Do you find any American workingmen? If you do, do you find them sending home for their uncles, aunts, and cousins? Answer me these questions, those of you who would strive to put our laboring men on a level with the foreign laboring man.

I represent a great mineral district—one of the greatest the world has ever known, and yet we need capital. We need new mines opened up and developed; we need more mills erected; we need more railroads, more factories, and more irrigation projects. Do not think for a moment that capital will come out of its hiding place until it can see protection. It needs it, and is

entitled to it.

The time is gone when men can cry "Down with capitalists!" simply because they are such, and create maddening stampedes in our political life. Capital and labor are essential each to the other; neither is independent of the other. Labor needs protection just as much as capital; if anything, a little bit more. Capital can usually succeed in taking care of itself. If it has not sufficient protection here, it can go elsewhere. not see an adequate profit upon its business investments in a particular industry, it can go into another. It is essential to the prosperity of any country. Even the Members of this House are not opposed to capital, except those few who would scorn to take mileage when it is allowed them by law. Of course none of them would refuse for political effect. When would our greatest mines, mills, and factories be giving employment to labor if capital were withdrawn? If capital were suddenly or gradually withdrawn from our great railroad enterprises, from our telephone or telegraph companies, from our mines, mills, smelters, and factories, what would become of our laboring men? What would become of the Government itself? No; encourage all lawful business, whether big or small, and build up all the industrial and commercial industries of our country, and, by laws sufficiently strong, enforce a decent regard for the rights of all, and then will we prosper in all legitimate lines of endeavor. All any man can expect is a "square deal," and when he has received that he has no ground for complaint.

Why do some of you gentlemen hate to be classed as free traders? You say you do not believe in protection. You say you are in favor of a tariff for revenue only. A tariff for revenue only is free trade, leaving out the revenue. In other words, without the element of revenue you would open up the ports of this country to all the nations on earth. That would mean just what it meant to our forefathers, who from 1783 to 1789 experienced the only real test of free-trade doctrine this country has ever known, except during the time following the passage of the late lamented Wilson bill, which put the country on the down-grade for some time, and during which time every ranch and farm in this country wore a "sticking plaster."

ranch and farm in this country wore a "sticking plaster."

Do you forget those days, gentlemen? Do you try to remember them? The people of the country remember them very distinctly, and when they stop to think of the causes which those hard times they will certainly cast their votes to avert them. How are the farms and ranches to-day? Are they covered up with mortgages? No. Why? Because we have pursued a protective-tariff policy. Our farmers were never more prosperous than now, and the workingmen were never in a better condition; and yet "calamity howlers" throughout the country who have never produced anything except "hot air" are trying to make them think that they are downtrodden and in a worse condition than any people on earth. I deny the imputation. I reiterate that the American people as a whole are the most prosperous and enlightened people on the face of the globe. They are so because of the policies of this Government and because foreign Governments are not permitted to make a dumping ground of America for shoddy goods, wares, and merchandise, made by cheap coolie and convict labor. We want to purchase American-made goods, even if we pay a little bit more for them. Workingmen, what about your clothes? It is true you can not afford much of a wardrobe; but I have yet to see a sober, industrious, honest, and intelligent workingman from the Atlantic to the Pacific who could not afford a decent suit. Have you? I think not. Look at your dinner table when you have an extra "spread." You will find enough imported goods, wares, and merchandise on it to set you to think-Foreign-made knives and forks-made in England. You bought them, and the money paid some English workingman, some English merchant, some English manufacturer. Table cloth—made in Ireland. Some workingman in Belfast you assisted when you purchased it; some American industries you crippled and some American workingman you kept out of employment. Look at your dishes and saucers-made abroad, and your money went to support some foreign industry at the expense of a home institution. Look at your tea, your coffee, your salt, your pepper, your olives, your lemons, your prunes, and your sardines; all your money went to develop the particular industry represented by each in some foreign land, to pay some foreign laborer, when you could have helped a home industry. I want American-made goods, made by American workingmen, made in this country, and if there is any surplus goods let them be sold in foreign markets, so that the foreign dollars will eventually return to the pockets of the American workingman.

I desire to call your attention to some of the remarks of that great statesman, Henry Clay, who said in the United States Senate, in behalf of protection, as follows:

Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

And then briefly stating the various industries and enterprises which would be seriously affected by an abandonment of the protective principles, stated:

Such are some of the items of this vast system of protection which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to do the work of destruction. Not to go behind the Constitution, its date is coeval with that instrument. It began on the ever memorable 4th day of July—the 4th day of July, 1789. The second act which stands recorded in the statute

book, bearing the illustrious signature of George Washington, laid the corner stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world that it was necessary for the "encouragement and protection of manufactures" that duties should be laid. It is in vain to urge the small amount of the measure of the protection then extended. The great principle was then established by the fathers of the Constitution, with the Father of his Country at their head. And it can not now be questioned that if the Government had not then been new and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs and of the Treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry.

By a protective tariff based upon the difference between the cost of production at home and abroad, our people will be better fed, better clothed, better educated, and better prepared to meet the duties and responsibilities of citizenship.

Bismarck, the great German statesman, in a speech delivered

Bismarck, the great German statesman, in a speech delivered before the German Reichstag, paid the following compliment to the protective principles of our Government when he said:

The success of the United States in material development is the most illustrious of modern times. The American Nation has not only successfully borne and suppressed the most gigantic and expensive war of all history, but immediately afterwards disbanded its Army, found employment for all its soldiers and marines, paid off most of its debts, given labor and homes to all the unemployed of Europe as fast as they could arrive within its territory, and still by a system of taxation so indirect as not to be perceived, much less felt. Because it is my deliberate judgment that the prosperity of America is mainly due to its system of protective laws, I urge that Germany has now reached that point where it is necessary to imitate the tariff system of the United States.

Duty as a Representative of a sovereign State impels me to add my voice in behalf of the principles laid down by George Washington, John Adams, and Thomas Jefferson, and scores of others of our forefathers, concerning the basic principles of protection and to protest as vigorously as possible against any attempt on the part of the legislative branch of this Government to abandon those principles which have made this Nation the admiration of the entire civilized world.

Shall we abandon the principles of protection as laid down by our forefathers? No! From the lofty Dome of this very building, sacredly dedicated as the Capitol of a free Nation, the Goddess of Liberty standing aloft, enlightening the world, cries out against it!

Mr. Webster, of Massachusetts, in a memorable address on the tariff in 1846 in the United States Senate, remarked that the difference between the state of things in Europe and America was that in Europe the question was "how men can live," and that in America the question was "how well can men live." That brief summary of the question by Mr. Webster is as true to-day as it was when he uttered it. Our people here have responsibilities not known abroad, aspirations not dreamed of in foreign countries, and we must not lose sight of the end to be attained by legislation, which will solve the question of how well can we live. We desire that legislation which will enable us to have plenty to eat, sufficient clothing to wear, educational and spiritual training for our children, and a competence to meet the ordinary requirements of an enlightened civilization.

meet the ordinary requirements of an enlightened civilization.

Between 1812 and 1861 three free-trade tariffs were tried and found wanting. Three times was the country saved from ruination by a return to protection. That 50 years' of experience with the two principles about which this House is debating at this time ought to be argument enough to satisfy a reasonable man. It has never worked successfully in this country. It may in other countries; and, by the way, what will apply to Great Britain, France, or Germany will not necessarily apply We occupy a different position in many respects. diversified resources are greater and our climatic conditions different, and, all in all, we are so situated as to be in a better position for a protective tariff than any other nation on earth. We can live practically within our own borders, but once we tear down our protective duties and open up our ports to the world's productions, history will repeat itself, and we will be confronted with the same dire conditions that have followed every free-trade measure established by Congress. Our mills, mines, and factories will close down, our laboring men will stand in the "bread line," and the wheels of national progress will turn backward. The tariff of 1846 might be called a freetrade tariff. Of its operations President Buchanan, who was a member of President Polk's Cabinet and who had consented to an abandonment of protection which he had formerly advocated,

With unsurpassed plenty in all the elements of national wealth, our manufacturers have suspended, our public works are retarded, our private enterprises of different kinds are abandoned, and thousands of useful laborers are thrown out of employment and reduced to want.

Of the tariff of 1816, which reduced the duties, Col. Benton

No price for property, no sales except those of the sheriff and marshal, no purchases at execution sales except the creditor or some hoarder of money, no employment for industry, no demand for labor, no sale for the products of the farm, no sound of the hammer except that of the auctioneer knocking down property. Distress was the universal cry of the people, relief the universal demand.

A careful summing of up this question leads me to but one conclusion. It is based upon our experience of various trials of the doctrines of our friends-the majority-as well as upon logic and reason and upon the weighty testimony of our forefathers and the greatest statesmen of modern times, and that is that to establish a tariff schedule without regard to the element of protection is a mistake, to say the least, which will prove

ruinous to our country.

Mr. Mason, in his admirable treaties on the tariff question, completely sizes up the situation in the following words: "All the prosperity enjoyed by the American people—absolutely all the prosperity, without any reservation whatever—from the foundation of the United States Government down to the present time, has been under the reign of protective principles; and all the hard times suffered by the American people in the same period has been preceded either by a heavy reduction of duties on imports or by insufficient protection, thus refuting all free-trade theories on the subject."

From the very beginning of our Government it will be seen that efforts have been made to encourage home productions. The Continental Congress encouraged home production in all ways possible. England, for her own selfish ends, discouraged and restricted it. As early as 1789 Congress passed a protective tariff measure. I will quote the first two sections:

SECTION 1. Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that taxes be laid on goods, wares, and merchandise imported:

SEC. 2. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That from and after the 1st day of August next ensuing the several duties hereafter mentioned shall be laid on the following goods, wares, and merchandise imported into the United States from any foreign port or place.

It will be seen that our forefathers in drafting the tariff bill of 1789 had in view the protection of our manufactures. But you say, "Do not protect them; they will combine and form a trust or a monopoly, and fix the prices of both their products and labor." But suppose you do not protect them. You are But suppose you do not protect them. simply driving them out of business and giving the foreign manufacturers the right to supply our goods, wares, and mer-chandise, and to combine and monopolize all they desire, and employ their own working people, while our working people are without employment and compelled to purchase their products and pay not only the wages of their workingmen, but the prices fixed by the monopolies and trusts of foreign countries.

Thomas Jefferson, whose memory we all revere and whose statesmanship is unquestioned by all you gentlemen across the aisle, in a letter which he wrote to Benjamin Austin in 1816, said:

Experience has taught me that manufactures are now as necessary to our independence as to our comfort,

Perhaps no man living or dead had a deeper, broader, and more profound comprehension of the tariff question than the late President McKinley, whose advocacy of the principles of protection is admirably set forth in these words:

Protection is admirably set forth in these words:

Now, whatever system will bring the largest liberty to the masses of our countrymen, the largest independence to the workman, the highest incentive to manual and intellectual effort, the better comforts and the more refining environments to the family, can not be dear at any price. It must be conceded that the protective system has accomplished much in this direction; certainly more than any other system. It has dignified and elevated labor; it has made all things possible to the man who works industriously and cares for what he earns; it has opened to him every gateway to opportunity. We observe its triumphs on every hand; we see the mechanic become the manufacturer, the workman the proprietor, the employee the employer. It does not stifle but it encourages manly effort and endeavor. Is this not worth something? Is it not worth everything? Especially in a country like ours, where the Government is founded upon the consent of the governed, where citizenship is equal and suffrage without limit, is it not our plain duty to educate, improve, and elevate our citizenship, which is indispensable to the peace and good order of our communities and the permanence of our institutions? And the system which secures these advantages in a larger degree than any other, as experience has demonstrated, is the protective system.

Many of the Members of this House are straight-out "dved."

Many of the Members of this House are straight-out "dyed-in-the-wool" free traders. I did think when I first came here that they were all on that side of the aisle, but I have almost come to the conclusion that I was mistaken. However, this is a free Government and every man has not only the right but ought to vote and voice his individual opinions. The lines between the two old parties is pretty clearly defined. Any man, however, who believes in a tariff for revenue only should move

over to the other side of the center aisle or into the Cherokee strip, where his identity would not be lost. I believe that all public men should declare themselves on public questions, so that the people would know where they stand and what prin-

ciples they uphold. [Applause.]

By the way, we should not overlook the fact that there is a third party ably represented in this House by the gentleman from Wisconsin [Mr. Berger]. You gentlemen on the other side have been flirting with socialism for years. I have heard the gentleman from Wisconsin [Mr. Berger] declare his principles aloud upon the floor of this House. There is no question as to where he stands. He is an astute politician and is playing "freeze out" with you gentlemen over there, and so cautious is he that some of your rill and his he had not recome of your rill and his he that some of your rill and his he that some of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his he had not recome of your rill and his is he that some of you will see his hand before the "draw," he has taken a seat on this side of the aisle, and it is a safe wager that when he gets through playing and "cashes in" he will have all you have got and you will have the experience. He will have your whole party in another game or two and then the lines can be more clearly drawn. Protection or free trade-

which side are you standing on, brother? [Applause.]

I notice that some enterprising business men have taken occasion to establish marble works adjacent to the Capitol Grounds; in fact, the Capitol is surrounded by costly, imposing, and unique headstones, and tombstones—some even of foreign make—and doubtless it was with an eye to doing business with Members of this House who commit political suicide these shrewd business men established their works in such close proximity to us. It might be well to order early, gentlemen, for the rush will be great during this session, and the grave diggers of America, too, are unionized and work only eight-hour shifts. After this Congress adjourns it will be all over with many of us, except the "flowers." Order your tombstones before you vote. The American people will write the epitaphs. I venture to say that most of the monuments will be inscribed as follows:

SACRED TO THE MEMORY OF A FREE TRADES—"GONE, BUT NOT FORGOTTEN."

We've laid you out in foreign garments;
Sleep, brother, sleep.
We've placed you in a foreign casket;
Sleep, brother, sleep.
We've planted foreign vines around you;
Sleep, brother, sleep.
We've reared a foreign tombstone o'er you;
Sleep, brother, sleep.

(This monument was made in foreign lands and chiseled by foreign artisans.)

Applause and laughter on the Republican side.]

Mr. HEFLIN. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, the gentleman from Connecticut [Mr. Hill has evidenced considerable sympathy for this side po-The gentleman wishes us to be careful lest we will litically. hurt ourselves politically. [Laughter and applause.] I notice, in looking into the record of the vote upon the farmers' free-list bill, the bill that sought to take the tariff tax off of agricultural implements in the interest of those who toil to produce the food that supplies the world, that the gentleman from Connecticut voted against it. [Applause.] The gentleman from necticut voted against it. [Applause.] The gentleman from Illinois [Mr. Mann], who has created considerable noise in opposition to this bill, also voted against taking this tax off of the farmers' implements. As to the gentleman from Tennessee [Mr. Austin], who has charged that we have cut the time so short for debate upon this measure that he can not discuss it, and he says the time is not far distant when they will have unlimited time to speak, and that will be to the American people between now and November, he, too, voted against the farmers' free-list bill. [Applause on the Democratic side.] I predict for you, gentlemen, that you will have unlimited time between now and November in which to discuss the issue, but since you have broken your promises to the people you will not have anybody to listen to you. [Applause on the Democratic side. 1

The gentleman from Nevada [Mr. Roberts], who has just taken his seat, speaks of political tombstones to be crected after the election bearing the lines, "Sacred to the memory of the free trader; dead, but not forgotten."

There will be more political tombstones erected over the prostrate forms of gentlemen upon that side than were erected even after the campaign of 1910 [applause], and the tombstones above your dreamless dust will read: "Here lies the standpatter, convicted of deceit and unfaithfulness to the American people; he died at the hands of an indignant and outraged electorate." [Applause on the Democratic side.] ectorate." [Applause on the Democratic side.]
Gentlemen upon that side have pretended to want more time

to discuss the iron and steel schedule. We have given you more time now to offer amendments to one schedule, the steel

and iron schedule, than you gave us to offer amendments to the entire Payne-Aldrich tariff bill, which had 14 schedules in

[Applause on the Democratic side.]

Mr. Chairman, one gentleman on that side tells us that we "are slaves to the Democratic caucus." We have a rule in that caucus, the same rule that prevails in this House, that onefifth of those present can order a roll call. That roll call is kept and published to the world. The country is looking to the character of legislation that we bring from the Democratic caucus. And you Republican standpatters can not hide your hypocrisy and broken promises behind a cry of "Democratic caucus" in an attempt to mislead and deceive the people. The people will say, "If the woolen schedule, the farmers' free-list bill, and the iron and steel schedule are the fruits of a Democratic caucus, then long live the Democratic caucus." applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

26. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this act or in the first section of the act cited for amendment, which have folding or other than fixed blades or attachments, and razors, all the foregoing, whether assembled but not fully finished or finished, 35 per cent ad valorem: Provided, That blades, handles, or other parts of any of the foregoing knives, razors, or erasers shall be dutiable at not less than the rate herein imposed upon knives, razors, and erasers. Scissors and shears, and blades for the same, finished or unfinished, 30 per cent ad valorem: Provided further, That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

Mr. BRADLEY. Mr. Chairman, I move to amend by strik-

Mr. BRADLEY. Mr. Chairman, I move to amend by striking out, on page 10, line 8, the word "thirty-five" and inserting in lieu thereof the word "eighty," so that it will read "80 per cent ad valorem" instead of "35 per cent ad valorem."

The CHAIRMAN. The Clerk will report the amendment

offered by the gentleman from New York.

The Clerk read as follows:

Amend, on page 10, line 8, by striking out the word "thirty-five" and inserting the word "eighty."

Mr. SHACKLEFORD. Why does not the gentleman propose

to make it 100 per cent?

Mr. BRADLEY. That would not be so far out of the way, from the standpoint of the Republican platform. The labor cost of this product is about 80 per cent of the factory cost. The mixed-duty rate under the present law was 77.69 per cent, in ad valorem equivalent, on imports during the fiscal year of 1911. This result, as well as my amendment, is exactly in accord with Republican policy, that seeks to protect American labor to the full extent of the difference in wages at home and abroad.

Mr. Chairman, I concede to the gentleman from Pennsylvania [Mr. Palmer], who spoke at length yesterday, and to my friend from Alabama [Mr. Underwood] honesty and sincerity of purpose; but differing from them, I demand equal acceptance of my honesty and sincerity of statement and of purpose.

The industry referred to in the first two lines of paragraph 26, on page 10, is not a great industry. In the main it consists of a large number of small manufacturing establishments sprinkled throughout New England and the Middle States, touching Ohio, Indiana, Missouri, Iowa, and Wisconsin.

It has been an industry of slow growth and keen foreign competition. The workmen connected with it to-day are, in great measure, American born and of the highest type of patriotism, intelligence, and mechanical skill. I speak advisedly, because in my own town is manufactured nearly one-half the total American product. Where I live has grown from a hamlet of 600 persons to a thriving town of more than 4,000, keeping pace with the growth of this industry, and these workmen of whom I speak are my personal friends. Eighty per cent of them are American born, and 65 per cent were born in the valley where they have since lived and where they toil to-day. Seventy per cent of them own their own homes. They are the town; they are the board of town government; they are on the boards of the churches; they are patriotic, high-minded American mechanics, who ought not to be treated with unnecessary cruelty, as they certainly will be should this measure become a law.

Mr. HAMLIN. Will the gentleman yield?

Mr. BRADLEY. Let me finish my remarks, and then if the gentleman has any question to ask I will gladly answer. The proposed duties, with reference to this item, are reduced in ad valorem equivalent 55 per cent from existing law and 35 per cent below the ad valorem equivalent of the Wilson bill. One hundred thousand dollars in mixed patterns of foreign goods would to-day have a landed value of \$177,690. Under this pro-

vision the landed value would be \$135,000, a reduction of 24 per cent

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. BRADLEY. Mr. Chairman, if the same volume of product is to be continued this reduction of 24 per cent must be met from the profits of the manufacturer, to a fair extent, and from the wages of the workman; there is no escape from it. As my statement differs from that of the gentleman from

Pennsylvania, time alone must prove which is right.

Of this item the imports last year amounted to \$804,000. It is estimated by the Ways and Means Committee there may be an increase of \$1,000,000 in the first year, providing this act takes effect. That would mean a landed value to the amount of 50 per cent of the total manufacture in the United States. Is it deliberately proposed that these American workmen of whom I speak shall work three days in the week where they are now working six? Or shall such a condition be avoided by meeting this proposed reduction in foreign value through a corresponding reduction in domestic profits and wages?
Mr. HAMLIN. Will the gentleman yield?
Mr. BRADLEY. Not now, but after my statement

Mr. BRADLEY. Not now, but after my statement is finished I will gladly yield. I presume, based on former experience, if history repeats, as it probably will should this proposition become a law, that in succeeding years the American workman with determination, under great necessity, with genius, industry, and skill, will contest the encroachment of foreign products and may consent to accept such drastic reduction as this measure would compel. But this must mean that much less of comfort and that much less of the betterments of life for these highclass American workingmen. And for whose benefit? For the benefit of the consumer? No; if history repeats, as it doubtless will, the consumer will get only the small end arising from increased imports of foreign goods at reduced cost. The reduction will unquestionably be followed by some degree of advance in the price of foreign goods, of a wider profit margin for the jobber and the retailer, and a very small proportion indeed for the consumer. But the big end in grief and loss in wages will come to the American workman.

Mr. Chairman, I look upon this question philosophically. have lived through the tariff changes of 50 years, as boy and man, as workman and employer. The years of 1857, 1858, and 1859 are just as clear to me as are the years of 1893, 1894,

and 1895.

I have no doubt whatever, if the party represented on the other side of the aisle is successful next fall, as it may be, that the years 1913, 1914, and 1915 will witness equal condi-tions of distress, equal conditions of grief, of sorrow, and de-privation as in the years 1893, 1894, and 1895. [Applause on the Republican side.]

Mr. HAMLIN. Mr. Chairman, will the gentleman yield for

question?

Mr. BRADLEY. Certainly.
Mr. HAMLIN. Mr. Chairman, I would like to ask the gentleman if he is engaged now in finanufacturing the articles mentioned in this paragraph to which he has offered an

Mr. BRADLEY. Mr. Chairman, I have not a penny invested in the stock of any interest that may be affected by this measure, nor have I had since my people first sent me to a seat in this House. [Applause.]

Mr. CANNON. Mr. Chairman, will the gentleman from New York yield to me for a question?

Mr. BRADLEY. Certainly. Mr. CANNON. If an American citizen must divest himself of all property that might be affected by legislation, could anybody be chosen as a Representative here—even a tramp—because he is interested in the hand-outs?

Mr. BRADLEY. Mr. Chairman, I beg my friend from Illinois will ask that question of the gentleman from Missouri. It is suggested, however, that I ask the gentleman from Missouri [Mr. Hamlin] if he does not own property this bill may affect. Mr. Chairman, I refuse to ask that question of my friend from

Missouri. [Applause.]
Mr. HAMLIN. I will state that I do not.
Mr. CANNON. Does the gentleman from Missouri own any property?

Mr. HAMLIN. I am fortunate enough to own a little, not-withstanding the Republican Party has been in power in this country for 16 years.

Mr. CANNON. Why, the gentleman would be competent as a legislator if he owns anything.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman

from New York.

The question was taken, and the amendment was rejected. Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, at the end of line 18, on page 10, the following: "Provided further, That no article named in this bill shall bear the following rates of duty if said article was produced by labor working more than eight hours a day."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that amendment. It is the same point on which the Chair has before ruled.

The CHAIRMAN. The gentleman from Alabama makes the point of order against the amendment. The Chair sustains the point of order.

Mr. AUSTIN. But, Mr. Chairman, I would like to be heard before the Chair does that.

The CHAIRMAN. The Chair will hear the gentleman from

Tennessee on the point of order.

Mr. AUSTIN. Mr. Chairman, my understanding was that the action of the Chair in ruling heretofore on this point of order was predicated upon the fact that the amendment was offered at the wrong portion of this proposed bill. During the discussion at that time the gentleman from Nebraska [Mr. Norris] called attention to the fact that on page 10 there was an administrative feature in connection with this bill where this amendment would be in order. The preceding proviso in this paragraph reads as follows:

Provided further, That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shapk or tang of at least one or, if practicable, each and every blade thereof.

If that provision of this bill is in order, then I insist that the amendment which I have sent to the desk is in order.

The CHAIRMAN. The gentleman from Alabama makes the point of order against the amendment on the ground that it is not germane. As the Chair understands the rule, no amendment shall be in order to any bill affecting revenues which is not germane to the subject matter of the bill, nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The Chair is of opinion that this amendment is not germane, because it is sought thereby to interject into the proposed legislation a proposition that is nowhere found in the bill. The

Chair, therefore, sustains the point of order.

Mr. AUSTIN. Mr. Chairman, if I had a majority on this side, I would be very glad to appeal from the decision of the Chair.

The Clerk read as follows:

27. Sword blades, and swords and side arms, irrespective of quality or use, in part of metal, 30 per cent ad valorem.

Mr. HAMLIN. Mr. Chairman, a few moments ago the gentleman from New York [Mr. Beadley] was pleading eloquently and earnestly that the present high tariff on pocketknives and like cutlery should be left unchanged, and I interrupted him with the following very pertinent question:

I would like to ask the gentleman if he is engaged now in manufacturing the articles mentioned in this paragraph to which he has offered an amendment?

He answered me that he is not, and I gladly accept his answer as true. The reason I asked this particular question of this as true. The reason I asked this particular question of this particular gentleman was, I had just been informed that he is now engaged in manufacturing the very articles on which he was pleading to have the present high tariff maintained, and I felt if that were true the country ought to know it. I am glad to learn that I was incorrectly informed as to the business of my friend from New York. But I do maintain that the country has a right to know all that it can know as to the motives behind the actions of Members on this floor. Nineteen hundred years ago He who could read men's hearts said "where your treasures are there will your hearts be also," and to apply that great truth to men in official life I would say that where your money is invested there will your vote and influence as a rule

Mr. Chairman, a protective tariff confers special privileges on a certain class of individuals—those engaged in the lines of business that is protected. It gives to those individuals thus situated an undue advantage over the overwhelming majority of their fellow men, a principle that is wrong per se. And I am old-fashioned enough to believe that when one of those fellows who is enjoying this unfair and unjust advantage over his fellows under the law happens to get into Congress he has no right-certainly no moral right-to take advantage of his position here to give to himself a further advantage, under the guise of law, over his fellow men.

A Member of Congress has no more right to do that than a judge would have to try an issue where the title to valuable property is in controversy between himself and another and decide the issue in his own favor.

Mr. MOORE of Pennsylvania. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. HAMLIN. For a question. Mr. MOORE of Pennsylvania. Does the gentleman think it reprehensible for a workingman, whether he be a member of the labor union or not, to aspire to be an employer of labor, to become an employer, or to amass capital?

Mr. HAMLIN. I have not mentioned anything of that kind. But I will say that I think it praiseworthy for any man to try to succeed in life, provided he gives the other fellow an equal

opportunity.

Mr. MOORE of Pennsylvania. But is it improper for an American-born citizen to hope to be something better than his

father was?

Mr. HAMLIN. No; nor a foreign-born citizen, either; but my friend from Pennsylvania again attempts to lead me far afield from the thought I was trying to pursue. Here is exactly what I mean, so the gentleman will understand me. If I were a manufacturer of articles that are embraced in any tariff schedule, I would not vote on it. I do not believe that I ought to vote upon a proposition in which I have a financial interest, unless I had the courage to vote against my personal interest, a thing one is not likely to do. It is extremely probable that I could not decide impartially between by own financial interest and that of the people who would suffer if I prospered by reason of the advantages a protected tariff on that article would give me.

Mr. YOUNG of Michigan. 'Will the gentleman permit a

question?

Mr. HAMLIN (continuing). I would like to cite the gentle-an to the example of an illustrious Republican Senator, and one who is now a candidate for the Presidency, who two years ago refused absolutely to vote, as a Senator, upon a certain schedule of the tariff because he had money invested in the business to be affected by that particular schedule, and I commend him for his integrity. I believe that every man on this floor, whether he be Republican or Democrat, who is financially interested in the manufacturing of any of the things contained in the tariff schedules for which he votes, that fact ought to be known to the American people, and if he is just and manly enough to vote against his personal interest the people will applaud him. If he vote for his personal interest they will condemn him. Let the people know the facts.

The safe way for a Member so situated is to tell the facts and then refrain from voting. He ought not to be permitted to come here and conceal his real purpose by hypocritically shielding himself behind labor in order to work his own selfish ends in fixing a tariff law that will give him an advantage over his fellows

Mr. MOORE of Pennsylvania. There is no question about that upon either side of the House. That is prohibited by law and the oath of office a man takes; but the gentleman will concede this, because the gentleman thinks well and far ahead, that all the teachings of the common schools of the United States tend toward the elevation and improvement of the opportunities of youth.

Mr. HAMLIN. Now, that has about as much to do with what I am talking about as the Ten Commandments.

Mr. MOORE of Pennsylvania. Let me say to the gentle-

Mr. HAMLIN. In fact, I think the Ten Commandments would Mr. HAMIAN. In fact, I think the Ten Commandments would fit in much better with what I am saying than with what the gentleman suggests. The commandment says, "Thou shalt not steal"; and that is what I am saying. Again, the commandment says, "Thou shalt not covet anything that is thy neighbor's"; and that is what I am saying. Yet the beneficiary of this protective tariff, for which you plead so fervently, robs the consumer and covets what his neighbor has, so much so that he seeks to have maintained a law that will enable him to get from his neighbor that which he could not get the without this from his neighbor that which he could not get without this legal advantage.

Gentlemen stand here and plead for a high tariff in the name of labor. If you succeed you will enable the tariff barons to commit, under the guise of law, two separate and distinct crimes:

First. Larceny. You will enable them to rob the balance of the people for their own individual enrichment.

Second. Embezzlement. You let them have the increased profits which they will be enabled to take from the people by reason of this tariff with the understanding that they will turn this increased profit to labor, for you say it is given to them for the benefit of labor, therefore it is labor's money. They will not turn these increased profits over to labor, but will appropriate them to their own use, hence they will add to the crime of larceny that of embezzlement.

The gentleman from New York in pleading for a tariff on cutlery says he wants it so that the manufacturers of this article can pay their men increased wages-clearly wanting us to believe that the cutlery manufacturers of his State, being different from other fellows engaged in a protected business, would give labor the benefit of the increased profits which will

come to them by reason of a high tariff.

But, Mr. Chairman, I deny this. I have here a statement issued by Miller Bros., Empire Knife Co., and the Challenge Cutlery Corporation, engaged in manufacturing pocket cutlery, which shows that the cutlery manufactures of New England are not unlike the other avaricious, selfish "special interests" of this country. They are all going to hold down the cost of manufacturing the article just as low as they can, and labor being one of the principal items of cost-indeed, the gentleman from New York says in the making of pocket cutlery the labor cost is 80 per cent of the total cost. That being true, we all know that the manufacturer will get his labor just as cheaply as possible so as to hold down this principal item of cost. That is the reason these protected concerns object so strenuously to labor unions. They know that they can hold the labor cost down among nonunion workmen very much easier than among union men, and I find that the men engaged in the business for which my friend from New York so earnestly pleaded are fully alive to that fact and are opposed to union labor. A friend of mine handed to me the following statement printed in the Meriden (Conn.) Daily Journal, under dates of January 2 and 5, 1912, which speaks for itself:

In the adjustment of any questions of difference that may arise the company will treat with its employees as such and not as members of any organization.

Ten hours shall constitute a day's work for finishers and nine hours for grinders, and the company expects and will insist that each employee shall work full time when the necessary work is furnished him. Individual day wages will be based on the individual's earning capacity at piece prices.

Any employee desiring to be absent from work or desiring to leave the factory during working hours must first obtain consent from the office or superintendent.

Each employee is expected to do his work according to the accepted standard.

Acceptance of employment from this company after January 1, 1912, will be considered as acceptance on the part of the employee of the above conditions as specified.

Employees not reporting for work January 15, 1912, will be considered no longer in the employ of this company.

When asked as to the reason for such action, Mr. Rockwell, of the Miller Bros. Cutlery Co., stated to a reporter of the Journal that the action taken by the three companies was merely to place the three Connecticut companies, which produce only about one-third of the total American production of pocket cutlery, under the same working conditions which obtain in the cutlery factories of New York State, which produce practically the balance of the total American production, and which work under the sanction of the same union under the above conditions.

which work under the sanction of the same union under the above conditions.

Rev. Thomas B. Powell, pastor of the Center Congregational Church, had this to say on the subject:

"It is to be noted that the Miller Bros. have issued their letter simultaneously with the Challenge Cutlery Corporation, of Bridgeport, and the Empire Knife Co., of Winsted. There seems to be cooperation between the several companies to effect uniform and just conditions of labor, from their standpoint. These three companies, or corporations, produce a third of the total output of pocket cutlery in America, and the conditions thus sought are to be like those in New York State; that is, there is cooperation among companies engaged in the same business to effect certain conditions; why not encourage collectivism among the laborers, whose avowed purpose it is to improve the conditions under which they work?

"This is liberty in name, but not in content; it is rather a species of industrial fixity."

The Miller Bros. letter to the men of the grinding and finishing departments said that employees not reporting for work as individuals January 15 will no longer be considered in the employ of the company. The national executive committee of the Pocket Knife Grinders and Finishers' Union has taken up the matter.

So we have this situation. The employers combine to fix cer-

So we have this situation. The employers combine to fix certain conditions on which labor shall be employed, but they deny labor the right to combine to say upon what terms their labor shall be sold. Yet, gentlemen talk here about these manufacturers treating labor justly. It is ridiculous.

Mr. CANNON. Mr. Chairman, I move to strike out the last I did not intend to open my mouth touching the consideration of this bill. It has been determined by a majority to force this bill through. We have been killing time for days and weeks, and we will continue to kill time while business is being prepared for the House by the committees, but this bill is to be considered for one day and driven to its passage without amendment and without debate. The majority, being responsible, has the right to work its will. You, gentlemen of

the majority, can and will work your will and will be responsible. Possibly you will receive approval. That remains to be I am not a prophet nor the son of a prophet, but in 40 years I have twice, if not three times, seen Democratic majorities flap their wings and crow, and have, when clothed with power and legislated, failed to receive approval.

All of this kind of talk you are induging in is familiar to me. However, I took the floor not to discuss the bill, and I should not have said a word concerning it, I apprehend, had it not been for the question of the gentleman from Missouri [Mr. HAMLIN]. Oh, somebody is interested. Sir, the leader of that side of the House has avowed his interest in a great iron-ore and coal property. Does anybody doubt that he has not a perfect right to help frame this bill and vote for it? The very foundation of this bill is, as you claim, that you will make it for your own interest and that of everybody else, in order that you may buy pocketknives cheaper, that you can buy more of another man's labor than you can now for yourselves and your We upon our side claim that the better rewards come families. to labor by utilizing our own markets instead of submitting ourselves in competition with the balance of the world at onehalf of the wage in the United States. And some gentleman grows overzealous and inquires, "Do you own something in a manufacturing plant?" I do not. I wish I did own something, along with the gentleman from Alabama [Mr. Underwood], in that wonderful property of which I am glad he owns a part.

If you are to have people as legislators who are not interested as a result of their legislation, where would you get your legislators? Would you shut out every man who has a farm? He wants to buy his agricultural implements cheaper. Every man who raises cotton or corn, and every man who owns a house, every man who has a family, or hopes to have one, you disqualify. You disqualify every American citizen. As I said, by a question I submitted a moment ago to the gentleman from New York [Mr. Bradley], you would shut out the tramp who has but one suit of clothes, and sometimes not that, to his back, as he walks along-not willing to work, but interested in good times-because there is greater capacity then for the charitably disposed to give him a hand-out. Oh, a truce to such a position! I do not criticize the gentleman personally. I am criticizing a class of people who, on the Chautauqua platform and in the newspapers, are talking about the interest that somebody has in something, and that therefore he is a bad

The CHAIRMAN. The time of the gentleman has expired. Mr. FOWLER. Mr. Chairman, I desire to speak against the proposed amendment. Mr. Chairman, the discussion has turned from the merits of this bill and the amendment proposed by the gentleman from New York [Mr. Bradley] to a very important subject-important because it raises the question of the right of a Member of Congress to withhold information as to the extent of his property interest in the subject matter under legislation. The amendment of the gentleman from New York [Mr. BRADLEY] proposes to change the rate of duty carried by this bill on cutlery from 35 per cent ad valorem to 80 per cent, and while he was discussing the merits of his amendment the gentleman from Missouri [Mr. Hamlin] interrupted him by asking him what interest he had in the cutlery manufacturing industries in his district, whereupon he promptly replied that he had none now, and had not had any since his first election to Congress.

But, Mr. Chairman, the distinguished leader and ex-Speaker of this House [Mr. Cannon] became somewhat incensed at this inquiry, and has just delivered an eloquent address in defense of the rich legislator and his right to conceal his property interests in matters under legislation. He adverts to the question that it is impossible for a man to become a Member of Congress without having some business and owning some property, unless he be a tramp without a suit of clothes. Mr. Chairman, there are two different and distinct capacities in which men can own property—one is that capacity which nature handed down from heaven, general in character, and which applies to all men alike; the other is that capacity which is created by legislative enactment, conferring special privileges upon certain men. Such rights are corporate in character and depend upon legislation solely for their existence. We have seen that those who own business operated under these special privileges have been exceedingly prosperous in the past. Not only have they been prosperous, but they have been able to accumulate vast fortunes, and by putting these fortunes together in the form of trusts they have annihilated competition and gained control of the American market, with power to regulate the output of the finished product and to fix the price thereof at will.

We have seen, Mr. Chairman, that by legislation, not only in the legislatures of the States, but by the National Congress, cer-

tain rights have been conferred upon these corporations, until they have grown so large and become so powerful that we woke up about two years ago, or a little more, and found ourselves under the direction and guidance of a few commercial masters, whose standard, as laborers, we could not desert. entailed upon man the necessity of furnishing himself with food, raiment, and shelter. And as the corporations own and control a large portion of the raw material and all the finished product necessary to supply us with these necessaries of life, we are compelled to look to these masters not only for these supplies, but for employment, in order to get money to pay for them. The sun has set upon the day of many owners of property and many masters of business and has dawned upon the day of few masters owning and controlling the business of the country, employing the masses whose muscle and genius operate and perpetuate these mammoth enterprises for a wage barely sufficient to sustain life, sharing in none of the profits.

The time has come, Mr. Chairman, for an inquisition to reveal the motive which prompts special legislation. Experience has shown that it is the floodgate through which great fortunes pass. I take it as a matter of course, Mr. Chairman, that no man has a right to stand on the floor of this House and fight for the advancement of any corporate interest in which he is personally concerned and hide behind the plea that private affairs should not be invaded by the public, and refuse to make known such interests on inquiry. [Applause on the Democratic side.] The public has a vested right to know what interest he has and what prompts him to legislate and fight for legislation. When John Quincy Adams was elected to a seat in this House, many years ago, he was the owner of some national bank stock, but he went out on the market and sold it before he took his seat, in order that he might be free to discharge his duty to the people of this country, and the world has lauded the name of John Quincy Adams ever since for his honesty and patriotism. [Ap-

The CHAIRMAN. The time of the gentleman has expired. Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that

the gentleman may be allowed to continue for five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. Aus-TIN1 asks unanimous consent that the time of the gentleman from Illinois [Mr. Fowler] be extended for five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, a little while ago it was said by my colleague from Illinois, the distinguished ex-Speaker of this House [Mr. Cannon], that the leader on this side of the House [Mr. Underwood] admitted publicly that he was interested in the iron industry of this country. He is to be com-mended for that fair and frank statement, because the people of this country have a right to know where the chairman of the Ways and Means Committee stands upon legislation which affects their interests. By his candid statement not only the people of this country but the world know where OSCAR UNDERWOOD stands [applause on the Democratic side] so far as his personal interests in corporations are concerned. I understand that he has gone further and said publicly that all of his worldly holdings, except his home, are tied up in the Birmingham iron industry.

I trust that every other Member of this House will be as free to admit and to acknowledge what prompts him to act here in this legislative body upon the public questions which concern the people at large. What reason can be advanced for not making public the corporate interests of every Member of this Not only has Oscar Underwood made known to the public his interest in the iron industry, but, as chairman of the great Ways and Means Committee, he has reported out a bill on the floor of this House proposing legislation directly against his own interest. [Applause on the Democratic side.]
For that reason, Mr. Chairman, I say that no man can ques-

tion the motive of OSCAR UNDERWOOD in the legislation upon

Schedule C-the iron and steel industry.

Mr. Chairman, during the special session of the Sixty-second Congress we passed a law requiring Members of the House and Senate to make public all moneys and things of value expended to secure seats in Congress, and also to make public all promises made for appointment to office or for political favor. A few days ago the House passed a bill, with an amendment, requiring the President to make public the names of all persons who recommend the appointment of Federal judges. the States have passed corrupt-practices acts, and the time is ripe to take one more advanced step by passing a national law requiring candidates for the Presidency to make public the amount of money, property, or thing of value used by them or their friends and relatives for the purpose of securing their elections, together with all promises made by them for political

positions and the names of each person to whom such promises have been made.

There is no good reason why the names of all men recommending the appointment of the members of the Supreme Court and the members of the President's Cabinet should not be made public. Neither is there any good reason why the members of the Supreme Court and the members of the President's Cabinet should not make known to the public their connection with corporations and reveal to the public the corporate interests, if any, which they hold in the corporate industries of the coun-These high positions of trust are filled with servants of the people, and the people have a right to know the qualifications of their servants in advance, so that they may be able to select only those who will be faithful to the interests of their masters-the people. To this end, in elective offices, the newspapers, magazines, and the people are investigating the record not only for honesty and efficiency but as to the connection which candidates have with corporations and publishing the same during the campaign, so that the voter may be able to cast his vote with full knowledge of the character and standing of the candidate of his choice.

It is high time, Mr. Chairman, to put a check upon legislation which prevents the people from sharing in the profits of their own toil. It is said that eternal vigilance is the price of liberty. With equal propriety it may be said that eternal vigilance is the price of bread. The common people have the power in their own hands to press the button and turn on the light by demanding publicity of corporate affiliations in every department of the Government. I believe, Mr. Chairman, I sincerely believe, that the great corporate industries of this country have grown to such mammoth capacity and to such unlimited power to-day because of the fact that men who have legislated in the past in both Houses of this Capitol have either had interests of their own which prompted that legislation or they were servants of masters who directed them how to work and how to vote.

[Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph do now close.

The CHAIRMAN. The gentleman from Alabama [Mr. Underwood] moves that all debate on the pending paragraph be closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The debate on this paragraph is closed. Without objection the pro forma amendment offered by the gentleman from Illinois will be withdrawn. The Clerk will

The Clerk read as follows:

38. Screws, commonly called wood screws, made of iron or steel, 25 per cent ad valorem.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I desire some information if I can secure it. I notice that, according to the report of the committee, under paragraph 38 the production in the United States has averaged something over \$6,000,000, and that the committee estimates that there be \$2,000 worth of importations under this proposed schedule. I would like to ask the gentleman if he thinks that it would not be of a prohibitive character?

Mr. PALMER. It would be less prohibitive than the old

How much less prohibitive would it be? Mr. PALMER. It would mean that more would come in.

Mr. MANN. In the year 1911 \$2,000 worth was imported. The gentleman from Alabama says he proposes a competitive rate and is opposed to a noncompetitive rate, and he estimates that the revenue derived from the amount of importations that would come in would be \$16 on an article which has a consumption throughout the country of nearly \$7,000,000 worth. He recommends a change in the rate where he estimates the revenue will be \$16 annually out of a consumption of nearly \$7,000,000. I do not see where the competition would come in.

Mr. PALMER. It would deprive the American laborer of that

much less wage.

Mr. MANN. It would deprive the American laborer of his wages in making that much of the product. I can not get an answer from the gentleman from Alabama.

Mr. UNDERWOOD. I can give the gentleman an explana-

Mr. MANN. The gentleman gave an explanation on the steelrail business

Mr. UNDERWOOD. I did not know that the gentleman was asking the question seriously. Of course, these estimates of revenue were made by the statisticians of the Ways and Means Committee, and also by the Treasury experts. The bill was referred to them. I think on many of these items the estimate

of increased revenue is below what it will be. This bill runs \$800,000 less than the Payne bill in its estimated revenue. I actually think that the importations will be greater, and that the amount of revenue will run over that of the Payne bill, and I think this particular item will show a greater increase of importations. But I did not give my own figures or my own views on it. I thought the House was entitled to the estimate as made by Mr. McCoy, the Treasury expert, and I put those figures in.

Mr. MANN. The committee does not stand for that estimate,

then?

Mr. UNDERWOOD. The Treasury Department stands for it, and I think in the main the figures are correct; but I think the importations and the revenue will be larger than the estimate that the Treasury expert has made.

Mr. MANN. If the Treasury statistician is correct, then the gentleman will not complain that this is putting this bill on a

competitive basis?

Mr. UNDERWOOD. We cut that rate more than half in two. It is doubtful as to whether many screws would come into this country under any circumstances; but at least we give the benefit of the doubt to the Treasury. The rate is practically prohibitive now. If it still remains prohibitive the next time this schedule is revised——
Mr. MANN. The next time it is revised the rates will go up,

and not down.

Mr. UNDERWOOD. If the gentleman is correct, and the Treasury is correct, why then probably if it was a Republican caucus, that caucus would insist on making the rate still more prohibitive, because the gentleman contends the rate is prohibitive now.

Mr. MANN. No; I contend that the estimate shows it is prohibitive; but if the gentleman desires to have what he calls a competitive rate, why does he not propose a competitive rate?

Mr. UNDERWOOD. I will tell the gentleman candidly that I do not think there is a likelihood of much importation of nails, screws, and similar articles under any circumstances.

Mr. MANN. Then what is the object of having a duty of 25

per cent?

Mr. UNDERWOOD. Because we gave the Treasury the benefit of the doubt, to see whether that would really be a revenue rate.

Mr. MANN. If that explanation satisfies the gentleman, I can not complain of it.

Mr. FOWLER. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

41. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, aluminum in plates, sheets, bars, and rods; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, 25 per cent ad valorem.

Mr. AUSTIN. Mr. Chairman, I move to strike out the word "twenty-five" and insert the words "forty-six and nineteen one-hundredths," so as to make the rate 46.19 per cent ad valorem instead of 25 per cent ad valorem.

The CHAIRMAN. The gentleman from Tennessee offers an

amendment, which the Clerk will report.

The Clerk read as follows:

On page 14, line 9, strike out the word "twenty-five" and insert in lieu thereof the words "forty-six and nineteen one-hundredths."

Mr. AUSTIN. Mr. Chairman, the present duty on aluminum is 7 cents per pound, and the change in this bill, as I understand it, is to 2½ cents. I think that is based on a report of the Treasury Department. However, the purpose of the subcommittee having this paragraph in charge, as I understand it, was to fix a duty of 4 or 41 cents per pound.

There are 14 companies that are manufacturing aluminum in foreign lands and 1 company in America. We are consuming about 45,000,000 pounds of aluminum in this country and are importing about 12,500,000 pounds made in France and other

European countries.

This is practically a southern mineral. The only aluminum or bauxite in this country is in Arkansas, in the district represented by Mr. Robinson; in Alabama, in the district represented by Mr. Burnett; in Georgia, in the district represented by Mr. Lee; and in Tennessee, in the district represented by Mr. Moon. All the raw material for the aluminum manufac-

tured in this country by the American Aluminum Co. comes from the Southern States.

As we all know, this is a new mineral, discovered about 25 years ago. It is an American discovery and invention, and at the beginning the price was \$80 a pound. It is now down to about 17 cents a pound in America. If the duty on aluminum as carried in this bill becomes a law, instead of buying 12,500,000 pounds in foreign lands we will buy more, and we will buy less from an American company that draws its entire output from four southern States.

It will increase work in France, where bauxite is 10 per cent richer than that of the Southern States, and where they pay 80 cents a day for labor as compared with \$2.50 a day in the aluminum mills of this country. If the Democratic Party in control of this House desires to give this entire business to the American company, drawing all of its raw material from the Southern States that elect Democrats in this House, except two, here is an opportunity to develop that industry and give it practically the aluminum business of this country. It is just a simple proposition, whether we will send our money to France and keep the mills going there and furnish employment to those who mine the raw material in southern France along the Mediterranean shore, or whether we will give that employment to the southern men in Georgia, Alabama, Arkansas, and Tennessee, and the finished article in the mills owned by American citizens and furnish employment to American mechanics.

Mr. HARDY. Mr. Chairman, I had not intended to say anything on this bill, but I am a little weary of hearing the repeated appeals that Members of this House make to provide occupation and labor for somebody in this country and high wages rather than allow the importation of goods from foreign We have at last the illustration furnished by the gentleman from Tennessee appealing for four districts in the South that have aluminum, asking that these four districts be given the monopoly of the aluminum industry because it might furnish a little labor for a few people in those four districts, even though it might increase the cost of aluminum products to every man, woman, and child who use them in the whole United States. It seems to me that it is time that we consider, not the foisting on the country of a monopoly for the benefit of a few of the constituents of four Members of Congress, or any number of Members of Congress, but that we should consider the great multitude of people who buy such products and pay inordinate prices for what they buy. [Applause on the Democratic side.]

I notice in the remarks of the gentleman from Tennessee [Mr. Austin] that he seemed by inference, when discussing the importing of products of labor and importing laborers, to be willing that laborers be imported here freely, but not willing to admit foreign products; he seems to be willing to allow free importation of labor into this country for the benefit of the capitalist, but he is opposed to the entry of any product into

this country for the benefit of the laborer.

The truth is, the gentleman only sees one side of this question. He only sees the interest of the man who is declaring dividends out of the monopolies foisted on the country. We see the interest of the vast masses of the people who pay these dividends in increased prices. A right mind sees both these

things

Mr. AUSTIN. Will the gentleman yield?

Mr. HARDY. Certainly. Mr. AUSTIN. The gentleman is attempting to misrepresent me upon the legislation.

Mr. HARDY. I have not intentionally misrepresented the

gentleman. I may have misunderstood him.

Mr. AUSTIN. I can show the gentleman that he is misrepresenting me. The gentleman said that I stood for legislation that meant free importation of foreign labor. I have introduced a bill here to restrict undesirable foreign immigrants.

Mr. HARDY. I said the inference drawn from the argument of the gentleman was that he had no objection to the importation of foreign labor except the Chinese, but he did have an objection to the importation of foreign products. I call the gentleman's attention to that part of his argument where he said that as soon as these immigrants, these foreigners, come in here and went into the steel mill, they paid taxes and became American citizens. He had reference to the frequent charge that the Carnegie Steel Co. imported into their shops foreign labor and brought down the wages of the laborer of this country by the importation of these laborers.

The gentleman did not have a word to say as to keeping foreign pauper laborers out, but he did criticize the importation of foreign goods, and it is the inference I drew from this position of the gentleman from Tennessee. I knew nothing of his bill, but that was the inference I drew from his argument. His argument was against admitting all foreign products and not against, but rather in favor of, admitting all foreign labor except Chinese.

Mr. AUSTIN. Mr. Chairman, I will answer the gentleman

in my own time.

Mr. HARDY. Certainly, the gentleman may answer me. say that to-day it is common knowledge that in the great steel works of this country men who can not speak the English language have been imported in order, I presume, to get cheaper labor. I am informed that 70 per cent of the labor in these great industries that are held up before us, and to whom we are asked to grant a favor, can not speak the English language. I say that it is time for the voice of gentlemen like the gentleman from Tennessee to be lifted in behalf of the American born, in behalf of the American people. [Applause on the Democratic side.]

Mr. PALMER. Mr. Chairman, this paragraph presents an example as striking as can be found in all the length and breadth of the tariff law of the statement which is often made that the present tariff law results in an increase in price of the product to the American consumer and at the same time in an inordinate profit to the manufacturer who produces the product. I know of no concern in the United States which has less right to come to the Congress as a suppliant for further favors than the concern for which the gentleman from Tennessee [Mr. Austin] has made his plea, the only concern in America which is now engaged in the manufacture of aluminum. It is a monopoly pure and simple. It is the only company-and there is no individual other than that-engaged in the manufacture of aluminum in this country. It owns all of the southern ore beds of which the gentleman from Tennessee has spoken. has plants in East St. Louis, along the Niagara River, and along the St. Lawrence River, and it controls absolutely all of the output of aluminum in this country.

Under the operation of this protective tariff, this Aluminum Co. of America has been built up from a concern of \$3,000,000 of capital to a concern with \$35,000,000 of capital, on which it earned last year 18 per cent; and by the admission of its own officers only \$3,000,000 of that capital has ever been put into the concern in cash by the stockholders. In other words, during the 20 years of its existence during which time it has during the 20 years of its existence, during which time it has sold its product to the American people at high prices, it has been able to not only earn and pay dividends on its stock, but it has accumulated sufficient cash surplus to amount to \$32,000,000, and to-day the American people are being asked to pay a return not only upon the honest capital put into the plant but upon these accumulated profits as well. So that the earnings of the concern last year were actually 180 per cent of the amount that the stockholders put into the plant. Aluminum sells in this country at a price which is greater than the foreign price by precisely the amount of the duty that is imposed in this country. They use the duty to keep the price up-7 cents on aluminum and 11 cents on aluminum in sheets-and the American price quoted by the Aluminum Co. of America exceeds the foreign price by exactly that figure. The result. therefore, of our cutting this duty in two and bringing the tax on aluminum down to 4 cents and on aluminum in sheets to 6 cents will simply be to slightly decrease the enormous profits which the American Aluminum Co. has been able to make in the past. There is no line of industry covered by this schedule which is going ahead faster, so far as consumption is concerned, than aluminum. Twenty years ago it was almost unknown and sold for \$60 or \$80 per pound.

To-day it is the commonest kind of utensil used in the houses of the rich and poor alike, and there is bound to be a continu-ance of that demand, so that the increased consumption will take care of a part of the competition which will come into

I say that this presents a typical case where it will not lie in the mouth of the American manufacturer to declare that the Democratic Party is trying to ruin business enterprise, for it is perfectly clear that the only result of our law will be to decrease the price which the American consumer will have to pay for the article, while not decreasing the present outrageous profits of this monopoly below an honest return for the capital [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph be closed in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph be closed in five minutes. Is there objection?

There was no objection. Mr. AUSTIN. Mr. Chairman, in answer to the statement or insinuation of the gentleman from Texas [Mr. Hardy] I wish |

to say that I have never uttered a word on the floor of this House that could be twisted or construed into favoring an importation

Mr. HARDY. Will the gentleman allow me a moment? I hope I did not make any insinuation. I attempted to draw conclusions from the gentleman's argument.

Mr. AUSTIN. All right; then I will say there is nothing upon which you can base such a conclusion. Mr. Allen, a gentleman on the floor, yesterday interrupted me and asked what number of foreign-born laborers were in the American mills, and my reply was this, that the great majority of the for-eigners in the American mills come here for better wages and better homes and to become American citizens, and that we preferred on this side to legislate for that class of foreigners rather than the foreigner who remains in the old country and owes his allegiance to a foreign flag and who had no purpose and showed no disposition or intention of becoming an American citizen.

Mr. HARDY. I want to say, if the gentleman will permit, whether the argument justified my conclusion or not will appear from the argument as it is in the RECORD. I think it did.

Mr. AUSTIN. I have introduced a bill to restrict undesirable immigration, and I will make a speech for it and vote for it; and I made a speech here on the floor of this House in the Sixty-first Congress in favor of the restriction of undesirable foreign immigration, and if you gentlemen want to keep them out why do not you report a measure of that kind?

Mr. HARDY. I am not talking about the gentleman's bill, but about his argument in regard to the importation of for-

eigners to fill factories here.

Mr. AUSTIN. Mr. Chairman, I am pretty sensitive on that subject, because it is a burning measure in my district, and my position is known. I never take a position at home but I attempt in good faith to live up to it here in the House of Repre-

Mr. HARDY. I do not doubt the gentleman's good faith, but the inference came from the argument the gentleman made in reference to the introduction of products rather than labor from China. He seemed to greatly object to importing products, but scarcely, if at all, to object to importing laborers.

Mr. AUSTIN. I am opposed to the introduction of foreignmade goods, made by our foreign competitors, that could be made in an American workshop by American workmen-

Mr. HARDY. By the foreigner who pays the tax.
Mr. AUSTIN. And I would keep out the undesirables of
Europe and the Orient that flock to this country from the four quarters of the earth.

Mr. HARDY. But the gentleman was justifying having these

goods made in this country by foreign laborers.

Mr. AUSTIN. No; I do not attempt to justify the importation of foreigners in the American mills, but I would rather have the goods made by that class of labor than to permit the foreign labor and the foreign mills to have this market.

Mr. HARDY. The statement of the gentleman will appear in the Record, and whether my inference was just will appear.

Mr. AUSTIN. Mr. Chairman, under the present law out of
the average of 45,000,000 pounds of aluminum we have been

able to get into this country under the present law 12,500,000 pounds of aluminum, and there arises the simple question whether we will give increased orders to the manufacturers of aluminum in France, where they have a duty of 71 per cent, where they make over 40,000,000 pounds of aluminum, whose local consumption is less than 6,000,000 pounds, and permit them to dump their surplus on the American market, where it is offered for sale at 10 to 11 cents a pound—whether we will permit them to have the American market under this bill, or whether we shall retain it for the Aluminum Co. of America that employs our own laboring men.

The CHAIRMAN. All time has been exhausted. The question is on the amendment offered by the gentleman from Ten-

The question was taken, and the amendment was rejected. The Clerk read as follows:

42. Antimony, as regulus or metal, antimony ore, stibnite and matte containing antimony but not containing more than 10 per cent of lead, 10 per cent ad valorem on the antimony contents therein contained: Provided, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the

proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph; antimony, oxide of, 25 per cent ad

Mr. MANN. Mr. Chairman, I would like to have the Clerk stop reading when a Member rises and addresses the Chair. I move to strike out the last word. This paragraph and one that shortly follows are very good illustrations of the new rules of the House, which were said to be designed to permit the House to legislate. The Chair this morning sustained the point of order upon an amendment which was offered on the ground that it might or was relating to the administration of the law, and must therefore be in the administrative portions of the tariff law. Here is a paragraph most of which relates to administration. The gentlemen who introduced the bill had the right to put that in the bill.

The committee which reported the bill had a right to report it in the bill, but under the ruling of the Chair, if any gentleman in the great House of Representatives desired to offer an amendment to put the very item into the bill which is now in the bill, it would have been ruled out. The gentleman who introduces the bill under the rules has the right to say what shall go into the bill, but the House itself is without the power of determining whether it would insert such an item in the bill. That is a great reform in the rules, namely, to say that the gentleman who introduces the bill, the committee which reports the bill, may insert in the bill an item which the House itself can not insert, because the item would relate to some other part of the bill as an administrative feature of it.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

44. Bauxite, or beauxite, crude, not refined or otherwise advanced in condition from its natural state, 10 per cent ad valorem.

Mr. AUSTIN. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 12, strike out the word "ten" and insert in lieu thereof e word "twenty."

Mr. AUSTIN. Mr. Chairman, bauxite is the crude or raw material from which aluminum is made. The present duty is \$1 a ton, and, as I have stated, there are only four States in the Union which produce it, namely, Tennessee, Georgia, Alabama, and Arkansas

Mr. YOUNG of Michigan. What is it worth on the market? Mr. AUSTIN. About \$4 a ton-between \$4 and \$5 a ton. This material is used not only in the manufacture of aluminum, but in the manufacture of paper, and also in the purification of water plants. Excepting the American Aluminum Co., the greatest consumers of the raw material are located in the States of Pennsylvania and New York. They are now being supplied under the present tariff laws with bauxite from France. The mines of the South are unable, on account of the low tariff and low transportation from the Mediterranean ports, to sell this bauxite on the Atlantic coast to the users in Pennsylvania and other eastern States. They have a market in the Mississippi Valley as far up as Detroit and Chicago. If the duty is cut in two there is practically no market for the bauxite mines of Tennessee, Georgia, Alabama, or Arkansas. It is simply an extension of the zone that we have heard about in this discussion for the sale of foreign goods in the interior of the United States. I am anxious, as a Representative from a southern State, to see that industry developed—to see labor employed in the mines here rather than in the mines of France. House and I ask the Representatives from the States I have named to stand by the industries of their localities rather than the industries of far-off France.

Mr. NELSON. Mr. Chairman, I wish to oppose the proposition made by the gentleman from Tennessee [Mr. Austin]. listened with a great deal of interest to the statement made by the gentleman from Pennsylvania [Mr. PALMER] as to this paragraph 41, in reference to aluminum, and I have listened with equal interest to the statement made by the gentleman

from Tennessee on the question of bauxite.

After getting home, when the Aldrich bill had been passed, a distinguished engineer, whom I will not mention because he hopes for employment in the future, came to me and said, "I want to put you onto something," and he gave me the tariff figures protecting the aluminum company in the Aldrich bill. He said, "I worked for that company for a great number of years. It has an absolute monopoly in this country. It has no competitor. It has a complete field in this country, and it has its branches in Canada." He went on and stated substantially

what the gentleman from Pennsylvania [Mr. Palmer] has told us. "And, moreover," he said, "that company controls practically all the bauxite in this Nation and have their experts watching out for every new field." And he mentioned these four States as practically containing all the bauxite in this country. That is the condition, and I ask that this proposition be defeated in the interest of the truth.

Mr. AUSTIN. I will say to the gentleman from Wisconsin that the Aluminum Co. of America does not sell a pound of

bauxite in Pennsylvania or the Eastern States.

Mr. NELSON. But it uses it? Mr. AUSTIN. The consumers there are buying it from France.

Mr. NELSON. I will ask you who owns the bauxite fields? Mr. AUSTIN. The aluminum company do not own a monopoly of the bauxite fields; they only own 20,000 acres

Mr. NELSON. Who owns these heads Mr. NELSON. They own 20,000 acres of it. Who owns these fields-most of them?

Mr. AUSTIN. Mr. NELSON.

Who owns them?

Mr. AUSTIN. Suppose they do own it? Would not the gentleman rather buy it from them than from the foreigner?
The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman

from Tennessee.

Mr. MANN. Mr. Chairman, if this item of bauxite in the bill, under paragraph 44, were offered from the floor of the House, under the reform rules of the Democratic Party, which they said were designed to give the House the power to legislate, it would be thrown out on a point of order. It is not in the metal schedule of the tariff law. It is in another schedule. The item is in paragraph 90 of the tariff law, which is not in the metal schedule. Under the rulings of the Chair now and heretofore, particularly at the special session of Congress last spring and summer, if a Member on the floor offered this item, the gentleman from Alabama [Mr. Underwood] would raise a point of order against it and the Chair would sustain the point of order. It is a queer rule which authorizes the House to consider a tariff bill and permits the gentleman who introduces it to insert items in the bill which do not relate to the schedule proposed to be amended, but will not permit anyone else on the floor, when the bill is under consideration, to offer such an amendment.

When this item stays in this bill, if it should become a law, there will be two provisions in the tariff law relating to bauxite-one providing the tariff rate suggested by the gentleman from Tennessee [Mr. Austin] and one providing the tariff rate proposed by this bill. I have no doubt but that this will be the tariff properly collected, but it illustrates the fact that the claim of the Democratic Party throughout the country-a claim which, the Speaker of the House has frequently stated, the country sustained-that they desired to have control of the House partly in order that they might re-form the rules, so that the House should resume its original function, as they stated, of being a legislative body, was a false claim. The rules are not as liberal now as they were in the Sixtyfirst Congress and in any other Congress prior to this one. Under the old rules of the House, when the House was considering a bill like this, a Member on the floor could offer an amendment. Now the author of the bill can include something in it outside of the schedule under consideration, but the House itself can not insert an item, although every Member but one should be in favor of it, because the Chair would rule it out of order. [Applause on the Republican side.]

Mr. PAYNE. Mr. Chairman, 1 move to strike out the last word. Bauxite is a clay. It belongs in the schedule of earths. They have transferred it from there to the metal schedule.

When the question was raised about the duty on agricultural implements, which, under the present law, come in at the rate of 15 per cent, with a proviso that they should come in free from any country that admits our agricultural implements free-a provision designed for reciprocity in regard to those articles—to the question why they had not put those on the free list as they did on the free-list bill, the only excuse offered was this, that the gentleman who asked the question ought to know that those articles were in the schedule of sundries, in paragraph 470, and they therefore could not go into this bill.

Now I suspected, when they failed to put those articles on the free list, that they were a little doubtful about the pro-priety of their action on the free-list bill only a few months ago, and so they had left those articles where they were under the present law, unless, perchance—this bill is a good deal mixed up in its construction—unless by chance they come in under the catchall, or basket clause, at 25 per cent.

The fact remains, Mr. Chairman, that they then put those goods on the free list. They bring in this bill, relating to the metal schedule, and everybody knows that the component material of chief value in these goods is metal, iron or steel; and when they come to make up this bill they are careful to take out of the earth schedule, Schedule B, if I remember the schedule aright, bauxite, but they leave mowers and reapers and plows, all agricultural implements produced in allied industries, at the duty fixed by the present law. Last summer gentlemen on the other side manifested their zeal for the farmer by putting his meat on the free list and by giving him as a compensation free agricultural implements. Has that zeal waned, and is this simply a perfunctory excuse for not putting them on the free list in this bill? If the committee can do anything it pleases in framing the bill and the House can do nothing in amending it, this would have been a most appropriate place for free agricultural implements here, under the metal schedule, because it more properly belongs here than elsewhere in the bill. Oh, gentlemen, consistency is a jewel, but it is a jewel that has long since been lost by the latter-day Democracy. [Applause on the Republican

The CHAIRMAN. The question is on the amendment of the

gentleman from Tennessee [Mr. AUSTIN].

The question being taken, the amendment was rejected. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, in line 12, after the word "state" insert "fluorspar."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that is not in order under this bill, and not germane to the bill or the paragraph.

The CHAIRMAN. The Chai Alabama fully upon that point. The Chair will hear the gentleman from

Mr. UNDERWOOD. Referring to what the gentleman from Illinois [Mr. Mann] said a little while ago, the committee has a right, under the rules of this House, to bring in a bill and to make the bill as they see proper and place it before the House. They make up the legislation, and then matters that they bring before the House must be germane. The gentleman criticized the committee awhile ago for bringing bauxite into this schedule.

I beg the gentleman's pardon. I did not criticize the committee for doing it. I criticized the rules for giving the committee the power to do it and not giving the House the

power to do it.

Mr. UNDERWOOD. It shows very clearly that the committee ought to have the power. Here is bauxite, which was originally called a clay. The clay in the bauxite is now shown to be the container of one of the most useful and valuable metals that we have. Bauxite is just as much the ore of aluminum as iron ore is of pig iron or steel rails. The com-mittee brought bauxite into this paragraph because the aluminum was already here. Iron ore, the raw material for pig iron, is in the paragraph, and lead ore, the raw material for pig lead, is in the paragraph. So we brought in bauxite, the raw material for aluminum, and it properly belongs here. But fluorspar has no connection whatever with the iron and steel schedules. Therefore, I contend, taking it from Schedule B, where it is now, and inserting it in Schedule C is certainly not germane under the rulings that the Chair has already made.

Mr. MANN. Mr. Chairman, I have no criticism of the gentleman from Alabama in introducing the bill, for including bauxite in the bill, or of the committee for reporting it. I do not know from personal knowledge whether it ought to be in Schedule C or Schedule B, where it now is. I do not care. My criticism was directed to the rules of the House, which gave to the committee, or the introducer of a bill, a monopoly of the power to determine what the House should consider in a tariff bill, a power which the House did not reserve to itself.

Bauxite is included in paragraph 90 of the Payne tariff law. So is fluorspar. The gentleman from Alabama now says that bauxite is the base of aluminum, but that fluorspar is not

related in any way to the metal schedule.

Why, Mr. Chairman, fluorspar is absolutely essential to the manufacture of metals from iron ore, and is just as much related to the provisions of this bill as any other item in it. It is just as essential to the manufacture of iron from iron ore as is bauxite to the manufacture of aluminum. The item in the bill proposes to amend the law as to paragraph 90 of the Payne tariff law. While it does not nominally pretend to amend the law, it does, in fact, amend the law, because otherwise the standing tariff would apply to bauxite. Of course the Chair understands, as everyone else does, that by this provision in the bill, if it becomes a law, the tariff on bauxite is reduced to 10 per cent, although the law of paragraph 90 of the Payne law will still read that bauxite pays a duty of \$1 per ton. Now, it certainly is germane to that paragraph of the bill; it is germane to the bill because it is absolutely an essential element in the manufacture of iron and steel from the iron ore, all of which are provided for in this bill.

The CHAIRMAN. The point of order is made by the gentleman from Alabania to the amendment offered by the gentleman from Illinois. Under Rule XXI the Chair is unable to understand what relation fluorspar has to bauxite, and therefore the

Chair sustains the point of order.

The Clerk read as follows:

49. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 10 per cent ad valorem; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, 30 per cent ad valorem; fabrics, laces, embroideries, braids, galloons, trimmings, ribbons, beltings, ornaments, toys, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, 40 per cent ad valorem.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 25, page 15, after the word "metal" strike out "ten" and in-rt "five."

in 4, page 16, same paragraph, after the word "beltings" strike 'ornaments, toys, or other articles."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment is presented because of an increase of duty on raw material that enters into the manufacture of Christmas goods in this country, and to restore the rate in the existing law on the manufactured article. The industry is comparatively a new one. It consists almost entirely of the use of tinsel wire in the preparation of Christmas-tree ornaments. It has grown to some proportion in this country, and has been aided by the tariff that has existed. There was no such industry in this country some years ago, but by reason of the imposition of a duty and by reason of the fact that capital was induced to enter into the enterprise, workmen were employed in the manufacture of raw material which was brought in from abroad, principally from Germany, and was made up here into the finished articles for the American market. I know of no instance in which the general question that has arisen in this House as between the majority and minority upon the question of protection is better illustrated than in this case. We would not have made these goods in the United States had there not been a protective duty on the finished product. In view of the fact that the protective duty was laid, we have been able to make them here and hundreds of men are now employed in this new and useful occupation.

By way of explanation, since the question was raised a little while ago, I want to say that I have no personal interest in this measure except that I am a consumer of these Christmas articles, because they are necessary to properly ornament a tree as the children desire. I have to get them at the festive season.

Mr. YOUNG of Michigan. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly. Mr. YOUNG of Michigan. Does the gentleman believe that the adoption of this amendment will tend to lessen the cost of this material to the consumer?

Mr. MQORE of Pennsylvania. The cost of the material?

Mr. YOUNG of Michigan. The finished product. Mr. MOORE of Pennsylvania. To the consumer. I understand there is competition in the country, and that has kept the price at a moderate amount.

Mr. YOUNG of Michigan. So the gentleman thinks that the

price will be reduced by increasing the duty?

Mr. MOORE of Pennsylvania. It would undoubtedly be reduced if we gave more encouragement to men in this country

who have capital to invest and compete with each other.

Mr. YOUNG of Michiga. In view of the admission of the gentleman from Pennsylvania that he is a purchaser of these articles, does he not think he is disqualified from offering the

amendment and voting for it? [Laughter.]

Mr. MOORE of Pennsylvania. I appreciate thoroughly the point of the gentleman from Michigan, and say that I am obliged to plead guilty, because the good wife does purchase this material in the festive season; but by the same token there might be a lawyer or two in the House, and we have many able lawyers here, who would have to leave the House or quit voting, because in their many years of practice, somewhere along the line, they might have been interested in some question affected by these bills.

Mr. RUCKER of Colorado. Mr. Chairman, would not the gentleman from Pennsylvania put this upon the ground that he

is doing it for the children?

Mr. MOORE of Pennsylvania. Oh, not necessarily. I am doing this with a view of inducing some one who has capital to invest in Colorado to go out into that State with all of its brilliant prospects and open up an enterprise there that will give employment to labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the presumption is that the Committee on Ways and Means wanted to report a reduction of duties in this instance. They have actually increased the duty, and doubled it, so far as the raw material entering into the manufacture of these trifling Christmas objects are concerned.

Mr. UNDERWOOD. Mr. Chairman, will the gentleman yield

to me?

Mr. MOORE of Pennsylvania. Certainly.

Mr. UNDERWOOD. I would call the gentleman's attention to the Treasury figures on that proposition. On page 63 of this report he will see that we have not doubled the duty, that the average ad valorem duty for 1911 was 10.45 per cent, and we left it at 10 per cent, practically, and did not cut it at all. This is a matter of luxury and a considerable revenue producer, a competitive article, and the items in this paragraph have been changed very little from the Payne rate. If he will look at the Treasury report he will see that instead of raising the duty we have left it at 10 per cent, instead of 10.45 per cent.

Mr. MOORE of Pennsylvania. Waiving the question of competition, which the gentleman concedes has already developed in this country in the manufacture of these articles, I will say that I have been informed, and my opinion seems to be borne out by a comparison of the records, that this bill fixes the 10 per cent ad valorem duty upon tinsel wire, lame, lahn, made wholly or in chief value of gold, silver, and so forth, and that

the Payne bill fixes that duty at 5 cents per pound.

I am informed by those who are interested, who had no opportunity to appear before the committee, and who came in suddenly this afternoon feeling this new industry was in peril, that that is an increase of almost double the Payne rate. Mr. Chairman, I trust that this amendment will pass.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. The figures quoted by the gentleman from Alabama [Mr. UNDERWOOD] in this report did not apply to the items which the gentleman is discussing, but applied to all the items carried in the paragraph, on some of which the duty was over 60 per cent.

Mr. MOORE of Pennsylvania. That is true. My amendment does not apply to all the items in the paragraph, but to only a few, and the statement I have made pertains to those few. the interest of these industries rising in this country, giving an opportunity for the employment of capital and labor, I ask that the amendment may pass.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. Moore].

The question was taken; and on a division (demanded by Mr. Moore of Pennsylvania) there were—ayes 41, noes 85.

So the amendment was rejected. The Clerk read as follows:

The Clerk read as follows:

51. Lead-bearing ore of all kinds, and lead dross, 25 per cent ad valorem upon the lead contained therein: Provided, That on all importations of lead-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

Mr. MANN. Mr. Chairman, I make the point of order against

Mr. MANN. Mr. Chairman, I make the point of order against the proviso in the paragraph that under Rule XXI the committee had no right to insert an administrative feature in this bill, and that the gentleman could not introduce a bill carrying an administrative feature that relates to any other part of the

Mr. UNDERWOOD. Mr. Chairman, I only have to say in answer to that that the administrative features in this bill are in the present law. This does not change the present law.

Mr. MANN. That does not make any difference. This is a new rule that was put in before the rules were changed.

That provision might have been put in from the floor of the House, but under this new rule you can not do it. not put in a provision from the floor of the House, and I make the point of order that that which the House itself can not put in a bill the committee can not put in a bill.

The CHAIRMAN. The rule does not impose any restrictions on what the committee may put in the bill. It relates only to amendments to provisions in the bill, after they are brought in. Mr. MANN. I did not quite hear the Chair. Do I under-

stand the Chair to hold-

The CHAIRMAN. The Chair was making a statement and will repeat it for the benefit of the gentleman from Illinois.

Mr. MANN. I hope for the benefit of the whole House. beg the Chair's pardon, but we could not hear the Chair

The CHAIRMAN. The rule does not lay any prohibition as to what the committee may incorporate in the bill. It only relates to amendments and provides that those amendments must be germane to the subject matter of the bill or to particular items in the bill to which they are offered as amend-The Chair overrules the point of order.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from

the decision of the Chair.

Mr. MANN. Mr. Chairman, I do not appeal from the decision of the Chair because I think the decision is erroneous. were in the chair, I should rule the same way. for the purpose of emphasizing the fact that under the rules of the Democratic Party adopted in this House a man introducing a bill and the committee reporting it can hold an item in order that the House itself, with all of its power, can not insert in the bill over the objection of a single Member. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, if the gentleman from Illinois was not so well informed in regard to the rules, I might really think he was in earnest about this argument he has been

Mr. MANN. I am in earnest and well informed, I hope. Mr. UNDERWOOD. The gentleman from Illinois knows as well as I do that the rule about amendments being germane to the paragraph has come through a hundred years of the parliamentary history of this House. There never has been a time when an amendment did not have to be germane to a The addition that was placed in these rules when they were adopted required that they should be germane to the subject matter in the paragraph, but that does not apply to this matter in this case, this being an administrative feature. In the Payne bill it would not have been germane under your rules of the last Congress unless the committee itself had reported it, and they did report it, and we have not changed the language of their proviso.

It has always been given to the committees of this House the right to make up their bill, and the rules say that amendments offered must be germane. Well, now, how in common sense could you apply the rule relating to the germaneness, either under your rule and the parliamentary precedents of this House or under our rule, unless the committee has brought in something to which it could be germane? It has always been given to the committees to make up the bills, to determine what shall come before the House, and then, when they brought the subject matter before the House, the question has been as to whether it was germane to the paragraph, and very reasonably so. It is in the interest of orderly legislation, the proper consideration of legislation, and the gentleman from Illinois knows that as well as I do. It is to prevent some Member from injecting into the bill, or injecting into the discussion of a bill, matters that are entirely foreign to the subject matter before the House. The purpose of this rule and the precedents before any rule was adopted by this side of the House was to secure orderly and well-considered legislation.

Mr. MANN. Mr. Chairman, the rule has always been that an amendment must be germane when offered to a paragraph and when offered to the subject matter of the bill. No question about that. But the question under this rule is whether an amendment can be offered to a bill on the floor of the House in the identical language which the committee itself can report. Take appropriation bills. The committees constantly report appropriation bills with items in them which could not be offered on the floor of the House over a point of order, but whenever the point of order is made on the item in the bill reported by the committee it goes out. The committee has no greater power to report an item in a bill contrary to the rule than a Member has to offer that amendment on the floor of the House. If a Member can not offer a proposition over the point of order, then the committee having reported it must lose it from the bill.

Mr. UNDERWOOD. Will the gentleman allow me?

Mr. MANN. Certainly. Mr. UNDERWOOD. The gentleman from Illinois refers to Rule XXI, which provides that legislation shall not be carried on appropriation bills; but did the gentleman from Illinois ever hear of a point of order being made against the consideration of a bill reported by a committee because it was not germane? And if it was not germane, to what was it not germane?

Mr. MANN. Perhaps the gentleman from Alabama did not hear me, he was possibly engaged on something else; but I stated that I agreed with the ruling of the Chair and took the appeal to emphasize the fact that, under the reform rules of the Democratic Party, a committee could report an amendment which a Member on the floor of the House could not offer, contrary to all the rules of all the legislative bodies at all times until the gentleman from Alabama took complete and autocratic control of this House as boss of the Democratic majority. [Applause on the Republican side.]

The CHAIRMAN. The question is, Shall the decision of the

Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 51, page 16, by striking out the word "twenty-five," in lines 10 and 11, and inserting in lieu thereof the word "forty."

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I am a new Member in this House, but I am learning a few things, and one of them is that there is not very much hope of the Republicans securing the adoption of any amendments to [Laughter on the Republican side.]

I want to say to the gentlemen across the nisle that I have no quarrel with them for proceeding along these lines. We on this side of the Chamber would do it, and we ought to, if we were in control. It is up to you on that side to perfect this bill, because you will be responsible for its consequence.

If I were to offer an amendment, it would be to the section to which the gentleman from Colorado has already offered one. It would be to the zinc and lead sections of this bill, because I represent a territory that, in part, is interested in lead and zinc, even in the State of Illinois; but I am fully convinced of the futility of offering any amendment by Members on this side of the House with the hope of having the same adopted.

But I have no quarrel with my friends across the aisle for not permitting us to put amendments onto this bill. Not at This may be a good bill. I am not criticizing it and could not in the few minutes allotted to me under the rules; but I do not concur in the views expressed by the gentleman from Alabama [Mr. HEFLIN], who so grandiloquently, a short time ago, assailed the men on this side of the Chamber for treating the men on that side in an arbitrary way a few years ago when a tariff bill was under consideration. I want to say to him that of all the bills that the Republican Party has ever en-acted into law on the subject of tariff, even if done by machine methods, never one of them closed an industrial plant in this country or struck the name of an American workingman from the pay roll. [Applause on the Republican side.]

But, gentlemen on the other side, with all due respect to you, I shall not support your bill, because of the manner in which it has been prepared and submitted to this House. I am aware that tariff schedules should be changed from time to time in this great country of ours, where commercial and industrial changes are taking place constantly. It is a matter of necessity, in order that the rights of the producer and consumer may be properly safeguarded. I would make the same criticism of my own party if a bill were prepared and reported in the manner in which this bill has been considered. I have long felt that the present system of making tariff laws is wrong; that there ought to be a commission to prepare such bills along scientific lines and to lift this great question of tariff above politics and place it on a patriotic basis. [Applause.]

In my judgment there are only two things to be considered in drafting a tariff law. One is revenue and the other, in my judgment as a Republican, is protection to American industry and American capital. And, after all, reduced to its simplest form, that simply means this: America for Americans. [Applause on the Republican side.] That is all it means, a square deal for the American citizen, and I for one stand for that policy. I was a candidate for election to this House as a Representative from Illinois in one of the greatest agricultural and

industrial districts in the United States on a platform in which I declared that I was opposed to the present system of preparing and enacting tariff laws; asserting that I was in favor of the creation of a permanent bipartisan tariff commission that would make the necessary changes in our tariff schedules from time to time when found necessary and expedient along scientific and patriotic lines. I was elected on that issue. To-day I have presented to me to be voted upon a caucus-prepared Democratic bill, which I have had no opportunity to study and investigate, the authors of which have stated on this floor that it is drawn with no idea of protection, but in accordance with the Democratic policy for revenue only. Gentlemen, as a Republican, believing in the cardinal principles of our great party, I can not vote for your bill. Republicans, standpatters, insurgents, and progressives, we are living in an age of progress, in a time when the intelligent masses of this country demand that tariff laws be drawn along scientific and patriotic lines and not in the old partisan political way. Let us stand together for this

The CHAIRMAN. The time of the gentleman has expired. Mr. McKENZIE. I ask unanimous consent for one minute

more.

There was no objection.

Mr. McKENZIE. As I said, I am not quarreling with the gentlemen on the other side of this Chamber, they are Democrats and have a right to their views, but as Republicans we are like Grant at Shiloh. We are driven to the last ridge. They have got us where we must fight and show our colors. Let us stand by our principles or take down our banner. [Applause on the Democratic side.]

Mr. MANN. Grant licked them at Shiloh the next day.

Mr. McKENZIE. In conclusion, I want to say to you now, standpatters and insurgents, get together. [Applause on the

Republican side.1

Let us stand for the principle of a tariff commission to pre-are our tariff laws. There is much more in this fight than pare our tariff laws. simply this iron schedule. There is much more at stake. It is the struggle between the forces who feel that we should have a bipartisan tariff commission and those opposed to it and who favor the old log-rolling system of enacting tariff laws. And, gentlemen, Republicans, if we stand together we will be like Grant at Shiloh the second day, the victory will ultimately be ours. [Applause on the Republican side.]

Mr. UNDERWOOD. I ask unanimous consent that all de-

bate on this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph close in 10 minutes. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, I desire to offer as an amendment to the amendment that where the words "40 per cent" are used the words "forty-four and nine-tenths" be used instead.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Colorado.

The Clerk read as follows:

Amend the amendment by striking out "forty" and inserting "forty-four and nine-tenths."

Mr. MANN. Mr. Chairman, I ask for order, so that we may hear what our Republican friend on the other side has to say in behalf of his proposed increase of this duty.

[Mr. RUCKER of Colorado addressed the committee. See Appendix.]

Mr. FRENCH. Mr. Chairman, I propose to vote for the amendment to the amendment offered by the gentleman from Colorado. It has been clearly demonstrated that no amend-ment, however meritorious, if offered by a Member on this side of the Chamber, will be accepted, and I am wondering if the amendment of my Democratic friend will fare any better.

A remarkable situation is confronting this body. Here is a bill affecting nearly 200 industries, a bill that concerns the employment of hundreds of thousands of workmen, a bill that should require the careful attention of men intrusted with a large measure of the people's welfare, yet what is the condition? It was introduced in this House on Wednesday.

It was referred to the Committee of the Whole House on the state of the Union on Thursday. Under the gag rule of yesterday we were granted but five hours of general debate, and now on Saturday it is to be disposed of under another gag rule by limiting debate to five minutes. This bill was drafted by the majority of the Ways and Means Committee without a hearing, and the majority of this House propose to push it through without the opportunity of a single amendment.

Maybe the bill is all that it should be; I hope it is; but how can gentlemen assume the responsibility for such hasty and ill-considered action with any degree of pretense to being members of a deliberative body?

I propose to vote for the pending amendment, and I trust it

may prevail.

Mr. UNDERWOOD. Mr. Chairman, the revenue item in these two paragraphs is rather misleading. The total revenue derived from lead ore and lead bullion for the year 1911 was \$515,000; but of that amount \$412,000 was taken out in drawbacks, so that practically the amount of revenue derived under these paragraphs was only about \$100,000,

Now, there would not have been any importations at all, or to any considerable amount, if it was not for the drawback, because the lead ore that comes into this country does not compete directly with the western ore. It is brought in ships to New York and there smelted; and if it was not for the draw-backs, it could not come in at all, or these manufacturers would have to pay the freight clean across the continent on the ore, or tax the consumers of the finished product to that extent.

The duty to-day is really largely prohibitive when you consider that the total amount of duty raised on a 51 per cent tax is only about \$100,000, implying \$200,000 of importation.

The total consumption in this country amounts to something like \$30,000,000. So you can see that the present rate of duty, when you leave out the lead ore that is brought in and reexported, can only come in on a drawback of 99 per cent, is prohibitive, and does not allow any benefit to the American people on this lead ore, although it may allow a benefit to the manufacturer and smelter when he exports it to a foreign country. We, therefore, thought that this duty on lead ore and lead should be materially reduced. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. Rucker] to the amendment of the gentleman from Colorado [Mr. TAYLOR].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Colorado [Mr. Taylor].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

52. Lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; lead in sheets, pipe, shot, glaziers' lead, and lead wire; all the foregoing, 25 per cent ad valorem.

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment

The CHAIRMAN. The Clerk will read the amendment

The Clerk read as follows:

In lines 10 and 11, page 17, strike out the words "25 per cent ad valorem" and insert the following: "Ad valorem rates equal to two-thirds of the existing rates of duty."

Mr. MARTIN of Colorado. Mr. Chairman, knowing that the amendment will be rejected, I have drawn it in this rather inartificial form simply for the purpose of indicating what I think would be a fair reduction—that is to say, to two-thirds of the existing rates. In putting it at that figure I am sure that my brothers on this side will be glad to know that I am acting within a Democratic precedent, because I have come within the rates fixed on this item by the Senate metals amendment to the cotton schedule, which was passed by this House at the last session of Congress, and which this House, with my vote, attempted to pass over the veto of the President.

Mr. TAYLOR of Colorado. Will the gentleman yield? Mr. MARTIN of Colorado. Certainly.

Mr. TAYLOR of Colorado. Is not the gentleman also coming to about what this bill will be when it gets out of the Senate?

Mr. MARTIN of Colorado. I think I can say that if this bill comes back from the Senate it will carry rates as to lead and zinc that the Colorado delegation can vote for.

Mr. MANN. A Republican Senate.

Mr. MARTIN of Colorado. Well, we have some good Democratic Senators over there who know something about lead and zinc if the Representatives in the House do not. amendment to the cotton schedule provided that as to certain sections of the Payne bill the rates should thereafter be 70 per cent of the rates fixed in said sections.

That is to say, the rate on lead bullion, pig and bar, should be 70 per cent of the existing rate, and in this amendment I have fixed the proposed rate at 66% per cent of said rates.

Mr. Chairman, I know what a pleasure it is to some of our brethren here to be continually hearing from the sagebrush section of the country, and yet I think a very cursory view of our record here thus far would show that in the matter of tariff legislation we are pretty good Democrats. The Colorado delegation in the last session of Congress voted for a bill which reduced the rates on raw wool, which is one of the principal

industries of that State, from 44 per cent to 20 per cent ad valorem, a reduction of more than 50 per cent. We voted to place lumber on the free list notwithstanding the fact that the lumber interests of our State are such that the Federal Government has withdrawn one-fourth of the total area of that State in forest reserves. We voted to put coal on the free list notwithstanding the fact that we represent a large coal section, and now. Mr. Chairman, we stand here ready to submit to a reduction on lead and zinc which we believe to be in absolute accord with the provisions of the Democratic national platform, to wit, a reduction of one-third. I do not believe that any member of this body who is willing to submit to and support a reduction of one-third in the rates of duty upon one of the principal industries in his State, and which is the average in this bill, can be accused of being derelict to the platform of his party and of being a high protectionist.

Mr. Chairman, the Democratic Party was congratulated at the last session of Congress on its statement to the country that the Republican Party, having built up the industries of this country on tariff stilts, we were going to come down in the elevator and that we did not propose to jump off a skyscraper.

Mr. Chairman, I would like to ask what a reduction of the tariff duties on lead bullion, pig and bar, from 93 per cent to 25 per cent ad valorem is? I would like to inquire whether that is coming down in the elevator or jumping off a skyscraper? I would like to ask if a reduction from 93 per cent to 25 per cent ad valorem is a gradual reduction, what would you consider a radical reduction? Certainly, Mr. Chairman, no gentle-man can claim that the business of lead and zinc mining is monopolized-

The CHAIRMAN. The time of the gentleman has expired.

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Colorado may proceed for five minutes. Is there objection?
There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I do not know that I would have asked for the time, but I have observed that my Republican friend, Mr. KENDALL, who is a delightful gentleman personally, whenever he thinks a Democrat is getting himself in wrong with his party, or getting his party in wrong, is always willing to help him out by getting an extension of time. [Laughter.]

I say that no gentleman can claim that the business of lead mining and zinc mining is monopolized, but I know what is in the minds of gentlemen here. It has not come out on the floor of the House. Mr. Chairman, notwithstanding the fact that the drastic cuts in this legislation fall on zine and lead, there is not one single fact adduced, there is not one single argument advanced, there is not one allusion made in the way of an explanation in this voluminous report as to what the effect of these rates will be, and what the conditions are in those industries, or anything in the way of information. And not only that, but the gentleman who presented this bill, the gentleman from Pennsylvania [Mr. Palmes], who presented it most ably, and not only reflected credit upon himself but upon the majority side of the House, never let the words 'zinc' or "lead" fall once from his lips during the entire course of his presentation. No gentleman who has addressed the House in favor of this bill has said one single, solitary word about the sweeping, radical reductions made on lead and zinc in this bill, a most remarkable state of affairs. All of the arguments have gravitated around pig iron and steel rails.

Mr. Chairman, I live in a city which has the most complete steel plant within one fence that exists on the face of the earth, and that is the steel plant of the Colorado Fuel & Iron Co., employing between 4,000 and 5,000 men. One-third of the total male population of the city of Pueblo work in that plant, and yet if it would establish my claim to Democracy and of being a tariff reformer, I will make a motion in this body, and vote for it on the roll call, to put every single product of that mill, from steel rails to wire nails, on the free list. That is what I think about tariff reform in the iron and steel line. Not only that, but I turn to the bill itself with reference to these items that have engaged so much of the attention of gentlemen upon both sides of this House and I find, for instance, referring to pig iron, that the total value of importations of pig iron during a 12-month period, estimated under this bill, will be \$2,050,000, as against \$2,100,000 in 1910, under the existing law; and I turn over further to the item of steel rails and I find that the imports for a 12-month period under this bill will have a value of \$150,000, as against a value of \$150,000 and the winter that the imports for a 12-month period under this bill will have a value of \$150,000, as against a value of \$156,000 under the existing law in 1910, a decrease of the

importations under the proposed rates of this bill upon both of these items, to which so much of the attention of the House has been attracted during the course of this debate. plause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous

consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. Turning now to section 51, leadbearing ore of all kinds, it will be seen that importations of these ores, which were valued at \$145,000 in 1910, are estimated to increase to \$400,000 per annum under the proposed rates, and that in section 52, lead bullion, pig, and bar, and so forth, from \$657,000 in 1910 to \$1,600,000 per annum under the proposed rates, an increase of two and one-half times in ore importations and three times in bullion and pig.

No estimates are given on zinc ore or zinc in blocks or pigs, and so forth. The duty appears to be removed from the former and cut in two on the latter, without even a guess at the result.

I have run over the debates on lead and zinc in the Sixtyfirst Congress, and I can not think that the proposed reductions in the pending bill will be considered at the other end of this Capitol as having been made either upon a knowledge of the facts involved or with regard to their probable effect upon the industries concerned, or that they will insure against unnecessarily disturbing or impairing these industries. So certain am I that this will be the case that I will assert my belief by venturing the prediction that if and when this bill in the natural course of legislative procedure returns to this House the greatest changes and increases will be found to have been made upon these items.

In scanning the debates upon the Payne-Aldrich bill, I noted not only with interest, but with significance, the statement of that eminent leader of the progressive element of the Republican Party, whose influence was so potent, not to say controlling, in shaping the tariff legislation of the first session of the Sixty-second Congress, that it costs \$35 per ton more to lay down Wisconsin or Missouri zinc ore at the Kansas smelter than Mexican ore. This statement was accompanied by no table or other showing of facts, but coming from a statesman so noted for his liberality that, although a Republican, he could shape a tariff-reform measure acceptable to a Democratic Congress, and so usually accurate and fully equipped as to his facts as to be conceded to be the best-informed statesman of his day, I shall be inclined to accept his statement of the ultimate fact as true until the contrary appears; and if true, or if approximately true, then the reductions on this industry will subject it to a very severe, if not unjust, competition.

In explanation of the comparatively small reduction on steel rails; that is to say, a reduction from 15 per cent ad to 10 per cent ad valorem, or about 35 per cent, and which it is admitted will result in no importations, it is urged that the dissolution of the Steel Trust or the breaking of the rail pool will permit the new rate of 10 per cent ad valorem to become sharply competitive. Why not display a like solicitude for the lead and zinc mining industries? No fear is expressed by the proponents of this measure with reference to the proposed lead and zinc rates that these rates may, in the event of some contingency, become severely competitive; it is known and intended

that they shall become such.

I am willing that gentlemen whose indignation is righteously stirred by the exploiting designs of the Smelter Trust, both in Alaska and in the United States proper, shall at least have the satisfaction of knocking one eye out of this industrial octopus if they can do so without knocking both eyes out of the mining industry of the United States. It will be well, however, to bear in mind the fact that the plants of the Smelter Trust may be removed to Mexico; indeed, the smelters of Mexico are said to be as much under the ownership or control of the Smelter Trust as those of the United States, and the trust may temporarily at least transfer its smelting activities to Mexico, from which vantage of cheaper production it may enjoy the benefits of this legislation. But while the smelters may move, the mines are stationary.

Furthermore, the mining industry is not yet monopolized. It is not yet trustized. There are thousands of small mine owners. The men in the mines get good wages, not solely because the mine owner willingly shares in the profits of the industry, but in large measure because the miner is enabled through organization to exact a fair day's pay for a fair day's work. The laborer in the metal mines of the West is not only worthy of but receives his hire. He is an American citizen; not a peon.

The mining industry, which is not any too flourishing or prosperous, is worth considering. And none the less worth it merely

by reason of the limited population in the area of country given over to the production of these metals. I would not favor summary reductions of from one-half to two-thirds upon the products of any section of the country, into which products tariff duties enter so materially as in the case of this industry.

There are tariff duties and tariff duties. The present duties on most manufactures of steel and iron are simply paper duties. Europe could not enter this country and compete with us in many of these articles even under free trade. The proposed reductions in the entire metals schedule are said to average But many of the reductions going to make up this 35 per cent. average of 35 per cent will not produce a single dollar's worth of importations. Take steel rails. A cut of 35 per cent is made in the duty on steel rails, but no steel rails will be imported Neither would any be imported under under the new duty. free trade. It is admitted by Mr. Carnegie himself that this product may be placed upon the free list without the slightest danger to the monopoly enjoyed by the domestic industry

The same can not be said of the 50 to 75 per cent reductions on lead and zinc. Mexican lead and zinc will be imported heavily under the proposed rates, and my opposition to these rates is based upon the feeling that the cut is too great to be made at one time, and that the sections of the country immediately affected are contributing more than their due share to the general benefit which the country will experience from the greater supply and the cheaper cost of these metals.

Then I am critical of these rates because they are not in accord with the practice and custom, amounting practically to a law of tariff legislation, that where a raw material carries tariff duties the rates on the finished product should be progres-The most radical tariff reformers concede that where a duty is imposed upon the raw material the manufactured product should carry a greater rate. This, I say, is fundamental in tariff legislation. It governs in the iron and steel sections of the pending bill. Iron ore is made free; pig iron carries a duty of 8 per cent ad valorem; all higher processes of manufacture 10 per cent or more ad valorem. On the other hand, lead ore carries a duty of 25 per cent ad valorem upon the lead content, and the same duty upon lead in bullion, pig, bars, sheet, pipe, shot, glazier's lead, and lead wire; that is to say, that after lead has been smelted, or manufactured into pipe, shot, or wire, it carries no higher rate of duty than the lead content of the ore. So far as I know, this condition will be anomalous in tariff legislation, either Republican or Demo-

The Wilson bill, as it passed the House of Representatives, is frequently appealed to as a precedent or criterion, but that bill at that time carried a duty of 15 per cent ad valorem on lead ore, and a duty of 12 cents per pound on lead bullion, and so forth, a differential of 60 per cent in favor of the treated or manufactured product.

The proposed law will require the smelter and the maker of lead in sheet, pipe, shot, glazier's lead, and lead wire to pay a duty of 25 per cent ad valorem upon the lead content of the ore and to reduce or convert the same into bullion, pig, bars, sheet, pipe, shot, glazier's lead, and lead wire, and to compete with importations of the same without any additional duty what-ever. The rate upon all is the same. This, of course, places lead in these processes upon practically a free-trade basis.

The whole tendency of these rates will be-

To stop the importation of lead ore into the United States. To greatly increase the importation of lead bullion, and so

To limit American smelters to the American ore supply. To divert American ore to Mexico for smelting unless freight rates prevent.

To transfer both the mining and smelting of lead from the United States to Mexico.

This argument might be amplified, but I believe I have outlined some substantial objections to the proposed reductions, and have shown that they are too great, that they are unscientific, and that they were fixed without proper consideration or knowledge of the conditions to which they are to apply.

I regret exceedingly that upon this issue the delegation from Colorado has been placed in a position which makes it appear to be out of harmony with the position of the Democratic Party upon the issue of tariff reform, which, upon analysis and reflection, it will develop not to be the case. In view of the lack of consideration given the items of zinc and lead, they might properly have been omitted from what appears to be an otherwise well-considered schedule. It has been argued and reargued in favor of this schedule that the revisions average only 35 per cent. Such an advocacy of the bill implies that a materially greater reduction might be justly subject to criticism. We will accept the standard. We will not only vote for but support and defend a 35 per cent reduction. We believe such a reduction would be in accord with the pledge of the Democratic Party. We believe that had the Republican Party in its hour of opportunity made a reduction of even 25 per cent in the tariff duties the opportunity never would have come to the democracy to make a revision of the tariff. It would be, therefore, unjust in the extreme to us who are willing to accept a reduction of one-third upon these important industries of our State, nurtured as they have been in tariff law after tariff law by high duties, to question our desire for a thorough and substantial reduction of tariff duties all along the line.

The log-rolling blanket method of tariff revision had its chief fault in that all sections banded together to get what each wanted. Maybe the chief fault of the schedule by schedule method will be that the weaker sections will get less than they ought to have. There will be just as much politics and just as much sectionalism in tariff reform as in protective legislation. Some people may overlook this important fact. It will be brought home, however, without looking, to Members of small delegations representing sections having highly protected industries which are not common to the entire country. measure of consideration to be given industries and products which are material national assets should not be determined by either partisan or sectional numerals. These matters ought to be considered, and I have no doubt that even with reference to the pending bill they will yet be considered with the care and thoroughness their economical, not their political, importance demands. Then Members may know how they are voting, what they are voting for, and what the probable effect of the legis-lation will be. And then, and then only, may it be fairly de-termined whether Members from the affected localities are willing to make substantial contribution to the common good, or whether they are actuated by a selfish desire to advance local interests at the expense of the common good.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be limited to 10 minutes.

Several gentlemen wish to be heard.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph be limited to

Mr. AUSTIN. My district is very deeply interested in zinc

Mr. UNDERWOOD. I will make it 20 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

[Mr. HOWELL addressed the committee. See Appendix.]

Mr. FRENCH. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, page 17, line 9, by inserting after the word "remanufactured" the words "2½ cents per pound," and by striking out all after the word "wire," in line 10, and inserting in lieu thereof the words "2½ cents per pound."

The CHAIRMAN. The Chair will state to the gentleman

from Idaho that there is an amendment pending.

Mr. FRENCH. Then, Mr. Chairman, I will offer my amendment as an amendment to the amendment, and my object in offering it is in order to call attention to the radical change that will be made

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this an amendment to the amendment?

The CHAIRMAN. It is an amendment to the amendment. The gentleman from Idaho offers it as an amendment to the amendment of the gentleman from Colorado.

Mr. MANN. Well, it does not relate to the same thing.

Mr. MANN. Well, it does not relate to the same thing.
Mr. FRENCH. It relates to the same paragraph; yes.
Mr. MANN. Well, I have no objection, although I think it
will be very confusing if agreed to.
The CHAIRMAN. Does the gentleman from Illinois make

the point of order?

Mr. MANN. No; I do not.

Mr. FRENCH. Mr. Chairman, one difference between my amendment and that offered by the gentleman from Colorado is that my amendment seeks to place the duty upon lead upon a specific basis instead of upon an ad valorem basis. mind, as has been said repeatedly on this floor and by students of economic questions for many years, the ad valorem system as a system of taxation is not defensible. More than that, the present bill in regard to the lead schedule is a proposition that can not find defense, because it is a proposition that has received no inquiry upon the part of the committee in the way of hearings. The people from my State and from the West have with Republican Representation opportunity to be heard. It affects some 25,000 people on the Republican side.]

in my State alone and affects an industry that annually turns out some \$25,000,000 worth of ore in that one State alone. Yet it is proposed here, with only a very few moments' discussion, to strike down the protection to that industry to a point which, if I am not inaccurate in the information that I have, would close every lead mine in my State with possibly one exception, and that one is one that can be operated with the minimum of expense.

Mr. AUSTIN. Mr. Chairman, I would not tax the indulgence of this House so often in the consideration of this bill if it were not for the fact that the constituency I represent is most deeply interested in the various items and proposed reduc-

Mr. MOORE of Pennsylvania. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. AUSTIN. I yield.

Mr. MOORE of Pennsylvania. Do I understand the gentleman to say that some of his constituents are interested in this matter?

Mr. AUSTIN. I certainly made that assertion, Mr. Chair-

Mr. MOORE of Pennsylvania. Does the gentleman think it is proper for him to stand upon the floor of this House and represent his constituents and their interests?

Mr. AUSTIN. Mr. Chairman, that is what I have been doing on every proposition that has been offered in this House.

Mr. MOORE of Pennsylvania. I am very glad the gentleman so interprets his duties in the House.

Mr. AUSTIN. And I am not getting tired of well-doing. not only stand, Mr. Chairman, for the protection of the interests of my constituents, but I stand here in the interest of every American workshop and every American wage earner. plause on the Republican side.] I deeply sympathize with the Democratic Members from the great State of Colorado. are standing here and appealing to the Democratic side in behalf of a great and important industry of their State. They are appealing in vain. Their only hope for the welfare of the men who work in the lead mines and zinc mines of Colorado does not rest on that side of the Chamber. It depends solely and alone in the hope that a Republican Senate and a Republican President will block the way of a destructive majority in this House. And they will not look in vain. That great man in the White House is big in body, big in mind, and strong in his patriotic purpose to stand for the American workshop and the American wage earner. [Applause.]

Gentlemen, in bringing these bills before the House of Representatives, in showing your hand to the working people of this Republic, you have sounded the death knell of the Democratic Party in the coming November election. [Applause on the Republican side.] You are making votes for the Republican Party in that section of the South where industry and capital is developing its matchless resources, opening its mines, building its factories, and bringing good wages to the laboring man, and a desirable local market for the farmers in prosperous and growing industrial centers. They are watching your votes. Their eyes are upon this House, and when they see you voting to close the iron mills, the zinc mines, the bauxite mines, the iron-ore mines, and turning the money in to Cuba, Sweden, France, China, England, Germany, and old Mexico, the wrath that will await you and your party will be all sufficient in November. [Applause.]

Mr. MANN. Mr. Chairman, I notice unusual activity on the part of the Representatives in this body from Colorado in offering amendments to overcome the evil effects of Democratic policy, so that in the RECORD they may stand as being opposed to the

bill for which they soon will vote. But let it be understood—
Mr. RUCKER of Colorado. Will the gentleman yield just for a suggestion?

Mr. MANN. Certainly.

Mr. RUCKER of Colorado. I want to say to the gentleman that the people of Colorado got a bigger jolt from the Republican Party on the silver question than this is going to be.

Mr. MANN. And they showed their resentment, and they will show their resentment again, against the Democratic Party for endeavoring to complete the annihilation of the industries of Colorado which they charged us with commencing. The gentlemen from that State offer amendments to show in the RECORD that they are in favor of increasing the tariff on Colorado industries, and they support their amendments with speeches, with which they will flood the State; but let it be understood by the people of Colorado, who will not be deceived, that the only protection that that State has from the annihila-tion of her industries is the election of a Republican Congress, with Republican Representatives from that State. [Applause

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Idaho [Mr. French]. The question was taken, and the amendment to the amend-

ment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Colorado [Mr. Martin].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee proceeded to divide.

Mr. MANN. I see but three Democratic votes for the amendment. I withdraw the demand for the division.

The Clerk read as follows:

55. Pens, metallic, 25 per cent ad valorem.

Mr. BROWNING. Mr. Chairman, I offer the following

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 24, page 17, strike out the word "twenty-five" and insert "fifty."

Mr. BROWNING. Mr. Chairman, there are in my home city, Camden, N. J., two establishments which manufacture steel pens. One of them—the Esterbrook Co.—is one of the largest establishments of its kind in this country. one of these concerns came to see me a few days ago, and he informed me that the present duty on steel pens represents only about the difference between the wages that are paid abroad and the wages that are paid here.

Now, Mr. Chairman, this proposed rate cuts that duty right in two, and inasmuch as these manufacturers of pens have not made large fortunes, according to my information, I am inclined to think that what that gentleman said to me is true. In my opinion, if the duty is fixed at 25 per cent, as is proposed in this bill, it will not only injure the industry, but will injuriously affect the workingmen with those institutions, and I

hope 50 will be inserted in place of 25.

In urging this amendment, Mr. Chairman, that the word "twenty-five" be stricken out and the word "fifty" inserted in lieu thereof—that is, in proposing that the rate of duty on steel and metallic pens other than gold be 50 per cent ad vasteel and metallic pens other than gold be 50 per cent ad valorem instead of 25 per cent, as provided in the bill—I do so more to conform to the phraseology of the bill, in the hope that my amendment may be accepted by the committee, than in asking for a duty that will be adequately protective, because it is a fact, Mr. Chairman, that the peculiarities of this business are such that a specific duty is necessary for the adequate protection required to equalize the cost of production in this protection required to equalize the cost of production in this country and abroad. The present duty is a specific duty of 12 cents per gross on steel and metallic pens other than gold pens, and this duty was fixed after a careful investigation of the steel-pen industry here and abroad, so as to nearly equalize the extra cost of labor and material in this country as compared with the cost of labor and material in England and on the Continent of Europe.

I admit, Mr. Chairman, that this is one of the lesser, though not the least important, of our many industries. In the production of steel pens there is invested a capital of nearly \$1,000,000, and more than 1,000 employees are engaged at good wages. Some 20 processes are necessary in the manufacture of steel pens, and seven-tenths of the cost of production goes to labor. The wages we pay in this country are more than double those paid abroad for the same work, and should the reduction which is proposed in this bill become the rate of duty it would most seriously affect, if not entirely destroy and throw into foreign hands, the major portion of this business, with no resulting benefit to the consumers of pens, and it would at the same time materially decrease or entirely take away the wages

of all those employed in making pens.

There is no item in this bill, Mr. Chairman, that so clearly emphasizes and illustrates the apparent longings of our Democratic friends to entirely destroy an American industry without any compensating advantage whatsoever to the American people. There has been no demand from any source for a decrease of the duty on steel pens, and the only persons who would benefit by the reduction proposed are the foreign manufacturers or the importers in this country engaged in the sale of foreign-made

Mr. Chairman, there is no monopoly of this industry, nor has the industry any trust features. There is the keenest competi-tion amongst the several manufacturers, and the price at which a single pen, or a dozen, or a gross can be purchased is so inconsiderable that it is in no way burdensome upon any consumer. Furthermore, the steel that is used in the manufacture of pens is not made in this country, but has to be imported and a liberal duty paid thereon.

It becomes a question, then, Mr. Chairman, whether we shall continue this industry in this country or whether we shall destroy it. Whether this little article of universal use, made in such perfection and sold at an almost infinitesimal price, shall in its manufacture give employment to a thousand or more wellpaid American laborers or shall it be transplanted to England or to the Continent of Europe with the result that the only possible beneficiaries in this country will be the importers into whose pockets a few dollars will be emptied?

But, Mr. Chairman, the manufacture of steel pens is by no means the only industry in the city, the district, and the State which I have the honor to represent, and I shall take this opportunity to briefly call attention to the importance of our other industries, and to insist that they, as well as the steel-pen industry, shall continue to have such protection as is adequate to equalize the difference between the cost of production in this country and abroad.

Thirty years ago the value of the manufactured products of Camden amounted to a little over \$7,000,000. In 10 years this was increased to over \$21,000,000. There was no material increase during the next decade, the decade in which the Wilson-Gorman law was written on the statutes, and under which, for three or four years, our industries suffered keenly, our mills and factories were closed, and our laborers were idle or working half time at a low rate of wages. In 1905, however, the industries of the principal city in my district had increased to over \$33,000,000, and 5 years later, according to the census of 1910, we had an annual output of over \$50,000,000, representing an invested capital of about the same amount. Over 20,000 people are employed at good wages in our iron mills, in our pottery plants, in our woolen mills, in making soups, and candy, and chemicals, oilcloth, embroidery, laces, shoes, corks, talking machines, and a thousand and one other articles, from the little steel pen I have talked about to the great battleships and merchandise-bearing vessels which can be found in every part of the world.

Perhaps a quarter of a million dollars are paid weekly in wages to the laborers employed in the industries of Camden and it will not be amiss for me to make a brief comparison with the wages of the same class of labor employed abroad. In a recent report from our consul general in London, giving the figures as far as compiled from the inquiry of the British Board of Trade into the earnings and hours of labor in the various industries in the United Kingdom, I find that the weekly earnings in Great Britain in the products covered by the bill we are now discussing run from \$5.97 to \$8.85, the average being about \$7, or somewhat more than \$1 per day, and these industries, be it understood, employ expert or skilled workmen. Every one of these industries is found in my district, and a comparison of wages will show that the wages paid in Camden, N. J., are double, and in many instances treble, those that are paid for the same class of work in Great Britain, and not only that, but the people of Great Britain are required to work from 53 to 55 hours a week, or almost an entire day longer than is required of our people in Camden.

Now, Mr. Chairman, if the steel-pen industry and the entire metal industry of Camden is to be destroyed, if the woolen industry and the chemical industry and the various productions I have named are to come in competition with foreign productions, then, I ask you, What is going to become of this \$250,000 weekly paid in wages? What advantage will there be to those 20,000 workers in Camden or to the 400,000 in New Jersey or the 8,000,000 in the United States employed in our mills and factories? Why, the people of my city have \$20,000,000 deposits in the saving banks and those savings would have to go when the weekly earnings cease. We have in my city 31 building and loan associations, with 10,000 stockholders and assets of over \$4,000,000. There are no tenements in the whole city of Camden. Our hitherto well-employed and well-paid people have been buying their homes and paying for them. What will become of them when the Democratic Party destroys the industries of the city and of the State and of the whole country?

Under the adequate protection given our industries the manufactures of the State of New Jersey during the last decade have increased 100 per cent, amounting now to \$1,250,000,000 annually, and most of this, Mr. Chairman, goes to the laborers of the State in wages in one form or another. Suppose these wages are cut off, what, then, becomes of the agricultural opportunities of the State? New Jersey is by no means a farming State, and yet last year it produced over 1,500,000 bushels of oats, 10,000,000 bushels of corn, and 2,000,000 bushels of wheat, and our farmers reaped a profitable livelihood from truck sold in the larger cities and towns to well-paid laborers who have learned to enjoy and to demand three square meals a day.

I am proud of the industries of our district and State, Mr. Chairman, as my colleagues here are proud of the industries of their districts and States, and yet if we write upon our statutes the reduction of duties and the abolition of duties as framed in this so-called metal bill, or as framed in the bills which passed this House at the extra session and which President Taft in is good judgment so wisely vetoed, then, I say, our thousands of mills and factories must be closed and the millions of well-paid laborers must become idle or confront the only alternative of accepting wages such as are paid to their competitors abroad, which are not one-half, and in some instances not one-third, as much as those paid in similar industries in this country.

I began my plea, Mr. Chairman, for adequate protection in one of the smaller industries. I make the same plea for all of the industries of my district, for all of the industries of my State, and for all of the industries of the entire Nation. make the same plea, not only for our manufacturers but for those engaged in agriculture, in forestry, in fisheries, and in the mines. I make this plea in order that we may continue our high scale of living in this country, that we may continue our great educational institutions, that our workingmen may properly house, feed, and clothe their families, and that we may continue to enjoy the advantages and blessings which have come to the American people largely, if not wholly, because of the adequate protection which the Republican Party has given our labor and our industries during the half century of its control of the Government.

Mr. Chairman, I ask leave to extend my remarks in the

The CHAIRMAN. The gentleman from New Jersey [Mr. Browning] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, the Republican Party has been the medium through which a few industrial and financial pirates have been able to create a system by which the producers of the wealth of this rich country have been robbed and plundered of what they produced. [Applause on the Demo-

The protective tariff argument has been a delusion and a snare; admittedly so, by the Republicans themselves, an argument for campaign purposes only. [Applause on the Democratic side.] Hundreds of thousands of hard-working people, who work long hours, are living in hovels, and their work-worn wives and ragged children convince them that they are not sharing the prosperity boasted of by the gentlemen on that side of the Chamber. [Applause on the Democratic side.]

The conditions of the working people in the steel industry, in mining, and other large industries clearly prove that the men who delve in the bowels of the earth and work at other hard and hazardous occupations do not get a fair proportion of the great wealth which they are risking their health, their limbs.

and their lives to produce.

Even now, while we are considering this measure, thousands of men, women, and children are surging through the streets of one of the great industrial centers of the New England States, asking that their condition in life be bettered, that the little stipend that is doled out to them from time to time by the corporations for their work be increased, but at every move they make there stands confronting them the bayonets of the National Guard of their State.

If the subdued and angry cries of that motley throng could penetrate this Chamber, 45 per cent of them could not be under-

stood by the Members of this House.

Contrast their condition with that of the owners of the mills, who live in luxury and meet in their offices in New York or Boston, and by agreement among themselves fix the prices of the products of the mills high enough to enable them to pay dividends upon millions of dollars that have never been invested, or if invested at one time for machinery, those machines have long gone out of existence and labor can no longer use them to make the wealth that, when disposed of, goes to pay the interest on this vast amount of money thus expended.

While it is true that the woolen goods are not included in this schedule, yet it is true that it is one of those highly pro-tected industries that we have heard so much about in this

Chamber.

But let us turn from the woolen workers to the great steel industry, which is an industry now under consideration. According to the best information that can be procured, the United Steel Corporation in the past 10 years has paid more than \$60,000,000 in dividends on stocks that were pure water, spurious capital. By a statement of Judge Gary we learn that they have approximately 200,000 men in their employment; if that be true, then this great corporation, for the purpose of paying this exorbitant dividend, has taken more than \$300 each year for the past 10 years from each of the toilers and turned it over to the owners of the watered stock.

Going to their hovels, we find them sleeping in their squalor, as many as a dozen in one room, living and working under conditions of stress and oppression the like of which has never been known except in ancient days; and now these gentlemen are asking us to maintain a tariff for the protection of the American wage earners. We are asked to maintain a tariff, not for the protection of the American wage earners, but for the owners of the watered stocks. They, and they alone, are the ones who receive the protection, and are themselves reaping the benefit that comes from keeping out the products of the mills of other countries because they have absolute free trade The ports are closed to the products of other mills in labor. coming from other shores, making this Nation one vast closed shop for the mill owners and their product, but one great open shop for the admission of the labor that they employ to work their mills.

They now tell us that this is for the protection of American labor, and yet 60 per cent of the toilers in these mills are unnaturalized foreigners, working under conditions and for wages that no American family can live on. And yet they speak of

protecting American labor.

These foreigners have been induced to come here by the great steamship companies and by the great employment bureaus, and while possibly only a few of them have come in direct violation of the alien contract law, yet they have been brought here in such a way that it must be recognized that it is an evasion of that law. Not being able to understand our language, not knowing the conditions that exist in America, and many of them coming from the farms of the European countries and not being familiar with American methods of farming, there is only one place left for them, and that is the mills or the mines or construction work of the simplest kind, where brawn and not skill is required; and they are there exploited by these pirates of industry and their lives and limbs are sacrificed for the payment of dividends on fictitious capital.

While the Democratic majority of this House is endeavoring to place laws upon the statute books of this Nation to give the people relief from the burdens placed upon them by the Republican Party, the cry goes up from that side of this Chamber, "You will disturb business." The interests of honest business and working people lie together and can not be separated. It is my purpose to exercise my influence to protect honest, legitimate business from the financial and industrial pirates that are preying upon and sucking the lifeblood out of it.

I have had a wide experience as a workman, working at one of the hardest and most hazardous occupations that there isbridge and structural ironwork. It is a common saying by the men who work at the trade that "we do not die, we get killed," and the large number of accidents resulting in death bears out

that statement.

In 1889, about the time that I began working on bridge construction, men were receiving an average of \$2 a day for 10 hours' work. If a man was injured by accident, resulting in his becoming a permanent cripple, he often became the subject of some charitable institution; if by accident he fell, resulting in his death, if he was not lost in the deep waters of some river over which the bridge spanned, he was often buried in the potter's field.

There was no organization at that time, outside of possibly Chicago and New York, which would give the ironworkers protection in the way of death or accident benefits. But when the organization was affected the wages of the structural ironworker in a short period of time increased from an average of \$2 a day to an average of \$4 a day; and when anyone was injured the officers of the union looked after the immediate needs for relief, and the organization paid the expense; and when death resulted from accident or otherwise the organization, through its officers, gave a decent burial; and through this organization and unity of action, and not from the result of any tariff or other legislation, the ironworker improved his condition by increasing his wages 100 per cent and reducing the hours from 10 to 8.

I was active for years to secure the perfection of this

organization that it might secure greater results for the benefit of the iron workers—the men who spanned the great rivers and made our great commerce possible—and almost, without exception, I found those who had their agents in the halls of our national legislative body to secure a high tariff invariably using every effort at their command to destroy the usefulness of the organization and to prevent the workingman from securing better wages and better conditions, clearly demonstrating that their arguments for a high tariff on the grounds of protection to American workingmen and to create more satisfactory, conditions to American citizens as a whole was made for the purpose of deceiving and deluding the voters of the country. But, it will be remembered, that when in the recent campaign the managers of the Republican Party saw the general awakening among the people and came to the conclusion that they could no longer mislead them by that old, threadbare-worn argument, they pledged a tariff revision, admitting that the tariff had created monopolies, which resulted in unnatural high prices being collected as a tribute from the consumer. They learned that they had to practice some other deception, and in campaign speeches promised tariff reform in the way of a reduction, but argued that it should be made by those who believed in a protective tariff or by the agents of the tariff beneficiaries, which plan of course was clear to men of experience and intelligence that it would not be done. The people again permitted themselves to be deceived and voted the Republican ticket, believing that they would carry out their promise.

By the enactment of the Payne-Aldrich bill, and the comment on it by the newspapers and the magazines of the country, the people learned that they had again been deceived by the Republican Party, which was in the control of plutocracy, and that they had to continue to pay the penalty in the way of a high tariff, collected for the benefit of the privileged classes or what Thomas W. Lawson properly named "the system," which is the power of a few men to take the wealth of the Nation produced by the people.

This is the condition that the gentlemen of the other side of the House boast of. If they can take any pleasure from the belief that they can continue to deceive the people they may do so, but I want to say that I have sufficient confidence in the intelligence and patriotism of the people of this country to believe that they are going to be loyal to themselves and loyal to the principles of Jefferson and Lincoln, and that they will unite from Maine to California to free themselves from the system which has fastened the shackles of industrial slavery

The gentleman from Pennsylvania, WILLIAM B. WILSON, who has so ably and forcefully stated the fact that the working people have not, will not, and can not receive benefits from a high tariff or from the so-called protective tariff, which, by the way, does protect the financial and commercial pirates in fastening the shackles of slavery on the producers of the wealth of this country [applause on the Democratic side] knows whereof he speaks. It is well for us to know, it is well for this House to know, and it is well for the people to know something about the gentleman from Pennsylvania and to know who he is. He is a man who from boyhood days has worked as a miner, and has associated with and worked with the men who created and developed the great natural resources of this country, a man whose practical experience in life has been such that he knows something about the needs of the working people [applause on the Democratic side] and is well qualified to say and to know that the Republican Party has practiced that deception and deceived and coerced the working men into voting against their own interests these many years. [Applause on the Democratic side. I

Mr. FARR. Mr. Chairman-

Mr. PALMER. Mr. Chairman, I ask unanimous consent that debate on this paragraph be closed.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that debate on the pending paragraph be closed. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to know whether some arrangement can not be made by which the gentleman from Pennsylvania [Mr. FARR] may be heard?

Mr. PALMER. The gentleman from Pennsylvania does not ask for it.

Mr. MOORE of Pennsylvania. I understood the gentleman from Pennsylvania [Mr. Farr] wanted five minutes' time.

Mr. PALMER. Then, Mr. Chairman, I will ask that the debate on this paragraph be closed in five minutes, and that the

gentleman from Pennsylvania [Mr. FARE] be allowed that time.
The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that the debate on the pending paragraph be closed in five minutes, and that his colleague from Pennsylvania [Mr. FARR] be recognized for five minutes. Is there objection?

There was no objection.

Mr. FARR. Mr. Chairman, I think the gentlemen from Colorado—the three Democratic Representatives of that State—have given us a concrete instance of the fact that the tariff does help labor, because they candidly state that if the provisions of this measure go into effect 25 per cent of their mines will be

closed down, that labor to that extent will be directly affected, and the labor in all the other mines of that State injured.

The gentleman from Illinois [Mr. Buchanan] talks about Pennsylvania. My friends, Pennsylvania is a monument to the system of protection. [Applause on the Republican side.] The gentleman talks about the coal regions. No better class of people, no people better fed, better housed, better in every sense of civilization, can be found anywhere than the mining people of the anthracite-coal region, which I have the honor, in part, to represent. And I may say the same thing as regards the soft-coal regions of the western part of the State.

Now, I am not in favor of this measure, because I do not be-

lieve it has been scientifically drawn.

The gentleman from Pennsylvania [Mr. Palmer], whom I esteem highly, and who is a perfectly capable gentleman, said frankly that he was not an expert on these questions. He did not profess to be, and he candidly stated that he had only a general knowledge of the subject. Yet, gentlemen. he is one of a subcommittee of three who prepared this bill which will affect industries in which 1,100,000 people are employed. This bill affects the nut and bolt works in Scranton, which employ nearly a thousand people at high wages. The manager of that concern told me within two or three weeks that they have had very hard sledding for the last two or three years, and I know that the considerable reduction in this measure in the tariff rates on their products will affect them very materially. It will also injure an axle works in Scranton, and instead of lowering the rate, as this measure does, there ought to be an increase for their benefit. I know that that industry has not paid a dividend, unless it has done so within a year.

I do not want to charge it up against the Democratic Party, but gentlemen on the other side have repeatedly cast aspersions on the foreigner. I never knew before coming to this Congress that to be a foreigner was to be a criminal. My good friend from Pennsylvania [Mr. Wilson] was born in Scotland. I thank God this country was broad enough to let my father come here. [Applause.] I thank God that he was willing that come here, anxious and ambitious to get the opportunities that a splendid country like this afford, so that I might be born here and enjoy those opportunities also. I want to ask you gentlemen on the other side how could we run our great in-

dustries in this country without the foreign people?

Mr. HUGHES of New Jersey. Employ Americans.

Mr. FARR. You could not do it. We could not run our hard coal mines where men of skill are required. You could not run your soft coal mines. You could not run to the necessary capacity the great industries of this country without them.

Mr. HUGHES of New Jersey. Not and pay them a dollar

a day.

Mr. FARR. You could not run your textile industries in your district, employing the highest skilled labor, without foreign labor.

Mr. HUGHES of New Jersey. If the gentleman will yield, I will say to him that you can not employ American working-

men to work seven days a week for a dollar a day.

Mr. FARR. They do not do it, I want to tell the gentleman; and I base my statement on an investigation made by the London Board of Trade, commented on at length by the London Times, which proved that we pay nearly two and one-half times the wages to the working people of this country that are paid in England for similar work. I am a printer by trade..

The CHAIRMAN. The time of the gentleman has expired.

Mr. FARR. I should like two or three minutes more.

The CHAIRMAN. All time has expired on this paragraph.

Mr. FARR. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Debate is closed by order of the committee.

Mr. PALMER. I call for a vote. Mr. FARR. I hope my friend from Pennsylvania will not He has occupied a great deal of time on this floor object.

Mr. MOORE of Pennsylvania. My colleague from Pennsylvania [Mr. FARR] is a practical printer, and he wants to talk to the Members of this House, constituted very largely of lawyers, about his own business.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARE] asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection. Mr. FARR. Mr. Chairman, I am a printer by trade. typer on a London newspaper gets nine and a half dollars a week. In the city of New York he gets from \$27 to \$32 a week. [Applause on the Republican side.] In my own city of 130,000 people he gets \$23 a week.

Mr. ADAIR. That is unlucky.

Mr. FARR. I want to say that I am a member of organized The labor of England, if anything, is better organized than in America. [Applause on the Republican side.] printer in France gets 10 cents an hour. The skilled mechanic in an automobile factory in that country gets 10 to 12 cents an hour. In this country he gets 30 to 60 cents an hour, and all along the line, my friends, is evidence of the fact that the system of protection means high wages and more employment. plause on the Republican side.]

It is a marvel to me, with all these millions coming from foreign countries, that we have been able to give them employment at the highest wages paid any people in the world; and they are filling our banks with their deposits, building their own homes, and becoming capitalists in this country. What better tribute to the American system of protection? Why, my friends, did my father and thousands of other fathers come here, except that they knew that they could better their condition? I want to say to the gentleman from Pennsylvania [Mr. Wilson], who is a leader of labor, that he does not treat the foreigners in his State and in his district properly when he talks slightingly of them, because they were loyal men in the cause of labor in the strikes that settled a good many serious questions for the betterment of humanity and helped him to a position of promi-

Again, I want to say to you gentlemen who speak about this question so slightingly-which I charge to you individually on that side, not as a party-that you want to begin to study these statistics and then ask yourselves if any great industry in this country can be run without foreign labor.

And you in the South who are looking to a glorious future, which is your right, must be regenerated by that very infusion of foreign blood in your industrial life in order to attain your true greatness. [Applause on the Republican side.]

You will never rise to greatness and power without it. There can be no serious reflection made against the foreigner. This is a foreign-made country. The miners of my community come from England, Ireland, Wales, Germany, and other coun-They are a good, substantial, earnest, and conscientious people, and their sons and daughters occupy the highest positions there. Many of the men who have made names for themselves in the professions, business, and great wealth out of coal mining in our community were and are foreign-born people.

Mr. SIMS. Will the gentleman yield? I am in sympathy with all that he says as to foreigners, but does not the gentleman think that we ought to have a chance to get some of the foreign-made goods with less shoddy in them than we get at

Mr. FARR. We use less shoddy in our goods than England does. [Applause on the Republican side.] I want the wheels of this country to go round for the benefit of the people of this country, and not the wheels of England, France, and Germany, at our expense and to the injury of our industries and labor. [Applause on the Republican side.] I want the mines of Colorado to go on; I want the people to get employment, whether they be foreign or American born.

Mr. SIMS. Will the gentleman yield for a further question?

Mr. FARR. Yes.

Mr. SIMS. If the foreigners are such good men as the gentleman represents, why do they make shoddy goods, as the gentleman alleges?

Mr. FARR. Because they are so poorly paid. I have stated that we pay nearly two and a half times the wages that are paid in similar trades in England and still more than that compared with wages paid in other countries in Europe.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. FARR. Certainly.

Mr. HUGHES of New Jersey. I want to call the gentleman's attention to the report of the Bureau of Corporations that refers to wages paid in Pennsylvania. I find one of the largest class is that class of men who are paid not more than 12 to 14 cents an hour.

Mr. FARR. Where is that?

Mr. HUGHES of New Jersey. In the State of Pennsylvania.

Mr. FARR. What place? Mr. HUGHES of New Jersey. The employees of the United States Steel Corporation.

Mr. FARR. I do not know any that get that, but if true, these men could not get half those wages at the same work in any country across the ocean.

Mr. HUGHES of New Jersey. Does the gentleman think that 10 cents an hour is two and a half times as much as is

paid to employees in England?

Mr. FARR. I said our labor is paid nearly two and a half times the wages that similar labor is paid in England.

Mr. HUGHES of New Jersey. Does the gentleman want to stand for the statement that in England they work for a sum two and a half times less than 10 cents an hour?

Mr. FARR. They work for two and one-half times less for

the same kind of work done.

Mr. HUGHES of New Jersey. I will ask the gentleman if he thinks that in any civilized country in the world they work 12 hours a day and 7 days a week for \$1.20 a day?

Yes. Mr. FARR.

Mr. HUGHES of New Jersey. Where?

Mr. FARR. And for less.

Mr. HUGHES of New Jersey. Where? Mr. FARR. I do not uphold that system, the gentleman will

Mr. HUGHES of New Jersey. I will ask the gentleman if he can name a civilized country in the world where men work 7 days a week 12 hours a day for \$1.20 a day?

Mr. FARR. Yes; and I will give the gentleman an instance. In Italy a stonemason works from 10 to 12 hours a day for 80 cents a day, and in my town he gets from \$3 to \$4 a day for 8 hours. Many other instances in various other countries can be

Mr. HUGHES of New Jersey. I did not say from 10 to 12 hours a day. I said 12 hours a day, 7 days in the week.

Mr. CAMPBELL. That is what the gentleman from Penn-

sylvania said.

Mr. HUGHES of New Jersey. He did not say that. If he chooses to say it, I wish he would-and neither does the gentleman from Kansas say it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to proceed for one minute. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, and the committee will be in order. The question is on agreeing to the amendment offered by the gentleman from New Jersey

The question was taken, and the amendment was rejected. The Clerk read as follows:

56. Penholder tips, penholders and parts thereof, gold pens, fountain pens, and stylographic pens; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, 25 per cent ad valorem.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to strike out the last word. I hope that no gentleman on this floor will misunderstand my position with regard to foreign labor employed in this country. In no statement that I have made upon this floor have I ever cast any reflection of any kind or character upon foreign workmen employed in this country, but what I have said and what I repeat is this, that, irrespective of the industrial or moral qualities of foreign workmen, we have practically free trade in labor, and that the American workman has to compete with free trade in labor. [Applause on the Democratic side.] The gentleman from Pennsylvania

speaks of the conditions in the region that he comes from.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentle-

man yield?

Mr. WILSON of Pennsylvania. Not at present. The gentle-man speaks of conditions in the part of Pennsylvania that he comes from, the anthracite coal regions, and he knows that anthracite coal is on the free list now and has been for some time. [Applause on the Democratic side.] He also knows that the conditions under which the anthracite miners work are conditions that are somewhat similar to the conditions that exist in the bituminous mines, where we have a protective tariff. The gentleman also knows that in the anthracite mines of Pennsylvania 51 per cent of the men employed are foreignspeaking people, not including Germans and French, and that in the bituminous regions of Pennsylvania there are 62 per cent of those who are employed in the mines that are foreignspeaking people, and those men have come in droves, not only into the mining regions of Pennsylvania, but into the steel and iron producing regions of Pennsylvania, in competition with American workmen, cheapening the wages, except where they have been forced up by a powerful labor organization. [Applause on the Democratic side.]

Mr. FARR. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. WILSON of Pennsylvania. Certainly. Mr. FARR. I said that the gentleman spoke slightingly of foreign labor, and does he not?

on the Democratic side.]

Mr. WILSON of Pennsylvania. No.
Mr. FARR. I would ask the gentleman this question—
Mr. WILSON of Pennsylvania. I have not spoken slightingly of foreign labor, and do not propose to speak slightingly of foreign labor, but I have said that the American workman has been compelled to compete with free trade in labor. [Applause

Mr. FARR. I would ask the gentleman if the wages in the arthracite coal region are not the highest that have ever been paid in mining?

Mr. WILSON of Pennsylvania. That is true, notwithstanding that there is free trade in anthracite coal, and by virtue of the fact that they have had a labor organization to force the conditions.

Mr. FARR. I admit that largely organized labor has had something to do with that, but do we need a tariff on hard coal? Is it not a natural monopoly?

Mr. WILSON of Pennsylvania. Not necessarily, because there is anthracite coal produced, as the gentleman knows, in Wales. Mr. FARR. Oh, I mean in America. about the United States. We are now talking

WILSON of Pennsylvania. Does the gentleman want protection in Pennsylvania-

Mr. FARR. We are not asking for protection.

Mr. WILSON of Pennsylvania (continuing). To protect you from some other part of the United States? [Laughter and applause on the Democratic side.]

The question of protection on anthracite coal Mr. FARR. has not been raised except by the gentleman from Pennsylvania [Mr. Wilson]. We do not need any protection on it.

natural monopoly.

The CHAIRMAN. The time of the gentleman has expired,

Mr. KAHN. Mr. Chairman, the gentleman from New Jersey [Mr. Hughes] asked the gentleman from Pennsylvania [Mr. FARR] whether there was any place in the world where men worked every day in the week for 12 hours a day at less than a dollar a day, and I say to the gentleman from New Jersey that competing with the principal industry of his own town, the silk industry, in Japan and China there are thousands of men and women who work 14 and 15 hours a day for seven days in the week for as low as 15 cents a day.

The industries of the Orient are developing and growing very rapidly. Along the Woosung River, from its mouth to Shanghai in China, there are upward of 30 cotton mills that work their employees as high as 15 hours a day every day in the week at 10 cents a day, many of them, and there is not an employee in the factories, unless it be a foreman, who gets as high as a The time will come when we will have to build up a pretty high tariff wall against that kind of competition.

The gentlemen from the South, with their cotton industry growing and developing so rapidly, will have much to fear from the Orient as the cotton industries of that section of the world are developed. You can not compete with labor that works for as low as 8, 10, and 20 cents a day. Do you gentlemen on the other side of the aisle expect the American workingman to compete with that kind of labor?

Now, the same is equally true in the Orient with respect to Japan has great coal fields. Any man who has ever visited the Orient and has seen how the Japanese toilers load the liners which come to the ports of Nagasaki and Yokohama will realize how impossible it is for the American workman to compete with that kind of labor. I simply say to the gentleman from New Jersey that his people, the people whom he represents on the floor of this House, can never stand the competition with the Orient unless there is a high protective duty on the silk which competes with that which is manufactured in

Paterson, N. J. [Applause on the Republican side.]
Mr. HUGHES of New Jersey. Mr. Chairman, I move to
strike out the last word. Mr. Chairman, I congratulate Japan on being added to the list of civilized nations by the gentleman from California-

Well, the gentleman will not deny that Japan Mr. KAHN.

Mr. KAHN. Well, the gentleman will not deny that Japan is a highly civilized country, will he?

Mr. HUGHES of New Jersey. I will take the gentleman's statement for that; he perhaps is more familiar with the Japanese than I am. I will say to him that so far as competition with Japan is concerned that the city of Paterson, and I know something about the silk business, does not fear that competition half as much as it fears the competition of the cheap labor in the highly protected State of Pennsylvania. [Applause on the Democratic side.] Mr. FOCHT. Mr. Chairman-

The CHAIRMAN. Does the gentleman yield? Mr. HUGHES of New Jersey. I will not yield now. I want to ask one question just now.

Mr. HUGHES of New Jersey. I will not answer a question right now, but I will yield later.

Mr. FOCHT. I know you will not yield. I am sure the gentleman can not answer this one.

Mr. HUGHES of New Jersey. I have seen little girls, little children, working in the mills of Pennsylvania for \$3 a week at Mr. HUGHES of New Jersey. I have seen little girls, little children, working in the mills of Pennsylvania for \$3 a week at work which under the union scale in the city of Paterson would on the Republican side.] Of course, manufactured products

be compensated for at the rate of \$21 a week. [Applause on the Democratic side.] And the citizens of Paterson have been called upon to meet that competition, and are meeting it now. Your protection theory has driven the manufacturers of silk into every corner of this country where they can use the by-product of the workman's family, the little girls who could not find employment in other capacities, but who can handle the fine fibers of silk, and the working people of the city of Paterson are asked to compete with that sort of competition. plause on the Democratic side. 1 Not only that, but we did our best to secure by legislation fair labor conditions in the State of New Jersey, but the manufacturers, fleeing from this high standard we set up, went to the friendly and boss-ridden State of Pennsylvania, where they could pay their labor less, where they could hire sheriffs to shoot down strikers upon the high roads, where they could work their own sweet will upon these people who dared to rise and ask for a slight share of this money which you wrung from the balance of the people in the name of labor. [Applause on the Democratic side.]

Labor has been charged with lots of things. The last President of the United States never mentioned a trust that he did not in the same breath mention a labor organization. could not see the difference between the American Federation of Labor, an organization of men, and the United States Steel Corporation, an organization of dollars. The present President of the United States enjoined them when they tried to get their share of this protection which you have levied in their name. If you want to help them, pass laws such as the countries you criticize have passed; pass a compensation act such as England has passed. Pass a law which will permit laboring men to organize—make them free from the drastic provisions of the Sherman antitrust law. Give them a chance to get some of the money that you are wringing from the people of this country in the name of labor and putting in your own pockets. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania, Mr. FOCHT, and Mr. BERGER

Mr. UNDERWOOD. Mr. Chairman, I wish to ask the gentleman from Wisconsin [Mr. Berger] how much time he desires. Mr. BERGER. Five minutes.

Mr. UNDERWOOD. I understand, Mr. Chairman, that there are three gentlemen who want five minutes each. I move to close the debate on this paragraph in 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on this paragraph close in 15

minutes, the gentleman from Wisconsin [Mr. Berger] to have 5 minutes, the gentleman from Pennsylvania [Mr. Moore] 5 minutes, the gentleman from Pennsylvania [Mr. Moore] 5 minutes. minutes, and his colleague [Mr. Focht] 5 minutes. Is there objection?

There was no objection.

Mr. BERGER. Mr. Chairman, it is unnecessary for me to repeat the old truism that high tariff simply protects the manu-It means that the Nation is paying the manufacturer a bonus for investing his money. [Applause on the Democratic side.] There is always free trade in labor. The workingman's labor is bought in the open market from the lowest seller. I also wish to say that it is only in our country that the manufacturers claim they want a protective tariff in order to protect labor. In Germany there is also a high protective tariff. manufacturers of Germany, however, do not claim that they want a protective tariff for the workingmen. They honestly say they want it to protect their own profits. [Applause on the Democratic side.] The same is true in France. The manufacturers of France do not claim that they want protection for their workingmen, but that they want it for themselves. That is fair and square. And if they have the power to get it, it is all right. Agricultural countries, as a rule, subsidize manufacturers in order to create factories.

In this country, about some 30 years ago, after the infant industries had become giants, the politicians in Pennsylvania began to claim that the tariff was going to protect labor.

When I got to Milwaukee, some 30 years ago, I remember they paid the workmen in the rolling mills as high as \$10 to \$15 a day. Then the employers introduced new machinery and new processes, and now, under the blessings of protection, the protective tariff, the workmen get \$1.75 to \$2 a day for similar work. The Republican protection theory was simply invented because the workmen have votes. So much for this side of the House.

Now to my friends, the Democrats. [Laughter.] While I am absolutely against the high tariff, because it is simply a means of exploitation-it hits the poor man as a consumer, and the would be cheaper. One could probably get a suit of clothes like the one I have on for \$10. But a Chinaman would make it, or a Japanese would make it, or a Hindoo would make it. [Applause on the Republican side.] Our people would be without work. We would be very much in the position of a gentleman from Texas who said he remembered the time when he could buy a county in Texas for a pair of boots. When asked why he did not buy the county, he replied that he did not have the boots. [Laughter and applause.] That would be the condition of the working class.

We have built entire industries upon the tariff. not stand a quick and total reduction. That would unsettle conditions, close workshops, and deprive thousands of wage earners of their jobs. As far as the tariff question is concerned, the American working class is between the devil and the deep blue sea. Here is the Republican devil and there is the Democratic deep blue sen. [Laughter.] And, gentlemen, the rock of rescue is socialism, when every person will own his job and get the full value of the product of his or her labor. But I can not explain that to-night.

I only want to add that until society can find another job for laborers in a dying industry a radical or sudden change

in the tariff is disastrous.

I want to say something about high wages in our country. I have the figures for 1905. The following are the high wages of have the figures for 1905. The following are the high wages of which the gentleman from Pennsylvania boasts. The average weekly earnings for our country in 1905 is \$11.15 for male adult workmen. There are quite a number of them, namely, 132,064, who get less than \$3 a week. These are Republican figures and not Socialist figures. The average wage of adult females in 1905 was \$6.17. The average for children under 16 in 1905 was \$3.46. The number of women at work in our blessed country, here in 1905 was \$219,2907 blessed country here in 1905 was 5,319,397.

I have not the figures for the number of women at work in 1910, but in 1905, 71 per cent earned less than \$3, 10.9 per cent less than \$4, and 15.1 per cent less than \$5. Just imagine these despicable wages under the blessings of a Republican tariff!

[Laughter on the Democratic side.]

We have the figures for 216,262 establishments. Now, I admit that the wages are somewhat better here than they are in Germany or in England [applause on the Republican side], but it can not be shown that the tariff is responsible for this. recently we had colonial conditions in our country. And it should be remembered that in Germany and in England the country takes care of the workingmen in their old age. The workingmen there get a pension. It may be only \$1.25, or \$2, or \$2.50, as it is in Australia. But there the workingman is cared for in his old age; the workingman is also cared for in some countries when out of work; the workingman is cared for when he is sick. How about our country? What employer cares whether his workingman is sick? Nor does the Government help him any. Our legislative bodies, including Congress, have done less for the workingman than the legislatures of any other civilized country on earth. There can be no question about that.

The CHAIRMAN. The time of the gentleman has expired. Mr. BERGER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Wisconsin [Mr. Berger] asks unanimous consent for two minutes more. there objection?

Mr. JAMES. Mr. Chairman, I ask that the gentleman's time be extended two minutes.

Mr. BERGER. I do not bother this House much, and I would be glad to conclude in two minutes.

he CHAIRMAN. Is there objection?

There was no objection.

Mr. BERGER. Moreover, gentlemen, we are on the eve of the most tremendous industrial crisis that this country has ever seen. Under capitalism we get these crises about every 20 years. We had the last one in 1893. They are caused because the workingmen can not under the present system get the full value of their products. And since their numerical strength makes them the chief consumers of a nation there is a so-called overproduction all the time. The next crisis will come in the year 1913 just as sure as this earth goes round on its axis. However, if you elect a Democratic President and if you tinker with the tariff you might get it about six months sooner. [Laughter and applause on the Republican side.]

There is no doubt in the world but that we are going to have a panic, because no matter how much or how little the workers produce they create more than they can buy back with their There is no escape from it under the capitalist system. I would be glad to explain our Socialists' theory of wages and capital, but I have not time to-night.

Both of the big parties are playing politics on this great question of the employment of workers. [Laughter.] It is a very

serious thing. All I can do is to watch, with a grim smile, how both sides of this Chamber play the game. Yet upon such im-portant questions we should drop politics. We ought to work as a unit and consider the propositions solely on their merits, and in no other way.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Indiana?

Mr. BERGER. With pleasure.

Mr. ADAIR. Is it not true that the gentleman from Wisconsin has voted with this side of the House on practically every proposition since he has been a Member of this House?

Mr. BERGER. Oh, no; not on every proposition.

Mr. ADAIR. On practically every one?

Mr. BERGER. No, Mr. Chairman. But I have voted and I shall vote for every reduction that is proposed in this tariff, unless I can be shown that workingmen get their share. [Laughter on the Democratic side.] But the Democrats have no panacea for any of the ills which afflict the country.

Mr. HARDY. They are all right, so far as they go, the gen-

tleman means?

Mr. BERGER. Well, they are just a little more right on this question than are the gentlemen over here. [Laughter.]

On the other hand, I can see the time when my neighbors may be more nearly right than the other side. But only the Socialists are always right on the question of bread and butter for the working class.

Mr. Chairman and gentlemen, I thank you.

Mr. JAMES. How is the gentleman going to vote on this

I am going to vote with the Democrats, because they are taking off some of the duty on iron and steel, and because the working class does not get any benefit from the tariff as it is.

Mr. BUCHANAN. Does the gentleman argue in this House

on his Socialistic policies?

Mr. BERGER. I do not understand the gentleman's question. The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FOCHT. Mr. Chairman, I am willing to agree that there can not be a perfect and scientific tariff measure that will bring its equal reward to the manufacturer and the laborer when, on the one hand, the thing which the laborer makes is protected and, on the other hand, the hands that make it are not. But how conditions are to be equalized by this Democratic method without breaking down both manufacturer and laborer is beyond my comprehension. Therefore, as to that point I so far agree with my friend from New-Jersey [Mr. HUGHES], and I hope he will keep pace with his utterance here to-night and vote for the bill restricting immigration which I introduced in this Hall last week.

I want to say to him, however, that a gentleman of his distinction, that a gentleman of his eminence, should have, but evidently has not, made careful and diligent research before giving utterance to sentiments on this floor such as he expressed in his impassioned speech a moment ago. I want to say that I never heard anything uttered quite so absurd, anything quite so far from the truth, as his declaration in regard to child labor in Pennsylvania. I am ashamed of his ignorance [laughter on the Republican side], for it is a fact well known all over this country that Pennsylvania has the most stringent laws with respect to child labor of any State in the Union.

[Applause on the Republican side.]

Pennsylvania puts free books into the hands of her children and sends them to the best free schools in the world and does not permit them to work in factories; Pennsylvania is the pioneer in election-reform laws, in the inauguration of a modern system of taxation, in caring for her unfortunate, in policing the State; stands first for sanitary regulations under a great medical council; and is now building highways which, for method of construction and extent of mileage, when completed, will make the Roman roads of the Cæsars, so famed during the centuries, look cheap and insignificant in comparison.

Furthermore, is it not flagrantly inconsistent that my friend, in the face of his screaming tirade against Pennsylvania, should vote against an amendment offered here to-day to perfect this bill so that it might have somewhat the form and shape of both the Dingley and Payne bills, to prevent the importation either of child labor or of contract labor, or products not manufac-tured under an eight-hour law? The gentleman's statement is probably no more ridiculous than was that of the distinguished gentleman from Monroe County, one of the leaders of the Democratic side, when he said this morning that out of a \$300,000 capital the Bethlehem Steel Co., under the direction of Mr. Schwab, had inflated or accumulated in a few years capital amounting to \$15,000,000, saying nothing about the additions and improvements made.

In discussing the question of labor, since Pennsylvania is assailed, I want to say to you that in Pennsylvania nearly every

great corporation has a pension system of its own.

I do not defend these corporations as being purely philanthropic institutions, but they have the humanity to maintain pension systems for their employees. In that they are led by that greatest of all corporations in all the world, the Pennsylvania Railroad Co. In this noble conception they were followed by the Lehigh and Lackawanna railroad companies, and under those pension systems their employees in old age are retired on two-thirds pay. And I want to say to the great leader of the Democratic Party on the floor of this House, when there is a discussion of any question regarding labor, and he is constrained to taunt Pennsylvania, let him look at his own State of Alabama, and I may say his own district, where I am pre-pared to prove they have convict and contract labor. [Applause on the Republican side.]

Mr. DIFENDERFER. Mr. Chairman, I can not allow the statement made by the gentleman from California [Mr. KANN] to go unchallenged. He has made the statement here that Chinese labor can be purchased for 10 cents a day. First I want to say a word about the Japs. I happened at one time to be pretty closely associated with some of the Japs in their own country, and I was compelled to pay 75 sen, which is equivalent to 37½ cents in our money, per hour for the use of a jinrikisha. And I may say that is the prevailing price in Yokorikisha. And I may say that is the prevaning price in low hama, Tokyo, Kyoto, or any of the principal cities of Japan.

Mr. KAHN rose

Mr. DIFENDERFER. I have only a few minutes. I did not interrupt the gentleman from California, and I do not pro-pose to be interrupted now. The gentleman also spoke of the cotton mills along the Woosung River, a distance of 14 miles, where the cotton mills have never paid, for the reason that they never could make cotton goods fit to wear, and the people of China preferred the American goods and paid American prices. [Applause on the Democratic side.]

want to say further that I have been an employer of Chinese labor in a mill that I erected in Tientsin, China, and the lowest wages I paid in that country was \$14 silver per month, which was equivalent to about \$7.50 or \$7 gold in this

Mr. AUSTIN. Seven dollars a month? Mr. DIFENDERFER. Seven dollars a month gold minimum and a maximum \$68 per month silver. Now, I am going to tell you why you Republicans contribute to that. When I came to buy the machinery in this country to establish a woolen mill over there I was notified that I could have that machinery to export for 20 per cent less than if I was to build the mill in the United States. [Applause on the Democratic side]. I was permitted to build a mill for 20 per cent less on the soil of China than in the United States. I was permitted to employ Chinese labor in a mill there in competition with a mill built upon this side of the ocean, and this tariff of yours contributed to that fact. People live in proportion to the wages they receive. I wish to refer to one fact which shows how this thing works out. While I was in Shanghai, going up one of the principal streets of that city, I noticed a New Home sewing machine in the window of an American, marked at \$35 Mexican, which at that time was equivalent to \$15.80 in gold.

When we came to question the price of it at the hotel during a tiffin, the man who owned the store came in, and I asked him why it was that he could afford to sell that machine for \$15.80 in China while the same machine brought \$45 in America. [Applause on the Democratic side.] He told the secret of it, saying that that sewing machine was laid down in China with freight paid and bill of lading attached for \$8.25. That is one of the reasons why the Chinese can live cheaply, while the American must pay \$45 for an American-made machine. [Ap-

plause on the Democratic side.]

The CHAIRMAN. All time has expired on this paragraph, and the pro forma amendment is withdrawn.

The Clerk read as follows:

57. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, 20 per cent ad valorem.

Mr. MANN. Mr. Chairman, I move to strike out the last word. There have been times, Mr. Chairman, when I was at a loss to understand the motives actuating gentlemen on the Democratic side of the aisle, but I can see now why some of them should support this and other Democratic tariff bills. When Democratic Members of Congress purchase machinery at 20 per cent discount in order to employ Chinese labor at Appendix.]

23 cents a day to manufacture woolen goods to come into this country in competition with American goods, I see why they want to take the tariff off of American goods made at an expense of many dollars a day. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unantmous consent that all debate on this paragraph close in five minutes. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, I thoroughly echo the sentiments just expressed by the gentleman from Illinois [Mr. Mann]. The gentleman from Pennsylvania [Mr. DIFENDERFER] has told us of the conditions that prevail in the mills along the Woo-sung River, as he saw them. The gentleman speaks of these mills manufacturing cotton cloth. The gentleman from Pennsylvania never put his foot inside of a mill in that locality, if he makes that statement. These mills manufacture nothing but cotton yarn. The cotton cloth that is consumed in China is manufactured in the homes on hand looms. There are no great cotton factories in China that manufacture cotton cloth; many of the people buy the yarn from these mills that exist along the Woosung River, and that pay, as I say, as low as 10 cents a day to their laborers, who work as long as 15 hours a day 7 days in the week.

The gentleman from Pennsylvania has referred to the jin-

rikisha men, who get 37½ cents a day.

Mr. DIFENDERFER. They get 37½ cents an hour in gold.

Mr. KAHN. In what part of the country? Mr. DIFENDERFER. In Yokohama.

Mr. KAHN. I have been in Yokohama, and the prevailing prices there were about 15 cents an hour; the prices were displayed very clearly in figures at the jinricksha stands. Mr. NORRIS. Is it not true that these fellows occasionally

take advantage of strangers?

Mr. KAHN. They could not take advantage of the gentleman from Pennsylvania, who put up the mill and got people to work for 23 cents a day. They could not take any advantage of him. [Laughter.]

Mr. CANNON. Will the gentleman from California ask the gentleman from Pennsylvania how many there were in the

jinricksha? [Laughter.]

Mr. KAHN. In that country they have a "push man" and a "pull man" whenever they get a passenger as large as the gen-tleman from Pennsylvania. For a passenger of his size they have to have two jinricksha men, and possibly the two get 371 cents an hour. But, be that as it may, the fact has been brought out here by the gentleman from Pennsylvania that in the Orient he employed men to work for \$7 a month, and his party doubtlessly wants to put the American workmen, some of whom, in many industries, get as much as that a day, upon the level of the oriental who is willing to live on a cup of tea, a little rice, and a bit of dried fish every day.

Mr. DIFENDERFER. Will the gentleman yield?

Mr. KAHN. The gentleman from Pennsylvania would not

yield to me, but I will yield to him.

Mr. DIFENDERFER. I want to say that when I say I employed these men at these figures, I gave you the very lowest wages that were paid, and I want it simply understood now that a Chinaman in a factory of that country will not do one-tenth of what an American will do here.

Mr. KAHN. Oh, the gentleman from Pennsylvania knows, if he has been in China, that there is no more industrious, docile, and painstaking mechanic in the world than a Chinaman. He is willing to work, and can work, without sleep or let or hindrance for 18 hours a day, and he does his full measure of a day's work. Kipling said of the Chinese laborer that he is endowed with "a devil-born capacity for doing more work than he ought." We have had him in California, we know what his capabilities are, and we dread and fear him as a competitor

to the American laborer.

The CHAIRMAN. All time has expired, and the Clerk will

read.

The Clerk read as follows:

61. Zinc in blocks or pigs and zinc dust; in sheets, and old and worn-out zinc fit only to be remanufactured, 15 per cent ad valorem.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Before line 21, page 19, insert: "Tungsten-hearing ore of all kinds, 20 per cent ad valorem."

[Mr. RUCKER of Colorado addressed the committee. See

Mr. MONDELL. Mr. Chairman, I desire to support the amendment of the gentleman from Colorado, and more particularly to mingle my tears for a moment with those of my good friends from Colorado, as they contemplate the destruction of the industries of their great State if this bill should become a law. Fortunately for them there is still a Republican Senate, and so the destruction which they so much fear can not come to pass, and beyond the Republican Senate there is a patriotic President. [Applause on the Republican side.] He takes the same view of the protective principle avowed a moment ago by the gentleman from Colorado [Mr. TAYLOB]. The trouble with my good friends from Colorado is that they are on the They should have thought of that wrong side of the aisle. when they became the candidates of a free-trade party.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentle-

man yield?

Mr. MONDELL. Mr. Chairman, I have only one moment. I should like to yield to the gentleman, and possibly may later. The gentleman from the western slope of Colorado has well said that the mountain west stands for protection, and Colorado not less than the other States of that region. If it were not for the patriotic veto of a Republican President, the great cattle industry of Colorado would now be suffering from the influx of foreign meats and cattle. If it were not for an equally patriotic and courageous veto, the great wool industry of that great Centennial State would be prostrate. If it were not for the fact that the Democratic majority has not yet gotten around to a revision of the sugar schedule, the splendid sugar industry of that State would be threatened with destruction; and as much as my friends from Colorado fear the effect of this bill, what will be their feeling when the great sugar industry of their State is threatened by the bill reducing the duty on sugar which, we understand, is to come from that side

There is not an industry in that great State that is not either based upon or largely dependent for its prosperity upon the protective tariff. Sheep, cattle, sugar, lead, zinc, coal, steel, iron-aye, even the agricultural products of that great State, most of which are fed to cattle and sheep-are dependent for the price which the farmer receives on the prosperity of the cattle and sheep industries, which in turn depend on the protective tariff, and yet the party they represent and the party with which they continue to vote, while they voice their protests, if it has the power, to strike down or seriously injure all

of these great industries.

It has been demonstrated within a short time that it is entirely possible to make such a thorough investigation of any tariff subject as to arrive at a conclusion upon which all men will agree as to the difference in the cost of production at home and abroad. As an example of that we have the splendid report of the Tariff Board on wool, the findings of which no man on either side has yet questioned.

I want to suggest to my friends from Colorado who claim to believe as we do in a protective tariff that will measure the difference in the cost of production at home and abroad, that if they will vote against their party we may force that party to retain the Tariff Board and thus secure the facts upon which we can legislate intelligently upon this and other subjects.

The CHAIRMAN. The time of the gentleman from Wyoming

has expired.

Mr. UNDERWOOD. Mr. Chairman, I desire to close debate on this amendment.

Mr. HILL. Mr. Chairman-

Mr. UNDERWOOD. Does the gentleman wish to speak on

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent to close debate on this tungsten amendment, offered by

the gentleman from Colorado, in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to close debate on this one amendment in five

minutes. Is there objection?
Mr. MORGAN. Mr. Chairman, I object.

Mr. UNDERWOOD. Mr. Chairman, I move to close all debate-

The CHAIRMAN. The gentleman from Oklahoma objects. Mr. UNDERWOOD. Mr. Chairman, I move to close de-

I hope the gentleman will not make that motion. Mr. UNDERWOOD. I am perfectly willing to yield five minutes to the gentleman, but the zinc paragraph is not up yet and I do not want to consider that paragraph until we get to it.

Mr. MANN. I understood the zinc paragraph was reached.

Mr. UNDERWOOD. No; it has not been reached.

Mr. MANN. The gentleman stated his amendment was to

come in after the zinc paragraph.

Mr. MONDELL. It follows the zinc paragraph.

The CHAIRMAN. The amendment was to follow paragraph

61, which was read.
Mr. UNDERWOOD. I will again ask unanimous consent, and will allow the gentleman from Connecticut five minutes.

Mr. MANN. I understand the paragraph is paragraph 61, the zinc paragraph.

The CHAIRMAN. The present amendment under consideration is offered as an amendment to paragraph 61

Mr. MANN. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentlement will state it.
Mr. MANN. What was the last paragraph read?
The CHAIRMAN. The Chair will state that paragraph 61

The CHAIRMAN. The Chair will state that paragraph 61 has been read, and the amendment offered by the gentleman

from Colorado is offered as an amendment to that paragraph.
Mr. UNDERWOOD. Now, Mr. Chairman, I understand the gentleman offered his amendment as the zinc paragraph was read, but it seems that he has offered it as a new paragraph, which, of course, passes the zinc paragraph.

Mr. MANN. The gentleman offered it as an amendment to

the zinc paragraph.

Mr. RUCKER of Colorado. Yes.

Mr. CAMPBELL. Mr. Chairman— Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent-I see there are four gentlemen standing who, I suppose, desire to speak.

Mr. MURDOCK. Here is another-five.

Mr. MANN. The gentleman from Wisconsin wishes to offer an amendment-

Mr. CAMPBELL. And I wish to offer an amendment.

Mr. AUSTIN. And I wish to speak on that paragraph. I have not had a chance yet.
Mr. UNDERWOOD. Mr. Chairman, I will ask unanimous

consent that all debate on this paragraph be closed in 20

Mr. MANN. There are some gentlemen who wish to be heard

who can not be heard in that time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes.

Mr. MANN. Mr. Chairman, reserving the right to object, I hope the gentleman will not do that. There are gentlemen here who wish to be heard on this paragraph. If the gentleman Mr. UNDERWOOD. I wish to do so, but we have got to get through with this bill to-night.

A Member. Why have we?

Mr. MANN. We are all in an amiable frame of mind.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that if he will agree to 30 minutes' debate I will consent to that.

Mr. MANN. If those who are to talk are specified, that is satisfactory to me.

Mr. AUSTIN. I have not only to speak for myself but for gentlemen on that side of the House as well.

Mr. UNDERWOOD. I will yield 20 minutes of that time to the gentleman from Illinois [Mr. Mann] and 10 minutes to this side of the House.

Mr. MANN. We have six men over here who wish to talk. Mr. UNDERWOOD. I will let you divide the time. Mr. Chairman, I ask unanimous consent that the debate on this paragraph be limited to 30 minutes, 20 minutes of the time to

be controlled by the gentleman from Illinois [Mr. MANN] and 10 minutes by myself. The CHAIRMAN. The gentleman from Alabama asks that

debate on this paragraph be closed in 30 minutes, 20 minutes of which time is to be controlled by the gentleman from Illinois [Mr. Mann] and 10 minutes by himself.

Mr. CAMPBELL. Mr. Chairman, reserving the right to object, the statement made by the gentleman from Alabama was on the amendment to the paragraph.

Mr. UNDERWOOD. I was talking about the whole pararaph. The debate on the tungsten ore has been finished.
Mr. CAMPBELL. Would it be in order at the close of the

time specified by the gentleman from Alabama to move to strike out the entire paragraph?

Mr. MANN. Any motion is in order at the end of that time. Mr. UNDERWOOD. I ask the Chair to submit my request

The CHAIRMAN. The gentleman from Alabama [Mr. Underwood] asks unanimous consent that the debate on this paragraph be closed in 30 minutes, 20 minutes of the time to be controlled by the gentleman from Illinois [Mr. Mann] and 10 minutes by himself. Is there objection?
There was no objection.

Mr. HILL. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois controls the

I yield five minutes to the gentleman from Wisconsin [Mr. Kopp].

Mr. KOPP. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. UNDERWOOD. Mr. Chairman, I understand there is an amendment pending relating to the tungsten ore. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The question was taken, and the amendment was rejected. Mr. RUCKER of Colorado. Mr. Chairman, I offer an amendment.

UNDERWOOD. The gentleman from Illinois [Mr. Mr. MANN] has control of the time now.

Mr. KOPP. I believe I have been recognized, Mr. Chairman. ask to have my amendment read.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

The Clerk read as follows:

On page 10, after the last word in line 20, insert the following as a new paragraph:

"Zinc-bearing ore of all kinds, including calamine, containing less than 10 per cent of zinc, shall be admitted free of duty; containing 10 per cent or more of zinc and less than 20 per cent, one-fourth of 1 cent per pound on the zinc contained therein; containing 20 per cent or more of zinc and less than 25 per cent, one-half of 1 cent per pound on the zinc contained therein; containing 20 per cent or more of zinc and less than 25 per cent, one-half of 1 cent per pound on the zinc contained therein: Provided, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph."

The CHAIRMAN. How much time does the gentleman from Illinois [Mr. Mann] yield to the gentleman from Wisconsin [Mr. KOPP].

Mr. MANN. Five minutes. Mr. KOPP. Mr. Chairman, this amendment seeks to reenact the present law with reference to zinc ore. Of course, it is not offered with the thought that it will meet receptive ears on the other side of the aisle, as a party, at least, although I am sure it will meet receptive ears so far as many individuals are concerned.

Throughout this tariff discussion one of the principal arguments that has been advanced as to why the tariff should be cut down on many articles has been that the articles enumerated have been produced by a trust; that those who produce the given articles have a monopoly on that production. Now, Mr. Chairman, the reason for that rule fails with reference to zinc ore. I take it there is not a gentleman within sound of my voice who for one moment will contend that there is any trust controlling the production of zinc ore. The zinc industry is dotted over 22 States in this Union. The zinc miners had no trouble with free ore until a few years ago. It had always been conceded until the year 1905 that there was a tariff on zinc ore under the general metal clause. But in 1905 they began for the first time to open up Mexican mines, and they attempted to bring ore in, claiming the basket-metal clause did not apply to calamine, and a case was made in the State of Louisiana, which was taken to the highest court of the land, and it was there held that the protective tariff under the general clause did not apply to zinc ore. Then for the first time the Mexicans began to import ore, and then for the first time since the first zinc mine opened in the United States of America, our mines began to close down permanently. And I ask, even the Democrats on that side of the House who live in zinc districts, to corroborate me with reference to that statement. Mexican ore came in for two or three years. During that time, in the State which I have the honor to represent in part, a large per cent of all the zinc mines for seven months were absolutely closed.

I live within 16 miles of a great smelter. At that time practically every miner in the district was idle, but at the same time the great smelter was running 24 hours a day; and, standing upon the sidetracks at all times of the day night were Mexican Central cars, hauling ore from Mexico. In the three months of March, April, and May, 1909, while the American miners in Wisconsin, Missouri, Kansas, Colorado, Oklahoma, and other States were sitting in their backyards whittling, the great smelters of the land were smelting ore from British Columbia and Mexico.

You may talk what you please about the theory of the protective tariff with reference to iron. I do not pretend to know anything about it. You may talk about it with reference to other American industries, and I know but little about them. But I do know that the miners of my district were practically starring when the big smelters were running 24 hours a day on Mexican ore, and that the conditions were reversed within 40 days after the Payne-Aldrich bill became the law of the land; within that time our mines were in full operation.

[Applause on the Republican side.]

Now, a great deal has been said with reference to foreign labor and the kind of laborers employed in various industries. The gentleman from Tennessee [Mr. Sims] asked why a different view is taken with reference to the product of a foreigner when he is working here and when he is working across the water. The difference is plain. When a foreigner is on his native heath he is a foreigner pure and simple, but when he has become an American citizen, and has forsaken all when he has become an American citizen, and has forsaken all allegiance to king, prince, or potentate, and has sworn to uphold the Constitution of the United States, and, if necessary, give his life's blood in defense of its flag, then he is a different man, and entitled to every protection that any other American citizen deserves. Be that as it may, in the zinc mines of Wisconsin we have very few foreigners. Probably 90 per cent of the lead and zinc miners in my State are native born. are intelligent men, many owning their homes, and all of them educating their children and rearing them to be good, patriotic American citizens. You are asking them to compete with the peon labor of Mexico.

Consul Martin, in his Consular and Trade Reports, issued a couple of years ago, states that the condition of these laborers is deplorable—that they have no homes, as we use the term, that they know nothing of education, and eke out a bare existence. He determined from an examination of the mines there that it cost eight times as much to produce a ton of ore in an American mine as in a Mexican mine. Of course the freight rates to the smelter is much higher on the Mexican ore, but, after all this is taken into consideration, it can be shown conclusively that it costs 1½ cents per pound more to produce ore in the United States than in Mexico. Of course, you who believe that the essential feature of our economic life should be cheapness of products will not be impressed by this statement, but on those of us who believe that the essential feature of our economic life should be employment of all labor, as well as capi-

tal, it makes a profound impression.

Mr. Chairman, the zinc miners of my district and of the other districts of this country have experienced within a very few years the full effects of free trade in zinc ore. It is a burning question with them. Perhaps no other industry has so recently had an experience with the practical administration of the doctrine of free trade. They are watching to see what the Democratic Party proposes to do with this great industry; they are watching to see who are voting to annihilate the industry, which means practical starvation to thousands of men, and who will vote to make it one of the prosperous industries of the land.

There are many paragraphs in the present bill which meet with my approval. Many of the products of the Steel Trust, I am convinced, carry a tariff which is higher than it should be, and if the opportunity was given to vote against them, it would be gladly done; but I can not go so far as to prostrate many industries of the land which must have protection simply for the purpose of voting against those which now carry too high rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KOPP. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Wisconsin [Mr. KOPP] asks unanimous consent to extend the chairman of the chairman from Wisconsin [Mr. Kopp] asks unanimous consent to extend his remarks in the RECORD.

Is there objection? There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, I offer an amendment to the amendment, and send it to the Clerk's desk and ask to have it read.

The CHAIRMAN. The gentleman from Alabama [Mr. Underwoodl is recognized.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. Nelson].

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. UNDERWOOD. Mr. Chairman, I understand the gentleman from Colorado [Mr. Rucker] wanted one minute in which to offer an amendment. I yield to him for one minute.
The CHAIRMAN. The gentleman from Colorado

RUCKER] is recognized for one minute in which to offer an amendment.

Mr. RUCKER of Colorado. Mr. Chairman, this amendment which I offer is intended to avert a destructive calamity which threatens to overtake the zinc-mining industry of Colorado. If my amendment is voted down, the provision of the bill as it stands must inevitably result in giving the spiders more room in the shafts in 17 mining camps of Colorado, and it will make more room for the bats and the owls in the shaft houses. I hope my amendment will prevail.

Mr. MURDOCK. Mr. Chairman, a point of order. The CHAIRMAN. Does the gentleman from Colorado offer an amendment to the amendment?

Mr. RUCKER of Colorado. Yes, I ask that it be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. Rucker] to the pending amendment.

The Clerk read as follows:

Before line 21, page 19, insert the following:
"Zine-bearing ore of all kinds, including calamine, 50 per cent ad valorem."

Mr. MANN. Mr. Chairman, I suggest that is not an amendment to the amendment.

The CHAIRMAN. Does the gentleman from Illinois make a

point of order against it? Mr. MANN. I will have to, but the gentleman from Colorado

can offer it later, at the proper time. Mr. RUCKER of Colorado. My amendment cuts the duty 21

That is all.

NN. I thought it should be a new paragraph. per cent. Tha

Mr. RUCKER of Colorado. No. It is an amendment to the amendment.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. Nelson].

Mr. NELSON. Mr. Chairman, I wish to indorse what my able colleague [Mr. Korr] has said, and I ask for the adoption of his amendment. After that shall have been voted upon, I shall offer an amendment for consideration by the House.

I am in favor of this amendment for a number of reasons: First, from the point of view of incidental protection, which my colleague has so well explained in the brief time at his command. The cost of producing ore in Missouri and Wisconsin and of laying it down at the Kansas smelters is at least three times what it would be to bring it from the Mexicon ore mines. In confirmation of what my colleague [Mr. Kopp] has said. I wish to quote from Senator La Follette's speech in the Senate when the Aldrich bill was under consideration:

The duty should be based on the difference in the cost of producing in this country and Mexico. The cost of production in both countries is definitely ascertained. It costs, in round numbers, \$35 more per ton to lay down a ton of Wisconsin or Joplin ore at the Kansas smelter than a ton of Mexican ore. The labor cost in a ton of ore in Wisconsin is \$24.

But I shall not press this point upon this Democratic House, well knowing that it will not consider this question of incidental protection.

But, on the basis of a revenue tariff, it appears to me that this amendment should be adopted. Before 1905 there was imported from Mexico practically no zinc ore, but during the succeeding three or four years Mexican zinc ore amounted to more than 300,000 tons. Indeed, one of the best-informed authorities on zinc ore has stated that Mexico can produce zinc ore so cheaply and abundantly that under free trade or a low tariff from three to four hundred thousand tons can readily be shipped into this country annually. During the consideration of the Payne-Aldrich tariff bill, the senior Senator from Missouri, Mr. Stone, a man who has been chairman of the Democratic National Committee, advocated a tariff of 1 cent per pound on zinc ore in an able speech, basing his support of that rate largely upon the question of revenue for the Gov-

Again, I am in favor of this amendment as a matter of justice. I consider it neither just, nor equitable, nor righteous to give free zinc ore, the raw material, to the New Jersey Zinc Co., the so-called Zinc Trust, at the expense of the mine workers and the mine owners of the United States. The senior Senator

from Missouri is my authority to the fact that the Zinc Trust was exceedingly active during the last Congress in seeking to secure free zinc ore, and this activity was especially manifest in the speeches and votes of the Senators from New Jersey.

For these three reasons-from the point of view of incidental protection, from the point of view of revenue for the Government, and from the point of view of justice to the people interested in this industry-I support the amendment of my colleague [Mr. Kopp], and if that fail I offer an amendment of my own.

Now, passing from consideration of this amendment, I wish to say a few words as to my attitude with reference to this and

other tariff bills upon which I have voted.

I expect to vote for this bill as the lesser of two evils. There are a number of things in this bill which I do not favor; but as between this bill and the Aldrich bill there is no choice. However, I wish to protest most earnestly against this un-seemly haste, this show of arbitrary power. Whatever Congress determines to stand for, whether it be a protective principle, a revenue principle, or a free-trade principle in tariff legislation, we should, at least, ascertain the facts that sustain that principle so as to make our laws less the embodiment of blind force and more the expression of principle, so that justice may be done to all interests alike.

I have been a protectionist. I still believe in the protective principle when not perverted or misapplied. My constituents are protectionists. My State has always championed the cause of protections. Indeed, for years before the passage of the Payne-Aldrich bill the opposing party had never made a contest

on the principle of protection.

What has happened, therefore, to make the passage of this bill so possible in this House and to cause so many Republicans to support it as the lesser of two evils? The plain fact is that the Aldrich bill did not conform to the platform promise of the Republican Party. There was no attempt to make it comply with that platform pledge. On the contrary, a Speaker, with arbitrary power, appointed to the membership of the Ways and Means Committee men who were ultrahigh-tariff advocates. A majority of the majority of the Ways and Means Committee compelled an agreement that the majority members stand together for the Payne bill. It was brought into the House under the "gag" rule, permitting amendments to be offered upon only five items. Notwithstanding that display of force, all Republicans voted for the Payne bill because we thought it embodied fairly well the protective principle and we had previously had no opportunity to give it a careful analysis.

The Payne bill went over to the Senate. We had misgivings when we voted for it, but we hoped the Senate would reduce the inequalities that we feared might exist in it; but there, too, a compact force of consolidated votes, under the astute leadership of the Senator from Rhode Island, not only retained the inequalities of the Payne bill but greatly exaggerated them, and that in spite of earnest protests from within the Senate and from the country at large. The bill was sent to conference, Here, again, arbitrary power was exercised in the selection of ultrahigh-tariff members of the Ways and Means Committee as conferees. The result was a bill which did not embody the principle laid down in the national platform, but was the expression of consolidated force and self-interest. Everybody

knows how the people expressed disapproval.

The Aldrich law is on the statute books. To vote against this reduction of 30 to 50 per cent is, in effect, to approve the Al-

drich bill. This I can not do.

On the other hand, the gentleman from Alabama [Mr. Un-DERWOOD] and his Democratic associates on the Ways and Means Committee are forcing through this schedule with a lit-tle more refinement and yet by exactly the same methods. This bill is the embodiment of force. It is the work of a majority of the Ways and Means Committee acting as a unit, and back of it is the power of the caucus, forcing this bill through in a We know that were a man as eloquent as Demosthenes he might talk until he fell back exhausted in his chair, and not t" would be crossed or one "i" dotted by way of change in this bill. The Democratic caucus has passed upon it. Gentlemen on that side have entirely surrendered their right to exercise reason and discretion and have voluntarily accepted the chains forged for them in the caucus.

I have given this bill careful study. It reduces the tariff from 30 to 50 per cent on the products of the Steel Trust, and as I must choose between two evils I prefer this bill.

In short, I believe that if enough Republicans vote steadily to disapprove the method by which the Aldrich bill was enacted and the principle of protection perverted there will come a time in the near future when the people of this country will insist upon the appointment of a fair, competent, and unprejudiced tariff commission with adequate powers to ascertain the real cost of production at home and abroad, and then a bill will be passed, which, based upon the true principle of protection, will be a blessing and not a curse to the people of the country.

Mr. Chairman, I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

There was no objection.

Mr. MANN. I yield four minutes to the gentleman from Oklahoma [Mr. Morgan].
Mr. MORGAN. Mr. Chairman, in the few brief minutes allotted to me I want to enter my protest against the provisions in this bill which reduce the duty on lead and place zinc on the free list. So far as known there is no zinc or lead within the district which I represent, but in another congressional district of the State there are very large deposits of zinc and lead. I want to read from an article by Prof. Charles N. Gould, who was for a long time the State geologist of the State of Oklahoma, in which he says:

The lead and zinc deposits in the northeastern part of Oklahoma are among the most prolific in this country. Within the last two years a million dollars has been spent in mines and mill on a single square mile near Mlami, and more than that amount has been taken from the ground at this place in the form of lead and zinc ore. The area in which we may expect to find lead and zinc in paying qualities includes several thousand square miles.

In the same article he says:

MINERAL WEALTH.

In the same article he says:

MINERAL WEALTH.

No State in the Union possesses a greater variety or larger amount of undeveloped mineral wealth than does Oklahoma. During the past three years she has led the United States in the production of petroleum and last year produced 54,000,000 barrels of crude oil. The amount of natural gas in sight, including that being utilized, that going to waste, and that shut in, will approximate 2,000,000,000 cubic feet per day. At a conservative estimate not to exceed 20 per cent of the productive oil and gas fields have been developed. The United States Geological Survey is authority for the statement that the amount of coal in Oklahoma is 79,000,000,000 tons. These facts being true, it is obvious that, so far as we have available data. Oklahoma possesses a greater amount of fuel than any other State. When it is remembered that approximately 90 per cent of all the power used in manufacturing and other industrial purposes is derived from these three fuels, it will be easily understood what the future development of Oklahoma may be. But not in fuels alone is Oklahoma rich. The asphalt deposits in the southern part of the State are the most extensive in the Union. Complete data are not available, but at a conservative estimate there is enough asphalt in this region to pave all the streets of all the cities in the United States for the next hundred years, and even then one would scarcely know from where the material was taken.

Oklahoma possesses more gypsum than any other State. It is estimated that there are 125,000,000,000 tons of this material in sight in the western counties, which is enough to keep 100 mills, each manufacturing 100 tons a day, busy for 34,000 years. Oklahoma has enough salt water going to make 100 carloads of salt a day. Her glass-sand deposits are among the most extensive of those of any State. There is nouthern Oklahoma a ledge of glass sand averaging 50 feet thick and 60 miles long, which, on analysis, is found to be often 99.98 per cent pure silica.

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of miles long, which, on analysis, is found to be often 99.98 per cent pure silica.

The granite deposits in Oklahoma are the finest in the country. Twenty or more varieties of shades and textures are found. The Wichita Mountains, 1,000 feet high and 60 miles long, in southwestern Oklahoma, are entirely composed of granite. An area of more than 100 square miles in the Arbuckle Mountains is covered with granite.

Oolitic limestone, superior to the famous Bedford stone, occurs in very large quantities. Six separate areas in Oklahoma contain inexhaustible deposits of limestone, the greater part of which is suitable for the manufacture of Portland cement, for burning into lime, and for concrete rock, and much of it for building stone. Sandstone suitable for buildings is widely distributed. In the western counties it is usually red in color, while in the eastern part of the State it is gray or brown. Clays and shales suitable for the manufacture of brick, tile, sewer pipe, and a large variety of clay products are found in all parts of the State.

Oklahoma contains considerable deposits of high-grade manganese iron ore, some of the finest tripoil deposits in the country, great beds of volcanic ash, extensive deposits of novaculite, and a large variety of other minerals of minor importance.

Mr. Chairman, for some reason or other my distinguished

Mr. Chairman, for some reason or other my distinguished friend and colleague [Mr. DAVENPORT], who represents the third congressional district, in which these great zinc and lead mines are located, remains silent here to-day when we are about to enact a measure which will strike down and largely destroy the millions of dollars that have been invested in these mines in the last few years. I may have no authority to speak especially for the people of that district, but I do know that constituents of mine in the second district have placed their good money into the developing of zinc and lead mines in the third congressional district, and in their name I protest against any measure that will strike down that industry or hinder its development. As a citizen representing in part the State, I am interested in the development of this great new State, a

State of magnificent possibilities.

According to the United States Geological Survey the lead and zinc products in Oklahoma, for 1910, were as follows: Tons of lead concentrates produced, 3,638, value \$188,663; tons of zinc concentrates, 14,256, value \$452,615; total value of pro-

duction, \$641,278.

Prof. Charles N. Gould, for a long time State geologist for Oklahoma, a gentleman who is recognized as high authority and who has made a thorough study of the mineral resources of Oklahoma, says Oklahoma is rich in agriculture. But she is also rich in her mineral resources. By the development and utilization of her mineral resources our State may become great in her manufacturing industries. For myself, I stand for a policy, and the party to which I belong—the Republican Party—stands for a policy that will encourage the development of the mineral resources of the State, and will aid in establishing factories and manufacturing throughout the State. According to the census of 1910, Oklahoma's population was a little less than 1,700,000. This population is largely employed in agriculture and trade and commerce. With the development of our princes. velopment of our mineral resources and reasonable growth in our manufacturing industries, Oklahoma's population in 1920 should reach nearly 3,000,000 people. I can not therefore support this bill, which, in my judgment, if it should become a law, would natural hinder delay and obstruct the progress growth. would retard, hinder, delay, and obstruct the progress, growth, and development of the State of Oklahoma, and would not add a single dollar to the wealth of a single citizen of the State, or contribute in the least to the prosperity of her people.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, five minutes is a short time in which to plead for the life of two great industries—zinc mining and zinc smelting—and for the employment the laborers have in these industries. There are large zinc smelting industries in my district and also large ore-mining industries. Close by, in the States of Missouri and Oklahoma, are great oremining industries. In 1909 we succeeded, after a long struggle, in getting a small duty placed on zinc ore. At the time we were urging that duty the same condition existed in Missouri and Kansas and Oklahoma that has been described by the gentleman from Wisconsin as existing in his district-idle mines and men without work.

I saw in 1908 empty houses miners had vacated. I saw business houses business men had vacated. I saw mines and mills idle. That was before the law was passed placing a duty on ore that this bill proposes to remove. I visited the same after the law had been passed, and I found these houses occupied by busy miners, and the business houses were occupied on every hand, and there was activity and industry. But during the time we were discussing the tariff on zinc ore one of the most experienced men in zinc smelting in this country—A. B. Cottrell, then of Missouri, and a Democrat-told me that the smelting industry in which he was interested, that of smelting zinc ore into zinc blocks, would be paralyzed if we did not raise the duty on zinc blocks and zinc sheets from \$1.50 to \$2.35. He said that zinc ore then being mined in old Mexico would be sent to Belgium, smelted in Belgium, and sent to our market, the entire freight from old Mexico around to our market being less than the freight from Pittsburg, Kans., to Pittsburgh, Pa., and his prophecy has come true in a large measure. Zinc blocks and sheet zinc are protected at 12 cents to 15 cents per pound. proposes to make it seven-tenths cent—a reduction that will close every smelter in our country. Every smelting industry in the State of Kansas will be closed if section 61 of this bill is agreed to. Every miner, therefore, in the Kansas, Missouri, and Oklahoma districts will go out of employment, and every man engaged as a laborer in a zinc-smelting factory in the States

Gentlemen, are you in favor of legislating men out of jobs; are you in favor of adding to the unemployed; are you in favor of adding children to the children that are employed in the industries of the country in order that they may assist their parents in making a living? Are you going to aggravate the parents in making a living! Are you going to be conditions described by the gentleman from New Jersey [Mr. conditions described by the fathers out of employment? If so, Hughes] by putting the fathers out of employment? If so, vote for this bill. If you do not want to do that, in the name of humanity, in the name of industry, in the name of opportunity to make a living, vote against it. I appeal to gentlemen from Missouri to vote for a Missouri industry. I appeal to the gentleman from the Joplin district to vote against this bill. am going to vote against it. I am going to vote against it in the interest of the men who work for a living in my district and in other districts of the United States. I would be unfit to be a Representative here if I could not look the men of my district in the face, and I could not do that if I voted them out

of work. [Applause on the Republican side.]
Mr. MANN. Mr. Chairman, I yield the balance of my time to my colleague [Mr. FULLER].

Mr. FULLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend paragraph 61, page 19, by adding, in line 20, after the word ad valorem," the following:
"Zinc in sheets, coated or plated with nickel or other metal, or solutions, 25 per cent ad valorem."

Mr. FULLER. Mr. Chairman, the amendment which I now offer is substantially the same amendment which I offered earlier to-day to another section of this bill in relation to tin plate. This amendment is intended to provide a duty of 25 per cent ad valorem on zinc in sheets, coated or plated with nickel or other metal or solutions. The coating or plating of sheets of tin or zinc with other metal is a separate and distinct industry, and the duty proposed by the bill on tin plates or zinc in sheets affords no protection whatever to the manufacturers of coated or plated sheets of zinc or tin, because they must buy their material-that is, the sheets of tin or zinc-in the market, and the only method by which they can receive any protection or advantage whatever over the foreign manufacturer is to provide a differential duty on coated or plated sheets over that which is provided for tin plate or zinc in sheets as proposed by this bill. In the tariff law of 1897 zinc had a protection of 2 cents per pound, while plated sheet zinc had a duty of 45 per cents per pound. cent ad valorem, amounting to about 31 cents per pound. Under the tariff act of 1909, now in force, the duty on sheet zinc is 15 cents per pound and on plated zinc is 15 cents per pound, thus providing a protection of only one-eighth of a cent per pound on plated sheet zinc over ordinary sheet zinc. There has been much complaint by the manufacturers that the present protective duty of only one-eighth of a cent per pound is entirely insufficient to cover the difference in labor cost between this and other countries manufacturing the same article and entirely insufficient to permit American manufacturers to compete at all on equal terms with the foreigner. It is now proposed by this bill to take off entirely the differential duty of one-eighth cent per pound on coated or plated sheet zinc and allow no protection whatever to the American manufacturer. The effect of enacting this bill into law as it now stands, so far as concerns this industry, would be that it would either close the American factories and drive the manufacturers of this product out of business, or, in order to enable them to compete at all, it would be necessary to reduce the scale of wages to the European standard.

The Payne law made very material reductions in the metal schedule generally, and as to this industry at least the reduction was greater than it should have been if we are to give any protection whatever to the American manufacturer. I believe implicitly in the Republican doctrine of protection to all American industries. That policy has built up these industries all over the country and has resulted in great benefits to all our people. It has made the manufacturers prosperous so that they have been enabled to employ great numbers of men at a scale of wages higher than is known in any other country on the face of the earth. The prosperity of the manufacturer, the steady employment of the wage earner, the highest rate of wages paid, has made a home market for all the products of the soil, so that all classes have received a share of the benefits. Some people express a desire to vote for this bill, because they think it will be a blow at the Steel Trust. Mr. Chairman, the testimony of those best qualified to judge, and of those most interested in the business, has been that a lowering of duties to a revenue tariff basis, or absolute free trade, in all the products of the United States Steel Co., would not injure that company in the least. Its capital, its control of resources, and of markets is such that it is entirely able to take care of itself. But not so with the smaller independent competing concerns. If no other interest were involved I would be willing for one to vote for free trade in all its products, feeling that I was doing that company or its employees no injury, but rather a benefit. But the industries which need proection, and which can not exist without protection, are the smaller and independent concerns which now compete with the United States Steel Co. If by a policy of free trade or revenue tariff you succeed, as you would succeed in driving out the smaller independent concerns that have no affiliations whatever with the trust, you would simply succeed in consolidating the business in the hands of the Steel Trust, giving them far greater power than they now have. I wish this amendment which I have proposed might be adopted. In case the bill should become a law it would save one industry in my district from destruction. However, I do not hope for its adoption. The die has been cast, and the Democratic majority in this House, aided by so-called insurgent Republicans, whose aid the Democratic Party do not need, have determined to pass this bill, and to ride rough-shod over all proposed amendments intended to protect American industries and American labor. But I say to the Democratic majority in this House, and to

those who aid and abet their schemes for political capital and to fool the people, that a day of reckoning will come, and the people of this country, when they realize the danger they are in, and the destruction of their industries which will inevitably result from such legislation as is now proposed, will rise in their might and drive that party from power and permit those who aided and abetted them to retire with what grace they may to private life.

Mr. UNDERWOOD. Mr. Chairman, I ask for a vote on the

various amendments.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado to the amendment offered by the gen-. tleman from Wisconsin [Mr. Kopp].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Wisconsin [Mr. Kopp].

The question was taken; and on a division (demanded by Mr.

MANN) there were—ayes 55, noes 103.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. Fuller].

The question was taken, and the amendment was rejected. Mr. NELSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 19, paragraph 61, line 20, strike out period and insert semi-colon and add the following words: "Zinc-bearing ore of all kinds, in-cluding calamine, 20 per cent ad valorem."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected. Mr. KOPP. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 19, strike out lines 18, 19, and 20 and insert in lieu thereof the

"Zine in blocks or pigs and zine dust, 1g cents per pound; in sheets, 1g cents per pound; in sheets coated or plated with nickel or other metal, or solutions, 1g cents per pound; old and worn-out, fit only to be remanufactured, I cent per pound."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Kopp].

The question was taken, and the amendment was rejected. Mr. CAMPBELL. Mr. Chairman, I move to strike out the entire paragraph so that the law will stand as it is now.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kansas [Mr. CAMPBELL] to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. Campbell) there were—ayes 56, noes 100.

So the amendment was rejected.

The Clerk read as follows:

64. All steam engines, 15 per cent ad valorem; embroidering machines and lace-making machines, including machines for making lace curtains, nets, or nettings, 25 per cent ad valorem.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In the report by the committee on this paragraph they estimate the importations in the future at \$1,250,000 a year, to produce a revenue of \$312,500 a year. Apparently they base that upon the importations of embroidery machinery during the past two years, when the fact is that there has been no embroidery machinery at any time imported which paid a duty. Under the Payne law embroidery machinery was admitted free of duty until January 1, 1911, and the figures given in the report of the importations for 1910 and 1911 were based on importations under the provision, temporary in character, admitting embroidery machinery free of duty. There is not the slightest warrant anywhere for the estimate made by the committee that this item of embroidering machines will produce a revenue of \$312,500 a year, which only goes to show that this item, like other items in the bill, was presented without knowledge, without consideration, without judgment.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Illinois always assumes that no one knows anything about any-

thing that comes before this House except himself.

Mr. MANN. Mr. Chairman, that is a sweet statement to make, for at least in this case I have proved that I know more than the gentleman from Alabama does

Mr. UNDERWOOD. Let me see if the gentleman has proved Of course we knew the Payne bill admitted this embroidery machinery free, but in the last year \$1,776,000 worth of this machinery was admitted.

Now, we have contended all the time, and you agree with us, that a reduction of rate will, under normal conditions, increase importations, and yet we cut this rate from 45 per cent to 25 per cent, and we only estimate \$1,250,000 of importations, less than came in under your 45 per cent rate, and you say that we do not take that into the calculation. We do now estimate do not take that into the calculation that although the 45 per cent rate would be prohibitive, and this machinery would not have come except when you admitted it free last year, that the 25 per cent rate will be competitive, and that a certain amount of machinery will come; and this estimate was not made by the Democratic committee, but it was made by an expert of the Treasury Department under a

Republican administration. [Applause on the Democratic side.]
Mr. MANN. Mr. Chairman, I do not assume that I am
always correct, but I think it would be a safe assumption to assume that the gentleman from Alabama is usually incorrect. He has just stated that there was imported in 1911, the fiscal year, one million seven hundred and seventy-six thousand and odd dollars worth of embroidery machinery, which he says was imported under the 45 per cent duty-Mr. UNDERWOOD. No; I did no

No; I did not.

Mr. MANN. If the gentleman does not change his statement in the Record, it will show that way.

Mr. UNDERWOOD. I said it came in free, but the rate was 45 per cent, which, if it had not been admitted free, would have

been prohibitory.

Mr. MANN. The rate was 45 per cent; it came in free because it was imported prior to January, 1911—

Mr. UNDERWOOD. The gentleman does not understand——

Mr. MANN. I do understand.

Mr. PAYNE. If the gentleman will permit me, the gentleman from Alabama said it will come under the competitive rate of 25 per cent. Does not he know we do not make any of this machinery in this country and never have?
Mr. UNDERWOOD. I know that.

Mr. PAYNE. How then does it come under the competitive

rate of 25 per cent?

Mr. UNDERWOOD. Because they are making some lace machinery now in this country; they have commenced it within the last year. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, we have two or three lace-manufacturing establishments in the United States, and they are well supplied with machinery which was imported free of duty, and there is no likelihood under the tariff bill which the gentleman will present on the subject of laces that there will be any further establishments of the character in this country, but even if there were, there would be no importations at the rate of \$1,250,000 a year. They made an estimate assuming that because large importations are made for the fiscal year 1911 a portion of these importations were made under the 45 per cent rate, when the fact is that they were all made before the 45 per cent rate took effect on the 1st of January, 1911, and they have to say, pleading the baby act when they do not stand for their report, that they obtained the figures from a Treasury clerk, which only emphasized what I said, that they bring in their report without knowledge and without judgment.

Mr. PAYNE. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. PAYNE. I want to suggest further that this is the same Treasury clerk who attempted to make the chemical schedule for somebody over there in which were such egregious blunders, and which were never discovered by the chairman of the Ways and Means Committee until he received the veto of the President of the United States.

Mr. HILL. Mr. Chairman, I think this is a mistake, I will say to the chairman of the committee, in the estimate of revenues. I will tell you the reason why. I had considerable to do with the importation of this machinery in keeping track of it. Some two hundred thousand dollars worth, I think, came to my own town and the machines are in operation there. Imports were made at eight different ports in the United States, if I remember correctly; I have the statement exactly in my office, given by the Treasury Department. If I were to guess I should say one point it went to was Dubuque, Iowa; one St. Louis; one Detroit; one Boston, New York, and Philadelphia; and, I think, one or two other points.

I have the precise record. The amount was more than stated here, but regardless of the fiscal year 1911, I think enough lace machinery has been imported under that provision of the Payne bill to establish the industry in the United States thoroughly, and we know that no more will be required, certainly for a good while to come, and that the estimate of \$1,250,000 of future revenue annually is practically \$1,250,000 out of the way for some years to come until the population increases and the

demand for lace very largely increases.

I want to say just one word more in regard to that. I have watched the operation of the experiments under the Payne bill

by which a new industry was established in this country, and, speaking of the question of wages and speaking of the efficiency of foreign and domestic labor, I want to say that I have visited that factory several times since it has been in operation.

I have seen a girl working on a bobbin-winding machine who three months before was working in Dresden, Germany, on precisely the same kind of a machine, getting \$12 a week here, where she worked for 12 marks in Germany, or less than one-fourth of the price. I have seen men working on those same machines in my own town who four months before were working in Nottingham, England, on the same machines that came from Nottingham and earning \$30 to \$35 in one week, where in Nottingham they made \$12.50 a week. I say it is absolutely impossible to continue that industry on the rates of duty that are contemplated by the Democratic Party, and were contemplated by it in the bills which they offered last summer, and compete with those rates of wages on precisely the same mnchinery, with precisely the same operators, running at precisely the same speed. And any man, or any boy, or child at school can reason that out for himself under those conditions.

I take absolutely no stock in the estimates or figures made by the statistician of the Treasury Department, who forgot in figuring an ad valorem equivalent of the duty on alcohol and figured at the rate of 60 cents a gallon instead of 60 cents a pound and reported it accordingly to the Ways and Means Com-Such an estimate as that and such an estimate as this absolutely nullify any figures which the gentlemen may make for the use of Congress. [Applause on the Republican side.]
The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

65. Nippers and pliers of all kinds wholly or partly manufactured, 30 per cent ad valorem.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word. I simply wish to voice my protest against the provisions and the principles of this bill.

It is unreasonable in itself; it is unreasonable in the time in which it was brought up; and it is most unreasonable in the time in which it is being put through. Of course I appreciate, as we all do, that no debate is of any practical use here when the great majority is bound by a caucus. They can not be influenced by any discussion, because they can not vote against any provisions of the bill even if they should be convinced that they were unjust. And I suspect that my colleagues on this side of the House, without any caucus binding them, would be pretty apt to vote together for any of the amendments which I might offer. But I appreciate that offering amendments is useless, that the bill is going to be passed exactly as the caucus has decreed, and that all we can do by debate is just to voice our opinion.

The bill is unreasonable, because it was brought up when the ink was hardly dry on its print or on the report of the committee. We had no time to study it and then advise our constituents who were affected by it. I looked through the report to find out the basis upon which the bill was drawn. that apparently the committee investigated somewhat the steel and iron schedule, but when you come to the innumerable manufactures of steel and iron which go all through this bill, apparently the committee made no investigation at all, but simply guessed at what rate of duty they should impose

Take, for instance, the duty on needles. In the manufacture of needles the material, the iron and steel, is infinitesimal. Labor constitutes between 80 and 90 per cent of the whole cost of needles. And yet with the labor paid twice as much in this country as the same labor in the needle factories abroad, needles are only protected by a tariff of 25 per cent. No reason is given; no facts adduced; apparently it is a mere guess.

And so with all these innumerable small articles of manufacture through the bill—revolvers, rifles, watch parts, machine tools—nothing is given us in the report of the reasons on which the tariff is based, and apparently the committee has no knowledge and no reason for them except a mere estimate and a determination to everywhere make reductions, without any hearings or investigations whether the industries can survive. And now to take it up and force it through, as they are doing at this time, late on Saturday night, when we ought to be at home studying our Sunday-school lessons and preparing ourselves for the holy duties of to-morrow, is very appropriate. It is in accord with the reasonableness of the bill itself. Why, for the last three weeks the District of Columbia bill has been dragging its slow length along, and anybody who wanted time in which to talk about a four-room schoolhouse or the salary of the poundkeeper, or any insignificant subject, could get all he wanted. We always adjourned at 5 o'clock. And yet now on this bill, of vital importance to all our northern districts, the gentleman from Alabama every few minutes keeps rising and moving that debate on this and that section of the bill shall be closed. And it is now after 11 o'clock and we have been in continuous session more than 11 hours. Why is it that they are so afraid of debate? Why is it that they bring the bill up just as soon as it is printed, before either we or the country can familiarize ourselves with it, or with the reasons upon which it is based? Why is it that they give all the time anybody wishes on all other-bills and have not shown the least sign of haste or urgency, and yet when there comes up a really important bill, which affects us all, they are not willing to allow debate, they are not willing to have their reasons and motives disclosed or discussed? This would be a tragedy except for the one fact that we all know that the bill has no chance of becoming a law, and therefore it is merely a midnight farce. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

66. Articles or wares not specially provided for in this act or in the first section of the act cited for amendment, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 25 per cent ad valorem.

Mr. HUBBARD. Mr. Chairman, I move to strike out the last word. I intend, Mr. Chairman, to vote for this bill. [Applause on the Democratic side.]

I know that no industry in my district will be advanced, directly or indirectly, by the defeat of this measure. I know of no interest in my district and of no industry that will be advanced or fostered, directly or indirectly, by the maintenance of the tribute which for many years we have paid to the steel and iron industry. [Applause on the Democratic side.]

We have been willing for a great many years to contribute of our substance to the fostering of these industries. We have hoped to derive advantage and profit for ourselves by their maintenance, through the common welfare, through the upbuilding, possibly, of broader markets for our products, and by the general diversification and advancement of industries throughout the country. To us directly the duties on iron and steel have yielded nothing. Not a pound of iron or steel is produced in my district. This infant industry of 40 years ago, or 50 years ago, has become one of a giant brood, joining hands around the world, controlling the whole industry here, and controlling it abroad, beyond competition, above the aid of protective duties which have become, so far as this industry is concerned, mere gratuities. The abuse is one that must be remedied. I deplore the arbitrary method in which the bill is presented. It may be that matters could be suggested along the line of improvement for this bill. It may be that a tariff board could render judgment upon the various matters that have been involved in this bill, that would make its provisions more just and more equitable, but we know that in the present condition of affairs no tariff board can be maintained, no tariff board can be expected to report upon the measures that are presented in this bill, and we will be condemned to wait another 4 or 5, or possibly 10 years, before an opportunity is offered to vote upon this matter. [Applause on the Democratic side.] So far as I am concerned I intend to hit the abuse while I have [Applause on the Democratic side.] a chance.

The CHAIRMAN. The time of the gentleman has expired. Mr. HUBBARD. I ask leave, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa [Mr. Hubbard] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I was about to ask that debate on this paragraph close, but I see gentlemen on the other side rising, and I ask unanimous consent to close the debate on this paragraph and amendments thereto in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to close the debate on this paragraph and all amendments thereto in 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois proposes an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 21, line 8, by adding after the word "ad valorem," the

following:
"Provided, That cotton gins, plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horse-rakes, cultivators, and thrashing machines shall be exempt from duty."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line S, page 21, after the words "ad valorem," insert:
"Provided, That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by working men or working women employed more than eight hours per day shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited; and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

Mr. MOORE of Pennsylvania. Mr. Chairman, the discussion has thrown a great deal of light upon the eight-hour question, and it may be that, so far as the majority are concerned, they may care to act upon that question now.

While the lamp holds out to burn The vilest sinner may return.

Mr. HEFLIN. Come over, then. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to provide, through this amendment, for some protection to those who manufacture at home, and who work under the eighthour wage scale, against the foreign-made goods, where a laborer is required to be employed for more than eight hours. mere matter of consistency might induce some of our friends on the other side, notably those who speak here on behalf of labor, as well as those who speak on behalf of the worker on the farm, to support this amendment. It would sound well when they go back to their districts if they are able to say that what they had done for American workmen they had done also for the workmen in foreign countries, and that if conditions in those countries were unfair, and if it were possible, as has been charged here, to employ labor two and one-half times as cheaply as we do in the United States, we might at least guarantee to American labor the benefit of this measure of protection against the workers in foreign countries who are compelled to work more than eight hours a day. Humanity, as well as the rights of labor, would seem to demand that those charged with responsibility on the other side of the House should vote for this amendment.

Mr. MANN. Mr. Chairman, during the course of the debate; if it can be called a debate, this afternoon, the distinguished gentleman from Alabama [Mr. HEFLIN] taunted this side of the House with the statement that that side of the House had inserted agricultural implements in the free-list bill. A moment ago I offered an amendment, which I freely confess I did not vote for, to insert in the bill the items which were included in the farmers' free-list bill, to put agricultural implements on the free list, and not a single Democrat voted for it. [Applause on the Republican side.]

The CHAIRMAN. All debate is closed on this paragraph. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Moore],

The question being taken, on a division (demanded by Mr.

MOORE of Pennsylvania) there were—ayes 67, noes 122.

Accordingly the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 21, line 8, add: "Provided further, That convict-made goods shall not be allowed entry into this country under the provisions of this bill."

Mr. UNDERWOOD. I make the point of order, Mr. Chair-

man, that that is not germane to the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

67. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites.

Mr. AUSTIN. Mr. Chairman, I move to strike out lines 15 and 16, leaving the duty on iron ore as it is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out lines 15 and 16, the whole of paragraph 67. Mr. AUSTIN. Mr. Chairman, if this motion prevails, the present duty of 15 cents on iron ore will remain. The duty on iron ore under your Wilson bill was 40 cents a ton. We are now collecting through the customhouses the following revenue: In 1910 imported iron ore, \$365,535. In 1911 we collected \$283,117. We collected on zinc ore, which you propose to put on the free list, in 1910, \$371,927. In 1911, \$206,787.

You are taking from the Treasury of the United States, by putting iron and zinc ore on the free list, an average of \$500,000

per annum. You are giving half of that amount to three corporations on iron ore, and you are going to close every zinc mine in this country if this bill shall become a law.

Now, Mr. Chairman, the Southern States-Virginia, North Carolina, Tennessee, South Carolina, Kansas, Oklahoma, Arkansas, and Texas-furnished 42 per cent of the lead ore of this country last year and 46 per cent of the zinc ore used in this country. So the proposition of placing both of these ores on the free list is to turn that business over to our foreign competitors and put the American producer of lead ore and zinc ore and iron ore out of the business in the United States. It will close every plant, destroy invested capital in every plant, and turn the army of working people, laboring men, out in idleness to join the army of the unemployed.

Mr. Chairman, there is iron ore in Maryland-

Mr. BURNETT. Will the gentleman yield? Mr. AUSTIN. If I can get more time.

BURNETT. Did not the gentleman make this same speech in regard to coal?

Mr. AUSTIN. No; I have not talked about coal.

Mr. BURNETT. I mean heretofore.

Mr. AUSTIN. We have iron ore in Maryland, Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Missouri, Arkansas, and Texas.

Mr. FOWLER. And in Illinois. Mr. AUSTIN. I am talking about the Southern States. We propose to import iron ore from Cuba, Spain, and Sweden

rather than to buy it from the Southern States.

Now, some statement has been made here as to the United States Steel Co. controlling the iron ore in this country. The testimony on that point is conclusive that less than 32 per cent of iron ore in this country is in the control of the United States Steel Corporation. Mr. Chairman, I protest in the name of the South, I protest against the destruction of the iron-ore business, the aluminum industry, the zine business, and the pig-iron business at the hands of the Democratic Congress, made up of a majority of Representatives from the South. [Applause on the Republican side.1

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

68. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.

Mr. ANDERSON of Minnesota. Mr. Chairman, I move to strike out the last word. I shall only take a minute. I am not going to vote for this bill. [Applause on the Republican I think no gentleman in this House desires more sincerely than I do to hit the Steel Trust, but I am not going to do it at the expense of the thousands of other industries whose products will be affected, probably adversely, by this legislation. [Applause on the Republican side.] No line has been written and no word has been spoken in this House upon which any man can base any just conclusion as to the effect of the provisions of this bill upon those industries. I hope that when this bill goes to another body at the other end of the Capitol it will revise the schedules so that the products of the Steel Trust will be hit somewhat harder than I believe they are in this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

69. Barbed and all other fence wire and wire fencing and baling wire.

Mr. MANN. Mr. Chairman, I move to strike out the last The bill proposes to admit fence wire and wire fencing free of duty, but proposes to levy a duty on steel billets, from which the wire is made, and on zinc, which is used in coating the wire. That is real logic for you.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

72. Zinc-bearing ore of all kinds, including calamine.

Mr. CAMPBELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, strike out all of line 7.

Mr. CAMPBELL. I have already said that this bill would strike down two great industries in which thousands of men are employed. For that reason I shall vote against the bill. I am not like the gentleman from Iowa—so anxious to kill a weasel that I will shoot into the chicken coop with a double-barreled shotgun, with both barrels. I would not get rid of a rat in the

barn by burning the barn. I am not like the old woman who wanted to get rid of bedbugs so badly that she set the bedtick on fire and burnt the tick, the bed, and the house and everything in it. You are proposing by this bill to close industries, throw men out of work, take markets from farmers, and business from every kind of business man; you will paralyze railroads and throw their employees out of work. I do not propose to help you do this. If this bill had been considered by this House or by a tariff board, so that we could have given it the consideration to which the subject matter is entitled, I have no doubt that we might have perfected a bill that would not only pass this House but pass another body and meet the approval of

the President of the United States.

But you gentlemen are resting secure, because you know that in another body it will be so amended that you will not recognize it when it returns and because you know that if it contains provisions that are inconsistent with the policy of protection which guarantees to labor the difference paid to labor in this country and that paid to labor abroad it will meet the veto of the President of the United States. The policy of the Republican Party, announced by its majority on this side, a majority of the minority, and as stood for by the Senate and President of the United States, is to maintain the industries in this country by protecting every product in such a way as to keep labor employed. You howl in behalf of labor from every stump throughout the campaigns you make. You come here and vote to put labor engaged in industries affected by this and other bills out of employment. You have stated in this discussion that this bill will permit the importation of millions of dollars worth of products from foreign countries, made by labor employed in foreign countries, in industries taxed in foreign countries, maintaining institutions in foreign countries. These countries do not have the standard of living or wages that we maintain here. There is not a country in the world that has as many laborers well employed at good wages as the United States. It is true that some unhappy and unfortunate conditions exist. These can not be avoided in any country. I deplore as much as any man that there should be a child who ought to be in school employed at any sort of work at any sort of wage. For that reason I am for a protective tariff high enough to protect every laborer employed in this country, so that he may get the highest possible wage. [Applause on the Republican side.] The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kansas.

Mr. CURLEY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I had occasion last summer to visit the shippard located in my district in Quincy and to witness the launching of the largest battleship that has ever floated on the waters in any portion of the entire world. That ship, launched at the Fore River Shipyard in Quincy, represented a contract secured in competition of what is termed the "pauper" of England, of Germany, of France, of Russia, of China, of Japan, and of every other country of the world, and when that ship graced the waters of the sea it graced it with every plate rolled by highly paid American mechanics, every rivet driven by the strong, intelligent arm of an American workman receiving living wages, the highest tribute ever paid in the history of this country to the character, the capacity, and the ability of the most highly developed human engine the world has ever known, which, given ordinary conditions, will defy competition in any part of the world. [Applause on the Democratic side.]

You say, keep up a high protective tariff. To protect what? To protect the American manufacturer. Why? It would not keep your industries going for nine months in the year if it It would not were not for your export trade. Forty million dollars' manufactured cotton goods sold in the 12 months ending June 30, 1911, and 25 per cent of those goods sold in China in competition with pauper labor. [Applause on the Democratic side.] We want the American workman to be prosperous, but you can not close your doors to the entire world and then expect the entire world to come knocking at your doors to buy your wares.

[Applause on the Democratic side.]

Mr. HARRIS. Mr. Chairman, just a word on this matter. I have kept quiet during this discussion, but now we are at the closing hours of this debate, so called, and all through this debate the cry has been that you are legislating against the American manufacturer, but in the interest of the consumer and the American laborer. Well, gentlemen, it has been my experience in life that the first thing for a man who had his labor to sell was to find a man who had a job to give, and for years and years we have been building up under the protective tariff the industries of this country. We pride ourselves on our diversi-fied industries that we may give employment to American labor, encourage the American manufacturer, and now in this day and

at this time a tariff bill is declared over and over again on the floor of this House in the last two days to be aimed at the man who furnishes employment to labor. Where will your laborer come out when the man who offers the laborer work is discouraged and led to withdraw his capital from industry?

[Applause on the Republican side.]

Mr. CULLOP. Mr. Chairman, the contention is made against this bill by its opponents that a high tariff on iron and steel products should be levied for the benefit of the laborers in this industry. The fallacy of this contention is that high wages follow the enactment of a high tariff. The law of supply and demand is the potent factor in the regulation of wages, and not tariff schedules. This proposition statistics conclusively show. The great trouble with the Republicans on this proposition is that they would and have been fixing duties so high they prevent foreign-made goods from coming into this country and competing with American-made goods, but make no attempt to prevent cheap labor of foreign countries from coming here and supplanting American labor in American industries, taking their employment away and the bread from out of the mouths of the American laborers and their families. [Applause on the Democratic side.1

The policy they espouse does this, and has been doing it for The high protective policy encourages this, and it is the years. natural outgrowth inspired by the greed which such a policy

begets.

Mr. Chairman, it has been amusing during the course of this debate to see the attempts and hear the pleas of the Republican champions of the high protective policies in justification of their position. They dare not resort to authentic proof, but evade it by calling unofficial information to contradict official evidence. In this they violate a well-established rule of evidence, universal in all courts, which is that a party can not impeach his own witness unless he has been unavoidably surprised at his

The Department of Commerce and Labor-Republican authority-has reported on this question affecting this identical industry, and I call attention now to what it says upon this

subject, as follows:

Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of unskilled workmen in the labor force. These unskilled workmen are very largely recruited from the ranks of recent immigrants. * * * Taking the employees in all occupations in the industry, nearly 60 per cent are foreign born, and nearly two-thirds of the foreign born are of the Slavic races.

This is an official statement of their witness, not ours, and we insist you shall not reject or contradict his evidence by unofficial statements. If incorrect, then by a proper and regular method have it corrected. Do not attempt to impeach it by an irregular and doubtful procedure. It clearly and conclusively shows that foreign labor is not and has not been kept out of this country, but while foreign goods are denied admission by prohibitive tariff schedules, foreign labor is freely admitted to compete in our industries with American labor and deprive it either of employment or reduce its wages to the level of the This is labor of the country from whence such labor comes. the result of high protection, and no one knows it better than [Applause on the Democratic side.] the American laborer. As to the wages protection produces the same report is of interest. Listen to what it says:

More than one-half, or 56.48 per cent, of the 172,706 employees included in the steel report of the Bureau of Labor earned 16 and under 25 cents per hour; almost one-fifth, 19.92 per cent, earned less than 16 cents per hour; almost exactly one-half, 49.69 per cent, earned less than 18 cents per hour; three-fourths, 76.40 per cent, earned less than 25 cents per hour; 97.45 per cent earned less than 50 cents per hour; and 2.55 per cent earned 50 cents and over per hour.

What a vast army of men are employed in this industry in Remember it has been the especial beneficiary of this country. all tariff legislation. Its owners have made colossal fortunes. They have become the kings of finance, the masters of the money markets, and yet the above report shows what miserably low wages are paid in this giant industry. This is a prominent and truthful illustration of what protection does for the wage earner and how it makes the laborer rich. Nearly 60 per cent of its employees get less than 16 cents per hour for their labor. and 60 per cent of all its employees are unable to speak a word of the English language, so recently are they from their Slavic homes. Yet in the face of this testimony of a high official, a Cabinet officer, Republican standpatters on the floor of this House have the audacity to contend that the duties on this line of products should not be reduced for the sake of American labor.

The schedules of duty are now prohibitive, preventing competition, and the producers are paying the lowest wages paid in any leading industrial business. The consumers are plundered without rhyme or reason, and yet it is all done, so they

claim, in behalf of American labor. The advocates of this vicious and unjust system tell us duties must not be lowered and the plunderbund must be continued. [Applause on the Democratic side.]

Out of this business who have made the colossal fortunes-

the owners or their employees?

Who to-day engaged in this industry revel in wealth, travel in splendor, and dictate the policy of business not only in this county but throughout the world-the owners or the employees?

The owners are the kings of finance, and the employee is barely able to eke out an existence, and then say the tariff is all for the laboring man.

If the tariff is for the benefit of the laboring man, why his condition, why his low wages in the highly-protected industries and high wages in occupations which the tariff does not affect? The carpenter, the bricklayer, the plasterer, the painter, the paper hanger, and the printer, vocations not affected by the tariff schedules, and yet all get higher wages than the employees in the protected industries? If the theory of the protectionist is true, then the order would be reversed and they would get the highest wages and the other the lowest wages.

This false pretense of the protectionist plea has been exposed and all of the country is aware of the sham, and it can be successfully invoked no longer. The laboring man knows it to his sorrow and the consumer to his financial disadvantage. It is a weak subterfuge which has served its purpose and must

pass away to return no more.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Would the gentleman like five minutes more? Mr. CULLOP. I would like two minutes more.

Mr. MANN. I ask unanimous consent that the gentleman

have two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Indiana, [Mr. Cullor] have two minutes more. Is there objection? The Chair hears The gentleman from Indiana will proceed.

Mr. CULLOP. Mr. Chairman, I am very much obliged to the gentleman from Illinois for his kindness. In the time allotted me I can conclude all I desired to say on this branch of

the subject.

The laboring man has always been put forth as the supreme object of the standpatters when Congress attempts to legislate on the tariff question. He is made the ostensible factor of prime importance with them to conceal the real purpose of their efforts to assist the tariff barons in their plunder of the American consumers.

The products of American labor are sold in every market of the civilized world for less than they are sold to the consumers here at home as a result of our unjust tariff system. Why should we foster and sustain a policy which enables such a

wrong to be perpetrated on our people?

What justification can be offered for it? Why punish the great mapority of our people in this way? Why sustain a policy that discriminates against our own people in favor of the foreigner? Duties are levied in this industry which prevent competition here with foreign goods, but enables our manufacturers to ship their productions abroad and undersell foreigners in their own markets. Against this I protest on behalf of an overwhelmingly large majority of the American people. They have protested through the ballot box, and to their voice we should listen.

It has been said here the President will veto this bill if enacted into law, because the Tariff Board has not reported on this schedule, it matters not whether right or wrong. That responsibility is his, not ours, and for its exercise the people will hold him responsible, not us. But he should be careful about the exercise of that great power. The election is only about nine months distant, and if I mistake not the temper of the times the people will exercise their great power then and name some one more responsive, more in sympathy with their desires, some good Democrat. [Applause on the Democratic side.1

If we are to wait on reports from the Tariff Board to revise the tariff, at the rate it has been proceeding it could not be revised in 20 years. Does the President, confessing the wrong heaped upon the American people by existing tariff laws, declare his policy to be that no revision will be permitted, no relief from these wrongs granted, but that the people must bear the burden, the tariff beneficiary reap the harvest and swell his fortune, until the Tariff Board favors the country with its report?

Such a course he will find to be indefensible in the judgment of the American people when he comes before them for reelection. Such a policy they will repudiate at the first op-

Mr. Chairman, let me say in conclusion to the Republicans on this floor, you may talk of your love, your fealty, to the cause of labor, but understand this, the laborer knows and well knows you have had 16 years of splendid opportunity to legislate in his behalf, but you refused to do it. Labor appealed to you to pass legislation which would enable the laborer to enjoy a constitutional right, that of trial by jury in certain cases where it is denied him when accused of crime; it was not granted, it was denied. His petition was refused, his plea spurned, his appeal repudiated by you. [Applause on the Democratic side.]

This was the manifestation of your true regard for him. He knows it, and will be no longer deceived by your professions of regard. The pledge of regard was equally as strong in that particular as is now made on the tariff question and he is aware of the fact that the Republican Party in revising the tariff schedules always attempts to make him the "stalking horse" to increase and maintain the high schedules which inure solely to the advantage of the tariff baron, who is the real beneficiary, in order to enable him to plunder the helpless consumer and swell the predatory fortunes of this favored class, which this special privilege abundantly affords, and they will be deceived no longer. [Applause on the Democratic side.]
The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kansas [Mr. Campbell].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

73. Cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, all the foregoing whether imported in whole or in parts, including repair parts.

Mr. STEENERSON, Mr. LONGWORTH, Mr. LA FOLLETTE,

and Mr. MANN rose.

The CHAIRMAN. The gentleman from Ohio [Mr. Long-WORTH] is recognized.

Mr. STEENERSON. Mr. Chairman, I want to offer an

amendment to that paragraph.

Mr. LONGWORTH. I also want to offer an amendment. The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. LONGWORTH. Mr. Chairman, I desire amend the paragraph on page 22, line 9, by striking out the words "machine tools."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 22, line 9, by striking out the words "machine tools."

[Mr. LONGWORTH addressed the committee. See Appendix.]

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent for five minutes longer.

Mr. UNDERWOOD. I will say to the gentleman from Ohio that I am willing to give him five minutes, but I want to move to adjourn before 12 o'clock, and hence it is impossible to do so. I will give the gentleman five minutes on Monday morning.

We do not want to remain in session after midnight. I move, Mr. Chairman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Floyd of Arkansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18642, to revise the metal schedule, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that all gentlemen who have spoken on this bill may have five days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama [Mr. Under-WOOD] asks unanimous consent that all gentlemen who have spoken on this bill may have five legislative days in which to

extend their remarks in the Record. Is there objection?

Mr. MANN. I think the gentleman from Alabama had better

make that request on Monday.

Mr. UNDERWOOD. Does the gentleman from Illinois oblect?

Mr. MANN. I do for the present.

The SPEAKER. The gentleman from Illinois [Mr. MANN]

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p. m.) the House adjourned until Monday, January 29, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting estimates and reports of deficiencies in appropriations for the service of the fiscal year 1912 and prior years under the Department of Justice and the courts of the United States (H. Doc. No. 487); to the Committee on Appropriations and ordered to be printed.

2. A letter from the president of the East Washington Heights Traction Railroad Co., transmitting to Congress the annual report of that company (H. Doc. No. 488); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (H. R. 10648) amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes, and to protect the same," reported the same without amendment, accompanied by a report (No. 267), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. SLAYDEN: A bill (H. R. 18841) incorporating the
National Institute of Arts and Letters; to the Committee on the Library

By Mr. TRIBBLE: A bill (H. R. 18842) to provide for the erection of a public building in the city of Washington, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 18843) for the acquisition of site and the erection thereon of a public building at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18844) for the acquisition of a site and the erection of a public building thereon at Durant, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18845) for the acquisition of a site and the erection of a public building thereon at Ada, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18846) providing for the holding of the United States district and circuit courts at Hugo, Okla.; to

the Committee on the Judiciary.

By Mr. RICHARDSON: A bill (H. R. 18847) to provide for the operation of the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Mississippi: A bill (H. R. 18848) to fix the mileage of Senators, Representatives, and Delegates in Congress; to the Committee on Mileage.

By Mr. STEPHENS of Nebraska: A bill (H. R. 18849) for

the relief of the Winnebago Indians of Nebraska and Wisconsin; to the Committee on Indian Affairs.

By Mr. PICKETT: A bill (H. R. 18850) to authorize the Secretary of the Treasury to abate, remit, or refund certain internal-revenue taxes and penalties levied against or incurred by hospitals; to the Committee on Ways and Means.

By Mr. SABATH: A bill (H. R. 18851) to increase the scope of the work of the Division of Information, United States Immigration Service; to the Committee on Immigration and Naturali-

By Mr. TAYLOR of Colorado: A bill (H. R. 18852) to establish an institution in Denver, Colo., for botanical and agricultural research; to the Committee on Agriculture.

By Mr. RUSSELL: A bill (H. R. 18853) to prohibit interference with commerce among States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agri-

culture. By Mr. DICKSON of Mississippi: A bill (H. R. 18854) providing for the construction of a walk from the national military cemetery at Natchez, Miss., to the sidewalks of the city of

Natchez; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 18855) to regulate the construction and operation of elevators in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CURLEY: A bill (H. R. 18856) to regulate salaries and employment of substitute clerks and carriers in offices of the first and second class of the Post Office Department; to the Committee on the Post Office and Post Roads,

By Mr. MONDELL: A bill (H. R. 18857) extending the provisions of the act providing for agricultural entries of coal lands; to the Committee on the Public Lands.

By Mr. CURRY: A bill (H. R. 18858) fixing the times and places of holding court for the district of New Mexico; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: A bill (H. R. 18859) creating Port Washington, Wis., in the district of Milwaukee, a subport

of entry; to the Committee on Ways and Means.

By Mr. RUBEY: A bill (H. R. 18860) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, tele-phone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. BRANTLEY: A bill (H. R. 18861) increasing the appropriations to the State agricultural colleges and authorizing the expenditure thereof for maintaining departments of highways, drainage, and irrigation in such colleges, and for other purposes; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 18862) to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 18908) providing for the purchase of a site and the erection thereon of a public building at Pauls Valley, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18909) providing for the purchase of a site and the erection thereon of a public building at Elk City, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18910) providing for the purchase of a site and the erection thereon of a public building at Mangum, Greer County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18911) providing for the purchase of a site and the erection thereon of a public building at Altus, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18912) providing for the purchase of a site and the erection thereon of a public building at Norman, Cleveland County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18913) providing for the purchase of a site and the erection thereon of a public building at Frederick, Tillman County, Okla.; to the Committee on Public Buildings and Grounds.

a bill (H. R. 18914) providing for the purchase of a site and the erection thereon of a public building at Shawnee, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18915) providing for the erection of a public building at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18916) to provide for the erection of a public building in the city of Hobart, Klowa County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18917) to provide for the erection of a public building in the city of Duncan, Stephens County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18918) to provide for the erection of a public building in the city of Cordell, Washita County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18919) providing for the erection of a public building at Sayre, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18920) to provide for the purchase of a site and the erection of a public building thereon at Purcell, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. HARDWICK: A bill (H. R. 18921) to repeal the tax

on oleomargarine; to the Committee on Agriculture. By Mr. CURLEY: Resolution (H. Res. 389) providing for the distribution of the Pan American Bulletin; to the Committee on Printing.

By Mr. HIGGINS (by request): Joint resolution (H. J. Res. 228) directing the Attorney General to appeal to the Supreme Court from the decree of the Circuit Court for the Southern District of New York in the suit of United States v. American Tobacco Co. and others; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. ADAIR: A bill (H. R. 18863) granting an increase of pension to James W. Broderick; to the Committee on Invalid Pensions.

By Mr. AINEY: A bill (H. R. 18864) granting an increase of pension to Ephraim Batterson; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 18865) granting an increase of pension to John P. Kellogg; to the Committee on Invalid Pensions

Also, a bill (H. R. 18866) granting an increase of pension to David King; to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 18867) granting a pension to George B. Harmon; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 18868) granting a pension

to James M. Flynn; to the Committee on Pensions. Also, a bill (H. R. 18869) granting a pension to Mary E. Dougherty, widow, and the minor children of Frank Dougherty; to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 18870) granting an increase of pension to Washington McCartney; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 18871) for the relief of the heirs of Redmond Sloan, deceased; to the Committee on War Claims.

By Mr. DONOHOE: A bill (H. R. 18872) granting an increase of pension to William J. Crouse; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 18873) granting an increase of pension to J. H. Owings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18874) to correct the military record of Adolphus A. Wiles; to the Committee on Military Affairs.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 18875) granting an increase of pension to Myron L. Case; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 18876) granting an increase of pension to John Seiler; to the Committee on Invalid Pensions. By Mr. FORNES: A bill (H. R. 18877) for the relief of Frederick Wyneken; to the Committee on Claims.

Also, a bill (H. R. 18878) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur, or his heirs, or executors or administrators, such sum of money as he may be justly and equitably entitled to; to the Committee on Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 18879)

granting an increase of pension to George W. Strong; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 1880) for the relief of Mary N. Westmoreland; to the Committee on War Claims.

By Mr. GODWIN of North Carolina: A bill (H. R. 1881) for the relief of the heirs of Robinson Ward; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 18882) granting an increase pension to William Vantilburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18883) granting an increase of pension to Armstrong Staley; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 18884) granting a pension to Manola E. Bare; to the Committee on Pensions.

Also, a bill (H. R. 18885) granting an increase of pension to Silas McGregor; to the Committee on Invalid Pensions

Also, a bill (H. R. 18886) granting an honorable discharge to Isaac R. Lockhart; to the Committee on Military Affairs

Also, a bill (H. R. 18887) granting an increase of pension to Nancy Murphy; to the Committee on Invalid Pensions

By Mr. HUGHES of New Jersey: A bill (H. R. 18888) granting an increase of pension to Charles Burrows; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 18889) granting a pension to Thomas W. Botkin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18890) to correct the military record of George W. Samson; to the Committee on Military Affairs.

Also, a bill (H. R. 18891) to correct the military record of George F. De Maranville; to the Committee on Military Affairs. Also, a bill (H. R. 18892) to correct the military record of John S. Wampler; to the Committee on Military Affairs.

Also, a bill (H. R. 18893) to reissue letters patent to John E. Adams; to the Committee on Patents.

By Mr. LEVY: A bill (H. R. 18894) for the relief of the heirs of the late Samuel H. Donaldson; to the Committee on Claims. By Mr. MACON: A bill (H. R. 18895) for the relief of Mary A. Russell and others; to the Committee on War Claims.

By Mr. MATTHEWS: A bill (H. R. 18896) granting an increase of pension to Silas Rossell; to the Committee on Invalid

By Mr. OLDFIELD: A bill (H. R. 18897) for the relief of Esther Emmart; to the Committee on War Claims.

Also, a bill (H. R. 18898) granting an increase of pension to John S. McKee; to the Committee on Invalid Pensions

By Mr. OLMSTED: A bill (H. R. 18899) granting an increase of pension to Wilson W. Danner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18900) authorizing the Secretary of War to give Charles Harris, private, United States Army, retired, the grade of sergeant as of the date of his retirement; to the Committee on Military Affairs.

By Mr. RANDELL of Texas: A bill (H. R. 18901) for the relief of W. J. Bilderback; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 18902) granting a pension to Polly and Sarah Cassie Luellen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18903) granting an increase of pension to William Monks; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 18904) to perfect the title of the heirs of James S. Rollins, deceased, to bountyland warrant No. 58479, issued to George Hickman, teamster, United States Quartermaster's Department, War with Mexico; to the Committee on the Public Lands.

By Mr. STEDMAN: A bill (H. R. 18905) for the relief of the heirs of Mordecai Sears; to the Committee on War Claims. By Mr. STEPHENS of California: A bill (H. R. 18906)

granting an increase of pension to Jacob Beter; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 18907) granting an increase of pension to Lewis H. Walker; to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 18922) for the relief of the widow and the heirs of W. K. Moore, deceased; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 18923) granting an increase of pension to John Nickolson; to the Committee on Invalid

By Mr. DAVIS of West Virginia: A bill (H. R. 18924) granting an increase of pension to Hiram E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18925) for the relief of Samuel Harrison; to the Committee on Military Affairs.

Also, a bill (H. R. 18926) for the relief of Jacob M. Hess; to the Committee on Military Affairs.

Also, a bill (H. R. 18927) for the relief of the heirs of James

A. Cummins; to the Committee on War Claims. By Mr. FERRIS: A bill (H. R. 18928) for the relief of Joe T.

White; to the Committee on Claims.

By Mr. KORBLY: A bill (H. R. 18929) granting a pension to Florence B. Eiklor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18930) granting a pension to Christ D. Ulrich; to the Committee on Pensions.

Also, a bill (H. R. 18931) granting a pension to Mary A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18932) granting a pension to John C. Peters; to the Committee on Pensions.

Also, a bill (H. R. 18933) granting a pension to Mary L. Harrison; to the Committee on Pensions.

Also, a bill (H. R. 18934) granting a pension to Alma E. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18935) granting an increase of pension to Henry C. Canter; to the Committee on Invalid Pensions, Also, a bill (H. R. 18936) granting a pension to Frank L.

Siemon; to the Committee on Pensions.

Also, a bill (H. R. 18937) granting an increase of pension to Thomas B. Ray; to the Committee on Invalid Pensions. Also, a bill (H. R. 18938) granting an increase of pension to

John McDonald; to the Committee on Invalid Pensions. Also, a bill (H. R. 18939) granting an increase of pension to

Killion K. Mann; to the Committee on Invalid Pensions. Also, a bill (H. R. 18940) granting an increase of pension to

Robert Kent; to the Committee on Invalid Pensions. Also, a bill (H. R. 18941) granting an increase of pension to

Thomas Forsha; to the Committee on Invalid Pensions

Also, a bill (H. R. 18942) granting an increase of pension to Henry C. Canter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18943) granting an increase of pension to Jason Dame; to the Committee on Pensions.

Also, a bill (H. R. 18944) granting an increase of pension to Benjamin F. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18945) granting an increase of pension to William Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18946) granting an increase of pension to

Henry P. Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18947) granting an increase of pension to William R. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18948) for the relief of John R. Heaston; to the Committee on Claims.

Also, a bill (H. R. 18949) to remove the charge of desertion from the military record of George F. Harter; to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 18950) granting an increase of pension to Wilson H. Richards; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 18951) granting a pension to

Mark Powers; to the Committee on Pensions.

Also, a bill (H. R. 18952) granting an increase of pension to Francis Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18953) granting an increase of pension to William I. Webster; to the Committee on Invalid Pensions.

By Mr. OLMSTED: Resolution (H. Res. 388) authorizing and directing the Committee on Invalid Pensions to inquire and report why the pension granted to David L. McDermott by act of July 6, 1886, is withheld and what action, if any, should be taken in the premises; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of the Business Men's Club of Cincinnati, Ohio, in favor of Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

By Mr. ANSBERRY: Petition of Bright Horn Tribe, No. 142, Improved Order of Red Men, of Middlepoint, Ohio, in support of Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Petition of W. B. Hall and J. Stemply, of West Lafayette, Ohio, asking for a reduction of the duty on raw and refined sugar; to the Committee on Ways and

Also, petition of the Ross-Weiss Co. and others, of Johnstown, Ohio, protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of certain citizens of Jefferson, Pa., for the passage of a bill to protect prohibition territory from illicit liquor sellers bringing intoxicating liquors into the State to sell in violation of the laws of the State; to the Committee on the Judiciary.

Also, petition of members of the Order of Patrons of Husbandry, Spraggs, Pa., protesting against the continued existence of certain defects in the Federal law relating to the traffic in oleomargarine; to the Committee on Agriculture.

By Mr. CURRY: Petition of First Presbyterian Church of Clovis, N. Mex., for the passage of an effective interstate liquor law; to the Committee on the Judiciary

By Mr. DAVIS of West Virginia: Petition of citizens of West Virginia, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DOUGHTON: Petitions of citizens of Salisbury, N. C. urging the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. DRAPER: Memorial of the Woman's Christian Temperance Union of the State of New York, for the passage of Kenyon-Sheppard interstate liquor bill, to withdraw from in-terstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Hixton, Wis., remon-

strating against repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Stockholm, Wis., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FLOYD of Arkansas: Petition of citizens of the State of Arkansas, for old-age pensions; to the Committee on Pen-

By Mr. FOCHT: Papers to accompany House bill 17953, for the relief of John W. Graham; to the Committee on Military Affairs.

Also, papers to accompany House bill 15004, for the relief of

William A. Zinn; to the Committee on Invalid Pensions. Also, petition of J. J. Mauery, of Lewistown, Pa., in favor of a reduction of the duty on sugar; to the Committee on Ways and Means.

Also, memorials of Granges Nos. 330, 773, 1134, and 1340, Patrons of Husbandry, for certain amendments to the oleo-margarine law; to the Committee on Agriculture.

By Mr. FORNES: Papers to accompany bill for the relief of F. W. Wyneken; to the Committee on Claims.

Also, memorial of the Republican Club of New York City,

relative to the organization of a national health service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York and New Jersey section of the Woman's Welfare Department of the National Civic Federation,

in favor of House bill 8768; to the Committee on the District

Also, petitions' of citizens of New York City, for the total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Fairmount Park Art Association, of Philadelphia, Pa., in favor of Lincoln memorial as recommended by park commission; to the Committee on the Library

By Mr. FRENCH: Petition of First Methodist Episcopal Church of Sandpoint, Idaho, in favor of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary

By Mr. FULLER: Petition of George R. Carr, of Chicago, Ill., in favor of an appropriation for a new building for use of Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

Also, petition of E. Heidenheimer et al., of the city of Washington, D. C., protesting against the passage of the Dyer bill (H. R. 8768) in relation to the business of pawnbrokers, etc.; to the Committee on the District of Columbia.

Also, petition of H. A. Cook, of Ottawa, Ill., favoring House bill 13275 and Senate bill 3194, for the extension of lien of executions from Federal courts; to the Committee on the Judiciary

By Mr. GARRETT: Petitions of citizens of the State of Tennessee, in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. GOEKE: Petitions of members of Tawana Tribe, No. 67, and Wapakoneta Tribe, No. 107, Improved Order of Red Men, of fourth congressional district of Ohio, urging support of a bill for erection of American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: Petition of citizens of Hempstead County, Ark., in favor of the passage of House bill 14, for the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Bradley County, Ark., asking that the duties on raw and refined sugars be totally eliminated; to the Committee on Ways and Means.

By Mr. HAMILTON of West Virginia: Petition of E. R. Smith and others, of St. Marys; of W. O. Innesteed & Co., of Mount Zion; and of S. H. Wilson, of Russet, all in the State of West Virginia, asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of Julius Christopherson and 24 others, of Hanska, Minn., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. HIGGINS: Petition of the Fitchburg (Mass.) Steam Engine Co., against the passage of House bill 13578; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of citizens of Stanhope, Succasunna, and Netcong, N. J., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petitions of citizens of the State of Washington, in favor of old-age pensions; to the Committee on Pensions.

By Mr. JACOWAY: Petition of citizens of Dardenelle, Ark., protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of fifth congressional district of Arkansas, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Mary A. Ault

(H. R. 10716); to the Committee on Invalid Pensions. By Mr. KENDALL: Petition of citizens of Oskaloosa, Iowa,

protesting against any legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Memorial of St. Alphonsus Society of Brooklyn, N. Y., in favor of the Esch bill, to provide for a tax was resident procedure. upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of Capt. George E. Lundberg and other members of the Nebraska National Guard, of Omaha, Nebr., in favor of House bill 8141, the Federal militia pay bill;

to the Committee on Military Affairs.

Also, resolution of the Commercial Club of Omaha, Nebr. asking Congress to assist United States Bureau of Immigration in providing aliens coming to the United States with the fullest and best information relating to the industrial opportunities in the Western States; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Otoe County, Nebr., against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Commercial Club, of Omaha, Nebr., favoring a memorial to Abraham Lincoln in the nature of a hospital, industrial school, or model farm for the Negro race: to the Committee on the Library

By Mr. MANN: Petition of Illinois Institute of Accountants. indorsing House bill 14489, to amend corporation excise-tax law; to the Committee on Ways and Means.

petition of citizens of Chicago, Ill., remonstrating against legislation for extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Petitions of the Brighton Grange, of Beaver, Pa.; the Fallowfield Grange, of Monongahela, Pa.; and the Willard Grange, of Newcastle, Pa., protesting against the removal of the special tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Ohio Valley Grange, of Beaver, Pa., asking that certain changes be made in the Federal oleomargarine law; to the Committee on Agriculture.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of James Nipper (H. R. 16979); to the Committee on Military Affairs.

By Mr. MORGAN: Petitions of citizens of the second congressional district of Oklahoma, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition favoring the passage of a bill providing old-age pensions for deserving men and women; to the Committee on Pensions.

Also, petitions of citizens of Gracemont and Thomas, Okla., protesting against the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. MORSE of Wisconsin: Petition of farmers in the vicinity of Spirit, Wis., approving of passage of parcel-post bill;

to the Committee on the Post Office and Post Roads.

Also, memorial of merchants of Eland, Wis., remonstrating against the passage of any bill extending parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of Frank G. Stratton, of Constantia. N. Y., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. NELSON: Petition of 61 citizens of Dane County, Wis., praying for the enactment of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. NORRIS: Petition of sundry citizens of Culbertson and Trenton, Nebr., favoring House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: Petitions of the Woman's Christian Temperance Union, of Henryville, Tenn., and citizens of Laurenceburg and Dickson, Tenn., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTON of Pennsylvania: Memorial of Salem Grange, No. 964, Patrons of Husbandry, of Dubois, Pa., ask-

ing that certain changes be made in the oleomargarine law; to the Committee on Agriculture.

Also, memorial of Salem Grange, No. 964, Patrons of Husbandry, of Dubois, Pa., protesting against the removal of the special tax on oleomargarine; to the Committee on Agriculture.

By Mr. PICKETT: Petitions of Fred O. Newcomb, of Shellrock, Iowa, and George L. Weeks and 20 other business men of Aurora, Iowa, protesting against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. POST: Petition of citizens of Troy, Ohio, in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Petition of citizens of eleventh congressional district of Kentucky, against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Resolution of the Denver (Colo.) Woman's Club, favoring a Lincoln highway; to the Committee on Appropriations

Also, petition of John I. Parker and 16 other merchants of Barry, Ill., against a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. REDFIELD: Petition of citizens of New York and Massachusetts, in favor of reduction of duty on raw and refined

sugars; to the Committee on Ways and Means.

By Mr. REILLY: Resolution of the Norwalk (Conn.) Board of Trade, requesting that the so-called pulp and paper clause of the reciprocity agreement with Canada be abrogated; to the Committee on Ways and Means.

By Mr. ROBERTS of Nevada : Petition of the Nevada Banking Association, indorsing the plan proposed by the National Mone tary Commission; to the Committee on Banking and Currency.

By Mr. SULZER: Memorial of American Institute of Archi tects, for Lincoln memorial as recommended by the National Fine Arts Commisssion; to the Committee on the Library

Also, petition of Sioux City (Iowa) Commercial Club, favoring the erection of embassy buildings in the cities of Mexico, Rio de Janeiro and Tokyo; to the Committee on Foreign Affairs.

Also, petitions of the transportation bureau of the Seattle (Wash.) Chamber of Commerce; of the civic bodies of the State of Washington; and of the San Jose (Cal.) Chamber of Commerce, praying for the enactment of legislation providing that vessels engaged in domestic commerce between ports of the United States be granted free passage through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Lodge No. 56, Switchmen's Union of North America, of New York, in favor of House bill 13911, to provide for the least number of men to be assigned to each engine or locomotive engaged in handling cars used in interstate commerce, etc.; to the Committee on Interstate and Foreign

Commerce.

Also, petitions of New York State Association of Hardware Jobbers; of Stanford-Crowell Co., of Ithaca, N. Y.; and of Alfred M. Best Co., of New York City, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Hungarian Publishing Co., of New York City, and of Octavius Hiliman, of Brooklyn, N. Y., praying for the enactment of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of National League for Medical Freedom, urging that medical practice in Panama Canal Zone be not limited to any one school of medicine; to the Committee on Railways and Canals.

By Mr. TOWNER: Petitions of citizens of the State of Iowa, protesting against a further extension of parcel post; to the

Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of the White Eagle Tribe, Improved Order of Red Men, of Marysville, Ohio, asking for the enactment of a law to provide for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, petition of Fred Beckwith and other members of the Improved Order of Red Men, St. Paris, Ohio, asking for the enactment of a law to provide for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, petitions of the Lutheran, Friends, and First Methodist Episcopal Churches, of Urbana, Ohio, asking for the enactment of a law for the regulation of interstate commerce in intoxi-cating liquors and for protection of territory where the sale of intoxicating liquors is prohibited by the State laws; to the

Committee on the Judiciary.

By Mr. WOOD of New Jersey: Papers to accompany House bill 8380, granting an increase of pension to Thomas L. Stringer;

to the Committee on Invalid Pensions.

By Mr. YOUNG of Texas: Petition of sundry citizens of Van Zandt County, Tex., in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of March & Ross, of Mount Enterprise, Tex., and of J. W. Newman and other citizens of Lindale, Tex., against extension of parcel post; to the Committee on the Post Office and Post Roads.

· SENATE.

Monday, January 29, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of the proceedings of Thursday last was read and approved.

SERVICE OF CERTAIN LINE OFFICERS OF THE ARMY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, returning, in compliance with its request, Senate resolution 171, directing the Secretary of War to furnish a statement showing the names, rank, and organizations of all officers of the line of the Army who during the six years ending July 31; 1911, had not served four years in the organizations in which they were respectively commissioned, etc., which was ordered to be indefinitely postponed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD CO. (H. DOC. NO. 488).

The VICE PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Co., of

the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary E. Reynolds, widow of Joseph J. Reynolds, deceased, v.

United States (S. Doc. No. 285);

Silas E. Gardner v. United States (S. Doc. No. 284); Mary W. Gifford, widow of John F. Gifford, deceased, v. United States (S. Doc. No. 283);

Alice E. Gunn, widow of William A. Gunn, deceased, v. United States (S. Doc. No. 282);
Edward S. Hay v. United States (S. Doc. No. 281);

Evah A. Davis, widow of Ross J. Hazeltine, v. United States (S. Doc. No. 280)

Ellen Brew, widow of Frank Brew, deceased, and sundry subnumbered cases v. United States (Mare Island Navy Yard) (S. Doc. No. 279):

Hannah J. Adams, widow of Augustus H. Adams, deceased, and sundry subnumbered cases v. United States (Portsmouth, N. H., Navy Yard) (S. Doc. No. 278);
Clarkson V. Hendrickson and Jasper Chisholm v. United

States (Brooklyn Navy Yard) (S. Doc. No. 286); Clarence Marks and George T. Clifford v. United States

Clarence Marks and George 1. Clinord v. Clated States (Pensacola Navy Yard) (S. Doc. No. 287);
Clements T. Dant and sundry subnumbered cases v. United States (Washington Navy Yard) (S. Doc. No. 277); and Sussana R. Lovejoy, widow of John T. Lovejoy, deceased, v.

United States (Washington Navy Yard) (S. Doc. No. 276).

The foregoing fludings were, with the accompanying papers,

referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4339) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes;

H.R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war

H. R. 18336. An act granting pensions and increase of pensions to certain soldiers and sallors of the Civil War and certain widows and dependent children of soldiers and sailors of said

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war: and

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the New York Board of Trade and Transportation, favoring certain reforms in the war pension system of the United States, and praying for the appointment of a special committee to investigate the present pension system, which were referred to the Committee on Pensions.

He also presented a memorial of Local Union No. 15, Cigarmakers' International Union, of Chicago, Ill., remonstrating against the imposition of any tax on cigars furnished to employees by the manufacturers thereof, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Nelson, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Big Sandy, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Washington, D. C., praying for the establishment of a training school for white girls in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Park View Citizens' Association, of Washington, D. C., praying for the passage of the so-called public utility bills and remonstrating against the entire expense of the administration of these proposed bills upon the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the East Washington Heights Citizens' Association, of Washington, D. C., favoring the purchase of Fort Davis and Fort Dupont for park purposes, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Rhode Island Avenue Suburban Citizens' Association, of Washington, D. C., favoring the enactment of legislation authorizing the widening and extension of Rhode Island Avenue extended and also for the extension of Irving Street NE., which were referred to the Committee on the District of Columbia.

He also presented the petition of Thomas M. Henry, of Washington, D. C., relative to the proposed street railway line on Eighteenth Street, Calvert Street, Cleveland Avenue, Thirty-fourth Street, Macomb Street, and Massachusetts Avenue NW., in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the National Congress of Mothers; of Mrs. Charles P. Weaver, organizer of School Improvement Leagues, of Frankfort, Ky.; of James E. Russell, dean of Teachers' College, Columbia University, New York, N. Y.; and of Charles A. Lory, president of the State Agricultural College, of Fort Collins, Colo., praying that an appropriation be made for the extension of the work of the Bureau of Education, which were referred to the Committee on Appropriations.

He also presented a petition of the Young People's Christian Endeavor Union of Marlboro, N. H., and a petition of the senior class of Pinkerton Academy, of Derry, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Colorado, New York, and New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Barry, Altona, Joliet, and Virden, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 15, Cigar-makers' International Union of America, of Chicago, Ill., remonstrating against the imposition of a tax on cigars furnished employees by the manufacturers thereof, which was referred to the Committee on Finance.

He also presented a petition of the Illinois Institute of Accountants, of Chicago, Ill., praying for the adoption of an amendment to the corporation tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

He also presented a petition of members of the Woman's Club of Champaign and Urbana, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Greenville, Ill., and a petition of the congregation of the College Church of Christ, of Wheaton, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the North Shore Congregational Church, of Chicago, Ill., and of the Methodist Episcopal Church, the Baptist Church, and the Congregational Church, of Yorkville, Ill., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BRISTOW presented a petition of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, of Lincoln, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented petitions of the congregations of the Washington Avenue Methodist Episcopal Church and the First Congregational Church, of Parsons, Kans., and of the Woman's Christian Temperance Union of Newton, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Clifton and Beulah and of members of Farmers' Educational and Cooperative Union No. 637, of Bazine, all in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Hanston and Cherokee, and of members of the Retail Merchants' Association of Attica, all in the State of Kansas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Canners' League of California, praying for the enactment of legislation providing for the construction of 15 large ocean-going steamers, and also giving to the Interstate Commerce Commission jurisdiction over transportation rates by and through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented sundry papers to accompany the bill (S. 4694) granting an increase of pension to Wesley C. Harvey, which were referred to the Committee on Pensions.

Mr. CRAWFORD presented memorials of sundry citizens of Andover, Hayti, Murdo, Rockham, and Veblen, all in the State of South Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented a petition of members of the Monday Club, of Rochester, N. H., and a petition of the Young People's Christian Union of Marlboro, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. WORKS presented a petition of the Woman's Christian Temperance Union and of sundry citizens of Visalia, Cal., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens, daughters of Civil War veterans, of Sawtelle, Cal., praying that an investigation be made into the conditions at the soldiers' home at Santa Monica, Cal., which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of the congregations of the Methodist Episcopal Church and the Presbyterian Church and of the Woman's Christian Temperance Union, all of Winnebago, in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minneapolis, Minn., praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of the Business Men's Association of New London, Conn., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a petition of the First Christian Science Society of Greenwich, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of members of the Patrick Sarsfield Club, of Waterbury, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless as amended by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

Mr. CLARK of Wyoming presented a petition of Quaker City Lodge, No. 6. Independent Order of Good Templars, of Philadelphia, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary

dealers, which was referred to the Committee on the Judiciary.

Mr. BURTON presented a petition of the Chamber of Commerce of Dayton, Ohio, praying for the ratification of the proposed treaties of arbitration between the United States,-Great Britain, and France, which was ordered to lie on the table.

He also presented resolutions adopted by the Federation of Labor and by members of the American Peace Society, of Cleveland, Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. GAMBLE presented a memorial of 22 citizens of Tolstoy, S. Dak., remonstrating against the observance of Sunday as a day of rest in post offices, which was referred to the Committee Post Offices and Post Roads.

He also presented the memorial of Benjamin F. Keith, of Dalzell, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented sundry affidavits in support of the bill (8. 3945) granting a pension to Anna A. Yule, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 3416) granting an increase of pension to John Larimer, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 4237) granting a pension to William C. Couch, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 3418) granting an increase of pension to Levi Page, which were referred to the Committee on Pensions.

He also presented a petition of the Nebraska Conference of Charities, praying for the passage of the so-called children's

bureau bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Hastings, Nebr., and a memorial of sundry citizens of Norfolk, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Culbertson, Nebr., praying for the passage of the so-called parcel-post bill, which was referred to the Committee on Post Offices and Post

He also presented resolutions adopted by the congregations of the Congregational and the Methodist Episcopal Churches of Butte, Nebr., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented resolutions adopted by the Omaha Commercial Club, of Nebraska, favoring the enactment of legisla-tion giving the Bureau of Immigration power to furnish aliens with certain information relative to the resources and opportunities of the country, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Beatrice, Nebr., praying for the enactment of legislation providing for the regulation of the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. HITCHCOCK presented a petition of members of the Nebraska National Guard, of Beatrice, Nebr., and a petition of sundry business men of Beatrice, Nebr., praying for the enactment of legislation providing for the regulation of the pay of the Organized Militia, which were referred to the Committee on Military Affairs.

He also presented a memorial of Strain Post, No. 201, Grand Army of the Republic, Department of Nebraska, of Plymouth, Nebr., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Commercial Club of Omaha, Nebr., favoring an appropriation for the erection of a proper memorial to Abraham Lincoln in the form of a hospital, industrial school, or model farm for the negro race,

which were referred to the Committee on Appropriations.

Mr. KERN presented resolutions adopted by the Woman's Club of Covington, Ind., and resolutions adopted by the Current Events Club, of Jeffersonville, Ind., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the

He also presented a memorial of sundry citizens of Odon, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented a memorial of sundry citizens of South Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of members of the Magazine Club, of Indianapolis, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Anderson, Ind., praying for the enactment of legislation to regulate the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Branch No. 229, Continental League, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France unless amended as reported by the Senate Committee on Foreign Relations, and also that a similar treaty with Germany be submitted for ratification, which was ordered to lie on the table.

He also presented a petition of Cambridge City Post, No. 179, Department of Indiana, Grand Army of the Republic, of Cambridge City, Ind., praying for the passage of the so-called dollara-day pension bill, which was referred to the Committee on Pen-

He also presented a petition of the South Bend Retail Grocers' and Butchers' Association, of Indiana, praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PAYNTER presented a memorial of sundry citizens of Clinton, Ky., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Miranda J. Stevens, of Maysville, Ky., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Mary E. Hoops, of Maysville, Ky., praying that she be granted a pension, which was referred to the Committee on Pensions.

Mr. OVERMAN. I present resolutions adopted by the Chamber of Commerce of Wilmington, N. C., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the REC-ORD, as follows:

CHAMBER OF COMMERCE,
WILMINGTON, N. C., January 21, 1912.

Resolution in protest against any interference with the present scheme of operation of the Revenue-Cutter Service.

Be it resoived, That the Chamber of Commerce of Wilmington, N. C., in meeting assembled January 23, 1912, has learned with dismay of a threatened innovation proposed by the Economy Board, which, if effected, would do away with the Revenue-Cutter Service as now operated.

Resolved, That, in view of the fact that in the brief period from August 20, 1911, to January 23, 1912, the command operated from the Wilmington Station alone has rescued 10 valuable vessels and cargoes, amounting in value to the sum of \$785,000, and, further, has saved and preserved the lives of 102 seamen, officers, and, in some instances, women, and believing that in the average duration of 12 months the service, as performed at Wilmington, operates a saving of safely three to five millions of dollars in lives and property, to say nothing of the added confidence which the service, as now perfected and operated, gives to local and foreign shipping concerned with the coasts of the country, does hereby emphatically protest against any interference with the present maintenance and operation of the Revenue-Cutter Service and does pray that the Congress will overthrow any efforts which may tend to such interference.

Resolved, That a copy of these resolutions be spread upon the minutes of this association, and, in addition, that a copy be furnished our Representatives and Senators in Congress with request that energetic action be taken by them for the prevention of the Suggested Interference.

Respectfully submitted,

M. V. GUERESS, MARCUS W. JACOBI, HUGH MACRAE, Committee.

Mr. OVERMAN presented petitions of sundry citizens of Charlotte and Salisbury, in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor law by outside dealers, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Windsor, Lewiston, Cahaba, and Quitsna, all in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of sundry citizens of Wyoming and Colorado, praying for the enactment of legislation providing for the improvement of grazing on the public

lands, which was referred to the Committee on Public Lands.
Mr. O'GORMAN presented petitions of sundry citizens of
Norwich and Batavia, of the congregations of the Methodist Episcopal Church and the First Baptist Church of Wellsville, and of the Woman's Christian Temperance Unions of Canandaigua and Wellsville, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Brooklyn and New York City, in the State of New York, praying for the

ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered

to lie on the table.

Mr. WETMORE presented memorials of members of the Tilden Club, of Providence; of the Tenth Ward Improvement Club, of Providence; and of Local Division No. 22, Ancient Order of Hibernians, of Providence, all in the State of Rhode Island, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain. and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented a petition of 45 citizens of Davisville, R. I., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the State Federation of Women's Clubs of Rhode Island, favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. McLEAN presented a memorial of the Patrick Sarsfield Club, of Waterbury, Conn., and a memorial of Carpenters and Joiners' Local Union No. 115, of Bridgeport, Conn., remonstrating against the ratification of the proposed treaties of arbitra-tion between the United States, Great Britain, and France,

which were ordered to lie on the table.

He also presented a petition of the Christian Science Society of Greenwich, Conn., and a petition of the congregation of the Congregational Church of Newington, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Local Council No. 293, United Commercial Travelers of America, of New Haven, Conn., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Business Men's Association of New London, Conn., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a petition of the Farmers' Educational and Cooperative Union of America, praying for the establish-ment of a children's bureau in the Department of Commerce and Labor, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Norwalk, Conn., praying for the repeal of the pulp and paper clause of the reciprocity act with Canada, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Shelton, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OWEN presented a petition of the Iowa Indians of Oklahoma, praying that certain relief be granted to them, which was referred to the Committee on Indian Affairs.

EXECUTIVE CONTINGENT FUND OF MISSISSIPPI.

Mr. WILLIAMS. I present certain resolutions of the Legislature of the State of Mississippi, and in compliance with its wish request that they be printed in the Congressional Record.

The resolutions were referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

REPORT OF JOINT COMMITTEE ON EXECUTIVE CONTINGENT FUND.

To the Legislature of Mississippi:

Your committee has had under consideration for several days past the matter of Gov. Vardaman's disbursement of this and other funds during his administration, concerning which much has been said and published brondcast over the State derogatory to his business capacity and personal integrity. We were induced to enter upon this investiga-tion at this time by the written request of Gov. Vardaman, couched in the following language:

JACKSON, MISS,, January 6, 1912.

Hon. Frank Burkitt, Chairman Joint Committee on Executive Fund, Jackson, Miss.

My Dear Sir: I am going to ask you, and through you the joint committee, to investigate and report to your respective houses the matter of my handling the funds committed to me while governor. I have been the victim of much persecution and the target of all manner of obloquy and slander. The legislature is the only tribunal vested with the power to settle this matter, and I trust your committee will take the matter up and do justice between the State of Mississippi and me in the premises.

Cordially and sincerely,

Jas. K. Vardaman.

In complying with this request the committee proceeded with the investigation by first calling Mr. C. J. Moore, the expert accountant, who has spent much time in going over the records, at a cost to the State of \$1,535, and who has given out to the press for months past inter-

views charging that Gov. Vardaman had drawn and expended money for which he can find no vouchers in the governor's office. This is probably true, but Hon. George R. Edwards, who served as private secretary for 2 years and 10 months of Gov. Vardaman's term, testified that vouchers were taken for every cent expended during his time, and Mr. W. J. Buck, who succeeded him and who is at present the most efficient private secretary of Gov. Noel, tells your committee that he followed the same rule and filed vouchers for every expenditure, save \$10 paid for postage stamps, during the 14 months he served as Gov. Vardaman's secretary. Mr. Buck also informed your committee that he made up the executive contingent fund to the end of the year 1907 and that said account tallied with the auditor's and treasurer's books, except the \$10 above mentioned, a receipt for which was afterwards found. "The metal case in which these vouchers were placed," said Mr. Buck, "was not locked, and any person desiring to do so might have access to them." Whether the missing vouchers were designedly removed or misplaced by accident Mr. Buck nor the committee is prepared to say, but it is a matter of record that while Edwards was secretary the joint committee, headed by Hon. G. Wood McGee, on April 19, 1904 and 1905, and found it correct. (See report of committee, senate journal 1906, p. 1078; also see Chairman Greaves's report, house journal, p. 1290.)

It is a significant fact that Accountant Moore's report shows that Vardaman was behind on account of this fund for these years, which only proved that some of the vouchers examined by the McGee committee on April 19, 1906, were afterwards lost, mislaid, or had been abstracted, for Edwards testifies that on this occasion Vardaman called the stub book and he produced the vouchers, one by one, until the investigation was complete.

Another significant fact is, we find the word "unsatisfactory," Exhibit 6, page 12, report of committee of 1910, was ordered stricken out by the committee at that time a

by the committee at that time and was left in by oversight, the order being to strike out the word "unsatisfactory" wherever it appeared in the report.

Secretary Buck made up the statement showing the disbursement of this fund for the years 1906 and 1907, and was ready to present it to the joint committee appointed in 1908, but that committee made no investigation until two years afterwards, when it appeared some of the vouchers were missing. Your committee has been unable to determine by what instrumentality these vouchers disappeared, but we think it is rational to conclude that neither Vardaman nor any friend of his abstracted them from the file. Much has been said and written about a double expense charge made by Gov. Vardaman on the occasion of his visit made to the university, and also one made to the East Mississippi Insane Hospital. Accountant Moore told your committee that Gov. Vardaman drew from the contingent funds sums of money to pay the expenses of these trips, and also drew the same or similar amounts out of the university and hospital funds, and this he regarded as positive proof of the pisappropriation of public funds. Mr. Moore, perhaps, did not know that Gov. Vardaman made an experiment with bloodhounds following a negro several miles around Oxford and finally treeing him in the courthouse yard, as an object lesson to the hundreds of darkies assembled there at that time, and that he paid all the expenses of the experiment, including the hire of the negro, livery teams, etc.; and he, perhaps, was not apprised of the fact that Gov. Vardaman on one or more of his visits to the East Mississippi Insane Hospital found it necessary to carry a private secretary with him, and, of course, his expenses were paid out of the contingent fund; but he did not know that owing to delayed trains, caused by wrecks or washouts, the expenses of such trips are often largely increased, and the apparent double charges which proved so convincing to him and his alders and abettors would possibly have never been though

THE MERIDIAN CYCLONE FUND.

In reference to the Meridian cyclone fund we find the following state of facts:

The governor is charged by the expert accountant with \$4,931 and credited with \$4,000 turned over to Col. H. M. Street. In a time of such dire distress as prevailed at Meridian when the city was visited by the terrible tornado—when live and dead men were pinned down under the fallen houses—a methodical Wall Street banker would have scarcely thought of calmly paying out money and exacting a receipt from everyone with whom he had to deal; but the testimony of Col. Rachford and Mr. W. H. King discloses the fact that Gov. Vardaman, on hearing the news of the awful calamity, immediately chartered a special train and engaged these gentlemen to secure as many negro laborers in Jackson as possible; that the train left here with 35 or 40 of these laborers; tifat it stopped at the Rankin farm and took aboard all of the abled-bodied convicts; that at Pelehatchie a few more laborers were secured; and when the train reached Meridian this force was put to work clearing away the débris. Mr. King was furnished with the money to pay the free laborers he employed. The governor, of course, paid for the maintenance of the convicts while there; and Gen. Fridge, being on the ground with the National Guard, was directed by the governor to press every able-bodied man into service and compel their assistance in the work of rescue, and that well-known and very efficient officer tells your committee that he paid out to these impressed men \$175.50, which was furnished him by the governor. Mr. King thinks he expended some six or seven hundred dollars in settling with the laborers he controlled, including his own salary, which, he says, was allowed him from Saturday until Tuesday week following at the rate of \$5 and expenses. He states that in settling with the governor he furnished an itemized account from the time book he kept, but that this book he used on that occasion was burned when his house was destroyed by fire; consequently he could not a this late da

of the free laborers employed, the maintenance of the convicts, and his own personal expenses, are not surprised that a man of sympathetic nature and generous impulses should have expended \$931.05 in relieving the distress of his fellows at such a time and under such circumstances, and the wonder to us is he did not spend a much larger sum. In view of the facts above stated, your committee thinks the Meridian cyclone proposition should henceforth be regarded as a closed incident.

and the wonder to us is he did not spend a much larger sum. In view of the facts above stated, your committee thinks the Meridian cyclone proposition should henceforth be regarded as a closed incident.

THE ANTEDATED NOTES.

While this matter is not a part of the executive contingent fund, a deal of criticism has been indulged in because notes were antedated in order to borrow \$20,000 to tide the State government over the summer of low words and the state government over the summer of the committee was aware of the fact that the application for this loan was made to the Merchants Bank & Trust Co. of the city of Your committee was aware of the fact that the application for this loan was made to the Merchants Bank & Trust Co. of the city of Jackson, Miss., but the details were unknown to any one of us until explained by the gentlemanly president of that institution. Mr. Anderson stated, in substance, that about May 1 of that year Gov. Vardaman culled on him requesting the loan, which he sail would not be needed before 120. When the summer of the substance was the loan from his bank at that rate of interest, for money was at that time rated at New York at 5 per cent, but he undertook to negotiate from the Equitable Life Assurance Society the loan, and instituted at once a correspondence with Mr. Paul Morton, who was at that time rated at New York at 5 per cent, but he undertook to negotiate from the Equitable Life Assurance Society the loan, and instituted at once a correspondence with Mr. Paul Morton, who was at that time the president of the Equitable. It was ascertained that the money could be obtained, provided an arrangement could be made by which the cost of transporting the \$200,000 to 10 ays, and a brokerage commission to the Merchants' Bank. To do this the governor was confronted with the alternative, either to antedate the notes or to call an extraordinary session of the legislature at oss to the people of from \$25,000 to \$30,000. In this emergency it was agreed that if Mr. Anderson would indorse the not

THE SPANISH-AMERICAN WAR FUND.

and now a member . 1908 pp. 807-813.)

THE BRYAN FUND.

Which was a donation of \$500 by that distinguished gentleman to the Industrial Institute and College at Columbus, was also the subject matter of gross misrepresentation during the late strenuous campaign. The facts are Gov. Vardaman paid the interest on this fund while he held it in hand, and after he retired from office he paid over the money to President Whitfield or the authorized agent of the college. Indeed, all the curious may be satisfied as regards the disposition of this fund by reference to House Journal, 1910, pages 1529 and 1530, wherein Mr. Gaston, secretary of the Industrial Institute and College, reports the settlement of this matter in full.

THE BATTLESHIP FUND.

This was a fund raised by private subscription for the purpose of purchasing a silver service for the battleship named for our State. Your committee has been shown the little book in which the original entries were made crediting individuals and committees for their respective contributions and naming, in the case of committees, the party who paid him the money. These entries were made by Mr. George R. Edwards, then private secretary to the governor, showing the date when the money was received in every instance except two, which are in the handwriting of Gov. Vardaman. Total amount collected was \$1,705.50, and this, we understand, is the exact sum paid over to the silver-service commission.

Your committee has endeavored to investigate the disbursement of these several funds without bias and with a united purpose to give both sides of the controversy every opportunity to be heard, and after having examined 15 witnesses we have evolved the facts as above stated, and by unanimous agreement offer the following resolution, with the hope that it may meet a unanimous indorsement:

"Resolved, That the report of the joint committee on executive contingent funds be approved, and that James K. Vardaman is, and of right should be, exonerated by this legislature, as he has been by an unprecedented majority of the people at the polls, from any and all charges of misappropriation of public or trust funds of any character handled by him while governor of Mississippi.

"Resolved further, That this report be spread upon the journals of the senate and house and that a copy be forwarded to Senator John Sharp Williams, with instructions to request that it be printed in the Congressional Record.

"Frank Burkitt, Chairman,

"Frank Burkitt, Chairman,
"C. Kendrick,
"CLAYTON D. Potter,
"Senate Committee,
"H. W. Crenshaw, Chairman,
"T. T. Deavenport, Secretary,
"L. S. Hemphill,
"J. D. Stennis,
"S. Joe Owen,
"House Committee."

I, J. W. T. Falkner, jr., secretary of the Senate of Mississippi for the session 1912, do hereby certify that the above and foregoing eight pages of typewritten matter is a true and correct copy of the report of joint committee on executive contingent fund as presented to the Senate of Mississippi on January 12, 1912; and that said report was adopted by the senate on said date, together with the resolution, thereto attached, and spread upon the last page of said report; and that the said foregoing report and resolution, as herein set forth, is a true and correct copy as spread upon the journal of the senate for the ninth day, being January 12, 1912.

[SEAL.]

J. W. T. FALKNER, Jr.,

Secretary of Senate

J. W. T. FALKNER, Jr., Secretary of Senate.

I, Stokes V. Robertson, clerk of the House of Representatives of the State of Mississippi for the regular session of 1912, do hereby certify that the above and foregoing eight pages of typewritten matter is a true and correct copy of the report of joint committee on executive contingent fund as presented to the House of Representatives of Mississippi on January 12, A. D. 1912; and that said report was adopted by the house of representatives on said date, together with the resolution, thereto attached, and spread upon the last page of said report; and that the said foregoing report and resolution, as herein set forth, is a true and correct copy as spread upon the journal of the house of representatives for the ninth day, being January 12, A. D. 1912.

[SEAL.]

STOKES V. ROBERTSON,

Clerk of the House of Representatives.

STOKES V. ROBERTSON, Clerk of the House of Representatives.

Mr. WILLIAMS. I likewise want to have inserted immediately after the resolutions a letter from me to the secretary of the Mississippi State Senate, which is a copy of a letter which was sent to the clerk of the Mississippi House of Representatives.

The VICE PRESIDENT. Without objection, the letter will be printed in the Record, to follow the memorial from the legislature.

The letter referred to is as follows:

JANUARY 29, 1912.

The letter referred to is as follows:

Mr. J. W. T. Falkner,

Secretary of the Senate, Jackson, Miss.

My Dear Sir: I received upon Friday, too late to offer that day to the Sehate of the United States, the communication signed by you and by the clerk of the house of representatives, containing certain resolutions passed by the Legislature of the State of Mississippi, which they desire to have published in the Congressional Record. The Senate adjourned on Friday until Monday.

I have no sort of objection to making the request of the United States Senate that the matter sent me shall be so published. I note, however, that the last part of the last clause of the resolutions is in these words: "That a copy be forwarded to Senator John Sharp Williams with instructions to request that it be published in the Congressional Record."

(The italies are mine.)

I at first thought that I would send the resolutions back to you, with the request that they be submitted to the two houses of the Mississippi State Legislature, with a view of having the word "instruct" stricken out and the word "request" substituted therefor. I subsequently concluded, however, that if I did that, it might be misunderstood, and even where not misunderstood purposely tortured misconstructively, and that it was better to ignore the word "instruct" and to treat the communication as a request, in so far as the last clause is concerned, and to make the request of the Senate which was asked me. This I shall do to-day, Monday.

I think, however, that it is due to the people of Mississippi and to myself to lodge with the two houses of the Mississippi State Legislature. Even in the old days when the legislatures elected Senators the right of a State legislature to instruct a Senator was a mooted question. The assertion of such a right was defied by Senator Lamar. I have heard Senator Waithall deny it, and have understood that Senator, afterwards President, Davis questioned it.

I was one of those men in Mississippi who, when the legislature to the common m

The reason, even in the old time, when legislatures "made and unmade" Senators, which was conclusive to my mind against the general right of legislative instruction, was this: That if such a right existed, then a Whig legislature might instruct a Senator who had been elected by a Democratic legislature might instruct a Senator who had been elected by a Democratic legislature might instruct a Senator who had been elected by a Democratic legislature might instruct a Senator who had been elected by one body of one school of politics, for the express purpose of advocating the policies of that school of politics, instructed by another legislature to nullify the policies to which he had pledged himself, and in favor of which he was instructed by the body which elected him.

Leaving, however, the old argument in the old time out of consideration, I can not, under the new régime, where the people of Mississippi elect their own Senators by instructing the legislature for whom they shall vote, let pass a new assertion, under entirely new conditions, of a former and a questioned right. As legislatures no longer elect Senators in Mississippi, except pro forma, they no longer have the right to instruct them, even if they ever had it, which is a disputable proposition.

For fear my compliance with your wish to get leave to insert your resolutions in the Conguessional Record, under the phaseology of your last resolution, might be tortured in the future into a precedent, and quoted as such, I write this letter to say that I have concluded to regard your so-called "instructions" as a request made to me upon your part, and so regarding it shall comply with it, as I would with almost any other request of any Legislature of the State of Mississippi. I have thought this statement due, not so much to myself as to the people of the State, who are my masters and yours, and no less yours than mine.

I would request that this letter be spread upon your record or journal, so that for future time my compliance with your wish may not be to

pression of regard, Very truly, yours,

JOHN SHARP WILLIAMS.

REPORTS OF COMMITTEES.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 3622) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries, reported it with an amendment and submitted a report (No. 259) thereon. Mr. REED, from the Committee on Commerce, to which was

referred the joint resolution (S. J. Res. 69) authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States, reported it without amendment and submitted a report (No. 260) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 4651) to amend section 171 of the penal laws of the United States, approved March 4, 1909, reported it without amendment and submitted a report (No. 261) thereon.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the bill (S. 4029) to amend chapter 11 of the judicial code, reported it without amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. KERN:

A bill (S. 4842) granting an increase of pension to Oliver P. Stout (with accompanying papers); to the Committee on Pensions.

By Mr. BRYAN:

A bill (S. 4843) requiring the Commissioner of Pensions to include in his annual reports certain information relative to pensions; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4844) to provide for the construction and operation of a railroad in Alaska, and for other purposes; to the Committee on Public Lands.

A bill (S. 4845) authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation

A bill (S. 4846) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington;

A bill (S. 4847) providing for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound; and

A bill (S. 4848) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Commerce.

A bill (S. 4849) providing for the appointment of an assistant treasurer of the United States at the city of Seattle, in the State of Washington; to the Committee on Finance.

A bill (S. 4850) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine fishery interests of that region: to the Committee on Fisheries.

A bill (S. 4851) granting travel pay and subsistence to Joseph F. Dwelley; to the Committee on Military Affairs,

A bill (S. 4852) to provide a site and erect a public building at Anacortes, Wash.; and

A bill (S. 4853) to provide a site and erect a public building at Chehalis, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 4854) to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of the Barry farm, and for other purposes (with accompanying papers); and

A bill (S. 4855) to amend Subchapter I, relating to institutions of learning, and Subchapter III, relating to societies, benevolent, educational, etc., of Chapter XVIII of "An act to establish a code of law for the District of Columbia," approved March 3, 1901 (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 4856) to amend sections 6 and 7 of the pure-food act of June 30, 1906, and for other purposes (with accompanying papers); to the Committee on Manufactures.

By Mr. CULLOM:

A bill (S. 4857) for the relief of William Leech; to the Committee on Claims.

A bill (S. 4858) granting an increase of pension to William N. Rutledge (with accompanying papers); and

A bill (S. 4859) granting a pension to James Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 4860) to satisfy certain claims against the Government arising under the Navy Department (with accompanying papers); to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 4861) to provide for tolls for the use of the Panama Canal, and for other purposes; to the Committee on Interoceanic Canals.

By Mr. DIXON:

A bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes; to the Committee on Irrigation and Reclama-tion of Arid Lands.

By Mr. NELSON: A bill (S. 4863) granting an increase of pension to Jacob B. Copley (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER: A bill (S. 4864) granting an increase of pension to William

Kenny; to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 4865) to carry out the findings of the Court of Claims in the case of B. Klucny; to the Committee on Claims. By Mr. GAMBLE:

A bill (S. 4866) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907"; and

A bill (S. 4867) to authorize the Secretary of the Interior to use the proceeds from the sale of certain lands within the Coeur d'Alene Reservation for the benefit of the Coeur d'Alene Indians; to the Committee on Indian Affairs.

By Mr. PAGE:

(By request.) A bill (S. 4868) to provide for the grading and improving of Pennsylvania Avenue SE. from Bowen Road to the District line; to the Committee on the District of Columbia.

A bill (S. 4869) granting an increase of pension to David R.

Mullikin (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:
A bill (S. 4870) granting an increase of pension to William
H. De Kay; to the Committee on Pensions.
By Mr. SHIVELY:

A bill (S. 4871) for the relief of Thomas J. Keith; to the Committee on Claims

A bill (S. 4872) granting an increase of pension to Garret Patterson;

A bill (S. 4873) granting an increase of pension to Jacob Shrode; and

A bill (S. 4874) granting a pension to Josephine Owens (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:
A bill (S. 4875) granting a pension to Frank D. Lasher; and
A bill (S. 4876) granting a pension to Catherine Downs; to
the Committee on Pensions.

By Mr. CURTIS: A bill (S. 4877) for the relief of Sylvester P. Hill; to the Committee on Military Affairs.

By Mr. DU PONT: A bill (S. 4878) granting an increase of pension to Elizabeth Canby Breese; and

A bill (S. 4879) granting an increase of pension to Frances Doherty; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4880) granting an increase of pension to Olive C. Morrill (with accompanying paper); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 4881) to increase the limit of cost of the Federal building and site at McAlester, Okla.;

A bill (S. 4882) to increase the limit of cost of the Federal

building and site at Chickasha, Okla.;

A bill (S. 4883) to provide for the erection of a public building at Shawnee, Okla.;

A bill (S. 4884) to provide for the erection of a public building at Bartlesville, Okla.;

A bill (S. 4885) to provide for the erection of a public build-

ing at Sapulpa, Okla.; A bill (S. 4886) to provide for the erection of a public build-

ing at Okmulgee, Okla.;
A bill (S. 4887) to provide for the erection of a public build-

ing at Anadarko, Okla.;
A bill (S. 4888) to provide for the erection of a public building at Pauls Valley, Okla.;

A bill (S. 4889) to provide for the erection of a public building at Norman, Okla.;

A bill (S. 4890) to provide for the erection of a public build-

ing at Claremore, Okla.;
A bill (S. 4891) to provide for the erection of a public building at Mangum, Okla.;

A bill (S. 4892) to provide for the erection of a public build-

ing at Chandler, Okla.; A bill (S. 4893) to provide for the erection of a public build-

ing at Ada, Okla.;

A bill (S. 4894) to provide for the erection of a public building at Wagoner, Okla.;

A bill (S. 4895) to provide for the erection of a public building at Woodward, Okla.;
A bill (S. 4896) to provide for the erection of a public build-

ing at Nowata, Okla.;

A bill (S. 4897) to provide for the erection of a public building at Pawhuska, Okla.;
A bill (S. 4898) to provide for the erection of a public build-

ing at Hugo, Okla.;
A bill (S. 4899) to provide for the erection of a public build-

ing at Clinton, Okla.;

A bill (S. 4900) to provide for the erection of a public build-

ing at Altus, Okla.;
A bill (8, 4901) to provide for the erection of a public building at Frederick, Okla.;
A bill (8, 4902) to provide for the erection of a public build-

ing at Elk City, Okla.;
A bill (S. 4903) to provide for the erection of a public build-

ing at Vinita, Okla.;

A bill (S. 4904) to provide for the erection of a public building at Hobart, Okla.; and

A bill (S. 4905) to provide for the erection of a public building at Durant, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. PAYNTER:

A bill (S. 4906) granting a pension to Irene J. Reed; A bill (S. 4907) granting a pension to W. B. Showalter;

A bill (S. 4908) granting an increase of pension to Henry K.

Brawner; and A bill (S. 4909) granting an increase of pension to John Burton (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 4910) for the relief of William Cotter; to the Committee on Military Affairs.

By Mr. GORE: A bill (S. 4911) to increase the limit of cost of the Federal building and site at Ardmore, Okla.; and

A bill (S. 4912) to increase the limit of cost of the Federal building and site at Oklahoma City, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN: A bill (S. 4913) to enable the Indians allotted lands in sevegalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow; to the Committee on Indian Affairs.

A bill (S. 4914) granting an increase of pension to George A. Wageck (with accompanying paper); to the Committee on

Pensions.

By Mr. GAMBLE:

A bill (S. 4915) for the relief of the Winnebago Indians of Wisconsin; to the Committee on Indian Affairs.

bill (S. 4916) granting a pension to Jennie M. Osgood (with accompanying papers);

A bill (S. 4917) granting an increase of pension to G. G. Seger (with accompanying papers); and

A bill (S. 4918) granting an increase of pension to Benjamin F. Whitehouse (with accompanying papers); to the Committee on Pensions

By Mr. DIXON:
A joint resolution (S. J. Res. 71) authorizing the State of Montana to take timber from the Deerlodge National Forest for certain purposes; to the Committee on Public Lands.

By Mr. LODGE:

A joint resolution (S. J. Res. 72) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations; to the Committee on Foreign Relations.

WEATHER BUREAU STATION, MUSKOGEE, OKLA.

Mr. OWEN submitted an amendment proposing to appropriate \$25,000 for the establishment, equipment, and maintenance of a weather bureau station at Muskogee, Okla., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PLANT INVESTMENT CO.

Mr. BRISTOW. I desire to enter a motion to reconsider the vote by which the bill (S. 3087) for the relief of the Plant Investment Co., of New York, N. Y., was ordered to a third reading and passed on last Thursday.

The VICE PRESIDENT. The motion to reconsider will be

entered.

Mr. BRISTOW. I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appro-

The following bills were severally read twice by their titles

and referred to the Committee on Pensions:

H. R. 18335. An act granting pensions and increase of pensions certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

H. R. 18336. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed.

The calendar is in order under Rule VIII.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

The VICE PRESIDENT. The bill was read in full July 8, 1911, and it has been amended. It is now in Committee of the Whole and open to amendment.

Mr. WARREN. I am very certain the chairman of the committee having charge of the bill wishes to be here when it is So I ask that it may go over without prejudice.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. Let that bill go over. The VICE PRESIDENT. The bill goes over.

The resolution (S. Con. Res. 4) instructing the Attorney Gen-

eral of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.
The VICE PRESIDENT. The resolution goes over.
Mr. HEYBURN. That is pending on a motion to refer.

Mr. SMOOT. I believe the Senator who introduced the reso-Intion asked the last time the calendar was up that the resolution go over.

Mr. HEYBURN. I have no objection to its going over. The VICE PRESIDENT. The resolution goes over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in

Mr. SMOOT. Let that go over, Mr. President. The VICE PRESIDENT. The bill goes over.

The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

was announced as next in order.
The VICE PRESIDENT. The bill has been heretofore read in full. It is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be

offered, the bill will be reported to the Senate. Mr. SMOOT. I do not object to the consideration of this bill, but I think it is due the Senator from Georgia [Mr. SMITH] to call his attention to the fact that the bill is now under con-

The VICE PRESIDENT. The bill will be reported to the

The bill was reported to the Senate without amendment.

Mr. HEYBURN. I have an amendment to offer.
Mr. SMITH of Georgia. Mr. President, I ask that the bill
go over. I do this with the sanction of the chairman of the
Committee on Pensions [Mr. McCumber].

The VICE PRESIDENT. The bill goes over.
Mr. SMITH of Georgia. I also ask that the other pension bills on the calendar go over, and that when they are hereafter taken up the Chair will call my attention to the fact.

The bill (S. 3160) to establish at Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes, was announced as next in order.

Mr. JOHNSON of Maine. I ask that that bill go over.
The VICE PRESIDENT. The bill goes over.
The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President. The VICE PRESIDENT. The bill goes over.

Mr. STONE. I hope the bill will not go over unless some one insists. I should like to have it taken up.

The VICE PRESIDENT. A request was made that the bill

go over.

Mr. SMOOT. I should like to say to the Senator from Missouri that I directed a letter to the Secretary of the Treasury in connection with this bill, and I expect an answer now any day. Just as soon as I receive that answer, I shall call attention to it.

Mr. STONE. If the Senator desires to have the bill go

Mr. SMOOT. Yes; I should like to have the bill go over. The VICE PRESIDENT. The bill goes over.

The bill (S. 4050) for the relief of Catherine Ratchford was announced as next in order.

Mr. CURTIS. Mr. President, let that bill go over. I have called for information in relation to it.

The VICE PRESIDENT. The bill goes over

The bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of

Government publications was announced as next in order.

Mr. SMOOT. I ask that that bill go over for to-day.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiciable controversies or disputes was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The resolution goes over.

MESSENGER FOR COMMITTEE ON MINES AND MINING.

The resolution (S. Res. 184) authorizing the Committee on Mines and Mining to employ a messenger was announced as next in order.

Mr. LODGE. Mr. President, that resolution went over on the objection of the Senator from Wyoming [Mr. WARREN], and I know he desires to offer an amendment to it, as it contains a clause to which he objects.

Mr. WARREN. I ask that the resolution may be read. The VICE PRESIDENT. The Secretary will read the resolu-

The Secretary read the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate on the 17th instant, as follows:

Resolved, That the Committee on Mines and Mining is hereby authorized to employ a messenger at a salary of \$1,200 per annum, to be paid from the contingent fund of the Senate until otherwise provided for

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARREN. I move to strike out the last portion of the solution, which reads, "until otherwise provided for by resolution, which reads,

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. In lines 5 and 6 of the resolution it is proposed to strike out the words "until otherwise provided for by law.'

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS PASSED OVER.

The bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was

announced as next in order.

The VICE PRESIDENT. The Chair understands that that goes over under the request made by the Senator from Georgia

[Mr. SMITH].

The bill (S. 4624) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

The VICE PRESIDENT. That bill likewise goes over, at the

request of the Senator from Georgia [Mr. SMITH].

The bill (S. 1014) for the relief of the Ottawa Indian Tribe of Blanchard Fork and Rouch de Boeuf was announced as next

Mr. CURTIS. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. LODGE. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

SURPLUS LANDS IN STANDING ROCK INDIAN RESERVATION.

The bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on Indian Affairs with an amendment.
The VICE PRESIDENT. The amendment reported by the

Committee on Indian Affairs will be stated.

Mr. BACON. I desire to ask the Senator from South Dakota some questions. I do not know whether to ask him before the amendment is presented to the Senate or not.

Mr. GAMBLE. It is simply a clerical error. It does not matter whether the Senator propounds his questions now or later.

Mr. BACON. If it is merely a clerical matter, I will propound my questions first.

I confess, speaking generally, that I know nothing about Indian affairs. I have never been on that committee, and there is none of that property involved in by section, but I do recall the fact that the Senator from South Dakota has had passed within the last several sessions quite a number of these laws, and I remember that in the discussions which have ensued there has been developed the fact that very large sums of money were involved and that in several instances, where there were

large exchanges of land, there was some very important things that required very close attention on the part of the Senate.

I do not mean to suggest that there is anything in this bill to which I would object; there may not be; but I do think it is a matter of sufficient importance to have a full explanation

on the part of the Senator from South Dakota.

I will illustrate to him as somewhat of an indication of the matters upon which I desire to have some information: I would like to know in the first place how much in the way of territory is involved in this bill. I want to know of just how much of the proceeds or the benefits derived from the sales of these lands, by exchange or otherwise, the Indians are to be the direct beneficiaries?

Then I want to know how many others, if the Senator pleases, are to be beneficiaries under this bill, whether they be those

interested in educational matters or otherwise.

I think we are entitled, in view of the fact that it is public domain and that this is not simply a mere sale, where the settlers will buy and where the Indians will receive the money, but where from the reading of the bill, as I gather, there are a good many involved matters, to know from the Senator what is the fact about those matters and others. I think the bill ought to be fully explained to the Senate.

Mr. GAMBLE, Mr. President, the total area involved in the present bill embraces 1,131,280 acres of land. That part of the area within the State of South Dakota embraces 748,880 acres

and in North Dakota 564,480 acres.

Some four years ago about one-half of the Standing Rock Indian Reservation, embracing lands almost entirely within the State of South Dakota, a slight portion being in North Dakota, were opened to settlement. By this it is proposed to open to settlement all of the remaining lands on this reservation, aggregating the acreage which I stated, and embraces lands in both of these States. This bill is identical in its provisions, with only one slight and unimportant modification as to the selection of school lands where sections 16 or 36 have been taken by allotments to Indians, to the one that passed the Senate during the last Congress and to which the attention of the senior Senator from Georgia was attracted at the time and was a subject of discussion. A bill identical in form passed the Senate last week for the opening to settlement of the remaining lands upon the Cheyenne Indian Reservation, immediately south of the area embraced within the provisions of the pending measure and with an acreage substantially the same as this. This measure also passed the Senate during the last Congress, but neither bill passed the House during that Congress. As a result, the bill is again here for consideration.

In the first instance, all the Indians upon this reservation who have not already received allotments will, under the provisions of this bill, be given allotments before the lands are opened to settlement. All the remaining and unallotted lands, except the school lands reserved to the respective States, are opened, too, through authority given in the bill, by proclamation issued by the President of the United States. The bill further provides that a commission, consisting of three members, shall be appointed by the President to appraise and classify the lands to be opened. The Indians are represented thereon by some one holding tribal relations with the tribe. The Interior Department is also represented on the commission. A resident citizen of each State, respectively, is made a member of the commission, and each to act only while the lands in the respective States are under consideration. The commission must complete its work within six months from its organization, and the appraisement and classification so made are subject to the approval of the Secretary of the Interior.

The settlers who file upon the lands thus opened must pay at the time of filing one-fifth of the appraised price in cash. Within two years thereafter one-fifth of the balance is paid annually until the whole amount due is liquidated. final payment must be made within six years from the date of filing. The Government acts solely as the trustee for the Indians in disposing of the lands. In no sense is the Government responsible to the Indians or to the settler. If the settler does not make payment in compliance with the law, he forfeits his rights, loses his land, and the payments theretofore made inure to the benefit of the Indians. The amounts so paid by the settlers are placed in the Federal Treasury to the credit of the tribe and interest at the rate of 3 per cent is paid thereon, as provided by the terms of the bill.

Under the enabling act by which the State was admitted into the Union the school sections were granted to the State, and the State is given under this bill the right to take sections 16 and 36 in each township, as was provided by the organic act, and the Government pays the Indians therefor. No regard is or has been paid by the Government in the matter of allotments

as regards sections 16 and 36. Frequently these sections, or parts of them, are taken by Indians, and where they are thus lost to the State by being so taken, then the State is given the right to take another section, or part of a section, in lieu thereof, as the case may be.

Mr. OVERMAN. Do I understand the Senator from South

Dakota to say that the lands going to the State as school lands are to be paid for out of the Public Treasury?

Mr. GAMBLE. Out of the Public Treasury. That is the agreement under the enabling act, and that has been the uniform practice heretofore.

Mr. OVERMAN. The Senator says that has been the prac-

Mr. GAMBLE. Yes; and it has been uniformly followed. I think that covers all of the substantial features of the bill.

Mr. BACON. Mr. President, I understand the explanation of the Senator from South Dakota to be to the effect that the lands are to be sold and the Indians will get the benefit of the proceeds, and then there are provision as to settlers by which they will receive their title, and so forth. I have not had op-portunity to look over the bill. I did not know until the Senator made the statement that it is the same bill that we had up in the last Congress. I recognized that it had many of the same features, and I recollected somewhat indistinctly that when we had the bill up before us in the last Congress the thing about which there was the greatest discussion was—

Mr. GAMBLE. Land lotteries.

Mr. BACON. The large sum of money which would go to the

Am I not correct about that?

GAMBLE. No; I think not. Because the amount named in this bill is the same sum that was in the bill when it formerly was under consideration. I might say after this bill in the first instance was introduced it was submitted by a special agent of the Interior Department to the Indians of this reservation, and its provisions were agreed to by them. Some suggestions were made by the Indians as to modifications, and these were considered by the department, and most of them were made a part of the bill. It is identical in its provisions with the former bill, except as it applies to the school sections, as I have heretofore suggested.

Mr. BACON. The Senator states that under the enabling act certain sections were reserved for the public-school system

of the State

Mr. GAMBLE. Yes; and granted to the State by the act. Mr. BACON. By the enabling act, specifying sections 16 and 36?

Mr. GAMBLE. Yes, sir.
Mr. BACON. Very well. The question I want to ask the
Senator is this: I understand from the Senator that if any of these sections 16 and 36 have already been allotted to the Indians, the State, under authority of this bill, is authorized to proceed to make selections of other locations in lieu thereof.

Mr. GAMBLE. Yes, sir. Mr. BACON. I presume there is a considerable difference in the value of some of those sections of land.

Mr. GAMBLE. They must be selected under the direction of

the Secretary of the Interior-

Mr. BACON. What? Mr. GAMBLE. That is, the selections are to be made by the governor of the State, or through his representative, and these selections must be approved by the Secretary of the Interior. Mr. BACON. Is there any provision that the lands shall be

of like value?

Mr. GAMBLE. No; there is not, because the approval of the Secretary of the Interior is required, and this would be a protection in that regard.

Mr. BACON. Does not the Senator think there should be a

provision that the lands should be of like value?

Mr. GAMBLE. I hardly think so, because the proposition would be this: The Indians have already selected the school lands, for the reason, undoubtedly, they are the best. Then to all the remaining Indians lands have been allotted, and the poorer class of land remains, from which the selection must be made, so that in no event would it be better lands than that taken

Mr. BACON. If in no event there could be a better selection, there would not be any harm done to North Dakota or South Dakota, as the case may be, if there was a provision that the lands selected should not exceed in value those in sections 16 or 36, of which the State had been deprived.

Mr. GAMBLE. I would have no objection to such an amendment. At the same time, the bill is guarded in that respect for the reason that the selections must be approved by the Secretary of the Interior, and in that way the Indians would be protected.

Mr. BACON. I desire to ask the Senator further if there are any other lands, except sections 16 and 36 or those which may be chosen in place thereof, the proceeds of which, or the lands themselves, go to any other persons than to the Indians.

Mr. GAMBLE. No, sir. There is a provision in regard to

town sites.

Mr. BACON. Very well. Mr. GAMBLE. They would be selected and reserved for town-site purposes by the Secretary of the Interior. From the sale of the lots there is a reservation of 20 per cent, which goes to the benefit of the town with which to build schoolhouses or to make public improvements for the local community. But all the proceeds except the 20 per cent go to the Indians.

Mr. BACON. Do not the towns get the proceeds of sections 16 and 36 in the same way?

Mr. GAMBLE. No; that does not apply in the same way. The lots are sold by the Government for the benefit of the Indians and the money turned into the Federal Treasury for their benefit. This was thought a wise provision. It had the approval of the Secretary of the Interior and was, as I recall it, suggested as an amendment by the department. This is the usual provision found in bills of this character for the past few

Mr. BACON. The Senator does not catch my question, or, possibly, I am infelicitous in its expression. The enabling act gives to the State of South Dakota sections 16 and 36 for public

school purposes.

Mr. GAMBLE. Yes, sir. Mr. BACON. Now, that is not limited to the area of South Dakota outside of the municipal organizations, is it? In other

Mr. GAMBLE. It is sections 16 and 36, and it is so provided by the enabling act. Now, these town sites or towns that may be laid out will not be laid out on sections 16 and 36. They

will be located elsewhere.

If the Senator would permit me to state the question before he replies possibly it would save time. I am asking a specific question, and it is merely for information. That is whether the enabling act which sets aside sections 16 and 36 limits the benefit of that provision to outside of the town sites or towns, whichever you may call them, or whether the towns or townships are not entitled to their regular proportion of sections 16 and 36, the same as any other.

Mr. GAMBLE. They are.
Mr. BACON. Then, the purpose here is to go beyond the provisions of the enabling act, which gives sections 16 and 36 of whatever subdivision or whatever name it may be given-

Mr. GAMBLE. The township.

Mr. BACON. To the township for the purpose of public schools, and now proposes, wherever there is a town laid, in addition it shall have 20 per cent of the proceeds. In other words, that is taken from the Indians.

Mr. GAMBLE. In the opening of the lands on this reserva-tion about four years ago the area opened then was substan-

tially the same as is here proposed.

I think there were only two or three Government town sites reserved, with an area of probably 80 acres each; I do not re-call the size—at least not over a hundred and sixty acres; and it was thought wise by the department, and it was suggested by the department, that in the sale of the town lots, under new conditions, with no opportunity for the levy of taxes, that at first 20 per cent might be reserved for the benefit of the community in the building of schoolhouses. There is also a provision reserving a small area for a park.

Mr. BACON. That would depend a great deal upon the number of towns laid off.
Mr. GAMBLE. That would be done by the Secretary of the Interior, so that there would be no hardship or imposition practiced upon the Indians.

Mr. BACON. That may be done by the Secretary of the Interior, but it is our business to pass laws, and we ought not to include in a law any improper provisions on the theory that the danger will be minimized by giving to the Secretary of the Interior opportunity to concur or nonconcur.

I do not like to interfere in a matter which does not par-ticularly concern me. I am not on the committee. As I said in the beginning, I know little or nothing about the conditions relating to Indian affairs, and I am not in one of the States where that question can possibly be raised, because in my State the Government has never owned any land except such as has been ceded to it for public buildings, and so forth. But I re-call, Mr. President, the debate in the last Congress when there were very substantial objections made to the Senator's bill, and in the absence of objection to its consideration, I have taken

the responsibility of at least calling attention to it. I do not propose to make myself officious in the matter by offering an amendment or anything else. I do say, however, it strikes me that when the Government has set apart sections 16 and 36 for public educational purposes in every township it has acted very liberally. Some people have challenged the propriety of this setting apart of the public domain for the special benefit of the States organized within which this public domain may be situated. I confess I have been myself disposed to recognize the impropriety of such a grant to the States. But that question was passed upon when the enabling act was passed. The liberal provision of two sections in every township was made, and now this is just that much money taken away from those Indians.

Mr. GAMBLE. In my judgment there would be no loss to the Indians, because the proceeds go to them, with the excep-

tion of the amount named.

Mr. DIXON. Will the Senator from Georgia let me cite him a concrete example, by the permission of the Senator from South Dakota? If the Senator was more familiar with the conditions attending the opening of Indian lands to white settlement, I think he would say instead of 20 per cent it ought to be 40 per cent.

The section to which the Senator called attention, and to which he finds some objection, merely provides that when these town sites on the Indian lands are sold the proceeds shall go into Indian funds, credited to them, but that 20 per cent of the proceeds of the sales of the town lots shall go into the school fund to build schoolhouses at these new towns.

Mr. BACON. And parks.
Mr. DIXON. I want to say to the Senator from Georgia I recall personally a case where an Indian reservation was opened without such a provision. The people take up these lands, paying for the same in five annual installments, with the result that there is little taxable land for that length of time. There is no taxable property in those counties, and but little personal property, for four or five years to come. The lands are settled, with hundreds of children demanding school facilities and with no property taxable in the county. This provision merely takes 20 per cent of the proceeds from the sale of the town site to build schoolhouses for the white and Indian children in that locality.

I had a letter the other day from an Indian reservation opened in my State without this wise provision. The there are 300 Indian children in that school district. have no money in the public-school fund for the reason that there is little assessable property. They are asking the department here to help them to the extent of \$100 a month to take care of these wards of the Government.

Mr. BACON. Will the Senator allow me to ask him a question?

Mr. DIXON. Certainly. Mr. BACON. Why does not the State of Montana provide for its public schools?

Mr. DIXON. It does; but the counties levy their own school funds. In the counties opened in the Indian country there is We appropriated last year \$250,000 for no taxable property. We appropriated last year \$250,000 for Indian counties in Oklahoma where the title was held under trust patents, and not one acre in twenty in the county was subject to taxation. It leaves whole counties without any funds to carry on their local public schools. For that reason the department is now recommending that 20 per cent of the proceeds of the town sites shall be devoted to school purposes.

Mr. BAILEY. They do take it away from the Indian.
Mr. DIXON. The Indian participates in the schools.
Mr. BAILEY. But he furnishes what he participates in while the others participate in what they do not furnish. This is a proposition to sell the Indian's property even against his

Mr. DIXON. They are very happy to do it in this case.
Mr. BAILEY. Very often it is done against the will of the
Indian, and the land is opened to white settlers. Now, you take 20 per cent of this particular property.
Mr. GAMBLE. Only town sites.

Mr. BAILEY. I understand. You take 20 per cent of this particular property and devote it to the education of his own children and the children of those who come to acquire his lands which have been opened for settlement.

As far as I am concerned, if this was land belonging to the United States, I would be willing to give it all to the State in which it is situated. I think we are wasting that estate, and I have said so repeatedly; but I am not willing to compel the Indians to give it away, for they will need the whole price of this land a long time before they are able to compete against those white people who will come in there to occupy it.

Mr. DIXON. If the Senator from Texas will permit me, these Indians form the richest community of Indians in the United States outside of Oklahoma.

Mr. BAILEY. They may be, but when the white men are there long enough they will not be. That has been the history

Mr. DIXON. The schools are for the white and the Indian children also.

Mr. BAILEY. But the white man is to have the benefit of the school for which the Indian pays. I am willing to see all they have taxed in common with everybody else in that community, and if it be true that they are richer than the others, then it would happen, as it ought to happen, that the richest men pay the highest tax, and they would contribute more, man for man, than their white neighbors, because they would pay according to their property, which is the proper basis of tax-

Mr. DIXON. Let me say to the Senator from Texas, under this law, and every other act opening Indian reservations to settlement, the Indian land is not taxed for 25 years.

Mr. BAILEY. It will not be safe for the Senator to say that. They exempted it in the State of Oklahoma and now the State has levied a tax upon them, and I have recently been consulted by some of those who are contesting the tax which is now levied upon their allotments.

Mr. DIXON. I say to the Senator from Texas that-

Mr. BAILEY. So it is not safe to say they will not be

Mr. DIXON. Let me say to the Senator from Texas I do not know what the statute was in Oklahoma, but-

Mr. BAILEY. They originally took their allotments under a specific agreement that they should be exempt from taxation for a term of years.

Mr. DIXON. In this case the Government is withholding the fee-simple title for 25 years. You leave a whole county with nothing to assess for taxes, and consequently no way of raising money to run the public schools. It is a godsend to the Indians to do this.

Under the conditions which follow the opening of Indian lands to settlement it leaves the whole community with no taxable property, and this merely provides for taking 20 per cent of the moneys arising from the sale of two town sites to supplement the school funds of those communities.

Mr. BACON. Do they get part of the sixteenth and thirtysixth sections?

Mr. DIXON. That goes to the general school fund of the State.

Mr. BACON. They participate in their part of it?
Mr. DIXON. They do whenever it is sold; but it may be 20

years before there is any sale of land. You are merely providing temporary means for carrying on public schools in those localities where there is nothing to tax.

Mr. BAILEY. Let us not take it out of the pockets of a fraction of the people of the State. South Dakota, I am sure, will be perfectly willing to educate her own children.

Mr. President, it is a poor tribute to the white race for us to say in Congress that the Indians must educate them.

Mr. GAMBLE. Mr. President, the proposition is this—
Mr. BAILEY. Let us strike this out.
Mr. GAMBLE. No; I think it is a very wise provision.
Mr. BAILEY. Is it wise to make the Indian bear the white man's burdens?

Mr. GAMBLE. Here is a town site, sold by lots. Purchasers come and buy-

Mr. BAILEY. Those lots will be taxable, will they not? Mr. GAMBLE. They will be taxable. What are you going

to do in the first instance?

Mr. BAILEY. Let the State of South Dakota provide for it. Mr. GAMBLE. There is no provision made in regard to it. It will be at least a year or a year and a half or two years before they can be realized upon. Purchasers going there, knowing that there will be school buildings and accommodations for their children, will give 20 per cent.

Mr. DIXON. One hundred per cent more.

Mr. GAMBLE. Or 100 per cent more than the property would otherwise sell for.

Mr. BAILEY. It is the uncarned increment, then, which you are after. These gentlemen feel that the influx of the white population is going to enhance the value of the Indians' land, and they proceed to take 20 per cent of it to educate their

Mr. President, that is not fair. I would not say it is not honest, because these Senators advocate it, and of course they would not advocate anything that they did not believe to be

both honest and fair, but they will pardon me for saying that it is not fair to take what belongs to the Indians and devote it to the education of the white children attracted there by the sale of the Indian property.

Mr. GAMBLE. The Indians participate in it. Mr. BAHLEY. I understand that they are furnishing the entire fund and only enjoying a participation in it.

Mr. GAMBLE. It is due to the energy of the white men who come in and develop the property, and with these inducements held out the property would sell for much more.

Mr. BAILEY. And by the energy of the white man he will not only develop his part, but he will take the Indian's part, too. Mr. LODGE. Mr. President-

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.
Mr. LODGE. I only desire to ask a question of the Senator from Texas. He said 20 per cent of the amount would be devoted to Indian education; I understood it to be for town im-

Mr. GAMBLE. No; to public schools— Mr. LODGE. Sections 16 and 36. Mr. GAMBLE. For the benefit of the communities.

Mr. BAILEY. But the difference between sections 16 and 36 is that the Government is there giving its own property, which it has a perfect right to do. Here it is giving the Indian's property, which it has no right to do. Mr. GAMBLE. Mr. President—

Mr. BACON. I have the floor, and I desire to say one word.

The VICE PRESIDENT. The Senator from Georgia being entitled to the floor can say the one word.

Mr. BACON. The vital distinction between the enabling act and this law is that the enabling act set apart sections 16 and 36 for public-school purposes. This sets it apart not for public-school purposes only, but for the construction of schoolhouses, or public buildings, or other improvements in the town sites in which such lots are located; and the Senator from South Dakota went still further and included parks among the purposes to which one-fifth of the entire proceeds of these town-site lots should be devoted.

Mr. GAMBLE. It could be used for that purpose

I might say in reply that this agreement and bill were submitted to the Indians upon the reservation and it was entirely satisfactory to them.

Mr. BACON. If the Senator will pardon me, one of the most common things I have listened to in the discussion on Indian affairs since I have been in the Senate, and in which I have not participated, has been the denunciation of contracts made with the Indians in which gross injustice has been done to them, where they were not exactly free agents when they made the agreements.

Mr. BAILEY. I want to supplement the distinction which the Senator from Georgia has made. I have pointed out already that a further distinction is that in the case of sections granted under the enabling act for educational purposes the Government was giving its own property; and here the Government is giving the Indians' property.

Mr. GAMBLE. It is a matter of very little consequence. Mr. BAILEY. Then strike it out.

Mr. HEYBURN. Mr. President—
Mr. GAMBLE. It is a matter that has been recommended
by the department. There are probably only two town sites covered. I believe it is a wise provision.

Mr. BAILEY. It is a bad thing to cheat the Indian when the price is worth the trouble. It is indefensible from every point of view to cheat him in a small matter.

Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. I want to call the Senator's attention to the fact that the suggestion that the Indians participating in the benefits of the schools provided to be established and maintained by this act has no foundation. The Indians do not live in towns, and it is not contemplated that they shall live in towns. They have taken their allotments in the country. The towns will afford the Indians neither comfort nor maintenance. So this proposition to appropriate 20 per cent for the maintenance of schools and other improvements in the towns is exclusive of the Indians. I will, with the permission of the Senate, say something in addition to that when I have the floor.

Mr. BACON. Mr. President, I have accomplished the purpose I had in view, which was to call the attention of the Senate to it in order that those who are more familiar with this

matter than I am may develop it. I think myself it is utterly and absolutely indefensible that we should take one-fifth of the choicest part of that which is to be put on the market, to wit, town sites, and take it away from the Indians when under the previous enactment with them we solemnly said they should have all except sections 16 and 36. That is all I desire

Mr. HEYBURN. Mr. President, on a former occasion, when the garments were being divided, I suggested that in the interest of equity the Indian should have some fund or provision for the establishment and maintenance of schools that would be where they live, in the country. This bill strips the Indian of every possible opportunity of either establishing or maintain-ing public schools on the reservation. It takes away from them the sixteenth and thirty-sixth sections that are located in the immediate vicinity of the place where they are to live upon the allotments and sells them and puts the money in the Treasury, beyond the reach of the Indians. No allotment of land should be made to Indians, no reservation should be made, without providing for an adequate educational opportunity. These Indians number many thousands.

Mr. BACON. Mr. President, if the Senator will pardon me, before he resumes I want to call attention to another provision in the bill that had escaped me.

Mr. HEYBURN. Yes. Mr. BACON. In fact, I had not had an opportunity to read the bill. In addition to the one-fifth of the proceeds of the sale of these lots there is this provision made, by which some of this additional part of the property will be taken from these Indians:

And he is-

That is, the Secretary of the Interiorhereby authorized to set apart-

I will state first that there is a provision that he shall select such parts or areas of these public lands as he may deem proper for future towns, and so forth, set them apart, cause them to be surveyed in lots and blocks, and so forth. Then the bill pro-

And he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued by the Secretary of the Interior for the lands so set apart and reserved for school, park, and other purposes to the municipality legally charged with the care and custody of lands donated for such purposes upon receiving satisfactory evidence that said towns have been duly incorporated.

In addition to having one-fifth of all the proceeds of the sale of the lots they are to have 10 acres of additional land.

think both those items ought to be stricken out.

Mr. GAMBLE. I will say to the Senator from Georgia that provision has already been made for the education of the Indians upon these reservations. Day schools are provided; teachers are employed; the different churches have separate schools which are maintained. This bill in no sense interferes with the existing law or the rights of these particular Indians. the schoolhouses are built and schools maintained, the Indian children will have just as good a right to go to the common schools as the white children; and such is the practice in certain parts of my own State.

Mr. HEYBURN. I should like the Senator to point out the provision of law under which the common schools are main-

tained for the benefit of the Indians.

Mr. GAMBLE. I say that is the practice in our State, where schools are maintained on lands that theretofore belonged to

Mr. HEYBURN. But the Senator uses the term "common

I am speaking of common schools on both Mr. GAMBLE. the Sisseton and Yankton reservations. The Indians recently made protests against the construction of a central school at the Yankton Agency, which had been destroyed by fire, because they preferred to send their children to the public schools in the county.

Mr. HEYBURN. What was done with the protest?

Mr. GAMBLE. I think it was respected.

Mr. HEYBURN. Mr. President, this question has come under my notice throughout 30 years of close contact with these people; I have lived practically in the Indian country for that long, and I have had an opportunity of observing something in regard to this question of Indian education. In my own State Congress provided for the building of a beautiful structure, absolutely inappropriate to the purpose for which it was built. It cost, I think, some \$80,000, perhaps more. It takes the Indian children away from their homes; takes them from the daily contact with their parents and other members of their families. It clothes them better than they need or desire to be clothed; houses them better than they need or desire to

be housed, and perhaps feeds them better. I do not know about that; but I know that it utterly fails to accomplish the purpose of the common-school education that would be best adapted to the advancement of those children.

I have spoken here many times in favor of the abandonment of these expensive Indian schools and the substitution of the little red schoolhouse at convenient points in the Indian coun-I know how they feel about it. They do not want their children to go away from them for months at a time and come back estranged, with new ideas, in the gathering of which they have not participated. They want their children educated conveniently to their homes, so that they will bring home every night with them that which they have been taught during the day, and that will build up an interchange of thought and idea in the Indian tepee or cabin or whatever the residence may be, so that they may all benefit by it; but when you send an Indian away and isolate him from the family, he begins to regard himself as somewhat superior to those who do not participate in his daily educational processes; he begins to look upon them as rather beneath him, and they begin to resent it. It works a feeling of resentment in the household.

I am not speaking without some facts to substantiate what I say. I am opposed to the centralization of the education of the Indian upon practical grounds. I would abolish every one of these expensive Indian schools that we have been building out of the Treasury, generally out of the Indians' money, against their wishes, not in conformity with their best interest. I would give them the benefit of that class of institutions upon which the civilization of the American people rests-the day school, convenient to the Indians.

Mr. GAMBLE. Mr. President, I would say to the Senator from Idaho that already over the reservation where these lands are to be opened there are day schools maintained and teachers provided, and in no sense will this bill in the slightest degree interfere with that, but those schools will be continued and maintained.

Mr. BAILEY. Indian schools?

Mr. GAMBLE. Indian schools, at least for the time, until development comes, and then the State, under its taxing power, will take up the proposition of the schools and provide and maintain them.

Mr. HEYBURN. Did I not know—
Mr. GAMBLE. I know in the county of Tripp, in what was formerly the Rosebud Reservation, which was opened to settlement only a few years since, this condition prevailed. I was in the county a year and a half ago. It was reported to me 63 new schoolhouses had been built by the local authorities, providing not only for the education of the white children, but for the education of the Indian children on the lands that were opened; and such conditions will exist in this reservation in a very short time.

Mr. HEYBURN. Now, let us not deceive ourselves. Senator from South Dakota is speaking of the lands that were thrown open to settlement under the previous act and that have been settled upon by white people. The Senator sticks to that

statement?

Mr. GAMBLE. I mean to say that on this very reservation there was a large number of Indian schools maintained-coun-

Mr. HEYBURN. By whom? Mr. GAMBLE. By the Interior Department, by the Govern-

Mr. HEYBURN. I know about that.

Mr. President, the Senator from South Dakota is speaking of a very limited condition existing because of local conditions. am speaking of a new condition that is proposed to be created by this act, and I am basing my suggestions upon the experience that we have had with the other reservations, except, perhaps, the one referred to by the Senator from South Dakota and one other, in which there has been a limited number of schools. This bill contains no provision adequate to meet the necessities for the education of either the Indians or the white

Mr. GAMBLE rose.

Mr. HEYBURN. Just a moment. The Indians have taken their allotments, and they are, in a large measure in this as in other cases, you might say, huddled together, for a convenient expression, for the Indians are clannish, as are many other nationalities, and where special providence in the nature of church organizations or charitable people combining have operated upon this community they may have been induced to establish a few schools; but I am speaking of the general condition upon the Indian reservations; and I have no hesitation in saying that this bill makes no adequate provision for either the education of the white people or of the Indians, because it does not leave any room whatever for acquiring a fund to provide for education.

Mr. GAMBLE. Now, Mr. President-Mr. HEYBURN. I should like—

Mr. GAMBLE. I wish to say a word right upon that very I spoke but a moment ago of the Rosebud Reservaproposition. tion and of Tripp County. When the lands were opened and the settlers went in and settled the county, the local laws of the State of South Dakota provided for the organization of a county government. When that is done, then the townships and the county take up the proposition, build and construct schoolhouses, and provide the benefits of the common school, not only for the white children, but for the Indian children.

Mr. HEYBURN. Now, Mr. President— Mr. GAMBLE. Such, Mr. President, has been the case practically all over the western part of the State. These conditions will apply on these lands and in this locality the same as they have in other sections of the State.

Mr. HEYBURN. Mr. President, let us take the suggestions of the Senator from South Dakota and apply them to the provisions of this bill. The title to the land does not pass to the Indians so that the State or county could levy taxes upon either the Indians or the white people in it. The title to the white man under the provisions of this bill is held in suspense for five years. During that time it can not be taxed. There is nothing remaining to be taxed to support the education of either race until the end of five years, except it be an occupation tax, a license tax, or such minor taxes.

Mr. GAMBLE. Oh, no: the provision of the law is that within 14 months commutation can be had.

Mr. HEYBURN. I know; but that is a privilege and not a cuty. They may commute or they may not.

Mr. GAMBLE rose.

Mr. HEYBURN. Now, just let me develop this idea. I will be brief about it and I know about it. We have in our State an Indian reservation, and I know the Indian reservations under consideration. I have been on them, and I know something about them.

These reservations are said to be thrown open. not thrown open at all. The Indians are allotted their lands, then the appraisement takes place, which requires about two years, and then the lands are sold or are offered for sale by lottery, and the persons who buy them have a certain length of time to go upon them—that is, another year. I am speaking from actual observation; I am speaking of the Indians of the Couer d'Alene Indian Reservation. Then these people settle down there free from taxation for any purpose by the State or county; and where is the fund to come from to provide for educational facilities, except-

Mr. GAMBLE. Mr. President-

Mr. HEYBURN. Just a moment-except this provision of 20 per cent to be taken from the Indian's money to educate, not the Indian's children, because he is out on his homestead, on his allotment, but to educate the white people that have come What for? To elevate the Indians? No; to trade with them, and to outtrade them, if they can. They are not only to expend this money of the Indians for building schools and for municipal improvements, but the Indian has no voice in it. Where does the fund come from? I will take the case of the Nez Perce Indian Reservation. There was the city of Nezperce, now a large and thriving place, which had to maintain its public schools for years by private subscription. There was no real estate that was taxable, and consequently there was very meager provision for education among those people. They have only recently obtained title to that land, so that there is taxable This bill does not contain any provision adequate to establish or maintain schools of any kind, whether they be graded schools or central schools or public schools, until after title has passed from the Government of the United States to the Indians or to the white men. I saw them there holding all sorts of social functions for the purpose of raising money enough to build a little schoolhouse. In a town in Idaho upon the Minidoka project we had the same thing. Suspended title is the bane of the people of this country. It affects their prosperity and retards their growth. There we had nothing but a little frame shack for several years, because nobody had title to the land; nobody had anything that could be taxed, and we maintained the schools there by personal subscription, although the people in the early stages of settlement upon the public domain are not as a rule in position to contribute to any pur-pose beyond the necessities of their own daily lives; they are not in a position to contribute to building schoolhouses; and the Government has made no adequate provision for schools, and the growth and settlement of the western country, whether it be upon the reclamation projects or upon the Indian reserva-

tions, has been retarded a generation in every instance where the Government has undertaken to deal with these people.

I speak for the little country schoolhouse. It is the founda-tion of our white civilization. It ought to be made the foundation of the civilization of the red man. It is an injustice to take a dollar from these people. As a matter of fact, they hold that land under a treaty with the United States. We are about entering upon the consideration of treaty relations with people beyond the sea. It is a pretty cold-blooded proposition to say that, because these Indians are not of sufficient strength or importance or consequence, we will deal with them without their consent or without their participation. That is the Indian situation. It is time that a sense of justice should be awakened in the people, so that these people, who were contemplated in the Constitution of the United States to be a separate nation, with all the rights of another nation, and so referred to, and their rights preserved under the Constitution of the United States—I say it is time that we should realize that they are not fit subjects for legislative brigandage.

Mr. President, I have always perhaps felt warmer than I should about this question, but I have seen Indian tribes suffer and freeze and starve and go unhoused in the winter simply because of the injustice and the ingratitude of our Government

and those who represent it.

Mr. GRONNA. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Yes.
Mr. GRONNA. Did I understand the Senator to say that this bill provides that sections 16 and 36 can be set aside?

Mr. HEYBURN. It provides that they shall be sold. Mr. GRONNA. That was provided for in the enabling act. Mr. HEYBURN. Well, I will not go back to the enabling act; I will not attempt to reflect upon the wisdom or the justice of those who created the States of North and South Dakota. We fought out the same class of questions in our own State. With us it was supposed that the sixteens and thirty-sixes belonged to the United States, whether within or without the reservation; but we came up against an unusual and unexpected situation: The title to the Indians was not the same in every case. For instance, the reservation to which I have referred in the State of Idaho was created by an Executive order, and another was created by a treaty with the Indians. In the Colville Reservation-

Mr. GRONNA. Mr. President— Mr. HEYBURN. 'The Senator will pardon me a moment, because it is not a new question. I have been through the courts with it, and I know something of what the courts hold in regard In the case of the Colville Indian Reservation, under whose jurisdiction our reservation rested for a long time, it had been created by an Executive order, and the question was as to the quality of title those people had.

Mr. GRONNA. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Yes.

Mr. GRONNA. As I understand, the 20 per cent provision simply applies to the lands that are held for town purposes.

Mr. HEYBURN. I was not discussing that; I was discussing a larger phase of the question.

Mr. GRONNA. Yes; but, Mr. President, sections 16 and 36

now belong to the State under the enabling act, and I hardly think we can change that.

Mr. HEYBURN. That is a close question. It has been held to be a close question in this body and in the committees of this body as to whether or not sections 16 and 36 within Indian reservations were within the grants to the States or to the Territories which afterwards became States. As I have said, that is a close question. We differ about it. Perhaps the Senator and I might agree, but I know other Senators would differ, and the department has not been uniform in its holdings as to whether or not the sixteens and thirty-sixes passed to the States, subject to the Indian rights, and would become the property of the State absolutely when the Indian title was extinguished. It is not necessary to go into that question in discussing the educational features of this bill.

I should like to see all of these bills provide that a certain portion of the money paid to the Indians should be held as a sacred fund for the purpose of establishing and maintaining day schools upon Indian reservations. There is no necessity on earth in this hour for anything further or beyond day schools for the Indian. That is the place to educate him, where what he learns in the schoolhouse during the day goes home to be talked over at night. He will advance more rapidly in that way than by being sent to some great, beautiful palace of a school for a year and then coming home to avoid or to squabble with other members of the household.

Mr. BACON. Mr. President-

Mr. HEYBURN. I have not finished.

Mr. BACON. Then I do not wish to interrupt the Senator. Mr. HEYBURN. I may have said enough, but I have not

said quite all I want to say.

Mr. BACON. I do not wish to interrupt the Senator.

Mr. HEYBURN. Mr. President, no dollar that is realized out of the sale of what belongs to the Indians should be used to the exclusion of the Indians by or on behalf of white people or their children. Why is this limitation that the fund may be used in the town where the town lots are sold? The people that go to a town will go there not as pioneers and settlers, but as people equipped to do business, presumably with a fund on hand. They can contribute for maintaining schools or building them, but the 20 per cent provision in the bill would provide a very large sum of money. It would constitute a fund the income from which would build and maintain public day schools upon the Indian reservations until the Indians themselves become civilized and able to maintain themselves.

Mr. GAMBLE. I wish, Mr. President, the Senator from Idaho would prove a true prophet and that that all would come true, but it would be a very insignificant amount at best.

There will be only one or two or three

Mr. HEYBURN. If the Senator will permit me, that would be very proper as a valedictory in the discussion of this question, but I prefer to develop the idea that I was pursuing for a moment

The VICE PRESIDENT. The Senator from Idaho prefers

Mr. HEYBURN. I realize that there is a spirit of doubt and skepticism as to what can be done with the Indians, and yet I have seen them advance to a standard equal with the whites. I can name Indians in the Nez Perce Reservation who are as well equipped to-day, because of having had school and educational facilities, as any man. I can name lawyers who practice at the bar and hold their own with the best; engineers who follow their profession and serve the Government when it needs service; I can name some of all the classes that are engaged in all the industries that other men pursue, but they are the exceptions. I am talking about a general educational uplift that shall give all the Indians an opportunity to receive what all of our race receive—the benefit of the public day schools. I want to emphasize that; I want to it to find a resting place in the minds not only of those who hear me, but of those who may read my remarks.

It is the day school we want for the Indian; and we ought to provide for establishing and maintaining it when there is the only opportunity for making it; and that is when their estate is being administered upon, and that is this hour.

We are administering upon the estate of a great tribe. I do not know the number in this tribe now, but I participated through the census in ascertaining the number of Indians in the Ogallala Sioux Tribe, the Red Cloud Sioux, and there were a little over 12,000 Indians. I think this tribe probably is not now so large. I think the Ogallalas were the largest of the nine Sioux tribes. But I do know that had these Indians in the days I knew them personally and was with them daily and a part of their daily life-a good bit more than 30 years ago-been given the opportunity that the children of our race are given in the public schools, the day schools, they would to-day no longer be wards of the Nation; they would be an independent, self-sustaining people.

So much for those Indians. There is a larger percentage of good men and good women among the Ogallala Sioux Indians than there is among any equal number of white people on the earth. Their code of morals is higher. I do not know where they get it. But I know they do not stand alone. There are other tribes. We generally find them judged by isolated cases of recklessness or ignorance which mark individuals. My heart and my sympathy are with those people, and I shiver when I see them thus stripped of that which they had before a white man stepped upon the shores of this country, stripped of it for the benefit of self-serving white men; and I will not see their lands taken and diverted for the use of white men-to their exclusion-without a protest.

Mr. BACON. Mr. President, there are only a few matters which I wish to call to the attention of the Senate and which

I regard as worthy of the attention of the Senate.

I simply speak, in passing, of the suggestion made by the Senator from Montana that these lands would not be sold in fee, that the title would be held in suspense, and therefore there would be no opportunity to tax the property and from that taxation realize the funds necessary for the support of the

schools. I desire simply to call attention to the fact that in section 5 there is a distinct provision that those who desire to do so can commute their entries and pay the cash, so that if it is their desire to establish the schools they can easily take title to the land and thus find the means through taxation of the property.

Mr. GAMBLE. That would require a period of 14 months. Mr. BACON. Very well. Here is the main thing I wish to call attention to, and it was the main matter in the discussion had in the last Congress. My recollection was somewhat indistinct, but it is brought back by the terms of this bill. I had an indistinct recollection that there was a provision in the bill by which the State of South Dakota was to profit very largely in money at the expense of the United States Government. did not recollect exactly what the provisions were. However, I now recall the point, and if I am in error of course the Senator from South Dakota will correct me.

We have heretofore been talking about an injustice to the Indians. Now we have something to consider as an injustice to the United States Government. The Senate will remember that I asked the Senator from South Dakota with reference to the exchange which this bill authorizes where any parts of section 16 or 36 have been allotted to Indians or the titles have in some other way been incumbered; such a claim as a squatter or anybody else could put in.

Mr. GAMBLE. A squatter would be absolutely prohibited.
Mr. BACON. Let me make my statement, and then the
Senator can interrupt me if I am not correct. I asked the Senator from South Dakota what would be the case where any of these sections, sections 16 or 36, had its title or its possession in such condition that it would not be available by the State for the purposes contemplated in the enabling act; would it then be authorized to go and select, without any limitation, any other sections it might see proper to select, regardless of the value? The Senator replied "yes," but that it was under the control of the Secretary of the Interior; and further, that as sections 16 and 36, which may have been taken by other people, as it would naturally be the best, and would be taken for that reason, therefore the other sections selected could not be better than those, and it would not be necessary to put into the bill a provision that the lieu lands should not exceed in value sections 16 and 36, which had been taken.

That looked like a very simple proposition, where it was a question of the State taking the lands, although, as suggested by me, if the lands which the State had the opportunity to take could not be better than the State had lost for its public-school establishment in the loss of sections 16 and 36, there would be no harm to provide in this bill that the sections thus taken by the State should not be superior in value to such sections 16 and 36. But it is altogether a different thing when we come to consider the provisions of this bill.

Its provisions contemplate that the United States Government shall pay to the State of South Dakota the value of these lands. The bill says that sections 16 and 36 shall be paid for at the rate of \$2.50 an acre, but there is no provision that when the Government comes to pay for the land which the governor may select in lieu of sections 16 and 36 the Government shall

be limited to the payment of \$2.50 an acre.

Mr. GAMBLE rose.

Mr. BACON. I hope the Senator will permit me to proceed. If he desires to answer me, I prefer he would wait until I am through. Of course, if he wants to correct me as to a fact, I will now submit to such a correction.

Mr. GAMBLE. Under a proper construction of the bill— Mr. BACON. That is an answer. Mr. GAMBLE. And in the States in the opening of many of these reservations, such has been the universal practice

Mr. BACON. I have not stated in full the proposition, nor have I stated the grounds upon which I base the proposition. There is a provision in this bill that these lands shall be appraised. The appraisement is not limited to \$2.50 an acre, but the lands are to be sold for what they are worth on the market. I do not know what lands in South Dakota may be worth, but judging from the value of similar lands in adjacent States, I should say that the rich prairie lands of South Dakota were

valuable for agricultural purposes.

The bill goes on and provides that this substitution shall be made when any one of these sections, 16 or 36, shall have been lost—how? Either "by reason of allotment thereof to any Indian or Indians or otherwise." If that is not a broad and unlimited expression, I do not know what fs. It covers squatter title and everything else.

Whenever section 16 or 36 has been lost to the State, the Government, according to this bill, will furnish-

Mr. CRAWFORD, Mr. President-

Mr. BACON. No; not now. I decline to yield until I finish the sentence

The VICE PRESIDENT. The Senator from Georgia declines

to yield.

Mr. BACON. I will not yield in the middle of a sentence. will yield to the Senator when I get through. But I will have to repeat my sentence now in order that I may preserve the continuity of statement.

The provision is that whenever section 16 or 36 has been lost to the State, the Government shall pay to the State \$2.50 an acre, and then, where there has been a loss of section 16 or 36 to the State through allotment to Indians or otherwise, the governor of the State may select other sections in lieu thereof without limitation as to where they shall be located or the value, and there shall be paid for them by the United States Government to the State of South Dakota according to the valuation placed upon them, and the sum of \$180,000 is appropriated for that purpose.

Now I will yield to the Senator from South Dakota.

Mr. CRAWFORD. If the Senator will pardon me for a moment. I thought the Senator was conflicting the payment of this money to the Indians with the payment to the State.

Mr. BACON. No; I was not. Mr. CRAWFORD. If the Se If the Senator will pardon me, the proceeds of the sale of these lands go to the Indians.

Mr. BACON. Yes.

Mr. CRAWFORD. None of it goes to the State.
Mr. BACON. I understand that. The mistake of the Senator illustrates the importance of his waiting until I made my statement before interrupting me. I was not upon any such line as that suggested by him. The provision I was speaking of is the one for the payment to the State. I will read it. I recollect now that it was the bone of contention heretofore. recollect that there was a very large sum involved. I have not previously had an opportunity to read the bill. I have read it merely while the discussion was going on. I will read sections 6 and 9, which cover these two points:

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at \$2.50 per acre, and the same are hereby granted to the States of South Dakota and North Dakota, respectively, for such purpose

Of course the Indians do not get that. The States of North and South Dakota get that-

and in case any of said sections or parts thereof are lost to either of the said States by reason of allotments thereof to any Indian or Indians or otherwise, the governor of each of said States, respectively, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act, to locate other lands not otherwise appropriated, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

Howbeit-at \$2.50 an acre? It does not so state. Put it

in the bill if that is the case.

Mr. GAMBLE. Put it in.

Mr. BACON. And then I will ask the Senator to see if it is true that \$187,000 is necessary for the payment of that land.

Mr. GAMBLE. The report shows the area of land, both in North Dakota and South Dakota, in sections 16 and 36, and it is computed upon that basis, and it aggregates \$180,000.

Mr. BACON. I will ask the Senator how many acres of land there are in the area specified? How many acres are included in sections 16 and 36?

Divide \$180,000 by \$2.50 and you will get Mr. GAMBLE. the product. I think it is stated in the report. It is computed in the report.

Mr. ROOT. Seventy-two thousand acres.

Mr. GAMBLE. About 72,000 acres. Mr. BACON. The appropriation is in this language:

Sec. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$180,000, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of \$25,000, or so much thereof as may be necessary, for the purpose of making the appraisement and classification.

Now, it may be as the Senator says, that it does intend that it shall be \$2.50 an acre, but it does not say so. On the contrary, I should say that a legal construction would be that it should be paid for according to the appraisement, because it refers to the appraisement as herein provided, in speaking of

Mr. GAMBLE. I will say to the Senator, if he will pardon me, that if he has any misapprehension or any question on that point, such an amendment as he suggests would be entirely acceptable.

Mr. BACON. I do not myself offer the amendment.

Mr. GAMBLE. But I might say that this same provision has been in a great many different bills opening reservations, and such has been the rule and the universal form.

Mr. BACON. I suggest to the Senator in charge of the bill whether it would not be a proper amendment to say absolutely that the price of the land to be paid for to the State by the United States should not exceed \$2.50 an acre.

Mr. GAMBLE. "To locate other land not otherwise appropriated, which shall be paid for by the United States, as herein provided, at \$2.50 an acre." Let that go in line 7-"not exceeding \$2.50 an acre.'

Mr. BACON. That cures that evil, but it does not cure the devotion of one-fifth of the proceeds of the town lots to school purposes at the expense of the Indians.

Mr. GAMBLE. I think it a very wholesome provision. It simply tides over the condition temporarily, and it is a very minor matter. There are only two or three town sites, and some of the lots in those will not be sold.

Mr. BAILEY. Mr. President, petty larceny is just as objectionable as grand larceny, and if this does not belong to those people and does belong to the Indians the fact that it is a

small matter will not excuse us for retaining it in this bill.

Mr. GAMBLE. The feeling of the department, which has had large experience in the sale of town lots, especially in Oklahoma, is that a provision of this kind would promote the sale and enhance the price of the lots sold and would temporarily tide it over.

Mr. BAILEY. Without having the Oklahoma act before me, I am of opinion that it contained no provision of that kind. The Senator remembers, of course, that it provided for the sale of town lots long before they opened that country to settlement and even before they allotted those lands in severalty. I was not on the committee having charge of the matter, and as I have never had special occasion to examine it, I challenge the Senator's statement with very great reluctance and not with any great confidence.

Mr. GAMBLE. I recall this in connection with these very matters: Information was received from the department as to the amount of money received from the sale of different town sites in our own State and also in Oklahoma, and there was, except a very limited number of them, a small amount realized.

Mr. BAILEY. Mr. President, if there is one chapter in our legislative history which a proud American citizen could read with less satisfaction than any other, it must be the one which recites the story of congressional dealings with the Indian Territory and the Indian lands in Oklahoma. I know myself of instances where men paid a mere pittance for lots under that act, and then, almost before the ink was dry upon the deed conveying them, they sold them for five and six times as much as they had paid the Indians. It was a clear theft, practiced upon a helpless and ignorant people, and I for one am heartily ashamed of that transaction.

Mr. HEYBURN. Mr. President—
The VICE PRESIDENT. Does the Senator from Texas yield the Senator from Idaho?

Mr. BAILEY. I do. Mr. HEYBURN. I will say the point is clearly apparent in this bill that they are going to sell this land for many times what they pay the Indians, and I can say to the Senator that in a recent opening of a reservation in the Northwest the land brought more than six times as much to the white men as they paid the Indians for it.

Mr. BAILEY. Mr. President, I did not think that the country known as the Indian Territory ought to have been opened. I had a sentiment about it. Those people had gone there under what they believed to be the guaranty of the Government that they might inhabit it as a tribe, to follow the language of the grant, so long as the grass grows and the waters run. obligation, I felt, ought to have been kept as sacredly as any engagement this Government had ever made. Indeed, I felt that I would be far more justified in breaking a treaty with a great and powerful nation than with those helpless and dependent people.

But after a certain number, and a large number, of white people had gone in there, if not encouraged by the Government to go at least permitted by it to go, it became apparent that the country could never be again controlled by the Indians, and it was an anomaly both in government and in civilization to see a large number of American citizens living without the protection of any form of government.

Under that condition, and compelled by it, I felt myself that it was just and sensible to sell those town lots and to permit the organization of municipalities there, so that obvious public duties might be discharged by the people living in that country.

But I never consented, I rejoice to say, that those lots should

be taken from the people to whom they belonged at a small

fraction of their fair value. I do not, however, think the injustice in that case was aggravated by the further proposal to take one-fifth of all they brought and devote it to the education of the children of the men who had gone there to take from them their inheritance.

I do not know how often this provision has heretofore appeared in acts like this. The Senator from South Dakota, who is familiar with these matters, says it has frequently appeared. All that I have to say is that every time it did appear in such a measure was once too often. It may be generous to give what belongs to us, but it is not honest to give what belongs to other people. If the Government of the United States, opulent as it is, chooses to give the people of the Dakotas \$180,000 or \$1,800,000 without any equivalent, that may not be wise, but it would be perfectly honest, and we might take to ourselves the credit for being generous in such an act. But when we give to those people one farthing that does not belong to us, but belongs instead to a helpless, dependent people, it is not generous, it is not just. It is what if an individual were to do would fall within the denunciation of the criminal statute.

If the Senator from South Dakota or myself were guardians for these Indians, and, moved by a generous spirit, we would give 20 per cent of their lands to some who might come amongst them, when we came to account to the court for the manner in which we had performed our duty toward our wards we would

be compelled to make restitution.

For my part, Mr. President, I can not consent to do as a legislator what I would not be permitted to do in the personal or legal capacity of a guardian for those people.

I hope the Senator will agree to strike out that provision. If he expects to provide that the United States shall pay out of its own Treasury an amount equal to that, that will raise another question about which we may differ, but at least the money is ours, and we have a right to do with it as we please. We can exercise over that the right of a proprietor, but here we can only exercise the right of a trustee.

I myself know how those Senators from that part of the country feel about the settlement of these Indian reservations. They are, as it were, almost a barrier, arresting the progress and civilization of those sections; and I have long since believed that we have reached the time when the Indian must stand with this civilization of ours or else he must fall before it. I hope that these Indians are ready to stand with it; and I am ready to destroy the local and peculiar character of that region and incorporate it into the body of the State, just as I assume these Indians by their allotments are to become citizens of the United States and of those States. But as we destroy this last vestige of a former civilization, which, with all its savage atrocity, yet had many delightful phases, let us not signalize it by an act of palpable injustice, or, to use a mild phrase, by misappropriation of their money or their lands. Let us strike that out, and then I think the Senator from South Dakota will find nobody objecting to the passage of this bill.

The VICE PRESIDENT. The Secretary will report the

amendment of the committee.

The Secretary. In section 3, on page 5, line 21, the committee proposes to strike out "twenty-five," before the words "per cent," and in lieu to insert "twenty," so as to make the section

Sec. 3. That before any of the land is disposed of, as hereinafter provided, and before the States of South Dakota and North Dakota, respectively, shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections 16 or 36, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued by the Secretary of the Interior for the lands so set apart and reserved for school, park, and other purposes to the municipality legally charged with the care and custody of lands donated for such purposes upon receiving satisfactory evidence that said towns have been duly incorporated. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct, and he shall cause at least 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the town sites in which such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid shall be credited to the Indians as hereinafter provided.

The amendment was agreed to.

The amendment was agreed to.

Mr. ROOT. Mr. President, I observe in the report a letter from the Department of the Interior, dated April 5, 1910, which recommends that a fixed price be set upon different classes of agricultural lands. That recommendation does not appear to have been adopted by the committee. I presume they had reasons which seemed good to them for not adopting it.

But we have been told here of very grave abuses in the sale of Indian lands, the purchase of their lands at a very low price to come to them or to their benefit, and the immediate sale of the same lands at a very high price to come to the purchaser. I suppose every one of those cases occur in the course of the execution of a law which was enacted by Congress in the belief that the rights of the Indians were protected.

It creates in me a desire to reconsider the policy which permitted those laws, to consider whether the form of the laws under which these abuses occurred could not be improved; and as the Secretary of the Interior has suggested the provision pointed directly to the price of the lands, I am led to inquire whether it would not be practical in the provision for an appraisement of the lands to insert also a provision that they should be appraised at not less than a sum fixed for agricultural lands of the first class and another sum fixed for agricultural lands of the second class, and so on, so that, so far as we are concerned, we should do what is possible for us to prevent any very great abuse occurring at the hands of any appraiser who may take up the subject upon executive ap-

Mr. BAILEY. If the Senator from New York will permit me just here, I will say that we made that mistake very honestly and in good faith, but for the very reason that we make so many similar mistakes. Congress seems to shrink from the task of fixing any definite rule for anything.

In the Oklahoma or in the Indian Territory town-site case they deliberately provided for the undervaluation of the lots, but they sought in a measure to remedy that injustice to the Indian by confining the privilege to people who had improved the lots, and they recognized the hardship that would grow out of Congress's inaction. Men had gone there and for years had bought those lots and settled those towns, although there was not the semblance of an authority in law for the purchase and sale of that property. But men had built houses two or three and in some places even four story buildings, that had cost \$25,000 and \$30,000, upon the lots to which they had no shadow of a legal title. Towns of five and six thousand people had grown up there; and Congress, recognizing that it had permitted those people to go there and to engage in the purchase and sale of those lots, sought in some measure to correct its own mistake.

But if the Senator from New York feels curious enough to follow that bad practice of establishing a general rule and then allowing all this latitude, he will find that it mars all of the legislation which we enact. Without having examined it specifically with any special view, I will venture to say that in the last six years in three-fourths of the offices we have authorized we have not fixed the salary; we have not even fixed the number in many instances; but we have authorized certain officers of the department and heads of departments to designificant of the department and heads of departments to design. nate men and fix their salaries, and in other instances we have authorized the President to do it. That bad practice grows out of the fact that Congress seems averse to the task of making definite rules of action.

I want to excuse Congress in some measure for that kind of misconduct. It is largely attributable to the fact that all we do here is done in a hurry; all we do in the committees is done in a hurry, because the American Congress has more to do than any body of men on earth can do and do it right. When we get through with our correspondence and go to our committees we have so little time there to perfect our legislation that we come in with a bill of this kind and but one member of the committee comes to enlighten us about it. I do not criticize the other members of the committee, although I really feel that the Senate is entitled to the judgment of every man on each committee when a matter of any importance comes to this body.

It is impossible for men to do all that we have to do, and that is how it happens that the courts are continually kept guessing what we mean by our legislation; we legislate in such a hurry. We come from our desks to the committee room, and where we ought to spend two and three hours upon a measure we spend a third of that time. We bring it into the Senate not even expressed in language which does credit to our vocabulary. I think I am safe in saying that the legislation of no enlightened body in the world is quite so awkwardly ex-pressed as our own; and it is due almost entirely to the fact that we are overworked. Yet we are continually adding to our work. With a children's bureau bill and an infinite variety of legislation that ought never to have found its way into the American Congress, day after day we are adding to our already impossible task.

If the Senator from New York sits here as long as I hope he will, unless a Democrat will succeed him, and the right kind of a Democrat at that, he will experience a very much better reason for the complaint that he has just made. It is a complaint that has risen to the lips of every man who has served for any length in this body, although we have not always taken the trouble to express it.

Mr. ROOT. Mr. President, I am heartily in agreement with what the Senator from Texas has just said. I think that instead of endeavoring to take upon the Government of the United States new duties which are not thrown upon us by necessity we should endeavor to do better the things that we have already become bound to do.

As to this particular matter, it is one regarding which I know very little, but I would like to know whether in this bill we are doing anything more than was done in the legislation which made possible the atrocious outrages which have been mentioned by Senators upon this floor to-day. What is there in this bill that will prevent the very same thing from being done again?

Mr. GAMBLE. Mr. President, this bill in its main provisions is substantially the same as other bills covering the same subject matter. I speak simply from the information and knowledge I have in opening reservations in my own State in regard to the prices fixed on the lands. A commission is appointed, and the appraisements have been fair, and in some cases I think the appraisement of the land has been too high. If the settlers were going upon desirable lands, all opened to white people who go in and cooperate with him in upbuilding that particular community, that is one proposition, Mr. President. But here the settler goes into a community where maybe one-quarter, onethird, one-half, or perhaps three-fourths of the lands in that particular township are taken by Indians, and their lands are relieved from taxation for a period of 25 years. Schools are to And I will say to the distinguished Senator from be provided. Idaho [Mr. HEYBURN] that South Dakota has always been most solicitous as to the education of its children, white or red. In the percentage of illiteracy she stands within a slight fraction of possessing the smallest illiteracy of any of the States in the Union

If highways are to be built, if township organizations and county organizations are to be maintained, these settlers bear the burdens independently of the Indians. If corruption, if wrongdoing have been prevalent, as far as the settler is concerned it has not come under my observation in the opening of lands in my State under the provisions of acts of practically the same identical character.

As far as fixing a set price for the lands, that is highly improper and inequitable, in my judgment. With intelligent, competent appraisers, who personally go on and value the lands, their appraisement being subject to review by the Secretary of the Interior, it seems to me it is the wise and the safe provision to follow.

The VICE PRESIDENT. If there are no further amendments to be offered to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BACON. I ask for a vote on the passage of the bill.

The VICE PRESIDENT. The question is on the passage of the bill. [Putting the question.] The noes appear to have it.

Mr GAMBLE. I ask for a roll call.

The VICE PRESIDENT. The Senator from South Dakota asks for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. Stone]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. BRYAN (when Mr. Fletcher's name was called). My colleague [Mr. Fletcher] is necessarily absent from the Senate this afternoon on public business.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate to-day. I therefore withhold my vote.

Mr. OVERMAN (when the name of Mr. Johnston of Alabama was called). I am requested to announce that the Senator from

Alabama [Mr. Johnston] is unavoidably detained.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. Chamberlain]. I do not know how he would vote. If he were present, I should vote "yea."

Mr. SIMMONS (when his named was called). I am paired with the junior Senator from Minnesota [Mr. Clapp]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. Foster], and therefore withhold my vote.

and therefore withhold my vote.

Mr. CHILTON (when Mr. Watson's name was called). My colleague [Mr. Watson] is necessarily absent from the session of the Senate on official business. He is paired with the senior Senator from New Jersey [Mr. Briggs].

Senator from New Jersey [Mr. Briegs].

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. Penrose]. I transfer that pair to the senior Senator from Arkansas [Mr. Clarke] and vote. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. Culberson]. As he is not present I withhold my vote.

Mr. POINDEXTER. I desire to state that my colleague [Mr. Jones] is unavoidably absent on public business.

Mr. GALLINGER. My colleague [Mr. Burnham] is paired

with the Senator from Maryland [Mr. SMITH].

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Indiana [Mr. CLAPP

from Minnesota [Mr. Clapp] to the Senator from Indiana [Mr. Kern] and vote. I vote "nay."

Mr. SHIVELY. I desire to say that my colleague [Mr. Kern] is unavoidably detained from the Senate on official business.

Mr. OLIVER. I transfer my pair with the junior Senator from Oregon [Mr. Chamberlain] to the junior Senator from Illinois [Mr. Lorimer] and will vote. I vote "yea."

Illinois [Mr. Lorimer] and will vote. I vote "yea."

Mr. RAYNER. My colleague [Mr. Smith of Maryland] is paired with the junior Senator from New Hampshire [Mr. Burnham]. My colleague is unavoidably absent.

BURNHAM]. My colleague is unavoidably absent.

Mr. GAMBLE (after having voted in the affirmative). Mr.

President, I ask leave to change my vote from "yea" to "nay."

The VICE PRESIDENT. The Senator from South Dakota changes his vote.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. Stone]. I transfer that pair to the Senator from Massachusetts [Mr. Crane] and vote. I vote "yea."

The result was announced—yeas 17, nays 30; as follows:

	YE	AS-17.	
Bourne Brandegee Brown Burton Clark, Wyo.	Crawford Cummins Dixon Gronna McLean	Martine, N. J. Myers Nelson Nixon Oliver	Richardson Smoot
	NA	YS-30.	
Bacon Bailey Borah Bristow Bryan Chilton Gallinger Gamble	Gardner Heyburn Hitchcock Johnson, Me. Lodge Martin, Va. O'Gorman Overman	Page Perkins Poindexter Pomerene Rayner Reed Root Shively	Simmons Smith, Ga. Smith, S. C. Swanson Thornton Williams
	NOT V	OTING-44.	
Bankhead Bradley Briggs Burnham Chamberlain Clapp Clarke, Ark. Crane Culberson Cullom Curtis	Davis Dillingham du Pont Fietcher Foster Gore Guggenheim Johnston, Ala. Jones Kenyon Kern	La Follette Lea Lipplit Lorimer McCumber Newlands Owen Paynter Penrose Percy Smith, Md.	Smith, Mich. Stephenson Stone Sutherland Taylor Tillman Townsend Warren Watson Wetmore Works

So the Senate refused to pass the bill.

Mr. GAMBLE. I give notice of a motion to reconsider the vote by which the bill was defeated.

The VICE PRESIDENT. The Senator from South Dakota enters a motion to reconsider the vote by which the bill failed to bass.

PROTECTION OF UNITED STATES COINS.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

Mr. GALLINGER. I yield to the Senator.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill (S. 4651) to amend section 171 of the penal laws of the United States approved March 4, 1909.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 171 of the penal laws of the United States, approved March 4, 1909, so as to read as follows:

Sec. 171. Whoever within the United States or any place subject to the jurisdiction thereof shall make, or cause or procure to be made, or shall bring therein from any foreign country, or shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device,

print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign Government, shall be fined not more than \$100. But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same.

Mr. LODGE. Mr. President, may I ask just what the amend-

ment of the law is that is proposed?

Mr. SWANSON. I will state very succinctly. Under the present law it is impossible to have any impressions, prints, tokens, or devices of the coins of the United States in school arithmetics. You can have them in journals and circulars issued by anybody who sells coins and in historical works and other publications, but you can not have them in school arithmetics, where the value of coins is taught. There is a publishing company-

Mr. LODGE. That is the only amendment of the law?

Mr. SWANSON. That is the only amendment. It simply inserts "school arithmetics." There is now a publishing company that has issued many thousand books that will be affected by the amendment of the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I renew my motion that the Senate pro-

ceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 30, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1912. ASSISTANT COLLECTOR OF CUSTOMS.

William H. Turnbull, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania, in place of Frank F. Patterson, deceased.

UNITED STATES ATTORNEY.

Sherman T. McPherson, of Ohio, to be United States attorney, southern district of Ohio. (A reappointment, his term having expired.)

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Ralph C. Harrison, Coast Artillery Corps, to be first lieutenant from January 24, 1912, vice First Lieut. Chester H. Loop, dismissed January 23, 1912.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Harold De Forest Burdick, of Kansas, ensign, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from December 19, 1911.

POSTMASTERS.

CALIFORNIA.

John Ainscough to be postmaster at Banning, Cal., in place of John Ainscough. Incumbent's commission expired January 9, 1912.

Charles E. Bauer to be postmaster at Courtland, Cal. Office became presidential January 1, 1912.

COLORADO.

Jennie Ross to be postmaster at Cheyenne Wells, Colo., in place of Jennie Ross. Incumbent's commission expires February 10, 1912.

CONNECTICUT.

W. Franklin Sheldon to be postmaster at Moosup, Conn., in place of William H. Kenyon. Incumbent's commission expires February 3, 1912.
C. Leon Wilcox to be postmaster at Windsor Locks, Conn.,

in place of Alfred W. Converse, deceased.

ILLINOIS.

William A. Collins to be postmaster at Western Springs, Ill., in place of William A. Collins. Incumbent's commission expired January 29, 1912.

Theodore A. Fritchey to be postmaster at Olney, Ill., in place

of Theodore A. Fritchey. Incumbent's commission expired January 28, 1911.

G. Gale Gilbert to be postmaster at Mount Vernon, Ill., in place of G. Gale Gilbert. Incumbent's commission expired February 27, 1910.

Samuel R. Thomas to be postmaster at Oblong, Ill., in place of Samuel R. Thomas. Incumbent's commission expired December 11, 1911.

INDIANA.

Harry C. Linkhart to be postmaster at Hobart, Ind., in place of Harry C. Linkhart. Incumbent's commission expired January 20, 1912.

Ulysses G. Mauk to be postmaster at Tabor, Iowa, in place of Ulysses G. Mauk. Incumbent's commission expired December 9, 1911.

H. E. Wyatt to be postmaster at Rockford, Iowa, in place of H. E. Wyatt. Incumbent's commission expires February 4, 1912.

KANSAS

Willam H. Bondurant to be postmaster at Ness City, Kans., in place of William H. Bondurant. Incumbent's commission expired December 9, 1911.

Ida L. Cason to be postmaster at Lakin, Kans., in place of Ida L. Cason. Incumbent's commission expired December 11,

Zelma P. Jackson to be postmaster at Coldwater, Kans., in place of Zelma P. Jackson. Incumbent's commission expired

January 9, 1912.

William A. Morgan to be postmaster at Lansing, Kans., in Incumbent's commission expires place of William A. Morgan. Incumbent's commission expires February 12, 1912.

MAINE.

Gerry A. Proctor to be postmaster at Rangeley, Me., in place of Gerry A. Proctor. Incumbent's commission expired December 11, 1911.

MASSACHUSETTS.

Lillian R. Alexander to be postmaster at Northfield, Mass., in place of Charles H. Webster. Incumbent's commission expired December 18, 1911.

MICHIGAN.

Frank N. Green to be postmaster at Olivet, Mich., in place of Frank N. Green. Incumbent's commission expired December 11, 1911.

Neal McMillan to be postmaster at Rockford, Mich., in place

of Clara Spore, deceased.

Gerrit Van Schehen to be postmaster at Holland, Mich., in place of Gerrit Van Schehen. Incumbent's commission expired December 11, 1911.

William P. Stiles to be postmaster at Coopersville, Mich., in place of William P. Stiles. Incumbent's commission expired December 18, 1911.

Samuel L. Willits to be postmaster at Remus, Mich., in place of Samuel L. Willits. Incumbent's commission expired January 23, 1912.

MONTANA.

Mary L. Boehnert to be postmaster at Glasgow, Mont., in place of Mary L. Boehnert. Incumbent's commission expires February 19, 1912.

George E. Bolster to be postmaster at Plentywood, Mont. Office became presidential January 1, 1912.

NEW MEXICO.

Henry Rankin to be postmaster at Elida, N. Mex., in place of Henry Rankin. Incumbent's commission expires February 17,

NEW YORK.

Fernando H. Reeves to be postmaster at Brownville, N. Y., in place of Mary A. Booth. Incumbent's commission expired December 10, 1911.

Ulysses G. Sprague to be postmaster at Prince Bay, N. Y., in place of Ulysses G. Sprague. Incumbent's commission expires February 19, 1912.

NORTH DAKOTA.

Edmund K. Cavileer to be postmaster at Pembina, N. Dak., in place of Edmund K. Cavileer. Incumbent's commission expires February 4, 1912.

OKLAHOMA.

Maud C. White to be postmaster at Quinton, Okla. Office became presidential January 1, 1912.

PENNSYLVANIA.

Otto E. Enders to be postmaster at Elizabethville, Pa., place of Otto E. Enders. Incumbent's commission expires February 11, 1912.

Daniel W. Reynolds to be postmaster at Reedsville, Pa., in place of Daniel W. Reynolds. Incumbent's commission expired

January 20, 1912.

Laura Wood Weaver to be postmaster at Republic, Pa., in place of Charles D. Weaver, deceased.

SOUTH CAROLINA.

Emma J. Peeples to be postmaster at Hampton, S. C., in place of Eugene M. Peeples, resigned.

SOUTH DAKOTA.

Napoleon M. Bratton to be postmaster at Newell, S. Dak. Office became presidential January 1, 1912.

Alonzo E. Roop to be postmaster at Salem, S. Dak., in place of Alonzo E. Roop. Incumbent's commission expired January

UTAH.

Orrice F. McShane to be postmaster at Beaver, Utah, in place of Orrice F. McShane. Incumbent's commission expires February 4, 1912.

WISCONSIN.

Oscar C. Olman to be postmaster at Princeton, Wis., in place of Frank Tucker. Incumbent's commission expired January 27,

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1912.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Thomas Ridgway to be colonel. Maj. Morris K. Barroll to be lieutenant colonel. Capt. George A. Nugent to be major. First Lieut. Harry L. Morse to be captain. Second Lieut. Thomas J. Cecil to be first lieutenant.

SIGNAL CORPS.

Lieut. Col. George P. Scriven to be colonel. Maj. Frank Greene to be lieutenant colonel. Capt. Carl F. Hartmann to be major.

INFANTRY ARM.

First Lieut. Walter Harvey to be captain. Second Lieut. Donald J. McLachlan to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS. To be first lieutenants.

Fred Warren Bailey. Byron Clary Darling. Charles Edwin Donlan. Elmer Moses Eckard. Charles Lincoln Furbush. Abram Barnes Hooe. William Albert Jolley Harvey Augustine Kelly. Clarence Wilbur Leigh. William Henry Maley. Herman Lewis Neitert. Eryl Smith Peterson. Walter Augustine Wells. Charles Whelan. Arthur Frank Wilhelmy. Henry McClure Young.

COAST ARTILLERY CORPS.

John Park Leavenworth to be second lieutenant. John William Quillian, late midshipman, United States Navy, to be second lieutenant.

POSTMASTERS.

IDAHO.

Christopher O. Dice, Glenns Ferry.

W. W. Artherholt, Primghar. Emma T. Loes, Cascade.

KANSAS.

George L. Robinson, Paola. Charles F. Schafer, Jewell.

KENTUCKY.

Henry O. Hausgen, Anchorage. Edwin Flye Poage, Ashland.

Charles H. Innes, Saco.

MICHIGAN.

Charles E. Woodhull, Kinde.

MINNESOTA.

Clarendon B. Boody, North St. Paul. E. E. Lane, Sherburn, Matthew Ristinen, Menahga.

MONTANA.

Andrew Logan, Missoula. Jay E. Wilson, Ekalaka.

NEVADA.

John A. Rogers, Winnemucca. Henry S. Starrett, Battle Mountain.

William H. Beatty, Alpha. Richard Watt, Garwood.

NEW MEXICO.

May Crawford, Mesilla Park. Arthur J. Matheny, Melrose.

Sarah H. Banks, Cornwall Landing. Charles A. Beeman, Depew. Delano D. Cottrell, North Cohocton. Lucius R. Doty, Catskill.

Hans C. Hansen, Fishers Island.

Charles T. Knight, Monroe.

William McCarthy, Mineola.

Frederick W. Muller, Valley Stream.

Samuel H. Parsons, East Hampton.

William H. Parsons, Harvell. William H. Prangen, Hornell. Harvie D. Waite, Berlin. John G. Ward, Cambridge. Henry P. Wilcox, Cohocton. Peter H. Zimmerman, Wayland.

NORTH DAKOTA.

Reinhart Gilbertson, Glenburn. William G. Mitchell, Minto. Charles N. Murphy, Neche.

PENNSYLVANIA.

Alfred E. Williams, Plymouth.

SOUTH DAKOTA.

Martin V. Olsen, Viborg.

HOUSE OF REPRESENTATIVES.

Monday, January 29, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:
Eternal God, our heavenly Father, possess us, we beseech
Thee, with Thy spirit, that our minds may be illumined and
our hearts quickened to the broader views of life and its farreaching purposes; that we may widen the sphere of our ac-tivities through every legitimate channel and thus add some-what to the sum of human happiness and develop the God that is in us until we all come unto the measure of the stature of the fullness of Christ. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of Saturday, January 27, 1912, was read and account.

1912, was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, the reference of a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting supplemental estimates of appropriations required by the War Department for military posts and barracks and quarters for the fiscal year ending June 30, 1913 (H. Doc. No. 482), was changed from the Committee on Military Affairs to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Rees, for one week, on account of illness.

To Mr. Hanna, for 10 days, on account of important business. To Mr. Needham, for 2 days, on account of sickness. To Mr. Slemp, for 10 days, on account of illness in his family.

ARMY APPROPRIATION BILL.

Mr. HAY, from the Committee on Military Affairs, reported a bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, which was read a first and second time and, with the accompanying re-

port (No. 270), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order on the bill.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB, from the Committee on Agriculture, reported a bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, which was read a first and second time and, with the accompanying report (No. 271), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill II. R. 18642.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18642, to revise the metal schedule. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18642, to revise the metal schedule, with Mr. FLOYD of Arkansas in the chair.

Mr. UNDERWOOD. Mr. Chairman, when the committee rose on Saturday night I took the gentleman from Ohio off his feet in the midst of his speech. I should like to ask him how much time he now desires.

Mr. LONGWORTH. I should like to have 10 minutes. Mr. UNDERWOOD. I ask unanimous consent that the gen-

tleman from Ohio may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Ohio [Mr. Longworth] may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, unlike the gentleman from Massachusetts [Mr. Gillett], who has recently addressed us, I am not fortified by an excellent dinner and have, therefore, no intention of unduly prolonging this debate. I however feel it my duty to say a word on this subject.

If there was any reason for the placing of any of these articles contained in this paragraph upon the free list, it does not apply to machine tools. If it is possible that cash registers and articles of that sort have a monopoly, either through patents or otherwise, and that that is the reason for placing them on the free list, the argument does not apply to machine tools. It is a great industry, Mr. Chairman, in this country, and it is an industry concerning which there never has been the suggestion of a monopoly. On the contrary, the competition throughout that industry is fierce—as fierce as in any industry. It is greatly diversified. It employs thousands upon thousands of American citizens as workmen. It has an enormous amount of capital invested in it, and it is all working capital.

And yet in this bill the entire finished product of this industry and yet in this bit the earthe hinshed product of this industry is placed upon the free list, at the same time retaining the duties upon every intermediate product that goes into it. That is not logic, Mr. Chairman. It is indefensible from any point of view or from any theory. It will be no argument to say, as some gentlemen may, that there is a negligible importation into this country of machine tools and that there is a large exportation from this country. The machine-tool industry bears now a reasonable protection. Unlike many other manufacturers, the makers of machine tools appeared before the Ways and Means Committee three years ago and consented that the present duty be reduced from 45 to 30 per cent. They now have 30 per cent, and if they are able to exist and export largely it is because they have a reasonable protection upon their finished products. Whether it is said on that side of the House or not, Mr. Chairman, that they do not need protection, I prefer to listen to those men themselves. I have in my pocket a large number of telegrams which I have received upon this subject, all saying that the placing of machine tools on the free list will ruin the industry.. These telegrams are as follows:

CINCINNATI, OHIO, January 28, 1912.

Hon. Nicholas Longworth,

House of Representatives, Washington, D. C.:

The Business Men's Club of Cincinnati remonstrates against the contemplated passage by Congress of the so-called steel schedule. It's passage would work an irreparable injury to the machine-tool industry of Cincinnati. Action should be deferred until a careful and scientific

investigation of the subject is made. A delegation is en route to personally enter a vigorous protest. Business conditions do not warrant trying experiments at this time.

CHAS. A. HINSCH, Vice President and Acting President.

CINCINNATI, OHIO, January 28, 1912.

Hon. Nicholas Longworth,
House of Representatives, Washington, D. C.:

We protest against placing of machine tools on free list, as proposed in Palmer bill, coming before the House Monday, as a serious blow to one of the principal industries of our city. Cincinnati delegation en route to Washington with facts and figures to sustain protest. Any revision should be only after a scientific investigation of the difference in cost here and abroad. We urge your opposition to this provision.

THE CINCINNATI COMMERCIAL ASSOCIATION, DAVID C. JONES,

Chairman Industrial Committee. CARL DEHONEY, Secretary and Manager.

CINCINNATI, OHIO, January 27, 1912.

Hon. Nicholas Longworth, M. C., Wasnington, D. C.:

Please wire what steps we can take to effectively enter protest against reduction of tariff on machine tools, included in steel bill. Passing this bill will ruin the machine-tool business in Cincinnati and the country in general; also reduce wages and cause wholesale discharge of emin gene ployees.

CINCINNATI BICKFORD TOOL CO.

CINCINNATI, OHIO, January 27, 1912.

CINCINNATI, OHIO, January 27, 1912.

House of Representatives, Washington, D. C.

DEAR SIR: We desire to enter our protest against the passage by Congress of the measure placing machine tools on the free list and ask that you use your influence to defeat same, thereby reserving for manufacturers the opportunity of making reasonable profits and for their employees reasonable compensation.

WILLARD MACHINE & TOOL Co., G. A. WILLARD, President.

CINCINNATI, OHIO, January 27, 1912.

Hon. Nicholas Longworth, M. C.,

House of Representatives, Washington, D. C.:

Rumored here that new steel tariff schedule introduced this week places machine tools on free list. This would be an unquestioned catastrophe to this industry, of which Cincinnati is headquarters. Please wire quick, our expense, what duty is proposed by new bill on machine tools. Now protected 30 per cent by Payne law. Forward quick copy of proposed bill. What practical method should machine-tool industry pursue to present facts in protest?

CINCINNATI, OHIO, January 27, 1912.

Hon. Nicholas Longworth,

1736 M Street, Washington, D. C.:

Passage steel Schedule C will seriously imperil machinery-tool industry, now none too profitable; lower wages. The workman must follow. We protest earnestly against it.

CINCINNATI SHAPER CO.

CINCINNATI SHAPER CO.

CINCINNATI, OHIO, January 27, 1912.

CINCINNATI, OHIO, January 27, 1912.

Hon. NICHOLAS LONGWORTH,
Congressman, Washington, D. C.:

We are astounded to learn that a bill will be presented in the House of Representatives on next Monday proposing to remove the duty on machine tools. Under the present duty machine tools are being imported to German houses in New York, namely, Schuchardt & Schutte and Alfred H. Schutte, doing an increasing business. Labor cost is far greater than material cost in the building of most machine tools. Consequently, with broadened market and much lower wage rate, both England and Germany would make great inroads on our trade. Both our domestic and foreign trade would suffer. We consider such a proposition disastrous, and earnestly ask your influence for its delay pending impartial consideration of facts.

AMERICAN TOOL WORKS.

AMERICAN TOOL WORKS.

CINCINNATI, OHIO, January 28, 1912.

NICHOLAS LONGWORTH, Washington, D. C.:

We hereby protest against the passage of new steel schedule putting machine tools on free list. Machine-tool manufacturers and our members would be disastrously affected. Machine-tool manufacturers our largest customers. Comparative cost in this country and abroad should be carefully investigated before any change is made.

CINCINNATI FOUNDRY ASSOCIATION.

CINCINNATI, OHIO, January 28, 1912.

NICHOLAS LONGWORTH,

House of Representatives, Washington, D. C.:

Cincinnati Metal Trades Association, composed of 100 manufacturers, employing 20,000 men, protest against the passage new steel schedule placing machine tools on free list. Cincinnati manufacturers en route and should be given opportunity to present better a careful and scientific investigation of the cost of the manufacture of machine tools abroad and at home. Will so propose. Schedule disastrous to machinetool builders; it is one of our largest industries.

Henry Ritter, President.

CINCINNATI, OHIO, January 28, 1912.

NICHOLAS LONGWORTH,
Congressman, Washington, D. C.:

If Congress passes bill taking duty off machine tools our business will suffer and wages and mechanics will fall in order to meet foreign competition. Cincinnati is the largest machine-tool manufacturing city

in the world and this city will suffer seriously; action should be post-poned until scientific investigations would show whether a reduction is justifiable. Wages in Europe permit them to undersell us and produce machines cheaper than we can, and cost investigation of the production will prove that present tariff is low enough.

JOHN STEPTOE SHAPER CO.

Hon. Nicholas Longworth, Washington, D. C.: CINCINNATI, OHIO, January 29, 1912.

Washington, D. C..

We protest against placing machine tools on free list as proposed in Palmer bill. We urge that you oppose this provision of bill.

SMITH & MILLS.

CINCINNATI, OHIO, January 29, 1912.

NICHOLAS LONGWORTH,

Washington, D. C.:

All American machine-tool manufacturers certainly oppose new steel bill as it now reads. By including machine tools in this bill you are not fighting trusts but taking the livelihood from 15,000 men in this city alone. Suggest thorough investigation first of costs here and abroad. Kindly keep us informed.

CINCINNATI LATHE & TOOL CO.

CINCINNATI, OHIO, January 29, 1912.

Congressman Nicholas Longworth,

House of Representatives, Washington, D. C.:

We seriously protest against putting machine tools on free list; will ruin all export trade and jeopardize the entire industry.

THE HISEY WOLF MACHINE CO.

CINCINNATI, OHIO, January 28, 1912.

NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.:

Chamber of Commerce urges no hasty action on tariff on machine tools. Cincinnath, largest tool-manufacturing center in world, would be seriously affected by any sudden disarrangement of business conditions in that line. Labor is largest percentage of cost of products. This and other peculiarities of business makes special treatment after careful inquiries desirable. Urge delay until Cincinnati manufacturers now en route to Washington have opportunity of presenting machinetool builders' argument.

CINCINNATI CHAMBER OF COMMERCE, WALTER A. DRAPER, President.

CINCINNATI, OHIO, January 28, 1912.

Hon. NICK LONGWORTH, Washington, D. C .:

Our club is desirous of protecting the reasonable interests of our manufacturers, and especially solicitious to safeguard the present good wages of our skilled labor. Therefore we hope it is consistent with your views and intentions to ask you to oppose the features of the new steel tariff calling for immediate reductions on machinery and all such goods so largely manufactured here. Our protest is against any action without most careful investigation of comparative cost, environments here and abroad. Your compliance and cooperation will be sincerely environments. appreciated.

THE MANUFACTURERS' CLUB OF CINCINNATI, W. F. ROBERTSON, President.

I am willing to believe those gentlemen, Mr. Chairman, rather than the alleged tariff experts upon the other side of the aisle.

Now, Mr. Chairman, among other things that are contained in these telegrams, are inquiries addressed to me as to how effective protest can be made against and prevent the passage of this legislation. Even if these gentlemen were in time, they could not effectively protest against the passage of this legislation, because no opportunity was given to them or to any others to protest; and my sole advice to these men and to all men who desire the protection of American industry and of American labor is to turn out the majority of this House and vote in the Republican Party. [Applause on the Republican side.]

Mr. Chairman, as the gentleman from Alabama stated, I was taken from my feet on Saturday night—and very proposition of the state o

erly, as Sunday was approaching—while I was discussing the amendment that I had offered to take machine tools from the free list in this bill. I desire now to restate, as briefly as possible, the grounds upon which I think my amendment ought to

prevail.

In the first place, I think that the Committee on Ways and Means, or, rather, the majority of the Committee on Ways and Means, for we of the minority were not consulted, acted through mistake of the facts in including machine tools in the free list. As I understand it, the ground for placing the completely finished product of any such industry upon the free list is or ought to be that it is a highly patented article or else that it is a monopoly. If there may be some excuse for cash registers, typesetting machines, sewing machines, and other articles of that sort which are protected by patents and which in some cases may be monopolies being placed upon the free in some cases may be monopolies being placed upon the free list, no such excuse can lie for the placing of machine tools upon the free list. If there is an industry in this country in which there is competition, and keen competition, it is in the production of machine tools. In my own State alone there are

the free list the finished product of that industry, while we leave a duty upon every single material that goes into that industry. Of course, it will probably be said here that this industry exports largely. It is true that it does export largely. It is true also that the imports are relatively small. Yet is it any reason because an American industry, employing American labor, is able to export its product and to do business with the nations of the world why it should be penalized for sooth and its product placed upon the free list? Is it the object of this legislation to put a penalty upon success? I am proud of the fact that the machine-tool industry, under the reasonable protection it now enjoys of only 30 per cent, is able not only to do business in this country, but in other countries, and I see no reason why the men who have invested their capital in this industry and the workmen who earn American wages in that industry should be placed in free competition with all the world. [Applause on the Republican side.] Viewed from any standpoint except that of absolute free trade, there can be no theory upon which you can put the finished product of an American industry on the free list leaving a duty on all intermediate materials, for even from the free trader's point of view you must put upon the free list every article that goes into that industry. This is indefensible upon any theory that can be advanced. In fact, the whole proceeding under which we are now acting is, in my judgment, indefensible.

If legislation means deliberate consideration, then this is not legislation. It is legislation by ukase, and the czar who issues that ukase is none other than the gentleman from Alabama [Mr. UNDERWOOD]. We have heard much talk about czars in this House. The gentleman from Illinois [Mr. Can-non], the former Speaker, was called a czar. Why, Mr. NON], the former Speaker, was called a czar. Why, Mr. Chairman, in so far as his control over his party in this House was concerned, he was a child compared to the gentleman from Alabama now. [Laughter.] As an amalgamator of opposing opinions, as a trainer and master of discordant and ordinarily utterly unmanageable elements, the renowned Prof. Hagenbeck is a child compared to the gentleman from Alabama. gentleman from Alabama [Mr. Underwood] knows my estimate gentieman from Alabama [Mr. Underwood] knows my estimate of his abilities. On a previous occasion I stated in his presence what I thought of his ability as a leader. I stated then and I state now that the Democracy has not produced in years a parliamentary leader comparable with the gentleman from Alabama. [Applause.] I said then that when he pipes his colleagues dance [laughter], and from their complacent countenances as I see them now they seem glad to dance. I will go further upon this occasion and say that when dance. I will go further upon this occasion and say that when he pipes they not only dance but they lie down, roll over, and play dead. [Laughter.]

Now, I appeal to Cæsar. I appeal to no one but Cæsar himself, for it would be waste of breath. I ask him to undo this wrong, this wrong upon the American business man, this wrong upon the American workingman, that he has done them in this bill, and I trust that he will uplift his finger and permit my just amendment to be adopted. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the reason that the Ways and Means Committee has placed this item on the free list is this: Two years or more ago, before the bill came before the House, when it was being investigated by the Ways and Means Committee, the Department of the Interior sent certain experts abroad to investigate the iron and steel business and the machinery business. A report was made at that time, which is now printed and on the files of the Ways and Means Committee, showing that machine tools made by American manufacturers were being exported in large quantities and sold in every country in Europe. They were sold not only in every country in Europe on equal competition with foreign manufactures, but in a great many countries of Europe, like Germany, and the American machine tool had to pay an adverse tariff rate before it was introduced into the competitive market.

More than that, it had to pay a high-class freight rate to get into that competitive market. It is not a commodity that can be shipped as ballast at a low freight rate, but it paid a high-class freight rate to go into the competitive markets of the world.

Now, the figures I had before me led me to believe that \$100,000,000 worth of machine tools were made in the United States. But I have had a talk recently with a gentleman, who is in the business himself, and he says that is an overestimate; that there is only about \$50,000,000 of machine tools made in the United States. The figures that are before me show that the nearly 50 different concerns making machine tools. There are over 12,000 American workmen in Ohio employed in making machine tools. There is nearly \$15,000,000 worth of capital in Ohio invested in making machine tools. Yet in the making of a so-called revenue tariff we take here an industry and place upon this item, states that that amount is too great; that their exports only amount to about \$5,000,000.

Mr. TILSON. Will the gentleman yield?

Mr. UNDERWOOD. I ask the gentleman not to interrupt me now. But take the case not on the basis of the figures of the Treasury Department, not on the basis of the experts that have heretofore investigated the matter, but on the statement of the gentlemen engaged in the business, and the total production is \$50,000,000 and the exports amount to \$5,000,000, or one-tenth of the total production in this country. These machine tools, as I have said heretofore, are being exported into the countries of Europe, where an adverse tariff is charged before they can come into the competitive market.

Now, the imports for the year 1910 amounted to only \$177,000

and the imports last year were \$191,000.

So here is a great industry, a very meritorious industry, a successful industry, that is going into the markets of the world, competing with its rivals abroad, no imports coming in here practically, and, in the judgment of the committee, there would be no imports coming in here to amount to anything if this item is left on the free list. Therefore, under these circumstances, your committee felt that they were justified in putting these items on the free list, because we did not see where we could get a reasonable revenue by putting even a very low tax on these items. Now, Mr. Chairman, I desire to close this bill this morning, and I move to close debate on this item.

Mr. FULLER. I trust the gentleman will not insist on that

at the present time. I want five minutes.

Mr. UNDERWOOD. Does the gentleman desire to speak upon this paragraph?

Mr. FULLER. Yes; on this amendment only.
Mr. STEENERSON. I will say, Mr. Chairman, that I have an amendment to offer to this section.

Mr. MANN. I have several amendments.
Mr. SLOAN. I would like five minutes.
Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be closed in 30 minutes, 20 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 10 minutes by myself.

Mr. MANN. I hope the gentleman will not make that re-

quest yet.

Mr. STEENERSON. There will be several amendments of fered to this section.

Mr. UNDERWOOD. I do not want to cut off amendments.

Mr. LONGWORTH. I suggest that we dispose of this amendment first.

Mr. UNDERWOOD. I understood that there were gentlemen on that side who desired to speak to this amendment.

Mr. FULLER. Mr. Chairman, I desire to speak to this amendment, and I desire also to offer another amendment to the

Mr. JACKSON. Mr. Chairman, it seems to me, in view of the fact that we spent all day Saturday on this matter, and that most of us were prevented from speaking at that time, that we ought not to be buried now at the expense of a matter of 20 or 30 minutes. I would like to say a few words upon the It will not detain the gentleman more than 20 or 30 bill.

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from Kansas that I must insist upon cutting out debate on the bill upon other items. I am willing to consent to this paragraph being debated. That is the reason I want a limit to the debate. In order that the gentleman from Illinois [Mr. Mann] may have full opportunity for his side, I am willing to ask unanimous consent that debate on this paragraph run for 40 minutes, and all amendments offered to it may be considered as pending until the 40 minutes are out, 30 minutes of that time to be controlled by the gentleman from Illinois [Mr. Mann] and 10 minutes by myself.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Alabama that he has the power undoubtedly at any time to

close debate. Why not let this run along to see whether proper debate is offered on the paragraph? This is a very important

paragraph in the bill, covering a number of different items.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph be closed in 40 minutes, 30 minutes of the time to be controlled by the gentleman from Illinois [Mr. MANN] and 10 minutes of the time to be controlled by the gentleman from Alabama [Mr. UNDERWOOD], and that all amendments to the paragraph may be read and

onsidered pending. Is there objection?

Mr. MANN. Mr. Chairman, I shall have to object to that.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate

now close on the pending amendment offered by the gentleman from Ohio [Mr. Longworth].

The CHAIRMAN. The question is on the motion of the gentleman from Alabama, that all debate be now closed on the pending amendment offered by the gentleman from Ohio [Mr. LONGWORTH

Mr. FULLER. Mr. Chairman, I hope that motion will not

prevail.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Illinois [Mr. Fuller] said he had an amendment of his own. I intend to let the gentleman speak on his own amendment.

I wish also to speak on this amendment.

Mr. FULLER. I wish also to speak on this amendment. Mr. UNDERWOOD. On the amendment offered by the gentleman from Ohio [Mr. Longworth] or on his own?
Mr. FULLER. On this amendment I desire to speak.

Mr. UNDERWOOD. Then I misunderstood the gentleman. I ask unanimous consent that all debate on this amendment close in five minutes and that the gentleman from Illinois [Mr. FULLER] may be heard during those five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the pending amendment close within five minutes and that the gentleman from Illinois [Mr. FULLER] occupy those five minutes. Is there objection?

There was no objection, and it was so ordered.

Mr. FULLER. Mr. Chairman, in view of the fact that no hearings were had before the Committee on Ways and Means, and in view of the further fact that in my district there is a great manufacturing city where machine tools are made by something like a dozen different firms and corporations, where several thousand men are employed in that particular industry, whose employment and wages are threatened by this bill, I desire to present to the House very briefly some of the views which I have received this morning by telegraph from parties interested in the industry in the city of Rockford, Ill. I have this morning received the following telegrams upon that particular subject:

Hon. Charles E. Fuller, Washington, D. C.:

We understand new steel bill will place machine tools on free list. Should this be done, foreign competition will cause revolutionary business disturbance and result in large reduction of wages. We urge you to use your influence to defer action on bill until careful investigation may be made on home and foreign cost conditions.

INGERSOLL MILLING MACHINE CO.

ROCKFORD, ILL., January 28, 1912.

Representative Fuller,

Washington, D. C.:

Steel tariff should have further consideration, for it includes machinery which can not stand free tariff and uphold present wages. Investigation will show profits extremely modest and not commensurate with capital involved.

W. F. & INO. BARNES CO.

W. F. & JNO. BARNES CO.

ROCKFORD, ILL., January 28, 1912.

Hon. Chas. E. Fuller, Washington, D. C.:

Understand adoption of new steel bill will place machine tools on the ee list. We respectfully ask that you use your influence against its passage.

ROCKFORD MACHINE TOOL CO.

ROCKFORD, ILL., January 28, 1912.

Hon. CHAS. E. FULLER, Washington, D. C.:

Steel bill reducing duties and putting machinery on the free list is ill considered and pernicious, and should be voted down. When matter comes up to-morrow in House, hope you will vote against it.

ROCKFORD DRILLING MACHINE CO.

ROCKFORD, ILL., January 29, 1912.

CHAS. E. FULLER, Representative, Washington, D. C.:

Use your undivided efforts to defer action of steel bill. Disastrous to machine-tool builders. ROCKFORD LATHE & DRILL CO.

ROCKFORD, ILL., January 29, 1912.

Representative CHAS. E. FULLER, Washington, D. C.:

We urge you to defer action on the steel bill, as in its present form it would be disastrous to machine-tool builders.

MECHANICS MACHINE Co.,
LEVIN FAUST, Secretary.

ROCKFORD, ILL., January 29, 1912.

Representative C. E. FULLER, Washington, D. C.:

Kindly defer steel bill in its present form, as it would ruin machine-tool trade.

BOCKFORD MILLING MACHINE Co., HUCO L. OLSON, Secretary.

ROCKFORD, ILL., January 29, 1912.

Representative CHAS. E. FULLER, Washington, D. C.:

Kindly defer steel bill in its present form, as it would ruin the machine-tool trade.

ROCKFORD TOOL CO., SWAN S. ANDERSON, Manufacturer.

Here is another which has also been handed to me:

NASHUA, N. H., January 29, 1912.

Hon. C. A. Sulloway,

House of Representatives, Washington, D. C.:

Understand new steel bill places machine tools on free list. If duty removed, serious foreign importation certain, resulting in competition that could not be met even by extreme reduction in wages. Kindly withhold your support, at least until investigation can be made.

FLATHER & CO.

MARK FLATHER PLANER CO.

E. J. FLATHER MANUFACTURING CO.

Here is another telegram from Bridgeport, Conn.-

Mr. MOORE of Pennsylvania. Mr. Chairman, a point of I notice that while these telegrams indicating that American manufacturers

The CHAIRMAN. What is the gentleman's point of order? Mr. MOORE of Pennsylvania. I am going to make it. While these telegrams indicating that American manufacturers are in

danger are being read, the committee is not in order.

The CHAIRMAN. The committee will be in order.

Mr. FULLER (reading):

BRIDGEPORT, CONN., January 28, 1912.

Congressman John Q. Tilson, Washington, D. C.:

The adoption of the steel bill, placing machine tools on the free list, would be a serious menace to the machine-tool industry. American machine tools have been copied in foreign countries and enormous works are producing them in large quantities. They are being sold in those countries at prices much below our cost of production, and it is their practice to make low prices for export, which would mean that this country would be used as a dumping ground. We ask your earnest efforts to protect us.

The Bullard Machine Tool Co.

THE BULLARD MACHINE TOOL CO.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FULLER. I hope the interruption has not been taken

out of my time. Mr. MOORE of Pennsylvania. Will the gentleman read this

telegram? The CHAIRMAN. The time of the gentleman has expired.

All time on this amendment has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that one more telegram may be read.

Mr. UNDERWOOD. Mr. Chairman, I ask that it be printed in the Record as part of the gentleman's remarks.

Mr. FULLER. It will take but a moment, if the gentleman

will allow me

Mr. UNDERWOOD. Mr. Chairman, I will not object if the gentleman desires to put it in the RECORD. I have no objection

Mr. FULLER. I will do that, but regret that I can not have time to discuss this important matter.

The matter inserted is as follows:

PHILADELPHIA, PA., January 29, 1912.

Hon. J. Hampton Moore,

United States House of Representatives, Washington, D. C.:

Understand new steel bill places machine tool builders on free list. If duty removed, serious foreign importations certain, as most machine tool builders for last five years have been operating at a loss. If duty is removed, will necessitate large reduction in wages. Think action should be deferred until careful and scientific investigation of cost conditions here and abroad can be made.

Newton Machine Tool Works, H. W. Champian, President.

SPRINGFIELD, MASS., January 29, 1912.

Hon. FREDR. H. GILLETT,

House of Representatives, Washington, D. C.:

Am advised that new steel bill places machine tools on free list. We strongly protest against such measure. See letter.

BAUSCH MACH. TOOL CO.

The CHAIRMAN. All time has expired. The question is on

the amendment offered by the gentleman from Ohio. The question was taken, and the Chair announced the noes

seemed to have it. Mr. AUSTIN, Mr. FULLER, and several MEMBERS. Divi-

Mr. LONGWORTH. Mr. Chairman, to save time, I ask for tellers.

Tellers were ordered.

The committee divided; and the tellers (Mr. Longworth and Mr. Underwood) reported that there were—ayes 72, noes 136. So the amendment was rejected.

Mr. FULLER. Mr. Chairman, I move to amend the paragraph by striking out the words "sewing machines."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend paragraph 73, line 7, by striking out the words "sewing machines."

Mr. FULLER. Mr. Chairman, in offering this amendment to strike sewing machines from the free list, I do so for the reason that, in my opinion, if there is any one thing in this entire bill

that ought not to be placed on the free list it is sewing machines. Under the Dingley Tariff Act sewing machines and sewingmachine parts were made dutiable at 45 per cent ad valorem. With that protective duty, which I concede was almost prohibitive so far as foreign competition was concerned, a great industry was built up in this country, and factories for the manufacture of sewing machines were established in many towns and cities, and the competition which ensued resulted in reducing the price of sewing machines very much below the prices at which they ever before had been sold. All experience which we have had in this country has demonstrated the fact that a protective tariff high enough to give the home market to home manufacturers has resulted universally in creating such competition as to reduce instead of enhancing prices to the consumer. For instance, you can buy to-day a better sewing machine for \$10 or \$12 than you could buy 50 years ago for \$75 or \$100. Under the Payne Tariff Act, which greatly reduced the duties all along the line, no matter what may be said to the contrary, the tariff on sewing machines and sewingmachine parts was reduced 50 per cent and the duty thereon fixed at 30 per cent ad valorem. The industry had grown until such reduction, in my opinion, was justified, but under this bill it is proposed to place these articles on the free list and give free competition with all the world. If it is the desire of Congress to do the greatest favor possible to the Sewing Machine Trust and the greatest injury possible to the smaller and independent concerns now competing with the Sewing Machine Trust, then this provision may well be retained in the bill. You will hear no objection to it whatever from the Singer Sewing Machine Co., which, it is said, manufactures 80 per cent of the world's product of sewing machines, and which has, besides its numerous factories in this country, one of the greatest sewing-machine plants in the world at or near Glasgow, Scotland, another in Canada, and possibly others in different parts of the world. Placing sewing machines on the free list would benefit that company and aid still further in consolidating the business in its hands, but it would work irreparable injury, if not absolute ruin, to the smaller independent con-cerns now competing with it. If this amendment prevails and sewing machines are stricken

from the free list, it would leave them dutiable at 25 per cent ad valorem under the "basket clause" of the bill. The only people in the world who could be benefited by the placing of sewing machines on the free list would be the Sewing Machine Trust, or the Singer Sewing Machine Co., because they could then have the different parts of their machines manufactured in their factories abroad by the cheapest labor obtainable in the world and ship those parts into this country, to be assembled here and sold here to the American people, and thus very probably drive out of business every independent sewing-machine factory in the land and incidentally turn out of employment thousands upon thousands of the employees of these independent factories who are now receiving higher wages than such labor commands in any other country in the world. If it did not do this it would certainly compel a reduction of wages to the employees in these independent factories to the level of wages paid in other countries. There are two such independent sewing-machine factories in the district which I have the honor to represent. These companies are not connected in any way with any trust. They are independent the trust, and competition in this industry is severe and the profit extremely low. Let me say, because that question has been raised as to other gentlemen defending other interests, that I have no personal or financial interest whatever in any company manufacturing sewing machines, but as an American citizen I am interested in seeing that no wrong is done to any of the industries of my district or of this country, and that no favoritism shall be shown to foreign manufacturers or to foreign laboring men over those of our own country. Every gentleman knows, or should know, that these independent factories, which have been built up under the Republican doctrine of protection, have been instrumental not in increasing prices because of the protection afforded, but in creating home competition, and thereby greatly reducing prices. Some gentleman has said that the price of sewing machines was exorbitant and that great dividends have been paid. This may be true as to the so-called trust, the Singer Sewing Machine Co., but it is not true of the smaller independent concerns for which I am speaking.

I know from personal knowledge that the National Sewing Machine Co., which is the principal industry in the city in which I live, and the Illinois Sewing Machine Co., of Rockford, Ill., have never made exorbitant profits, have never been able to pay dividends which afforded more than a fair return on the capital invested; and I know they do not ask or obtain exorbitant prices for the machines they manufacture. I may truthfully say they have been the means, with other like

concerns, of greatly reducing the cost of sewing machines. The National Sewing Machine Co. has a capacity of 1,000 sewing machines a day. They are not sold by agents, such as the Singer Sewing Machine Co. has all over the country, on pay-They are not sold by agents, such as the ments of a few cents a week or a dollar a month. There is in the city of Chicago a great mercantile concern dealing in all kinds of merchandise (Montgomery Ward & Co.), who sell only to the consumer at retail. In sewing machines they deal exclusively in those manufactured by the National Sewing Machine Co. at Belvidere, Ill. I have their catalogue, from which I find that they sell a very good sewing machine, warranted for five years, for \$8.75. They sell another machine, called a "High-arm model," with drophead and a complete set of nickel-plated attachments, seven drawers, ball bearing, and warranted for 10 years, at \$11.95. They have other models which are finer pieces of furniture, and possibly with some additional improvements, selling at \$14.50, \$15.85, \$16.95, \$17.40, \$18.75, \$19.95, \$20.75, \$22.95, and as fine a sewing machine as was ever made in the world, with all attachments, for \$25.50, which is the highest price quoted. Gentlemen may talk about it being necessary to pay \$40 or \$60 or \$75 for a sewing ma-That is not the case, as I can demonstrate to anyone interested. There is another great mercantile concern in the city of Chicago dealing in all kinds of merchandise and, among other things, sewing machines, and that is Sears, Roebuck & I do not understand that they handle any of the machines made in my town, but think they handle a machine made by an independent sewing-machine factory at Dayton, Ohio, and possibly others. They quote prices of these machinesat \$8.45, guaranteed for five years; one at \$9.85, guaranteed for 20 years; and others at \$12.95, \$14.20; \$17.25; \$18.75, and the highest at \$23.70. These prices are retail prices taken from the catalogues of these merchants.

If placing sewing machines on the free list should, as I think it would, result in consolidating the business in the hands of the trust, it would not be long until the people would realize that the destruction of competition at home by driving out of business the independent factories would result only in increasing prices to the consumer rather than in lowering such Mr. Chairman, I was surprised the other day to hear a gentleman on this side of the House say that, in his opinion, there was no man or no industry in his district that would be injured by the passage of this bill. I think he was mistaken. and that his view is entirely too narrow. I remember of hearand that his view is entirely too harrow. I remember of hear-ing a few years ago a political speech by the greatest living American, Theodore Roosevelt [applause], upon the text that "We all go up together or we all go down together." And that is true. We are interdependent. Prosperity, when it comes, affects all in greater or less degree. Adversity, when it comes, strikes the high and the low and is felt in every industry and in every section of the country. If men in my district are turned out of employment, if they are no longer able to secure employment and remunerative wages, they can not buy the products produced in the district of the gentleman from Iowa [Mr. Hubbard]. I wonder if he is prepared to say that no man and no industry in his district was injured by the last tariff act which the Democratic Party placed upon the statute books of this Nation. I had supposed that every industry and every section of the Nation was affected, and affected injuriously, by the Wilson-Gorman Tariff Act while it was the law of the land. Most of us remember those days of business depression—closed factories and idle men. Idle not from choice, but because there was no work to do and no prosperous industries to furnish employment and pay living wages. Some factories were able to run half time or to pay half wages, but even such were the exception to the general rule. Three millions or more of honest laboring men were out of employment, looking for work and unable to find it. Coxev's army was tramping down the grass all the way from the district of the gentleman from Iowa to the Capitol Grounds in Washington; and in the great cities all over the land men were living at free soup houses because of the universal depression in all lines of industry which then prevailed. I wonder if anyone in the district of the gentleman from Iowa was injured then! If I remember correctly, the farmers of my district and of his district were glad to get one-half the prices or less than one-half what they now get for the products of the soil.

Mr. HOBSON. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois yield

to the gentleman from Alabama?

Mr. FULLER. No; I decline to yield. If we could have time to discuss this matter, I should be glad to yield to the gentleman or to anyone on that side of the House. As my time is limited. I can not do so.

Mr. Chairman and gentlemen of the committee, the industries of this country and all through the Middle West, everywhere,

have been built up under the protective policy of the Republican Party. That policy is the same to-day that it has always been in the past. If the Republican Party is wrong now as to that policy, then it has always been wrong. If the Democratic Party is right now in its policy of free trade, revenue tariff, and destruction of American industries, then it has always been right. Men may change, but the policies of the two great parties upon this question have not changed and can not The Republican Party stands for the policy of protection to American industries and to American labor to-day as it has always stood. This policy of protection was the policy of Abraham Lincoln, of James G. Blaine, of William Mc-Kinley, and of all the great leaders of the Republican Party in the past. [Applause on the Republican side.]

Mr. Chairman, I am not a standpatter nor a standstiller. do not advocate that there should be no change in tariff I believe in progress and reform. I believe that as conditions change tariff schedules sometimes become too high and sometimes too low and should from time to time be changed to meet existing conditions; but they should not be changed, and the business interests of the country unduly disturbed, except on accurate knowledge and scientific principles, so that a reasonable degree of protection should be maintained and no injury done to any American industry. I believe in America for Americans. I believe in giving the American manufacturer, the American business man, the American farmer, and the American wage earner a preference over every other country on earth. It is not claimed by the Democratic sponsors for this bill that it is a protective measure at all or that it is intended to afford any protection to any industry. as to these items proposed to be placed upon the free list, that is absolute, pure, unadulterated free trade, for the benefit of the foreigner only, and which, in my judgment, can not possibly benefit any American citizen or any American industry, unless it is the great trusts and combinations, which need no protection.

Mr. Chairman, I am firmly convinced that the attempt on the part of the Democratic majority in this House to pass this bill, which I believe to be in the interests of the foreigner and of the trusts and large combinations and against the interests of the people, is purely a political play, intended to fool the people and to catch votes. If all gentlemen would vote their honest convictions, it could never pass, and the industries of the country might rest secure. Under the pretense of striking at the trusts, at the "malefactors of great wealth," as they have been called, let us not strike down and destroy the smaller but no less important industries that under the Republican policy of protection have been built up in almost every town and hamlet in the land. The trusts, the "malefactors of great wealth," do not need protection. They can take care of them-The little factories that now flourish all over the land do need protection, and can not live and compete with the trusts and with foreign cheap labor without it. They furnish the mouths to be fed by the farmers and create the best home They are the salvation of the Nation against market on earth. the rapacity of the trusts. Do not strike them down, as you propose to do by this bill. I appeal to you, my Democratic brethren, and to you, my Progressive Republican friends on this side, think well before you act, look well before you leap. On the result of this tariff controversy in the American Congress depends our future welfare and prosperity and the welfare, the stability, and the greatness of our American Republic. The questions we vote on to-day are greater than the political future of any man or any party. They are fraught with far-reaching results to the prosperity and welfare of the American people. We have grown great and powerful and prosperous as a Nation by reason of our policy of protection to all American industries, and the toil of the laborer has been rewarded more than in any other land under the shining sun. Let us consider conditions rather than theories; let us cease to play politics for the votes of the unthinking, and as patriots who love our country and its institutions do fearlessly and intelligently our duties as the representatives of a great people, and if we do that we will defeat this bill and every attempt to turn us from the beaten path that has led us up until we have become the greatest Nation on earth.

We took the tariff off from hides and placed them on the free list, depriving the farmer and the stock raiser of that protection. It was loudly proclaimed that that would make cheaper shoes for the people. Has anyone bought shoes any cheaper since that was done? We reduced the tariff on lumber in the interest of the consumer. Has anyone noted the reduction in the price of lumber? The courts have dissolved the hydra-headed monster, the Oil Trust, and the price of oil has gone up. The Tobacco Trust has been strangled, and still our cigars cost the same. If you want to kill off the big man or the big industry of a community, fire at all the little ones with the excuse that you are only trying to put the big one out of business. The little industries you may destroy; the big ones will still The whole Democratic propaganda as to the tariff is futile; worse than that, it is an insane delusion; and if it should be successful—which God forbid—every man, woman, and child in all the land, save only the "malefactors of great wealth," whom they profess to aim at, would suffer irreparable I am no pessimist. I believe, with all my soul, in the future greatness of the Republic. Prosperity may be stayed by the Democratic Party, but we shall "come back." We shall, in this year 1912, elect a Republican Congress, a Republican President, and the industries of the people will be protected, and we shall march on as a truly progressive people to a new, a greater, and a lasting prosperity.

Mr. PALMER. Mr. Chairman, it is an absolutely complete answer to the amendment and the argument of the gentleman from Illinois [Mr. Fuller] in reference to sewing machines to say that the American to-day beats the world in the manufacture of them. We make for export \$9,000,000 worth of sewing machines per annum, and we imported in 1911 a miserable \$52,000 worth. American sewing machines go not only to Europe, to Africa, but to the Orient as well. They are used in China, Japan, and Siam. And it is an unanswerable proposition that under the present circumstances in the trade the American is able to compete with labor and with cost of manu-

facture the world over upon this article.

But, Mr. Chairman, I did not rise to discuss sewing machines. As we have about reached the conclusion of the consideration of this bill, I desire to take a few moments in which to make a brief reference to two or three of the criticisms which have been made against the bill during the progress of the debate.

The gentleman from Connecticut [Mr. HILL] presented earlier in the debate an amendment that had reference to this particular paragraph in the bill. He proposed that all patented articles which are included in this free list should carry the same rate of duty as the present law provides if imported from the plants of American manufacturers who took their plants abroad. It does seem to me that the gentleman from Connecticut when he gets stirred up about that proposition is engaged in the occupation, which is always self-terrifying, of seeing ghosts. Instead of relying, as he usually does, upon cold facts and figures, he gives rein to his imagination and then becomes himself frightened at the result. He would have us believe that the American manufacturer, the moment we take the duty off of typewriters and sewing machines and printing presses and goods of that kind, will tear down his plant, disorganize his business, throw away the millions of dollars he has invested in it, expatriate himself and his business, and go to Europe to engage in the manufacture of these articles in order that he may send them into the United States free of duty, while under present circumstances, manufacturing them in this country, he, of course, is not obliged to pay any duty on them whatever.

Mr. FULLER. Will the gentleman yield?

No; I will not yield just now. If the fears Mr. PALMER. of the gentleman from Connecticut [Mr. HILL] in regard to this proposition meet with no more enthusiastic support on the part of the manufacturers of the country than his recent predictions of disaster have met with in his own district, I for one shall not have much fear of the result. Two or three weeks ago the gentleman from Connecticut made a speech in this House, in which he attacked the course of the Democratic Party during the extra session. He sent his speech broadcast throughout his It contained all of the charges against the Democratic Party which have been repeated and reiterated during this debate, and the gentleman from Connecticut, evidently in pride of his work-

The CHAIRMAN. The time of the gentleman has expired. Mr. HILL, Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be allowed to finish his remarks, and that then I may be allowed to reply.

Mr. UNDERWOOD. I am bound to object to that, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. PALMER] has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may proceed for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I would ask if it is the intention then to cut off debate?

Mr. UNDERWOOD. I intend to cut off debate very shortly. Mr. MANN. I shall not object to any debate in the House on any bill like this, even if the gentleman does apply the gag to us.

Mr. PALMER. I was about to say, Mr. Chairman, that the gentleman from Connecticut [Mr. HILL], in sending this speech, which he called "The Story of the Extra Session," to his constituents, asked a number of them to comment upon it, and I have before me now a sample of the replies which have been coming to the gentleman from Connecticut from his own people. It is a letter from a gentleman who resides in Stratford, Conn., and he says:

Mr. Hill, of the fourth district, has sent me "The Story of the xtra Session," asking me to read it and to comment upon it. In ply I sent him a recital of my experience last fall, which is as

reply I sent him a recital of my experience last fall, which is as follows:

"My wife and I came into New York by steamer, having with us 7 yards of serge cloth, which was to be made into a dress for my wife. This cloth cost in London \$11,90, and was declared, as required by law. On those 7 yards of cloth I was obliged to pay two duties—a duty on the weight and a duty on the value—44 cents a pound and 55 per cent ad valorem. These duties amounted to \$9.24, making the cost of the \$11,90 article \$21.14.

"A tax like this is unjust and excessive and can not be defended on the plea of protection to an American industry, as anyone can understand."

[Applause on the Democratic side.]

If this-

He says-

is a sample of the provisions of the present tariff law, I am not surprised at the universal dissatisfaction which prevails in regard to it— [Applause on the Democratic side.]

and I hope the Democrats will succeed in changing this law with some thought for the interests of the consumers.

[Applause on the Democratic side.]

Mr. BOWMAN. Mr. Chairman, will the gentleman yield? Mr. PALMER. No; I will not yield. The CHAIRMAN. The gentleman declines to yield.

Mr. PALMER. Now, reference has been made by one of my colleagues to the fact that, although this is a revenue bill, we show a loss in revenue. I feel that that is a matter which deserves a little attention. I made the statement earlier in the debate that this bill would increase the revenues of the Government over the revenues produced by the same schedule in the present law. I have not yet given the figures, but I desire to say now that, according to the estimates of imports made by the experts in the Treasury Department, this bill if it becomes a law will raise \$1,207,899 more than the same schedule in the present law raises. The reason why those figures are not the same as those contained in the report of the committee is this, that the revenues in the report, under the Payne law, are the book revenues, not the actual revenues. The revenues in 1911 under the Payne tariff were \$18,300,737, but of this \$2,531,496 went out in the way of drawbacks, leaving a net revenue of \$15,769,241.

We have laid the rate on tin plate, which constitutes 94 per cent of the drawbacks under the iron and steel schedule in the present law, at such a rate that tin plate will come into the country not for reexport, but for domestic consumption, and therefore the duty which we shall raise on tin plate will be actual revenue which will go into the Treasury and stay in the Treasury, so that the estimates are that under the present law. the drawbacks will not amount to more than half a million which, being deducted from the estimated revenues dollars, under this schedule, will leave \$16,977,140 as the actual net

revenues under this present schedule.

Now, somebody else has said, Mr. Chairman, that we have not had public hearings upon this bill. We discovered that the greatest engine of delay against a revision of the tariff law was a public hearing. If we opened this proposition to manufacturers of the country to come here ad libitum, we could not have got through the schedule for months and months. As a matter of fact, it has been published throughout the country for many weeks that we have been engaged in the preparation of this schedule, and not only hundreds but thousands of persons interested in the schedule have communicated with the committee, have filed their letters and their briefs, or have been personally heard. The committee has exercised patience with all of them [applause on the Democratic side], has given every man a fair and full hearing, and has denied to no man the right to present his case in any way he saw fit, except by taking up the time of the committee and of this Congress by holding public hearings before the full Committee on Ways and Means.

As a result, Mr. Chairman, I declare that we have written a bill which is fair to the manufacturers, because it will not reduce their profits below an honest return upon the real capitalization of the manufacturing enterprises in this country. have written a bill which is fair to the consumer in the country, because under it, just as surely as a gun is iron, the price of products covered by this bill will be somewhat reduced, for the benefit of the man who must use them every day. And we have written a law which is fair to the Treasury of the United States, for it will go further toward raising the money necessary to operate the Government than the present law.

Mr. Chairman, in my judgment this bill will receive the approval of the country. It will, in my belief, receive the approval of the Senate, and if it shall not receive Executive approval, then the responsibility for denying to the people the benefits of this legislation will be upon the President and his party and not upon us. [Applause on the Democratic side.] I admire the President. I am not so rank a partisan but what I can see that he possesses patriotic instincts and impulses, and I believe that if left to his own judgment he would sign this bill when it reaches him. And I hope, for the sake of the American people, that when it does reach him he will not be again swerved from the path he would follow if he pursued his own judgment, by those advisers who desire to continue the favors to special privilege which this bill denies. on the Democratic side.] I repeat, Mr. Chairman, that after all has been said and done, after all the guns have been fired against the bill, nothing but general talk has resulted, and no man has put his finger anywhere upon any point in the bill where he can show that it will injure honest business enterprise or the interests of the American consumer. And if the President shall now fail to assist us in giving relief to the people from the burdens of an unjust tax, we have made up our record and we are ready to go to the jury for a verdict. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I move that all debate

on this paragraph be limited to 20 minutes.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this paragraph be closed in 20 minutes.

Mr. CANNON. Who will have the 20 minutes?

Mr. UNDERWOOD. It will be divided between the two

Mr. CANNON. It seems to me this side ought to have the 20 minutes. The gentleman from Pennsylvania [Mr. Palmer]

has occupied the time-

Mr. UNDERWOOD. I am willing to give 15 of the 20 minutes to that side of the House, if the Chair will recognize gentlemen on that side. I am even willing, if you will do it by unanimous consent, to close debate in 25 minutes, and to give 20 minutes to that side of the House. I ask unanimous consent that debate on this paragraph close in 25 minutes, 20 minutes to be controlled by the gentleman from Illinois [Mr. CANNON] and 5 minutes by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph be closed in 25 minutes, 20 minutes time to be controlled by the gentleman from Illinois [Mr. CANNON] and 5 minutes of the time to be

controlled by the gentleman from Alabama [Mr. Underwood].

Mr. JACKSON. Mr. Chairman, reserving the right to object, will not the gentleman from Alabama make that 30 minutes? There are two or three gentlemen who want to

say just a few words on this subject.

Mr. UNDERWOOD. We have already had a considerable amount of debate on this paragraph. If there had been as much on every other paragraph it would have taken a week.

Mr. PAYNE. When the matter of debate on this bill was talked of in the Committee on Ways and Means, the gentleman was anxious to limit the general debate—
Mr. UNDERWOOD. I tried to make an arrangement.

Mr. PAYNE. The gentleman was anxious to limit the general debate to one day. To that we said we could not agree. The gentleman did limit it to one day. At the same time he said that we should have all the five-minute debate we wanted.

Mr. UNDERWOOD. Within reason. Mr. PAYNE. Even if it took a week.

Mr. UNDERWOOD. No; I never said you could debate it for a week under the five-minute rule. I said you could have reasonable debate, and I have given reasonable debate on this.

Mr. MANN. This is not reasonable debate. Mr. PAYNE. The gentleman talked about six days.

Mr. UNDERWOOD. Oh, no.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. MANN. I object to any such limitation of debate on this important paragraph.

Then I move that debate on this para-Mr. UNDERWOOD. graph close in 20 minutes.

Mr. PAYNE. I do not wonder the gentleman is afraid to have debate.

The CHAIRMAN. The gentleman from Alabama moves that debate on this paragraph close in 20 minutes.

The question was taken; and on a division (demanded by Mr. Mann), there were—ayes 111, noes 70.
Mr. MANN. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Alabama, Mr. Underwood, and the gentleman from Illinois, Mr. MANN

Mr. UNDERWOOD. I ask that the gentleman from Pennsylvania [Mr. Palmer] take my place.

The CHAIRMAN appointed Mr. PALMER and Mr. MANN.

The committee again divided; and the tellers reported that there were 112 yeas and 86 nays.

So the motion prevailed.

Mr. PAYNE. Mr. Chairman, I can not sit quietly by and let go unchallenged the false pretenses under which this bill is being jammed through the House and through the committee without proper consideration anywhere, either in the Committee on Ways and Means or in this Committee of the Whole.

Why, the gentleman from Alabama in the few remarks he made in general debate said that 14 schedules in the present law had only 12 days of general debate in the House. He forgot to mention that we met then at 11 o'clock and continued until 6, and then took a recess until 8, and continued until 11 and 12 o'clock at night, debating each day twice as many hours as the five hours allowed on this bill. There were 130 hours of actual general debate upon that bill. He said it covered the whole tariff, and that there were 14 schedules, and that is true; but he suppresses the fact that one-half of those sched--half of 14-could easily be selected that would not have so much dynamite in them, so much interest to the industries concerned in them, as there is in this great schedule of the tariff involving so much of the business interests of the country and so intimately connected with the people of the country. It was a false pretense to offer to this country such an excuse for the beggarly debate of five hours on this bill.

Now the gentleman from Pennsylvania [Mr. Palmer] talks about hearings before the committee. The committee has not sat a single minute for hearing anybody upon this schedule or on any other. [Applause on the Republican side.] Does he think there is no Ways and Means Committee here except himself and the gentleman from Alabama and a few other people that happen to be for the time being in the majority in this House? Has the minority no rights? Do they represent no one? Have not they a right to be at every hearing that comes

before the committee?

Oh, but they say they had petitions and letters from people throughout the country. Why, in God's name, did you not publish a single line of these letters or a single line of these petitions? [Applause on the Republican side.] Why bury them in the archives of the committee and keep it all to yourselves until you get in the very last hour of this very brief debate before you inform any of the minority members of the committee that you have such papers on file there? Why wait until you are driven to the wall? There are men here that might have voted for your bill who are protesting against the great injustice of your action here on this bill. Why do you do it? Why not publish the letters and petitions that you have? When we were considering the tariff bill we had a list of over 2,500 people engaged in business, both of importing and manufacturing, in the United States, to whom we sent a daily report of every hearing before that committee. We published thousands of volumes of the full hearings, which were eagerly sought and of which you can hardly find a volume now that has not been distributed to some party in the country who knows about schedules and is interested in them. What have you sent out? Why, you do not dare to publish a decent edition of the Tariff Board report on wool and woolens. [Applause on the Republican side.]

What are you afraid of? Are you afraid of the light of day? Do you think that you are going to fool the American people? Do you think you are fooling them by coming in here and cutting down duties without any regard to the industries that will be affected, without any regard to the wage earners whose wages you are going to cut down, and then by the chairman of the Committee on Ways and Means, with that smile on his countenance, saying, "We are cutting these duties, but business interests need not be afraid, because there is nothing in any of these bills which we seek to enact that will harm any business interest in this country."

No; that is true. There is nothing in your bills that will do any harm. Why? Because you will never enact them into law. [Applause on the Republican side.] You would not bring this bill in here if one of you believed it would ever be the law of the land, in view of the next election. You would not dare to do it; and if you had the power, you would not dare to enact the legislation in this bill that you bring in.

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. KINDRED. Mr. Chairman, I ask unanimous consent that the gentleman extend his remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may continue for five minutes. Is

there objection?

Mr. PALMER. Mr. Chairman, that does not affect the arrangement that there is only 20 minutes of debate, which will leave 10 minutes more of debate after the gentleman has concluded?

Mr. PAYNE. Well, suppose it does not? Mr. MANN. We understand that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, the gentleman from Pennsylvania [Mr. PALMER] said if the President is left alone he will sign this bill. The gentleman from Pennsylvania has watched the President of the United States with blinded eyelids, if he has the slightest belief that he will sign this bill. What does the President say, and what has he said? He says that he is in favor of levying a tariff according to the Chicago platform, a tariff that will make up the difference in cost abroad and at home, after that cost has been ascertained. Does he say that he is for a bill that will cut all protection out from every industry under this bill? Did he ever promise any such thing as Why, you are not frank enough always to admit it, and when you do you wind up your speeches by the bland assurance that your bill will injure no industry. The President has de-clared himself in favor of a Tariff Board. He appointed one, a bipartisan board, composed of gentlemen who understand their business, and who understand it so well that when their report on the wool schedule came in here it paralyzed you gentlemen on that side. [Applause on the Republican side.] You did not want to print it, and you did not dare suppress it, in toto. So you suppressed it by the beggarly printing of 500 copies, and you refuse to report a resolution to print any more. The country wants it. Oh, I was told the other day by the chairman of the Committee on Ways and Means that the Committee on Ways and Means had some copies.

Well, gentlemen had been there and had asked for enough copies to simply supply the demand that had come to them. Instead of getting 25 or 30 copies they got 5. They were members of the committee. The gentleman knows there have not been copies printed for general distribution. He knows that the woolgrowers of the country and the woolen manufacturersyes, the workingmen of the country-want to know what the report of this Tariff Board is. He knows that our constituents want it because they are watching you as they are watching me, and they want to know the basis upon which we bring in

tariff bills.

Are you afraid? What are you afraid of? What is my friend from Pennsylvania [Mr. Palmer] afraid of? Oh, he says that he has been challenged by some manufacturers in his district and told that he is going to have a hard time of it. Well, that was not any news to him. He knows he will have a hard time of it when he comes up for reelection next fall. He knows he can not fool those people up there with any such rank nonsense about increasing the industries in this country by taking away the difference in the cost of production at home and abroad. He knows that; but he has got to march along with the Democratic Party, like one brother who wanted to vote on this amendment in favor of leaving the duty on machine tools this morning, but told his constituents that he did not dare to vote that way because he would lose his standing in the Democratic Party. [Laughter and applause on the Republican side.] He is like my friends from Colorado who offered amendments and saw them voted down, and, I suppose, are now working themselves up to the point where they are going to take this bill blindly. The people will not be blind when these gentlemen go before them next fall. They will hear from the people at that time. Go on, gentlemen, close your doors, keep out the minority of the committee, report to your caucus, swallow the words of your boss, lie down and let him walk over you, pass any sort of a bill that he seeks to bring in, and do not allow any amendments to it, although you see as plainly as you saw when those other bills were before the House that the committee had made the grossest kind of mistakes. For instance, let us take your free-alcohol bill when you cut out the revenue on alcohol. Oh, I could stand here for an hour and enumerate those mistakes. The gentleman from Connecticut [Mr. Hill] enumerated them in his speech.

Why are you in such haste in putting this bill through the House? Are you afraid of the "back talk" that is coming from the people all over the country because of their honest criticism and condemnation of this bill? Come, now, be honest and own up that it was argued at the caucus that this bill applause on Republican side.] [Cries of "Regular order!"]

must be hurried through the House before the members of your party heard from their constituents, else the caucus rule might be broken.

The gentleman from Alabama [Mr. Underwood] said a few minutes ago that we were exporting 10 per cent or more of our machine-tool products, while the amount of the imports was small. Well, we are exporting 10 per cent of the machine-tool products in this country, and the imports are not large; but if you had made a thorough inquiry you would have found out, from those who know, the further fact that 90 per cent of the machine tools exported were "specials," not made in foreign countries. Other exports were of standard tools, which were better, and better made than those produced in the country to which they were exported, and the American tools were bought there at a higher price because of the excellence of their make and design.

If this committee, in their secret conclaves, had examined further, they would have found that we reduced the tariff on these tools from 45 to 30 per cent, a reduction of 331 per cent, three years ago; that since that time there had been a larger importation of standard machine tools into this country, and that the trade was growing. If the gentleman had ascertained these facts, it would have absolutely destroyed the argument he has been making here in favor of putting machine tools on the free list.

The gentleman from Pennsylvania [Mr. Palmer] has called up here one communication from one constituent of the gentleman from Connecticut [Mr. Hill], and another gentleman from Pennsylvania wanted to call up a letter from a constituent of the gentleman from Pennsylvania which would have made hot reading.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. I ask that the gentleman have five minutes more

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from New York have an additional five minutes. Is there objection?

Mr. PALMER. Mr. Chairman, reserving the right to object, we are operating under unanimous-consent agreement—

Mr. MANN. Oh, no; not at all. We are not operating under any unanimous-consent agreement at all. The gentleman, as usual, is wrong.

Mr. PALMER. We are operating under an order of the committee that the debate close in 10 minutes from now.

The CHAIRMAN. Yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York [Mr. PAYNE] may proceed for five minutes more.

Mr. PALMER. Mr. Chairman, the minority side has had 10 minutes of that time, and in view of that fact I shall be obliged

The CHAIRMAN. The gentleman from Pennsylvania objects. Mr. MANN. Cutting off debate, as usual, on that side of the

Mr. HILL. Mr. Chairman, I would like to ask the gentleman from Pennsylvania if he, the gentleman from Pennsylvania, will not kindly ask the House to give me 10 minutes to reply to him? The CHAIRMAN. The time is not within the control of the

gentleman from Pennsylvania.

Mr. PALMER. I will say to the gentleman we have another paragraph in the bill-

Mr. HILL. But, Mr. Chairman, the gentleman has seen fit to bring upon this floor a letter addressed to me and I have a right to reply to it. [Cries of "Regular order!"]

Mr. MANN. That is right; cut off debate on a bill involving

millions of dollars; cut off debate.

The CHAIRMAN. The Chair recognizes the gentleman from

New York [Mr. Fitzgerald].

Mr. CANNON. Mr. Chairman, I desire to ask unanimous consent-

The CHAIRMAN. The gentleman from New York has the

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. Hill] have 10 minutes to reply to the gentleman from Pennsylvania [Mr. PALMER], and that then the gentleman from Pennsylvania have 5 minutes to rejoin, so that he can further defend the man from Connecticut who wrote the letter from which he read-the plutocrat he wished to protect because he had to pay \$9 duty on that extraordinary cloth for a dress which he bought abroad for his wife and wished her to wear in the United States. [Laughter and

The CHAIRMAN. Regular order is demanded. The Chair recognizes the gentleman from New York [Mr. FITZGERALD]

Mr. FITZGERALD. Mr. Chairman, the pending amendment is to strike sewing machines from the free list. The effect of the adoption of the amendment would be to make them subject to a duty of 25 per cent. Under the present law they are dutiable at 30 per cent. If there be any article affected by the tariff, Mr. Chairman, that should now be placed on the free list it is sewing machines. They are required in every household in the United States. They are not luxuries, they are needed and useful articles. By reason of the exactions and the unjustifiable prices maintained by the company which practically monopolizes the manufacture of sewing machines the poor of this country have been subjected to an extortion that is appalling. [Applause on the Democratic side.] Standard sewing machines sell in this country from \$40 up to \$60 and \$75. The same sewing machines are exported-

Mr. GREEN of Iowa. Will the gentleman yield?
Mr. FITZGERALD. No; I will not yield—for sale in other countries, and the export price is less than \$8. [Applause on the Democratic side.] Moody's Manual contains some information about the manufacturers of sewing machines about whom there is so much solicitude on the other side of the House. Under the same old plea that the employees of the manufacturing establishments will suffer if the duty be lowered we are begged to make no reduction in the tariff on sewing machines.

In Moody's Manual for 1909, the well-known publication containing information about various corporations, appears the

Singer Manufacturing Co.: Incorporated originally in January, 1864, in New York, with a capital stock of \$500,000, to take over the business of I. N. Singer & Co. The present company was chartered in New Jersey on February '20, 1873, under special act, for the purpose of manufacturing sewing machines, etc. Plants are located at Elizabethport and Netcong, N. J.; Kilbowie, near Glasgow, Scotland; St. John, Quebec, etc. In November, 1904, the Singer Sewing Machine Co. was organized to act as distributing agents for the products of the company. In 1906 the Wheeler & Wilson Manufacturing Co. was absorbed. The company handles over 80 per cent of the world's output of sewing machines. It owns its own iron mines and timber land.

Capital stock: Originally \$1,000,000; increased in 1887 to \$10,000,000, and again in December, 1900, by a stock dividend of 200 per cent, to \$30,000,000; par, \$100. Transfer office, Elizabeth, N. J. Cash dividends have been paid (quarterly, January) in recent years as follows: 1898, 30 per cent; 1899, 100 per cent; 1900, 20 per cent; 1901, 7 per cent; 1902, 9½ per cent; 1903, 12 per cent; 1904, 31 per cent; 1905, 13 per cent; 1906, 8 per cent; 1907, 11 per cent; 1908, 12 per cent; January, 1909, 5 per cent.

Officers: Douglas Alexander, president; E. H. Bennett, vice president; T. E. Hardenbergh, secretary and treasurer; directors, F. G. Bourne, T. E. Hardenbergh, E. H. Bennett, Douglas Alexander, A. K. Bourne, S. C. Clark.

Annual meeting, third Wednesday in September.
Offices, Elizabeth, N. J., and 149 Broadway, New York.

This brief statement discloses a condition justly demanding redress. This corporation is capitalized at \$30,000,000, of which at least \$20,000,000 apparently is water. It has paid as high as 100 per cent in dividends. Its earnings have been enormous and have been partly covered by its inflated capitalization.

This, Mr. Chairman, is the struggling infant in the industrial world that the gentleman from Illinois proposes under the specious plea of helping its employees to give the benefit of a protective tariff to the extent of 25 per cent. These enormous profits have been taken from the very poor of the country, poor seamstresses, poor housewives, and those who are engaged in the greatest of the country the sweatshops of the country, and who eke out a pitiable exist-ence in long and piteous toil. They have been at the mercy of this one dominating concern, and they have been compelled to contribute to the enormous profits of this corporation, which controls 80 per cent of the world's output of sewing machines. The solicitude of gentlemen on that side of the House that this industry be not affected, that it be not injured in its legitimate business, is typical. It illustrates the Republican viewpoint. This enterprise should be permitted to continue to extort from those little able to contribute unconscionable profits. This is the application with vigor of the doctrine that the manufacturers' profits should be protected, regardless of the effect upon the consumer, or whether the consuming public can justly be subjected to the burdens imposed.

This one item, Mr. Chairman, illustrates vividly the policy of the Republican Party. It is to protect the illegitimate profits of the manufacturer at the expense of the consumers, no matter what their condition may be. [Applause on the Democratic I congratulate the Committee on Ways and Means upon its action in declining to give those interested in this industry an opportunity longer to fool the people by submitting ingen-iously prepared statements that merely muddle instead of giving light. No hearings were required, no information could be given, no facts could be furnished that would not have imperatively demanded that sewing machines be placed upon the free list so that the throttling hand of this trust might be loosened

from its grip upon the country and relief from its exactions afforded to the people. [Applause on the Democratic side.]

Mr. KINDRED rose.

The CHAIRMAN. The gentleman from New York is recog-

Mr. KINDRED. Mr. Chairman, as a commentary upon the whole steel situation, and as a sad commentary upon the deplorable industrial and labor conditions existing in the steel mills in this country, and in view of the copious crocodile tears shed by certain gentlemen on that side of the aisle in alleged sympathy for the workingman of this country, I desire to have printed in the RECORD, because I do not desire to take up the time of the House in reading it, the recent report of the Department of Commerce and Labor dwelling upon the outrageous labor conditions in the steel industries in this country.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print the article referred to in the

RECORD. Is there objection?

There was no objection.

Mr. KINDRED. The following is the article referred to as indicating the kind of "square deal" labor is getting under the Republican Payne-Aldrich protective tariff law, and also as plainly showing that the most highly protected special interests in the United States, such as the steel and woolen and many other monopolistic industries exacting millions of profits from the American people, under the existing tariff law, outrageously underpay and maltreat laboring men.

SLAVES OF STEEL—UNITED STATES REPORT ATTACKS LABOR SYSTEMS IN BIG MILLS—SKILLED ARTISANS OUSTED—WORKMEN "WHO CAN HARDLY SPEAK ENGLISH TOIL, EAT, AND SLEEP"—DOCUMENT, WHICH WILL BE SENT BY THE DEPARTMENT OF COMMERCE AND LABOR TO THE SENATE, SAYS THOUSANDS WORK 18 HOURS A DAY AND 7 DAYS A WEEK—MANY ON DUTY 24 HOURS—PAY OF MAJORITY 14 CENTS AN

Following a sweeping investigation covering almost every great steel manufacturing plant in the United States, the Department of Commerce and Labor, in a report now ready for the Senate, accuses practically every corporation of maintaining a system of labor almost as cruel and unnecessary as the galley slavery of ancient times.

Making the direct statement that steel corporations have instituted a policy of eliminating skilled artisans and putting in their places the lowest form of unskilled workmen, who are paid 14 cents per hour, the report states that the men are at times forced to remain on duty without relief as long as 24 hours at a stretch, and that in some plants 18-hour shifts are the rule rather than the exception.

One-fifth of the 173,000 employees, the report says, of all blast furnaces, steel works, and rolling mills work 84 hours, or 12 hours a day for 7 days per week. Many of them go to their homes "only to eat and sleep." In May, 1910, the period covered by the investigation, it was found that 50,000 furnace and steel mill employees worked regularly 7 days a week, and that 34,000 worked 84 hours or more a week.

HOURS OF OTHER WORKERS SHORTENED.

"Added significance attaches to the conditions of labor here described," says the report, "when we consider that the general tendency for years past has been toward a shorter working day. Years ago the 10-hour day became almost a standard. Since that time further reductions have brought the working day to 9, and in many cases to 8 hours, and this reduction has been accompanied by a part holiday on Saturday.

"It is therefore in striking contrast to this general tendency in other industries to find in a great basic industry, such as that part of the iron and steel industry covered in this report, that approximately only 14 per cent of the 173,000 employees worked less than 60 hours per week, and almost 43 per cent worked 72 hours or over per week.

INCREASE IN UNSKILLED MEN.

"Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of unskilled workmen in the labor force. Not far from one-half of the 91,463 employees in the productive iron and steel occupations included within this investigation were of the class of unskilled workmen.

"In the blast-furnace department more than two-thirds of the 24,722 employees in productive occupations were unskilled laborers, a large proportion of whom do not yet speak or understand English."

The investigation was authorized by a Senate resolution, following the revelations that proceeded from the great strike at the Bethlehem Sieel Co.'s plant two years ago. Attention is directed to the fact that while there is a metallurgical necessity for continuous operation of the blast furnaces, no such necessity exists in other departments, where the 7-day work has also been the rule. In some cases the hardships of a 12-hour day and a 7-day week are added to by a change from day to night work, and vice versa, at the end of the week, one crew of men having to work a shift of 24 hours to make the change.

ENFORCED A REST ON SUNDAY.

ENFORCED A REST ON SUNDAY.

It is also pointed out that at the end of the investigation of the Bethlehem works in 1910 the president of the steel corporation directed the rigid enforcement of a resolution adopted three years previour cutting out a large part of Sunday work except in the blast furnace department.

"Since the beginning of the present investigation," says the report, "this matter of abolishing seven-day work for the employees in the blast furnaces, as well as for other employees of the industry, has received the attention of the Iron and Steel Institute, and a plan has been proposed which gives each employee a day of rest each week, and does away with the 18 hours or 24 hours of consecutive work."

This plan, it is stated, has been successfully operated by several plants throughout the country.

The report shows that of the 172,706 employees, 73,529 had a working week of 72 hours or more. Over one-fourth of all the employees had a regular working week of more than 72 hours. Over 35,000 had a working week of 84 or more hours, while only 14.39 per cent had a working week of less than 60 hours.

SEE TENDENCY TO LOWER WAGES.

"Nothing has been done by the manufacturers," continues the report, "nor have any proposals been made to lessen the proportion of men working 72 hours or more per week, or at least 12 hours a day for six days a week. The proportion, as shown in this investigation—43 per cent—remains unchanged, being unaffected by the plan to give the men who are working \$4 hours per week one day of rest in seven.

"Large as is the proportion that unskilled labor forms of the total labor force in the iron and steel industry, steel experts have noted the fact that the tendency of recent years has been steadily toward the reduction of the number of highly skilled men employed and the establishment of the general wage on the basis of the common or unskilled labor.

lishment of the general wage on the basis.

"Of the total of 172,706 employees, 13.868 earned less than 14 cents per hour, 20,527 earned 14 and under 16 cents, and 51,417 earned 16 and under 18 cents. Those earning 18 and under 25 cents per hour numbered 46,132, while 40,762 earned 25 cents and over.

"A few very highly skilled employees received \$1.25 per hour, and those receiving 50 cents and over per hour numbered 4,403."

Mr. BOWMAN. Mr. Chairman, it has just been stated by my colleague from Pennsylvania [Mr. PALMER] that no honest industry would be affected by this bill. In this connection I would like to read a letter from an honest man regarding what I have always considered was an honest industry

The letter is from the Hazard Manufacturing Co., of Wilkes-

Barre, Pa., and is as follows:

The letter is from the Hazard Manufacturing Co., of Wilkes-Barre, Pa., and is as follows:

Hon. C. C. Bowman,

House of Representatives, Washington, D. C.

Dear Sir: The ad valorem rate on wire rods, which we import from England and Sweden, under the new bill is 10 per cent, which makes us pay about the same rate of duty as before, i. e., 3 cents per pound specific. So we have no objection to the proposed duty on wire rods, we have no objection to 20 per cent ad valorem duty on wire, because we do not import same, importing the rods instead and finishing same in our own wire mill. Some of our competitors do import wire and they will be benefited by this 20 per cent ad valorem rate as against the specific rates in the present law, which amount of the specific rates in the present law, which amount of the specific rates in the present law, which amount of the specific rates and valorem. So much for wire, the pay bill, pay only 20 per cent ad valorem. So much for wire a pay bill, pay only 20 per cent ad valorem, and an addition a specific duty of 1 cent pay only 20 per cent ad valorem, and in addition a specific duty of 1 cent pay only 20 per cent ad valorem, and in addition a specific duty of 1 cent pay only 20 per cent ad valorem and in addition a specific duty of 1 cent pay only 20 per cent of the total cost of production. A duty of 20 per cent ad valorem does not begin to represent the difference in the cost of the finished product of equal grade in this country as against England, Germany, and Sweden. If a revision downward of the specific duty on wire is to be given up, it seems to me a reduction from 35 per cent advalorem would have been a fairly radical reduction in the wire, and there should have been a fairly radical reduction for manufactures of wire as under the old bill, i. e., 1 cent per pound, or if the ad valorem duty was to be retained the manufactures of wire should have carried 30 per cent ad valorem rate.

I am inclosing herewith copy of letter I wrote to Mr. Pathær of wire in subject, which is

HAZARD MANUFACTURING Co., JOHN C. BRIDGMAN, General Manager.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWMAN. Mr. Chairman, I ask permission to extend
my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is

there objection? [After a pause.] The Chair hears none.

Mr. BOWMAN. I also wish to insert in the Record a copy of a letter addressed to my colleague from Pennsylvania [Mr. PALMER], as follows:

JANUARY 16, 1912,

Hon. A. M. Palmer,

House of Representatives, Washington, D. C.

Dear Sir: May I appeal to you as a Congressman from a near-by district and interested in industries of our State to fairly analyze the farmers' free-list bill, which, in lines 23, 24, and 25, clearly confuses wire rods, wire, and wire strands, used by the farmers for fencing, with wire rods, wire strands, and wire rope, used in an old and impor-

tant industry, i. e., wire-rope manufacture. I don't think there is any objection to having rods, wire, and strands used for fencing in a free list, because such rods, wire, and strands are made of the cheapest Bessemer and open-hearth material, and I don't think the manufacturers of same require protection on account of the low cost of Bessemer and open-hearth rods in this country as against the cost of the same material in England and Germany. The labor component of such they should be limited in cost to I beents per poun the free limit. Wire rods are almost never used for fencing, because they are too large and stiff to handle. But wire rods, wile strand, and wire rope, the first costing more than I beents per pound, constitute an entirely different product and industry. Farmers use from one one-hundredth to one-liftleth of I per cent of the total wire rope used in this country. Wire rope is mainly manufactured for holsting purposes, either in tractors in the construction of buildings. Wire strand represents the first step in the manufacture of wire rope. While too stiff for holsting purposes, it is largely used for guying purposes by telephone, telegraph, electric light, and street rallway companies. Wire rope represents in the finished product a labor cost of not less than 60 per cent and as high as 50 per cent. Wire strand represents a labor cost of not less than 60 per cent and as high as 50 per cent, wire strand and wire rope. Moreover, the manufacturers must go into the markets of the world for the best obtainable wire rods for the manufacture of wire rope, and our own company very largely uses subjected, and human life is generally involved in the use of this product. Wire rope is practically worthess for strength and reliability when made of ordinary Bessemer or open-heart stell rountry ones and their manufacture should be given a medicate their product of the most exacting use to which two a rope are made. The three-tenths cent duty or the rod represents about 10 per cent and their manufacture which

Mr. BOWMAN. Mr. Chairman, this company is one of the most important in the country engaged in this line of manufacture, employing a large number of workmen at good wages. Even though this bill does not become a law the circumstances

connected with its preparation and consideration by this body has caused great fear upon the part of the industries affected, There are troubles enough connected with the conduct of business at this time without this addition to the burden.

Mr. STANLEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Pennsylvania be extended

one minute so that he can answer a question.

Mr. COOPER. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Fuller], to strike out "sewing machines." The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 9, strike out the words "sewing machines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected. Mr. STEENERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 14, page 22, insert the following:
"That the act entitled 'An act to promote reciprocal trade relations with the Dominion of Canada—

Mr. MANN. Mr. Chairman, I think that is offered as a separate paragraph.

Mr. STEENERSON. It is offered as a separate paragraph. Let the Clerk finish the reading.

Mr. MANN. I am compelled to insist on my objection. The gentleman can have it read at the proper time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

Mr. AUSTIN. Mr. Chairman, I desire to offer an amend-

ment to the paragraph.

The CHAIRMAN. I will say to the gentleman from Minnesota [Mr. Steenerson] that he is entitled to offer an amendment to perfect the paragraph.

Mr. UTTER. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Rhode Island offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend on page 22, line 9, by striking out the words "printing

The CHAIRMAN. The question is on agreeing to the amendment effered by the gentleman from Rhode Island [Mr. UTTER]. The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 22, line 14, after the word "parts," by striking out the period and inserting the following: "From a country, dependency, province, or colony, being the product thereof, which imposes no import ax or duty upon the importation from the United States of cotton-seed oil, cottolene, and cotton stearin, and lard and compounds thereof."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. Mann].

The question was taken, and the Chairman announced that

the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 58, noes 81. Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN appointed Mr. Austin and Mr. Dixon of Indiana.

The committee again divided; and the tellers reported-ayes 74, noes 94.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment. The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers a further amendment, which the Clerk will report. The Clerk read as follows:

Amend, page 22, line 14, after the word "parts," by striking out the period, and inserting the following: "From a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty or restriction, by way of regulation or otherwise, upon the importation from the United States of live cattle, meats of all kinds, fresh, dried, smoked, salted, in brine, canned, or prepared or preserved in any manner."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN]

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.
The committee divided; and there were—ayes 59, noes 83.
Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN appointed Mr. Austin and Mr. Underwood. The committee again divided; and the tellers reported-ayes 61, noes 89,

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment. The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers a further amendment, which the Clerk will report.

Amend, page 22, line 14, after the word "parts," by striking out the period and inserting the following: "From a country, dependency, province, or colony, being the product thereof, which does not impose any export tax or charge of any kind upon or in any way restrict the exportation to the United States of crude potash or black salts, crude or refined carbonate of potash, hydrate of or caustic potash, erude nitrate of potash or saltpeter, crude or refined sulphate of potash, or muriate of potash."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. Mann

The question was taken, and the Chair announced that the

noes seemed to have it.
Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were-ayes 53, noes 88. Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The CHAIRMAN appointed Mr. Austin and Mr. Hull.

The committee again divided; and the tellers reported-ayes 60 noes 88.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment to the paragraph

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 22, line 14, after the word "parts," by striking out the period and inserting the following: "From a country, dependency, province, or colony, being the product thereof, which imposes no import tax or duty on like articles imported from the United States."

The question being taken on the amendment, on a division, demanded by Mr. MANN, there were, ayes 50, noes 91.

Mr. MANN. I demand tellers, Mr. Chairman

Tellers were ordered, and the Chair appointed Mr. Saunders and Mr. Austin.

The committee again divided; and the tellers reported—ayes 50, noes 90.

Accordingly the amendment was rejected.

Mr. Chairman, I offer a further amendment to Mr. MANN. the paragraph.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 22, line 14, after the word "parts," by striking out the period and inserting the following: "From a country, dependency, province, or other subdivision of government, being the product thereof, which does not impose any export duty, export license fee, or other export charge of any kind whatsoever upon or which does not prohibit or restrict in any way the exportation of news-print paper, wood pulp, or pulp wood."

The question being taken on the amendment, on a division (demanded by Mr. Mann) there were—ayes 42, noes 61.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, if no other Member desires to offer amendments to this paragraph I desire to offer a new paragraph.

Mr. STEENERSON. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

After line 14, page 22, insert the following:

"That the act entitled 'An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, and all other acts inconsistent with the provisions of this act, are hereby repealed."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that this amendment is not germane to this bill. I think it is apparent that it relates to the repealing of an entirely different bill, and has nothing to do with the iron and steel schedule. Under the former rulings of the Chair it seems to me it is out of order.

Mr. STEENERSON. I should like to say a word on that point.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STEENERSON. I do.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEENERSON. Mr. Chairman, although the reciprocity act with Canada has not yet taken effect-

A MEMBER. It can not take effect.

Mr. STEENERSON. Part of it has taken effect, and the remainder of it may take effect whenever Canada passes a law reciprocal in compliance with its terms. That act prescribes different duties from the present bill. For instance, on motor vehicles it prescribes 30 per cent, whereas this bill proposes 40 per cent ad valorem. So if 40 per cent is a revenue duty, we ought to have it on imports from that country, and that act is in conflict with this. We can not very well have two acts imposing different rates on the same article.

Then there is the matter of cutlery. The reciprocity act provides for 27½ per cent, and this provides for 35 per cent, so that there is a lower duty. There are other articles on the free list here that are dutiable there, or dutiable there which are on the free list here, so that there is an absolute conflict.

Mr. UNDERWOOD. I make the point of order that the gen-

tleman is not discussing the point of order.

Mr. STEENERSON. I am discussing it, showing that this bill can not be complete without a section repealing these conflicting laws. It ought not to be left to inference. This amendment perfects the bill. The question is whether it is germane to this bill, and not to the paragraph. This bill can not be a perfect bill without repealing the potential law which is in part in conflict with this law. Therefore, to perfect this bill will require this amendment, and therefore the amendment is germane to the bill.

If this amendment is inserted there will be no difficulty in administering it equally throughout the world; and certainly you can not have a perfect law without having it operate equally throughout the world. It must be germane. I want to say, too, that if you pass this amendment you will get more votes.

Mr. MANN. Will the gentleman yield? Mr. STEENERSON. Certainly.

Mr. MANN. This bill provides for rates of duty to be collected the day after it takes effect. Some of the articles enumerated in this bill being some of the articles enumerated in the Canadian reciprocity act, would not this bill constitute in part a repeal of the Canadian reciprocity act?

Mr. STEENERSON. Where the duties are identical?

Where the duties are not identical. Mr. MANN.

Mr. STEENERSON. No; I do not think so, because the reciprocity act takes effect in consideration of something that Canada gives us, and therefore it is taken out of the operation of

Mr. MANN. This being enacted into law subsequent to the date of the Canadian reciprocity law, and containing no exception in its terms, either in this law or in the Payne tariff law, to which this is an amendment, would it not, in fact, repeal to that extent the Canadian reciprocity law, therefore making absolutely in order the amendment offered by the gentleman from Minnesota declaring in express language that which is now implied?

Mr. STEENERSON. It would remove all doubt on the question; and therefore it perfects the bill, and therefore is ger-

mane to the bill.

The CHAIRMAN. The rule, as the Chair understands it. requires that all amendments must be germane to the subject matter of the bill where it is of a general character. In the mind of the Chair the proposition embodied in the amendment offered by the gentleman from Minnesota is not germane to the subject matter of the bill. The Chair therefore sustains the point of order.

Mr. STEENERSON. Mr. Chairman, I appeal from the deci-

sion of the Chair.

The CHAIRMAN. The gentleman from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the

ayes had it

Mr. STEENERSON. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN appointed as tellers Mr. Steenerson and Mr. SHACKLEFORD.

The committee again divided; and the tellers reported that there were 98 ayes and 47 noes.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. MANN. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Amend, page 22, after line 14, by inserting as a new paragraph the

Amend, page 22, after line 14, by inserting as a new paragraph the following:

"74. The provisions of the preceding paragraph shall not apply to articles imported from any country, dependency, province, colony, or other subdivision of government which imposes any import tax or duty or restrictive regulation upon the importation into such country from the United States of any meats of any kind whatever, whether fresh or pre-erved in any form, or of flour, live cattle, or cottonseed oil, or which prohibits or restricts in any way the exportation of news-print paper, wood pulp, or pulp wood."

Mr. MANN. Mr. Chairman, the last paragraph read in the bill proposes to admit cash registers, typesetting machines,

machine tools, printing presses, sewing machines, typewriters, tar and oil spreading machines free of duty.

The amendment that I propose will, if adopted, keep the duty on goods coming from countries which do not admit the agricultural products which are set out in the amendment. have heretofore offered amendments to the paragraph itself designed to obtain an enlarged market for our live cattle, for our preserved and fresh meats, for our cottonseed oil, and various other agricultural commodities, and upon every one of these amendments we have had a vote by tellers. On each vote every Republican voting voted in favor of the amendment to extend the markets of our agricultural products, and every Democrat voting voted against extending the markets for our agricultural products. [Applause on the Republican side.]

Upon what reasoning can it be said that we should throw our markets open to the world on these classes of commodities without requiring any exchange in our favor? I am in favor, when we open our markets to manufactures abroad, of obtaining some advantage in favor of our own people in those markets

abroad. [Applause on the Republican side.]

I offered an amendment a moment ago that this provision in the bill should not admit free of duty tools or other articles named coming from a country which did not admit, free of duty,

similar articles coming from our country to that country. The gentleman from Alabama [Mr. Underwood] a few moments ago stated that we were shipping machine tools abroad and paying a duty in foreign countries on those machine tools, and he has proposed in the bill that we admit their machine tools here free of duty. Every Democrat voted against the proposition that we should obtain from the foreign countries the same advantage of freedom from duty on our machine tools going abroad which the gentleman proposed to give to the manufacturers of those tools coming from abroad here, thus violating every principle of international relationship, proposing to open the markets of America to all foreign countries and obtain no additional market for this country. This bill and this paragraph to which I have offered an amendment will not open a single new industry in the United States. It will not gain one advantage to any manufacturer or producer of any commodity in the United States, but gives it all to foreign manufacturers.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent to proceed for five minutes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on the present amendment offered by the gentleman from Illinois be concluded in 10 minutes, 5 minutes to go to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I shall have to object to that. This amendment ought to be discussed more at length.

Mr. UNDERWOOD. Mr. Chairman, then I shall object if the gentleman is not willing to agree to my proposition.

Mr. MANN. Mr. Chairman, I am not willing to cut off debate. The gentleman has the power to do so, and he ruthlessly exercises it

Mr. UNDERWOOD. Mr. Chairman, I have not ruthlessly exercised it. I have offered the gentleman five minutes more.

Mr. MANN. Mr. Chairman, the gentleman wants to give me five minutes and to cut off everybody else. I am unwilling to take that privilege and cut off debate on such an important proposition.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. CULLOP. Mr. Chairman, section 73 of the present bill puts cash registers on the free list. That is one of the items to which the gentleman from Illinois [Mr. MANN] has just referred. This is a monopoly, as the record shows. I read from the Moody Manual Service the following history of the condition and growth of this industry:

and growth of this industry:

National Cash Register Co. (The): Incorporated in 1906 in Ohio as successor to National Cash Register Co., organized in 1899 under the laws of New Jersey. The business of the company is the manufacture of cash registers and kindred devices, and the application of its mechanisms to conform to special requirements in the systems of department stores and express, telegraph, and other companies who handle cash and are not retailers. The plant of the company is located at Dayton, Ohio, occupying 140 acres of land, and consists of 14 buildings, having 34 acres of floor space. It employs about 5,100 people at the factory and half as many more salesmen in this and other countries. At the present time there are, in use over 675,000 National registers. The company has now an output of about 9,000 machines per month, one-third of which are exported to foreign countries. Value of annual output, \$18,000,000.

Capital stock: Authorized and outstanding, \$9,000,000 common and \$1,000,000 7 per cent cumulative preferred; par, \$100. No bonds. The common stock was increased from \$4,000,000 to \$9,000,000 in September, 1906, and the \$5,000,000 increase was distributed to the common shareholders as a stock dividend. The common stock is entitled to all profits after the payment of 7 per cent on the preferred. William Pflum (at Dayton, Ohio) acts as transfer agent and registrar. Dividends on preferred are paid January and July 15, and on common at discretion of directors, 2 per cent being paid in 1906, 1 per cent in 1907, and 4½ per cent in 1908.

In the Payne bill the Republican Party, for the purpose of

In the Payne bill the Republican Party, for the purpose of protecting labor, the laboring man, levied a duty of 30 per cent on cash registers, of which this company has a monopoly. On the 1st day of April, 1909, four months before the date of the approval of the Payne bill, the National Cash Register Co. published its catalogue of prices in this country and in Great Britain, and I now wish to call attention to them to see whether the Republican Party did right when it levied a duty of 30 per cent in favor of the owner of this monopoly in the United States to see whether it was legislating in favor of the laboring man or in favor of a giant monopoly. This catalogue was published by the National Cash Register Co. and sent broadcast throughout Great Britain on April 1, 1909, and I desire to call attention to the difference in price between the sale of the same machines in the Kingdom of Great Britain and in the United States.

The only difference between the machines used in Great Britain and in this country is in the keys to correspond with the difference in the name and value of the circulating money. More work is required on those in use there than here because

of the more numerous denominations of their money, and hence it requires more work to manufacture those used there. quote from the catalogue published by the National Cash Register Co. for use there, but not for this country. The catalogue has photographs of the different numbered machines, so there can be no doubt but what they are the same, and here is the difference in price, as follows:

National Cash Register Co. prices as found in its catalogue of April 1, 1909.

FACSIMILE OF ENGLISH PRICES.

Class 400, No. 452, 51 keys; check printing, detail strip; print-ing and total adding; price £30 net cash (\$150).

Class 400, No. 462, 60 keys, price, £35 net cash (\$170).

Class 400 (total adding and printing), No. 463, 60 keys; slip and sales-strip printer; price, £35 net cash (\$175).

Class 400 (total adding and printing), No. 464, 60 keys; price, £35 net cash (\$175).

Class 400 (total adding and printing), No. 455, 51 keys; detailstrip and check with number printer; price, £35 net cash (\$175).

FACSIMILE OF UNITED STATES PRICES.

No. 452; price, \$300; detail-strip and check printer; 45 keys— 36 amount keys, 1 cent to \$99.99; 6 clerk's initial keys; 3 special

No. 452; price, \$350; 54 keys— 42 amount keys, 1 cent to \$699.99; 9 clerk's initial keys; 3 special

No. 463; price, \$350; detailstrip and sales-strip printer; 54 keys—42 amount keys, 1 cent to \$699.99; 9 clerk's initial keys; 3 special keys.

No. 464; price, \$350; stub-check printer; 54 keys—42 amount keys, 1 cent to \$699.99; 9 clerk's initial keys; 3 special keys.

No. 455; price, \$325; detailstrip and check with number printer; 45 keys—36 amount keys, 1 cent to \$99.99; 6 clerk's initial keys; 3 special keys.

These are the prices for the foreigner and the prices for the American citizen, yet when the Payne bill was passed a duty of 30 per cent as a protection was given this monopoly when, at the time, it was making this discrimination in prices between our own people and the people of foreign countries. What excuse can anyone give for such legislation? On what hypothesis could it be justified? Will anyone have the courage to attempt it? This bill places cash registers on the free list, and very properly so. Would anyone undertake to claim a duty protecting this manufacture is in behalf of labor? Certainly not, when these machines are sold by the manufacturer at less than half to the foreigner than they are sold to our people.

These prices are taken from the National Cash Register's catalogue, as used in Great Britain, and are used as an advertisement showing inducements why purchasers should buy at once. It was not intended for use in this country, but it found once. It was not intended for use in this country, but it found its way here, and from it we reproduce its prices. This ought to be convincing proof to the most ardent standpatter that protection is not for labor but for profit to the manufacturer and to furnish him a safe and secure method to plunder the consumers of this country. It is indefensible, and the people will not longer tolerate its injustice.

This great company, located at Dayton, Ohio, depends upon the American citizen to defend its property in time of danger, support it with patronage, and lend aid to the safe and pros perous conduct of its business; yet depending upon our people for all these, it extorts from them double the price for one of its machines that it requires a foreigner to pay. For this it can furnish no excuse

Does it need protection when it can make its machines at Dayton, Ohio, pay the freight on them to foreign countries, and sell them for one-half what it sells them to our people at home?

If so, upon what basis does it predicate its claim? Does it need it to pay its laborers' wages? If so, how can it reconcile its conduct in the difference of price? How can its laborers produce machines for foreign trade for one-half the price it requires of home consumers, as they have been doing, if a high duty is needed to enable it to operate? Is not the wage as high to make the machine for foreigners as it is for home consumers? If not, in what respect is the difference? Will some protectionist explain why? A patient public, wronged by the injustice done, requires a satisfactory explanation; it is entitled to it. What difference, if any, exists? They are the same machines, made from the same material, at the same time, and by the same men.

Mr. Chairman, there is none; and the unjust system should be tolerated no longer, and it should be wiped out, and installed in its place a system which will do justice to capital, labor, and consumer all alike and eliminate this species of special privi-[Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I move to close general

debate on the pending amendment and paragraph.

The CHAIRMAN. The gentleman from Alabama moves to close all debate on the pending amendment and—

The gentleman from Illinois [Mr. CANNON] Mr. MANN. wants five minutes.

Mr. UNDERWOOD. I am willing, Mr. Chairman, to ask unanimous consent that debate on this amendment be closed in five minutes and the gentleman from Illinois should control the time

Mr. MANN. I am not willing to accede unanimous consent to the proposition to close the debate on such an important proposition on which many Members desire to speak.

Mr. UNDERWOOD. I do not wish to be discourteous to the gentleman

I think it is discourteous to refuse the ex-Mr. MANN. Speaker of the House an opportunity to speak-

Mr. UNDERWOOD. Mr. Speaker, I move to close debate on the pending amendment.

Mr. MANN. It shows the tactics being followed.

The CHAIRMAN. The gentleman from Alabama moves to close debate on the pending amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The Committee divided; and there were-ayes 84, noes 54.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. Underwood and Mr. Austin) reported that there were-ayes 107, noes 72.

So the motion was agreed to.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The question is on the pending amendment. The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.
The committee divided; and there were—ayes 49, noes 81.
Mr. MANN. Tellers, Mr. Chairman.
The CHAIRMAN. The gentleman from Illinois demands tellers. Not a sufficient number—

Mr. MANN. Mr. Chairman, I asked for tellers and the Chair

did not ask gentlemen to rise who were in favor of taking a vote by tellers.

The CHAIRMAN. Those who are in favor of taking the vote by tellers will rise and stand until they are counted. Evidently a sufficient number, and tellers are ordered.

The committee again divided; and the tellers (Mr. Austin and Mr. ADAIR) reported that there were-ayes 52, noes 102. So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment. The CHAIRMAN. The gentleman from Illinois offers an

amendment, which the Clerk will report. The Clerk read as follows:

Amend, page 22, after line 14, by inserting as a new paragraph the

Amend, page 22, after line 14, by inserting as a new paragraph the following:

"74. The provisions of the preceding paragraph shall not apply to articles imported from any country, dependency, province, colony, or other subdivision of government which imposes any import tax or duty or restrictive regulation upon the importation into such country from the United States of any meats of any kind whatever, whether fresh or preserved in any form, or upon flour, live cattle, or cottonseed oil."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, this is one of a series of amendments offered by the gentleman from Illinois [Mr. MANN]. He offered one amendment to the provisions of this bill which provided that countries which discriminated against our trade should not have the benefit of free trade on the one hand and low duties on the other in our markets, which markets are one-third of the markets of the civilized world. Vote it down! Vote it down! Was the cry. followed by the vote of the Democratic majority. Now, if this law goes upon the statute books it would open free of duty our markets to all the world as to many articles, although on similar articles the world does not give us their markets. If this bill is enacted it would open our markets free of duty to the British products, because they have practically free trade upon all these articles. It would let in Germany and France and Austria-Hungary, and every other great producing nation on earth, while they pile upon our agricultural and manufactured products mountain-high duties. And yet, under caucus rule, you Democrats propose to give to them our markets free, although they shut out our products. [Applause on the Republican side.]

And, finally, the gentleman from Pennsylvania [Mr. PALMER], as a concluding argument, to which I referred a little while ago, read that letter about the man from Connecticut returning with his wife from Europe and having to pay \$9 on a dress pattern; and therefore anathema maranatha! I would go further if it were not for profanity. [Laughter.] And he thought on that account the whole tariff system ought to be wiped out.

For one I can stand and vote for this amendment and all similar amendments, for the reason that I am not willing that our cattle, our hogs, and our cottonseed oil, and all the products of our labor, on farms and in factories, shall be shut out of those countries other than England, and which would come in free under this bill as a mere gift. I am willing you should go to the country upon that proposition. [Applause on the Republican

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Cannon] has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for

five minutes more.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be closed in 10 minutes, 5 minutes to be used by the gentleman from Illinois [Mr.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to ask if the gentleman from Alabama will not consent that a telegram held by the gentleman from Pennsylvania [Mr. Focht] be read?

Mr. UNDERWOOD. Mr. Chairman, I desire to be courteous to that side of the House, but I am going to put this bill through.

[Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama [Mr. Un-DERWOOD] asks that all debate upon this paragraph close in 10 minutes, 5 minutes of the time to be granted to the gentleman from Illinois [Mr. CANNON]. Is there objection?

There was no objection.

Mr. CANNON. I have listened with much interest to the remarks of the gentlemen on the other side of the House in advocating the passage of this bill, and yet from my standpoint, although they may be for tariff for revenue only, even from that standpoint this bill is indefensible, because, as I say again, you give them a free market or low duties without exacting similar privileges for us. And, mind you, we manufacture and produce in this country one-third as much as is produced in all

The gentleman from Pennsylvania [Mr. Palmer], eloquent in gesture and in voice, like myself, having a birthright in the Friends' meeting, I do not believe ever got his special pleading

in defense of this bill from the old Quaker stock.

Mr. PALMER. Mr. Chairman, I call the gentleman's attention to the significant fact that he has left the Friends' meeting and I have stayed by them.

Mr. CANNON. And yet you will not find 1 per cent of our brother Friends agreeing with you touching economic policies.

I want to ask this plain, simple question: When the imports

increase and articles that we now make will not be required in whole or in part, how can it fail to affect our home production?

Upon that bare statement, if this legislation is ever enacted, I denying and you asserting, we will encounter the real thing. Talk is cheap. The proof of the pudding is in the eating of it. I sometimes wish, from the mere political standpoint, that you could enact this legislation. I measure my words when I say "from the mere political standpoint," although there would come trooping disaster upon men who live in the sweat of their faces, affecting their power of consumption and their power of production. And yet from the standpoint of my duty as a Representative in Congress I can not play politics. I stand and by my vote and by my voice will oppose this and all similar legislation. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. Mr. UNDERWOOD. Mr. Chairman, the gentleman from Illinois [Mr. Cannon] put one very pertinent proposition to this House, and that was that in placing these articles contained in section 73 on the free list we were putting them there without compensation to our foreign trade; we being excluded, he says, from their markets on these propositions, or being taxed on those articles in their markets; he holding that we should maintain a tax on them in our market. Why? For the benefit of the American manufacturer, in order that he may trade in those articles.

We put them on the free list for the benefit of the American people. [Applause on the Democratic side.] In this schedule, as has been stated before, are sewing machines-sewing machines which the uncontested testimony shows are being sold to the poor people of this country and to the rich and poor alike from \$23 to \$45 a machine, and yet are being laid down, freight paid, in the Orient for \$8.75. And yet the gentleman from Illinois [Mr. Cannon] would ask this Congress, in the name of the manufacturers of the United States, to retain a prohibitive tax on sewing machines and other like articles in order that we might trade for terms in foreign markets for the

benefit of men who have already made millions out of the American people. [Applause on the Democratic side.]

We are not proposing to maintain a prohibitive tax on these articles, a tax that enables monopolies to stand behind a tariff wall and gouge out of the hard-earned salaries of American laborers the profits that those monopolies have made in the last 20 and 40 years under the prohibitive tariff that the gentlemen on that side of the House have maintained on the statute books. [Applause on the Democratic side.]

The gentleman from Illinois may contend that we ought to barter and trade in articles of this kind, but I say to him when we barter and trade in the real necessities of the American people, we are bartering and trading in the life blood of poverty.

[Applause on the Democratic side.]

We are not ashamed to go to the American people and say that when an article is manufactured in this country so cheaply and so successfully that it can compete in all the markets of the world we are willing to place it on the free list for the benefit of our own people, and not maintain a prohibitive tariff in the interest of dollars—all of which have not been honestly [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, I have been out and I do not

know what the situation is. What is it?

Mr. MANN. They have gagged us, and we can not talk. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I ask for a vote. The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired. The debate has closed upon the pending amendment.

Mr. FOCHT. Mr. Chairman, I desire to strike out the last

Mr. MANN. It is not debatable.

The CHAIRMAN. All debate has closed upon the pending amendment, and the question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN]

The question was taken, and the Chair announced that the

noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 70, noes 107.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. Austin and Mr. REILLY.

The committee again divided; and the tellers reported-ayes 65, noes 108.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment, as a new paragraph.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 22 by inserting after line 14, as a new paragraph, the

Amend page 22 by inserting after line 14, as a new paragraph, the following:

"74. The goods, wares, articles, and merchandise mentioned in the last preceding paragraph, when manufactured wholly or in part in any foreign country by convict labor, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited."

Mr. UNDERWOOD. Mr. Chairman, I make the point of

order that that is not germane to the paragraph.

The CHAIRMAN. The gentleman from Alabama makes the point of order that the amendment is not germane.

Mr. MANN. I should like to be heard on the point of order. Mr. UNDERWOOD. The Chair has already ruled on that Mr. MANN. point of order on Saturday.

Mr. MANN. The Chair has not ruled on this point of order

at all.

Mr. UNDERWOOD. Exactly the same amendment.
The CHAIRMAN. The Chair will hear the gentleman from Illinois briefly on the point of order.

The gentleman is mistaken as to what question Mr. MANN. the Chair ruled upon.

The CHAIRMAN. The Chair will hear the gentleman from

Illinois briefly.

Mr. MANN. The law now provides for an import duty upon

Research 78 Paragraph 73 prothe articles mentioned in paragraph 73. Paragraph 73 proposes to admit those articles free of duty. My amendment proposes that the articles named in the paragraph shall not be admitted at all if made in whole or in part by convict labor. The bill proposing to remove from the dutiable list articles now upon the dutiable list and admit them free of duty, it certainly is germane to say that those articles shall not be admitted at all when made by convict labor. The Payne law, passed by a Republican Congress, now provides that these articles shall not be admitted at all when made by convict labor. Will it be claimed that under the rules of the House you can provide, under the guise of admitting them free of duty, that they shall

be admitted when made by convict labor, and that an amendment prohibiting their importation when made by convict labor is obnoxious to the rule? If those be the rules of a Democratic House, let me advise the country to take the rules of a Republican House, which permitted the introduction into the bill of this precise proposition to keep out convict-made goods. [Applause on the Republican side.]

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Sec. 2. That on and after the day following the passage of this act all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

Several Members rose. Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise, and report the bill with amendment to the House, with the recommendation that the bill as amended do

Mr. HILL. I make the point of order—— Mr. MANN. It is in order to offer amendments to the section.

Mr. HILL. That was the point of order I was going to make.

Mr. UNDERWOOD. I insist on my motion.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise and report the bill back to the House with an amendment, and with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. MANN. I ask recognition to offer an amendment to the section.

Mr. UNDERWOOD. Mr. Chairman, I insist on the regular order.

Mr. MANN. That is the regular order. I ask for recognition to offer an amendment to the section.

Mr. HILL. I make the point of order that I have a right to offer an amendment to this section.

Mr. GARNER. Not unless the gentleman gets the floor. It

is a question of recognition.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. Underwood], who is in control

Mr. MANN. But I make the point of order that that motion is not in order as long as any gentleman asks recognition to offer an amendment to the paragraph or the section.

Mr. UNDERWOOD. Mr. Chairman, it is clearly in the power

of the committee to do what it pleases.

Mr. MANN. Oh, no; it is not. The rules provide about this.

The CHAIRMAN. The Chair overrules the point of order. Mr. MANN. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois [Mr. Mann] appeals from the decision of the Chair. The question is—

Mr. CANNON. I desire to be heard on the appeal.
Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the point of order is dilatory.
Mr. MANN. That is not the case at all.

Mr. UNDERWOOD. It is dilatory.

Mr. CANNON. The appeal is not dilatory.

The CHAIRMAN. The Chair has overruled the point of order and the gentleman from Illinois appeals from the decision of the Chair.

Mr. UNDERWOOD. I make the point of order that the ap-

peal is dilatory.

Mr. MANN. The appeal is not dilatory. If the Chair wants to have his ruling sustained in that way, it is within the power of the Chair.

Mr. CANNON. Mr. Chairman, I am informed and believe that there are amendments in the hands of two or three Members that are not offered as dilatory amendments, but are offered in good faith, for the consideration of this great Committee of the Whole.

Mr. FOCHT. I was on my feet, Mr. Chairman, asking for recognition to offer an amendment.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Alabama on the ground that the

appeal is dilatory.

Mr. MANN. Mr. Chairman, we could not understand the ruling of the Chair owing to the confusion in the House. Does the Chair hold that the gentlemen desiring to offer amendments on the last section of the bill are not entitled to recognition for that purpose prior to recognizing a Member to move that the committee rise and report the bill favorably?

The CHAIRMAN. That was not the question. The gentleman from Alabama made a motion that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill pass, [Cries of "Regular order!"]

Mr. MANN. That is the most outrageous ruling ever made

by the Chair, and a violation of law and precedent.

Mr. CANNON. Mr. Chairman, I move that the House do now adjourn.

The CHAIRMAN. The Chair holds that a motion to adjourn in the Committee of the Whole House on the state of the Union is not in order.

Mr. CANNON. And the Chair is perfectly correct for the first

time in the last 10 minutes. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from Alabama that the committee do now rise. [Cries of "Division!" and "Tellers!"]

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. PALMER and Mr. AUSTIN.

The committee divided; and the tellers reported that there were 111 ayes and 87 noes.

So the motion that the committee rise prevailed.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Floyn of Arkansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and had directed him to report the bill back with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill and amendment to the final passage of the bill. Mr. MANN. And on that, Mr. Speaker, I demand the yeas

and navs.

The yeas and nays were ordered.

The question was taken; and there were-yeas 195, nays 116. answered "present" 8, not voting 72, as follows:

YEAS-195.

	YEAS	S—195.	
Adair	Difenderfer	Jacoway	Reilly
Adamson	Dixon, Ind.	James	Richardson
Aiken, S. C.	Doremus	Johnson, Ky.	Roddenbery
Akin, N. Y.	Doughton	Jones	Rothermel
Alexander	Driscoll, D. A.	Kindred	Rubey
Allen	Edwards	Kitchin	Rucker, Mo.
Anderson, Ohio	Ellerbe	Konig	Russell
Ansberry	Evans	Konop	Saunders
Ashbrook	Faison	Korbly	Scully
Ayres	Fergusson	Lamb	Shackleford
Barnhart	Ferris	Lee, Ga.	Sharp
Bartlett	Finley	Lee, Pa.	Sheppard
Bathrick	Fitzgerald	Legare	Sherley
Beall, Tex.	Flood, Va.	Lever	Sherwood
Bell, Ga.	Floyd, Ark.	Levy	Sims
Berger	Fornes	Lewis	Sisson
Blackmon	Foster, III.	Lindbergh	Slayden
Boehne	Fowler	Linthicum	Smith, N. Y.
Booher	Gallagher	Littlepage	Smith, Tex.
Borland	Garner	Littleton	Stanley
Brantley	Garrett	Lloyd	Stedman
Brown	Glass	Lobeck	Stephens, Miss.
Buchanan	Godwin, N. C.	McCoy	Stephens, Nebr.
Bulkley	Goeke	McDermott	Stephens, Tex.
Burke, Wis.	Goldfogle	McGillieuddy	Stone
Burleson	Goodwin, Ark.	McHenry	Sulzer
Burnett	Gould	Macon	Sweet
Byrnes, S. C.	Gregg, Pa.	Maguire, Nebr.	Talcott, N. Y.
Byrns, Tenn.	Gregg, Tex.	Martin, Colo.	Taylor, Ala.
Callaway	Gudger	Mays	Taylor, Colo.
Cantrill	Hamill	Moon, Tenn.	Thayer
Carlin	Hamilton, W. Va.		Thomas
Carter	Hamlin	Morrison	Townsend
Clayton	Hammond	Moss, Ind.	Tribble
Cline	Hardwick	Murray	Turnbull
Collier	Hardy	Nelson	Tuttle
Conry	Harrison, Miss.	Oldfield	Underhill
Covington	Hay	O'Shaunessy	Underwood
Cravens	Heflin	Padgett	Warburton
Cullop	Helgesen	Page	Watkins
Curley	Helm	Palmer	Webb
Daugherty	Henry, Tex.	Patten, N. Y.	Whitacre
Davenport	Hensley	Pepper	White
Davis, Minn.	Hobson	Peters	Wickliffe
Davis, W. Va.	Holland	Pou	Wilson, N. Y.
Denver	Hughes, Ga.	Rainey	Wilson, Pa.
Dickinson	Hughes, N. J.	Raker	Witherspoon
Dickson, Miss.	Hull	Randell, Tex.	Young, Tex.
Dies	Humphreys, Miss.	Rauch	
Section 1997			

NAYS-116.

Ames Anderson, Minn. Anthony Austin Bates Burke, S. Dak. Butler Calder Campbell Campon Crago Currier Curry Danforth Fairchild Farr Focht Dodds Bowman Bradley Browning Draper Driscoll, M. E. Dwight Catlin Foster, Vt. French

1912.		CONGR	ESSIONAL	K
Fuller		. Martin, S. Dak.	Smith, Saml. W.	
Gardner, N. J. Gillett	Jackson Kendall	Miller Mondell	Speer Steenerson	
Good	Kennedy	Moore, Pa.	Stephens, Cal.	١,,
Gray Green, Iowa	Kopp Lafean	Morgan Morse, Wis.	Sterling Stevens, Minn.	li
Greene, Mass. Griest	Lafferty La Follette	Mott Murdock	Sulloway Switzer	C
Guernsey Hamilton, Mich.	Lawrence Lenroot	Murdock Norris Patton, Pa.	Tilson Towner	
Harris	Longworth	Payne	Utter	11
Haugen Hawley	Loud McCall	Pickett Porter	Volstead Vreeland	
Hayes Heald	McCreary McGuire, Okla.	Powers Pray	Wedemeyer Wilder	n
Henry, Conn	McKenzie -	Prince	Willis	
Higgins Hill	McKinley McKinney	Prouty Reyburn	Wilson, Ill. Wood, N. J.	a
Hinds Howell	McLaughlin McMorran	Roberts, Nev.	Woods, Iowa Young, Kans.	a
Hubbard	Mann	Smith, J. M. C.	Young, Mich.	te
		PRESENT "-8.		ti
Andrus Candler	Clark, Fla. Donohoe	Moon, Pa. Parran	Rodenberg Sparkman .	r
	· NOT VO	TING—72.		h
Ainey	Estopinal	Kinkead, N. J.	Rees	
Barchfeld Bartholdt	Fields Fordney	Knowland Langham	Riordan Roberts, Mass.	aı
Bingham Broussard	Francis Gardner, Mass.	Langley Lindsay	Robinson Rouse	co
Burgess	George	McKellar	Rucker, Colo.	SE
Burke, Pa. Cary	Graham Hanna	Madden Maher	Sabath Sells	oi ti
Claypool Connell	Harrison, N. Y. Hartman	Malby Matthews	Simmons Slemp	m
Cox, Ind.	Houston Howard	Needham	Small	ti
Cox, Ohio Crumpacker	Howland	Nye Olmsted	Smith, Cal. Stack	q
Dalzell Davidson	Hughes, W. Va. Johnson, S. C.	Plumley Post	Taggart Talbott, Md.	-
De Forest Dent	Kahn Kent	Pujo Ransdell, La.	Talbott, Md. Taylor, Ohio Thistlewood	q
Dupre	Kinkaid, Nebr.	Redfield	Weeks	
	ous question wa			
For the sess	nnounced the fol	lowing pairs:		n
	with Mr. ANDR	US.		
Until further	notice:			a
Mr. KINKEAL	of New Jersey	with Mr. HANN	γΔ.	
against.	of Colorado, 1	or the bill, wi	th Mr. NEEDHAM,	A
	, for the bill, wi	th Mr. DALZELL	, against.	A A B
	f Florida with l			B
	AN with Mr. Da		of Massachusetts,	B
against.	for the bin, wit	II III. GARDNES	or massachusetts,	B
	th Mr. KAHN.			BCCC
	of Maryland w			
Mr. McKell	AR, in favor of t	he bill, with M	r. MALBY, against.	C
Mr. SMALL V	vith Mr. RODENI	BERG.		0000000
	with Mr. SLEM with Mr. BARC			C
Mr. Cox of I	ndiana with Mr	. DE FOREST.		Č
Mr. Robinson	with Mr. Bur	KE of Pennsylva	inia.	D
Mr. HOWARD	or the bill, with with Mr. Rober	Mr. OLMSTED, a	against.	D
	, for steel bill,			D
Mr. TAGGART	with Mr. This	TLEWOOD.		DDEF
	tith Mr. Nye.	with Mw Mammy	*****	T.
	h Mr. Langhan		IEWS.	A
Mr. MAHER	with Mr. Know	LAND.		A
	of South Carol with Mr. Ford		ARTMAN.	A
Mr. George	with Mr. CRUMI	PACKER.		A
Mr. Francis	with Mr. Sells			A
	AL with Mr. Bu			A
	th Mr. SMITH O			A A A B
	RD with Mr. AI			B
On the vote:				B
Mr. Houston	, for the bill,	with Mr. Moon	of Pennsylvania,	B B B B
	ry 29 until Wedi	nesday noon :		BBB
Mr. DUPRE, f	or steel bill, wit	h Mr. Howland	o, against.	B
From Januar	ry 27 ending We	ednesday, inclus	sive:	B
Mr. Cox of Ohio with Mr. TAYLOR of Ohio. From January 24 until February 1:				B
	with Mr. WEER			B B B B
From Januar	y 29 ending Fel	ruary 3, inclus	ive:	BBB
	N of New York		N. inquire if I am	B
recorded?	bii. spęak	ci, i desite to	mquie it I am	B

The SPEAKER. The gentleman is not recorded.

Mr. FRANCIS. I would like to vote.

The SPEAKER. Was the gentlemen present in the Hall and

istening when his name was called?

Mr. FRANCIS. I do not know. I did not hear my name called. I was going in and out of the Chamber.

The SPEAKER. The gentleman does not bring himself ithin the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the amendnent.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on the engrossment nd third reading of the amended bill.

The question was taken; and the bill as amended was ordered o be engrossed and read a third time and was read the third

Mr. PAYNE. Mr. Speaker, I offer the following motion to ecommit the bill, which motion I send to the desk and ask to ave read.

The Clerk read as follows:

The Clerk read as follows:

I move to recommit the bill H. R. 18642 to the Committee on Ways and Means, with instructions to that committee to hold the bill in the committee until the Tariff Board shall make report of the information secured by the special and complete investigation now being made by said Tariff Board in regard to the manufacture, use, and consumption of the articles included in Schedule C, and to report said bill back to the House with such provisions and amendments as the committee may deem proper after examination and consideration of the information so reported by that Tariff Board.

Mr. PAYNE. Mr. Speaker, on that I demand the previous nestion.

The SPEAKER. The question is on ordering the previous nestion.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. Mr. MANN. Mr. Speaker, on that I demand the yeas and

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 207, answered "present" 8, not voting 70, as follows:

YEAS-106. Farr Focht Foss Foster, Vt. French Fuller Gardner, N. J. Gillett Good Green, Iowa Greene, Mass. Griest Guernsey Hamilton, Mich. Harris Kinkaid, Nebr. Knowland Kopp Lawrence Longworth Prouty Reyburn Roberts, Nev. Sloan Anthony Austin Bates Bates Bowman Bradley Browning Burke, S. Dak. Butler Smith, J. M. C. Smith, Saml. W. Longworth
Loud
McCall
McCall
McCreary
McGuire, Okla.
McKenzie
McKinley
McKinney
McLaughlin
McMorran
Mann
Martin, S. Dak.
Miller
Moore, Pa.
Morgan
Mott
Patton, Pa. Smith, Saml. W Speer Steenerson Stephens, Cal. Sterling Stevens, Minn. Sulloway Switzer Tilson Towner Utter Butler
Calder
Campbell
Cannon
Catlin
Cooper
Copley
Crago
Crumpacker
Currier Harris Hawley Utter Vreeland Wedemeyer Wilder Willis Hawley
Hayes
Heald
Henry, Conn.
Higgins
Hill
Hinds
Howell
Humphrey, Wash.
Jackson
Kendall Curry
Danforth
Dodds
Draper
Driscoll, M. E.
Dwight Patton, Pa, Payne Pickett Porter Willis Wilson, Ill, Wood, N. J. Woods, Iowa Young, Kans, Young, Mich. Dyer Esch Fairchild Powers

Kendall Kennedy Pray Prince NAYS-207. N.
Cantrill
Carlin
Carter
Clayton
Cline
Collier
Covington
Cravens
Cullop
Curley
Daugherty
Davenport
Davis, Minn.
Davis, W. Va.
Denver Heim
Henry, Tex.
Hensley
Hobson
Holland
Hubbard
Hughes, Ga.
Hughes, N. J.
Hull
Humphreys, Miss.
Jacoway Fitzgerald Flood, Va. Floyd, Ark. Fornes Foster, Ill. dair Adair Adamson Aiken, S. C. Akin, N. Y. Alexander Allen Anderson, Minn. Anderson, Ohio Ansberry Fowler Francis Gallagher Garner Garrett nsberry Ayres Barnhart Bartlett Bathrick Beall, Tex. Bell, Ga. Glass Godwin, N. C. Goeke Goldfogle Jacoway James Johnson, Ky. Johnson, S. C. Goodwin, Ark. Davis, W. Va.
Denver
Dickinson
Dickson, Miss.
Dies
Difenderfer
Dixon, Ind.
Doremus
Doughton
Driscoll, D. A.
Edwards Jones Kindred Kitchin Konig Konop Gould Gould Gray Gregg, Pa. Gregg, Tex. Gudger Hamill Hamilton, W. Va. Hamlin Hammond Hardwick Berger Blackmon Boehne Booher Borland Brantley Korbly Lafferty La Follette Lamb Lee, Ga. Brown Buchanan Buchanan Bulkley Burke, Wis. Burleson Burnett Byrnes, S. C. Byrns, Tenn. Callaway Lee, Pa. Edwards Hardwick Hardy Harrison, Miss. Haugen Hay Heffin Helgesen Ellerbe Evans Faison Fergusson Ferris Finley Lee, Fa.
Legare
Lenroot
Lever
Levy
Lewis
Lindbergh

Linthicum	Norris	Saunders	Taylor, Colo.
Littlepage	Oldfield	Scully	Thayer
Littleton	O'Shaunessy	Shackleford	Thomas
Lloyd	Padgett	Sharp	Townsend
Lobeck	Page	Sheppard	Tribble
McCoy	Palmer	Sherley	Turnbull
McDermott	Patten, N. Y.	Sherwood	Tuttle
McGillicuddy	Pepper	Sims	Underhill
McHenry	Peters	Sisson	Underwood
Macon	Pou	Slayden	Volstead
Maguire, Nebr.	Rainey	Smith, N. Y.	Warburton
Martin, Colo.	Raker	Smith, Tex.	Watkins
Mays	Randell, Tex.	Stedman	Webb
Moon, Tenn.	Rauch	Stephens, Nebr.	Whitacre
Moore, Tex.	Reilly	Stephens, Miss.	White
Morrison	Richardson	Stephens, Tex.	Wickliffe
Morse, Wis. Moss, Ind.	Roddenbery	Stone	Wilson, N. Y.
Moss, Ind.	Rothermel	Sulzer	Wilson, Pa.
Murdock	Rubey	Sweet	Witherspoon
Murray	Rucker, Mo.	Talcott, N. Y.	Young, Tex.
Nelson	Russell	Taylor, Ala.	
		"PRESENT"—8.	
Andrus	Candler	Donohoe	Moon, Pa.
Burgess	Clark, Fla.	Lafean	Weeks
	NOT VO	TING-70.	
Ainey	Fordney	Madden	Rodenberg
Barchfeld	Gardner, Mass.	Maher	Rouse
Bartholdt	George	Malby	Rucker, Colo.
Bingham	Graham	Matthews	Sabath
Broussard	Hanna	Mondell	Sells
Burke, Pa.	Harrison, N. Y.	Needham	Simmons
Cary	Hartman	Nye	Slemp
Claypool	Houston	Olmsted	Small
Connell	Howard	Parran	Smith, Cal.
Cox, Ind. Cox, Ohio	Howland	Plumley	Sparkman
Cox, Ohio	Hughes, W. Va.	Post	Stack
Dalzell	Kahn	Pujo	Stanley
Davidson	Kent	Ransdell, La.	Taggart
De Forest	Kinkead, N. J.	Redfield	Talbott, Md.
Dent	Langham	Rees	Taylor, Ohio
Dupre	Langley	Riordan	Thistlewood
Estopinal	Lindsay	Roberts, Mass.	
Fields	McKellar	Robinson	
So the moti	on to recommit y	was rejected.	
The Clerk a	nnounced the fol	lowing additions	al pairs:
Until furthe	r notice.		
	r with Mr. LAFE		
Mr. GEORGE	with Mr. HUGHE	es of West Virgi	nia.
The result of	of the vote was a	announced as ab	ove recorded.
			mended bill pass?
Mr. UNDER	WOOD. Mr. SI	peaker, on that I	demand the yeas
and nays.			
	d nays were ord	lered.	
			pas 212 navs 110

The question was taken; and there were—yeas 212, nays 110, answered "present" 8, not voting 62, as follows:

YEAS-212. 3—212.
Jones
Kent
Kent
Kindred
Kinkaid, Nebr.
Kitchin
Konig
Konop
Korbly
Lafferty
La Follette
Lamb Adair Adamson Aiken, S. C. Akin, N. Y. Alexander Allen Anderson, Ohio Reilly Richardson Riordan Roddenbery Rothermel Edwards Ellerbe Evans Faison Fergusson Fergusson Ferris Finley Fitzgerald Flood, Va. Floyd, Ark. Fornes Foster, Ill. Fowler Rubey Rucker, Mo. Russell Saunders Scully Shackleford Ansberry Ashbrook Lamb Lee, Ga. Lee, Pa. Sharp Sheppard Sherley Sherwood Bathrick Fowler Francis Gallagher Garner Garrett Glass Beall, Tex. Bell, Ga. Berger Blackmon Legare Lenroot Lever Levy Lewis Lindbergh Sims Sisson Slayden Glass
Godwin, N. C.
Goeke
Goldfogle
Goodwin, Ark,
Gould
Gray
Gregg, Pa.
Gregg, Tex.
Gudger
Hamilt
Hamilton, W. Va.
Hamili
Hammond
Hardwick
Hardy Boehne Booher Borland Sloan Smith, N. Y. Smith, Tex. Stanley Linthicum Littlepage Littleton Brantley Brown Buchanan Bulkley Burke, Wis. Burleson Lloyd Lobeck McCoy McDermott McGillicuddy Stedman Stephens, Cal. Stephens, Miss. Stephens, Nebr. Stephens, Tex. Burnett Byrnes, S. C. Byrns, Tenn. Callaway McGillicuddy
McHenry
Macon
Maguire, Nebr.
Mays
Moon, Tenn.
Moore, Tex.
Morrison
Morse, Wis.
Moss, Ind.
Murdock
Murray
Nelson
Norris
Oldfield
O'Shaunessy Stone Stone
Sulzer
Sweet
Talcott, N. Y.
Taylor, Ala.
Thayer
Thomas
Townsend
Tribble
Turnbull Cantrill Carlin Carter Clayton Cline Hardy Harrison, Miss. Haugen Collier Conry Covington Cravens Cullop Hay
Heflin
Helgesen
Helm
Henry, Tex.
Hensley Turnbull Tuttle Underhill Underwood Warburton Curley Warburton
Watkins
Webb
Whitacre
White
Wickliffe
Wilson, N. Y.
Wilson, Pa.
Witherspoon
Woods, Iowa
Young, Kans.
Young, Tex.
The Speaker Hensiey
Hobson
Holland
Hubbard
Hughes, Ga.
Hughes, N. J.
Hull
Humphreys, Miss.
Jackson Davenport Davis, Minn. Davis, W. Va. O'Shaunessy Padgett Padgett Page Palmer Patten, N. Y. Pepper Peters Denver Dickinson Dickson, Miss. Dieson, Ind.
Dies Difenderfer
Dixon, Ind.
Doremus
Doughton
Driscoll, D. A. Jackson Jacoway James Johnson, Ky. Johnson, S. C. Pou Rainey Raker Randell, Tex. Rauch

	NAYS	3—110.	
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The SPEAKER. The Clerk will call my name.

The name of Mr. Clark of Missouri was called, and he voted aye."

So the bill was passed.

The Clerk announced the following additional pair:

Until further notice:

Mr. MAHER with Mr. NEEDHAM.

The result of the vote was announced as above recorded. On motion of Mr. Underwood, a motion to reconsider the vote by which the bill was passed was laid upon the table.

PENSION APPROPRIATION BILL.

Mr. BARTLETT, from the Committee on Appropriations, reported the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes (H. Rept. 279), which was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I reserve all points of order on

the bill.

Mr. BARTLETT. Mr. Speaker, I desire to give notice that I shall endeavor to call up this bill to-morrow or as soon thereafter as possible.

LEAVE TO PRINT.

Mr. AUSTIN. Mr. Speaker, I ask permission to print in the RECORD as a part of my remarks a letter with accompanying resolutions of the Young Men's Business Exchange of Knox-

The SPEAKER. Is there objection?

There was no objection.

The letter and accompanying resolutions are as follows:

JANUARY 26, 1912.

Hon. R. W. Austin, M. C.,

Washington, D. C.

Dear Sir: I have your letter with reference to the action of this organization on the proposed free importation of iron ores, and beg to assure you of the sincere and hearty appreciation of the people of this section of the country on your position opposing such legislation.

The resolution passed by the unanimous vote of the members of this exchange at a recent meeting is set out in full below. Remember that this organization is composed of over 600 progressive and prosperous Knoxville business men, as many of whom are Democrats as are Republicans. The resolution itself was introduced and seconded with hearty speeches by Democratic members.

Here it is:

"Resolved, That it is the sense of the Young Business Men's Exchange that we condemn the proposed schedules of that committee of Congress which has recently reported on a traiff schedule for iron ore and manufactured steel and iron products; be it further

"Resolved, That we favor a reduction in the present tariffs on manufactured steel and iron; but be it

"Resolved, That we, as citizens of Knoxville, Tenn., desirous of seeing the latent resources of the Appalachian region developed in their en-

tirety, feel that if Congress accepts or adopts the report of that committee permitting free iron ores to be imported into the United States that an irreparable injury will be done this section of the country and that the opportunities for the development of this region will be totally lost; and be it further

"Resolved. That the secretary of this exchange is hereby instructed and directed to at once communicate to the 10 Representatives in Congress and the 2 Senators from the State of Tennessee, urging upon them the importance and necessity of voting down any such tariff legislation as is herein condemned."

The above is a true copy of the resolution as passed by the unanimous vote of the exchange.

Very truly, yours,

KARL ED STEINMETZ, Secretary.

KARL ED STEINMETZ, Secretary.

Mr. Speaker, I would like a similar privilege The SPEAKER. The gentleman from Pennsylvania [Mr. FARR] makes a similar request. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the metal schedule may have the privilege for five legislative days of extending their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who spoke on the metal schedule have five legislative days in which to extend their remarks.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. MANN. For the information of the House, would that limit the time allowed in which to extend remarks where gentlemen already have obtained leave?

The SPEAKER. It would not, in the judgment of the Chair. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. JONES. Mr. Speaker, I am directed by the Committee on Insular Affairs to report, with a favorable recommendation, on Insular Amairs to report, with a layorable recommendation, the bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes" (H. Rept. 280), which has been referred to that committee. I also submit, Mr. Speaker, the independent views of two members of the committee, Mr. Morse of Wisconsin and Mr. Davis of Minnesota, and ask that they be printed

with the report.

Mr. MANN. Is this a privileged bill?

Mr. JONES. I desire to ask that the minority of the committee may be given five legislative days in which to file their minority views.

Mr. MANN. I do not understand that this is a privileged bill.

It goes into the basket.

The SPEAKER. The Chair does not really know what it is. Mr. JONES. It is not a privileged bill. I am simply making a report from the Committee on Insular Affairs and asking that the minority be given five legislative days in which to file their

minority views.

Mr. MANN. I have no objection to that.

The SPEAKER. The report will be made through the basket. The request of the gentleman from Virginia [Mr. Jones] is-

That the views of Mr. Morse of Wisconsin and Mr. JONES. Mr. Davis of Minnesota may be printed along with the report that I have filed. There is a minority report.

The SPEAKER. The gentleman from Virginia asks that the

minority report (H. Rept. 280, pt. 2), be printed along with the report of the majority-Mr. MANN. And that t

Mr. MANN. And that the minority be given—
The SPEAKER. Five legislative days in which to print their views. Is there objection?

There was no objection.

SWEARING IN OF A MEMBER.

The SPEAKER laid before the House the following certificate of election:

CERTIFICATE OF ELECTION.

THE STATE OF KANSAS.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state for the State of Kansas, do hereby certify that the State canvassing board, from the legal returns of the special election held on the 9th day of January, 1912, now on file and recorded in this office, after due examination thereof, as provided by law, did determine and declare that George A. Neeley was duly elected to the office of Representative of the seventh congressional district of the State of Kansas for the term ending March 4, A. D. 1913.

Witness my hand and seal.

CHAS. H. SESSION Secretary of

Done at the city of Topeka this 22d day of January, 1912. Mr. NEELEY appeared before the bar of the House and took the oath of office.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask that to-morrow be set aside for the consideration of bills from the Committee on the District of Columbia.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that to-morrow be set aside for the consideration of District of Columbia business.

Mr. MANN. May I ask the gentleman, so that the House may have the information, whether it is likely that it will occupy the whole afternoon to-morrow?

Mr. JOHNSON of Kentucky. I can not say, Mr. Speaker. I contemplate calling up two bills on which there should be little. or no discussion.

The SPEAKER. Is there objection?

There was no objection.

WHITE EARTH INDIAN RESERVATION, MINN.

Mr. STEENERSON. Mr. Speaker, I rise to a question of privilege, and ask unanimous consent to address the House for 30 minutes

The SPEAKER. The gentleman from Minnesota [Mr. Steen-ERSON] rises to a question of privilege and asks unanimous consent to address the House for 30 minutes. Is there objection?

Mr. FITZGERALD. What is it, Mr. Speaker? If the gentleman has a question of privilege, he does not need unanimous consent.

The SPEAKER. The Chair understands that is so under the rules, but the Chair can not inform the gentleman whether it is a question of privilege or whether the gentleman has any.

Mr. UNDERWOOD. Mr. Speaker, unless the request of the gentleman from Minnesota [Mr. Steenerson] is immediate and relates to him personally, I hope the gentleman will let it go over until to-morrow. Of course I do not want to object to a matter of personal privilege of that kind if it is immediate.

Mr. STEENERSON. I supposed, Mr. Speaker, that unani-

mous consent was granted.

Mr. UNDERWOOD. I did not understand, Mr. Speaker, that it was granted. I should like to ask the gentleman what is the special matter concerning which he desires recognition? Mr. STEENERSON. It relates to certain newspaper publica-

tions reflecting on me and other Members of Congress

Mr. UNDERWOOD. Reflecting on the gentleman personally?

Mr. STEENERSON.

Mr. UNDERWOOD. Then I will not object. But will the gentleman require 30 minutes?

Mr. STEENERSON. That is the time I need, and I under-

stood it was granted by unanimous consent.

The SPEAKER. The Chair desires to state that the suggestion of the gentleman from New York [Mr. Fitzgerald] is entirely correct, that if the gentleman has a question of privilege nobody has any right to object to his addressing the House on that sub-

ject; but he asked for 30 minutes, and that was a limitation on his time, and the Chair saw no objection to putting the request.

Mr. STEENERSON. Mr. Speaker, I rise to call attention to certain charges made by representatives of the Department of Justice before the Committee on Expenditures in the Interior Department, now in session at Minneapolis, Minn. I read an extract from lest Friday's Minneapolis Journal as follows: extract from last Friday's Minneapolis Journal, as follows:

ATTORNEY DECLARES LAW INTRODUCED BY PAGE MORRIS ENABLED EVASION OF STATE LAW.

Presenting the report of Government inspectors as a climax, Government attorneys at the White Earth Indian hearing to-day, at the Federal building, introduced evidence which they assert shows that laws passed by Congress at the instigation of Minnesota Members have been followed by fraud and have opened the reservation to the lumber

followed by fraud and have opened the reservation to the lumber companies.

Aside from the introduction of the Linnen report, the sensational feature of the day's testimony was the statement of Judge M. C. Burch, of the Department of Justice, to-day that an act introduced in Congress by Representative Page Morris, now a Federal judge, had permitted the lumber companies of the State to "evade" the State law prohibiting them from holding more than 5,000 acres of laxd. Judge Morris presided at the recent trial of Gus Beaulieu on a charge of defrauding White Earth Indians. Judge Morris dismissed the case after the State had presented its evidence.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman

The SPEAKER pro tempore (Mr. Burgess). Does the gentleman from Minnesota yield to the gentleman from Texas? Mr. STEENERSON. I do.

Mr. STEENERSON. 1 do.
Mr. STEPHENS of Texas. I desire to know what the gentleman is reading from? Is it a newspaper article?
Mr. STEENERSON. It is a newspaper article.

Mr. STEPHENS of Texas. Published in what State?

Mr. STEENERSON. From the Minneapolis Journal, published in Minnesota.

Mr. STEPHENS of Texas. In the gentleman's own State?

Mr. STEENERSON. Yes.

Mr. STEPHENS of Texas. Relative to the White Earth Indian matter?

Mr. STEENERSON. Yes.
President Taft in his recent speech in New York rebukes his rivals and the progressives generally for attacking and undermining the confidence of the people in the judiciary, while at

the very same time his Assistant Attorney General throws out these wicked and baseless charges and insinuations against a Federal judge who decided against his contention.

The above is only a small extract from the charges which have been presented and printed in the hearings and published in the newspapers, but their general tenor is that all legislation by Congress since 1889 has been framed in the interest of lumber companies and land dealers in order to enable them to despoil the Indian of his property, and that the numerous frauds and wrongs against the Indians was due to the faulty character of these laws. They are too voluminous to repeat here, but so far as they reflect on Congress, the judiciary, or myself as a Member of Congress, I denounce them as absolutely false and untrue, and made for ulterior purposes, and to shield the administration from blame for wrongs against the Indians, and to prevent legislation that will put a stop to the intolerable conditions on White Earth Reservation, to which I shall allude. This effort to interfere with, influence, and control the course of legislation in Congress by an executive department comes very close to, if it does not amount to, a breach of the privileges of this House.

Ordinarily congressional investigations are begun on the initiative of the Senate or the House, and not, as is the case here, by a department of the executive branch of the Government. and is carried on for the purpose of laying the foundation for legislation, although they also sometimes are made to serve a political or partisan cause. The department has been for three years in possession of all the matter, whether fact or fancy, which they are now presenting to the committee, but instead of using it in prosecutions of culprits they published it in newspapers and magazines and retained the accused official in the service until recently, when his term expired. They are blaming the law for all the maladministration found. If we are to get our suggestions for remedial legislation from them, I fear we will fail, for neither the Department of Justice nor anyone else will ever be able to devise a law that will secure honest efficient administration from dishonest and incompetent officials. But it may be that the other reason, the political one, was the motive for this inquiry. Possibly the department officials thought it would be a shrewd move against the junior Senator from Minnesota [Mr. CLAPP], who has been opposing them politically. If so, one can also see that the gentleman from Illinois [Mr. Graham], the chairman of the committee, was at least equally shrewd, for while the administration was opening the rotten entrails of its Indian Service to the public view, incidentally, political advantage would ensue to the party in opposition to the administration. I fear, therefore, that the investigation will result in failure in that direction also.

In order that we may understand the bearing of these charges and of this course of conduct it will be necessary to review the legislative and administrative history that gave rise to these difficulties.

The trouble on White Earth grew out of the passage by Congress, in June, 1906, of the so-called Clapp amendment, removing all restrictions upon alienation and taxation for allotments of mixed-blood Indians, which act reads as follows:

That all restrictions as to sale, encumbrance, or taxation for allotments within the White Earth Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians are hereby removed, and the trust deeds heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods, upon application, shall be entitled to receive a patent in fee simple for such allotments; and, as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to each Indian allottee a patent in fee simple upon application.

and the neglect and refusal of the Interior Department to take steps to guard the interests of its wards in the execution and administration of this law. Obviously, the first duty of the Interior Department was to make out a roll or list of those embraced within the enfranchised class and of those full-bloods whom it deemed competent "to handle their own affairs" within the meaning of the said law; but this they utterly neglected and refused to do until 1909, when the press reports of alleged frauds and impositions by white land speculators upon the Indians awoke them from their slumbers. But the harm had already been done. To shift the blame for the trouble the Interior Department, in cooperation with the Department of Justice, conceived the plan of blaming everything to the viciousness of the law, which it has been sought to nullify and discredit ever since. This law, although framed in exact accord with the announced policy of the Interior Department to the effect that all Indians who had been educated in the schools and brought up in the ways of civilization should, when arriving at the age of majority, be freed from Government tutelage and put on their own responsibility and made to work out their own salvation the same as white people, unfortunately,

was not self-executing and to be a success had to be administered with diligence, fidelity, and in a spirit of fairness wholly wanting in the Indian service at the time. There being no records of those who were adult mixed bloods and authorized to sell and convey land, a great many of the Indians who were anxious to obtain ready money and willing to dispose of their lands, which in most cases were wild and unimproved and of no use or value to them, claimed to be mixed blood and were ready to make oath to that effect and to furnish two corroborating affidavits to the truth of the claim, in order to sell and get whatever price might be offered.

It should be borne in mind that all Indians, men, women, and children, had been allotted land in severalty, some 80 acres and some 160 acres each, so that a family consisting of husband and wife and eight children might have 1,600 acres, most unused. Three-fourths of the land was on allotments suitable for agriculture, and about one-fourth was valuable Most of the adult Indians sold their allotments, pine timber. and at fairly good prices for wild land, ranging from \$5 to \$10 per acre for agricultural land and from \$25 to \$235 per acre for timber. More than \$5,000,000 was, during the last six years, paid to individual Indians for conveyances of land, which in every instance he made under the sworn representation that he was a mixed blood and qualified to convey under said law. Before 1906 many allottees died and their lands descended to heirs, and more than half of the allotments were to minors and conceded full bloods whose restrictions remained and who could not convey, so that more than half of the land still remains inalienable and exempt from taxation, and much of it unused and absolutely wild, and will continue so as long

as the present policy shall prevail.

In 1906 the White Earth Indians numbered about 5,000, and at least three-fourths of them were of mixed blood. Hundreds of them had been successful as farmers, merchants, teachers, and professional men and women, and some had achieved wealth and affluence. They had long been recognized as the most progressive and farthest advanced in civilization of any in the United States, and if there was any place where the policy of giving the Indian control of his own and letting him shift for himself could be tried with prospect of success it was here. As might have been expected, when the Government agents in charge not only ignored the Clapp law and made no attempt to classify the Indians as therein contemplated, but ignored and neglected to enforce the law against the introduction of liquor on the reservation, speculators and land buyers came in, and imposition and debauchery of the poorest and most backward Indians followed. Finally, when the neglect to enforce the law and maintain order on the reservation became a public scandal, the Interior Department, in the summer of 1909, called upon the Department of Justice to aid in straightening out these troubles and recover property illegally conveyed. There were but comparatively, few cases of fraud and imposition or sales by minors, so that in the great majority of cases it was found that the validity of the sale of the allotment turned upon the degree of blood of the grantor on the conveyance. If he was a full blood, it was void, and the title of the United States would be clouded by the transfer; if he was a mixed blood, it was valid. At this stage it of course occurred to many Indians who had sold their lands fairly and squarely, and received and kept the price paid, that if their sales were void they could get their land back again and eventually, through the Government agents, sell it over again. All that was necessary to be done was to claim that he, the Indian grantor, was a full blood instead of a mixed. To enable suits in equity to be brought to recover the lands alleged to be wrongfully conveyed, lists or rolls of mixed bloods and full bloods were hastily prepared by the representatives of these two departments, and more than 1,200 suits, involving as many 80-acre tracts, were brought. There are probably 3,000 other 80-acre tracts which have been purchased from other allottees who claimed to be mixed bloods, but the bringing of these Government suits has clouded the title as to all, and no one knows whose turn comes next.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

Mr. STEENERSON. Yes. Mr. STEPHENS of Texas. By what authority of law were these suits brought and these rolls changed from full-blood rolls to part white?

Mr. STEENERSON. Absolutely no authority except by implication in the Clapp law requiring them to grant the privilege to those who were deemed competent and were full bloods.

A natural result of this situation was the taking of sides on the question of who was full blood and who was not, and the people soon divided into two hostile factions. The Government agents in their zeal would line up as many as possible on the full-blood side, and these included, of course, the more ignorant and backward, who were easily controlled and managed, while, on the other hand, the more enlightened mixed bloods took the view that to bring more white people in and settle the wild lands and develop the country would be a good thing for all, and they therefore sided with the purchasers and were disposed to aid all honest purchasers. Bad blood soon developed between the Government agents and these rebellious mixed bloods. One of the leading families among these is the Beaulieu family, the leader of which, Gus H. Beaulieu, a former deputy marshal and real estate dealer, also publisher of a weekly newspaper, the Tomahawk, at White Earth, in which he assailed the Government most severely. The full bloods, naturally enough, never grew tired of telling their new-found friends, the Government agents, of their numerous grievances against the Government, the mixed bloods, and the whites. If there is anything in the world of which the Indian has full supply it is of grievances, and so these people advanced the idea that the Beaulieus, Fairbanks, and a few other families really did not belong to the The espousing of the cause of this faction would serve the purpose of the men in charge of Government litigation, for it would demonstrate that whoever opposed the Government would be punished by expulsion and confiscation of his allotted property and annuities, and so we find that the Department of Justice makes a suggestion to the Interior Department based upon these unsupported stories, and upon this flimsy pretext the Department of the Interior issued nearly 100 orders to show cause why they should not strike from the rolls mixed bloods belonging to the hostile faction.

And it is credibly reported they are about to serve 200 more such notices. Called upon for a copy of the affidavit or charge upon which this drastic proceeding, cutting off without warning all these people from their annuities and clouding their titles to land for an indefinite time, the Secretary of the Interior wrote me the letter, a copy of which is annexed, in which it appears that the fairy tales, uncorroborated, with a verbal suggestion of the Department of Justice, is the only basis for the depriving of these people of property valued at hundreds of thousands of dollars. With this horrible example before them, will any Indian on the White Earth Reservation dare to claim that he is a mixed blood, unless the Government officers say he is? We doubt it. This is the policy of intimidation and persecution now carried on by the Department of Justice at White Earth. part execution of this policy the Government secured the indictment of Gus H. Beaulieu, Rev. A. C. Beaulieu, and John Leecy, three of the most influential men in the opposition faction, on the charge of conspiracy to defraud the United States out of land by inducing full-blood Indians to apply for patents on the claim that they were mixed bloods. After three weeks consumed in hearing the Government's side and nearly a hundred witnesses, the court promptly directed a verdict of acquittal.

The representatives of these two executive departments also undertook to guard the rights of these Indians in legislative matters pending before Congress. When early last year it appeared from complaints of the people on the reservation that the litigation begun would be endless, that in most cases it was difficult to tell the degree of blood or the genealogy of the Indians, and that the effect was to cloud all titles, prevent settlers coming on the lands and developing the country, these people submitted a draft of a bill, which, in brief, created a commission to make a census and a roll of all Indians on White Earth Reservation, one roll of mixed bloods and one of full This bill I introduced, and it was duly referred to the House Committee on Indian Affairs (H. R. 31923, 61st Cong.). The Departments of Justice and Interior requested hearings and objected to the proposed commission, on the ground that it was unnecessary. They stated that the cases begun could and would be speedily disposed of, and that fee-simple patents would be issued at once in all cases where no suit was brought, so that titles would be cleared up at an early date. On the strength of these representations I withdrew support from the bill, and it was dropped. These promises, however, were never kept, and on May 12, 1911, I introduced the bill (H. R. 9334) for the relief of innocent purchasers of land on White Earth Reservation. This provides that where an adult Indian grantor, under pretense that he was a mixed blood, has sold to an innocent purchaser his land at a fair price, which he has received and retained, the court may confirm the sale, and where the price is inadequate may confirm it on terms of payment of the full value, and gives similar authority to the Interior Department as to cases out of court. The object of these measures was to settle speedily, upon equitable and just terms, this costly and interminable litigation, which has fallen like a blight upon that part of the country.

There are 32 townships in the White Earth Reservation, one-

half of which have been organized as the county of Mahnomen

and the other half is part of Becker County. There are approximately 8,500 80-acre tracts, of which 4,000 have been conveyed by alleged mixed bloods and are taxable and 4,500 are allotments to deceased Indians, minors, and fullbloods and are allotments to deceased Indians, minors, and fundious and are not taxable. The twelve hundred suits involve as many 80-acre tracts, and the pendency of the suits suspends taxation, and the threat to keep on bringing more suits, together with the refusal to issue fee-simple patents, puts a cloud on all the land, whether in suit or not. Although many of the sales were originally made to speculators, several hundred settlers have come in and bought from the speculators or from the Indians directly, and villages and school districts have been organized and roads and bridges built to some extent, and the taxes for these improvements, falling on less than half of the land, are -running as high as \$50 per 80 acres-more than the land in its wild state would rent for. The lands sold by the Indians were wild and unimproved. The coming in their midst, upon alternate tracts, of white settlers who will cultivate them and make roads and organize schools will be of more benefit to the Indians than to have the lands remain idle. The object lesson of the white farmer tilling successfully his farm will be a valuable demonstration to the Indians. crease two or three fold the undisposed-of bull blood, minors', and deceased Indians' allotments, which are free from taxation, and constitute more than half of the area.

If you keep on with this litigation, it will stop all development and injure the Indians and white alike. It took one month to try the Government's side of the Beaulieu case where the issue was substantially the same as it will be in each of the equity cases, and it is a fair conclusion to draw, therefore, that it will take 1,200 months or 100 years to try the equity cases begun during the last two years involving White Earth lands. It costs the Government about \$35,000 per year to maintain the force that has charge of this litigation. Is it any wonder that these men are opposed to any bill to do away with their jobs? I call especial attention to the course of Mr. M. C. Burch, Special Assistant Attorney General in charge of White Earth He was not satisfied with opposing before the appropriate committee of the House the proposed legislation to speedily settle the difficulties growing out of the situation created by the White Earth litigation, but he inaugurated a campaign to create prejudice and hostility in the minds of Members of Congress and the public; to discredit everyone who disagrees with him in this matter by repeating and publishing stories of fraud and imposition upon the Indians, and also insinuating that all legislation for the last 50 years relating to these Indians was framed in the interest of lumber companies. He opposed investigation by the House Committee on Indian Affairs, and instigated an investigation of his own by the Committee on Expenditures in the Interior Department. In this behalf he went and interviewed Members of Congress, including members of the House Committee on Rules, and represented that the Department of Justice desired this particular investigation by a committee without jurisdiction of the subject of Indian legislation, and consequently unlikely to recommend relief for the depressing conditions at White Earth, which everyone familiar with that section knows is injurious and is costing the Government vast sums for no good purpose, except to keep Mr. Burch and his staff in office for the rest of their natural lives.

In pursuance of this policy to actively discredit all past legislation relative to White Earth, as well as to prevent relief, Mr. Burch has gone before the committee and made what he has chosen to call an "opening statement of facts expected to be proved." At his request this is printed in the hearings, and is issued in pamphlet form, and caused to be extensively published in the press. It is a most astonishing and remarkable production. It is based on tales of Indian grievances generations old—stories of disappointed bidders at land sales, discharged employees and officials, and pipe dreams of sensation mongers who revel in stories of Indian spoliation of every kind. In addition to this, it also contains original statements and insinuations, presumably made on his own account, charging that the Nelson Act of 1889, the Morris Act of 1902, the Steenerson Act of 1904, and all other acts of Congress were all made in the interests of lumber companies, and for the purpose of despoiling the Indian out of his property. As such statements constitute a reflection by the representative of the executive branch of the Government upon the coordinate legislative branch, questioning its integrity and honesty, it constitutes a grave matter that ought to receive careful consideration. This document, beside reflecting upon Members of Congress and discrediting all legislation touching this matter for a generation back, constitutes a still more severe charge against the executive branch, for the only logical conclusion to be drawn from it is that the Indian has been despoiled of his property by the corrupt and criminal management of Indian

affairs by the Interior Department and its agents for the last or more, and down to and including the administrations of McKinley. Roosevelt, and Taft. It is a remarkable thing to find a representative of two executive departments, without being accused by anyone, instituting an investigation before a congressional committee and filing charges of the most serious character against the administration of his own department, which he is supposed to defend! It is not a case of an official being accused and demanding an investigation, but of self-accusation and demand for investigation. former case the object of the investigation is to establish the innocence of the accused, but here the accuser is the accused, and he admits guilt. Is it the purpose of the Department of Justice to investigate the official conduct of the officials of the Interior Department under former administrations and have Mr. Burch act for both the accuser and the accused? The real object would appear to be to create hostile sentiment toward any legislative relief in Congress that might put a stop to the White Earth trouble and end it. Upon no other theory can the action of this department in accusing itself be understood or explained,

The charge that the additional-allotment act of 1904-Steenerson Act-and the act of the same year providing for cutting timber on allotments were in the interest of lumber companies is sufficiently met by the fact that not one foot of land and not one stick of timber could be sold under those laws without the approval and consent of the Secretary of the Interior; neither could this be done under any other law until the

passage of the Clapp amendment in 1906.

The records show that this proposition for additional allotments, which is now assailed by the attorneys for the Interior Department as designed in the interest of lumber companies, was first introduced in Congress and embodied in a Senate bill by Senator Nelson in 1897 (S. 412, 55th Cong.), and passed the Senate on his motion (Congressional Record, 55th Cong., p. 5694, S. Rept. No. 998). It was twice introduced by Congressman Eddy, and four times favorably recommended by the same department that now condemns it. When this bill for additional allotments, which had been pending in Congress for seven years, finally passed during my first term, the Indians were so pleased without my knowledge, they convened a council on May 9, 1904, and unanimously elected me a member of the tribe, and, as I was told, caused the proceedings to be certified to the Secretary of the Interior by the United States Indian agent for approval or disapproval, and I was requested to be present at the annual festival in June, when the ceremony of promulgation would take place. I went there to accept the honor just as officials, Representatives, and even Presidents have accepted membership in social, fraternal, and labor organizations, such as the Brotherhood of Locomotive Engineers, the United Order of Red Men, and the Masons, and so forth.

In response to the chief's speech, presenting the pipe of peace, in which he declared that I was the first white man who had kept word with his people, and that they had unanimously made me a member and wished me to have the best allotment on the reservation, and I could even have his own, I replied that, while I appreciated the honor, I would decline not only to accept his land, but that I would decline to accept any land or benefits whatever. Later it was pointed out to me that the Indian custom of gift making at festivals was held in great reverence and sanctity, and that custom required the gift, whatever it was, to be accepted, and that to refuse to accept it amounted to a serious discourtesy. It was further pointed out that, under Indian usage and custom, when such gift was accepted, the giver or givers expected a gift in return of about equal value. ("Gift making grows into an act of worship. Indians always carry with them presents to be given away according to their position; those visited respond by another gift." Spencer's Sociology, sec. 367-7.) So here was a dilemma; if I refused, the Indians would be insulted, and if I accepted, they would expect me to give them something of equivalent value in return, on pain of forfeiting their friendship. As a way out of the difficulty the plan suggested itself of accepting the allotment (in the event of my enrollment) in trust, and using the proceeds to establish for the tribe a free hospital or similar benevolence. In part execution of this plan the application for allotment was sent to me by the secretary of the Indian council all filled out, and it was returned to him to be filed or used only in the event of my name being placed on the rolls, which it never was, and consequently the application amounts to nothing, and I never knew or heard of its being filed uptil recently.

That the people of White Earth did not understand that this proceeding indicated any evil design on my part against their property is sufficiently evidenced by the fact that I was not only unanimously reelected in 1904, but in the three campaigns since that time I have always received their united support. It was my only desire to establish and maintain friendship and mutual regard with these people who had confided in me and honored me.

After intimating that the Nelson Act of 1889 and subsequent acts were in the interest of the spoliation of the Indians by lumber companies, the statement also assails the Morris Act (1902) as containing a "joker" in the interest of the lumbermen, whereby the timber was to be sold apart from the land, and this was for the purpose of evading the recently enacted law of Minnesota forbidding a corporation from owning more than 5,000 acres of land. (See Burch statement, p. 246, White Earth hearings.) Anyone familiar with legislative and administrative history of Indian matters in Minnesota knows that the original Nelson Act-ratified by treaty with the Indiansprovided for the classification of the ceded land into agricultural and pine, the former to be subject to homestead and the latter to be sold at auction upon stumpage estimates at not less than \$3 per 1,000 feet, and that in the administration of this law the difficulty met with was the estimates, and that after three attempts at getting correct estimates Secretary Ethan Hitchcock, during the McKinley administration, suspended operations entirely and refused to sell any more timber until a law could be framed providing for disposing of the timber separate from the land and for a bank scale, which system had been found to work well elsewhere. Hitchcock, therefore, caused to be prepared the draft of the Morris Act, and it was passed substantially as submitted and approved by President Roosevelt. Under this act more than \$5,000,000 has been realized from pine sales, and no fair-minded and well-informed person would say that it has not been a most successful law.

In spite of the clause in the constitution of Minnesota, and which has been required to be inserted in the constitution of every State admitted into the Union, that the State "shall never interfere with the primary disposal of the soil in that State," Mr. Burch thinks that the Morris Act, in providing for the sale of the timber separate from the land, was designed by those two wicked enemies and despoilers of the Indians. President Roosevelt and Secretary Hitchcock, to evade the law of Minnesota against corporate holding of real estate. Could senile dementia or even lunacy invent a more grotesque and foolish theory than that? But this is not the most remarkable part of the statement. He alludes at length to the trouble with the Pillager Band at Leech Lake in 1898 and takes the side of the Indians who ambushed and killed Maj. Wilkinson and 6 men of the Third United States Infantry and wounded 14 others who were sent out at the request of the Department of Justice to aid the United States marshal in executing criminal warrants for the arrest of Indians accused of introducing liquor on the reservation. He repeats the Indian stories that the United States marshals had instituted proceedings for introducing liquor on the reservation for the purpose of earning fees, and that the Indians, when discharged from prison on expiration of sentence, were not supplied with transportation back to the reservation. I wonder what the officers and men of the Army will think of this defense of the murderers of their brave officers and men who went out to aid this very department to execute its process and establish the supremacy of the law? What a valuable lesson in respect for law and order this defense of lawlessness and eulogy of murderers must afford to the Indians. Coming from the highest law officers in the land, it will, no doubt, make a lasting impression.

The whole affair relates to Leech Lake Reservation and has nothing to do with White Earth, but it must have been thrown in for its tragic element to heighten the dramatic effect of the statement. The statement describes at length the liquor evil on the reservation resulting in the "Saturnalia," and alludes to the sensational report of Moorhead and Linnen in 1909 on this subject, and he seems to take great satisfaction in being able to promise to prove these damaging statements to be true. But damaging to whom? Can this evil be laid to the fault of the law? No. The law absolutely prohibited the introduction of liquor on the reservation, as well as the sale of it, under the severest penalty. This was the law by act of Congress, which it is and was the duty of both the Indian officials and the Department of Justice to enforce. The Interior Department had a force of Indian police on the reservation which, without warrant or proceeding in court, could have and it was its duty to summarily seize and confiscate and destroy every drop of liquor on the reservation. If this was not enough, they could, as in 1898, call on the Department of Justice and the United States Army to enforce the law. It is to be regretted that a change of policy seems to have come since the battle with the Pillagers at Bear Island in 1898. Before that the whole force of the Government, both civil and military, was employed to enforce

the law against the introduction of liquor on Indian reservations, but now the very agents whose duty it is to enforce the law gloat over its flagrant violations and their own criminal neglect to enforce it.

Mr. Burch shows in this whole statement great hostility to lumber men and lumber companies, and one would naturally con-clude that this would influence his official actions; but no; he appears to have been most complacent and accommodating to the very lumber company—Nichols-Chisolm, of Minneapoliswhom he so repeatedly condemns. He opposes, for instance, even to the extent of persistent lobbying, in the name of the Department of Justice all proposed legislation to settle the title to agricultural land involved in the litigation. His policy is to tie it up and hold from settlement or development; but not so with the pine. If Mr. Burch had been consistent, he would have stopped the Nichols-Chisolm Lumber Co. in 1909 from cutting any logs on the lands involved in the suits; but instead, I am informed, he has allowed them to extend their logging railroad and to cut 40,000,000 feet of pine every year since from the reservation. They will cut 40,000,000 feet this year, and continue to do so until the hundreds of millions of feet of pine still standing is all gone. It is true that bond has been given to protect ing is all gone. It is true that bond has been given to protect the Government, but not the individual Indian who owns the land and who has to wait for his money till the lawsuits of the Government are determined. This lumber company holds back hundreds of thousands of dollars of the purchase money due the Indian allottees, and thereby saves interest to the extent of thousands of dollars every year; and still their lumbering business goes on with the approval and consent of Mr. Burch! timber in the case of timberland is the most valuable part thereof, and permitting its removal and manufacture is a disposal of the soil, and a consistent policy would not permit this and oppose the confirmation of the sale and development of farm land upon equitable terms. It thus appears that the hostility to the lumber companies is only in words and not in deeds.

As already stated, White Earth seemed to be a favorable place for trying out the policy of allowing the Indian to control his own and to shift for himself, in harmony with which the Clapp law was framed, and subsequent events, in spite of all that has been said shows that, if not an entire success, it would have been so if the Executive and administrative officers had done their part with diligence and fidelity. In proof of this let us compare the results of the business operations of the United States, acting as guardian of these Indians, and that of the individual Indians under the Clapp law. According to the Burch statement there were originally 36 townships in the White Earth Reservation, and four of these were disposed of by the Secretary of the Interior in 1900 under the act of February 26, 1896, which gave him full power to appraise the pine timber, and to sell it at auction for not less than the appraised The pine brought \$1.60 per thousand feet, and the land \$1.25 per acre. This result was due to fraudulent estimates and combinations of bidders at the sale, and which sale the Secretary refused to set aside even after his attention was secretary refused to set aside even after his attention was called to the matter by his own inspectors. (See Burch statement, pages 234 to 245, White Earth hearings.) Under the Clapp law exactly similar agricultural and pine land was sold by individual Indians themselves, and realized on the average \$7.50 per acre for agricultural land, and \$8 per thousand feet for the timber on the latter. The Indians got six times as much for the farm lands, and five times as much for the pine as did his guardian; the land being similar both as to location and quality and value. But that is not the whole difference. The Secretary of the Interior reports that the receipts from the operation of the laws for the disposal of the property of the Chippewas of Minne-sota amount to \$9,000,000 and of this not quite \$4,000,000 remains to their credit, so that approximately \$5,000,000 out of \$9,000,000 have gone for administration. Out of the income of the millions of dollars in the Chippewa fund each of these Indians has heretofore received between \$6 and \$7, an amount sufficient to enable him to buy a two-cent postage stamp each day in the year. Well might these wards of the Government exclaim "O monstrous! but one-half pennyworth of bread to this intolerable deal of sack!" It is only too true that there is poverty, and even want, among some of the The system of isolation under Government guardianship, upon a reservation where the aboriginal tribal organizations and customs, inimical to all progress, remain, must be the cause. Forty-five years of trial here as elsewhere has proven this policy, however humanitarian in its purpose, a complete failure. I am firmly convinced that if in 1867, when the reservation was established, every alternate quarter section had been given free to white settlers, and the money spent on the agency officials given to common school districts for maintenance of mixed schools, it would have solved the Indian problem on White Earth years ago. It is fair to conclude that if the prop-

erty disposed of by individual Indians under the Clapp law, amounting to about \$5,000,000, had been administered by the Department of the Interior less than 50 cents on the dollar would have reached either the Indian or the Indian fund. While it is admitted, and an undisputable fact that the individual Indians sold their property for five or six times more than has been realized for exactly similar property disposed of by the Government as guardian, yet it is urged against the wisdom of the Clapp law that the money received was foolishly spent and squandered. This objection has some basis although not by any means as much as the sensation-hunting investigators and muckrackers try to make out. A great many Indians not only sold their property well, but handled the money received as well as ordinary white people. Nine-tenths of the scandals resulted from the introduction of liquor on the reservation for which the Government, and not the law is responsible. This effort to excuse incompetent and corrupt administration of Indian affairs by laying the blame on the law is the main feature of the Burch statement. He charges that the Indians have been despoiled of millions of dollars by reason of unwise and bad laws, and yet, every law under which the Indian property was sold by the Government prior to the Clapp Act of 1906, was submitted to and was approved by the Interior Department before it was enacted by Congress, and gave the department ample and complete authority and discretion. The propensity to throw the blame for evil deeds upon others so strongly exhibited here is not a recent development in human nature, for, when caught eating the forbidden fruit, Adam tried to shoulder the blame upon Eve. But Adam had at least some justification for the claim, which in this instance is ab-

solutely and utterly groundless.

On the general policy of giving the adult Indians control over their property I cite the last report of the Board of Indian Commissioners, among the members of which are such well-known names as Prof. Andrew Draper and Cardinal Gibbons. I quote

from pages 6 and 7, as follows:

names as Prof. Andrew Draper and Cardinal Gibbons. I quote from pages 6 and 7, as follows:

Since 1899 this board has consistently urged the breaking up of tribal funds, and we still believe it is the next important step in the solution of the Indian problem. Every Indian entitled to share in these funds should be recognized by name upon the books of the Treasury and have his share either credited to him by name, in case he is incompetent to manage it, or paid to him if he is competent and legally entitled to receive it. The division of the tribal funds is guite as logical an advance step as was the division of tribal lands, for, like tribal lands, they prevent the Indian from acquiring that sense of personal responsibility necessary to good citizenship and they are peculiarily susceptible of exploitation by unscrupulous lawyers or claim agents.

Congress should by law fix an early date when all tribal funds should be paid or credited to the individual members of the tribes, and provide that no Indian child born after that date can have any share therein except by regular inheritance.

Such a division of tribal funds would involve another great need—that of an accurate roll of Indians at every agency. It is time that the Government, if for no higher motive than accurate accounting and sound business methods, should have a carefully prepared tribal roll of every Indian tribe. It is believed that in the preparation of such rolls it would be desirable to secure through the Bureau of American Ethnology the services of some trained ethnologists whose study of Indian customs and Indian relationships would give a solid basis of scientific accuracy to the work. That such rolls are needed is evident from examples like the history of the last few years at the White Earth Indian Reservation, and the mass of litigation already accumulated with reference to the inheritance of Indian allotted lands. We recommend early legislation providing for the preparation of accurate tribal rolls of all Indians and fixing a date for the

I appeal to every Member of Congress and to the Chief Executive to give these matters careful consideration, with a view to a change of the present policy as to these Indians, and to cooperate in devising and enacting such legislation as to speedily remedy these serious and intolerable conditions upon terms that will be just and fair to all.

In this connection I desire to insert the following documents, which, with above argument, have been submitted to the Attorney General:

DEPARTMENT OF THE INTERIOR, Washington, January 24, 1912.

Department of the Interior,
Washington, January 24, 1912.

Hon. Halvor Steenerson,
House of Representatives.

Sir: I have the honor to acknowledge receipt of your letter of December 26, addressed to the Commissioner of Indian Affairs, requesting information relative to a notice and order recently issued by the superintendent in charge of White Earth Indians in Minnesota to Mrs. Jennie M. Ledebore and her daughter, Alice Wilhelmina Ledebore, requiring them to show cause why their names should not be stricken from the lists of the Chippewa Indians in Minnesota, why their allotments should not be canceled, and why they should not be required to return to the said Indians the annuities and other benefits, or the value thereof, which they have already received.

The orders you mention were issued by the Commissioner of Indian Affairs and approved by this department, such action having been taken in accordance with the suggestion of the Attorney General, made to this department under date of November 14, 1911. You will therefore see that these orders did not emanate from the superintendent in charge of the White Earth Indians, but that he and those under him were merely the instrumentality for service of such orders.

This action was taken upon representation and repeated applications made by numbers of Indians who claimed to belong to the Minnesota Chippewas, these complaints being made to a special agent of the In-

dian Service and to officials of the Department of Justice who have been at work upon and in the vicinity of the White Earth Reservation. Such complaints have been of long standing and off repeated, and have been the source of much division and jealousy among the Indians inhabiting or connected with the reservations of Minnesota, and have practically all been to one effect, namely, that injustice has been done the Indians of Minnesota because, without real membership in any of their tribes, persons, among whom are Mrs. Ledebore and her daughter, have been irregularly placed upon the annuity and allotment rolls of the Minnesota Indians.

These complaints, in the course of their duties, were laid before this department by the officials to whom they were made, and proceedings have been instituted to have the direct issue brought forward and duly passed upon by this department, so that this vexing and trouble-breeding subject may be authoritatively put at rest and this bone of contention finally buried.

No complaint of a peculiar character has been made against Mrs. Ledebore and her daughter, and you are informed that she is simply one of a class whose rights must be investigated and passed upon the same as the others. It is not intended that the notice to show cause issued to these people should operate nor have the effect to deprive them of any rights or benefits to which they may be decided to be legally entitled after this investigation, and you are assured that each person notified, as in these cases, will be given every proper opportunity to be heard and to protect his or her interests.

It will be sufficient at this time for Mrs. Ledebore to file with the Commissioner of Indian Affairs an admission or denial of the allegations contained in the notice served on her. On or after February 1, 1912, the day named in the notice on or before which answer thereto is required to be made in writing, such further methods of procedure will be adopted in the matter of making investigations and taking testimony thereunde

CARMI A. THOMPSON,
Assistant Secretary.

MAHNOMEN, MINN., January 11, 1912.

Hon. George W. Wickersham, Attorney General, Washington, D. C.

Hon. George W. Wickersham,

Attorney General, Washington, D. C.

Sie: We, the undersigned, citizens and taxpayers of Mahnomen County, in pursuance of our right to peaceably assemble and petition the Government for a redress of our grievances, do respectfully protest against the manner in which the representatives of the Department of Justice and the Department of the Interior have heretofore and are now conducting the matters in relation to land titles on the White Earth Reservation, in Minnesota.

The representatives of the departments above mentioned have commenced over 1,150 separate actions and are about to file about 200 cases more against present owners of these lands, many of whom are not seed to the covernment having these matters in charge have shown themselves utterly incompetent or grossly negligent in the performance of their duties. In the commencement of these actions the agents of the Government having these matters in charge have shown themselves utterly incompetent or grossly negligent in the performance of their duties. In this:

1. We charge that they have filed a multiplicity of suits when a few actions would have determined the blood status of every Indian family upon the White Earth Reservation. A careful investigation of the ancestry of the allottees on the reservation can trace their descent from that selected and tried 50 to 75 cases out of the large number now filed the blood status of every Indian on the White Earth Reservation would have been determined, and saved the Government large expense as well as the defendants, for in many cases the expense will be more than the value of the land.

2. Many actions have been commenced on tracts of land on which the United States had issued fee-simple patent to the original allottee. (A partial list of such cases is shown in schedule 1 hereto attached.) And yet Afr. M. C. Burch, special assistant to the Artoney General. Department, shown in Document No. 2, on page 56, says that "just a few suits were brought on fee-simple titles, not over four

fore no matter how the adult mixed blood has come to be the holder or owner of the allotment or part of an allotment, whether by selection—that is, as the original allottee or by inheritance from a full blood or by inheritance from a mixed blood or by inheritance from a minor mixed blood or by inheritance from a minor mixed blood or by inheritance as that, all restrictions as to alienation of such allotment, or any part of it, held be any adult mixed blood. The trust patent is declared to convey to him or vest in him—(pass) to him—if he is an adult, or as soon as he becomes an adult, the fee-simple title, and he has the right to sell it without restriction. That is the way I construe the so-called Clapp amendment."

No appeal has been taken by the Government from this decision; yet in the face of it your department has failed to dismiss any of this class of cases, but have filed numerous similar cases since the foregoing decision was rendered. (A list of these cases can be had if desired.)

6. In a little over 100 cases the only contention made by your de-

desired.)
6. In a little over 100 cases the only contention made by your department is that the allottees were minors at the time they sold and conveyed their land. It is now a matter of record that many of these allottees have ratified their transactions upon reaching their majority, and new deeds have been executed by them conveying the land to the original purchasers. Under these circumstances we claim that where the minor has given a new conveyance the suits should be promptly dismissed, but your representatives refuse to dismiss these cases, claiming that the act of June 25, 1910, repealed the Clapp amendment. We deny this contention, and we do not believe that your representatives are sincere in their contention, as they are now arguing for a repeal of the Clapp Act.

deny this contention, and we do not believe that your representatives are sincere in their contention, as they are now arguing for a repeal of the Clapp Act.

It is to be noted that in all the cases instituted by the Government affecting the titles to land on the White Earth Reservation no case has been brought alleging fraud in connection with any transaction. In the case of The United States v. Gus H. Beaulieu et al., charging the defendants with a conspiracy against the United States, which case was tried in the November (1911) term at Fergus Falls, Minn., and resulting in a directed verdict for the defendants, the Hon. Page Morris, in his charge to the jury, said, in part:

"We are not trying these defendants for having overreached ignorant Indians, and if we were I am very free to say that the testimony as it now stands I hardly think would bear out any such conclusion. I do not remember any testimony here which indicates any overreaching of these ignorant Indians by any of these defendants or by their employer. On the contrary, in one case here the man himself admitted he didn't know himself what the pine was worth; that he would have been willing to take a small sum for it, whereas he got \$14,000 for it. It doesn't seem to me, as far as this proof goes, that it indicates any overreaching of these unfortunate Indians by these defendants. They seem to have gotten fair prices for their pine."

We charge that these cases are brought in bad faith, for it was agreed and understood between counsel on both sides that no actions would be commenced until the question as to the blood of the Indian be determined upon a hearing by the interesting parties. It is now generally conceded, even by the attorneys for the Government, that not one case in ten has any merit, and your agents have, therefore, done this community a great injustice and caused it enormous financial loss.

EVIL RESULTS OF THIS LITIGATION ON THE COUNTRY IN GENERAL

this community a great injustice and caused it enormous financial loss.

EVIL RESULTS OF THIS LITIGATION ON THE COUNTRY IN GENERAL.

Since the Government has started these suits, now nearly two years ago, the confidence in this country has been totally destroyed, and in addition it has thrown a cloud upon the titles to all the land on the reservation whether directly involved in the litigation or not. Many farmers have invested their all in a home in this reservation and now find their titles threatened, and many of them are put to enormous expense in defending their homes. And even if successful in defending their suit the expense in many cases will amount to the value of the property. The sale of lands has practically cased and the settlement of the country retarded. The general business conditions are bad, and good first-morgage loans on White Earth lands are not marketable.

The White Earth Reservation comprises 32 townships. Mahnomen County, which lies wholly within the reservation, has 16 townships, 11 of these are now organized. There are 16 newly organized school districts, with 16 new schoolhouses, according to the report of the superintendent of schools, and two-fifths of the entire enrollment are pupils of Indian blood. This county levied taxes in 1910 amounting to about \$50,000 and less than \$30,000 was collected for the reason that the defendants in these actions refused to pay taxes while the title to their property was in litigation. As a result of this state of affairs the finances of the county are in a deplorable condition, and many of the schools will have to close for want of funds unless these conditions are remedied soon. General improvements of the county have been delayed and the county needs many new roads and several bridges, but has no money with which to make the improvements.

We have the honor to request:

1. That the Government promptly dismiss all suits on land where the deed of conveyance was approved by the Secretary of the Interior.

4. That all cases coming within the purview

submitted.

ry Birkett, President Mahnomen Commercial Club; G. H. Fletcher, Chairman Mahnomen County Board; G. H. Fletcher, Chairman Mahnomen County Board; T. H. Blanchard, County Auditor; J. T. Van Metre, County Attorney; A. L. Thompson, Attorney; Oluf Waldum, Merchant; Sigurd B. Olson, Merchant; A. J. Anderson, County Treasurer Mahnomen County; R. C. Bethel, Register of Deeds, Mahnomen County; F. M. Archibold, M. D., Physician; B. J. Reck, Judge of Probate; John W. Carl, Farmer; Martin M. Bowman, Clerk of District Court; C. H. Sanders, Abstracter; H. P. Phillips, Publisher of Mahnomen Pioneer; Joseph F. Lovin, President of Council; L. O. Johnson, Publisher Free Press; G. A. Gunderson, Merchant; Peter Hankinson, Merchant; Olaf Qually, Clerk; J. H. Sullivan; L. G. Sanders.

Schedule No. 1, showing a list of lands on which fee simple patents have been issued against which the Department of Justice has commenced action. Said fee simple patents are a matter of record in the county where the land is located:

0585. William Aspinwall, lots 2 and 3, section 31, 141-37, SE. SW. 2, 28, 141-38. November 11, 1910.

01105. O jon ennoy ge shig, E. 2 NE. 2, 24, 143-42. November 2, 1910.

01369. George Jackson, NE. NE. and SE. SE., 9, 143-41. May 11,

1911. O2296. Te bish ke ga bow, lots 1 and 2, section 7, 144-40. May 11,

O3039. Mah wah geence, lot 3 and SE. NW., 2, 144-42. October 17, 1910.
O3789. Now we ke shig o quay, W. ½ NW. ½, 9, 144-38. December

03789. Now we ke shig o quay, W. ½ NW. ¼, 9, 144-38. December 9, 1910.
04254. Me gis way waish kung, SE. S., 32, 144-41, and lot 1, section 5, 143-41. November 2, 1910.
04484. Te bish co cumig, W. ½ SW. ¼, 26, 146-42. March 7, 1911.
01501. William Porter, W. ½ SW. ¾, 20, 143-41. January 19, 1911.
04355. O gah bay ah sin o quay, lot 2 and SE. NW., 18, 144-41.
January 9, 1910.
A84. Nay nah cow ub e quay, SW. SE. and N. ½ SE. SE. and N. ½
S. ½ SE. SE., 32, 144-38. July 19, 1911.
A284. Jane Caswell, W. ½ NW. ¾, 22, 142-37. November 11, 1911.
A869. O jon ennoy ge shig, NW. SE. and NE. SW., 15, 142-38.
November 2, 1910.
A1377. Dick Taylor, of Nay tah waush, SE. NE., 9, and SW. NW., 10, 142-39. November 2, 1910.
A1592. Nay tum aun e quay, lots 2 and 6, section 6, and N. ½ N. ½
NW. ¾ NE. ¾, 9, 142-39. November 2, 1910.
A1715. Day dah bus aush oak, S. ½ NE. ¾, 29, 142-38. May 11, 1911.
A1729. Te bish co cumig, E. ¾ NW. ¾, 26, 146-42. March 7, 1911.
A2163. Wah ne hah se gay quay, N. ½ SE., 28, 146-38. October 17, 1910.

1910.
A2169. Me gis way waish kung, lot 7, section 2, and NE. NE., 25, 142-39. November 2, 1910.
A2595. Maggie Bad Boy or Aysh quay quay gwon abe e quay, SE. SE., 20 and NW. SE. 27, 143-39. April 11, 1911.
A2682. Jack Big Star or Ke che aun ung, SW. SW. 12 and NW. NW. 13, 142-37. January 19, 1911.
A831. Fred Jackson or Oskin ow, SW. NW. 12, 142-37, and SW. NE., 3, 142-37. October 9, 1911.
A1946. Ah be tah cumig oquay, NE. SE. and SE. NE., 4, 145-38. April 11, 1911.
Schedule No. 2, being a list of lands which were sold under the

Schedule No. 2, being a list of lands which were sold under the "Inherited Indian lands law," and the deeds approved by the Secretary of the Interior, against which the Department of Justice has commenced action:

O2179. Ah ke wenzie, lots 4 and 5, section 6, 146-42. November 29,

02787. Quay zanice ish, N. ½ SE. ½ section 16, 142-38. October 17, 1910.

02179. An Ke Wenzie, lots 4 and 0, section 0, 140-42. November 20, 1911.

02787. Quay zanice ish, N. ½ SE. ½ section 16, 142-38. October 17, 1910.

03025. Shay shay we ge shig, E. ½ NE. ½ section 11, 144-42. December 9, 1910.

03237. Pay she ge shig, or John, SE. SE. 13 and NE. NE. section 24, 144-42. November 10, 1910.

03585. Sah kay way gah bow equay, W. ½ SE. ½ section 17, 145-40. January 19, 1911.

03586. Henry Hutchinson, W. ½ SW. ½ section 17, 145-40. January 19, 1911.

03586. Henry Hutchinson, W. ½ SW. ½ section 17, 145-40. January 19, 1911.

Schedule No. 3, being a list of lands against which the Department of Justice has commenced action wherein the original allottees are classified as being mixed blood in the "Hinton roll":

01266. Elvina Quinlan (mixed blood, ½); NE. SE., 22, and NW. SW., 23, 141-40. May 11, 1911. Government age, 40 years.

01963. Ozhe gaunce or John Rabbit (mixed blood, ½); N. ½ SW. ½, 20, 141-37. August 31, 1910. Government age, 71 years.

01960. Wah say ge shig (mixed blood, ½); W. ½ NE., 20, 141-37. August 31, 1910. Government age, 27 years.

02600. Ped way way cumig or Sarah Roberts (mixed blood, ¾); lots 1 and 3, 16, 142-42. November 11, 1910. Government age, 24 years.

02712. Ah sin e wah be quay (mixed blood, ½); N. ½ NW. ½, 8, 141-38. January 19, 1911. Government age, 24 years.

03596. Le bik or Lizzie Porter (mixed blood, ½); Sw. ½, 32, 146-40. March 7, 1911. Government age, 24 years.

03060. Josette Mooers (mixed blood, ½); SE. NW. and SW. NE., 3, 143-39. May 11, 1911. Government age, 24 years.

03060. Josette Mooers (mixed blood, ½); Sw. NE. and NW. NW., 36, 146-42. November 2, 1910. Government age, 38 years.

04040. Ah sin e mah be quay (mixed blood, ½); Sw. NE. and lot 6, 29, 141-39. August 31, 1910. Government age, 39 years.

04040. Ah sin e mah be quay (mixed blood, ½); SW. NE. and lot 6, 29, 141-39. March 7, 1911. Government age, 29 years.

04040. Ah sin e mah be quay (mixed blood, ½); Sw. Sw. 25, and NW. NW., 36, 146-42. November 2, 1910. Government age, 39 years.

Mr. Lacey, from the Committee on Indian Affairs, submitted

The Committee on Indian Affairs, submitted the following report (to accompany S. 5255):

The Committee on Indian Affairs, to whom was referred the bill (S. 5255) to provide allotments to Indians on White Earth Reservation, in Minnesota, beg leave to submit the following report and recommend that said bill do pass without amendment,

This is a bill similar in terms with House bill 9666, which the committee has had under full consideration. It provides for increased allotment of land to the Chippewa Indians on the White Earth Reservation, in Minnesota, from 80 acres, already allotted, to 160 acres, and at the same time makes allotments to

some Indians who have never before had them. In case there is not sufficient land to give each allottee 160 acres, the allottees will receive a pro rata allotment of this land. The Interior Department was called upon to report on H. R. 9666, and reported thereon favorably with some amendments, which are incorporated in this bill (S. 5255), which is favorably reported, as

Department of the Interior,

Washington, March 28, 1904.

Sir: I have the honor to acknowledge the receipt by your reference of H. R. 9666, "A bill to provide allotments to Indians on White Earth Reservation, in Minnesota." The commissioner's report of the 25th instant on this bill (copy herewith) shows that previous correspondence has been had in the matter of allotting these Indians additional lands, and that, as provision is made in H. R. 9666 for pro rata allotments in case there is not enough land on the reservation to give each Indian an allotment of 160 acres, there appears to be no objection to the passage of the bill.

In the views of the commissioner I concur.

Very respectfully,

To the Chairman of the Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, March 25, 1904.

Department of the Interior,
Office of Indian Affairs,
March 25, 1904.

Sir: The office has the honor to acknowledge receipt, by department reference of the 16th instant, for report, of a communication from Hon. James S. Sherman, chairman of the Committee on Indian Affairs, House of Representatives, inclosing H. R. 9666, "A bill to provide allotments to Indians on White Earth Reservation, in Minnesota."

The bill provides that the President of the United States shall be authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty with or laws of the United States, in accordance with express promises made to them by the Chippewa Commission, and to those Indians who may remove to the said reservation who are entitled to take allotments under article 7 of the treaty of April 18, 1867, 160 acres of land, said allotments to be made in accordance with the provisions of the act of Congress of February 8, 1887 (24 Stat. L., 388).

The bill also provides that where any allotment of less than 160 acres has heretofore been made to the allottee, he shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed 160 acres; also that if there is not sufficient land within the diminished White Earth Reservation subject to allotment to give each Indian entitled thereto the amount of land provided by the bill, then the lands shall be prorated among the allottees.

Reporting upon the bill, the office has the honor to state that it has heretofore made several reports upon similar bills having practically the same effect was made to the department under date of December 17, 1896, to which attention is respectfully invited. The Cfice also, on February 12, 1900, submitted a report upon a bill having practically the same effect was made to the department under date of December 17, 1896, to which attention is respectfully invited. The Cfice also, on February 12, 1900, submitted a report upon II. R. 997, the general scope and effect of w

A. C. TONNER, Acting Commissioner.

The SECRETARY OF THE INTERIOR.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3087) for the relief of the Plant Investment Co., of New York, N. Y.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of

the following titles, when the Speaker signed the same:

H. R. 11321. An act to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis.; and

H. R. 2973. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ADJOURNMENT.

Mr. HEFLIN. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 30, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting

an urgent estimate of deficiency in appropriation for contingent expenses, Treasury Department, fuel, etc., for current fiscal year (H. Doc. No. 492); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Johns River, Fla. (H. Doc. No. 493); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Portland Harbor, Me. (H. Doc. No. 489); to the Committee on Rivers and Harbors and ordered to be printed, with

4. A letter from the Secretary of War, transmitting, in response to House resolution No. 343, information concerning the distribution of the mobile Army of the United States and the names of Army posts which have been located in their present situations for reasons which are now totally obsolete (H. Doc. No. 490); to the Committee on Expenditures in the War Department and ordered to be printed.

5. A letter from the Postmaster General, transmitting a schedule of useless papers on file in that department and requesting authority to destroy same (H. Doc. No. 491); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 18001) to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States," reported the same without amendment, accompanied by a report (No. 272), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3870) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer Arthur H. Hawgood to Joseph Block, reported the same without amendment, accompanied by a report (No. 274), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3869) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer W. R. Woodford to N. F. Leopold, reported the same without amendment, accompanied by a report (No. 275), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3580) to authorize the change of name of the steamer Henry A. Hawgood, reported the same without amendment, accompanied by a report (No. 276), which said bill and report were referred to the House Calendar.

He also, from the Committee on Patents, to which was referred the bill (H. R. 7711) to amend section 4889 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 273), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 17119) granting the court-house reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes, reported the same with amendment, accompanied by a report (No. 278), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES, from the Committee on Insular Affairs, to which July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," reported the same without amendment, accompanied by a report (No. 280), which said bill and report were referred to the Committee of the Whole House

on the state of the Union.

Mr. BARTLETT, from the Committee on Appropriations, to which was referred the bill (H. R. 15118) for the payments of pension without a voucher, and for other purposes, reported in lieu thereof a bill (H. R. 18977) of the same title, accom-panied by a report (No. 277), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 268), which said bill and report were referred to the Private Calendar.

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 269), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17381) granting a pension to Mary A. Boyle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14315) granting a pension to Elza L. Ross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14424) granting an increase of pension to George L. Richter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions,

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows: By Mr. HAY: A bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913; to the Committee of the Whole House on the state of the Union.

By Mr. ADAMSON: A bill (H. R. 18957) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: A bill (H. R. 18958) placing certain positions in the Post Office Department in the competitive classified service, and changing the salaries of postmasters at first and second class post offices, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: A bill (H. R. 18959) to provide for the encouragement of agriculture, horticulture, and industrial exhibits in the various States; to the Committee on Public Buildings and Grounds.

By Mr. LAMB: A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913; to the Committee of the Whole House on the state of the Union.

By Mr. FERRIS: A bill (H. R. 18961) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary

By Mr. GILLETT: A bill (H. R. 18962) to amend section 87 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the

Committee on the Judiciary.

By Mr. HAY: A bill (H. R. 18963) authorizing the sale of military reservations which have become undesirable for military purposes, and for the investment of the proceeds of said sales for military purposes which may be approved by Congress; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 18964) to amend section 6 of the act of Congress approved May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes"; to the Committee on the

Public Lands. Also, a bill (H. R. 18965) relating to rights of way over public lands, forest and other reservations of the United States; to the Committee on the Public Lands.

By Mr. LAWRENCE (by request): A bill (H. R. 18966) to create a commission to investigate the practicability and advisability of the establishment of a Pan American university or a Pan American bureau of education; to the Committee on Education.

Also (by request), a bill (H. R. 18967) to convene an international conference on education; to the Committee on Education.

By Mr. SMITH of Texas: A bill (H. R. 18968) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: A bill (H. R. 18969) to promote the safety of employees and travelers upon interstate railroads by limiting the hours of service of employees in telegraphic and other service relating to the movement of trains; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18970), to amend an act entitled "An act to promote the safety of employees on railroads"; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18971) to increase the limit of cost of the post office at La Junta, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18972) to appropriate money for the postoffice building at La Junta, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18973) to appropriate money to carry out the provisions of certain acts of Congress; to the Committee on Appropriations.

By Mr. GRIEST: A bill (H. R. 18974) for the relief of heirs of post-office clerks, city delivery carriers, and rural delivery carriers who die from injuries received while on duty; to the Committee on the Post Office and Post Roads.

By Mr. LITTLETON: A bill (H. R. 18975) directing the Secretary of War to cause a survey to be made of East Rockaway Inlet, Long Island, N. Y.; to the Committee on Rivers and Har-

Also, a bill (H. R. 18976) directing the Secretary of War to cause a survey to be made of Glen Cove Creek, Long Island, N. Y.; to the Committee on Rivers and Harbors.

By Mr. BARTLETT: A bill (H. R. 18977) for the payments of pension without a voucher, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. KAHN: A bill (H. R. 18978) authorizing the Commissioners of the District of Columbia to place on the firemen's pension roll of the District the names of certain persons; to the

Committee on the District of Columbia.

By Mr. CAMERON: A bill (H. R. 18979) to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers on the White Mountain or San Carlos Indian Reservation, in the Territory of Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARDWICK: A bill (H. R. 18980) to repeal the tax

on oleomargarine; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 18981) appropriating \$850,000 for the erection of a modern office building on property now owned by the United States Government, on the northeast corner of Pennsylvania Avenue and Madison Place, in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 18982) appropriating the sum of \$100,000 to prevent the further caving of the bank of White River, at Des Arc, Ark.; to the Committee on Rivers and Harbors.

By Mr. HARDY: A bill (H. R. 18983) to provide for erection of public building at Cameron, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. VREELAND: A bill (H. R. 18984) for the erection of a public building at Dunkirk, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. BARTLETT: A bill (H. R. 18985) making appropria-tions for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HENRY of Texas: Resolution (H. Res. 390) providing for the appointment of a committee to investigate matters pertaining to our national currency, monetary system, and other subjects, etc.; to the Committee on Rules.

By Mr. STEPHENS of Texas: Resolution (H. Res. 391) authorizing the Secretary of the Interior to retain certain water rights in New Mexico and Arizona; to the Committee on Indian Affairs

By Mr. LEVY: Resolution (H. Res. 392) to amend Rule XI of the House; to the Committee on Rules.

By Mr. LEVER: Resolution (H. Res. 393) to provide for printing Public Health Bulletin No. 48; to the Committee on

By Mr. SLAYDEN: Resolution (H. Res. 394) to declare the sense of the House with reference to a third term in the Presi-

dency; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. SHARP: Joint resolution (H. J. Res. 229) favoring the establishment of a national vocational school as the most appropriate memorial to Abraham Lincoln, and authorizing the Lincoln Memorial Commission to execute plans for the same; to the Committee on the Library.

By Mr. HEFLIN: Joint resolution (H. J. Res. 230) authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred, as follows:

By Mr. BRADLEY: A bill (H. R. 18954) granting pensions increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. AMES: A bill (H. R. 18986) granting a pension to Robert Richards; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 18987) granting an increase of pension to William Kreighbaum; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 18988) granting an increase of pension to Joseph McAdams; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 18989) granting a pension to Anna M. Reed; to the Committee on Invalid

By Mr. BYRNS of Tennessee: A bill (H. R. 18990) for the relief of the estate of Florian Heins; to the Committee on War

By Mr. CALDER: A bill (H. R. 18991) for the relief of the heirs at law of Michael Hall, deceased; to the Committee on

By Mr. CAMPBELL: A bill (H. R. 18992) granting an increase of pension to Luman Briggs; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 18993) granting an increase of pension to John R. Owen; to the Committee on Pensions.

Also, a bill (H. R. 18994) granting an increase of pension to Benjamin M. Campbell; to the Committee on Invalid Pensions. Also, a bill (H. R. 18995) granting a pension to J. B. Fleming; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 18996) granting an increase of pension to Moses J. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18997) granting an increase of pension to James M. Collier; to the Committee on Invalid Pensions. By Mr. DAVIS of Minnesota: A bill (H. R. 18998) granting

an increase of pension to Matilda Graves; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 18999) granting an increase of pension to John T. Smith, alias Jacob Smith: to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 19000) granting an increase of pension to William W. Hughes; to the Committee on Invalid

Also, a bill (H. R. 19001) granting an increase of pension to Samuel De Voss; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19002) granting a pension to Alta M. Kittle; to the Committee on Invalid Pen-

Also, a bill (H. R. 19003) granting a pension to Amelia J. Sweeney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19004) granting an increase of pension to Mary S. Zuck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19005) granting an increase of pension to Abraham J. Crabb: to the Committee on Invalid Pensions.

Also, a bill (H. R. 19006) granting an increase of pension to Barton W. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19007) granting an increase of pension to John Wiles; to the Committee on Pensions.

Also, a bill (H. R. 19008) granting an increase of pension to James G. W. Hardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19009) granting a medal to Mortimer S. Longwood; to the Committee on Military Affairs.

Also, a bill (H. R. 19010) granting an increase of pension to James M. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19011) granting a pension to Virginia L. Duplan; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 19012) granting a pension to John R. Estes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19013) granting a pension to August H. Merchant; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 19014) granting a pension to Columbus W. Bryan; to the Committee on Invalid Pensions.

By Mr, FLOYD of Arkansas: A bill (H. R. 19015) granting an increase of pension to Thomas Frederick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19016) granting an increase of pension to

Charles A. Reed; to the Committee on Invalid Pensions Also, a bill (H. R. 19017) for the relief of Nancy H. Fair; to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 19018) granting an increase of pension to John N. Ungles; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 19019) granting a pension to John Creighton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19020) granting an increase of pension to

George Crider; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 19021) granting an increase of pension to Severyn T. Bruyn; to the Committee on Invalid Pen-

Also, a bill (H. R. 19022) granting a pension to Rhoda L. Goreham; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 19023) granting an increase of pension to Ferdinand Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19024) granting an increase of pension to Melancthon W. Gavin; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 19025) restoring the name of Margaret C. Roberts to the pension roll; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 19026) for the relief of the heirs of Elizabeth Francis Butler; to the Committee on War

By Mr. LITTLETON: A bill (H. R. 19027) granting an increase of pension to Charles P. Cook; to the Committee of Invalid Pensions.

By Mr. McCALL: A bill (H. R. 19028) granting a pension to

Ida May Forsyth; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 19029) granting an increase of pension to William J. Reitzell; to the Committee on

Invalid Pensions. By Mr. MADDEN: A bill (H. R. 19030) granting an increase of pension to W. M. Dalton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19031) for the relief of James T. Little; to the Committee on Military Affairs.

Also, a bill (H. R. 19032) for the relief of Thomas Brougham

Baker; to the Committee on Military Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 19033) granting an increase of pension to David D. Lewis; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 19034) to correct the military record of Benjamin Taylor, alias Schofield; to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 19035) granting an in-

crease of pension to James Casey; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 19036) granting an increase of pension to Belle Armel; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 19037) for the relief of Curtis V. Milliman; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 19038) granting an increase of pension to Elize Keys; to the Committee on Invalid Pensions. Also, a bill (H. R. 19039) granting an increase of pension to

John H. Estes; to the Committee on Invalid Pensions. By Mr. SHERWOOD: A bill (H. R. 19040) granting an increase of pension to Joseph Goudy; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19041) for the relief of Morrel H. Jones; to the Committee on War Claims

Also, a bill (H. R. 19042) for the relief of the legal representatives of P. E. Parker, deceased; to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 19043) granting pension to Emma J. Smith; to the Committee on Invalid Pen-

Also, a bill (H. R. 19044) granting an increase of pension to Mary E. Parrish; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 19045) granting a pension to Miles T. Skinner; to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 19046) granting an increase

of pension to Charles Wesley Freund; to the Committee on

By Mr. THISTLEWOOD: A bill (H. R. 19047) granting an increase of pension to Allison Clark; to the Committee on In-

Also, a bill (H. R. 19048) granting an increase of pension to Kate G. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19049) granting an increase of pension to George B. Kruse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19050) granting an increase of pension to Catharine A. Trapper; to the Committee on Invalid Pensions. Also, a bill (H. R. 19051) granting an increase of pension to William H. Sterling; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 19052) granting an increase of pension to Perry Morgan; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 19053) granting an increase of pension to Andrew J. West; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 19054) granting an increase of pension to Jason J. Tilyou; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 19055) granting an increase of pension to Eli C. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19056) granting a pension to Martha E.

Shannon; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 19057) granting a pension to Earl W. Maitland; to the Committee on Pensions.

Also, a bill (H. R. 19058) granting a pension to Sallie F. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19059) granting an increase of pension to

Daniel B. Wilson; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 19060) granting an increase of

pension to William Farquer; to the Committee on Invalid Pen-

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of citizens of Martinsburg and Richwood, Mo., remonstrating against extension of the parcelpost system; to the Committee on the Post Office and Post

Also, memorial of New York Board of Trade and Transportation, for investigation of the pension system of the United States; to the Committee on Invalid Pensions.

By Mr. AMES: Petition of citizens of Massachusetts, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Petition of Wilbusch & Luth and other citizens of Lake City, Minn., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Wabasha, Zumbro. Renova, and Elkton, Minn., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of Hiawatha Tribe, No. 116, Improved Order of Red Men, of Convoy, Ohio, in support of Serate bill 3953 and House bill 16313, for the erection of an American Indian memorial in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the mayors of Cleveland and Toledo, Ohio, favoring the coinage by the United States Government of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. ANTHONY: Petition of Ivan Coe and other citizens of Huron, Kans., and vicinity, asking for the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of John H. Fisher and 14 other citizens of Rittman, Ohio, favoring the enactment of the Sheppard-Kenyon bill, regulating the interstate commerce of liquor; to the Committee on the Judiciary.

Also, petition of John B. Baldwin and 24 other citizens of Dennison, Ohio, asking for the passage of the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of the Tuscora Chapter of the Improved Order of Red Men, of New Philadelphia, Ohio, asking for the passage of Senate bill 3953 and House bill 16313; to the Committee on Public Buildings and Grounds.

Also, petition of Hon. A. W. Elson, of Dennison, Ohio, favoring the passage of Senate bill 3194 and House bill 13275; to

the Committee on the Judiciary.

By Mr. BEALL of Texas: Papers to accompany bill for the relief of Virginia C. Moore; to the Committee on War Claims.

By Mr. BOWMAN: Petition of Miner-Hillard Milling Co., of Wilkes-Barre, Pa., for amendment to the corporation excise-tax law; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petitions of citizens of the State of South Dakota, protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BOOHER: Papers to accompany House bill 18869, granting a pension to Mary E. Dougherty; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Petitions of citizens of the State of Wisconsin, in favor of Mann bill for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads

Also, petition of I. B. Wensick, of Plymouth, Wis., remonstrating against any legislation to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Florian Heins; to the Committee on War Claims.

By Mr. CAMPBELL: Petition of citizens of the State of Kansas, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of the First Congregational Church of Parsons, Kans., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of the State of Kansas, against legislation to extend the parcel-post system; to the Committee on the Part Office and Part Reador. the Post Office and Post Roads.

Also, petition of citizens of Caney, Kans., for the total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Pittsburg (Kans.) Council, United Com-mercial Travelers of America, and of citizens of Cherryvale, Kans., remonstrating against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Petition of St. Louis (Mo.) Master Bakers' Protective and Benevolent Association, asking for a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. COOPER: Petitions of Woman's Exchange and others of Racine, Wis., asking a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Memorial of Tri-State Grain

and Stock Growers' Convention, asking for Federal aid to carry out field demonstration work; to the Committee on Agriculture.

By Mr. DIXON of Indiana: Petitions of members of Improved Order of Red Men, urging the erection of an American Indian

memorial and museum building in the city of Washington, D. C .: to the Committee on Public Buildings and Grounds.

By Mr. DODDS: Petition of citizens of Buckley, Nessen City, and De Witt, all in the State of Michigan, protesting against Senate bill 237, for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Newton D. Baker and Brand Whitlock, mayors of Cleveland and Toledo, Ohio, respectively, in favor of the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. DYER: Petition of Company E, First Regiment of Infantry, National Guard of Missouri, and of the Business Men's League of St. Louis, Mo., urging the passage of House bill 8141; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: Petitions of citizens of Augusta ounty, Va., in favor of reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Charles A. Reed; to the Committee on Invalid Pensions.

Also, petition of citizens of Carroll County, Ark., protesting against the enactment of any parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of the mayors of Cleveland and Toledo, Ohio, favoring the coinage by the United States Government of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of Fuerst Bros. & Co., of New York City, favoring a specific duty on antimony and antimony oxide; to the Committee on Ways and Means,

Also, resolutions of the council of administration of the Department of New York, Grand Army of the Republic, opposing incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. FOSS: Petition of Cigar Makers' Union, No. 15, of Chicago, Ill., in favor of House bill 17253; to the Committee

on Ways and Means.

Also, memorials of St. Chicago Jaeger Court 16, Catholic Order of Foresters, and St. Benedict's Men's Society, of Chicago, in favor of House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, memorial of the National German-American Alliance, Illinois Branch, of Chicago, Ill., against interstate liquor laws;

to the Committee on the Judiciary.

Also, resolution of the Illinois Institute of Accountants, in favor of House bill 14489, for amendment to corporation-tax law; to the Committee on Ways and Means.

Also, memorial of Fairmount Park Art Association, of Philadelphia, Pa., in favor of Lincoln memorial as recommended by park commission; to the Committee on the Library

Also, resolutions of the Concordia League of Chicago, Ill., in favor of House bill 9242, for the retirement of superannuated and disabled employees of the civil service; to the Committee on Reform in the Civil Service.

Also, petition of the mayors of Cleveland and Toledo, Ohio, favoring the coinage by the United States Government of 3-cent

pleces; to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Illinois State Veterinary Medical Association, in favor of House bill 16843, to secure commissions for veterinarians in the United States Army; to the Committee on Military Affairs.

By Mr. FRANCIS: Memorial of Toronto (Ohio) 230, Improved Order of Red Men, favoring Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Martins Ferry, Bridgeport, and Bellaire, Ohio, in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. FULLER: Petition of A. Philip Smith, of Rockford, Ill., in favor of Senate bill 3194 and House bill 13275, concerning extension of lien of executions from Federal courts; to the Committee on the Judiciary.

By Mr. GARNER: Petition of the Roach McLymont Co. (Inc.), of Del Rio, Tex., against extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Texas, urging improvement of Aransas Pass Harbor, Tex.; to the Committee on

Rivers and Harbors,
By Mr. GOULD: Petition of the Woman's Christian Temperance Union of Skowhegan, Me., for passage of House bill 16214, the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of the Free Baptist Church, of Waterville. Me., for an effective interstate liquor law; to the Committee on the Judiciary

By Mr. GRAHAM: Petitions of citizens of twenty-first congressional district of Illinois, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of St. Vincent's Catholic Society, of Springfield, Ill., favorable to the passage of the Esch bill (H. R. 2896), which is a measure designed to prevent the use of poisonous phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, petition of members of the Improved Order of Red Men, of Edinburg, Ill., for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds

Also, petition of citizens of Virden, Ill., protesting against legislation to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of citizens of Calais, Me., for

the enactment of House bill 14, to extend parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany bill for the relief of Martha Coslett (H. R. 17075); to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petitions of Presbyterian and Baptist Churches and the Woman's Christian Temperance Union, of Winnebago, Minn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of Herman Rabe, of the Dickinson

Bottling Works, of Dickinson, N. Dak., asking for the total

elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of La Moure, N. Dak., against parcel

post; to the Committee on the Post Office and Post Roads

Also, petition of F. E. Winslow and 3 other citizens of Velva, N. Dak., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of the Tri-State Grain and Stock Growers' convention at Fargo, N. Dak., indorsing bill making appropriations to the agricultural colleges; to the Committee on Agriculture.

By Mr. HIGGINS: Memorial of London (Conn.) Business Men's Association, against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Com-

Also, petition of the Norwalk (Conn.) Board of Trade, for the abrogation of the reciprocity agreement with Canada; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of I. S. Smith and others, Logan, Utah, remonstrating against the passage of Senate bill 1342; to the Committee on Patents.

Also, memorial of Woman's Christian Temperance Union of Ogden, Utah, in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of citizens of the State of New Jersey, urging the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. JACOWAY: Petitions of citizens of Lamar and Ozark, Ark., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Oak Bend Local, F. E. and C. U., No. 1824, of Franklin County, Ark., in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Floris and Pulaski,

Iowa, against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Memorial of St. Joseph German Catholic Society, of Indianapolis, Ind., in favor of Esch phosphorus bill;

to the Committee on Ways and Means.

Also, petitions of citizens of Indiana, urging reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of the Young People's Society of Christian Endeavor of the First Church of the United Brethren in Christ, of Indianapolis, Ind., in favor of House bill 9433, prohibiting the Sunday opening of post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of the Alliance of German Societies of the State of Indiana, against interstate liquor laws; to the Committee on the Judiciary.

Also, memorial of the Young People's Society of Christian Endeavor of the First Church of United Brethren in Christ, of Indianapolis, Ind., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary,

Also, resolution of the Monday Club, of Lafayette, Ind., in favor of treaties of arbitration with Great Britain and France; to the Committee on Foreign Affairs.

Also, resolutions of Howell Post, No. 90, Department of Indiana, opposing incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petitions of J. B. Christensen, J. M. Ingram, and Charles Jordan, for the passage of House resolution 287; to the Committee on Rules.

Also, petition of the Commercial Club of Indianapolis, Ind., for Federal aid in the construction of post roads and high-

ways; to the Committee on Agriculture.

Also, petition of Branch No. 133, Glass Bottle Blowers' Association, protesting against the passage of Senate bill 2564, known as the Smoot printing bill; to the Committee on Printing.

Also, petition of members of the Improved Order of Red Men, in favor of the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, memorial of committee of wholesale grocers, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of citizens of Baltimore, Md., in favor of proposed international conference on education; to the Committee on Education.

By Mr. LEWIS: Petitions of A. Wilson, of Bethesda, Md., and Henry M. Casteel, of Oakland, Md., praying for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LOBECK: Memorial of St. Peter German Catholic Society, in support of the Esch bill providing for a tax upon

white phosphorus matches, etc.; to the Committee on Ways and

By Mr. LOUD: Memorial of Rev. James O'Reilly and others, of the Seventh-day Adventist Church of Onaway, Mich., protesting against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petitions of German Catholic Society, urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of Camp No. 100, Sons of Veterans, United States of America, indorsing the Sherwood pension bill; to the Committee on Invalid Pensions.

Also, petition of W. D. Allen Manufacturing Co., of Chicago, Ill., for an amendment to the corporation excise-tax law; to the

Committee on Ways and Means.

Also, memorial of Lodge No. 320, Order B'rith Abraham, for the termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. McHENRY: Petition of Colley (Pa.) Grange, No. 365, asking that certain changes be made in the oleomargarine law; to the Committee on Agriculture.

By Mr. MANN: Petition of Concordia League, of Chicago, Ill., indorsing House bill 9242, for retirement of superannuated and disabled civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MOON of Tennessee: Memorial of members of the Baptist Sunday school of Maxwell, Tenn., in favor of the pas-sage of an effective interstate liquor law; to the Committee on the Judiciary

By Mr. MOTT: Petition of J. E. Edwards, of Sterling, N. Y., asking for a reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. OLDFIELD: Petition of R. N. Counts & Co., of Clarendon, Ark., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

petitions of Bland & Co., of Devall Bluff, Ark., and W. J. Peterson, of Blackton, Ark., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Memorial of Grange No. 1453, Patrons of Husbandry, urging amendments to oleomargarine law; to the Committee on Agriculture.

By Mr. PARRAN: Papers to accompany bill for the relief of

John Jakes (H. R. 17906); to the Committee on Military Affairs. By Mr. RAKER: Papers to accompany House bill 18835, granting an increase of pension to Oscar P. Whitney; to the Committee on Invalid Pensions.

By Mr. REILLY: Memorial of Business Men's Association of New London, Conn., remonstrating against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce

By Mr. SIMS: Petitions of citizens of Adamsville, Henry, and Savannah, Tenn., in favor of the passage of an effective inter-state liquor law; to the Committee on the Judiciary. By Mr. SMITH of Texas: Petition of citizens of Big Spring,

Coahoma, and Crawford, Tex., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of the Woman's Christian Temperance Union, of Rankin, Mich., and of sundry citizens of Mundy, Mich., for passage of Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petition of W. W. Witwer and others of Creighton, Nebr., in favor of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of John Kliment and others of Knox County, Nebr., for the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means. Also, petition of William Jahde and others of Knox County,

Nebr., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of S. P. Mikesell and others of Emerson, Nebr., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of J. B. McDonald and others of Pierce, Nebr., in favor of parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petitions of the Buffalo Weaving & Belting Co., of Buffalo; Mathews & Boucher and Sibley, Lindsay & Curr Co., of Rochester; and New York Leather Belting Co. and the Dily Manufacturing & Trading Co., of New York, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of New York State Society of Public Accountants, protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Post Office Department.

Also, petition of American Embassy Association, asking that embassy buildings be acquired in the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of Fuerst Bros. & Co., of New York City, relative to duties on antimony metal and antimony oxide; to the

Committee on Ways and Means.
Also, memorial of New York Department, Grand Army of the Republic, remonstrating against incorporating the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of Newton D. Baker and Brand Whitlock, mayors of Cleveland and Toledo, Ohio, respectively, in favor of the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of De Witt C. Aney, of Bath, N. Y., relative to pension laws; to the Committee on Invalid Pensions.

Also, petition of Mercantile Press Club, of Binghamton, N. Y., for preservation of Niagara Falls; to the Committee on Foreign Affairs.

Also, memorial of New York Board of Trade and Transportation, for investigation of the pension system of the United States: to the Committee on Invalid Pensions.

By Mr. THOMAS: Petition of sundry citizens of Todd County, Ky., protesting against the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of O. H. Sayser & Son and

others, of Cincinnati, Iowa, remonstrating against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Papers to accompany House bill 11358, granting an increase of pension to Mary A. Phillips; to the Committee on Invalid Pensions.

By Mr. WATKINS: Petition of citizens of the State of Louisiana, for old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of the State of Louisiana, in favor of old-age pensions; to the Committee on Pensions.

By Mr. WILLIS: Papers to accompany bill granting a pension

to Earl W. Maitland; to the Committee on Pensions. Also, papers to accompany bill granting an increase of pension

to Daniel B. Wilson; to the Committee on Pensions. Also, papers to accompany bill granting a pension to Sallie F.

Wilson; to the Committee on Invalid Pensions.

Also, petition of B. C. Bates and other citizens of Marysville, Ohio, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of New York: Memorial of the Medical Society of the county of Kings, favoring Senate bill 1, for the establishment of a department of health; to the Committee on

Interstate and Foreign Commerce.

Also, petition of the mayors of Cleveland and Toledo, Ohio, favoring the coinage by the United States Government of 3-cent

pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of E. R. Thomas Motor Co., of Buffalo, N. Y., favoring proposed Lincoln memorial highway from Washington to Gettysburg; to the Committee on Appropriations.

Also, petition of Fuerst Bros. & Co., of New York City, favoring a specific duty on antimony and antimony oxide; to the Committee on Ways and Means.

SENATE.

Tuesday, January 30, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved. SENATOR FROM KENTUCKY.

Mr. PAYNTER. I present the credentials of Hon. OLLIE M. James, duly elected by the Legislature of the State of Kentucky a Senator from that State for the term beginning March 4, 1913. I ask that the credentials may be read and filed.

The Secretary read the credentials, as follows: To the President of the Senate of the United States:

To the President of the Senate of the United States:

This is to certify that on the 9th day of January, 1912, Ollie M. James was duly chosen by the Legislature of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1913.

This is to further certify that Ollie M. James was duly declared elected, as the law provides, a Senator in the Congress of the United States from the State of Kentucky, to represent said State in the Senate of the United States, at a joint session of the Senate and House of Representatives of the Commonwealth of Kentucky, on the 10th day of January, 1912, for a term of six years from the 4th day of March, 1913.

And as the legislature met and organized on Tuesday, January 2.

And as the legislature met and organized on Tuesday, January 2, 1912, a doubt existed as to the time the election of a Senator should

This is to certify that on the 16th day of January, 1912, OLLIE M. JAMES was (again) duly chosen by the Legislature of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1913.

This is to further certify that OLLIE M. JAMES was duly declared elected, as the law provides, a Senator in the Congress of the United States from the State of Kentucky, to represent said State in the Senate of the United States, at a joint session of the Senate and House of Representatives of the Commonwealth of Kentucky, on the 17th day of January, 1912, for a term of six years from the 4th day of March, 1913.

Witness: His excellency, our governor, James B. McCreary, and our seal hereto affixed at Frankfort, Ky., this the 25th day of January, in the year of our Lord 1912.

JAMES B. McCREARY, Governor of Kentucky.

By the governor.

C. T. CRECELINS, Secretary of State.

Mr. GALLINGER. If I heard correctly, the certificate stated that Mr. James was again elected. I do not know but that that is all right, but it struck me as being rather peculiar and unusual.

Mr. PAYNTER. I will take pleasure in explaining it to the Senator. Our legislature meets the first Tuesday in January. There has been a question, not a serious one, but sufficient to cause the legislature for twenty-odd years to elect on the Tues-day following the assembling of the legislature and also on the second Tuesday following the assembling, so as to make it absolutely certain that the election takes place at the time prescribed.

Mr. GALLINGER. I have no doubt as to the validity of the election of Mr. James, and yet the statement that he was again elected struck me as being peculiar.

Mr. PAYNTER. I am compelled to approve the form of certificate, because I prepared one when I was elected, and I think the same form has been followed.

The VICE PRESIDENT. Without objection, the credentials will be placed on the files of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Johnson Post No. 368, Department of Indiana, Grand Army of the Republic, of Montpelier, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions

Mr. OVERMAN. I present resolutions adopted by the Chamber of Commerce of Southport, N. C., which I ask may be printed in the RECORD and referred to the Committee on Com-

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions protesting against the intended abolition of the RevenueCutter Service.

Whereas the recommendations of the Commission on Economy and
Efficiency would eliminate the present system of the Revenue-Cutter
Service, the operations of which from the Wilmington (N.C.) port alone
by one cutter produce a saving of over \$3,000,000 worth of property
in one year, besides the lives of many travelers and seafaring people;
and

in one year, besides the lives of many travelers and seafaring people; and

Whereas the Revenue-Cutter Service as now operated gives efficiency and confidence to the shipping interests dealing along our coasts and adds dignity and prestige to our country; and

Whereas the Commission on Economy and Efficiency hope to make a saving of \$1,000,000 a year by the abolition of the Revenue-Cutter Service (which amount is insignificant when compared with the value of property and life saved by one cutter during an equal period): Be it Resolved, That the chamber of commerce of the city of Southport, N. C., through its committee, protests against such action and requests the Sixty-second Congress to vote down any recommendation or bill introduced with the intent or purpose of abolishing or interfering with the operation or maintenance of the Revenue-Cutter Service; be it further

Resolved, That the chamber of commerce of the city of Southport,

the operation or maintenance of the Revenue-Cutter Service; be it further

*Resolved**. That the chamber of commerce of the city of Southport*,

N. C., at this time express its appreciation of the dangerous and commendable services rendered by Capt. John G. Barry and Lieut. L. C.

Covell, of the cutter *Itasca**, in saving lives and property in the recent accidents on the North Carolina coast; be it further

*Resolved**, That these resolutions be made a part of the records of the chamber of commerce and that a copy of these resolutions be addressed to our Senators and Representatives in Congress with a prayer that they exert their capable energy in behalf of an action to defeat any recommendation or bill having for its purpose or intention an interference with the present Revenue-Cutter Service.

*Respectfully submitted**

HENRY P. O'HAGAN,

HENRY P. O'HAGAN, L. J. PEPPER, E. H. CRAMNER, Committee.

Mr. OVERMAN presented petitions of sundry citizens of Charlotte, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented petitions of the Woman's Christian Temperance Unions of Windham, Belfast, Lubec, Skowhegan, Gray, and South Windham; of the congregation of the First Universalist Church of Orono; and of the State Woman's Christian Union, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WATSON presented a petition of sundry citizens of English, W. Va., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church of Morgantown, W. Va., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry retail druggists of Charleston, W. Va., remonstrating against the imposition of a proprietary tax on patent medicines, which was referred to the Committee on Finance.

Mr. BRIGGS presented petitions of the Board of Trade of Paterson; of Pomona Grange, No. 1, Patrons of Husbandry, of Burlington County; of the Woman's Club of Glen Ridge; the Woman's Literary Club of Bound Brook; the Research Club of Elizabeth; the Society of Friends of Moorestown; the Congregational Church of Christ, of Westfield; the First Congregational Church of Jersey City; the First Presbyterian Church of Mount Vernon; the Pilesgrove Monthly Meeting of Friends, of Salem County; the Village Improvement Association of Craniford; and of sundry citizens of Upper Montclair, Augusta, Camden, and Ridgewood, all in the State of New Jersey; and of Harrington Emerson, of New York, praying for ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Clarksboro; of the Women's Club of Flemington; of Trent Chapter, Daughters of the American Revolution, of Trenton; and of sundry citizens, all in the State of New Jersey, praying for the establishment of a children's bureau in the Department of Commerce and Labor, which were ordered to lie on the table.

He also presented memorials of Local Divisions, Ancient Order of Hibernians, of Plainfield, Elizabeth, Perth Amboy, and Passaic, No. 12, of Hudson County; of the Fifth Ward Democratic Club, of Perth Amboy; the Good Government Club of the Tenth Ward of Paterson; the Eighth Ward Progressive League, of Paterson; of Branch 5, St. Patrick's Alliance, of Passaic; of the Hamilton Athletic Club, of Paterson; the Jefferson Democratic Club, of Perth Amboy; the United Irish-American Societies of Middlesex County; the Fourth Ward Democratic Club, of Perth Amboy; of Court Standard No. 111, Foresters of America, of Perth Amboy; and of the Young Men's Hebrew Association of Perth Amboy; and of the Paul Revere Club, of Camden, all in the State of New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Centerville, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of Richfield Grange, of Roscommon County, and of Local Grange No. 1274, of Bristol, Patrons of Husbandry, and of sundry citizens of Kalamazoo and Ypsilanti, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Allegan, Mich., and a petition of sundry citizens of Morley, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Bloomingdale, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Blissfield, Mich., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ovid, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry business organizations of Detroit, Benton Harbor, Saginaw, Kalamazoo, Three Rivers, Grand Haven, and Flint, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

Mr. BRISTOW presented a memorial of the congregation of the First Methodist Episcopal Church of Manhattan, Kans., and a memorial of sundry citizens of Harrison Township, Jewell County, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of J. W. Kee Division, No. 708, Brotherhood of Locomotive Engineers, of Kansas, praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of W. S. Hancock Post, No. 464, Department of Kansas, Grand Army of the Republic, of Emporia, Kans., praying for the passage of the so-called dollar-aday pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Local Council No. 77, United Commercial Travelers, of Pittsburg, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lecompton, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Beloit, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RICHARDSON presented memorials of sundry citizens of Wilmington, Del., remonstrating against the ratification of the proposed treaties of arbitration in their present form between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. OLIVER presented memorials of sundry citizens of Olyphant, Carbondale, Scranton, Archbald, and Dunmore, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain; and France, which were ordered to lie on the table.

He also presented a memorial of the Emmet League, of Shenandoah, Pa., and a memorial of the Ninety-eight Club of Philadelphia, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Church of Jefferson; the South Avenue Methodist Episcopal Church, of Wilkinsburg; and the United Presbyterian Church of Dayton; of the Woman's Christian Temperance Union of Clearfield County; and of the Ministerial Association of Kittanning, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Granges No. 1134, of Mapleton Depot; No. 1440, of New Castle; No. 964, of Du Bois; No. 1152, of Tidioute; No. 1382, of Monongahela; No. 1392, of Beaver; No. 625, of Lawsonham; No. 1105, of Cabot; No. 330, of Huntingdon; No. 911, of Russell; No. 819, of Shawanese; No. 1216, of Coudersport; No. 608, of Clarks Mills; No. 839, of Farmington; No. 400, of East Lemon; No. 1409, of Marion Center; No. 1368, of Bunker Hill; No. 1029, of Covington; No. 1329, of Londonderry; No. 1214, of Cherry Hill; No. 1432, of Beaver; No. 1034, of Saegertown; No. 1057, of Ackermanville; No. 1453, of Mineola; No. 1104, of Loysburg; No. 274, of Lamar; No. 1125, of Concord; No. 365, of Colley; No. 136, of Montoursville; No. 58, of Wysox; No. 193, of Athens; No. 1467, of Harmony; No. 1495, of Chicora, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. GRONNA. I present resolutions adopted by the Tri-State Stock and Grain Growers' Association, assembled in convention at Fargo, N. Dak. The resolutions are very brief. I ask that they be printed in the Record and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the Record, as follows:

Whereas it is common knowledge that the system of agriculture in vogue in the United States does not meet the requirements of the times and is not calculated to build up a permanent agriculture, restore and

maintain the fertility of the soil, which is the Nation's greatest asset;

maintain the fertility of the soil, which is the Nation's greatest asset; and

Whereas the States and the Federal Government have expended large sums in accumulating vast funds of knowledge that should be applied in practice upon our farms and that experience shows that the most direct and effective way of doing so is by the method of extension work known as field demonstration; and

Whereas the National Soil Fertility League and the executive committee of the American Colleges of Agriculture and Experiment Stations have prepared a bill looking to the cooperation of the Federal Government and the several States to make increased appropriations to the agricultural colleges to enable them to undertake and carry forward the work of field demonstration until ultimately a trained and practical man will be placed in every agricultural county to work with the farmers and help them to adapt and apply the new methods to their farms: Therefore be it

Resolved, That the members of the Tri-State Grain and Stock Growers' Convention assembled at Fargo, N. Dak., January 17, 1912, hereby indorse unqualifiedly said proposed bill, and we urge our Senators and Members of Congress to do their utmost to secure its passage.

Resolved further, That copies of these resolutions shall be sent to our delegation in Congress, and a copy to Mr. O. W. Thompson, Columbus, Ohio, chairman of the executive committee of the agricultural colleges, and to Mr. H. H. Gross, president of the National Soil Fertility League, Chicago, and a copy to the Committee on Agriculture in the Senate and the House, and that other copies be given to the press of the States named.

J. H. Ward, President.

J. H. WARD, President. I. A. HOOERSTAD, Secretary.

Mr. GRONNA presented a memorial of sundry citizens of Bowman County, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Jamestown, N. Dak., remonstrating against the reestablishment of the Army canteen, which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of sundry citizens of Maryland and Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pennsylvania and Delaware, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a resolution adopted by the Art Club of Philadelphia, Pa., favoring the erection in the city of Washington of a memorial to Abraham Lincoln in monumental form on a site to be approved by the Washington Park Commission, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Farmers' Educational and Cooperative Union of America, praying for the establishment of a children's bureau in the Department of Commerce and Labor, which was ordered to lie on the table.

He also presented a petition of the Baron Hirsch Woman's Club, of Illinois, praying for the repeal of the eleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Federated Brotherhoods of Galesburg; of the congregation of the First Baptist Church of Greenville; of the Methodist Episcopal Church of Greenville; of the Woman's Christian Temperance Unions of Kane County, Greenville, Du Page County, and Harrisburg; and of sundry citizens of Greenville, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the congregation of the Congregational Church of Epping, N. H., and a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Castlewood, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit the importation, sale, and manufacture of intoxicating liquors, which was referred to the Committee on the Judiciary

He also presented the petition of A. E. Johnson, of Dallas, Dak., praying for the extension of the parcel-post system, which was referred to the Committee on Post Offices and Post

He also presented the memorial of C. F. Pitcher and H. L. Pitcher, of Olivia, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which

was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a resolution adopted by Sol Meredith Post, No. 55, Department of Indiana, Grand Army of the Republic, of Richmond, Ind., favoring the passage of the so-

called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of the Central Labor Union of Evansville, Ind.; of Local Union No. 26, National Brotherhood of Operative Potters, of Kokomo, Ind.; and of Typographical Union No. 7, of Pittsburgh, Pa., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of Elmer Post, No. 37, Department of Indiana, Grand Army of the Republic, of Elkhart, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Blue River Monthly Meeting of the Society of Friends, of Salem, Ind., praying for the ratification of the proposed treaties of arbitrabetween the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of William P. Myers and 43 other members of the Grand Army of the Republic of Kendallville, Ind., and a petition of Chaplain Brown Post, No. 106, Department of Indiana, Grand Army of the Republic, of Valparaiso, Ind., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the board of directors of the Commercial Club of Terre Haute, Ind., praying for the enactment of legislation providing for the improvement of the old National Road, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. CULBERSON presented memorials of sundry citizens of Crowell, Comanche, Lindale, Henderson, and Del Rio, all in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented resolutions adopted by the New York Board of Trade and Transportation, favoring certain reforms in the war pension system of the United States and praying for the appointment of a special committee to investigate the present pension system, which were referred to the Committee on

Mr. McCUMBER presented a petition of the congregation of the Presbyterian Church of Jamestown, N. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry citizens and members of the National Guard of North Dakota of Lisbon, Wahpeton, and Jamestown, all in the State of North Dakota, praying for the enactment of legislation providing for the pay of members of the Organized Militia, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Hamilton and Walhalla, in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Farmers' Institute of North Dakota, favoring increased appropriations for the maintenance of agricultural colleges, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Foxholm, N. Dak., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a memorial of members of the Ancient Order of Hibernians of Derby, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relationary bigs. tions, which was ordered to lie on the table.

Mr. STEPHENSON presented a memorial of Local Branch No. 15, Glass Bottle Blowers' Association, of Milwaukee, Wis., remonstrating against the proposed abolishment of the handroller process of manufacturing paper currency, which was ordered to lie on the table.

He also presented a petition of members of the Woman's Club, of Shawano, Wis., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of George A. Custer Post, No. 140, Department of Wisconsin, Grand Army of the Re-public, of Ashland, Wis., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Eland, Fall River, Menomonee, Kewaunee, Tisch Mills, and Green Bay, all in the State of Wisconsin, remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. GUGGENHEIM presented a petition of sundry stockmen of Snake River, Colo., praying for the enactment of legislation to improve grazing on the public lands and to regulate the

same, which was referred to the Committee on Public Lands.
Mr. RAYNER presented a petition of members of the
Woman's Southern Club, of Baltimore, Md., praying for the
ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Maryland, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SIMMONS presented petitions of sundry citizens of Bladen County and Bertie County, in the State of North Caro-lina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Littleton, N. C., and a memorial of sundry citizens of Wilmington, N. C., remonstrating against the interstate transportation of intoxicat ing liquors in prohibition districts, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Weldon, Winston-Salem, Matthews, and Roanoke Rapids, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. CRAWFORD, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed

S. 2364. A bill for the relief of Capt. James Ronayne, United

States Army (Rept. No. 262); S. 3207. A bill for the relief of Frank Kearney (Rept. No.

S. 2511. A bill for the relief of Capt. Frederick G. Lawton,

United States Army (Rept. No. 264).

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported adversely thereon, and the

bills were postponed indefinitely;
S. 102. A bill for the relief of Alfred James Saynor; and
S. 2334. A bill for the relief of W. M. Stevens.

FORE RIVER SHIPBUILDING CO.

Mr. CRAWFORD. I am directed by the Committee on Claims to report a resolution correcting the title to a case that has already been referred by the Senate to the Court of Claims. ask for the consideration of the resolution.

The resolution (S. Res. 198) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 4591) entitled "A bill for the relief of the Fore River Shipbuilding Co.," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The VICE PRESIDENT. Without objection, the vote by which the former resolution, erroneously drafted, was passed is reconsidered.

ESTATE OF HOWARD L. ATKINSON.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 197), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay, from the contingent fund of the Senate, to the administrator of the estate of Howard L. Atkinson, late messenger to the Committee to Audit and Control the Contingent Expenses of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 4919) for the relief of William A. Duckworth (with accompanying paper); to the Committee on Claims. By Mr. STEPHENSON:

A bill (S. 4920) to authorize the Secretary of War to issue a certificate of service in the name of Charles B. Walworth (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4921) granting an increase of pension to Lyman B.

Gillett (with an accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4922) authorizing the appointment of Alden George Strong as a second lieutenant, Coast Artillery Corps; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 4923) to provide for the refund of duties on coal; to the Committee on Finance.

By Mr. McCUMBER (by request):

A bill (S. 4924) to provide for payment of interest on judgments rendered against the United States for money due on public work; to the Committee on the Judiciary.

By Mr. BRIGGS:

A bill (S. 4925) for the relief of Lieut. Col. Ormand M. Lissak; to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 4926) granting an increase of pension to James Greer (with accompanying papers); to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 4927) granting an increase of pension to Charles H. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 4928) providing for the improvement of the road-way from the railroad depot at Fredericksburg, Va., to the national cemetery near Fredericksburg; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 4929) for the relief of the heirs of D. S. Cowles, deceased (with accompanying paper); to the Committee on Claims.

By Mr. BURTON:

A bill (S. 4930) to carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea; to the Committee on Foreign Relations.

By Mr. LA FOLLETTE:

A bill (S. 4931) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on Interstate Commerce.

By Mr. PAGE:

A bill (8. 4932) granting an increase of pension to James E. Wheeler (with accompanying papers); to the Committee on

By Mr. SUTHERLAND:

A bill (S. 4933) granting an increase of pension to Anna M. Watts Holter: and

A bill (S. 4934) granting an increase of pension to Russell D. Woodruff; to the Committee on Pensions.

By Mr. WILLIAMS:
A bill (S. 4935) for the relief of heirs or estate of Benjamin

Garrett, deceased;
A bill (S. 4936) for the relief of heirs or estate of Eunice

Hurdle, deceased:

A bill (S. 4937) for the relief of heirs or estate of John Mills, deceased;

A bill (S. 4938) for the relief of heirs of James Porter, deceased:

A bill (S. 4939) for the relief of heirs or estate of Louis Summers, deceased;

A bill (S. 4940) for the relief of M. T. Sigrest;

A bill (S. 4941) for the relief of heirs or estate of Mary Phillips, deceased (with accompanying paper); A bill (S. 4942) for the relief of heirs of Winston Morris,

deceased (with accompanying paper);
A bill (S. 4943) for the relief of heirs or estate of Jesse Mabry, deceased (with accompanying paper);
A bill (S. 4944) for the relief of Mrs. E. A. Lanier and estate

of N. B. Lanier, deceased (with accompanying paper); and A bill (S. 4945) for the relief of heirs or estate of E. C. Cornelius, deceased (with accompanying paper); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 4946) authorizing the Court of Claims to consider and adjudicate the claim of the Eastern Cherokees; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$15,000 to pay the necessary expenses incurred and com-pensation for services rendered in the examination and preparation of cases involving the use, distribution, or diversion of waters, and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, etc., intended to be proposed by him to the diplo-matic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. BRIGGS submitted an amendment relative to the appointment of cadets to the Military Academy from any State at large, etc., intended to be proposed by him to the Military Academy appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

REGULATION OF IMMIGRATION.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS-JOHN W. ROGERS.

On motion of Mr. HEYBURN, it was

Ordered, That the papers filed in connection with Senate bill 165, granting an increase of pension to John W. Rogers, be withdrawn from the files, no adverse report having been made thereon.

HEARINGS BEFORE THE COMMITTEE ON PRINTING.

Mr. RICHARDSON submitted the following resolution (S. Res. 190), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the Committee on Printing or any subcommittee thereof is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers from time to time to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the sessions of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H. R. 1618. An act amending paragraph 6 of the act relating

to the Metropolitan police force; and

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The message also returned to the Senate, in compliance with its request, the bill (S. 3087) for the relief of the Plant Investment Co., of New York, N. Y.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S.1650. An act to amend section 110 of "An act to codify, revise, and amend the laws relating to the judiciary," approved

March 3, 1911;

H. R. 2973. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 11321. An act to authorize the Twin City & Lake Supe

rior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis. Mr. REED. Mr. President, will the bills which have been received from the other House lie over without being referred to committees until the special order is disposed of?

The VICE PRESIDENT. The bills will remain on the Vice President's table until they are laid before the Senate, which will not be until after the special order has been disposed of.

PROPOSED CHILDREN'S BUREAU.

The VICE PRESIDENT. The morning business is closed. Under the rule heretofore adopted by the Senate, Senate bill 252 is now before the Senate.

The Senate resumed the consideration of the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau.

Mr. GALLINGER. I assume, Mr. President, that if I followed the line of least resistance, I should vote for the bill that

is now before the Senate. A great many good people of the country acting conscientiously have come to the conclusion that this bill ought to become a law, and they have not failed to tell the representatives of the people of their wishes in that regard. Last evening, under a special-delivery stamp, I received a letter from a most estimable lady in Washington, who is at the head of a civic federation, the officers of which are among the fore-most people, men and women, of this country, urging the passage of this bill; and yet, Mr. President, this is not a onesided question by any manner of means. There are most excel-Ient people who see in this bill an attempt to legislate in the wrong direction, and who are opposed to it. I have been interested to observe that the American Humane Association, an organization that has perhaps done more for the children of the country than any other organization that ever existed in the United States, is very strongly opposed to the proposed legislation; and Mr. Elbridge T. Gerry, known to Senators generally, who founded that great organization, is very outspoken in his opposition to it, as is also Mr. John D. Lindsay, the president of that association. Dr. William O. Stillman, of Albany, N. Y., president of the American Humane Association, declares his opposition to this bill in these words:

While I am heartily and sincerely in favor of all proper legislation for the protection of childhood and its proper supervision and study, I do not approve of the attempt to centralize all efforts in this direction in a department of the Federal Government.

In the first place it would discourage individual initiative in the different States, and in the diversity of study and interest lies the greatest opportunity for progress.

In the second place, Federal Government has little or no power in the direction of enacting laws for the protection of childhood, and a Federal bureau for that purpose would practically be an academic institution.

Federal bureau for that purpose would practically be an academic institution.

In the third place the tendency at the present time is, I am convinced, to make existing bureaus of this description too theoretical and not sufficiently practical. What is needed for the proper protection of childhood is not theorists and dreamers, but practical workers like those found in Societies for the Prevention of Cruelty to Children. This is a self-evident truth.

In the fourth place, I believe that there is a tendency toward too much paternalism in these matters in this country and too little disposition to give homes a chance to manage their own affairs. There is too frequently an invasion and defiance of personal rights and a manifest conviction that the theorists and dreamers are the only ones who have a right to have opinions on home management.

In the fifth place, I am strongly inclined to believe that the creation of a Federal child bureau would result in placing the study of child profection in an official way almost wholly in the hands of the library student and the statistician.

In conclusion, I would call your attention to the fact that the scheme for a Federal children's bureau was unanimously condemned at the thirty-fifth annual meeting of the American Humane Association, which was held in San Francisco during October last.

Mr. President, in opening the discussion the junior Senator

Mr. President, in opening the discussion the junior Senator from Idaho [Mr. Borah] used an argument that we very frequently hear, which was that Congress seems to be quite willing to appropriate money to take care of the cattle and the horses and the sheep and the hogs of the Nation, while it is very loath to make an appropriation for the women and the children of the country. Mr. President, that argument has been worn threadbare; we have read it in the newspapers; we have heard it over and over again here and from the rostrum; but there is not much in it. The truth is that dumb animals need protection because they can not protect themselves, and the further fact is that unless we did protect the animals who furnish food to the human family the mothers and the children of the country would suffer serious consequences.

But, Mr. President, we are not parsimonious in the matter of appropriations for the preservation of the public health in the United States; indeed, we are very liberally making appropriations. I asked my secretary to go through the laws which had been passed during the last session of Congress, and he reports to me that we appropriated for purposes of health in the United States \$10,443,708. So we have not been parsimonious, but, on the contrary, we have been most liberal in our appropriations for the protection of the health of the American people. That enormous sum is supplemented by appropriations by every State and city in the country, which swell the amount to very great proportions.

Now, Mr. President, the bill which is before us is as follows:

Now, Mr. President, the bill which is before us is as follows:

Be it enacted, etc.. That there shall be established in the Department of Commerce and Labor a bureau to be known as the Children's Bureau. Sec. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of \$5,000. The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children. The chief of said bureau may from time to time publish the results of these investigations.

Sec. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of

\$2,400; I private secretary to the chief of the bureau, who shall receive an annual compensation of \$1,500; I statistical expert, at \$2,000; 2 clerks of class 4; 2 clerks of class 3; I clerk of class 2; I clerk of class 1; I clerk, at \$1,000; 1 copyist, at \$900; 1 special agent, at \$1,200; and I messenger, at \$1,440.

SEC. 4 That the Secretary of Commerce and Labor is hereby directed to furnish sufficient quarters for the work of this bureau at an annual rental not to exceed \$2,000.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Mr. President, a few years ago-five years ago to a day-the following bill became a law:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to investigate and report on the industrial, social, moral, educational, and physical condition of weman and child workers in the United States wherever employed, with special reference to their age, hours of labor, term of employment, health, illiteracy, sanitary and other conditions surrounding their occupation, and the means employed for the protection of their health, person, and morals.

SEC. 2. And for the purposes of this act the Secretary of Commerce and Labor is hereby directed to utilize in so far as they be adequate the forces of the Bureau of Labor and Bureau of Census.

SEC. 3. That this act shall take effect immediately.

Approved, January 29, 1907.

We even went to the extent Mr. President in that in

We even went to the extent, Mr. President, in that law of placing in the hands of the National Government, through clerks and agents that were sent out over the country, the power to go into the homes and the communities of the several States and inquire into the morals of the people-a most extraordinary power, it seems to me. No appropriation was made in that bill, and I call attention to that fact for the reason that it is said, "Oh, there is only \$29,000 appropriated in this bill; it is a mere bagatelle; it does not amount to anything"; but, Mr. President, by going to the Revised Statutes, I find that very shortly after the passage of that bill an appropriation of \$150,000 was made to carry out the purposes of that simple little bill that we passed while sitting in our seats and paying little attention to it. The Senator from North Carolina [Mr. OVERMAN] said we appropriated \$300,000, but I think, unless there was a subsequent appropriation, the amount appropriated was \$150,000.

Mr. OVERMAN. It was \$300,000. After that it cost \$89,000 to print the report; and instead of there being 19 volumes, as I stated on a former occasion, there are 45 volumes, about 20-odd volumes yet to be printed. I went to the document room and asked how many volumes had been distributed, and I think I was told 5 out of the entire number printed.

Mr. GALLINGER. Mr. President, I also went to the docu-

ment room; I knew nothing about this until the Senator from North Carolina called attention to it; and I got 12 volumes. This [exhibiting] is volume 1, one of the larger volumes of the series. Some of them are much smaller, and I was told there was quite a proposed to follow. I have been also to the series of them are much smaller, and I was told there was quite a proposed to follow. there was quite a number to follow. I have been looking

this one volume over—
Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Certainly.

Mr. BORAH. Do I understand that the Senator from New
Hampshire thinks that the appropriation was too large?

Mr. GALLINGER. The Senator from New Hampshire does not think the appropriation was too large for the work that was done, but he thinks that the work that was done was absolutely of no account. Who on earth is going to read 18 volumes on this or any other subject in this busy age of ours?

Mr. BORAH. The point I desired to suggest was, that the

fault was likely the result of the inaccuracy of action upon the part of Congress rather than due to the cause for which the money was appropriated. If Congress had appropriated \$50,000 or \$25,000 the work which was necessary to have been done would have been done, and the unnecessary work would not have been done; but the cause itself is not to be condemned because Congress does not properly exercise its judgment in taking care of the situation.

Mr. GALLINGER. Mr. President, every uplifter who to-day is demanding that we shall pass this bill demanded that we If we had should appropriate this large amount of money. not appropriated it, it would have been said that we were unresponsive to the benevolent and Christian demands of the people of the country. The money was appropriated; the money was spent in the investigation by clerks and by so-called special agents; and the result is that we have got this mass of printed matter, which will go into the scrap heap in a very

short time because nobody is going to take the time to read it.

They inquired into the morals of the people. The Senator from North Carolina says that they found in his State that boys were chewing tobacco. I believe they did not find that sin prevalent in the New England States, although I presume there are some people who indulge in that bad habit even in New England.

Mr. OVERMAN. They reported that they found people who had no stoves, who were cooking in the fireplace, and who were not eating anything but corn bread and fried meat. presume the Senator has that condition in New Hampshire or has had it in the days gone by.

Mr. GALLINGER. That is the way my mother used to cook, will say to the Senator, and she was the mother of 12 good

healthy children, 9 of whom are living.

Mr. OVERMAN. And that is the way my mother cooked. I do not see what the Federal Government has got to say as to whether my mother cooks her corn bread in a skillet or on a

Mr. GALLINGER. Now, Mr. President, in considering this question, I have tried to look at it reasonably and thoroughly. I have no prejudices or prepossessions. If I have any pre-possessions, they are in favor of doing anything that might be asked for the benefit of the women and children of the United States; but in looking over this matter I have not been able to find that there are such grave abuses as some gentlemen imagine exists. I find that in the mill villages, North and South, there are night schools liberally supported by the mill owners, and in most States there is a compulsory education law, which takes care to a very large extent of the employment of children in our factories. There are doubtless some abuses and there are violations of the law, as there are violations of every other law that is on the statute books. I find that one expert made this report as to the moral conditions of the mill operatives:

this report as to the moral conditions of the mill operatives:

In nearly all of the smaller mill villages, in all the States alike, the operatives as a body are sober and well behaved. There is usually good order and but little drinking, and there is seldom need for a civil officer to make an arrest. In the country mills, especially, this is true. In practically all country mill villages the moral standard is high. In those villages the people live so closely together that their actions are known to all their neighbors, and immorality can not be concealed, and will not be so readily tolerated as in larger communities. Persons who may be guilty of immoral practices are forced to move, either by the mill officials or by general sentiment among the operatives themselves.

In the cities where there are several mills the moral standard of the operatives in a majority of the mills is high. The standard depends largely upon the attitude of the mill managers and the character of the overseers. Many mill officials hold themselves responsible for the conduct of their eperatives, and will not permit anyone known to be immoral to occupy the houses which belong to the mill company.

Mr. President that is a great tribute to the mill company.

Mr. President, that is a great tribute to the mill operatives, and if any good comes out of this report that paragraph ought to be placed at the head of any finding that may be reached.

They did find that in some of the mill towns the boys chewed tobacco, smoked, and did some other things that would likely be better for their health and their morals if they refrained from doing; but, Mr. President, we need not go beyond the confines of the District of Columbia to find that those same practices are prevalent in the higher levels of society and even indulged in by women. There is nothing in this report, however, that goes to show that the "turkey trot" has been in vogue in the mill towns of New England or of the South. So that when we come to the question of morals in the mill towns we can safely confine ourselves to the facts rather than to arraign a community or a great industry because of some things such as these agents discovered to exist.

Mr. President, let us look at this bill and see what it proposes to do. What are they going to investigate that has not been investigated? They are going to inquire-

Upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality.

Mr. President, I have a bulletin that came to me three days ago from the Census Office which deals with this very question, and why do we want to duplicate it? It gives the general death rate, causes of death, death of infants from each cause by days for the first week of life, by weeks for the first month, and by months for the first two years. That work has already been done by the Census Office, and yet in this bill we propose to establish a new bureau for the purpose of inquiring into that same question of infant mortality.

"The birth rate." Why, Mr. President, I apprehend that

every State in the Union has a board of health. I apprehend that every city in this country has carefully collated vital statistics that answer that question; and just what good is going to come out of the Government of the United States inquiring in the several States as to the birth rate and pub-

lishing it in a bulletin is beyond my comprehension.

"Orphanage, juvenile courts." Mr. President, we have a juvenile court in the District of Columbia—I think one of the best in the country-and I venture the suggestion, for the benefit of the good people who are promoting this legislation, that a \$900 clerk in that court will answer every question that can be propounded to him from every city in every State of the American Union, and give the inquirers all the information that they possibly could desire to procure concerning the operation of juvenile courts. Why should the Government go into this question and spend the people's money for the purpose of ascertaining matters concerning juvenile courts that can be

obtained in other ways?

"Desertion." What good will it do to find out how many men have deserted their wives or wives deserted their husbands or children who have deserted their homes or the homes deserted the children? I can not for the life of me imagine what good it is going to do. We know that evil exists to some extent, as all kinds of evil exists, but what good statistics would do on the subject I can not comprehend.

"Dangerous occupations." Everybody knows what they are. Nobody is in the dark concerning occupations which are dangerous, and we recognize them in our statutes by paying compensation to people who are injured in such occupations.

I do not know the kind of accidents they are to investigate, whether it is a broken collar bone or something else that comes naturally to the child who climbs a tree or scrambles over fences or whether there is some other class of accidents that we are going to investigate. For the purpose of what? Of teaching the children to be more careful and not to take chances? It would be an absolutely fruitless

undertaking for us to do that. "And diseases of children." Who is going to investigate the diseases of children under this bill? Is it to be done by the six or seven clerks, possibly eight clerks, at salaries ranging from \$900 to \$1,600, who are to go into the cities of the several States for the purpose of inquiring about the diseases of

children?

I believe there are between two and three hundred different cutaneous diseases recognized by the medical profession. I would not want a twelve-hundred-dollar clerk to enter my home and pass upon a disease and give it a name-very likely an incorrect name—and bring disrepute upon my family, nor would I want him to do it in the poorest family in the country. There are to-day men in the United States suffering under a cloud of misery because of false statements, because of false diagnoses made by physicians, but are we going to turn our children over to clerks and have reports that in a certain community in North Carolina or in New Hampshire or in any other State they found children suffering from some form of cutaneous disease that was rather suspicious? So far as I am concerned, I do not propose to give any clerk that authority or that

Then we are going to inquire into their employment. That is all now known. The appropriation of three or four hundred thousand dollars made to carry out the provisions of a former bill, the result of which is printed and to be printed in 20 volumes, more or less, deals with that subject. If they have not embodied it in this record of 20 or more volumes, surely If they have no further literature is needed on the subject.

Mr. OVERMAN. Mr. President—
Mr. GALLINGER. Then we are to inquire into the moral condition of the women and children; something more that the Government has nothing to do with. It is a family affair.

Mr. OVERMAN. Here is one of the papers sent out:

What kind of a man is the father of the family, morally, socially, and religiously?

Mr. GALLINGER. Yes. Mr. OVERMAN. That comes from the department. Now, what right do you think the department has to inquire into the social and religious standing of mothers and daughters?

Mr. GALLINGER. I think we have more right to inquire into the morals of the people who investigate the matter than we have to inquire as to those of the parties themselves

Mr. President, I happen to come from a State that has already done a great deal in this direction, and I am one of those who believe—I may be wrong; I am just an ordinary layman; that is all; I speak not with authority from the standpoint of a lawyer; I leave that to the Senator from Texas, the Senator from Idaho, and other distinguished lawyers in this body—that the Constitution of the United States puts certain responsibilities and burdens and obligations upon the States which the States alone should fulfill, and that whenever the General Government goes into the States for the purpose of inquiring into those matters and publishing to the world the result of its investigations concerning matters that belong to the State the Government of the United States is overreaching its authority and power under the Constitution.

The State of New Hampshire has a method of keeping its vital statistics which is not only correct as to the State, but correct as to every city and every town in the State. It has a perfect system of vital statistics, and it does not want the United States to tell it anything about the matter. We have a commissioner of labor who personally visits the factories of the State and sees that the law in relation to the employment of women and children is enforced, and he makes his report, and if it is necessary to enact any further legislation in that regard we will do it, and we do not want any help from the General Government.

We have a hoard of health in New Hampshire, not only in the State, but in every city and in every town, which looks to every question of sanitation and the protection and happiness of the people so far as health matters are concerned. State institutions, such as an industrial school, a tuberculosis sanitorium, a home for feeble-minded children, and various other institutions which look after the welfare of the children

Mr. President, in reference to the care and attention we give our children in the matter of their education, the system is a marvel to the world. I read somewhere a little time ago that of all the money expended for education in all the countries of the world the United States contributed 40 per cent. This may not be absolutely correct, but that statement has been made and stands uncontradicted as to what has been done in the interest of education.

Further than that, I was particularly gratified, in looking over some of these documents, to find that the States of the South are forging ahead in this matter of education and are doing a great work for the children of that section of the coun-We in New England are doing the best we can. There is a different population there from that which was there 50 years ago. People from every nation on the face of the earth are there, to whom we are giving the benefits of education and of beneficial and benevolent laws. We have night schools in our We are giving them the benefits of our public schools, our academies, our seminaries, high schools, and colleges, and are doing everything we can to make them useful and valuable citizens in their several communities.

It is interesting to glance at the matter of education in the District of Columbia. We are spending \$4,000,000 a year for education in this District. This enormous amount of money is spent for education in a single city. We are somewhat criticized because of the magnitude of that appropriation, but we appropriate it for the reason that we want to give a chance for education to every poor child in the District of Columbia—every black child as well as every white child. Hence we make these great appropriations, and I presume they are fulfilling the function for which they were designed.

In the McKinley Manual Training High School in this city there are taught English, German, French. Mathematics: Algebra; geometry, plane and solid; trigonometry and surveying; college algebra; analytical geometry. Science: Physics, including electricity; chemistry. History: Ancient, English, United

MECHANICAL DRAWING.

The first-year student is taught the use of instruments, first in straight-line work, then the use of compasses for arcs of circles, by tracing a carefully prepared blue print. These blue prints are made by the students themselves. The student is then given a few simple sheets in oblique projections, followed by a number of sheets of simple orthographic projections, the correct relation of the views being shown by blackboard sketches. He also receives instructions in making sections, simple assembly, and more complex isometric projection.

All sheets have a small amount of lettering, so that the student has practice all through his course in this very essential

detail.

The second-year student is given one special practice sheet in lettering. Following this the theory of orthographic projection is taught and the difference between first and third angle projection demonstrated. Several sheets are given showing the application of the theory, including revolved views. More than half of the year is devoted to simple machine design and shading for Patent Office drawings.

The third year is devoted exclusively to problems in intersec-

tions and developments of surfaces and solids.

For the fourth year the student is permitted to elect the particular branch he will follow—machine drawing, structural drawing, electrical machine drawing, Patent Office drawing, architectural drawing, topographic drawing.

The machine drawing consists of detail and assembly drawings either from sketches or working drawings at different scales.

The structural drawing consists of roof, truss, and bridge plans, including bill of material.

The electrical machine design is similar to the machine de-

sign, except that electrical apparatus is used. Patent Office drawing consists of exercises in shading, copying good examples of drawings accompanying copies of United States patents, and later a number of sheets from models.

In architectural drawing a preliminary study of shades and shadows is made, followed by sheets showing detail proportions of the Tuscan, Doric, and Ionic columns, rendered. At least one sheet showing intercolumnation and one temple based on one of the three orders named. Each sheet is carefully rendered and the shadows shown.

In topographic drawing the student first enlarges a simple section from a topographic map from the Geological Survey, followed usually by several sheets in lettering and a simple course in plotting from notes.

FREEHAND DRAWING DEPARTMENT.

Design: Decorative, principles of composition, exercises for line, dark and light, tone and color. This work includes surface patterns, borders, book covers, posters, initial letters, general commercial advertisements involving letters and printing.

Constructive: Designs for furniture, bowls, and candlesticks to be carried out in the woodworking department, door knockers, hinges, knobs, keyplates, and general outside details designed in various media, as pencil drawing, ink washes, and clay executed in the forge department. Designs for jewelry, hammered bowls, desk finishings, and table implements modeled in clay to be executed in copper, silver, or gold in the art metal shop. Stencils and wood block printing for table covers, cushion covers, hangings, tapestries, etc., actually made in the drawing rooms. Stained glass windows, embroidery, basketry, jewelry.

Pictorial: Perspective, type solids, interior of houses, architectural composition, sketching (in lead pencil, charcoal, and water color) flowers, landscape. Animals: Figures, still life.

History of art: Ancient, medieval, modern.

Domestic Science Department.

DOMESTIC SCIENCE DEPARTMENT DOMESTIC OR APPLIED SCIENCE.

Physics: Study of air currents and heat applied to the management of stoves; study of light applied to the lighting of houses; study of gases; use of kerosene and gasoline; weighing and measuring of food in terms of heat with the idea of planning meals so that the normal individual can have the kind and amount of food necessary for proper nourishment.

Bacteriology: As a basis for lessons in preserving; instructs in practical hygiene, ventilation, precautions against infection and as an application of the rules of health and right living; many other examples might be given to show how the theories of science may be made serviceable in actual experience.

Physiology: Taught as a science.

Applied hygiene: Home nursing, care of patient in bed and bandaging; first aid, antidotes, care of sprains, broken bones, burns, sunstroke, heat prostration, drowning, etc.

Preparation of and experience in serving food.

MACHINE-SHOP PRACTICE.

Hammer, chisel, emery cloth. Chipping and filing block.

Lathe, cylinder: Use roughing and side tools and adjust lathe to cut parallel; tapering, use broad-nosed tool, steady rest and tapering attachment.

Shaper, rectangular back: Chuck work in vise so that the machine will cut at right angles to the adjacent side.

Universal grinding machine: Grind cone center to proper

Drilling machine: Practice in drilling holes in different positions.

Lathe, milling machine, and universal grinder: Turn out a mandrel for use in the shop.

Milling machine: Make a gear; brings into practice gear calculations, indexing, construction of gear teeth, and gives practice in use of gear cutter, boring tool, chucking, and standard reamers; cut a rack for the above gear; make another gear, bringing into use the spiral head center; and giving practice in differential indexing, selection of gears, and gearing the machine for differential indexing.

Universal milling machine: Make spiral gear, giving practice

Universal milling machine: Make spiral gear, giving practice in selection of gears and calculations of spiral-gear pitch, diameter of pitch circle, size of blank, and spiral lead.

Lathe: V threading, giving practice in use of V-threading tool, gearing, and setting up machine for thread cutting and the selection and adjustment of parts; turn out eccentric, giving practice in laying off centers; turn out internal and external tapers, giving practice in use of boring tool, taper boring, and knurling. Face plate: Use of internal threading tool and screw arbor. Square threading, giving practice in use of square-threading tool and calculations for angle of thread.

Shaper: Dovetail and parting tools, giving practice in use of dovetail tool and its grinding, parting tool, and setting machine to cut the correct angle.

FORGE DEPARTMENT.

1. Physical properties of iron (lectures); elementary course in general shaping and handling of the metal (10 exercises).

2. Welding, chain making, butt, angle, tee, and split welds, tool making; physical properties of steels (lectures); chemical properties of steels (lectures); forging, tempering, and treatment of tool steel; forging of artistic door finishings, hinges, lock plates, escutcheons, door knockers, and so forth, designed in the art department.

WOODWORKING DEPARTMENT.

1. Wood turning: Cylindrical forms made on the lathe, teaching the use of various tools. This course cooperates directly with the freehand-drawing department in making vase forms, bowls, candlesticks, and so forth, designed in the art room.

2. Cabinet making: Covering all the processes of furniture

2. Cabinet making: Covering all the processes of furniture construction, including upholstering in its various forms. Students' designs from the art department are applied to this work. Objects made are desks, morris chairs, mission tables, extension tables, tool chests, and so forth.

3. Pattern making: The course in pattern making consists of exercises which emphasize every principle of the trade, including the study of shrinkage of metals, a short course in molding, and the relation of the principles of molding to the making of patterns.

DOMESTIC ART DEPARTMENT.

Plain sewing: Instruction in care and use of sewing machines, practice in hand and machine work. Textile study: Cotton, its source, growth, preparation for manufacture, varieties of materials, and adaptation. Drafting pattern, cutting, making. Exercises: Basting, stitching, overcasting, placket, gathering, tucking, French seam, hemming, sewing on lace and embroidery.

Dressmaking: Drafting pattern for fitted waist, cutting, basting, and fitting linings, finishing seams, boning, sewing on hooks and eyes, designing sleeves, making suits of cotton or linen material from the pupil's own designs. Textile study: Sponging cloth, shrinking canvas. Tailoring: Study of different styles in seams and pockets for coats and skirts, coat making, utility gown.

Millinery: Principles of hat construction, drafting and cutting buckam frames, wiring and making buckram frames, cutting pattern and material for covered frames, covering buckram frames, making, fitting, and placing bandeaux. Studying of materials and their application: Making bows, rosettes, and trimming practice hats, making wire frames of various shapes, making linen hats. Textile study: Silk. Exercises in various styles of hat bindings: Covering wire frames, making facings, shirred, tucked, draped, and folded; trimming hats in different styles, making and trimming straw hats, designing winter hats, bonnets, and hats for children, making ribbon flowers. Textile study: Bleaching, dyeing, and weaving.

In addition we have physicians and dentists to look after the children in the schools, as many other cities have, and the employment of school nurses is now being warmly advocated, and indeed nurses are employed in some of the large cities.

Some Senators may say that the matter of education has nothing to do with the subject under discussion, but I submit it as an illustration of the tremendous interest there is in this country of ours to take care of the children of our homes and our families. It is not only in the District of Columbia, but extends to every village and every city in the United States. The children are not only taught how to read and how to write, they are not only taught history and arithmetic and geometry and trigonometry, but they are taught the practical things which the boys can utilize to earn a living, and of which the girls can advantage themselves to make of themselves good daughters, good wives, and good mothers.

daughters, good wives, and good mothers.

Mr. President, I do not think I ought to take more of the time of the Senate. I have never been a great believer in the multiplication of bureaus and commissions. The truth is that to-day we are pretty much governed by bureaus and commissions in all our national affairs, and it seems to me that it is time to call a halt, and it is a good point to call a halt on this bill.

The facts I have presented show that the States are alive in this matter. The States are doing this work. In view of the fact that this \$300,000 commission, organized for the purpose of investigating questions similar to those that are included in this bill, has not succeeded in collecting sufficient information to satisfy some people, it is not at all probable we are going to get that information by making an appropriation of \$29,000 and employing a few clerks. If we pass this bill, the same thing will happen that happened in 1897 when we did not make any appropriation at the time the bill was passed, it being left to one of the departments to do the work, but the appropriation speedily followed. If we pass this bill, it will not be many

weeks before the good men and the good women who are promoting this legislation will be petitioning Congress to make an adequate appropriation to enable this bureau to carry on its work, and instead of \$29,000, it will be possibly a half a million dollars in the near future.

The creation of bureaus and commissions in this country is developing into an industry. This bill follows along that line. True it is in a sense an infant industry that is proposed, but notwithstanding that I am opposed to it. It proposes work that ought to be done in the home, the school, the church, and the State without calling upon the General Government to engage in this kind of investigation. We do not need to have the General Government throw its protecting arms about us in every little matter that affects the welfare of the people of our several communities and our several States. We will paralyze the initiative and the work of the States if the General Government is going to do everything that the people of this country think ought to be done to promote their welfare and their happiness.

Mr. President, as I said in the beginning, if I had consulted my own predilection I, perhaps, would have accepted the line of least resistance and responded to the people who have written me about this bill requesting me to support it, but with my views I can not see the propriety or the necessity of passing this legislation. No one exceeds me in the interest I feel in the human family. My profession taught me lessons I never will forget, lessons drawn from the suffering and sorrow that invade communities in this country, but I have also been taught that the community and the State had responsibility for their citizens and ought to provide for them and that it should not be devolved upon the National Government,

The Economy Board-I believe that is what it is called, although I believe it has another title, which I have forgottenhas recently called attention to the fact that enormous sums are being wasted by duplication of work in the departments, and while that board has made some ridiculous recommendations, such as the abolition of the Revenue-Cutter Service, it has made some very wise suggestions in the direction of getting rid of duplication. And yet in this very bill we propose to duplicate work that has already been done or is being done to-day, and to appropriate the money of the people for the purpose of giving places to a few clerks and three or four higher officials.

I suppose the chief of this bureau has been selected. I do not know who he is. I presume he is a good man; but I prefer that he shall earn his living in some other direction than spending the money of my constituents in promoting work such as is contemplated in this bill, which, in my judgment, Mr.

President, is absolutely unnecessary.

Mr. President, while the Senator from Texas [Mr. BALLEY] and the Senator from Idaho [Mr. HEYBURN] were despondent when they addressed the Senate two or three days ago as to the fate of this bill, saying it would doubtless pass, and I do not know but that I ought to join with them in their lamentations

Mr. HEYBURN. I have changed my mind.

Mr. GALLINGER. The Senator from Idaho says he has changed his mind. That is hopeful. I say I do not know but that I ought to join in their lamentations and say that I, too, expect the bill to pass; yet I have a lingering feeling that the Senate of the United States, in this year when we are trying to practice some economies, mostly Democratic, will see the futility of making an appropriation along the lines contemplated by the bill that is under consideration.

Mr. RAYNER. I am in favor of the bill, but I did not intend until this morning to make any remarks upon it at all. I would not submit my views if it were not for a little dialogue that was carried on during a debate upon the measure between the Senator from Texas [Mr. Ballex] and the senior Senator from Montana [Mr. Dixon]. I will read a few words of that colloquy, which I hope will justify my observations.

Mr. Bailey. But under what provision of the Constitution is this measure proposed?

Mr. DIXON. The general-welfare clause.

Mr. Bailey. I knew it would come to this. This bill really undertakes to excuse itself on that ground because it is entitled "A bill to collect statistics for the 'welfare' of the children."

Mr. Dixon. I had not intended to raise any constitutional question in what I had to say, but as long as the Senator from Texas has raised the constitutional feature of the matter I will say that we certainly have the power under the general-welfare clause of the Constitution, which has accommodated itself to thousands of enactments by Congress. The opening clause of the Constitution certainly covers the bill under consideration.

President, I can not stand that. I propose to vote for the bill, but if I could not put it under any other clause of the Constitution except the general-welfare clause and the preamble

of the Constitution itself I would not vote for it, no matter how beneficient and excellent a measure it may turn out to be.

I thought, Mr. President, that we had settled this question long ago in the Senate upon the general-welfare clause, that there is no general-welfare clause in the Constitution of the United States. I challenge contradiction upon that point. I say if this bill is put under that clause, then there is no constitutional warrant for it at all; and I would not vote for it for a moment if I did not think that it came under another clause of the Constitution which affords a justification for its

All the authorities and all the text writers agree without one discordant voice that there is no substantive general-welfare clause in the Constitution of the United States, and the Senator from Texas is perfectly right upon that proposition. taken an oath here to support the Constitution of the United States. How can we support the Constitution of the United States if we vote for a bill that comes under an alleged generalwelfare provision if there is not any general-welfare clause at all? It must be put, Senators, upon some other ground, and I am very frank to say that if I did not believe that it classified itself under some other distinct ground, under no circumstances could I vote for it. I intend to vote for it, but not on the ground that it has been placed on here in the Senate.

I thought we had ended that proposition two or three sessions ago when we entered into a kind of an agreement here that there was no general-welfare clause of the Constitution of the The text writers with unanimity admit that United States. there is no such substantive provision as the general-welfare clause. Here is what Hamilton says in his celebrated report upon manufactures in 1791, which was the first interpretation

of this clause:

Common defense and general welfares are not to be construed as a stinct grant of power, but are qualifications of the objects of the taxing power.

Judge Story, upon page 661 of his first volume upon the Constitution, uses this strong language with reference to this clause:

tution, uses this strong language with reference to this clause:

* * Do the words "to lay and collect taxes, duties, imposts, and excises," constitute a distinctly substantial power; and the words "to pay the debts and provide for the common defense and general welfare of the United States," constitute another distinct and substantial power? Or are the latter words connected with the former so as to constitute a qualification upon them? This has been a topic of political controversy, and has furnished abundant materials for popular declamation and alarm. If the former be the true interpretation, then it is obvious that under color of the generality of the words to "provide for the common defense and general welfare" the Government of the United States is, in reality, a government of general and unlimited powers, notwithstanding the subsequent enumerations of specific powers; if the latter be the true construction, then the power of taxation only is given by the clause, and it is limited to objects of a national character, "to pay the debts and provide for the common defense and the general welfare."

* * The reading, therefore, which will be maintained in these commentaries is that which makes the latter words a qualification of the former; and this will be best illustrated by supplying the words which are necessarily to be understood in this interpretation. It will then stand thus: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises in order to pay the debts and to provide for the common defense and general welfare of the United States.

A school of commentators arose after the adoption of the

A school of commentators arose after the adoption of the Constitution who had taken a recess for a hundred years until the Senator from Montana rang the bell and assembled them again in convention, who claimed that this was a distinct clause; that we could not only lay and collect taxes, duties, imposts, and excises to pay the debts, but that we could provide for the common defense and general welfare as a separate proposition. When Story comments upon that provision, he says that it means that we can lay and collect taxes, duties, imposts, and excises in order to pay the debts and to provide for the common defense and general welfare.

I want to quote a few lines now from Pomeroy. These are all gentlemen who belong to a different school of constitutional construction from what I do, but I am willing to take their interpretation. I will read what Pomeroy says upon the subject. It is a very plain and explicit statement. Pomeroy

Congress has power "to lay and collect taxes, etc., to pay the debts and provide for the common defense and general welfare of the United States." Do these two clauses contain two separate and distinct powers, or is the latter a limitation upon the other? In other words, does the Constitution, by this language, confer upon the Legislature a general faculty of taxation, and also another general capacity to pay public debts and provide for the common defense and general welfare; or does it confer a limited power of taxation by restricting the purposes for which taxes may be laid and confining them to the payment of debts and provisions for the common defense and general welfare? * * * If the construction should be adopted which regards the second clause as an independent grant of power, it would, in effect, be making our General Government unlimited. Providing for the common defense and general welfare includes everything which any government could pos-

sibly do; and a grant of power in these broad terms would be the same as making Congress omnipotent, equal in the extent of its functions to the British Parliament.

Now, I will read one decision and I will ask leave of the Senate to print a few other decisions upon the matter. is a decision in the western district of Missouri, by Judge Rogers, whom I knew to be a very able man:

Rogers, whom I knew to be a very able man:

The "general-welfare" clause "contains no grant of power whatsoever, but it is a mere expression of the ends and purposes to be effected by the preceding power of taxation." I content myself with the fact that the former construction has never been sustained by any court, and the reverse has been held so often as not to require citations to support it; while the latter construction rests upon the theory that the "general-welfare" clause contains no power of itself to enact any legislation, but, on the contrary, the words "and provide for the common defense and general welfare of the United States," according to the most liberal constructionist, is a limitation on the taxing power of the United States, and that only.

No case has been cited tracing the power to enact any statute to the general-welfare clause above quoted, and I do not believe any can be. The learned counsel, in this connection, has cited various acts of Congress of a nature quite similar to the one in question, but no number of statutes or infractions of the Constitution, however numerous, can be permitted to import a power into the Constitution which does not exist, or to furnish a construction not warranted. * * *

Mr. President, what is the use of talking about the general-

Mr. President, what is the use of talking about the general-welfare clause of the Constitution? The Senator from Montana, with great respect and deference to him, has gone so far as to say that we are authorized to pass this law under the preamble of the Constitution; that Congress can pass laws under the preamble of the Constitution.

I quote in this connection what Story says in reference to the preamble of the Constitution. The preamble reads as follows:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Here is what Story says upon that:

Here is what Story says upon that:

And here we must guard ourselves against an error which is too often allowed to creep into the discussions upon this subject. The preamble never can be resorted to to enlarge the powers confided to the General Government or any of its departments. It can not confer any power per se; it can never amount, by implication, to an enlargement of any power expressly given. It can never be the legitimate source of any implied power, when otherwise withdrawn from the Constitution. Its true office is to expound the nature and extent and application of the powers actually conferred by the Constitution, and not substantively to create them. For example, the preamble declares one object to be, "to provide for the common defense." No one can doubt that this does not enlarge the powers of Congress to pass any measures which they may deem useful for the common defense.

I read from Madison in The Federalist:

I read from Madison in The Federalist:

Some, who have not denied the necessity of the power of taxation, have grounded a very flerce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction.

Had no other enumeration or definition of the powers of the Congress been found in the Constitution than the general-welfare expressions just cited, the authors of the objection might have had some color for it. * *

But what color can the objection have when a specification of the objects alluded to by these general terms immediately follows? * * *

For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural and common than first to use a general phrase, and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which, as we are reduced to the dilemma of charging either on the authors of the objection or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter.

Now, let us see what Jefferson said upon the subject:

Now, let us see what Jefferson said upon the subject:

Now, let us see what Jefferson said upon the subject:

To lay taxes to provide for the general welfare of the United States, is to lay taxes for the purpose of providing for the general welfare. For the laying of taxes is the power, and the general welfare the purpose, for which the power is to be exercised. The Congress are not to lay taxes ad libitum for any purpose they please; but only to pay the debts, or provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. * *

There is another school of constructionists, liberal constructionists, who claim, as Hamilton did, that the power to lay taxes must be coupled with the power to tax for the general welfare. In other words, that when we come to lay taxes, or when we come to appropriate for the purposes of this bill, while we have not any power to pass the bill, we have the power to tax and appropriate money for the purposes indicated in the

bill. It might seem very strange, but a school of interpreters, who stand very high upon constitutional construction, have contended for this point. Story discusses it for 50 pages in his volume on the Constitution, admitting that we have not the power under the general-welfare clause to do anything; nevertheless, under the taxing clause we have the right to tax and appropriate for the purposes that we have not any power or jurisdiction to accomplish. The ground will be taken in this debate before it closes, I think, from what I have heard when gentlemen arise to place this bill where it must be placed, under some clause of the Constitution, contrary to the contention of the Senator from Montana, that there is no general-welfare clause of the Constitution; but they will contend for the proposition that Story contended for, vainly, I think, that while you can not pass a bill in the interest of the general welfare you can tax for the general welfare.

In other words, the Committee on Finance and the Committee on Appropriations can levy a tax and appropriate money for the purposes of this bill, but we have not any right to pass the Story says it is a dilemma and that he will extricate himself from the dilemma. With great deference to his profound learning, I do not think he has extricated himself from the dilemma. I read a few lies from what I think the greatest work on constitutional law, written by as great a lawyer as there ever was in the country, to show what he calls the absurdity of that position. I will submit to the Senate what Mr. Tucker

Before reading from Tucker I want to say that Hamilton and Madison agree that there is no general-welfare clause, but when they come to the taxing power Hamilton contended you could tax for the general welfare, and Madison contended you could only tax for the general welfare as far as it was governed and circumscribed by the enumerated and delegated powers of the Constitution. Now, Mr. Tucker says:

It would really seem absurd to impute to the framers of the Constitution a purpose to comprehend objects far beyond the powers it conferred upon the Government.

In other words, Congress can not make and control a railroad; but it may raise and appropriate money for the benefit of a corporation that is to regulate and control it. Such a construction of the Constitution is anomalous. It gives an unlimited power of raising money, to be expended at the discretion of Congress, upon any and all schemes which Congress might deem for the "common defense and general welfare," although such schemes Congress is not empowered to project or to carry into execution by any power delegated to it.

Mr. President, I made up my mind long ago, that when contemplated enactments were under consideration the first thing I would do would be to ask myself the question, Does this come under the Constitution of the United States? I care not what the measure may be, I care not what benefit it may confer upon the country, if I am not satisfied in my own mind, giving the Constitution not a narrow but a fair construction, if I can not find some clause of the Constitution under which the measure comes, then I am bound to vote against it, or I violate my oath as a Senator of the United States.

I place this provision under the only clause of the Constitution that it ought to be placed under. Perhaps other Senators may find other clauses and other provisions, but I have placed it under the only provision that I think it can arrange itself under, and that is under the census, or, rather, the enumera-tion, Article I, section 2, subsection 3. If we can not place it under that clause, then I should like some Senator to rise and tell me under what clause it does belong.

I have the same idea about this in my head that I think the Senator from Texas [Mr. Balley] has, because I can always tell what he is thinking about from the way he looks. If we were now to pass a census act, the very first census act, I think he and I would agree that enumeration means enumeration, and it does not mean anything else. But I am met with the proposition that it has for a hundred years received an entirely different and more enlarged construction.

I agree with the Senator from Texas that the fact that law

after law has been passed that is unconstitutional affords no justification for passing another law that is unconstitutional. In other words, it is contended when you want to support an unconstitutional law all that is necessary to do is to cite some other laws that are unconstitutional in support of the proposi-

tion you are contending for.

But, Mr. President, this census act has stood for a hundred years and over. It has been referred to in statute after statute, providing not only for the taking of the census, but referring to facts and statistics that have been gathered by the census. It has been referred to without being interpreted by the Supreme Court of the United States over and over again.

Here is the Census Committee, of which my distinguished friend the Senator from Texas is the ranking member, that has never brought in a single protest against the work the census

In all these hundred years not one objection has is doing. been made to the work the Census Bureau is engaged in, and it is engaged in exactly the same sort of work that this bill

contemplates.

I therefore take it, when a statute has stood for a hundred years without objection, when committee after committee of both Houses of Congress have approved of it, when the work has gone on from year to year without protest, when statute after statute has referred to the work that is being done under it, when the Supreme Court in any number of decisions has referred to the provisions of the census and the acts that are being done under it, we might presume that when the question goes before the Supreme Court, the Supreme Court will hold

it is too late to open the question.

I have a decision on the subject for whatever it may be worth-it took me about three days to find it, and I will give it to the Senate-I want to say that this decision was rendered by a very able judge, who is now one of the judges of the Supreme Court of the State of New York. He was then district judge—Judge Thomas, the district judge for the southern district of New York. The point was made, What right had the Census Bureau to do the work that it is doing; that the Census Bureau under the Constitution had only a right to enumerate, to make an actual enumeration of inhabitants; that is all, the Constitution says. Here is what Judge Thomas says, too:

Respecting the suggestion that the power of Congress is limited to a census of the population, it should be noticed that at stated periods Congress is directed to make an apportionment, and to take a census to furnish the necessary information therefor, and that certain representation and taxation shall be related to that census. This does not prehibit the gathering of other statistics, if "necessary and proper."

Mr. BAILEY. "Necessary and proper" for what? Mr. RAYNER. "Necessary and proper." I am g I am going on to

"Necessary and proper" for the intelligent exercise of other powers enumerated in the Constitution, and in such case there should be no objection to acquiring this information through the same machinery by which the population is enumerated, especially as such course would favor economy as well as the convenience of the Government and the citizens.

For the National Government to know something, if not everything, beyond the fact that the population of each State reaches a certain limit, is apparent, when it is considered what is the dependence of this population upon the intelligent action of the General Government. Sanitation, immigration, naturalization—

And then, quoting one power after another, he ends up in this way:

for these and similar purposes the Government needs each item of in-formation demanded by the census act, and such information, when ob-tained, requires the most careful study, to the end that the fulfillment of the governmental function may be wise and useful.

This is the case in One hundred and sixth Federal Reporter. Mr. President, if it does not come under that provision, then it does not come under any provision. I therefore think this is census work. The language of this bill is:

The said bureau shall investigate and report upon all matters per-taining to the welfare of children and child life, and shall especially investigate the questions of infant mortality,

And so forth.

I think the Census Bureau could constitutionally do this work. In other words, if the Census Bureau were to undertake to do this work, then I think it would be in the exercise of a constitutional function. I understand-I was not present, but I think the report so shows-that the Director of the Census came before the committee, and he was asked why the Census Bureau could not do this work. The answer of the director was that he did not have the facilities for doing it.

I am not arguing, however, upon the policy of this bill at all; there is much to be said upon both sides of it; but I am arguing simply a proposition of law, that if it does not come under this clause it does not come under anything, and that if the work that is contemplated by this bill were to be done by the Census Bureau-that is to say, if we should order the Census Bureau to do this work—it would be constitutional. the Census Bureau can do this work, and if the work that the Census Bureau does under a bill of this sort is constitutional, then we can by an independent measure institute a separate bureau to do it. I think that one proposition follows from the other with irresistible logic. If the Census Bureau were to undertake to investigate and report upon all matters pertaining to the welfare of children, and so on, it would come under this decision. It would come under it and be a constitutional performance of the duties of the Census Office. Then we have a perfect right to accomplish the same purpose as a matter of law by this bill. I am not now speaking of it as a matter of policy, because it might have been better policy to have put it under the Census Bureau; but, as matter of law, it strikes me as an absolutely demonstrable proposition that we have a right to pass an independent bill for the organization of an independent bureau if the Census Bureau would have the constitutional power to do the work.

There is only one word that I want to say to the senior Senator from Idaho [Mr. Heyburn]. I always love to hear the senior Senator from Idaho discuss any proposition, because he has the courage of his convictions and says whatever he thinks on any subject without reference to results or consequences. As a matter of policy I would not vote for this bill if what the Senator from Idaho says about it is true. Here is what the Senator says:

This measure is not new. It is something after the character of the arrangement of the Greeks before our era, when the State was the nursery of the children; and they carried it to very great extremes. Finally, one crank, following in the footsteps of another, conceived the idea that the children should be so mixed and so reared that it would be impossible for any particular person to claim any particular child or any particular child or any particular child to recognize any particular person as its parent.

If that were so, I would not vote for the bill. I want the Senator from Idaho to take this innocent bill and demonstrate to me that after it passes no man on this floor will be able to recognize his children and that children will not be able to recognize their fathers, because I really do not want to vote for any such horrible conception of a bill as that. I know that the Senator is a scholar and knows all about ancient and mod-ern history. The fact he states is absolutely true about the Greeks at the time of Lycurgus, although I think Lycurgus was somewhat of a traditional character; but the Greeks did do the very thing the Senator says they did. If this innocent little bill, framed by the chairman of our committee, the junior Senator from Idaho [Mr. Borah], the colleague of Senator HEYBURN, the senior Senator, has such a horrible object as this in contemplation, that after its passage, or shortly after its passage, nobody will be able to recognize his children and the children will never be able to recognize their father, I will not vote for it; and I would like the senior Senator from Idaho to explain to the Senate of the United States how it accomplishes this object, and I await the explanation before I irrevocably determine how to cast my vote.

Mr. HEYBURN. Mr. President, I do not believe that I will devote much time to explaining that question. I was merely comparing times and conditions. I rise for the purpose of speaking for a class of people that seems to have been left out of the consideration of this question—that is, the children of the rich. No one seems to have considered that this law will have any application to the children of the rich and that no inquiry would be directed to their condition. I suppose that is because of the telegram, referred to, I think, by the Senator from North Carolina [Mr. Overman], that was sent out during the investigation of a former commission something on this order. That was the telegram sent to each of the agents in the field, "Go for the poor centers"—was that it?

Mr. OVERMAN. I saw one telegram sent to one agent: Visit none but the bad factories; do not visit the good."

Mr. HEYBURN. They did not want the agents to visit the homes where the children of those who were touring to Reno were to be found. [Laughter.]

Mr. BORAH. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Do I understand the Senator from North Carolina to say that the telegram read: "Visit none but the homes of the poor"?

Mr. OVERMAN. No; I did not say that. I said it spoke of factories—of cotton mills—"visit none but the poor mills, the bad mills."

Mr. BORAH. I know something of that telegram, and I do not believe that the word "none" was in it. I think the Senator is in error as to that proposition.

Mr. OVERMAN. Well, what was the telegram? I may not

quote it exactly.

Mr. BORAH. The agent in the field asked for directions with reference to making a certain investigation, and he was advised, first, to make certain investigations in certain mills where children were employed, and the object of it was, Mr.

Mr. OVERMAN. What was the language of the telegram?

I have not seen it for three years.

Mr. BORAH. I have not seen it for some time, but I know the substance of the telegram was to have the investigation made in certain mills first, and for the sole purpose that those mills, being advised that the investigation was going on, would have concealed conditions which it was the business of the

department to uncover.

Mr. OVERMAN. The telegram I saw did not have over 10

words in it. That would make over a hundred words.

Mr. HEYBURN. A night message.
Mr. OVERMAN. That was a night message, I reckon. The telegram I saw said "visit the bad mills." I do not know whether or not the word "none" was used in it. I do not quote it exactly, but I quote the substance of that telegram.

Mr. BORAH. The Senator has the telegram now practically

correct.

Mr. OVERMAN. Yes.

Mr. BORAH. Because it was the bad mills the conditions in which it was desired to learn before the bad mills could cover up the conditions.

Mr. OVERMAN. Why did they not visit the good mills?
Mr. BORAH. They did visit the good mills.
Mr. OVERMAN. The telegram said "visit the bad mills," and my recollection is that it was "none but the bad mills," but I know it said "visit the bad mills."

Mr. BORAH. The Senator would have the agent avoid visiting the bad mills, would he?

Mr. OVERMAN. No; I want him to visit all the mills.

Mr. BORAH. That is precisely what he did do. Mr. OVERMAN. I doubt that.

Mr. BORAH. He visited all the mills, but he visited the bad mills first

Mr. OVERMAN. Yes; that is what he did, or what she did.
Mr. BORAH. Well, if it was a woman, she would do it
better than he would. [Laughter in the galleries.]
Mr. OVERMAN. I have no doubt that is so.

The VICE PRESIDENT. Occupants of the gallery will refrain from demonstrations.

Mr. HEYBURN. Mr. President, I was not speaking in a spirit of levity, although, unfortunately, it might be so considered. When one refers to the children of the rich in considering the wisdom of this legislation, it is a more solemn question, if possible, than that which deals with the children of the poor. Do you think that the standard of morality of the working people of this country is below that of those who do not work? If you do, you are greatly mistaken. Would it be tolerated that these agents should go into the home of a man who lived in a costly mansion and was surrounded by fashionable life for the purpose of inquiring into the conditions surrounding his children as to whether or not a high standard of personal and social morality was maintained by the parents, as to whether the child was surrounded with the atmosphere and the association of temperance and frugality and those virtues that are essential in the formation of the mind of a child? What kind of a reception would one of these representatives provided for in this bill get in such a house? How much information would he receive if he arrived there before the hour when such a household is around for duty? Do you think that those people would recognize the necessity of any inquiry on the part of the Government as to the moral condition of their children? How would they receive the proposition to investigate the habits of the children of such parents, who were in the expensive schools of the country, as to their temperance or their frugality or their customs of life? You would bring such a storm down upon those who were responsible for such an attempt as would stir the country from end to end and reach this Chamber.

Is it not as important to inquire as to the habits of those children as it is to inquire as to the habits of the millions of children belonging to what we are often pleased to term "the middle class" or "the humbler walks of life"? The church membership of this country, made up of honest, God-fearing mothers and fathers, is comprised largely of the parents of these poor children about which we are showing so much

Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. In a moment. Ninety per cent of the membership of the churches of this country is comprised of the parents of the working classes. Now, I yield to the Senator.

Mr. BORAH. Do I understand that my colleague says that the bill discriminates in the investigation to be made?

Mr. HEYBURN. No; I do not. I am discriminating. Mr. BORAH. Oh! That has been my impression from the beginning

Mr. HEYBURN. The Senator's impression was correct. Has that phase of this legislation been considered? If it has been, does anyone suppose that the law would be so administered as to deal equally with the children of all classes? Would it inquire whether or not the habits of the parent of wealth were such as to exercise a proper influence over the mind of the child of wealth, or do they propose to inquire whether or not the moral character and habits of the rich parent are such as to constitute a worthy example to the children of those parents?

Do they propose to follow the child of the rich into the schools, into the colleges, into whatever institution the child is sent to obtain an education, to ascertain whether or not the morals of

that child need public supervision or public exposure?

In the volume referred to by the Senator from New Hampshire [Mr. Gallinger] we find criticisms upon the personal character of the parents of the poor. Do you propose that there shall be published, in like volumes, criticisms upon the personal character and habits of the parents of the rich children? No: this matter has been discussed in newspapers and in speech and in letter always from the standpoint that it was the children of the poor that needed the care and supervision of the Federal Government, and that the money was to be appropriated for the advancement and the uplift only of the children of the poor. When we are legislating here all are of equal wealth and equal concern. We do not legislate for classes. wealth and equal concern. We do not legislate for classes. Do you think the morals of the people of wealth in this country are superior to the morals of the people who labor for their living and who constitute, probably, 90 per cent or more of the population?

If this bill becomes a law I trust that some strong men endowed with the power of administering government will see to it that its first application is to those who are seeking to place this brand of suspicion upon the poor. Wealth does not breed morality. It more often tempts away from the path of morality. Some are moral because they are poor. Mighty few are moral because they are rich. I am only endeavoring to point out some of the things that seem to be overlooked in con-

sidering this measure.

My colleague suggests that there is nothing in this bill that would prevent it. That phase of this measure has not been touched upon in the newspaper consideration of it, nor by any correspondent, nor by any man in or out of the Senate who has spoken on it. The bill, it is assumed, is to deal only with the slums or with the poor. There may go into the household of the humblest of those who are pressing for this legislation; there may go into the household of the poor man, who is defenseless against this inquisition, a man stamped with authority, or who thinks he is, and he may ask the resident questions as to his habits, as to his wife's habits, as to the habits of the adult members of the family, as to whether they play cards or drink or gamble or dance, and then you have made a record by which the child is to be judged and the parent or guardian is to be judged. You have indulged in an inquisi-torial proceeding, which, except for the purpose of discovering crime or enforcing the law against it, we ought never to permit under the laws of this country.

But you have not contemplated that this agent might go a little further up on the hill and enter the home of culture and wealth and refinement, real or presumed, and say: "Do you parents of this child drink? Do you observe the rules of conservative decency? Are you living such upright lives as to be an example of morality to this child?" You have not contemplated that, and yet it is within the provisions of this law, and, I assert, would never be within the execution of it. There is not a word, so far as my attention has been called to the report of the former committee, that even refers to any except

I want to emphasize again what I said with reference to the comparative social and moral status of the parents of the poor and the parents of the rich. I reassert that the great bulk of the Christian population in this country who go to their churches and take their families with them are from the poor. The Christian religion, except for that class, would be a social

parade on Easter day.

Mr. President, we must not lose sight of these questions in the consideration of such a measure. No man here or elsewhere would go further than I would to uplift the standard of morality among the children of this country, but I am not going to accept any nostrum that is labeled as a cure-all for poverty and its consequences without knowing of what that nostrum is composed, without knowing what its effect will be, and without knowing something as to who shall administer it-by

whom the law shall be executed.

I want to know something more than we have been told, more than has been suggested even in regard to the working of such a measure. The self-constituted guardian, whether it be embodied in the highest legislative body in the country, or in the courts, or in the executive departments of the Government, is a dangerous element. Who is seeking this position? Probably a thousand, looking forward to the time when they may settle comfortably and snugly into the office created by such a measure. Of course, this little coterie of clerks can not execute such a law. They could not execute it in the District of Columbia, much less throughout this country. They would not attempt to execute it except as against the class that is most helpless in their hands-those who toil for a living and do the

best they can.

Mr. President, we are not alone—those who have spoken and those who will vote against this measure. The people who have studied this question, and have spent a lifetime of voluntary effort to cure these evils, not men under salaries or officers of a bureau, but men who because of the fact that their accumulations enabled them to do so, have devoted their time to such humanitarian measures, are opposed to this bill. They have no interest in it. J. D. Lindsay, president of the New York Society for the Prevention of Cruelty to Children, who is nobody's hired man, but who has a heart as big and true as ever beat in a human breast, out of his love for his fellow kind and in his devotion to this element of the people, condemns this measure and gives his reasons for it. I will ask that it be inserted in the Record in this connection. I have here the reasons Mr. Lindsay gives for opposing this bill.

The VICE PRESIDENT. Without objection, permission is

granted.

Mr. McCUMBER. Why not read it?
Mr. HEYBURN. I will read it if Senators desire to hear it;
and any who have given attention to this matter know who this man is:

this man is:

John D. Lindsay, president of the New York Society for the Prevention of Cruelty to Children, is equally emphatic in his opposition to the bill. He pointed out yesterday that such a bureau as it proposes to establish is unnecessary, inasmuch as the Census already deals adequately with the statistics on infant mortality and the birth rate, while the Bureau of Labor investigates all subjects connected with the working people, whether adult or children, and the Bureau of Education is gathering statistics as to legislation affecting children in the several States.

The Federal Government has nothing to do directly or indirectly—

He said-

He said—

with State legislation on the subject of child welfare. That is a matter which concerns the States themselves and is one of the sovereign powers which, by the Constitution of the United States, each State has expressly reserved to itself. Moreover, the National Government could not get the desired information and data more effectively than the respective States. It may be true that persistent recurrent inquiries from the Federal children's bureau might induce State officials not only to keep better records but also to answer questions of the Federal investigation, but it would be childish to argue that this is a justification for invalid legislation.

Mr. Lindsay quoted a recent address of Commodore Gerry, in which, concerning the present State society for child protection in connection with this bill, the commodore said:

"Bequests now made to them individually would instead be left to this great central national bureau, to be squandered at its pleasure in 'educational' work and fat salaries to the deserving. Useless statistics would be piled up by the millions and our great and glorious work of rescue and prevention obscured. I can not well conceive of a plan framed better than this to destroy our usefulness."

"Dr. William O. Stillman, president of the American Humane Association," continued Mr. Lindsay, "addressed a letter to the chairman of the House committee which had the bill under consideration, saying:

"'This bill seems especially designed to create expensive and unnecessary offices, at the expense of the Government, for the purpose of scientific investigation of statistics relating to juvenile questions, which must eventually be wholly thrashed out by the State legislatures. It is believed that the proposed plan is only an entering wedge for much larger expenses, which in reality should be wholly borne by private individuals and corporations. There is more red tape than there is of practical conditions seem to have been sacrificed for the sake of philosophical studies and the glamour of th

I have on my desk the statement made by Mr. Elbridge T. Gerry, but I think enough of its spirit, which is in conformity with what I have just read, will be found in that statement.

Mr. President, it is not my intention to prolong this discussion at all. I merely desired to call attention to the wide scope and the possibilities, not the probabilities, affecting the investigation of the children of those who are not to be classed among the poor. Poverty is, in the contemplation of those supporting this measure, to be made a spectacle for the wonder and amazement of those who have little to do except to attend to somebody else's business. It is a sad spectacle in the legislative forum of the country to see these people who are as much a part of the Government as any others made the special target of criticisms and the recipients of the scorn and the pity of those who would build up political machinery as they would build monuments at their gateposts.

Mr. President, if there is anything that weakens the founda-tion of our Government and loses or sacrifices the confidence of thinking people, it is such attempts at legislation. I do not know what the end of such a measure will be, should it unfortunately pass out of this body with its approval. I can only trust that somewhere along the road it will meet with its

deserts at the hands of the executioner.

Mr. CHILTON. Mr. President, like other Senators upon this floor, I have gotten communications from persons in this city and some States in the Union in support of this measure. In-asmuch as I have made up my mind to vote against it, I desire to put upon record the reasons which have brought me to that

Before I examined the bill or investigated the subject I had intended, in a general way, to support this measure, upon the idea that I could thereby do something to aid children and to help them to become useful men and women. Any measure of this kind appeals to one who has seen and knows the hard side of life. If I could be convinced that the Congress has the power to enact legislation of this kind, I might waive some of the other serious objections which appear in the bill.

To those who scoff at constitutional objections being raised upon this floor I may offer as an excuse that I am new here and I am not very far away from the solemn oath which I took on this floor less than a year ago to support and defend the Constitution. Having the old-fashioned idea that the National Congress must find a warrant in the Constitution for every step which it takes, it would seem to me that those who are sponsors for this legislation would point out the grant of power under which this legislation could be justified and not refer us to text-

books alone.

The distinguished Senator from Maryland [Mr. RAYNER] has finally taken recourse to that clause of the Constitution authorizing the Federal Government to enumerate the peoplethe census clause. There is ingenuity in this position, but to me it is not convincing. But, as I shall show later on, the Census Department and other departments have, either with or without constitutional grant, gone into the life of the family as fully as is contemplated by this bill. But when the great Senator from Maryland wants to support a measure and he can find no other warrant for a department to investigate "juvenile courts," "diseases of children," and "desertion" than the census clause, then I feel an additional security in

my position.

The report from the Committee on Education and Labor

says:

The bill is not designed to encroach upon the rights nor relieve the States from the duty of dealing with this subject, but to furnish information to enable them to more successfully deal with it. It was the opinion of the committee that the duty devolves primarily upon the States to legislate upon this important subject and the States can

more effectively deal with it. But it seemed to the committee that there was a duty upon the part of the National Government to aid in getting such information and data with a view to assisting in this work, and that the National Government could get such information and data more effectively than the respective States.

Thus we see, at the outset, that the committee which reported the bill to this body admits that the subject of child life is one as to which the States have not delegated any power to the National Government. They further admit that if any remedial legislation shall follow from the investigations and reports to be made under this bill such legislation must devolve upon the various States.

It is not claimed that the Government has any power, but in some mysterious way the duty is linked to the Government,

where the power is admitted to be absent.

The party to which I belong has been for years calling the attention of the people to the gradual encroachment of the Federal Government upon State power. The alarm has been sounded by that party that gradually the Federal Government has been encroaching, under one pretext or another, upon powers which at the beginning of this Government were never intended to be exercised by the Federal Government. It therefore seems to me that especially those who hold commissions in this body under that party should be ready and willing to draw the line at some point and at some time. If we can make inrestigations upon subjects as to which we can not legislate, and do it for the confessed purpose that in the future it is hoped that the legislatures of the various States will use our information to carry out the powers confessedly in the States and clearly not within the Federal Government, then we have crossed the dividing line, and it is useless to inquire further where the granted powers of the Federal Government begin and where they end. It is not the fault of this Senate that the granted powers of the Federal Government do not extend to the deaf, dumb, and blind, the lame and insane, and to many other unfortunates with whom the States must deal.

We can not be blamed because the States failed to grant to the Federal Government the power to reach down and take every unfortunate little child by the hand and lead it to hope, opportunity, and success. I would, if I could, take every child in the country from a workshop and give it only play, supshine, healthy surroundings, and a good education. Whersunshine, healthy surroundings, and a good education. ever I have the constitutional power I would vote to better the condition of child life. But where no one points to the authority for the legislation and the committee which reports the bill admits that the subject is one belonging to the States and not to the Federal Government, and even the Senator from Maryland is forced to fall back upon the census clause. I am forced to vote against my feelings and support my ideas of

the pledges made by my party and the oath which I have taken as a Member of this body.

Mr. SUTHERLAND. Mr. President-

The VICE PRESIDENT. Will the Senator from West Virginia yield to the Senator from Utah?

Mr. CHILTON. I hesitate to do it, but of course I will yield. Mr. SUTHERLAND. If it will not disturb the Senator from West Virginia, I should like to ask him a question in the line of what he is discussing.

Mr. CHILTON. I am not sure that I can answer it, but the

Senator may ask it.

Mr. SUTHERLAND. I understand the Senator to say that we have no right to gather information to enable the States to legislate. I think the Senator perhaps is correct about that. But the Senator will concede that we have the right to gather information to enable Congress to legislate.

Mr. CHILTON. Yes, sir; I think so.
Mr. SUTHERLAND. Provided the legislation is based on some power which Congress has a right to exercise. Mr. CHILTON. Yes, sir.

Mr. CHILTON. 1es, sir.

Mr. SUTHERLAND. I call the Senator's attention to this:
We have the power, undoubtedly, as it seems to me, to gather
information from foreign countries to enable us to legislate
intelligently with reference to our own country, within the
delegated powers of the Constitution. We have the power, I
think, to gather information from foreign countries and from the States, which will enable us to legislate intelligently with reference to the District of Columbia, because the Constitution confers upon Congress the sole power to legislate in all matters concerning the District of Columbia. Therefore, the welfare of the children of the District of Columbia is certainly a subject within the power of Congress. May we not gather information with reference to the various subjects that are mentioned in the bill, wherever we may find it, in the States of the Union or elsewhere, if that will enable us to legislate intelligently with reference to the welfare of the children of this District? The District of Columbia has a population of several hundred thousand; there are a good many children here; and I submit to the Senator from West Virginia-

Mr. BAILEY. Limit the bill to the District of Columbia, and

nobody will object to it.

Mr. CHILTON. Let me answer. Mr. SUTHERLAND. If the Senator will permit me-

Mr. BAILEY. I do not want to interrupt the Senator from West Virginia. He has a prepared speech.

Mr. SUTHERLAND. The legislation will apply to the District of Columbia, although the information may be gathered elsewhere

Mr. CHILTON. I will say in answer to the Senator from Utah that I have no doubt a bill relating to the District of Columbia would be perfectly proper, but I want to say now, as I shall show later on, that we have the departments now actually working and, in my judgment, if they do their duty they will be gathering this information just as fully as they could if this bill were passed.

Mr. SUTHERLAND. But is it not within the power of Congress, if Congress thinks it needs additional information, to gather it? Is that not a matter of legislative discretion?

Mr. CHILTON. I take due note of the words "additional in-They can get the additional information under

existing law.

From the standpoint of my record and my desire to aid children, my position here is a source of deep regret to me, but from my standpoint as a Democrat and the duty which devolves upon Democrats to keep the party pledges, I do not hesitate to say that I feel that my foundation is as firm as a rock. If the supporters of this bill would amend it so that even under the interstate-commerce clause of the Constitution it could be defended, I would go to great lengths to support it. But to ask those of us who are here under a pledge to resist further en-croachments of the Federal Government and to guard the re-served powers of the States to the very letter of the Constitution, to vote for a measure whose sponsors can point to no clause in the Constitution justifying it, seems to me is the same as asking that fundamental principles and constitutional limita-tions shall be willfully and knowingly ignored. The people of my State further expect me to do what I can to reduce the heavy burdens of government rather than increase those burdens. The party to which I belong is also under a pledge to the people to reduce taxation as far as possible. Assuredly I can not redeem that pledge by voting an expense upon the Government regarding a matter upon which it is conceded the Government can do nothing in the way of legislation. To do so

would be to needlessly expend public money.

This bill proposes to create in the Department of Commerce and Labor an additional bureau with a chief, and an assistant,

and a number of clerks and employeees at an initial salary of \$29,000 a year. None of us need doubt that from year to year and from time to time the number of these employees will be increased, and salaries will likewise be increased, and when we pass this bill its sponsors will draw a long breath and congratulate themselves only upon a good beginning. What has been the history of all bureaus will be the history of this one. The Department of Commerce and Labor was established February 14, 1903, with a Secretary at a salary of \$8,000 a year, an Assistant Secretary at \$5,000 a year, a chief clerk, a disbursing clerk, "and such other clerical assistants as may from time to time be authorized by Congress," There were transferred to that department from the Treasury Department all matters pertaining to the Lighthouse Board and the Lighthouse Establishment; Steamboat Inspection Service; the Bureau of Navigation and United States shipping commissioners; the National Bureau of Standards; the Coast and Geodetic Survey; the Commissioner General of Immigration, the commissioner of immigration; the Bureau of Immigration, the Immigration Service at large; and the Bureau of Statistics. From the De-partment of the Interior there was transferred the Census Office. There was attached to it also the Department of Labor, the Fish Commission, and the Office of the Commissioner of Fish and Fisheries.

The Bureau of Foreign Commerce was taken from the Department of State, and the Secretary of Commerce and Labor was given the power "to rearrange the statistical work of the bureaus and offices confided to said department and to call upon any other departments of the Government for statistical data and results obtained by them." There was also created in the Department of Commerce and Labor a Bureau of Manufactures, with a chief, drawing a salary of \$4,000, and such clerical assistants as may from time to time be authorized by Congress. There was also created a Bureau of Corporations and a Commissioner of Corporations, with a salary of \$5,000, and a deputy at a salary of \$3,500; also a chief clerk and such special agents, clerks, and other employees as may be authorized by law. The said commissioner was empowered and di-

rected to make-

a diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States * * * and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, etc.

In order to enable the commissioner to exercise this power and authority the said commissioner was given the right to have and exercise the same power and authority in respect to corporations that had been conferred upon the Interstate Commerce Commission in the act approved February 4, 1887, entitled "An act to regulate commerce," including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths.

There was also transferred to the Department of Commerce and Labor jurisdiction over the fur-seal, salmon, and other fisheries of Alaska, and over the immigration of aliens into the United States. The commissioner was also required to "make special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent." He was given the further right and power to make other appointments and to bring to his department other assistants who may be found necessary.

I simply refer to that to show that we have not been backward in creating departments and bureaus in Washington.

Within two years after this act had been passed there had been added for confidential clerk hire, chief clerks, chiefs of divisions, other clerks, messengers, laborers, assistant telephone operators, and attorneys, an annual expenditure of \$98,920. (See S. Doc. 195, 58th Cong., 3d sess., pp. 687-688.)

I have not had time nor opportunity to ascertain whether or

not other increases in salaries or additions to the force of the Department of Commerce and Labor have been made, nor is such an inquiry necessary to the proposition which I desire to It seems to me that whether the Government has illustrate. the constitutional power or not to inquire into the condition of child life and secure the information contemplated by this bill, it now has enough departments with sufficient powers and is paying a sufficiently large sum of money to have that information. If the Congress is to pay any attention whatever to the many promises made to the people to economize in governmental expenditures, it seems to me that it is our duty now to inquire what, regardless of our powers, is our duty regarding this bill. Assuredly it is meet and proper that Congress should inquire whether or not it is engaged in duplicating officials and duties.

Under the act of February 14, 1903, the Bureau of Labor was put under the jurisdiction of the Department of Commerce and Labor, and all laws and parts of laws relating to the Bureau of Labor, theretofore created by acts of Congress, were made applicable to the Department of Commerce and Labor. The act of June 13, 1888, provided:

That there shall be at the seat of government a Bureau of Labor, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects of labor, in the most general and comprehensive sense of the word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

By the act of March 2, 1895, the Commissioner of Labor is authorized to prepare and publish a bulletin of the Bureau of Labor on the condition of labor in this and other countries, condensations of State and foreign labor reports, facts as to conditions of employment, and such other facts as may be deemed of value to the industrial interests of the United States. I see by the Congressional Directory, Sixty-second Congress, second session, page 301, that this bulletin is issued every month. It seems that these powers already granted to the Bureau of Labor are amply sufficient to collect for the public every item of information contemplated by this bill. How could language be more comprehensive than the following:

To acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word.

If, as has been said upon this floor, some Senators should be sensitive that the information contemplated by this bill would show a deplorable condition in some factories as to child labor, then I suggest that that sensitiveness is late in arriving. The threat of the pending bill need not alarm, because all of the powers necessary to get the information which it is claimed would show these deplorable conditions are now vested in the Department of Commerce and Labor. There is no reason why under existing law, if there be no constitutional objections to its enforcement-and there could be no greater constitutional objections urged to existing law than could be urged to this bill-then there exists upon the statute books ample power to get the most general and comprehensive information concerning the hours of labor, the earnings of laboring men and women, the relations of labor to capital, and any useful information on subjects connected with labor, and the means of promoting the material, social, intellectual, and moral prosperity of the people, children included. If we shall enforce legisla-tion which we have, and under it secure the information contemplated by these various acts of Congress, there is little, if anything, connected with child life, and especially with child labor, which can not be brought, by way of public documents, to the attention of the people.

Indeed, we are informed by the ninth annual report of the Secretary of Commerce and Labor, just out, that during the fiscal year ending June 30, 1911, the Bureau of Labor published 8 volumes of a report on the condition of child wage earners in the United States. This is Senate Document No. 645, Sixty-first Congress, second session. After the close of that fiscal year 3 other volumes were given to the printer. These 11 volumes embrace the following subjects:

Volume I, Cotton Textile Industry; Volume II, Men's Ready-Made Clothing; Volume III, Glass Industry; Volume IV, Silk Industry; Volume V, Wage-Earning Women in Stores and Factories; Volume VI, The Beginning of Child-Labor Legislation in Certain States: A Comparative Study; Volume VII, Conditions Under Which Children Leave School to go to Work; Volume VIII, Juvenile Delinquency and its Relation to Employment; Volume X, History of Women in Trade-Unions; Volume XI, Employment of Women in Metal Trades; Volume XII, Employment of Women in Laundries.

It seems to the uninitiated that the Bureau of Labor is going right forward with the work which is contemplated by this bill. We are further informed, however, by the same report that the bimonthly bulletins from the Bureau of Labor have contained digests of reports of the State bureaus of labor, foreign official labor publications, decisions of courts affecting labor, and the laws of the various States relating to labor. These bulletins embrace the subjects of child-labor legislation in Europe, fatal accidents in coal mines, labor laws declared unconstitutional, industrial accidents, and various other subjects which have been reviewed in this and other countries. We are further informed that there are four other volumes in the hands of the printer, as follows:

Volume IX, History of Women in Industry in the United States; Volume XIV, Employment of Women and Infant Mortality; Volume XV, Relation of Occupation and Criminality of Women; Volume XVI, Family Budgets of Typical Cotton-Mill Workers.

Here we are going forward investigating all about diseases of women and diseases of children, infant mortality, the condi-

tions under which they work and do not work, the time when they leave their homes and take employment, and, not satisfied with this, we have the comprehensive budget called the Family Budgets of Typical Cotton-Mill Workers.

It seems that the Bureau of Labor does not hesitate now in making investigations as to children and child labor, conditions under which children leave school to go to work, infant mortality, and history of women with regard to criminality, and even "family budgets." It has construed the acts of Congress now upon the statute books as being as comprehensive as the English language can make them, so far as conferring the power and exacting the duty of the Bureau of Labor to investigate and report upon every phase of human industry, capacity, mortality, health, and earning power. There is nothing required in this bill which can not now be investigated and reported upon by the Bureau of Labor. Is there, then, any reason shown for taking this power from the Bureau of Labor? Is there any reason shown for duplicating the work already committed to one of the departments of the Government for the purpose of multiplying the number of Government officials and to dig down deeper into the pockets of an overtaxed people? Let us concede for the argument that there is ample constitutional warrant for this legislation. Let us, for the purpose of argument, wipe out State lines and give the Federal Government the same power in dealing with this subject that it has in dealing with interstate commerce and national currency. Why should we create a new department to do the work which is now being done by other departments of the Government? It is no answer to quote the letter of a chief of the Bureau of Labor, because of the known inclination of a Government official to create more departments and more offices, where an excuse, not to say a reason, can be given for it.

On page 2 of the report of the Committee on Education and Labor, submitting the pending bill, it will be seen that the Chief of the Bureau of Labor says that there are only two or three things which his bureau would touch at all. He lays stress upon the quality of work which can be done under a new bureau, and thinks that a new bureau would give to the work "high-grade quality," and that the equipment of the Bureau of Labor could not study the matters contemplated in this bill as "thoroughly and as fundamentally" as they ought to be studied without somewhat departing from its proper line of work. In other words, here is a tacit admission that the statistical work can be done now under present departments. The sponsors for this bill are apparently contemplating a "thorough and fundamental" study by some new officials rather than the gathering of statistics.

On page 408 of the report of the Department of Commerce and Labor for 1910 I find that the Commissioner of Labor says, speaking of volume 1 of the Report on Women and Child Wage Earners of the United States (I am using his exact language):

The report treats of the sex, age, race, and conjugal conditions of persons employed in cotton mills investigated, their earnings and hours of labor, the composition of their families, the conditions of the members of such families as to employment, the family income from various sources, home ownership and cost of rent, statistics relating to children of specified ages at work, single women over 16 years of age at work, married women at work, and literacy and school attendance of woman and child employees. Other subjects treated are employment of children under legal age, violations of certificate laws, methods and frequency of wage payments, overtime and night work, sanitary conditions of mills and homes, and social and moral conditions.

If the Commissioner of Labor now has the power to report upon these matters, why shall we create a new department for children? It can be seen that the Commissioner of Labor has already reported on sex, age, race, and conjugal conditions, morals and wages of children, illiteracy, night work, sanitary conditions, and even social and moral conditions. There can be no doubt that he has these powers under the act of June 13, 1888, for, as I have shown, language could not be more comprehensive than that used in the last-mentioned act.

Bulletin 95 from the Bureau of Labor is on the subject of "Industrial lead poisoning in Europe." The former bulletins, 94 in number, are on subjects set forth in the last 4 pages of Bulletin 95. They are numbered from 1 to 94, consecutively. To show how comprehensive has been the field of activity under existing law, I ask leave to have printed as a part of my remarks the subjects respectively embraced in these bulletins as set forth in the last four pages. This is to show the subjects treated and to illustrate my point that everything which is embraced here, every activity of any department to be put in use under this bill, has already been put to use by departments now existing.

The VICE PRESIDENT. Without objection, permission is

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

LEADING ARTICLES IN PAST NUMBERS OF THE BULLETIN.

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No. 1. Private and public debt in the United States, by George K. Holmes. (Bulletin out of print.)
Employer and employee under the common law, by V. H. Olmsted and S. B. Fessenden. (Bulletin out of print.)

No. 2. The poor colonies of Holland, by J. Howard Gore, Ph. D. (Bulletin out of print.)

The industrial revolution in Japan, by William Eleroy Curtis. (Bulletin out of print.)

Notes concerning the money of the United States and other countries, by W. C. Hunt. (Bulletin out of print.)

The wealth and receipts and expenses of the United States, by W. M. Steuart. (Bulletin out of print.)

No. 3. Industrial communities: Coal Mining Co. of Anzin, by W. F. Willoughby.

No. 4. Industrial communities: Coal Mining Co. of Bianzy, by W. F. Willoughby. (Bulletin out of print.)

The sweating system, by Henry White. (Bulletin out of print.)

No. 5. Convict labor. (Bulletin out of print.)

Industrial communities: Krupp Iron & Steel Works, by W. F. Willoughby. (Bulletin out of print.)

No. 6. Industrial communities: Familistère Society of Guise, by W. F. Willoughby. (Bulletin out of print.)

Cooperative distribution, by Edward W. Bemis, Ph. D. (Bulletin out of print.)

No. 7. Industrial communities: Various communities, by W. F. Willoughby. (Bulletin out of print.)

Rates of wages under public and private contract, by Ethelbert Stewart. (Bulletin out of print.)

Rates of wages under public and private contract, by Ethelbert Stewart. (Bulletin out of print.)

Railway relief departments, by Emory R. Johnson, Ph. D. (Bulletin out of print.)

Railway relief departments, by Emory R. Johnson, Ph. D. (Bulletin out of print.)

The Dutch Society for General Welfare, by J. Howard Gore, Ph. D. (Bulletin out of print.)

No. 10. Condition of the Negro in various cities. (Bulletin out of print.)

No. 11. Worker's at gainful occupations at censuses of 1870, 1880, and

print.)
Building and loan associations. (Bulletin out of print.)
No. 11. Workers at gainful occupations at censuses of 1870, 1880, and
1890, by W. C. Hunt.
Public baths in Europe, by Edward Mussey Hartwell, Ph. D.,
M. D.

No. 12. The inspection of factories and workshops in the United States, by W. F. Willoughby. (Bulletin out of print.)

Mutual rights and duties of parents and children, guardianship, etc, under the law, by F. J. Stimson. (Bulletin out of print.)

The municipal or cooperative restaurant of Grenoble, France,

ship, etc, under the law, by F. J. Stimson. (Bulletin out of print.)

The municipal or cooperative restaurant of Grenoble, France, by C. O. Ward. (Bulletin out of print.)

No. 13. The anthracite mine laborers, by G. O. Virtue, Ph. D. (Bulletin out of print.)

No. 14. The Negroes of Farmville, Va.: A social study, by W. E. B. Du Bois, Ph. D. (Bulletin out of print.)

Income, wages, and rents in Montreal, by Herbert Brown Ames, B. A. (Bulletin out of print.)

No. 15. Boarding homes and clubs for working women, by Mary S. Fergusson. (Bulletin out of print.)

The trade union label, by John Graham Brooks. (Bulletin out of print.)

No. 16. Alaskan gold fields and opportunities for capital and labor, by S. C. Dunham. (Bulletin out of print.)

No. 17. Brotherhood relief and insurance of railway employees, by E. R. Johnson, Ph. D. (Bulletin out of print.)

The nations of Antwerp, by J. Howard Gore, Ph. D. (Bulletin out of print.)

No. 13. Brotherhood relief and insurance of railway employees, by E. R. Johnson, Ph. D. (Bulletin out of print.)

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No. 18. Wages in the Utited States and Europe, 1870 to 1898. (Bulletin out of print.)

No. 19. Alaskan gold fields and opportunities for capital and labor, by S. C. Dunham. (Bulletin out of print.)

No. 20. Condition of railway labor in Europe, by Walter E. Weyl, No. 21. Pawnbooks (Bulletin out of print.)

No. 20. Condition of railway labor in Europe, by Walter E. Weyl, No. 21. Pawnbooks (Bulletin out of print.)

No. 22. Statistics of labor in the United States, by G. W. W. Hanger.

No. 23. Benefit features of American trade unions, by Edward W. Benis, Ph. D. (Bulletin out of print.)

The Negro in the black belt: Some social sketches, by W. E. B. Disking, Ph. D. (Bulletin out of print.)

No. 24. Statistics of Labor (was a social scenomics, by Ellen M. Henrotin. (Bulletin out of print.)

The production of paper and pulp in the United States by employers, by G. W. W. Hanger.

No. 24. Standary 1 to June 20, 1898. (Bulletin out of print.)

No. 25. Foreign labor laws: Germany, by W. F. Willoughby. (Bulletin out of print.)

No. 26. Voluletin out of print.)

No. 27. Wholesale prices: 1890 to 1890, by Boland P. Falkner, Ph. D. (Bulletin out of print.)

No. 28. Voluntary conclusion and arbitration in Great Britain, by J. H. Natt. (Bulletin out of print.)

No. 28. Voluntary conclusion and arbitration in Great Britain, by J. H. Natt. (Bulletin out of print.)

No. 29. Trusts and industrial combinations, by J. W. Jenks, Ph. D. Trusts and industrial combinations. Ph. S. C. Dunham.

Labor Day, by Miss. M. C. de Graffenried.

No. 30. Trend of wages from 1891 to 1900.

Statistics of cities.

Foreign labor laws: Various European countries, by W. F. Willoughby.

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No. 31. Betterment of industrial conditions, by V. H. Olmsted. (Bulletin out of print.)

Present status of employers' liability in the United States, by S. D. Fessenden. (Bulletin out of print.)

Condition of railway labor in Italy, by Dr. Luigi Einaudi. (Bulletin out of print.)

No. 32. Accidents to labor as regulated by law in the United States, by W. F. Willoughby. (Bulletin out of print.)

Prices of commodities and rates of wages in Manila. (Bulletin out of print.)

The Negroes of Sandy Spring, Md.: A social study, by W. T. Thom, Ph. D. (Bulletin out of print.)

The British workmen's compensation act and its operation, by A. M. Low. (Bulletin out of print.)

No. 33. Foreign labor laws: Australasia and Canada, by W. F.

No. 33. Foreign labor laws: Australasia and Canada, by W. F. Willoughby.

The British conspiracy and protection of property act and its operation, by A. M. Low.

No. 34. Labor conditions in Porto Rico, by Azel Ames, M. D. Social economics at the Paris Exposition, by Prof. N. P. Gilman.

Social economics at the Paris Exposition, by Prof. N. P. Gilman.

The workmen's compensation act of Holland.

No. 35. Cooperative communities in the United States, by Rev. Alexander Kent.

The Negro landholder of Georgia, by W. E. B. Du Bois, Ph. D. Statistics of cities.

Statistics of thonolulu, Hawaii.

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Mr. CHILTON. An inspection of these subjects will show that the Commissioner of Labor has construed his powers as embracing everything contemplated by the pending legislation. We have been told by a great authority that the Government of the United States can be run on a business basis at a saving of \$300,000,000 a year. Already there has been appointed by the President a Commission upon Economy and Efficiency. This commission is in response to a general demand of the people that, inasmuch as Congress has been for years increasing rapidly the heavy burdens upon the people, the time has come when a halt should be called and the expenditures of this Government should be carefully scrutinized and some efforts made to bring the departments of the Government to a state of efficiency approximating an ordinary business concern. If at every session of Congress we create more departments, more bureaus, increase salaries, and create new offices, of course the result is bound to be increased appropriations.

If we have the Census Office, the Bureau of Statistics, and the Bureau of Labor, all with power sufficient to gather in-formation concerning children, and, in addition to that, have a department of health to investigate diseases and their causes, what is the use of duplicating the work required of these departments by creating now a children's bureau, which can do nothing but collect, tabulate, and write up the very same information? Other departments of the Government have been investigating for years. If these departments are not doing the work, let us rather inquire why. Do the employees of these departments, now in existence, give the same time and do as effective work as they would for the same salaries under private employment? If they do not, let us rather inaugurate a movement that will compel department officials to produce the same results in public employment that they are expected to produce in private employment. We might as well create a department for women. My heart goes out to the children of the United States, and I would do anything necessary to protect or help them; but it goes out just as much or more to the women, the patient, long-suffering mothers of these children, who, in many cases, bear the burdens of the whole family. As much and more could be said in favor of creating a depart ment for women that should investigate and report upon the sorrows, sufferings, and the neglect which they have to bear.

Make all the mothers healthy and happy and it will do more to make healthy and happy children than could be done in this bill if it were enacted by every State in the Union. Before I would be willing to vote an increase in the expenses of the Government, if I had the power to do so, I would aid in the building of roads throughout the country to help the farmer and workingman and bring them nearer to the markets to increase the profits upon what they produce. Before the Congress should create a department or bureau for statistical work, and especially for statistical work already provided for, it should improve the waterways so necessary in solving the transportation problems of the Republic and at the same time should make advances in building good, substantial roads to enable the producers of this country to reach the markets at the lowest

possible expenditure.

The magic word "progressive" is already being whispered in these Halls as the mascot which shall land this bill safely on the side of the majority. I am a progressive in the broadest and truest sense. I love progress and give no sanctity to a thing solely because of its age. I have acted here with the new Democracy, but have not despised the old. But whenever progressivism shall link itself with needless expenditures, the reckless multiplying of useless officials, and the unthoughted duplication of duties, making no real change except to increase public burdens, then it will soon come to pass that the word "progressive" will lose its magic power,

Mr. President, I can not be deceived into voting to increase

needlessly the burdens of the overtaxed people, even though I

am told that we shall be led to do so by a little child.

Mr. SMITH of Georgia. Mr. President, I shall vote for this bill, and I wish very briefly to give some of the reasons which will influence my vote. It is proposed to create a children's bureau, the work of which is to gather information of a certain character expected to be helpful to those who are giving their

time and their efforts to better child life. An appropriation of \$29,000 is to be made for the bureau. The information to be gathered is to be published from time to time and be brought within the reach of those who desire to use it.

The objections which have been made to the bill can be classified under two heads: First, that we have no constitutional power to pass it; second, that the bill itself is not meritorious. The reasons which have been advanced to sustain the second objection seem to me not to apply to the measure before the Senate. Phantom dangers, imaginary results, entirely outside of the purpose of this bill, have been attacked by Senators, and the lack of wisdom of certain lines of conduct not provided for by this bill has been made quite clear. It seems that at some time an appropriation of a large amount was made for some kind of an investigation that was carried on foolishly by somebody and resulted in many large volumes of no use to anybody, and perhaps containing matters very objectionable. can not understand why that is any reason that a children's bureau should not be established. Because those to be put in charge of this bureau may do something improper I do not think a sufficient reason to defeat the bill. Let us hope that the head of this bureau will be broad minded and sane; let us hope that he will employ agents who are broad minded and

If they undertake to do such foolish work as that which has been criticized, then it will be time enough to suppress the bureau. The very criticisms that have been so very justly made here upon that other work will warn those in charge of the bureau to be careful how this work is done. Let us see what some of the work proposed by the bill is to be:

The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children. The chief of said bureau may from time to time publish the results of these investigations.

I shall not undertake to discuss each one of these duties, but let me illustrate some of the beneficial results that can come from the collection of information by this bureau, through observation that most of us who have been connected with State

governments can readily recall.

"Juvenile courts." Within the past three years we have been at work upon a measure of this kind in my own State. The friends of this measure—it has already passed—are still studying the question. They desire to improve it. It would have been of great value to those of us engaged in this legislation to have called upon a bureau of this character to furnish us all that had been done in any one of the States, or even in other countries, toward perfecting juvenile courts. It will still be of great value to the judges of those courts to obtain information of this character, carefully and intelligently prepared. It is a continuous, and it should be a continuous, study to perfect in all the States courts of this character. It is a broad, discretionary work which the judges in juvenile courts perform, and the information gathered and furnished to them through such a bureau will be of vast advantage.

We were engaged in legislation affecting the hours of labor and the character of service to be done by children. Such a bureau, gathering intelligently and sanely information upon this subject, would not have been an interference with the rights of the States; it would not have been an exercise of a power by Congress to prevent the State or to stop the State in which I live in the performance of the duty that properly belongs to it; but the information would have been valuable and helpful to those legislators who were studying the problem and seeking to exercise the authority placed in them wisely to provide for the State the best plan of child-labor legislation.

These problems are still to be studied.

Take again the question of "diseases." No man for a moment would expect the clerks provided for in the bill to give medical opinions, but such a bureau from various hospitals throughout the country could gather information and put it in bulletin form that would be of great value to the boards of education, to the medical boards, and to various organizations in the different States which are studying these problems connected with child life.

I can see substantial benefit that can come from a bureau of this kind. It does not propose to interfere with the rights of a State or of a parent; it solely puts within the reach of those studying the questions the opportunity, with less expense and less difficulty, to obtain information which is to help them in their States.

The bill appeals to me; the purpose of the bill appeals to me. The truth is, I believe in appropriating public money for work of this kind; and I had rather see the National Government

appropriating the money that comes from all the people to work of this kind, than to depend upon the charity of some one who has accumulated his millions and in his old age concludes perhaps to make atonement for the way in which he accumulated them.

But it is urged that we have not the power under the Constitution to make an appropriation of this kind and to create this bureau. I am not sure that I like the bill so well creating a separate bureau as I would were the work attached to the Bureau of Education now existing in the Interior Department, but as it is in the shape it is, and I have not the opportunity to vote for it in the other shape, I am going to take it as it comes.

I have said that I believe in spending public money for work of this kind. Is it unconstitutional? What other work of the same character are we doing? Turn to the Agricultural How much can you leave in the Agricultural Department if this bill is unconstitutional? Turn to the Census Bureau. How much can you leave of the census reports if this bill is unconstitutional?

Turn to the Department of Commerce and Labor. How much can you leave in it if this bill is unconstitutional? Turn to the Interior Department. You must wipe out the Bureau of Education; you can find no pretext for it to stand if this bill is an unconstitutional appropriation of money or an unconstitutional creation of a bureau. Take any department in our Government, and applying the strict constitutional rule that would deny to Congress the power to make this appropriation and create this bureau, you would find that you would mutilate this work and stop one-half of the agencies that have grown up during more than a century for the welfare of the people of this land.

Now, I want to ask Senators who vote against this bill upon the ground of its unconstitutionality to be consistent. When the general appropriation bill comes, if we are to fight this bill on account of its unconstitutionality, let us stop that bill and strip the departments, from the Department of State on down. of every dollar of appropriation that goes to a bureau that stands upon the same footing as the proposed bureau will stand.

When for more than a hundred years a majority of Members of the House and of the Senate have continuously made appropriations along a certain line, recognizing all the time, as they have done, their responsibility under the Constitution to obey the Constitution, I would hesitate to set up my own opinion against this long record made by great lawyers and declare that what they have been doing so continuously and so often and so much for the general welfare has been unconstitutionally done.

If I knew it was unconstitutional I would not only vote against this bill, but I would be consistent; I would, when the general appropriation bills come, strike every single dollar from them that stood upon the same footing. But I am not troubled in leaning somewhat upon the precedents that exist. I would not by this declaration commit myself to all these precedents, because there are some that have come to my attention that I would not wish to follow; but, with this long line of precedents for a hundred years, I find no trouble in following them in the present case.

Here upon the floor the Senator from Utah [Mr. Suther-Land] points us to the District of Columbia as a constitutional reason. That would hardly satisfy me, because I wish also to justify my vote upon appropriations of the same character as the appropriation in this bill that have no connection with the District of Columbia, and I do not support this bill on account of the District children.

The Senator from Maryland [Mr. RAYNEB] points us to the census law. I turn to the Constitution, and I find there other provisions upon which this bill may be based. I find, in Article

The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

I turn over a few pages and I find in Article IV, section 3:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. Eliminating the intermediate words, this would read:

The Congress shall have power to dispose of the property of the United States.

Still further I find that Congress has the power-

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

With these provisions of the Constitution I am not prepared to set up an opinion that the course of the Senate and the House of Representatives for the past hundred years with reference to these appropriations for work so valuable has been unconstitutional. I readily reconcile my convictions of duty to accepting the precedents, and I am glad to have an opportunity to vote for an appropriation to so worthy a cause.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from California [Mr. Works].

Mr. BAILEY. Mr. President, although they take opposite views of the question, it is a matter of satisfaction to one of the older Senators here to find two new Senators like the Senator from West Virginia [Mr. CHILTON] and the Senator from Georgia [Mr. SMITH] so well able to present their views. But the satisfaction which I feel as a Democrat in witnessing such additions to this body is somewhat marred by the circumstance that these two able Senators have reached opposite conclusions, and yet I venture to hope that the difference between them is not irreconcilable.

But it was not to praise them that I now ask the indulgence of the Senate for a moment; it was to examine the case presented to the Senate by the distinguished and brilliant Senator from Maryland [Mr. RAYNER]. I do not accept all that is said in the opinion from which he quoted, and yet I am perfectly willing to rest this contention on the very extract which the Senator from Maryland has read. Let me reread it to the Senate, or at least the vital part of it, which is this:

Respecting the suggestion that the power of Congress is limited to a census of the population, it should be noticed that at stated periods Congress is directed to make an apportionment and to take a census to furnish necessary information therefor, and that certain representation and taxation shall be related to that census.

That far, of course, there is no division amongst any men. The learned judge then proceeds, and this is the meat of the quotation:

This does not prohibit the gathering of other statistics if necessary and proper for the intelligent exercise of other powers enumerated in the Constitution.

Now, Mr. President, we can end this argument, so far as I am concerned, and I will cheerfully resume my seat and bind myself to support the bill, if any Senator can point to any power enumerated in the Constitution to the exercise of which the information to be gathered under this bill is either necessary or appropriate. I do not doubt that if Congress possesses the power to do a given thing it may choose any appropriate means to inform itself so that it may do that given thing wisely; but tell me, sir, what power enumerated in the Constitution can be more justly or more wisely exercised through the in-

formation to be gathered by this proposed children's bureau?
The Senator from Utah [Mr. Sutherland], with an acuteness for which he is proverbial, suggests that under our power to legislate for the District of Columbia we may go abroad in this and other lands to accumulate this information. The Senator from Utah should not be too certain that Congress has the power which he intimates in consequence of its right to legislate exclusively for the District of Columbia. We do not legislate in our capacity of national sovereign over this District. We legislate by virtue of and under that particular provision that confers upon us exclusive power over the seat of the Government; and it has been held more than once that the seat of government occupies a peculiar relation to the General Government of the United States.

The Senator from Utah perfectly understands that when we create the judiciary of the District of Columbia, we do so, not under the judiciary clause of the Constitution, but under our plenary power over the District. The Senator from Utah knows that the Supreme Court has held, upon a great occasion, that a citizen of the District was not within the meaning of the judiciary clause of the Constitution which provides for the jurisdiction of the Federal courts in cases of diverse citizenship; and I might offer other illustrations of the fact that our power to legislate for the District is confined to the District in the same way that the power of a State to legislate for the people within its borders is confined to that State.

Mr. SUTHERLAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Utah?

Mr. BAILEY. I do.

Mr. SUTHERLAND. I do not at all disagree with the Senator from Texas that the power of Congress, so far as legislation is concerned, is confined to the District; but does the Senator deny that in order to enable Congress to legislate wisely in reference to the affairs of the District it may not gather information from anywhere it may obtain it?

Mr. BAILEY. Precisely as a State might acquire information to qualify its legislators for the performance of their duty. Let me put this question to the Senator from Utah. Are you voting for this bill for the purpose of qualifying yourself to legislate with respect to the District of Columbia?

Mr. SUTHERLAND. I answer very frankly, not altogether. Mr. BAILEY. Then the Senator's predicate falls.

Mr. SUTHERLAND. Let me finish my answer to the Senator. I say not altogether; and I think I can point the Senator to many laws passed by Congress that were not passed altogether to carry out some delegated power under the Constitu-For example, we passed a law with reference to employers' liability which immediately dealt with the relation of master and servant.

Mr. BAILEY. But that was a regulation of interstate commerce with which Congress is especially authorized to deal.

Mr. SUTHERLAND. I understand that was a regulation of interstate commerce. Yet it went beyond, and accomplished something in addition to being a regulation of interstate com-It made a better condition for the men who work merce. upon the roads. It accomplished that ulterior purpose as well, and I submit to the Senator that it is no objection to the exercise of a power that out of its exercise comes a beneficent result.

Mr. BAILEY. Certainly not— Mr. SUTHERLAND. If the Senator will pardon me, if we can tie the legislation to a delegated power, we may legislate, although in some other aspect and, perhaps, in a broader aspect, the legislation may accomplish some other purpose which, standing by itself, Congress would have no power at all to deal with.

Mr. BAILEY. No, but the—
Mr. SUTHERLAND. If the Senator will pardon me still further, but the fact that in addition to being enabled to use this information for the benefit of the District of Columbia, it may be used for the benefit of the States, does not render the law unconstitutional, as I view it.

Mr. BAILEY. If the Senator from Utah is really voting for this bill for the purpose of enabling him to legislate for the District of Columbia, he casts a constitutional vote, notwithstanding that the result of his vote might be to accumulate information for the legislators of Utah.

Mr. SUTHERLAND. And notwithstanding it may result in greater benefit for the States than for the District of Columbia.

Mr. BAILEY. But is that the Senator's purpose? He says no, and every Senator on this floor understands that that is not the purpose of it. The Senator from Georgia [Mr. SMITH] was frank enough to say that the general object of the legislation appeals to him, and the Senator from Georgia was frank in another respect. He says he believes in liberal appropriations for such purposes.

Mr. President, I am sometimes tempted to believe in them, too, when I see a pension bill to appropriate \$75,000,000 added to a present expenditure of \$150,000,000 for that purpose. When I see public money wasted here as if it were not the fruit of the people's labor, I also am tempted to believe that an appropriation of the public money is no burden upon the people. I was impressed by the comparison when the Senator from New Hampshire [Mr. Gallinger] stated this morning that we are spending \$4,000,000 annually for education in the District of Columbia, and I could not help recalling that the total expenses of the entire Federal Government under the first year of Washington's administration were less than that sum. Sir, that was more than half the annual average of expenditures of the Federal Government under Washington and Adams and Jefferson's administration, if you exclude the interest on the public debt.

In 1861 this was a frugal Government. In 1861 the Representatives and Senators believed that the public money was a trust fund, which they had no right to spend except in the execution of their appointed trust. A great Republican paid a tribute to the southern men of that generation which conquered my animosity toward him, when he declared that the southern men in Congress before the war, while wasteful in their private expenditures, were scrupulously exact when it came to spending the public money.

In 1861, with a population of more than 31,000,000 people, the entire expenditures of the Federal Government aggregated less than \$60,000,000. Now, with a population but three times as great, our expenditures amount annually to the stupendous sum of a billion dollars; and I must be permitted to say that the cheaper government of that day was a wiser and a juster government than the extravagant one of this day.

These enormous expenditures, wasteful and profligate, might almost say, have been produced just by the disposition of everybody to be obliging to everybody else and to support men in any kind of propositions that may be tendered.

But, Mr. President, I care very much less about the expenditures than I do about the question of power. I hold peculiar views, or at least they are peculiar in this day, though there was a time when what I believe was believed by practically

every Senator occupying a seat on this side of the Chamber. Those who know my peculiar views as to the limited power of Congress may be surprised when I say that I am rather inclined to believe there is no limit on the power of mere appropriation. With the money collected and in the Public Treasury, I think the Congress has the right to give it away just as it may give its public lands; just as it may give away its disused cannon; just as it may loan, as it has done, with my consent, its tents for Confederate reunions; just as it has loaned, over my protest, its money to an enterprising company conducting an exposition. In other words, over its money and over its property I concede that the Government possesses a proprietor's right and may do with it whatever it pleases. I go further in that respect than many men who thoroughly agree with me upon a strict construction of the Constitution.

Mr. President, let every Senator ask himself why he votes for this bill. If he votes for it, as suggested by the Senator from Utah, for the purpose of using this information to guide him in legislating for the District of Columbia, I have no quarrel with him. I may not think his vote a wise one, but I will consider it well within the Constitution. But, sir, that quarrel with him. is not the object of this legislation. The committee is candid enough to say that this bill is intended to help the States to better perform their duty toward the children under their jurisdiction. Search the Constitution from the preamble to the

Mr. WILLIAMS. I want to make one suggestion, if the Senator from Texas will yield.

Mr. BAILEY. Certainly.

WILLIAMS. If the position assumed by the Senator from Utah were really his position, then would he not have supported a bill making provision on an appropriation bill for a bureau somewhere within the District of Columbia and connected with the government of the District of Columbia for the purpose of attaining the end which he says he has in mind?

Mr. BAILEY. I feel sure that is true, and I took the liberty of interrupting the Senator from West Virginia [Mr. Chilton] in his very brilliant address long enough to make a suggestion like that to the Senator from Utah. If it is written in the Constitution that Congress shall have power to aid the States in wisely caring for the children under their jurisdiction, then this information will be obtained for a purpose enumerated in the Constitution. If it is written here that Congress may aid the States in healing the sick, or in leading the blind, or in rescuing the deserted children in each of these American Commonwealths, then the information which it is proposed to collect falls within an enumerated power of the Constitution. But nowhere in this sacred instrument is there an intimation that it is the duty of the General Government to aid the States in performing any of those duties. And Senators really aggravate the case against this bill when they say that the purpose of accumulating this information is to help the States perform their duties and discharge their obligations.

Mr. President, unless our fathers made a grave mistake when they established this system, the power of the General Government ends precisely at that point where the power of State The Federal Government is under no government begins. obligation to aid the States in performing their duties, and the States are under no obligation to aid the Federal Government in performing its duties. If it is within the power of the Federal Government to aid the States in the performance of their reserved duties, then if the States fail to perform those duties it must be within the power of the Federal Government to usurp them and perform them instead of the States.

That was once a novel doctrine in this country, but it is novel no longer. An ex-President of the United States—and some people believe that he is to be again the President of these United States, though I do not share that apprehension—while holding that great office solemnly declared that if the States would not perform their duty the Federal Government ought to perform it for them. And, to my mind, that doctrine is no more disquieting than this other suggestion that the Federal Government must help the States to perform their

Mr. President, I understand the forces behind this measure, and it would be a dull man who does not. They were partly revealed by my lovable and brilliant young friend, the Senator from Idaho [Mr. Borah], this afternoon in his colloquy with the very able Senator from North Carolina [Mr. Overman] when they were disputing as to whether "he" or "she" had done a certain work. The Senator from Idaho averred that if "she" had done it, it was better done than if "he" had done I am willing outside of this Chamber to give the good women all the credit they could crave, but I believe and I do

not hesitate to declare it, that the more a woman knows about the things she ought to understand the less she knows about how we ought to perform our duty here. I heard a very excellent story the other day, and while I believe it is not good taste to insert stories in the Congressional Record, I am inclined even at the risk of offending the proprieties of the occasion to relate this one. One of these militant suffragettes went to one of her sisters in the cause and poured out her trouble; told her how her drunken husband had left her with a family of helpless children, and how she was struggling to support them. After she had finished a story of her suffering and distress, which would have moved a hard-hearted man to tears, the suffragist leader said "Sister, put your trust in God, [Laughter.] and she will take care of you."

Mr. BORAH obtained the floor.

Mr. WORKS. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. WORKS. Mr. President, I have offered an amendment to this bill, hoping that the bill might take such form that I would be able in the end to support it. I have received this morning 15 telegrams from good women in the city of New York, conspicuous for their works of charity and philanthropy. Every one of those telegrams was in exactly the same wordsto the extent of misspelling my name.

I am satisfied, after more mature consideration, that I would not be able to support this bill, even if my amendment should be adopted, and one of the things that has done more than anything else to convince me of that fact is the persistency with which the friends of the bill have insisted upon retaining in it

that portion of it which I desire to strike out.

Under the circumstances, I feel that I should not call upon the Senate to vote upon the amendment I have offered, and for that reason, with the leave of the Senate, I will withdraw the amendment

The VICE PRESIDENT. The Senator from California with-raws the amendment. No amendment having been offered draws the amendment. thereto, it does not require the permission of the Senate, the Chair having held in his own mind, though without having so stated to the Senate, that the amendment of the Senator from Ohio was not an amendment to the amendment, but a separate amendment.

The Senator from Idaho will proceed.

Mr. BORAH. Mr. President, the arguments which have been submitted this afternoon in behalf of this measure have been such that it is unnecessary for me to occupy more than a moment's time or, at most, but a few moments in saying what I desire to say.

I was made chairman of the Committee on Education and Labor. I found before that committee a number of bills covering the subject of child labor, and those bills very generally undertook to legislate on, and through congressional action to control, the question of child labor in the several States.

I became satisfied, after investigation, notwithstanding some very earnest arguments in support of the bills, that we had not the constitutional power to go to the extent to which those bills would lead us, and the proposition therefore rose in the committee as to what, if anything, could be done in the premises, those bills being, in our opinion, unconstitutional.

This led to the investigation of the necessity of something being done, as a matter of policy, as to the meritoriousness of the legislation itself, and I became satisfied that we ought to do what we, as the National Government, could do. For that reason and upon that basis I became very much interested in

knowing what we could do.

Mr. President, if this matter was submitted to me as an original proposition as to where we would be able to find the power for this kind of legislation, I am frank to say I would have a great deal of difficulty in locating the provision in the Constitution which would warrant the passage of this measure. I felt that way at the time I began the investigation, and I feel that way now. If we stood here without precedent or without Congress having acted heretofore, we would have some difficulty in putting our finger upon the particular provision of the Constitution which would justify the creation of this bureau and the expenditure of this money.

But, as I say, believing that something ought to be accomplished along the line in assisting to remedy the condition which existed in different parts of the Union, I became anxious to know whether the courts or the Government in its other departments had so construed our Constitution or had through long practice established a precendent for this action; and it is upon such construction and such action rather than upon the other proposition or propositions, which have been sub-mitted this afternoon by the Senator from Maryland and the Senator from Utah, that I rely

I desire to read here a section which has long been upon the

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Now, under what provision of the Constitution was that measure passed? If we are to stand to-day upon the original proposition and look within the lids of this book for an authority to engage in agriculture, to furnish seeds for the farmer, and to investigate the condition of his live stock and those things, under what provision of the Constitution are we to proceed to do it? If we were here now creating the Department of Agriculture, with its manifold duties as they have been developed from year to year under different acts of Congress, under what provision of the Constitution would we proceed?

Nevertheless, all who have been here long enough to participate in legislation know that the ablest lawyers in the Senate have not only accepted that construction of the Constitution, but by their votes, directly or indirectly, by action, express or have specifically upheld that construction Constitution.

Again, Mr. President, the Commissioner of Education collects statistics and general information showing the condition and progress of education, issues an annual report in two volumes, a bulletin in several numbers annually, and miscellaneous publications; has charge of the schools for the education of native children in Alaska; supervises the reindeer industry in Alaska; and administers the endowment fund for the support of colleges

for the benefit of agriculture and mechanic arts.

Aside from two phrases or two clauses in that section describing the duties of the Commissioner of Education, under what provision of the Constitution do we proceed to do that? What right has the Federal Government to engage in the matter of distributing literature for the benefit of educators in the different States and of gathering that uniform knowledge which some people believe to be necessary in order to raise the standard of educational work in the different States? Under what power, if you were required to place your finger upon the clause of the Constitution, do we assume to do that?

Again, the Bureau of Soils investigates soils in all their rela-

tions to climate and to organic life. It makes field investiga-tions and prepares soil-survey maps showing the extent, distribution, and characteristic properties of all the important soil types found in various portions of the United States, and its published reports suggest possible lines of improvement in the

treatment, management, and use of these soils.

It investigates and represents upon maps the distribution and concentration of alkali salts in soils of various portions of the arid regions. Through its laboratories it investigates the fundamental causes of the fertility or infertility of soils and the causes for low yields of crops.

Now, is that under the interstate commerce clause? Is that under the census clause? Does it distinguish itself in your mind from the fact of gathering information concerning the citizenship of the country? I might call attention to a number of other illustrations.

Mr. BAILEY. Will the Senator permit me?
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I yield to the Senator from Texas.
Mr. BAILEY. I think the Senator has made his opinion

reasonably plain, but I want it made perfectly plain, because, without intending to flatter him, I value it. I want him to say that in his own judgment there are no clauses of the Constitution on which the instances to which he has referred can be

Mr. BORAH. Mr. President, I would not want to say that, because I would fly in the face of such men as the Senator from Texas and others, for whose profound knowledge I have the greatest admiration, for they have in my judgment construed

that power to exist somewhere in the Constitution.

Mr. BAILEY. Oh, no; the Senator from Texas has not. The Senator from Texas has been opposed to all these things. As a last word I want to say to the Senator from Idaho now that some years hence, when our successors are debating still another bill that goes further than this, as we have gone further than the cattle and the soil bureaus, they will then point to this, as the Senator has just pointed to them, as a warrant for going beyond what we dream of now. I want to say flatly and

frankly that in my opinion Congress had no warrant for creating any of the bureaus to which the Senator has just referred.

Mr. BORAH. I might be perfectly willing to join with the Senator from Texas in that view if it were an original proposition to be submitted without the judgment of those men who have found that authority to exist. But, Mr. President, the question arose then in the mind of the committee that if the Government was assuming to itself the power to do these things, if the authorities having the right to construe the Constitution either in the courts or as a legislative body were assuming to do these things, should we not proceed to do that which in our judgment was of the utmost necessity to be done?

Mr. BAILEY. Mr. President, I want to remind the Senator

that the greatest Democrat who ever occupied a seat in the Senate, except the great Democrat who in the second administration presided over the Senate, challenged the right of Congress to create the Department of the Interior. He declared that the very name was ominous, and predicted precisely what has grown out of it, until, as we read that debate to-day, it sounds

like a prophecy. These things have not passed unchallenged.

Mr. BORAH. May I ask the Senator from Texas a question before he takes his seat, for the same reason that he asked the

one of me.

Mr. BAILEY. Certainly.

Mr. BORAH. Does not the Senator from Texas concedethat the thing which we are undertaking to do in this bill is something which we have been doing under other bureaus for the last 20 or 40 years—that is, so far as the question of power is concerned?

Mr. BAILEY. Oh, no; because we are here exercising the power to create an office, and I maintain that an office can only be created to execute some Federal power, while it might be competent for Congress by a naked appropriation to either employ somebody to obtain this information or to authorize some incumbent of an office already created to ascertain it.

Mr. BORAH. But we created the Bureau of Soils.

Mr. BAILEY. I understand that. Mr. BORAH. And we created the Bureau of Mines.

Mr. BAILEY. And of Education. Mr. BORAH. And of Education; and we created them all and made the appropriation and defined the duties. They must be the same duties, and the same power to create must be the

same we are exercising here.

Mr. BAILEY. The Senator and myself do not differ about that, and I think precisely the same argument that lies against this bill lay against them. I think I perhaps could justify the Bureau of Animal Industry, because that relates in some degree to interstate commerce; but I thoroughly agree with the Senator from Idaho that the acts creating the other bureaus are on all fours with this, and I was just as much opposed to them as I am to this.

If the Senator will indulge me a moment longer, I will add that when I began my opposition to this measure I did not expect it to be any more effective than, from time to time, my opposition has been to similar measures; but I think the Senate now begins to perceive that these proceedings we have authorized and encouraged have progressed too far into the realm of State jurisdiction, and the best of us-not all of the best, but many of the best in the Senate-feel that the time has come to call a halt.

Mr. BORAH. Mr. President, I should hate very much to halt upon a children's bureau. I think there might be reasons for halting upon this bill which did not exist with reference to these other matters, but they are not constitutional reasons. There are powerful interests which would like to defeat this bill. We could not very well justify ourselves or justify our consistency by halting the creation of this bureau unless we should go back, as suggested by the Senator from Georgia, and strip these bureaus of the authority which they are now using when appropriation bills come in; and I suspect-

Mr. BAILEY. The Senator from Idaho and every other Senator will find himself willing many times to do with respect to the hogs and horses and cattle what he would not entertain

any suggestion of doing with respect to the children.

Mr. BORAH. Undoubtedly there are many things we do with reference to the soil and with reference to the cattle, etc., that we would not undertake to do with reference to children. Nevertheless the things which we propose to do in this bill are quite as essential as those things which we propose to do and are doing with reference to the other matters.

Most of the objections to this bill, Mr. President, are not in the bill at all. Most of the objections which have been made on the question of merit are based upon propositions which, in my reading of the bill, I do not find there at all. We do not seek to interfere in any way or shape or form with the matter of legislation in the States or with the control of the question of child labor, or say how long they shall work or what the hours of labor shall be, nor where they shall be employed. We do not seek to interfere with the domestic relation of the parent and child. We do not seek to take away from the custody of any parent the child, or to educate it, or to have anything to do with those matters about which so much has been said, and to which such earnest and, in my judgment, wise objections have been made.

We seek only, Mr. President, to gather information concerning that which the States are doing, or may do, to diffuse that information precisely as we diffuse the information with regard to these other subjects matter. We interfere in no way with those matters which the States. those matters which the States would protect, and I stand with them in their views concerning those matters. I believe that the States should deal with these matters in affirmative legislation; and if we had the power I would certainly hesitate to enter into the domain of the State to interfere with those relations about which the State must know most and with which it can deal better than the National Government. But the in-formation which we seek to gather is for the benefit of the entire proposition of dealing with the citizenship or those who are soon to be the citizens and are to take care of the country when the duty finally devolves upon them.

Something has been said with reference to the fact that we will not enter the homes of the rich. I do not know that we shall. I do know that the death rate among the poor, that the condition with reference to diseases which are superinduced or caused by reason of their poverty is something that needs attention. I doubt if those same things need any attention in the homes of those who have means to take care of the situa-

But if Senators will read the facts which are at hand with reference to the condition of children in the great cities, in the manufacturing establishments, and in the places where they work and toil, they will come to the conclusion that there are conditions surrounding the poor and those who labor, conditions which they can not control, which ought to have the supervising and controlling power or eye of some one to direct and to pro-There is no discrimination in classes, but the necessity of it will likely not exist to the same extent that it does in other instances

Now, Mr. President, I shall not longer detain a vote. I should like to cover a few other points, but I am suffering from such a severe cold I am unable to proceed further.

Mr. REED. Mr. President, I understand there are other Senators who want to speak on this bill. It is now 20 minutes to 6, and if it does not conflict with the unanimous-consent agreement, I will move that the Senate taken a recess until to-morrow at 10 o'clock.

The motion was not agreed to.

Mr. OVERMAN. Mr. President, I do not wish to prolong this debate. I stated on yesterday that this information could be obtained and was being obtained by departments, and that there is no use for the creation of this new bureau. I have searched through the Congressional Directory and I find that we have 10 bureaus under which this information can be obtained. We have a Bureau of Public Health and Marine-Hospital Service in the Treasury Department. We have a Bureau of Education in the Interior Department, and now we are flooded with letters from every State in the Union asking us to extend the power of the Educational Bureau by giving them additional appropriations. We have a Bureau of Statistics in the Agricultural Department. We have a Bureau of Statistics in the Commerce and Labor Department. We have a Bureau of Labor in the Commerce and Labor Department; and I want to read the authority given by Congress to that bureau. In addition to other things directed by that bureau, it says the Commissioner of Labor-

is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

Now, there is the authority for a great bureau of this department to get all this information that anybody wants. I want to read that again:

He is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

In addition to that, we have the Bureau of Manufactures of the Department of Commerce and Labor. We have the Bureau of the Census of the Department of Commerce and Labor. have the Division of Vital Statistics. Under that you can get all the information you want. Then we have the Bureau of Economic Investigation of the Agricultural Department. You

can get all you want under that bureau. We have the Bureau of Information of the Department of Commerce and Labor. Do we need another bureau when we have 10 bureaus now established that could get this information you desire?

What does a bureau mean? It is said there are only \$29,000 appropriated. If this bill passes, they must have another building, probably a \$100,000 building, with a rental of \$10,000. That has been the experience of the past.

We have here a bureau chief with two messengers, one to open the door when you come in and shut the door when you go out; one to put on your coat when you go out and pull off your coat when you come in. He has to have a stenographer. He has to have a chief clerk. When he puts on his coat or takes it off he has to have a messenger, and then there must be an assistant chief and clerks all down the line. When we will have a division here, and will have to have agents to go around in every State and get this information. You have got to get it somehow or another. Do you expect to get it by mail? You have to have special agents in every State and every city and every county in order to get all this information.

It takes \$150,000 or \$300,000 to get the information we have, which nobody has read. It will take at least \$300,000 to get this information. Why establish this new bureau, especially when we want to economize? I believe the Senator from Missouri [Mr. Stone] always goes around armed; that he carries something in his hip pocket. I want to see if he has a little red book in his pocket, from which he used to read to us in years past. Let us see if the Democratic Party in its platform has not declared against increasing officeholders and for economy and reform. I wonder if he has that red book in his pocket now.

Mr. STONE. Mr. President, I have the red book.

Mr. OVERMAN. As the Senator has it, I would like to have him read the plank from the Democratic platform against the increase of officeholders.

Mr. STONE. I make no bold pretension of being the bearer of the ark of the Democratic covenant containing the book of the law. Nevertheless, I am an humble defender of the ark and the law. There is a plank in the last Democratic platform to that effect. I may say by way of preface that this which I am about to read was written by Judge Alton B. Parker, one of our great party leaders, and was heartily approved by our candidates for the Presidency in 1908. It is a plank in this platform having the hearty approval of two of our party leaders, and it was adopted with unanimity by the great convention of 1908. It is as follows:

Coincident with the enormous increase in expenditures is a like addition to the number of officeholders. During the past year 23,784 were added, costing \$16,156,000, and in the past six years of Republican administration the total number of new offices created, aside from many commissions, has been 99,319, entailing an additional expenditure of nearly \$70,000,000, as against only 10,279 new offices created under the Cleveland and McKinley administrations, which involved an expenditure of only \$6,000,000. We denounce this great and growing increase in the number of officeholders as not only unnecessary and wasteful, but also as clearly indicating a deliberate purpose on the part of the administration to keep the Republican party in power at public expense by thus increasing the number of its retainers and dependents. Such procedure we declare to be no less dangerous and corrupt than the open purchase of votes at the polls.

Mr. GALLINGER. Mr. President—
The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire.

Mr. OVERMAN. I do.

Mr. GALLINGER. As the Senator and I are both on the same side of this question, I want to express regret that through the instrumentality of that little red book he has introduced partisan politics into the discussion.

Mr. OVERMAN. Mr. President, as the Senator from New Hampshire said this morning, we can not judge of the future except by the past. The establishment of these 10 bureaus will show that when originally established there were but few officeholders and but a small amount of money appropriated, and year after year, year after year, there has been an increase of the number of officeholders and an increase in the amount of money appropriated. You may take these 10 bureaus and under every one of which we can get this very information. can get it under the Bureau of Labor, where the power is absolutely declared that the Commissioner of Labor shall report on particular subjects whenever Congress or the President may inquire, and that covers the very things provided for in this bill.

Here you propose to establish another bureau. It is said \$29,000 is the only amount required. Where will it lead if we are to have the information in this way? Any man can make the calculation. It will take \$500,000 at least in the near future, and the Senator from New Hampshire, who has had very much experience in these matters and has been here a long time and knows where these things carry us, says it will

take more than \$500,000, and I feel sure it will.

Mr. STONE. Mr. President, the Senator from New Hampshire expressed a regret that anything like partisan politics should be introduced in this discussion. This is not a partisan Nevertheless, it seems to me to be appropriate that the Senators upon this side of the Chamber might have their attention called to the deliberate policy of their party against the creation of bureaus, commissions, and unnecessary officials. Here is a well-considered and wise protest against this policy, made by the highest court any party has sanctioned, by two of the great party leaders of the party with which we on this side are affiliated. One wrote it; the other approved it.

I am not introducing party politics for the purpose of making it a party question here, but to call the attention of my colleagues upon this side to the attitude of the party to which we belong and to ask them whether they feel and believe that we ought deliberately to go into the work of creating new bureaus with the promise of a multitude of new officials, unless there is such a demand for it as can not be avoided without a disregard for the public interests. No such contingency presents This bill does not present such a contingency. itself to-day.

Mr. President, I have listened to the learned dissertations with which this debate has been regaled on the constitutional aspects of this measure. I do not care to enter into that phase of the discussion. I pass it by and confine the few observations it is my purpose to make to the merits of the proposition itself.

What does this bill propose to do? To create a bureau, a new governmental establishment, with a new official force to perform some supposed important and necessary work. What is that work? First, to inquire and report upon all matters pertaining to the welfare of the children and child labor.

That is pretty broad—"All matters pertaining to the welfare of children and child labor." An ingenious head of a bureau An ingenious head of a bureau who was fearsome that his term of office was approaching a possible end could devise how many excuses for continuing the work of the bureau affecting the welfare of children and child labor?

Then there is one other general clause in it, the last one in section 2. It is that this bureau shall further inquire and report upon "such other facts as have a bearing upon the welfare of children."

Certain specific things are stated just ahead of the clause I have read, namely, they shall find out and report upon infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children, employments, legislation affecting children in the several States and Territories, and then comes the clause, "and such other facts as have a bearing upon the welfare of children.

Mr. President, I am sure I have no objection, quite the contrary, to having this information gathered if it has not been already gathered, collated, and put into intelligent form for the use and information of the people. I have no objection to that. If collected, properly tabulated, and distributed, it might be of value to the legislatures of the States when they come to make laws on this subject or these subjects.

It might be of value to the executive boards and commissions in the States, and so on; it might be illuminating in a way and helpful, and I have no objection to it; on the contrary, if there is a need for it, I favor obtaining the information; but, sir, with all the agencies we now have already established. any one of which might be utilized to secure, and just as well secure, the very information that it is intended that this new bureau shall secure, I protest that to establish a great bureau to do this work would be a monstrous blunder in legislation." It ought not to be thought of or tolerated, and I am against it.

Sir, talk about establishing this bureau with 1 superintendent, 1 assistant superintendent, 1 private secretary, 1 specialist, and 4 or 5 clerks-8 or 10 men and women altogether—to do this work; why, it is impossible and nonsensical. There is not a Senator here who does not know that \$29,000 to be expended by this force could not accomplish this work and that you are merely laying the foundation here for another great establishment. As has already been said, it will not be long until the Senate and the House will be appealed to to make adequate appropriations for this great work, and instead of having 10 or 12 employees we will have perhaps 100.

Mr. OVERMAN. Or 2,500.

Mr. OVERMAN. Of 2,500.

Mr. STONE. The Senator from North Carolina thinks it would be 2,500; but whether 100 or 2,500, what is the need, Senators, of adding the one number or the other to the already overpadded official rolls of this Government? What is the need of it? I protest against it on that ground, and that is all I have to say.

RECESS.

Mr. GALLINGER. Mr. President, I understand there are quite a large number of Senators who are deeply interested in this bill and desire to be heard upon it. There is nothing else very pressing before the Senate at the present time, and there-I move that the Senate take a recess until 10 o'clock to-morrow.

Mr. MARTIN of Virginia. What hour did the Senator say?

Mr. GALLINGER. Until 10 o'clock. Mr. MARTIN of Virginia. I was just inquiring as to the I think it would be well to take the recess until 12

o'clock to-morrow.

Mr. BORAH. Mr. President—

Mr. GALLINGER. Very well. I move that the Senate take recess until 12 o'clock to-morrow.

Mr. BORAH. I simply rose to inquire as to the hour when the Senate would reassemble.

The PRESIDING OFFICER (Mr. LIPPITT in the chair). The Senator from New Hampshire moves that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, January 31, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Tuesday, January 30, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:
"O the depth of the riches both of the wisdom and knowledge of God! How unsearchable are His judgments and His ways past finding out!" Help us to hope and aspire and pray with perfect faith and confidence, for in Thee we live and move and have our being, that the tangled web of life may be unraveled, all its misunderstandings made clear, for if we work and pray, pray and work, we shall at last appear in the likeness of our Maker, pure and strong and noble, just and wise. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and

approved.

PLANT INVESTMENT CO.

The SPEAKER laid before the House the following Senate resolution:

IN THE SENATE OF THE UNITED STATES, January 29, 1912.

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3087) for the relief of the Plant Investment Co. of New York, N. Y. Attest:

CHARLES G. BENNETT, Secretary. By H. M. Rose, Assistant Secretary.

The SPEAKER. Without objection, the request will be

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. Wood of New Jersey, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of John J. Flynn, H. R. 19711, Sixty-first Congress, no adverse report having been made thereon.

METROPOLITAN POLICE FORCE.

Mr. JOHNSON of Kentucky. Mr. Speaker, this day having been set apart for District business, I desire to call up the bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force. This is what is known as the cross-

ing policemen's bill, and comes over as unfinished business.

The SPEAKER. The chairman of the Committee of the District of Columbia calls up the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the Speaker announced that the

ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division, and upon that I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify the absentees, and the Clerk will call the roll. All those in favor of the passage of the bill will, when their names are called, answer "aye" and those opposed "no."

The question was taken; and there were—yeas 269, nays 9, answered "present" 13, not voting 101, as follows:

YEAS-269. Adair Akin, N. Y. Alexander Allen Ames La Follette Lamb Roberts, Nev. Roddenbery Edwards Esch Fairchild Faison Farr Fergusson Lawrence Lee, Ga. Lee, Pa. Legare Rodenberg Rothermel Rubey Rucker, Mo. Russell Ames Anderson, Minn. Anderson, Ohio Ansberry Ashbrook Austin Lenroot Ferris Lever Levy Lewis Lindbergh Linthicum Littlepage Littleton Finley Flood, Va. Floyd, Ark. Sabath Shackleford Sharp Sherwood Sims Austin Ayres Barnhart Bates Bathrick Beall, Tex. Bell, Ga. Blackmon Boehne Booher Borland Bowman Fornes Foss Foster, Ill. Foster, Vt. Fowler Francis Sims Sisson Slayden Sloan Small Smith, J. M. C. Smith, Saml. W. Smith, Tex. Lloyd Lobeck French Fuller Gallagher Garner Garrett Godwin, N. C. Longworth Loud Longworth
Loud
McCall
McCoy
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McDermott
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McKinney
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Martin, Colo.
Martin, S. Dak.
Mays
Mondell
Moon, Tenn.
Moore, Pa.
Moore, Pa.
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Morgan
Morrison
Moss, Ind.
Mott
Murdock Speer Stedman Steenerson Bowman Brantley Browning Buchanan Bulkley Stephens, Cal. Stephens, Miss. Stephens, Nebr. Stephens, Tex. Sterling Goeke Good Goodwin, Ark. Gray Bulkley
Burgess
Burke, S. Dak,
Burke, Wis,
Burnett
Byrnes, S. C.
Byrns, Tenn.
Campbell
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Carter
Catlin Gray, Jowa Green, Jowa Greeg, Pa. Gregg, Tex. Griest Gudger Hamilton, Mich. Hamilton, W. Va. Hamlin Hammond Hardwick Sterling
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Hughes, N. J.
Hull
Humphrey, Was Thomas
Tilson
Towner
Townsend
Tribble
Turnbull
Tuttle
Underhill
Underwood Conry Cooper Copley Covington Mott Murdock Murray Neeley Nelson Crago Cravens Crumpacker Cullop Curley Curry Danforth Daugherty Davenport Davis, Minn. Davis, W. Va. Denver Crago Norris Oldfield Utter Volstead Volstead
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Wedemeyer
Whitacre
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Wilson, Ill.
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Wood, N. J.
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Young, Kans.
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Johnson, Ky.
Johnson, S. C.
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Gillett Greene, Mass. Henry, Conn. Henry, Tex. Mann Prouty Callaway Fitzgerald

Weeks

Rees Reyburn Roberts, Mass. Robinson

Rouse Rucker, Colo. Saunders Scully Sells

Sells
Sheppard
Sheppard
Sherley
Simmons
Slemp
Smith, Cal.
Smith, N. Y.
Stack
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Stevens Min

Stevens, Minn.

Taggart
Talbott, Md.
Taylor, Ala.
Taylor, Colo.
Vreeland

ANSWERED "PRESENT"-13.

Morse, Wis. Parran Cannon Driscoll, M. E. Evans Moon, Pa. Adamson Bingham Butler Riordan Sparkman Candler

NOT VOTING-101. NOT VO Estopinal Fields Focht Fordney Gardner, Mass. Gardner, N. J. George Glass Goldfogle Gould Graham Guernsey Hanna Aiken, S. C. Ainey Andrus Anthony Barchfeld Bartholdt Bartlett Hughes, W. Va. Jones Kahn Kent Kinkead, N. J. Konig Lafferty Langham Berger Bradley Broussard Brown Langley Lindsay Lindsay McGillicuddy McHenry McKellar Madden Maher Malby Matthews Miller Burke, Pa. Calder Cantrill Hanna Cary Claypool Connell Cox, Ind. Cox, Ohio

Hanna
Harris
Harrison, N. Y.
Hartman
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Hawley
Hayes
Higgins
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Howard
Howard Needham Nye Olmsted Paimer Plumley Currier Dalzell Davidson De Forest Dent Pulo Ransdell, La. Howland Ellerbe So the bill was passed.

During the calling of the roll the following occurred: The SPEAKER. The House will be in order. It is because of the great confusion that prevails during the calling of these rolls that several Members are compelled to rise on the next day and correct the record of their votes. It is impossible to hear the responses of Members unless the House is in order.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS. Mr. Glass with Mr. Slemp. Mr. Bartlett with Mr. Butler. Mr. Fornes with Mr. Bradley.

Mr. Adamson with Mr. Stevens of Minnesota.

Until further notice:

Until further notice:
Mr. Kinkead of New Jersey with Mr. Haugen.
Mr. Clayfool with Mr. Bartholdt.
Mr. Palmer with Mr. Dalzell.
Mr. Dent with Mr. Kahn.
Mr. Clark of Florida with Mr. Simmons.
Mr. Sparkman with Mr. Davidson.

Mr. FIELDS with Mr. LANGLEY.
Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. McKellar with Mr. Malby.
Mr. McKellar with Mr. Needham.
Mr. Scully with Mr. Calder.
Mr. Houston with Mr. Moon of Pennsylvania.

Mr. George with Mr. Hughes of West Virginia.
Mr. George with Mr. Plumley.
Mr. Broussard with Mr. Ainey.
Mr. Pujo with Mr. Smith of California.

Mr. RANSDELL of Louisiana with Mr. MATTHEWS.

Mr. Stack with Mr. Nye.
Mr. Robinson with Mr. Burke of Pennsylvania.
Mr. Cox of Indiana with Mr. De Forest.

Mr. Candler with Mr. Barchfeld. Mr. Howard with Mr. Harris. Mr. Hobson with Mr. Hanna. Mr. Graham with Mr. Guernsey.

Mr. Gould with Mr. Gardner of New Jersey. Mr. Estopinal with Mr. Gardner of Massachusetts.

Mr. ELLERBE with Mr. FORDNEY, Mr. CONNELL with Mr. FOCHT. Mr. Brown with Mr. Currier.
Mr. Aiken of South Carolina with Mr. Anthony.

Mr. TAYLOR of Colorado with Mr. VREELAND. Mr. TAYLOR of Alabama with Mr. SELLS.

Mr. Taggart with Mr. Roberts of Massachusetts. Mr. Stanley with Mr. Reyburn.

Mr. SMITH of New York with Mr. REES. Mr. SHERLEY with Mr. OLMSTED.

Mr. SHEPPARD with Mr. MILLER. Mr. SAUNDERS with Mr. LANGHAM.

Mr. RUCKER of Colorado with Mr. LAFFERTY.

Mr. Rouse with Mr. Kent. Mr. Pou with Mr. HINDS. Mr. McHENBY with Mr. HILL. Mr. McGillicuppy with Mr. Higgins. Mr. Lindsay with Mr. Hayes.

Mr. Konig with Mr. HAWLEY.

Mr. Konig with Mr. HAWLEY.

From Monday and ending Wednesday noon:
Mr. Dupre with Mr. Howland.
From January 27 and ending Wednesday, inclusive:
Mr. Cox of Ohio with Mr. Taylor of Ohio.
From January 24 and ending February 1:
Mr. Burgess with Mr. Weeks.
From January 30 and ending February 1:
Mr. Loves with Mr. Mosse of Wisconsin Mr. Jones with Mr. Morse of Wisconsin.

From January 29 and ending February 3, inclusive:

Mr. HARRISON of New York with Mr. MADDEN.

From January 30 and ending February 6:

Mr. Cantrill with Mr. Hartman.
Mr. PARRAN. Mr. Speaker, I desire to recall my vote of aye" and vote "present," as I am paired.

The SPEAKER. The Clerk will call the gentleman's name. The Clerk called the name of Mr. PARRAN, and he answered "Present."

Mr. MOON of Tennessee. Mr. Speaker, I voted "aye," but I desire to change my vote to "present," because I am paired.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. Moon of Tennessee, and he answered "Present."

The result of the vote was announced as above recorded. The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. Johnson of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District legis-

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District

The question was taken, and the motion was agreed to. Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. Well, it is rather late, but still

Mr. JOHNSON of Kentucky. Mr. Speaker, I will say in looking over the calendar I see this bill is on the House Calendar and not on the Union Calendar, and therefore I withdraw the motion.

The SPEAKER. By unanimous consent the proceedings are vacated of going into the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

INCORPORATION OF AMERICAN NUMISMATIC ASSOCIATION.

Mr. JOHNSON of Kentucky. Now, Mr. Speaker, I call up the bill H. R. 12623.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12623) to incorporate the American Numismatic Association.

The Clerk read as follows:

A bill (H. R. 12623) to incorporate the American Numismatic Association.

Be it enacted, etc., That H. O. Grandberg, of Oskosh, Wis.; William A. Ashbrook, of Johnstown, Ohio; A. J. De Lagerberg, of Passaic, N. J.; D. A. Williams, of Baltimore, Md.; Howland Wood, of Brookline, Mass. together with such persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia.

Sec. 2. That the name of such body corporate shall be "American Numismatic Association," and by that name it shall have perpetual succession, save as hereinafter provided.

Sec. 3. That the objects of the said corporation shall be to advance the knowledge of numismatics along educational, historical, and scientific lines in all its various branches; to assist in bringing about better cooperation between all persons interested in the coinage, circulation, classification, collection, sales, exhibition, use, and preservation of all coins, bills, and medals; to acquire and disseminate trustworthy information bearing upon these topics; to promote greater popular interest in the science of numismatology, and for the particular purpose of bringing the numismatists of America into closer relations with one another, and of promoting friendly feeling for one another through social intercourse, the interchange of ideas and discussions of mutual interest; to acquire, own, hold, and dispose of such real and personal property as may be necessary to properly carry into effect the purposes herein set forth, and to perform all such other acts and things as may be necessary to the full carrying into effect the said purposes, but such purposes do not include operations for pecuniary profit.

Sec. 4. That the principal office of said association shall be in the District of Columbia, but the association through its representatives, shall have power to establish and maintain such other offices throughout America as the business of the association. The incorpo

tion not inconsistent with this act or the laws of the United States of America.

SEC. 7. That said association shall further have power to have and use a common seal and to alter and change the same at its pleasure; to sue and be sued in any court of the United States or other court of competent jurisdiction; to take or receive for the purposes of the association any gift, grant, or devise, and to accept and administer any trust for the purposes of the association.

SEC. 8. That this charter shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

SEC. 9. That this act shall take effect immediately on its passage,

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio [Mr. Ash-

Mr. ASHBROOK. Mr. Speaker, this bill proposes to in-corporate under a Federal charter the American Numismatic Association. I want to say that the passage of this bill will establish no new precedent as very many bills of a similar nature have been passed by Congress for charitable, educational, fraternal associations, and organizations. The objects and purposes of this bill are very briefly set forth in the bill but I would like to read to House the objects and purposes of this association. I read from section 2 of the constitution of the American Numismatic Association:

Its object shall be to encourage and promote the science of numismatics by the acquirement and study of coins, paper money, and medals; to cultivate fraternal relations among collectors and students; to encourage and assist new collectors and to foster the interest of youth in the subject; to stimulate and advance affiliations between collectors and kindred organizations in the United States and foreign countries; to acquire and disburse numismatic knowledge; to form and maintain

a cabinet of numismatic specimens and a library of numismatic liter-ture for the use and benefit of its members; and to demonstrate the fact that numismatics is an educational, serious, and entertaining pursuit.

will say that this association has been in existence for nearly 30 years. Its membership includes representatives citizens of every State in the Union and in many foreign countries. There have been many similar bills passed and I might say that it is of very great importance to this association, which is of high character, that this bill should pass. A bequest of a considerable sum has been made to this association by a member in a foreign country contingent upon the incorporation of this association.

Mr. MOORE of Pennsylvania. Mr. Speaker-

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. ASHBROOK. I yield to the gentleman.

Mr. MOORE of Pennsylvania. There is an existing numismatic society

Mr. ASHBROOK. Oh, yes; this has been in existence for

about 30 years.

Mr. MOORE of Pennsylvania. The purpose of this bill is to incorporate it so that it will have certain rights throughout the

Mr. ASHBROOK. That is the object.

Mr. MOORE of Pennsylvania. Is it not a fact that various local bodies are associated with this existing association?

Mr. ASHBROOK. Practically all State associations are affiliated and a part of the American Numismatic Association.

Mr. MOORE of Pennsylvania. And its membership is very widely dispersed now among the citizens of the United States who are interested in numismatics?

Mr. ASHBROOK. Its membership includes representatives in every State in the Union.

Mr. MOORE of Pennsylvania. There are also some distin-

guished men who are honorary members of the association?

Mr. ASHBROOK. There are very many. I will say that the King of Italy is an honorary member of this association as are numerous other distinguished citizens of foreign countries.

Mr. MOORE of Pennsylvania. Is it not a fact there are also royal societies interested in the study of numismatics, as, for instance, in London and Belgium?

Mr. ASHBROOK. I will say that nearly every other country has an association similar to this, which is similarly chartered, and it is for the purpose of putting this association upon an equal plane with similar societies in other countries that the passage of this bill is asked.

Mr. MOORE of Pennsylvania. Then the effect of the passage of this bill would be to place the American Society on an equal

footing with foreign societies already established? Mr. ASHBROOK. That is the exact fact.

Mr. MOORE of Pennsylvania. And recognize the scientific and literary bodies in their countries?

Mr. ASHBROOK. That is true, and in numerous countries appropriations are made by the Government for the purpose of encouraging these societies. But there is no desire at this time, and never will be, for any pecuniary assistance from this Government.

Mr. MOORE of Pennsylvania. I want to say to the gentle-man from Ohio and to the House that there are some very excellent citizens of Philadelphia who are interested in this work. and I would like to see this bill passed. But before the gentleman closes I would like to ask him if it is not a fact that the gentleman from Ohio [Mr. ASHBROOK] who is now addressing the House will be one of the incorporators of this body if this bill should pass?

Mr. ASHBROOK. That is true, inasmuch as I am one of the board of governors of this association. And I want to say to the gentleman from Pennsylvania that it is my intention to offer an amendment to the bill substituting the present board of governors for those named in the bill. Since this bill was introduced there has been an election of a new board of governors, and it will therefore be necessary to offer an amendment to correct the incorporators.

Mr. MOORE of Pennsylvania. I do not see any necessity for correcting it. I asked the gentleman that, in order to bring the information to the House, that it may be understood that this comes with good faith and has excellent backing.

Mr. AUSTIN. The reason that I am going to give it my support is that the gentleman is one of the directors.

Mr. ASHBROOK. I thank you. I yield to the gentleman from Wisconsin [Mr. KOPP].

Mr. KOPP. Is it not also true that a great many collections are from these great royal societies and great historic interest will be given to this society if this incorporation is granted?

Mr. ASHBROOK. That is true. As I stated a moment ago, a bequest by a member, not a resident of this country, has been made to this association contingent on the incorporation of this association by this Government.

And it is also true that there will be no ad-

vantages accruing to any member?

Mr. ASHBROOK. Not in any way. It is purely educational and social.

Mr. KOPP. For the purpose of acquiring knowledge of the history of coins and medals of other countries of the world? Mr. ASHBROOK. A study of coins and medals.

Mr. SHACKLEFORD. Mr. Speaker, I desire to ask the gentleman if this is a proposition for a Federal charter?

Mr. ASHBROOK. It is. Mr. SHACKLEFORD. I desire to ask if among the incorporators there are foreigners as well as American citizens?

Mr. ASHBROOK. It is an American association, but in-

cludes in its membership honorary members from other countries

Mr. SHACKLEFORD. What is the purpose of it? Mr. ASHBROOK. The purpose of it is the scientific study of coins, other moneys, and medals-an educational institution.

Mr. SHACKLEFORD. Could these researches be performed under the charter issued by some one of the States as well, or by the District of Columbia?

Mr. ASHBROOK. I will say to the gentleman from Missouri

that they could be, as they have been—
Mr. SHACKLEFORD. Would it not be preferable, then, to let it get a charter from one of the States rather than to commit the Government to the doubtful policy of incorporating

private companies?

Mr. ASHBROOK. It would not, for many reasons, one of which is that this association desires to be placed upon the same plane of equality as similar institutions in foreign countries. And, as I have stated, a bequest has been made, I would say, of the value of \$2,000 or \$3,000 to this association, contingent upon this incorporation.

Mr. SHACKLEFORD. I think, Mr. Speaker, if the gentle-man will permit me, that all of the States have carefully wrought out general laws under which companies may be incorporated. These Federal incorporations are brought up here generally by unanimous consent or by some other poorly considered method and hurried through without any opportunity for investigation by the majority of the membership of the

Charters granted in that way could not be uniform in their character or in their nature. It seems to me it would be better to send these companies to some one of the States to get a charter than for us to grant charters here, the terms and conditions of which we do not understand and could not understand without more study than we are able to give to them. If the United States is to grant charters to private corporations, then Congress ought to work out some general plan carefully safeguarding the Government and the public, and ought not to depend upon the desultory action of Congress as is proposed to be done here to-day. Let them be incorporated under a general law, if the United States is going into the business of incorporating companies of this character.

Mr. KOPP. Mr. Speaker, will the gentleman yield? The SPEAKER. Does the gentleman yield?

Mr. SHACKLEFORD. I will yield, but not right now.

Mr. ASHBROOK. I will state to the gentleman from Missouri that this is not a company or association formed to do business. It is only a society.

Mr. SHACKLEFORD. Could it acquire property?

Mr. ASHBROOK. It could acquire such property as might be donated to it or which it might otherwise acquire.

Mr. SHACKLEFORD. When it gets that property, either by bequest or otherwise, would that property be subject to taxation under the laws of the States?

Mr. ASHBROOK. I am not advised as to that, but I assume it would be subject to the same sort of taxation as fraternal

and charitable institutions are.

Mr. SHACKLEFORD. Now, Mr. Speaker, I submit to the House that the gentleman from Ohio has stated the whole crux of the matter as I see it. The gentleman from Ohio who presents this bill, when I asked him if this property which the association might acquire would be subject to taxation under the laws of the States, is not able to answer. If he, the man who is presenting the bill, can not inform us of the nature of this bill, how, then, can we know? I submit, Mr. Speaker, that if we do not know what we are doing, it is better to do nothing in such cases

Mr. ASHBROOK. I will say to the gentleman that I have not made inquiry as to whether the property of this association | This charter shall be subject to alteration, amendment, or repeal at the pleasure of Congress.

would be subject to taxation or not. But that is only incidental. It is not likely that this association would ever acquire or hold or own property of any considerable value.

Mr. SHACKLEFORD. But I will ask the gentleman if we ought not to fully understand what we are doing when we are delegating governmental powers to such an association?

Mr. ASHBROOK. It would be subject to the State laws the

same as other associations.

Mr. SHACKLEFORD. The gentleman only assumes it would? Mr. ASHBROOK. Yes; I assume it. Mr. KOPP and Mr. SISSON rose.

The SPEAKER. To whom does the gentleman yield? Mr. ASHBROOK. I will yield first, Mr. Speaker, to the gentleman from Wisconsin [Mr. KOPP].

Mr. KOPP. The gentleman from Missouri realizes, no doubt, that practically every one of the leading countries of the world has a numismatic association, under royal authority and sanction, and that these various societies all over the world wish to exchange collections of coins, medals, and so forth, with the national society of the United States. Now, to have a State charter would make this society appear rather in a belittling condition as compared with these others, and therefore

Mr. SHACKLEFORD. Before the gentleman gets away from the topic about what other countries have done, let me call the gentleman's attention to the further fact that almost all the foreign countries to which the gentleman alludes have their dukes, and earls, and titled nobility upon whom they confer honors and bestow medals. We do not have to do what foreign

countries do unless it be wise.

Mr. KOPP. I agree with the gentleman from Missouri as to that. But concerning the question of taxation, the gentleman from Missouri knows that whatever property this society owns in any State will be subject to all the laws of taxation in that State. The gentleman knows that as a fundamental principle, without its being reiterated in this bill or answered by the gentleman from Ohio [Mr. ASHBROOK]; and if that association should have property—as it probably never will have beyond property for the purpose of an office or a home—it will be subject to the laws of that State. If that State sees fit to exempt that property from taxation on the ground that it is for a charitable or educational purpose, well and good. If that property is subject to taxation, the association will have to pay the taxes

Mr. GARRETT. Mr. Speaker, I desire to ask the gentleman why can not these gentlemen incorporate under the general

laws of the District of Columbia?

Mr. KOPP. I will refer that question to the gentleman from

Ohio, who has charge of the bill.

Mr. ASHBROOK. I would say to the gentleman from Tennessee [Mr. Garrett] that there are numerous State societies that are auxiliary to this national association. Some of them are incorporated under the State laws, but this is the parent of practically all of these societies in the different States.

Mr. GARRETT. I should like to ask the gentleman why can they not go down here and incorporate under the general

laws of the District?

Mr. ASHBROOK. Because it would not then be a Federal

Mr. MANN. If the gentleman will permit me, my recollection is quite clear that under the general law in the District one-half of the incorporators must be residents of the District of Columbia.

Mr. GARRETT. My recollection is that at least three of

them must be.

Mr. MANN. The gentleman may be correct about that. I have heard it stated here on the floor of the House that one-half must be residents of the District. I have never looked up the law myself.

Mr. GARRETT. Of course, it would be easy to get incorporators in the District of Columbia to incorporate under the general law. The real motive of this bill is that it may have the prestige of a special charter from Congress, is it not?

Mr. ASHBROOK. I think that is correct. It would give it a better prestige among the nations of the world to be incorporated by the General Government rather than by a State.

Mr. GARRETT. I do not think they ought to have it.

Mr. SISSON. I call the attention of the gentleman from Ohio to the fact that this charter gives to this association some extraordinary powers. The first is the power of perpetual succession

I would call the attention of the gentle-Mr. ASHBROOK. man to section 8, which provides that-

Mr. SISSON. I do not think that ever amounts to much, because nobody's attention is ever called to this. But they have the right to own real estate. Now, the securing of this charter virtually gives them the power to do business in every State in the Union and own property in every State in the Union. Does not the gentleman know that under this Federal charter their property would not be subject to taxation in the various States, because they could destroy the property and destroy the organization by taxation?

Mr. ASHBROOK. If the gentleman knew anything at all about this organization he would know that there would never be any likelihood that the association would acquire property in the various States, because I can not conceive for what purpose it could be used.

Mr. SISSON. You have given it the right to acquire both real and personal property, the same power that a charter would give to any other corporation.

Mr. ASHBROOK. The same power that is given to educational and fraternal associations. I will say further that its property is for its own uses only.

Mr. SISSON. Does not the gentleman also believe that this precedent would enable all the fraternal organizations, all the fraternal insurance companies, and other organizations of that kind and character that are not organized for profit, to come here and ask for charters?

Mr. ASHBROOK. The gentleman surely would not include fraternal insurance societies, because they are not organized for

Mr. SISSON. The corporation itself makes no money out of it. All the institutions of learning in the various States might ask for charters of this sort from the United States, in order to give them prestige. In other words, does not the gentleman believe that he is entering upon an entirely new field here and seeking to establish a precedent that may rise up and haunt us in the future?

Mr. ASHBROOK. I do not think so. As I have said, the Congress has passed numerous charters for charitable, fraternal, and educational societies, and this is purely an educational society. It is not organized for the purpose of profit or any pecuniary gain for any of its members, but is absolutely an educational institution. I would say that at this time the society cwns no real estate.

Mr. SISSON. Following up the suggestion of the gentleman from Tennessee [Mr. Garrett] I notice in the Code of Laws of the District of Columbia, section 574, a very simple and easy method of incorporating institutions of learning and institutions of that character. It is only necessary that five or more persons desiring for educational purposes a charter from the District shall go to the recorder of deeds and file their charter. It is a mere matter of form. It is almost a perfunctory act to get a charter for an educational institution or an institution of this kind.

Now, if you want the charter here in the District for the purpose of giving it some national home, why would it not be better, simpler, and easier to get your home in the city of Washington by taking advantage of this simple chapter providing for incorporation of religious, educational, and fraternal institutions? There is practically nothing required except to file your charter, stating that it is for a purely educational or charitable institution.

Mr. ASHBROOK. I understand that, and I understand that the association could easily secure a charter from any of the saveral States. I would consider if you will allow me to saveral States.

several States. I would consider, if you will allow me to say it, that a charter from the State of Ohio would give it as much prestige as a charter from the District of Columbia, but the gentleman will readily see that a charter from the Congress of the United States will place it on a very much higher plane than a charter from any of the States, and it is for that purpose only that this society wants to be put on an equality with similar societies in other foreign countries. That is the reason that we ask this charter from Congress.

Mr. SISSON. This is an institution for the purpose of studying coins, for the purpose of collecting old coins throughout the country, and old bills throughout the country, and the gentleman would solemnly ask Congress to give it a Federal charter in order that it may get some distinction by virtue of that charter and an indorsement by Congress?

Mr. ASHBROOK. I will say that you state the facts. This is already a national association, but not chartered.

Mr. SISSON. I will ask the gentleman one other question and then I will stop. Does the gentleman believe that under this charter it would be possible for the incorporators of this institution to do any business other than that of collecting coins and bills? Does the gentleman believe that the language is so drawn as to limit them to that one business alone?

Mr. ASHBROOK. That is my understanding of the bill. Mr. SISSON. I have not had time to study section 3 closely, but there are so many different clauses there that it is difficult to determine at once. It says:

And for the particular purpose of bringing the numerous numismatists of America into closer relations with one another, and of promoting friendly feeling for one another through social intercourse, the interchange of ideas, and discussions of mutual interest.

Now, does that mean the interest of the members with each other, or the interest of all nations with each other?

Mr. ASHBROOK. It means the interest of members in the study of numismatics.

Mr. FOWLER. Mr. Speaker—
The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. ASHBROOK. I will yield.

Mr. FOWLER. I discover that provision is made for the purpose of acquiring, owning, and disposing of both real and personal estate. Is it the object of the bill to own and dispose of real estate?

Mr. ASHBROOK. I will say that it is perhaps hoped that some member of the association may at some future time in his generosity bequeath to the association a suitable home for the coins and medals that belong to this association, but there is no desire or intention on the part of the association, member of it, to own or dispose of real estate for profit.

Mr. FOWLER. Is not your bill broad enough for the purpose of giving this association, or corporation, power to dispose of

all the real estate that it may see fit to dispose of?"

Mr. ASHBROOK. I will say that, if the association might in the future acquire real estate and it was possible for it to dispose of it and it desired to do so, it undoubtedly would have that power; but it is altogether likely that any real estate that may be bequeathed to the association would be on the condition that it be used for certain purposes

Mr. FOWLER. Does not the gentleman think that this is a dangerous precedent to set, to give a national corporation power to own and deal in real estate without limiting that power?

Mr. ASHBROOK. I will say to the gentleman that there is no desire or intention on the part of the officers of this association to deal in real estate in any way, because, as I have said, its object is not one of profit or of any pecuniary gain, but is wholly for educational, fraternal, and social purposes.

Mr. FOWLER. It reads as follows:

To acquire, own, hold, and dispose of such personal property as may be necessary to properly carry into effect the purposes herein set forth, and to perform all such other acts and things as may be necessary to the full carrying into effect of said purposes.

Mr. ASHBROOK. The gentleman will understand that it might be possible in the future that this association should desire to dispose of some real estate of which it might be possessed, but I can not say as to that.

Mr. FOWLER. Would the gentleman be willing to limit the ownership of real estate to that kind of real estate necessary for office purposes for the association?

Mr. ASHBROOK. Absolutely. Mr. FOWLER. Then, Mr. Speaker, I desire, when the proper time comes, to offer an amendment to that effect.

Mr. MOORE of Pennsylvania rose. The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. ASHBROOK. I yield to the gentleman.
Mr. MOORE of Pennsylvania. The bill, an extract from
which was just read by the gentleman from Illinois [Mr.
FOWLER], states, at the conclusion of what he read, the fol-

But such purposes do not include operations for pecuniary profits.

Mr. ASHBROOK. Yes.
Mr. MOORE of Pennsylvania. Would that not seem to answer the questions raised a while ago?

Mr. ASHBROOK. It seems to me that it would. Mr. MOORE of Pennsylvania. I want to ask the gentleman with regard to the right to acquire and dispose of real estate. Is it not the thought of the incorporators of the society that somewhere, at some time, a building may be erected which will be an ornament to some locality?

Mr. ASHBROOK. That is true. Mr. MOORE of Pennsylvania. Some such memorial as we have in good number in the District of Columbia?

Mr. ASHBROOK. That is true; yes.

Mr. MOORE of Pennsylvania. And that therein may be deposited these interesting collections of coins that may be dedicated to the society by individuals? And is it not a perfectly proper thought that there should be such a building to house these collections?

Mr. ASHBROOK. That is true. I would say to the gentleman that the New York society owns a handsome home in New York City. It is a State society, and it is the ambition of this society to acquire a home of its own in some of the cities of the United States for the very purpose already mentioned.

Mr. MOORE of Pennsylvania. The National Geographic So ciety is a society in point. It has members all over the United States. It has the right to acquire and dispose of real estate, but its principal real-estate holding is here in the District of Columbia, where its collections are kept. Is not that substanpurpose of this bill as related to the Society of tially the Numismatics?

Mr. ASHBROOK. Yes.

Mr. MOORE of Pennsylvania. It would enable this society to establish a home where, safe from fire or theft, may be kept the interesting collections that otherwise might be destroyed or lost?

Mr. ASHBROOK. And to place it upon an equality with

other similar societies.

Mr. MOORE of Pennsylvania. There is no line in this bill, is there, that admits the thought that a man may become a member of this society and work the society for profit?
Mr. ASHBROOK. None whatever.

Mr. MOORE of Pennsylvania. But rather becoming a member of the society establishes his credit among learned men upon the subject of numismatics?

Mr. ASHBROOK. The gentleman is quite right.

Mr. SHACKLEFORD. Mr. Speaker, will the gentleman

Mr. ASHBROOK. Certainly.

Mr. SHACKLEFORD. How carefully was this bill thought out and worked out in committee?

Mr. ASHBROOK. I am not prepared to answer that ques-

Mr. DYER. Will the gentleman yield to me to answer that question?

Mr. SHACKLEFORD. Was this reported from any committee?

Mr. ASHBROOK. Here is the report, No. 150, from the

Committee on the District of Columbia.

Mr. SHACKLEFORD. I would like to look at this other paper. Was not this bill brought into the House by privately passing it around from hand to hand and getting the Members to consent that it be brought in here? It was not brought in here after full consideration in the committee by the members thereof, was it?

Mr. ASHBROOK. I will say to the gentleman that the Committee on the District of Columbia at the time this bill was be-

fore it was

Mr. DYER. Mr. Speaker, I make the point of order that it is not proper to state on the floor of the House what transpired in the committee.

The SPEAKER. The point of order is well taken.

Mr. SHACKLEFORD. Mr. Speaker, that is true, but I was not referring to what happened in the committee; I was referring to what happened on the floor of this House when the committee was not in session.

The SPEAKER. The gentleman has a right to state anything

that happened on the floor of the House.

Mr. SHACKLEFORD. I do not know that it all happened here. Some of it may have taken place in the corridors of hotels or on street cars.

The SPEAKER. The gentleman may state anything that

took place anywhere except in the committee.

Mr. SHACKLEFORD. I want to ask the gentleman if this was reported by the committee by passing it around, like the petition was in Texas, which the judge signed and then found it was a petition that he should be hanged?

Mr. ASHBROOK. It was reported to this House by a member of this committee.

Mr. SHACKLEFORD. And without being ordered to do so by the committee?

Mr. ASHBROOK. Yes; it was ordered by the committee. Mr. SHACKLEFORD. I would like to see the order.

Mr. ASHBROOK. I am not in possession of the papers of the committee.

Mr. SHACKLEFORD. Here is a member of the committee; I will ask him if the committee ever ordered that report.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri [Mr. SHACKLEFORD] to ask the other gentleman from Missouri [Mr. Dyer] a question?

Mr. ASHBROOK. I am always glad to oblige the gentleman

from Missouri in every way I can.
Mr. SHACKLEFORD. Will the gentleman from Missouri inform me whether the Committee on the District of Columbia as a committee ever ordered this bill reported here?

Mr. DYER. I will say, Mr. Speaker, in answer to the gentleman, that the fact that it is here and reported by that committee, as the bill shows and as the chairman of the committee already stated when he was here, ought to be sufficient evidence for the gentleman from Missouri.

The SPEAKER. The question is on the engrossment and-Mr. FOWLER. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. When does the time come for amendments to this bill?

The SPEAKER. The time has come right now.
Mr. FOWLER. Well, I offer an amendment to the bill.
The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Ayres Beall, Tex, Bell, Ga. Blackmon Boehne Bradley

Brantley

Buchanan Burke, Wis. Burleson

Burleson
Burnett
Byrnes, S. C.
Byrns, Tenn.
Cannon
Carter
Clayton
Collier
Cooper
Covington
Cravens

Dickinson Dickson, Miss. Difenderfer Dixon, Ind.

Cravens Daugherty

Doughton

Adair Adamson Akin, N. Y. Alexander Allen

Austin Barnhart

Bathrick

Borland

Callaway Cline Conry Copley Crago Cullop

Denver Dodds

Donohoe

Bowman Browning Bulkley Burke, S. Dak.

Curry Davenport Davis, Minn. Davis, W. Va.

Draper Driscoll, D. A. Driscoll, M. E. Dwight

Anderson, Ohio

Edwards

Amend, page 2, line 15, by striking out the word "real," the firs word in said line, and after the word "purposes," in line 18, insert th following: "and own real estate for office and depository purposes only. the first

The SPEAKER. The question is on the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. FOWLER. Mr. Speaker, I ask for a division on the question.

The House divided; and there were—ayes 7, noes 24.

Mr. SISSON. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Mississippi [Mr. Sisson] makes the point of no quorum. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. ASHBROOK. Mr. Speaker, before this bill is voted upon I desire to offer an amendment-

The SPEAKER. The House is not voting on the bill; it is voting on the amendment offered by the gentleman from Illinois. The Clerk will call the roll.

The question was taken; and there were—yeas 106, nays 144, answered "present" 11, not voting 131, as follows:

YEAS-106.

Konop Korbly Linthicum Littlepage Littleton Ellerbe Faison Faison Farr Fergusson Fitzgerald Flood, Va. Floyd, Ark. Foster, Ill. Fowler Garner Garrett Godwin, N. Littleton Lloyd McDermott Macon Maguire, Nebr. Martin, Colo. Mays Morrison Murdock Godwin, N. C. Goodwin, Ark. Nelson Page Pou Gray Gregg, Pa. Hamilton, W. Va. Rainey Randell, Tex. Rauch Reilly Roddenbery Hardy Harrison, Miss. Hay Heflin Hensley Rubey Rucker, Colo. Rucker, Mo. Shackleford Holland Humphreys, Miss. Jacoway James

Stephens, Miss. Stephens, Tex. Stone Stone Sweet Taylor, Ala. Taylor, Colo. Thayer Thistlewood Thomas Townsend Tribble Tribble
Watkins
Webb
White
Wickliffe
Wickliffe
Wilson, N. Y.
Wilson, Pa.
Witherspoon
Young, Kans.
Young, Tex.

Slayden Small

Smith, Tex. Stedman

Sheppard Sims NAVS-144

Dyer Esch Evans Fairchild Ferris Finley Focht Foss Foster, Vt. Francis French Fuller Gallagher Gardner, N. J. Gillett Goeke Good Green, Iowa Greene, Mass. Guernsey Hamill Hammond Haugen Hawley Helm Henry, Conn. Henry, Tex. Howell Hubbard Hughes, Ga. Hughes, N. J. Humphrey, Wash.

Jack

Kendall Kinkaid, Nebr. Knowland

Kitchin

Konig

Kopp La Follette Lawrence Lee, Pa. Lenroot Levy Lewis Lindbergh Lobeck Longworth Loud McCall McCoy McCreary McKenzie McKinley McKinney McLaughlin Mann Loud Mann Martin, S. Dak. Moore, Tenn. Moore, Pa. Moore, Tex. Morgan Moss, Ind. Mott Murray Neeley Oldfield O'Shaunessy Padgett Patten, N. Y. Payne Pepper Peters Pickett

Porter Porter Powers Prince Prouty Raker Redfield Reyburn Rodenberg Rothermel Russell Sharp Sherwood Sloan Smith, J. M. C. Speer Steenerson Stephens, Cal. Sterling Stevens, Minn. Sulloway Sulzer Switzer Talcott, N. Y. Tilson Towner Turnbull Tuttle Underhill Underwood Utter Volstead Wedemeyer Willis Wilson, Ill. Wood, N. J. Woods, Iowa

Dent Dies Doremus Dupre

ANSWERED "PRESENT"-11.

Anthony Bartlett Butler Parran Riordan Morse, Wis. Fornes NOT VOTING-131. Aiken, S. C. Ainey Ames Anderson, Minn. Estopinal Fields Fordney Gardner, Mass. Kennedy Pray Pujo Ransdell, La. Kent Kindred Kinkead, N. J. Rees Richardson Roberts, Mass. Roberts, Nev. Robinson Rouse Sabath Anderson, Andrus Barchfeld Bartholdt Bates Broussard George Goldfogle Gould Graham Gregg, Tex. Griese Lafean Lafferty Lafean
Lafferty
Lamb
Langham
Langham
Langley
Lee, Ga.
Legare
Lever
Lindsay
McGillicuddy
McGuire, Okla.
McHenry
McKellar
McMorran
Madden
Maher
Malby
Matthews
Miller
Mondell
Moon, Pa.
Noedham
Norris
Nye
Olmsted
Palmer
Patton Pa Brown
Burgess
Burke, Pa.
Calder
Campbell
Carlin
Carlin
Catlin
Clark, Fla.
Claypool
Connell
Cox, Ind.
Cox, Ohio
Crumpacker
Curley
Currier
Dalzell
Danforth
De Forest
Dent Sabath
Saunders
Scully
Sells
Sherley
Simmons
Slemp
Smith, Saml. W.
Smith, Cal.
Smith, N. Y.
Sparkman
Stack
Stanley
Stephens, Nebr. Brown Griest Gudger Hamilton, Mich. Hamlin Hanna Hardwick Hardwick
Harris
Harrison, N. Y.
Hartman
Hayes
Heald
Helgesen
Higgins
Hill
Hinds
Hobson
Houston
Howard
Howland
Howland
Hughes, W. Va.
Johnson, S. C.
Jones Stanley Stephens, Nebr. Taggart Talbott, Md. Taylor, Ohio Vreeland Warburton Weeks Whitacre Wilder Young, Mich.

During the roll call the following occurred:

Mr. DYER. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman can not interrupt a roll call.

Palmer Patton, Pa. Plumley Post

Mr. DYER. I just wanted to inquire how we are voting.
The SPEAKER. The Clerk will proceed with the roll call.
Mr. FOWLER. Mr. Speaker, I ask unanimous consent that
the amendment may be again reported before the roll call is proceeded with.

The SPEAKER. The Clerk will proceed with the roll call.

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. LEE of Georgia with Mr. HAMILTON of Michigan.

Mr. CARLIN with Mr. AMES.

Mr. CONNELL with Mr. Anderson of Minnesota.
Mr. Curley with Mr. Bates.
Mr. Dies with Mr. Catlin.
Mr. Doremus with Mr. Cary. Mr. GOULD with Mr. CRUMPACKER. Mr. GRAHAM with Mr. DANFORTH.

Mr. GREGG of Texas with Mr. FORDNEY. Mr. GUDGER with Mr. GRIEST.

Mr. HAMLIN with Mr. HEALD.

Mr. Hardwick with Mr. Helgesen. Mr. Kinkead of New Jersey with Mr. Kennedy. Mr. Johnson of Kentucky with Mr. Lafean.

Mr. Johnson of South Carolina with Mr. McGuire of Oklahoma.

Mr. LAMB with Mr. MONDELL.

Mr. Legare with Mr. Patton of Pennsylvania. Mr. Lever with Mr. Hinds. Mr. Kindred with Mr. Pray.

Mr. Post with Mr. Smith of California.
Mr. Pujo with Mr. McMorran.
Mr. Richardson with Mr. Roberts of Nevada.
Mr. Sabath with Mr. Vreeland.

Mr. STANLEY with Mr. WARBURTON.

Mr. Stephens of Nebraska with Mr. Wilder.

Mr. WHITACRE with Mr. Young of Michigan, Mr. RUBEY with Mr. SAMUEL W. SMITH.

The result of the vote was announced as above recorded. The SPEAKER. A quorum is present. The proceedings, under the call, will be dispensed with and the Doorkeeper will open the doors.

Mr. SISSON, Mr. FOWLER, and Mr. ASHBROOK rose. Mr. FOWLER. Mr. Speaker, I desire to offer another amend-

The SPEAKER. The Chair will recognize the gentleman from Mississippi [Mr. Sisson], who rose first.

Mr. SISSON. Mr. Speaker, I desire to offer the following

Mr. DYER. A point of order, Mr. Speaker.

The SPEAKER. Did the gentleman from Ohio [Mr. Ashbrook], in charge of the bill, offer an amendment?
Mr. ASHBROOK. I did.

The SPEAKER. That takes precedent over the others. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the semicolon, in line 4, and all of lines 5 and 6 to and including the second comma in line 6, and insert in lieu thereof the following:
"Henry Chapman, of Philadelphia; J. M. Henderson, of Columbus, Ohio; Howland Wood, of Brookline, Mass."

Mr. MANN. Does the bill include the name of the gentleman

from Ohio [Mr. ASHBROOK]?

Mr. ASHBROOK. It does.

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.
Mr. SISSON. Mr. Speaker, I offer the following amendment.
In line 12, on the first page of the bill, strike out the words
"perpetual succession" and insert "50 years."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 12, strike out the words "perpetual succession" and insert the words "50 years."

Mr. SISSON. Mr. Speaker— Mr. MANN. Will the gentleman yield? Mr. SISSON. Yes, sir.

Mr. MANN. I do not think that is the way the gentleman

Mr. SISSON., A succession should be a "succession of 50

The SPEAKER. The Clerk will again report the amendment. The Clerk read as follows:

Strike out the words "perpetual succession" and insert the words "succession of 50 years."

Mr. SISSON. Mr. Speaker, I do not believe, in the first place, in national charters nor a general law for national incorporation. I do most seriously object to associations like this coming to Congress and taking up its time with this sort of But another special objection to this, gentlemen, is that this bill has received absolutely no consideration at the hands of the committee who have reported it. The fact is, and it will not be denied, that this bill was carried around and Members signed it. Enough of the Members signed a petition to report the bill without any hearing. I want to say to you, gentlemen, that that is a bad practice and a bad precedent. if this bill had been considered by the committee, many of the features might have been eliminated, but I shall never a perpetual charter of any kind. I am perfectly willing that this bill may go back to the Committee on the District of Columbia and receive consideration, but I am unwilling that the bill should be passed upon by the membership of this House without having been given consideration by that committee. But if the membership of the House is determined to incorporate this coin-collecting association, and has made up its mind to do so, I trust that it will limit their succession to 50 years.

Mr. ASHBROOK. Mr. Speaker, I hope that this amendment will not prevail. As I have said heretofore, section 8 of this charter may be amended or repealed at the pleasure of the Congress, and if the bill should be amended, as is proposed by the gentleman from Mississippi [Mr. Sisson], at the end of 50 years it would simply be necessary to come back to Congress and ask that this bill be again passed. And for that and other reasons I hope the amendment will not prevail.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SISSON. I ask for a division, Mr. Speaker.

The House divided; and there were-ayes 77, noes 31.

So the amendment was agreed to.

Mr. SISSON. Mr. Speaker, I move to strike out the enacting clause of this bill.

Mr. FOWLER rose.

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. Fowler] that while the Chair promised to recognize him next, and has every desire to keep his word, the mo-tion made by the gentleman from Mississippi [Mr. Sisson] is a preferential motion. The question is on agreeing to the motion of the gentleman from Mississippi.

Mr. MANN. Mr. Speaker, can we have the amendment reported from the Clerk's desk?

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. Sisson].

The Clerk read as follows: Strike out the enacting clause.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Mississippi.

Adair

The question was taken, and the Speaker announced that the ayes seemed to have it

Mr. ASHBROOK. Mr. Speaker, I ask for a division. The House divided; and there were—ayes 79, noes 43.

Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of striking out the enacting clause will, when their names are called, answer "yea," and those opposed will answer

The question was taken; and there were—yeas 118, nays 126, answered "present" 8, not voting 140, as follows:

	YEAS	-118.	
Anderson, Minn.	Fergusson	Korbly	Rothermel
Bartlett	Ferris	Lafean	Rucker, Colo.
Beall, Tex.	Finley	La Follette	Shackleford
Bell, Ga.	Fitzgerald	Lee, Pa.	Sheppard
Biackmon	Floyd, Ark.	Lenroot	Sims
Boehne	Focht	Lindbergh	Sisson
Borland	Fowler	Linthieum	Slayden
Brantley	Gallagher	Lloyd	Smith, Tex.
Burleson	Garner	McKinney	Stedman
Burnett	Garrett	Macon	Steenerson
Byrnes, S. C.	Goodwin, Ark.	Maguire, Nebr.	Stephens, Nebr.
Byrns, Tenn,	Gray Gray	Mays	Stephens, Miss.
Callaway	Green, Iowa	Moon, Tenn.	Stephens, Tex.
Carlin	Gregg, Pa.	Moore, Tex.	Stone
Clayton	Gudger	Morgan	Sulzer
Cline	Hardy	Moss, Ind.	Sweet
Collier	Harrison, Miss.	Neeley	Taylor, Colo.
Cullop	Heflin	Oldfield	Thayer
Curley	Helm	O'Shaunessy	Thomas
Daugherty	Henry, Tex.	Page	Tribble
Dickinson	Hensley	Patten, N. Y.	Turnbull
Dickson, Miss.	Holland	Patton, Pa.	Watkins
Dies	Hughes, Ga.	Peters	Wickliffe
Difenderfer	Hull	Pou	Wilson, Pa.
Dixon, Ind.	Humphreys, Miss.	Prince	Witherspoon
Donohoe	Jacoway	Prouty	Woods, Iowa
Doughton	Kendall	Rainey	Young, Kans.
Edwards	Kinkead, N. J.	Randell, Tex.	Young, Tex.
Evans	Kitchin	Reilly	0.
Raison	Konig	Roddenbery	

NAYS-126.

Kinkaid, Nebr.

Reyburn

Dwight

Akin, N. Y.	Dyer	Knowland	Rodenberg
Alexander	Ellerbe	Konop	Rubey
Allen	Fairchild	Kopp	Rucker, Mo.
Anderson, Ohio	Farr	Lamb	Russell
Ashbrook	Flood, Va.	Lawrence	Sharp
Austin	Fornes	Levy	Sherwood
Barnhart	Foss	Littlepage	Sloan
Bathrick	Foster, Ill.	Lobeck	Speer
Berger	Foster, Vt.	Longworth	Stephens, Cal.
Bingham	French	Loud	Sterling
Booher	Fuller	McCall	Sulloway
Bowman	Gardner, N. J.	McCov	Switzer
Brown	Gillett	McCreary	Talcott, N. Y.
Buchanan	Godwin, N. C.	McDermott .	Taylor, Ala.
Bulkley	Goeke	McKinley	Thistlewood
Burke, S. Dak.	Good	McLaughlin	Tilson
Butler	Greene, Mass.	McMorran	Towner
Cannon	Griest	Mann	Townsend
Conry	Guernsey	Mott	Tuttle
Cooper	Hamill	Murdock	Underwood
Copley	Hamlin	Murray	Utter
Crago	Hammond	Nelson	Volstead
Crumpacker	Hardwick	Padgett	Vreeland
Curry	Henry, Conn.	Payne	Webb
Danforth	Higgins	Pepper	Wedemeyer
Davenport	Hill	Pickett	White
Davis, Minn.	Hobson	Post	Willis
Davis, W. Va.	Hughes, N. J.	Powers	Wood, N. J.
Denver	Jackson	Pray	Young, Mich.
Draper	James	Raker	THE RESERVE OF THE PARTY OF THE
Driscoll, D. A.	Kennedy	Redfield	
CONTRACTOR OF THE PARTY OF THE	The state of the s		

ANSWERED "PRESENT"-8.

Candler	Glass	Lee, Ga.	Parra:
Davidson	Hamilton, W. Va.	Morse, Wis.	Weeks
	NOT VO	TING-140.	

Adamson	Clark, Fla.
Aiken, S. C.	Claypool
Ainey	Connell
Ames	Covington
Andrus	Cox, Ind.
Ansberry	Cox, Ohio
Anthony	Cravens
Ayres	Currier
Barchfeld	Dalzell
Bartholdt	De Forest
Bates	Dent
Bradley	Dodds
Broussard	Doremus
Browning	Driscoll, M. E.
Burgess	Dupre
Burke, Pa.	Esch
Burke, Wis.	Estopinal
Calder	Fields
Campbell	Fordney
Cantrill	Francis
Carter	Gardner, Mass.
Cary	George
Catlin	Goldfogle

7_140	The second second
G—140. uld aham egg, Tex. milton, Mich. nna rrison, N. Y. rtman ulgen wley y yes ald leesen nds uston ward well wland bbard ghes, W. Va. mphrey, Wash.	Johnson, S. C. Jones Kahn Kent Kindred Lafferty Langham Langley Legare Lever Lewis Lindsay Littleton McGillicuddy McGuire, Okla, McHenry McKellar McKenzie Madden Maher Malby McKelo
anson, Ky.	Martin, S. Dak

Matthews	Donton *	G	C1. 1
Miller	Porter	Saunders	Stack
	Pujo	Scully	Stanley
Mondell	Ransdell, La.	Sells	Stevens, Minn.
Moon, Pa.	Rauch	Sherley	Taggart
Moore, Pa.	Rees	Simmons	Talbott, Md.
Morrison	Richardson	Slemp	Taylor, Ohio
Needham	Riordan	Small	Underhill
Norris	Roberts, Mass.	Smith, J. M. C.	Warburton
Nye	Roberts, Nev.	Smith, Saml, W.	Whitacre
Olmsted	Robinson	Smith, Cal.	Wilder
Palmer	Rouse	Smith, N. Y.	Wilson, Ill.
Plumley	Sabath	Sparkman	Wilson N. Y.

So the motion to strike out the enacting clause was rejected. The Clerk announced the following additional pairs:

For the session:

Mr. Fornes with Mr. Bradley.

Until further notice:

Mr. WHITACRE with Mr. HAWLEY.

Mr. Smith of New York with Mr. Wilson of Illinois.

Mr. SMALL with Mr. WILDER.

Mr. RAUCH with Mr. SMITH of California. Mr. Underhill with Mr. J. M. C. Smith. Mr. Legare with Mr. Samuel W. Smith.

Mr. Morrison with Mr. Porter.

Mr. MARTIN of Colorado with Mr. Moore of Pennsylvania.

Mr. LITTLETON with Mr. MARTIN of South Dakota,

Mr. Lewis with Mr. McKenzie. Mr. McHenry with Mr. Humphrey of Washington.

Mr. Lee of Pennsylvania with Mr. Mondell. Mr. McGillicuddy with Mr. Hubbard. Mr. Hay with Mr. Howell.

Mr. GRAHAM with Mr. Esch.

Mr. Cravens with Mr. MICHAEL E. DRISCOLL. Mr. Covington with Mr. Currier.

Mr. Carter with Mr. Catlin.

Mr. Burke of Wisconsin with Mr. Campbell.

Mr. Ayres with Mr. Browning.

Mr. Ansberry with Mr. Bates.

Mr. Adamson with Mr. Stevens of Minnesota.

For the vote:

Mr. Francis with Mr. Dodds.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum being present, further proceedings under the call will be dispensed with. The Doorkeeper will open the doors.

Mr. FOWLER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, by striking out the first two words in line 12, and after the word "property," in said line 12, insert the following: "and own real estate for its own use."

Mr. FOWLER. Mr. Speaker, I desire to be heard on the amendment.

Mr. ASHBROOK. Mr. Speaker, I accept the amendment.

Mr. FOWLER. I understand the author of the bill to accept this amendment.

The question being taken, the amendment was agreed to. Mr. ASHBROOK. Mr. Speaker, I offer the following amend-

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 18, on page 3, strike out the word "charter" and insert the word "act."

The question being taken, the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. SISSON. Mr. Speaker, I make a motion to recommit this bill to the Committee on the District of Columbia, because that committee has never considered the bill.

Mr. MANN. I make the point of order that the gentleman can not make the motion which he did, which was to recommit the bill to the Committee on the District of Columbia because that committee had not considered it.

The SPEAKER. The Chair disregards the reason given-

Mr. MANN. Debate is not in order on it. The SPEAKER. That is true, and the point of order is well taken. The Chair was stating as fast as he could that debate is not in order, but the motion to recommit is in order. The question is on recommitting this bill to the Committee on the District of Columbia.

The question being taken, on a division (demanded by Mr. Sisson) there were—ayes 69, noes 83.

Accordingly the motion to recommit the bill was lost.

The SPEAKER. The question is, Shall the bill pass? The question being taken, the bill was passed.

On motion of Mr. ASHBROOK, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Connell, for one week, on account of illness. To Mr. Kahn, for three days, on account of sickness.

THE PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the pension appropriation bill. Pending that motion, I would like to inquire of the gentleman from Pennsylvania [Mr. BINGHAM] if we can make some arrangement as to the time for general debate?

Mr. BINGHAM. How much time does the gentleman from

Georgia desire for his side?

Mr. BARTLETT. I have had some applications for time, but I believe that two of the gentlemen are not ready.

Mr. BINGHAM. Well, I will ask for the same time as the

gentleman from Georgia takes.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BARTLETT. Mr. Speaker, I will ask the gentleman from Pennsylvania how much time he desires?

Mr. BINGHAM. I would suggest three hours. Mr. BARTLETT. On a side?

Mr. BINGHAM. Three hours; an hour and a half on each side.

Then, Mr. Speaker, I ask unanimous consent that general debate be limited to one hour and a half on a side, three hours in all, one-half of the time to be controlled by the gentleman from Pennsylvania and one-half by myself.

The SPEAKER. The gentleman from Georgia moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider House bill 18985, the pension appropriation bill; and, pending that, he asks unanimous consent that general debate be limited to three hours, an hour and a half on a side, one half to be controlled by himself and the other half by the gentleman from Pennsylvania [Mr. BINGHAM]. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Georgia, for the information of the House, whether he intends to proceed with the reading of the

bill for amendments this afternoon?

Mr. BARTLETT. If the general debate should expire before the time limited, probably I would. Does the gentleman desire to make any suggestion?

Mr. MANN. I think it would be fair to the House to say that we would not proceed to the reading of the bill under the fiveminute rule to-day

Mr. FITZGERALD. But if the time is not occupied in gen-

eral debate

Mr. MANN. It is very certain that the time will be occupied in general debate if it is proposed to read the bill under the fiveminute rule to-day, because Members wish to be here when the

Mr. FITZGERALD. If the three hours set aside for general debate is not occupied-

Mr. MANN. That would end the general debate, and we would proceed with the reading of the bill on Thursday.

Mr. CANNON. If the gentleman will allow me to suggest, we might commence reading the bill under the five-minute rule at once, and at the conclusion of the bill there be three hours

general discussion.

RARTLETT. I will state that it is quite probable that Mr. BARTLETT. I will state that it is quite probable that general debate on this side will not occupy an hour and a

half.

Mr. MANN. I think in a matter of this sort that it is quite fair to the House, if we are not going to have three hours of general debate, that the House should be informed of it. The Members of the House ought to know whether they are to re-main here for the reading of the bill under the five-minute

Mr. BARTLETT. I can not tell what applications for time the gentleman from Pennsylvania bas, for I do not know.

Mr. MANN. And the gentleman from Pennsylvania can not tell either. I may wish to occupy a little time; the gentleman from Connecticut wishes to occupy some time, and several other gentlemen want time.

Mr. BARTLETT. Mr. Speaker, I have had some applica-tions for time, amounting to about two hours and a half, but

the gentlemen who made those applications have indicated to

me that they would not want to use time now.

Mr. MANN. I do not care so far as I am concerned. I am here all of the time, but a great many Members claim that they

have no opportunity to do any business in their offices.

Mr. FITZGERALD. From the indication I will state that this side will occupy probably not more than half an hour in general debate. If general debate be exhausted before 5 o'clock, the desire will be to read the bill under the five minute rule. If we run in general debate until after 5 o'clock, there will be no such desire.

Mr. MANN. Of course the gentleman knows that one of the first propositions in the bill is the matter of the abolition of the pension agencies, which is sure to create discussion. involves a change in the form of paying the pensions, and it is quite certain that the gentleman will not be permitted to enact that into law without a quorum.

Mr. FITZGERALD. Gentlemen who are interested in this matter should be here and listen to the explanation of the bill. They will be able to act more intelligently if they remain here and listen to debate, as does the gentleman from Illinois and as do I.

Mr. MANN. It is not at all certain.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Georgia that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18985, the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, with Mr. BOOHER in the chair.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to

dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection, and it was so ordered.

Mr. BARTLETT. Mr. Chairman, this is the general appropriation bill for the payment of pensions provided for by ex-Under the law as now administered and to be administered for the ensuing fiscal year the bill appropriates the sum of \$152,579,000. The estimates were \$152,687,750. appropriation bill, Mr. Chairman, carrying this sum, is evidence the most liberal provision by this Government for the men who served in the service of the Army and Navy of the United States, and for the widows and children of those men. not propose at this time to discuss the probability or the propriety of enlarging the bill or of increasing the burden of pensions. That is a matter that this House has passed upon in passing another bill, a matter which did not meet with my approval nor have my vote, and the policy of which did not receive my indorsement. I think that by the sums of money that we have from year to year appropriated by the various acts of Congress, granting pensions to the survivors of the various wars in which this country has been engaged, and to the widows and children of those survivors, this Government has shown a liberality far exceeding that of any other government in the history of time. I do not believe that it is incumbent upon Congress, nor incumbent upon the people of the United States, to pass additional pension laws that shall increase this burden upon the people of the United States which now exceed, by some thirty-odd millions of dollars per annum, the pensions paid by five of the greatest countries in the world, viz, Great Britain, Germany, France, Austria, and Hungary, whose combined pension payment in 1910 amounted to \$129,000,000.

It is not my purpose in explaining this bill to animadvert further upon that proposition, except to say that the laws upon the statute books now give, in my judgment, ample pensions to all who should receive them, and that in administering the law or in enacting laws in reference to pensions there should be considered service and disability from wounds or age. reading the testimony taken before the Senate committee, which has held hearings upon the bill which recently passed this House, I find that the representatives of the Grand Army of the Republic, both present and past, have given it as their opinion that the old soldiers of the country who are asking for this pension legislation desire it to be based upon service and upon disability caused by wounds or disability occasioned by age. So much for the general policy. I may elaborate that further, but I shall not undertake to do so at this time. desire only to say I am heartily opposed to the proposed pension legislation which, for service alone, would add seventy-five millions annually to this and similar pension appropriation

I have stated the amount which is carried in the first section of this bill. Now, there are some recommendations which we make in reference to change of agencies. You find on page 3 of this report the proposed changes in the existing law. We provide that-

From and after July 1, 1912, no pension shall be paid to a non-resident who is not a citizen of the United States except for actual disabilities incurred in the service.

According to the report of the Commissioner of Pensions, to be found on page 41 of his report, we find that there were paid to pensioners residing in foreign countries, for the fiscal year 1911, \$978,471.98. The number to whom these pension were paid who were residents abroad are 5,476. They reside in a number of countries, and I will put this table in my statement. Most of them reside in Canada. Of the 5,476 in number, 2,712 reside in Canada. This was the law in 1893, and it was repealed. The Commissioner of Pensions in his evidence before the commiftee made this statement on page 10 of the hearings:

Mr. Bartlett. On page 42 of your report it is stated that you paid \$978,471.98 to pensioners residing in foreign countries?

Mr. Davenport. Yes, sir. If you will look at page 41 you will get the amount paid in each country and the number of pensioners in each

the amount paid in each country and the number of pensioners in each country.

Mr. Bartlett. Now, Mr. Davenport, are these men citizens of foreign countries or simply temporarily residing there?

Mr. Davenport. Both; some of them have been naturalized here and some of them have had their homes always there. Some belong in this country, but most of them, I think, are foreigners.

Mr. Bartlett. They are residents of foreign countries?

Mr. Davenport. Yes, sir.

Mr. Bartlett. They are residents, they are not sojourning?

Mr. Davenport. Very few of them are temporarily sojourning. There are a few connected with the United States consulates, but very few. It would not amount to 20 all told.

Mr. Bartlett. They are counted by you as residing in foreign countries, and you send them their pension checks as a matter of convenience?

Mr. Davenport. Yes, sir.

Mr. DAVENPORT. Yes, sir.
Mr. BARTLETT. Are those attached to the Consular Service among those paid in foreign countries?
Mr. DAVENPORT. Yes, sir. They are all paid from the pension agency

Mr. DAVENPORT. Yes, sir. They are all paid from the pension agency in Washington.

Mr. Bartlett. With the exception of a few—and you estimate 20—they are citizens and residents of foreign countries?

Mr. DAVENPORT. Most of them are ex-sailors residing in Canada. The great bulk in Canada are men who came over and enlisted in the Army. Mr. Bartlett. There are 2,712 who reside in Canada?

Mr. DAVENPORT. Yes, sir.

Mr. BARTLETT. They are residents and citizens of Canada?

Mr. DAVENPORT. They are residents and citizens of Canada?

Mr. DAVENPORT. They are citizens and residents also of Canada.

Mr. BARTLETT. I want to ask you this question as to the policy: Why should pensions be paid to persons who prefer to live and reside as citizens under the jurisdiction of some other government, unless they reside there as a matter of health or business?

Mr. DAVENPORT. Do I understand you to ask why the Government should pay them pensions?

Mr. BARTLETT. Yes, sir. What do you think of the policy of the Government paying pensions to people who have abandoned their citizenship in this country?

Mr. DAVENPORT. That matter came up in Congress some years ago, and a bill was passed prohibiting payments to pensioners living abroad. That stopped it for a long time, until the law was repealed. That was agitated at one time, and I am sure the bill was passed.

Mr. BARTLETT. Was it repealed on the recommendation of the Pension Bureau, or what do you think about that policy?

Mr. DAVENPORT. No.

Mr. BARTLETT. What do you think of the present policy of paying pensions to persons who prefer not only to live abroad, but to be citizens of foreign Governments, unless they reside there under peculiar conditions or as a matter of health, or necessarily to conduct their business? That is the question I ask. What do you think of the policy of paying pensions to such persons?

Mr. DAVENPORT. Several years ago the question came up in regard to foreign pensions—what they were doing in the civilized countries abroad in the matter of pensions—and the U

Mr. MANN. Will the gentleman yield?

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. Will the gentleman from Georgia yield to my colleague?

Mr. BARTLETT. Yes; certainly; I yield to the gentleman from Illinois.

Mr. FOWLER. I only wanted to know if you elicited from the Commissioner of Pensions the number of foreign soldiers who were not disabled during their service in the war? Mr. BARTLETT. No; we did not.

Mr. MANN. If the gentleman has passed that point, may I ask him about another one?

Mr. BARTLETT. Yes. But I was going to say, if the gentleman from Illinois will permit me, that we have examined the pension laws referred to by the commissioner in this evidence, of other countries, and we find them almost, with very few exceptions, universal; and that when the pensioner abandons his allegiance to any one of those countries or becomes naturalized in and a citizen of another country the pension ceases; also, when he resides out of the country. This provision does not propose to take the pension away from any man who resides outside of the United States and still retains his allegiance of citizenship, or from anyone who has been pensioned for actual disability incurred in the service of the United States Government.

Mr. MANN. If the gentleman will pardon my asking him, I will say that I think I agree with the committee in all the pro-

visions they have reported in the bill-

Mr. BARTLETT. May I complete this statement? I find that the Argentine Republic, Belgium, Denmark, France, Great Britain, Greece, Peru, and Servia have a provision that the pension stops when the pensioner abandons his citizenship and goes away and renounces his allegiance to the Government.

Mr. TAYLOR of Colorado. I want to ask the gentleman if he has any statistics to show what number of these foreign sol-diers that are drawing pensions were 90-day men? What part of them ever did any actual service and what part of them

did not?

Mr. BARTLETT. We have not such information. We were not able to get it. So far as that is concerned, all we know is that we have 5,476 pensioners who reside abroad, and all those, with the exception of about 20, are not only residents abroad, but are citizens of foreign countries.

Mr. TAYLOR of Colorado. I have heard the statement that a good many foreigners enlisted during the war for 90 days and never smelled powder at all, but are drawing pensions.

Mr. BARTLETT. And not only enlisted for 90 days, but re-

ceived large bounties.

Mr. TAYLOR of Colorado: I wanted to know if you had the

Mr. BARTLETT. I have no official knowledge. I have seen that statement in magazine articles on the subject, by certain writers, but I would not say they were accurate.

Mr. FOSTER of Illinois. I would like to ask the gentleman a

question there.

Mr. BARTLETT. Certainly, sir.

Mr. FOSTER of Illinois. Some of these men may have drawn a small pension on account of injury received while in service. On account of the passage of other laws, which gave them a greater pension under an age law by the act of June 27, 1890if those people were drawing under that law-if this provision of your bill becomes a law-they can go back under the other

Mr. BARTLETT. If this becomes a law, no pensioner tem-porarily or permanently living abroad, who is a citizen of the United States, or who is not a citizen of the United States, will be deprived of his pension when he is pensioned for actual dis-

abilities incurred in the service.

Mr. FOSTER of Illinois. It would take a readjustment of those cases to determine whether he was entitled to a pension other than for disabilities incurred in the service.

Mr. MANN. I would like to ask the gentleman one question connection with this.

Mr. BARTLETT. I will be glad to answer it, if I can. Mr. MANN. I am not sure that my recollection is good, but it seems to me that I have heard it stated that during the Civil War the North was rather short of sailors and obtained a good many of them from Canada, and that a good many of these

pensioners are Canadians. Is the gentleman able to give us facts in regard to how many of them are of that nationality?

Mr. BARTLETT. I do not know anything about it, except the statement of the Commissioner of Pensions. He says that most of them are ex-sailors residing in Canada. He says that the great bulk of those in Canada are men who came here and enlisted in the Army. I think he meant the Navy.

Mr. MANN. I had not read the hearings when the gentleman read that statement.

Mr. BARTLETT. Does that answer the gentleman's question? Mr. MANN. Yes; but I wanted to ask the gentleman a question in regard to another matter, and that is in regard to the legislative provisions of the bill.

Mr. BARTLETT. Yes.

Mr. MANN. I notice that yesterday the gentleman from Georgia introduced a bill into the House containing legislation,

Mr. BARTLETT. I introduced it some time ago, but I made a report on it yesterday.

Mr. MANN. According to the RECORD, it seems to have been

introduced yesterday.

Mr. BARTLETT. I do not think there is any matter of controversy between me and the gentleman from Illinois. I introduced the bill in December, and yesterday I reported another one in lieu of the one I formerly introduced. I think I have stated the matter accurately.

Mr. MANN. I have no doubt of the gentleman's accuracy. will not ask the gentleman how he managed to get it referred to the Committee on Appropriations, but I will ask the gentleman what authority the Committee on Appropriations has to report a legislative bill? Under the rules where do they acquire

jurisdiction over legislation?

Mr. BARTLETT. The bill that was first introduced by me and referred to the Committee on Appropriations was a bill that was drafted to carry out certain recommendations and suggestions made in the report of the Commissioner of Pensions, which had its foundation in a provision carried in the pension appropriation bill last year, directing the Commissioner of Pensions to report to Congress upon the particular subject as to the propriety of changing the method of paying pensions. That was carried in the appropriation bill. The bill I introduced was drafted along those lines and was referred to the Committee on Appropriations.

Now, it may be true—and I will not enter into any discussion Now, it may be true—and I will not enter into any discussion of that or dispute with my friend on the subject—that if the suggestion had been made that the Committee on Appropriations should not have jurisdiction, and the jurisdiction had been called for by some other committee, and that question had been submitted to the House, or if the Committee on Appropriations, upon investigating that bill, had determined that they did not been invisible to any had reported it to the House and not have jurisdiction and had reported it to the House and asked to have it referred to some committee about whose jurisdiction there was no dispute, that would have settled the ques-

tion.

But the Committee on Appropriations, having had the bill referred to it, and no effort made to decline jurisdiction on the part of the Committee on Appropriations, to whom it was referred, or no other committee to whom it might be said it could properly have been referred having sought to obtain jurisdiction, the Committee on Appropriations having taken jurisdiction and having reported it, they had the right to do so and the question of jursidiction can not now be raised.

think I have correctly stated the rule.

I think the gentleman is correct, and I think Mr. MANN. it is now too late to make a point of order. The Committee on Appropriations have had the bill referred to it and have made a report upon it, and it is too late to question its jurisdiction now. But it has been repeatedly held by committees themselves that when they had no jurisdiction under the rules they would not assume jurisdiction. I will ask the gentleman whether, in his opinion, the Committee on Appropriations has jurisdiction to report a legislative bill under this rule? matters under the control of the Committee on Appropriations have to do with the appropriation of the revenue, and to nothing else.

Mr. BARTLETT. That relates to what shall be referred. As in a case of the Committee on Interstate and Foreign Commerce, as I recall, during my service on that committee when

the gentleman was its chairman-

Mr. MANN. I understand; but this is the first time when a committee of this House, knowing they have no jurisdiction over a subject matter, deliberately reported a bill affecting a matter over which they had no jurisdiction.

Mr. FITZGERALD. I think the gentleman is mistaken. In the appropriation act for the current year a provision was inserted directing the Commissioner of Pensions to report as to legislation providing for a new way of paying pensions. report was made, and a bill was introduced to carry into effect the recommendations contained therein. I assume that the Speaker had the same difficulty that I had, when I looked up the question as to whether the bill should properly have gone to the Committee on Appropriations, to ascertain what committee might properly have jurisdiction of it; and I assume it was sent to the Committee on Appropriations because it seemed to go there properly in connection with the reform desired. The committee having the bill there, and it having rested there for some time and no other committee of the House apparently having come to the conclusion that the jurisdiction of the matter belonged elsewhere

Mr. MANN. And not having any knowledge of the bill— Mr. BARTLETT. Oh, the bill was introduced before Christ-

Mr. FITZGERALD. They should have had knowledge of it. It is not an exceptional or an unusual occurrence under similar conditions, because that has been the practice of the Heuse during my service here.

Mr. MANN. If the gentleman will pardon me, I did not make the request for information for the purpose of criticizing the committee. That criticism has grown up only incidentally. I made it for the purpose of leading up to the question I now want to ask, and that is, whether the question of reporting a legislative bill on a subject matter over which the committee had no jurisdiction was for the purpose of keeping in the appropriation bill the legislative provisions in that bill under the Holman rule?

Mr. BARTLETT. No; but we are—
Mr. MANN. It looked to me that it would be very effective to that end, and I just wanted to get on to this new kink in

parliamentary practice. [Laughter.]

Mr. BARTLETT. I will say to my friend that I am very much gratified if he thinks we have gotten up something new in legislation. But we have reported it, believing that all these provisions are in this bill legitimately. We can not foretell what will be done.

Mr. MANN. I wish to assure the gentleman that I am not opposed, as far as I know, to any of the provisions in either

of the bills.

Mr. BARTLETT. I am glad it meets with the gentleman's

Mr. FOSTER of Illinois. Mr. Chairman, may I ask the gentleman one more question?

Mr. BARTLETT. Certainly. Mr. FOSTER of Illinois. This section of the bill gives to the Commissioner of Pensions the right to devise such means as he thinks best for paying pensions, without sending out vouchers to be returned to the pension agents.

Mr. BARTLETT. Yes. I have not come to that exactly,

but go ahead

Mr. FOSTER of Illinois. That scheme has been worked out by the commissioner, has it?

Mr. BARTLETT. Yes. If the gentleman will turn to the

Pension Commissioner's report he will find that.

Mr. FOSTER of Illinois. Yes; I remember that; and under the provisions of the bill the Commissioner of Pensions will be able to pay all these pensions without the necessity of any pension agencies?

Mr. BARTLETT. Yes; with only one agency. Mr. FOSTER of Illinois. I am glad the gentleman has in-

cluded that provision.

Mr. BARTLETT. Now, Mr. Chairman, having disposed of that, the next provision of the bill is that from and after the 1st day of July, 1912, there shall be only one agent for the payment of peusions, to be appointed in the manner now provided by the law, who shall receive a salary at the rate of \$4,000 per annum; and section 4780 of the Revised Statutes of the United States, authorizing the appointment of agents for the payment of pensions, is repealed.

According to the evidence before the committee, there are 18 pension agencies situated in various places in the United The salaries of these agents amount to \$72,000. The expenditure for clerk hire-there being some 350 clerks in these various pension agencies—amounts to \$384,705.15. rent is \$4,500. This provision is that after July 1 there shall be only 1 pension agent instead of the 18, which dispenses, of course, with the salaries of 17; and it provides for the transfer and removal of the property, furniture, and papers from these agencies thus abolished to Washington and carries the amount necessary to accomplish that purpose.

This question has been before Congress several times, but it has been simply in the way of providing for the payment of one pension agent. This provides for the abolition of 17 agencies, and we think under the rules of the House as they

are now in force we have a right to do that.

We propose, then, to authorize the payment of pensions in a different way from that now in operation. According to the report, there are now issued about 4,000,000 vouchers which have to be sent out, signed, and returned, and then the checks are sent. These vouchers have to be acknowledged before a notary public. The pensioner has to execute the vouchers before a notary public or other officer authorized to administer oaths, for which he necessarily incurs an expense. This bill proposes to adopt what we think are up-to-date methods with reference to the payment of pensions, just as they have been adopted in the great commercial, manufacturing, and industrial corporations of the United States. The Pennsylvania Railroad Co., the United States Steel Corporation, and other great corporations with hundreds of thousands of employees and countless

transactions have dispensed with the old system of having a voucher come in, to be followed by a check, and our effort is simply to put into operation in the Pension Office the same business methods of paying pensions, guarding the interests and safety of the United States as well as of the pensioner, just as the modern business methods of to-day have been inaugurated and are being followed by these business corporations employ-ing a great number of men. That is done in pursuance of an act

of Congress from which I will read an extract.

In the pension appropriation bill for the year ending June

30, 1912, is found this provision:

The Commissioner of Pensions is directed to formulate and embrace in his next annual report a simplified plan for the payment of pensions whereby all preliminary vouchers shall be abolished and the only vouchers required shall be attached to or a part of the payment checks, and the commissioner shall further report what, if any, changes in the law are necessary to carry such plan into effect.

The Commissioner of Pensions and others competent to do so took that matter under consideration, and after investigation made their report, which is contained on pages 18 to 27, in-

clusive, of the commissioner's report.

The Commissioner of Pensions and Dr. Thompson, who has been pension agent and is familiar with the payment of pensions, were before the committee and gave evidence in which they say this will be a great improvement in the payment of pensions, and will be a saving to the Government and to the ensioner. Now I will yield to the gentleman from Kansas.

Mr. YOUNG of Kansas. I understand it is proposed that the

department shall issue checks or drafts direct to the pensioner

and send them to the pensioner through the mails.

Mr. BARTLETT. Yes.

Mr. YOUNG of Kansas. What identification will be required

by the department?

Mr. BARTLETT. The purpose is to send the check with the pensioner's name in it every quarter, calling for the amount that is due him, signed by the pension agent authorized to sign it. On the back of it is to be a statement that it must be signed by the person to whom it is payable, that he is to be identified by two witnesses, not necessarily a notary public or an officer authorized by law to authenticate signatures or administer oaths, but any person who knows him to be the identical person.

Mr. YOUNG of Kansas. The only thing that would make it cheaper, or in which there would be a saving, is that you do not require the acknowledgment before some notary public.

Mr. BARTLETT. That is one thing. For instance, the check is sent to some one in the gentleman's district and delivered by the mail carrier or the delivery clerk to the pensioner. He can take it to the bank or a merchant, and their indorsement underneath his name certifying that the proper indorsement was made in their presence by the payee, who is the identical person named therein, the check would be paid by the bank or taken by the merchant. The merchant ordinarily knows everyone in his neighborhood.

Mr. YOUNG of Kansas. Under this bill there is no less work than under the former procedure, except that it does not require

the certificate of a notary public?

Mr. BARTLETT. Oh, yes; there is much less than under the present law. Under the present law the pensioner must the present law. get his voucher signed in the presence of a notary public, return that voucher to the pension agent, and then his check is forwarded and he has to have that check indorsed and certi-

fled to.

Mr. YOUNG of Kansas. Would this economize the time in which the pensioner could secure the actual payment of his

check?

Mr. BARTLETT. I do not know as it would economize time, because he is paid every quarter, but it would economize the trouble of getting the voucher executed, and the trouble and expense of hunting up an officer.

Mr. YOUNG of Kansas. The pension is due the first of each parter. Now, from the time the pension is due, does this method shorten the time in which the pensioner will receive the

money over the old procedure?

It ought to. For instance, the pensioner Mr. BARTLETT. receives a check on the 1st of October. Under the present law he has to sign a voucher in the presence of an officer or notary public, return it to the pension agent, and then he gets his check, which he likewise has to indorse and have identified in order to get the money from the bank.

Mr. HAMILTON of West Virginia. And all that has to be

done after the 4th of the month?

Mr. BARTLETT. Yes; this requires that the Pension Office shall inaugurate a system of sending the check directly to the pensioner through the mail, to be delivered by the postmaster, the rural letter carrier, or the city carrier, and then by his

indorsement thereon, authenticated by two persons, he gets his

money. That is all that is required.

Mr. YOUNG of Kansas. I want to say that, so far as the method of paying the pensioner by check is concerned, it seems to me a good method providing it does not lengthen the time from the time the pension becomes due for that quarter to the actual time that the pensioner gets the money on his check.

Mr. BARTLETT. It seems to me it would lessen the time,

because now you have to take two chances through the mail, one with the voucher and one with the check. It seems to me that it shortens the time in which he would get his money.

Mr. HAMILTON of West Virginia. It would make a differ-

ence of 11 days

Mr. BARTLETT. The gentleman from West Virginia says

would make a difference of 11 days.

Mr. HAMILTON of West Virginia. They get their vouchers, and on the 4th day of the month they are executed and sent in to the different bureaus, and then the check is returned, so that practically the pensioner gets his actual pay about the 15th of the month. Under this proposed provision he will get it on the 4th of the month.

Will the gentleman yield? Mr. FOSTER of Illinois.

Mr. BARTLETT, Certainly.
Mr. FOSTER of Illinois. The intention is that he shall be

paid his pension with a check directly?

Mr. BARTLETT. He gets paid by check, and never has to sign a voucher. The voucher is on the back of the check.

Mr. FOSTER of Illinois. So he gets it practically on the

day that it becomes due?

Mr. BARTLETT. Yes; and has nothing else to do beyond signing the check in the presence of these two witnesses.

ends the payment.

Mr. Chairman, it is well to say that the postmasters and the delivery clerks and the carriers and all other postal employees can not deliver these letters addressed to the pensioner if the pensioner has removed, or, in the case of a widow, if she is believed to have been remarried, or if the pensioner is dead. It is incumbent upon the postmaster and the postal authorities to return the check to the Pension Office here upon ascertaining that any one of those three contingencies has happened. It is the purpose of the Pension Commissioner, and it is so required in this act, to have printed upon the back of the envelope instructions to all mail employees, letter carriers, and so forth, that if any one of the contingencies mentioned shall happen the letter shall be at once returned to the Pension Office. Some inquiry was made with reference to what would be done if the pensioner changed his address-how he would get his pension. There is no change in that from what is now done by the Pension Office.

If a letter is returned containing a pension voucher and a check because of the fact that the pensioner's address is not known, or if he has removed, it is held in the Pension Office until he is heard from. It is the purpose of the Pension Commissioner, if this manner of paying pensions is changed, to notify each pensioner when he receives the last quarterly payment under the present law of the requirements of this proposed law, and to request him in the event that he changes his address before the next quarter to let the Pension Office know, so that the pension, if this bill shall become a law, may be paid promptly under the provisions of the law. No delay will be occasioned by reason of it to those who may be entitled to receive a pension.
Mr. McKENZIE.

Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. McKENZIE. In order to carry out this system of making these payments, does the gentleman think it would be advisable or at all necessary to abolish the various pension agencies throughout the country; could they not be maintained?

Mr. BARTLETT. It is not necessary to do it; but they would be useless to carry out either the present or the proposed law, because the evidence before the committee, given by the Commissioner of Pensions, is that under this law, and probably under the present law, one agency here would answer all the requirements of the present or the proposed law, and hereafter pay the pensioners as well as they are paid under present conditions. If this proposed provision of the bill becomes a law, it necessarily prevents duplication, the sending out of vouchers, and clerks to send them out. We will need but one pension agency.

Mr. McKENZIE. I think what the gentleman has said in regard to this system of paying pensions is well said. I think a great improvement may be made along that line, but it seems to me that with the pension agencies in the various parts of the country the payment of pensions can be handled a great deal better and more expeditiously than by having one central office here

Mr. BARTLETT. We think the United States Government can manage this business of paying the pensions in the same efficleat way that the affairs of large corporations, which have a greater number of payments to make, are handled. These pension agencies are now maintained at Augusta, Me., Boston, Buffalo, Chicago, Columbus, Concord, Des Moines, Detroit, Indianapolis, Knoxville, Louisville, Milwaukee, New York, Philadelphia, Pittsburgh, San Francisco, Topeka, and Washington.

Mr. PEPPER. 'Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. PEPPER. How many employees are there in these 18

Mr. PEPPER. How many employees are there in these 18 agencies?

Mr. BARTLETT. Not considering the agents, I think about

Mr. PEPPER. Is it contemplated that the force here in

Washington will be increased in any respect?

Mr. BARTLETT. This bill does not provide that any of the employees in the agencies shall be dispensed with. According to a statement made by the Commissioner of Pensions, the force here, together with those who are now employed in pension agencies, will be able to promptly and efficiently carry out

Mr. PEPPER. Are these employees of the various agencies

under civil service?

Mr. BARTLETT. They are.

Mr. PEPPER. What is proposed to be done with them?

Mr. BARTLETT. We have not proposed to do anything with them in this bill.

Mr. PEPPER. What will be the effect of the passage of this

bill with reference to them?

Mr. BARTLETT. So many as are necessary here in Washington, I presume, will be transferred here. The commissioner

Mr. PEPPER. That is the point. If this bill passes, will the commissioner have the authority to transfer all those em-

ployees to Washington?

Mr. BARTLETT. If necessary, yes; or they can be transferred to some other department of the Government. Under the civil-service law they can be transferred and are entitled to be transferred to any other department of the Government or division of the Department of the Interior.

Mr. PEPPER. I would like to know what the commissioner himself said with reference to that proposition, as to what extent here the force will have to be increased by reason of the

concentration of the work here.

Mr. BARTLETT. The existing force here would not have

to be increased at all.

Mr. HAMILTON of West Virginia. They work the whole

Mr. RUSSELL. May I ask the gentleman what estimate he makes of the saving which would be effected by this change in abolishing the agencies?

Mr. BARTLETT. We save the salary of 17 agents who get

\$4,000 a year, which is \$68,000.

Mr. RUSSELL. That is estimated to be the saving?
Mr. BARTLETT. Then clerks and office rent, and so forth, it will be over \$100,000. We do not appropriate for rent of offices. We have to rent an office in New York at \$4,500, and we strike out the provision for the rent of office in New York.

Mr. McKENZIE. Then the purpose in abolishing these values of the provision of the rent of the purpose in abolishing these values.

rious pension agencies is on the ground of economy rather than

efficiency?

Mr. BARTLETT. It is on the ground of economy and dispenses with these agencies which are not necessary to properly pay these pensions, and this system we inaugurate, which we hope to carry through, will enable the Pension Office here, with one pension agent, to pay more promptly and more satisfactorily to the pensioners and to the Government, saving expenses and work and labor to the Government, than the present system with the 18 agencies-

Mr. RUSSELL rose.

Mr. BARTLETT (continuing). And it will dispense with practically the handling of 4,000,000 pieces of mail, because there are 4,000,000 vouchers each year which have to be prepared, signed, and mailed.

Mr. RUSSELL. And it will accomplish that with no lessen-

ing of efficiency at all?

Mr. BARTLETT. We think it will increase the efficiency.

Mr. RUSSELL. Will make it more efficient and better service?

Mr. BARTLETT. And quicker. Mr. RUSSELL. With less delay and less expense? Mr. BARTLETT. We think so.

Mr. RUSSELL. It will save the pensioners' notary fees. Mr. BARTLETT. And with equal safety to the Government, because a man when he goes to receive a pension has to have the indorsement of some one he knows, a merchant or clerk or banker, and he gets the money right there, without having to make a return of a voucher and wait for the pension check.

Mr. AUSTIN. I would like to ask the gentleman a question.

Mr. BARTLETT. With pleasure.

Mr. AUSTIN. This bill in the first paragraph carries an appropriation of \$152,000,000 to pay Army and Navy pensions.

Mr. BARTLETT Yes

Mr. BARTLETT. Yes.

Mr. AUSTIN. Now, the report shows the amount of pensions paid to pensioners located in the various States of the Union is \$156,301,131.53.

Mr. BARTLETT. What page? Mr. AUSTIN. Page 6. This report shows, on page 6-Mr. BARTLETT. You mean the committee's report?

Mr. AUSTIN. Yes; on page 6, Exhibit 6, it shows that there is \$156,301,131.53 paid to pensioners in the various States in the Union, \$37,499.52 to pensioners in the insular possessions of the United States, and \$978,471.98 to pensioners of the United States scattered in various foreign countries, making a total of \$157,325,160.35. Now, that amount is greater than the amount carried in the bill. Why is that discrepancy in the bill and in the report? In the bill it is \$152,000,000, and your report shows \$157,000,000. There is a difference of \$5,000,000. Mr. HAMILTON of West Virginia. That is \$152,000,000, but the administrative expresses are in addition.

the administrative expenses are in addition.

Mr. BARTLETT. The bill also carries something in addition

to that for agents.

Mr. AUSTIN. But this Exhibit 6, on page 6, gives the number of pensioners in the States and the total amount of pensions they draw, the number of pensioners in the insular possessions and the total amount they draw, and then the total number of pensioners scattered in the various foreign countries and the total amount of pensions that they draw, and that footed up amounts to \$157,323,103.03; and the first provision of the bill carries an appropriation of

Mr. BARTLETT. This bill carries every dollar that the Pension Commissioner asked for, and also carries the other sums for the administrative part of the bureau. It carries

\$152,000,000 of pensions for the Army and Navy.

Mr. RUSSELL. Those were the pensions that were paid and are not proposed to be paid by this bill.

Mr. AUSTIN. As I say, this exhibit shows the number of pensioners in each State, and the total amount foots up \$157,-000,000.

Mr. RUSSELL. Those are the pensions that were paid for the last fiscal year.

Mr. BARTLETT. Those are the figures for 1911 that you are reading from. This is the appropriation for the next year.

Mr. AUSTIN. Then the appropriation for the coming year is \$5,000,000 less than for last year?

Mr. BARTLETT. There were over 35,000 pensioners who

died last year. Mr. AUSTIN. Then you are carrying appropriations for all

who are on the pension rolls now? Mr. BARTLETT. Yes. The bill takes into consideration all that the United States Commissioner asks us to provide for.

Mr. YOUNG of Kansas. Again referring to the matter of forwarding these checks, I notice that section 4 of the bill puts a very great discretion in the hands of the postmasters, delivery clerks, letter carriers, and all other postal employees by prohibiting them from delivering such mail to any person whomsoever if the addressee has died or removed, or, in case of a widow, believed by the postal employees intrusted with the delivery of such mail to have remarried. In the case of both, I suppose that is certain; but is it to be left to all of these employees to decide, when a soldier who may be temporarily absent or may have gone from the community without notifying the postmaster, that his checks shall not be delivered?

Mr. BARTLETT. How can they be delivered if he has gone

away from the post office? Mr. YOUNG of Kansas. Mr. YOUNG of Kansas. They may be delivered simply to some representative who lives in that community to be for-

Mr. BARTLETT. This does not contemplate a temporary absence. It contemplates when a pensioner has removed, in the well-defined and accepted legal meaning.

Mr. YOUNG of Kansas. I have in mind in my country a number of old soldiers who go to Florida every winter.

Mr. BARTLETT. It is a good place for them to go to. Mr. CLARK of Florida. It is the best place on earth for anybody to go to.

Mr. YOUNG of Kansas. And possibly may not have notified the post-office employee.

Mr. BARTLETT. Of course I meant in the wintertime, not

in the summer.

Mr. YOUNG of Kansas. It is not very good there in the summer. Under the old system that voucher would be forwarded to the soldier, but under this, the way the law now stands, the postmaster would be compelled to return it to the department, and it would make a great deal of delay and annoyance to the soldier.

Mr. BARTLETT. I do not think so. This does not con-

template a mere temporary absence.

Mr. YOUNG of Kansas. In other words, in the judgment of the chairman of the committee, what is the necessity for having that requirement in this section of the bill, putting such discretion into the hands of even these rural letter carriers?

Mr. BARTLETT. If a man dies, he does not deliver the

letter to him.

Mr. YOUNG of Kansas. Then it would take the same course

as any other mail.

Mr. FITZGERALD. Let me suggest to the gentleman that the first mail carries a check. Under the other system it carried a voucher, and that would come back and then the check The Commissioner of Pensions, after an exwould go out. haustive investigation, reported that this is the best method by which to protect the Government and to cause the least inconvenience to the pensioners.

Mr. YOUNG of Kansas. In the case of a widow here, if they believe that she is remarried—it does not say if she is remarried-but if they believe she is remarried, the check must be

Mr. BARTLETT. What is the difference from that and the present system? If a piece of mail is a voucher, and not delivered to the person to whom it is addressed, the mail carrier would not deliver it to a person who was not entitled to receive it. It would come back if not called for in so many days, as directed by the return clause on the Government envelope, and if it gets back here it stays, under the present system, until the pensioner informs the Pension Office or agent of the fact that he has changed his residence.

Mr. YOUNG of Kansas. Under section 4 of this bill, if it becomes a law, instead of the letter being forwarded containing the check to where the soldier is located, it must be returned absolutely to the Pension Department here in Washington.

Mr. BARTLETT. That is what happens now.
Mr. YOUNG of Kansas. Then it would withhold the pension, even on the suspicion that she may have been remarried, without any evidence.

Mr. FITZGERALD. Does the gentleman state that it is on

somebody's suspicion?

Mr. YOUNG of Kansas. On their opinion.

Mr. FITZGERALD. The language states it exactly. The gentleman should not substitute for it that which comes into

Mr. BARTLETT. He must give the reason for returning it. Mr. YOUNG of Kansas. The gentleman can define the difference between "belief" and "opinion" as to this matter.

I simply call attention to that for the purpose of indicating the great amount of discretion that is vested in these rural route carriers and postmasters, and the great annoyances and delays that might ensue.

Mr. FITZGERALD. Let me put it this way to the gentle-

Mr. YOUNG of Kansas. Let me ask this question of the chairman; just a moment: What is the necessity of having that provision in this law?

Mr. BARTLETT. Because if a person is dead and the letter comes back there would be nobody to indorse the check.

Mr. YOUNG of Kansas. Why not let that mail take its

course the same as other mail?

Mr. BARTLETT. This provision is intended to protect the Government from fraud. Otherwise somebody might get the check and indorse it, forge it, and then you would have to institute a prosecution for forgery.

Mr. FITZGERALD. Is the gentleman from Kansas familiar with the post-office regulations as to the forwarding of mail?

Mr. YOUNG of Kansas. The letter would lie there so long, and then be forwarded.

Mr. FITZGERALD. Does the gentleman know what the regulations are controlling the return of mail, if a person has moved and is not found and the mail can not be delivered?

Mr. YOUNG of Kansas. If it is not called for within 30

days, it has to be returned.

Mr. FITZGERALD. The gentleman states that this will cause great inconvenience and annoyance. Upon what does he base that statement?

Mr. YOUNG of Kansas. Upon this, that it is left to the discretion of the rural-route carrier and the mail man to return it at once, without holding it. If he believes that the parties have removed, then the proposed provision would compel him to return it at once, while, on the other hand, it may be forwarded, under the instructions left at the post office by the addressee, to the post office of the addressee.

Mr. FITZGERALD. There are certain classes of mail with

which that can not be done.

Mr. YOUNG of Kansas. This is first-class mail.

Mr. FITZGERALD. I know it is first-class mail, and it will contain a check for the payment of money, of which it is necessary to keep some accurate track. This matter has been carefully investigated by those who are paying very nearly 1,000,000 pensioners a year, and who have been for some time sending out and returning over 4,000,000 pieces of mail; and they believe that this particular method is the one that would cause the least inconvenience to the beneficiaries of the pension laws and would best safeguard the Government. The gentleman simply says, in his opinion, that-

Mr. YOUNG of Kansas. What I would like to have the gentleman from New York explain is, Why is it necessary to put this class of mail under a different rule from that of other ordi-

nary first-class mail?

Mr. FITZGERALD. For the simple reason that if a pensioner has changed his address, if his pension check does not come promptly, he will at once communicate with the pension agent; and if it can not be delivered to him promptly, it should be returned as speedily as possible to the pension agent, so that

it can be sent to him at once, wherever he may be.

Mr. RUSSELL. It will be less liable to loss by that method?

Mr. FITZGERALD. Yes. It is in the interest of the pen-

Mr. BARTLETT. And it is not only in the interest of the pensioners, but it is a protection to the Government.

I said something, Mr. Chairman, about these pension agents. I desire to call attention to the fact that the present 18 pension agencies are not divided or established with regard to any geographical division or any division of work or on the basis of the number of pensioners that are paid by them. For instance, at Augusta, Me., 15,000 pensioners are paid, and the agent there gets \$4,000. The agent at Topeka, Kans., pays 105,175 pensioners. The State of New York has two pension agencies, one at Buffalo and one at New York City. There is one agency at Knoxville, Tenn., and one at Louisville, Ky.

Mr. KENDALL. And there are two in Pennsylvania, are

there not?

Mr. BARTLETT. Yes; one in Pittsburgh and one in Philadelphia. From this it is evident, Mr. Chairman, that these pension agencies have been established, not so much with a view to facilitating the business of the agents or for geographical reasons or in proportion to the number of pensioners paid by these agencies, but rather, as it appears, they have been established through favoritism to certain particular localities.

Now, all other pension payments, including those paid to pensioners residing in foreign countries, amounting to \$1,000,000, are made here from Washington, and the pensioners who receive their payments from Washington are scattered all over the world from Algeria to Wales, and there is no complaint. Therefore, in making this recommendation, the committee not only think, if they succeed in having it enacted into law, that it is a measure that will produce substantial economy, but they think also that it will in no way interfere with the efficient discharge of the duties of the Pension Office or in any way hamper or hinder the prompt delivery to the pensioners of the pensions that they receive. It saves about \$200,000 a year.

Now, it might be proper for me to state here that some suggestion was made that the law might interfere with the payment of pensions to soldiers at soldiers' homes. I refer to national soldiers' homes and not to State soldiers' homes. We inquired into this matter. Under the present law (Stat. L., vol. 21, p. 350) pensioners who are inmates of national soldiers' homes are paid by the treasurers of the homes. The amount in gross or in a lump sum is sent to the treasurer of each soldiers' home, and the inmates of that home are paid under the direction of the trustees of the home in such a manner as the trustees shall provide.

In other words, the pensioners at the national soldiers' homes do not individually receipt for their pensions, nor do they receive them each quarter in the same way that a pensioner does who is not in a soldiers' home. The number of pensioners in the home is certified by the treasurer of the home, and the total amount is sent by the Pension Office and paid to the individual pensioners under certain rules and regulations prescribed by

the trustees of the home. This bill in no way interfers with that, and if when the bill is considered under the five-minute rule it is deemed necessary to amend it in any way in order to continue the present law, we will propose such an amend-ment, because we think that is the proper way to pay these men in the soldiers' homes; in other words, that under this new system they shall be paid just as they are now; and it is the purpose of the Pension Bureau and its officials, if this becomes a law, to carry out the present system of payment to the pensioners in the soldiers' homes. There is no intention to change it.

Now, Mr. Chairman, I have explained the new provisions of this bill which are legislative in their character, and unless some other gentleman desires to ask a question, I have nothing

further to say at this time.

Mr. ASHBROOK. I understand the abolition of these pension agencies has been recommended by the Secretary of the

Interior and the Commissioner of Pensions.

Mr. BARTLETT. Both have done so. The Commissioner of Pensions has been before us, and he approves of their abolition, and says that it will not in the least interfere with the administration of the Pension Bureau; that they can as promptly pay these pensions as they do now.

Mr. ASHBROOK. Is it not a fact that this House has for several Congresses voted to abolish these various pension agen-

cies throughout the country?

Mr. BARTLETT. We have voted to abolish all but one, but the abolition of them does not repeal the statute, and under the former rules of the House, under which these bills were reported and acted upon, you could not repeal an existing law

even though it reduced expenses.

The only thing the House was able to do heretofore was not to appropriate for the salaries of these other 17 agents. That left the office and the officer without an appropriation for his salary, and it might, and doubtless would, have left the United States liable for the salaries. But under the rules of the present Congress, as we hope they will be administered, when this bill comes to be considered under the five-minute rule, we believe it to be perfectly legitimate to repeal the statute which establishes these 18 agencies.

Mr. ASHBROOK. If this bill passes the House and goes to the other end of the Capitol, and these pension agencies are there restored, do I understand that the conferees on the part of the House will insist that the bill as it passed the House shall become a law, or will they consent to a restoration of

these agencies?

Mr. BARTLETT. I can only speak for myself. If I should happen to be a member of the conference committee, I shall endeavor, representing the House, to obey the wishes of the House, or else resign the position of conferee.

I would not be a conferee if I could not represent the wishes of the House, and the moment I could not do so I should surrender the appointment. The gentleman may rest assured that, speaking for myself-and I think I can speak for others-if the House passes this bill with these provisions in it, I will not recede unless the House votes to recede. That is my position, so far as I am concerned.

Mr. ASHBROOK. The conferees and not the House have receded heretofore, have they not?

Mr. BARTLETT. I do not know. I can not undertake to say.
Mr. ASHBROOK. I think that is the fact.
Mr. BARTLETT. If the House should pass this bill and submit it to conference, I should not agree to recede without instructions from the House itself to do so, because I think whoever acts in a representative capacity and knows the will of the constituency that appoints him to the office he holds, whether that position is that of conferee or other office, if he can not carry out the wishes of the elective or appointing power he ought to permit some one else to take his place.

Now, unless there is some other question, I reserve the bal-

ance of my time.

Mr. BINGHAM. Mr. Chairman, I yield to the gentleman

from Connecticut [Mr. HILL] such time as he desires.

Mr. HILL. Mr. Chairman and gentlemen, if I had had an opportunity yesterday to reply to the remarks of the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. Underwood], the leader of the House, I should probably have taken but very little time. The circumstances are such now that I shall be compelled to take more, and to trespass somewhat upon the generosity of the House, although I recognize that that is not a wise thing to do generally.

The gentleman from Alabama yesterday made this statement:

In this schedule, as has been stated before, are sewing machines—sewing machines which the uncontested testimony shows are being sold to the poor people of this country and to the rich and poor alike, from \$23 to \$45 apiece, and yet are being laid down, freight paid, in the Orient for \$8.75.

I am not prepared to demonstrate the mistake in that proposition at the present time. I have written to the Singer Sewing Machine Co., saying that this statement has been made, and asking them for the actual facts, and shall give them to the House when I get them, for I asked permission to quote them.

I do know this, that the home of the sewing machine was in the city of Bridgeport, Conn. It was first invented by Elias Howe, jr., and the immense factory which was built by him and in which he manufactured for years I think is now used by a silk manufacturing concern. Subsequent to that the Wheeler & Wilson Co., manufacturers of sewing machines, was started in Bridgeport, and was later bought out by the Singer Manufacturing Co., and that industry of making sewing machines has largely been transferred elsewhere. That factory now is principally devoted to making wooden-cabinet cases, although some sewing machines are made there still.

The gentleman from Pennsylvania [Mr. PALMER] made the remark "America beats the world in the manufacture of sewing

machines.'

I am glad if it is true, and if it is true it has come about under the magnificent policy of protection which the Republican Party has stood for through all these years. [Applause on the Republican side.] And now they make an attack upon that, and in such a way that the inevitable result will be that they will destroy that industry in this country and transfer it to

the other side of the ocean.

In 1897 I had the privilege of visiting the city of Glasgow. Scotland. I saw there the Singer sewing machine factory then employing 5,000 people. This very hour while I am talking to you 12,000 men are working in the Singer sewing machine factory in the city of Glasgow, Scotland. Why should they double their plant there if they can make them cheaper here? Now to tell me that a machine that sells in this country for from \$23 to \$35 is made in the United States and shipped to the Orient and sold there at \$8.75, when for some reason or other, you can judge for yourselves what it is, the same concern is employing 12,000 people to-day in making sewing machines in Scotland and in another large factory in Germany is absurd. They would be fools if they did not ship those sewing machines to the Orient from those countries where they can make them cheaper than here. Perhaps that is a hard word to use, but I use it without hesitation. I know they would do just exactly what you and I would do.

Will the gentleman yield? Mr. FITZGERALD.

Mr. HILL. Certainly.
Mr. FITZGERALD. Is that the only reason the gentleman disbelieves the statement as to the price at which these machines are sold?

Mr. HILL. I did not say that I do not believe it, I say I can not deny it, but I have written to the company for the facts.

FITZGERALD. The gentleman does not expect that they will admit it?

Mr. HILL. I do if it true, for they are gentlemen of integrity and honor. I have known them for years, and they are thoroughly reliable and trustworthy.

Mr. FITZGERALD. Will the gentleman write and ask them why they increased their capital from \$10,000,000 to \$30,000,000 and distributed it as stock dividends?

Mr. HILL. I do not know anything about that, and therefore can not discuss it.

Mr. FITZGERALD. I discussed it and placed the facts in the RECORD.

Mr. HILL. Now, Mr. Chairman, I have received a letter from a gentleman whose name I do not hesitate to quote, an honored Republican for years, H. R. Parrott, of Bridgeport, Conn. The letter in part reads as follows:

I note by the papers that the Ways and Means Committee propose, among other items, to put sewing machines on the free list. Talking with the managers of the Singer Sewing Machine Co., who also own the Wheeler & Wilson, I was told they had factories in Scotland and Germany; that to run the same machines that are used here to make the parts that they pay here \$3.50 per day, in Scotland they pay \$1.75 per day, in Germany they pay \$1.50. As the sewing machine is 90 per cent labor, this great saving of labor would enable them to import the parts and simply assemble them here.

I have said that over and over again in this House, and it falls upon deaf ears. If you gentlemen on the other side of the Chamber desire to transfer these industries to Europe, where they can get cheaper labor, all you have to do is to do the very thing that you now propose-to let those people bring in the finished or unfinished parts free and simply make as-sembly shops of the United States factories. It will come, surely and speedily. So much for the sewing-machine part The gentleman from Pennsylvania, Mr. Palmer—and I do not see him here, although I sent word to him that I was going to use his name in this connection, a thing which he did not have the courtesy to say to me yesterday, although he had the opportunity—together with the leader of the Democratic Party, on the other side of the House, on yesterday declined to allow me to reply to the gentleman from Pennsylvania at that time in regard to a matter which he brought up and, in violation of the rules, closed proceedings under the five-minute rule. I shall therefore have to ignore the fact of his not being here He did at that time what I have never seen done before in this House. He took a copy of the personal correspondence of a Member of the House and read it publicly in the Chamber without the knowledge or consent of that Member. simply a matter of taste. Mark you, gentlemen, I do not say good taste. I say it is simply a matter of taste. I would not have done it, I think. I do not think the gentleman who stands before me, the gentleman from New York [Mr. FITZGERALD], would have done it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HILL. Certainly. Mr. FITZGERALD. The gentleman from Pennsylvania is not present.

Mr. HILL. I sent for him.

Mr. FITZGERALD. I understood, from the way the letter was read, that it had been sent to him by the person who communicated with the gentleman from Connecticut [Mr. HILL].

Mr. HILL. It was a copy of a personal letter to me. I now hold that letter in my hand. The gentleman from Pennsylvania [Mr. Palmer] saw fit to read it on yesterday. Anyone who reads it in the Record would see that the gentleman who wrote it had two grievances—first, that he had to pay a duty Mr. FITZGERALD. Two duties.

Mr. HILL. And, second, because notwithstanding he had de-clared the piece of cloth among his personal effects, he was nevertheless not allowed to have it treated as a part of his personal effects, but was compelled to pay duty upon it. He ought to have paid the duty. It was a piece of cloth. It was merchandise; it was not within the provisions of the law. If it had been made up into clothing and worn, it could have come in under the hundred-dollar exemption, but it does not lie in the mouth of the gentleman from Pennsylvania [Mr. Palmer] or the gentleman who wrote the letter, the gentleman from Stratford, Conn., to make any criticism of the Republican Party.
Mr. MANN. Will the gentleman yield?
Mr. HILL. Certainly.

Mr. MANN. When the free-list bill was up at the special session of Congress I offered an amendment to provide that the hundred-dollar exemption might include \$100 worth of anything, including merchandise, and the Democratic side of the House threw that amendment in the wastebasket. [Applause on the Republican side.]

Mr. HILL. For the information of Members I desire to

call attention to a singular fact in regard to this matter, because I think there are very few things in the tariff law which are criticized more than this feature of the customs law

WARBURTON. Mr. Chairman, will the gentleman Mr. yield?

Mr. HILL. Certainly.

Mr. WARBURTON. In reference to sewing machines, as I remember it, we shipped, I think, did we not, more sewing machines abroad in 1910 and the preceding year-a much larger

amount-than Great Britain?

Mr. HILL. I do not doubt it. I do not know. I know this, that when you are talking about sewing machines you do not cover only machines that are made and sold for from \$23 to \$45. There is made in the city of Bridgeport to-day a machine that goes all over the world, a little hand machine that sells for from \$5 to \$6 and \$8. It has no table; it is fastened onto another table with a thumbscrew. When you talk about sewing machines you ought to get down to facts and give us definitely what it is that you are referring to. I was in Canada last year during the session, and I walked through the streets of a city the name of which I do not remember-it is right opposite Port Huron.

A Member. Sarnia? Mr. HILL. No; just below that. We went down on an excursion. It is where they have a large sugar-beet factory. was walking through the streets and I came to a sewing-machine store. I went in and I said, "What kind of sewing machines do you sell?" He answered, "Singer." Said I, "What do you sell them for?" And he replied, "Thirty-five dollars." That was in Canada. They were made in Canada, at St. Johnsbury, where the Singer Sewing Machine Co. has an enormous factory.

Why did they build that factory there if they could make them cheaper here and send them over there? They have to pay higher wages in Canada for that work than here. Why did they do it if they can send them over there, freight paid, for a full-grown sewing machine, with a table, with a leather belt

Mr. REDFIELD. I would like to ask the gentleman from Connecticut why it is, if they can make sewing machines so much more cheaply over there than here, that I personally took orders in Germany for sewing-machine parts more than once made in New York City, shipped there, and which were sold at full American prices, but were so much cheaper than the German price that it paid to transport them and pay the tariff and transportation charges. [Applause on the Democratic side.]

Mr. HILL. That, I frankly say to the gentleman, I do not know, but I propose to find out; but I will answer the gentleman this way—that his proposition, submitted with eloquent diction, with magnificent force here at the last session of Congress, as to the efficiency and as to the cheapness of American labor has been absolutely destroyed and overthrown by the Tariff Board in the report on efficiency of textile machinery and textile labor which they have just made. [Applause on the Republican side.] And I will tell him more than that concerning the plan to put machine tools on the free list, for which he voted yesterday, that I received yesterday a telegram from the Billings & Spencer Co., of Hartford, whom he can tell you are leaders in the industry in which he is engaged, protesting against the passage of the law and saying that it would compel a reorganization of the wage system in the United States, so I give him his own authority in absolute contradiction of the statement which he has made on the floor of this House. [Applause on the Republican side.]

Mr. REDFIELD. The gentleman is mistaken, I think, in two of his facts, as he is upon the question of duties. In the first place, I did not vote as he said I did, because I was not

Mr. HILL. The gentleman voted in the caucus.

Mr. REDFIELD. And in the next place it is not a fact that the firm which the gentleman mentioned is the leading firm in the industry.

Mr. HILL. Very well; I have no objection to a question, but I do not care for a speech to be interjected into mine.

Mr. REDFIELD. The gentleman will pardon my answering the statement just made-

Mr. HILL. Certainly.

Mr. REDFIELD. It has been my pleasure for some yearsand, by the way, there is a third mistake there, that I am now actively engaged in that industry, as I have not been for some six years. It is a fact, however, that we did make sewing-machine parts for the Wheeler & Wilson Sewing Machine Co., for the New Home Sewing Machine Co., and others.

Mr. HILL. Will the gentleman explain to me, and I will give him the time to do it, why the factory of the Singer Sewing Machine Co. in Scotland has grown from 5,000 employees to 12,000 and the industry in this country has reduced in volume at the same time?

Mr. REDFIELD. Has the gentleman never heard that there are sections of the English Empire which allow a preferential tariff in favor of British products?

Mr. HILL. Yes; I have, and that is Canada; and the Singer Sewing Machine Co. are making their machines in Canada and

selling them at \$35 apiece, to my certain knowledge.

Mr. REDFIELD. Is that the only part of the British Empire that allows preferences to British products?

Mr. HILL. That is one.

Mr. REDFIELD. What is another?

Mr. HILL. I do not recall all of them.

Mr. REDFIELD. Australia is one.

Very likely.

Mr. REDFIELD. Has the gentleman never heard there are parts of the British Empire in which goods can hardly be sold at all unless they are British made?

Mr. HILL. I will admit that Australia has a preferential tariff, but I fail to see how it is possible for any preferential tariff to meet a reduction from \$36 to \$8.50 when, according to the statement of the gentleman from Alabama, we are shipping sewing machines from New York into the Orient right alongside of Australia.

Mr. REDFIELD. The gentleman seems to avoid his own question as to why goods are made in Great Britain. Has he ever heard that American goods can be readily sold in India?

Mr. HILL. I have heard of the restrictions there, but that is a system of protection by which Great Britain, under free trade, protects herself.

I know that while Great Britain stands without a tariff on locomotives that no American locomotive can run on a railroad in Great Britain and is not allowed to do so.

Mr. REDFIELD. But the gentleman also knows that American locomotives are sold all over the world cheaper than English locomotives, does he not [Applause on the Democratic side. 1

Mr. HILL. I do not. There is no sentiment in business. Why do we not put locomotives in Germany, and in France, and in Russia, and in England? Why do we not do it? There is no sentiment in business. If sewing machines are sold at \$8.50 in the Orient, they would be sold at \$8.50 in Australia. There would not be 12,000 people in Glasgow making sewing machines to ship to Australia.

Mr. COOPER. Will the gentleman permit an interruption there?

Mr. HILL. Certainly.

Mr. COOPER. Yesterday when the gentleman from Alabama [Mr. Underwood] said that we were paying \$23 to \$40 for sewing machines in this country, and that we were shipping sewing machines to China and selling them there for \$8.75, his statement met with vociferous applause from the other side of the House. At that time the gentleman from the State of Washington [Mr. La Follette] turned to me and said, "Why, we can buy sewing machines in the United States, guaranteed for three years, for \$9 and less. That was absolutely so," said he, "a year ago, to my certain knowledge, because I priced them for myself." I know nothing about it.

Mr. HILL. Now, Mr. Chairman, I do not want the gentlemen

to take all of my time.

Mr. WARBURTON. I am not certain about Canada manufacturing sewing machines, but we ship to Canada several times as much as England does, and we pay a preferential tariff of 121 cents ad valorem.

Mr. HILL. Mr. Chairman, there is nothing more deceptive in the world than taking Government statistics and drawing conclusions from them. How did we sell them? Do we sell them in Canada and in Australia on the installment plan, as they are largely sold here? What kind of machines were they? Hand machines that are fastened with a thumbscrew to a table and have no table of their own? What were they? Until you can answer as to those details and put the proposition on a business basis, the statements you and I make in regard to it are absolutely worthless. I have written for the facts, and when I get them I will give them to you.

Mr. LONGWORTH. Will the gentleman yield to me for a

moment for a question?

Mr. HILL. Certainly; for a question. Mr. LONGWORTH. I desire to ask a question which I think will bring the gentleman back to his original proposition, which was, as I remember it, a letter. I want to know if the gentleman who wrote that letter complained because he could not bring in cloth as personal wearing apparel?

Mr. HILL. I judge he felt aggrieved in the first place, and I am going to be frank-you can all read the letter in the

RECORD.

Mr. LONGWORTH. That was the reason for it, was it not? Mr. HILL. That it was unjust and excessive. Of course, "excessive" relates to the duty.

Mr. LONGWORTH. It was cloth, was it not, and not a com-

plete suit of clothes?

Mr. HILL. It was a piece of cloth, cut from another piece. It was merchandise.

Mr. LONGWORTH. I would suggest that the next time that gentleman comes through the customhouse it will be wise for the officials to keep their eyes open lest he may attempt to bring in pig iron on the theory that it is a penknife. [Laughter.]

Mr. HILL. I do not know whether this constituent of mine is a Democrat or a Republican. I will tell you what I think about At the last election in that town there were 164 Republican votes cast, 77 Democratic, 4 Socialist, and 1 scattering. I am inclined to thing that he represents the "scattering." [Laughter].

But I have not any hesitation as to discussing that particular question with him either in that town or on this floor. I am going to tell you why now. He thinks it was excessive, relating, I think, to the duty, and unjust in that he was not allowed an exemption. I have heard that criticism a great many times. Gentlemen, I refer him to the last Democratic tariff bill on this subject, in which no exemption whatever was given, but which otherwise is almost exactly the same language that is now in the Payne bill. I will read it, and you can judge for yourselves whether this bright, intelligent lawyer was right or wrong in

bringing in a piece of woolen goods simply cut off from the full piece. The Wilson bill says as follows:

Wearing apparel and other personal effects, not merchandise, of persons arriving in the United States; but this exemption shall not be held to include articles not actually in use and necessary and appropriate for the use of such persons for the purposes of their journey and present comfort or convenience, or which are intended for any other person or persons, or for sale.

Now, it does not take the intelligence of a child to know that you can not take a piece of woolen goods, or a bushel of potatoes, or a ton of iron, or a bale of hay, as some former Secretaries of the Treasury have ruled, and bring that in free. But under Democratic law he could not have brought in anything, except as just specified, without paying a duty on it.

I will ask the former chairman of the Committee on Ways and Means [Mr. PAYNE] if Mr. Dingley was not the first person who inserted that exemption of \$100 in our tariff law?

Mr. PAYNE. It was first inserted in the Dingley bill,

according to my recollection.

Yes; and in the Wilson bill there was no such Mr. HILL. provision. So that if this gentleman has any criticism to make on the parties, he can go back and criticize his Democratic forbears

Mr. PAYNE. It was a limit of \$100.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield to me for a question?

Mr. HILL. For a question only, I will.

Mr. FITZGERALD. The letter to which the gentleman is referring places the objection of the gentleman's constituent upon the amount of the duty. He says, "A tax like this is unjust and excessive and can not be defended on the plea of protection to an American industry, as anyone can understand."

Does the gentleman's constituent also complain in his communication to the gentleman from Connecticut of this other feature that the gentleman is now talking about?

Mr. HILL. The excessive tax?

Mr. HILL. The excessive tax?
Mr. FITZGERALD. Yes.
Mr. HILL. I think he is just as much at fault on that as he was on the other point. The provision in the Wilson bill was free wool and 50 per cent ad valorem, and I challenge that side of the House to bring in a wool bill on the basis of the Wilson

Mr. FITZGERALD. Gentlemen should not indulge in any reckless challenges over there, because they might find themselves "called." [Laughter.]

Mr. HILL. I do it good-naturedly.

Mr. FITZGERALD. As I understand it, the gentleman's constituent was not complaining because he was not allowed to bring the cloth in without the payment of a tax, but he was complaining of a tax of \$9.24 on merchandise valued at \$11,90. I am inclined to think that the gentleman's constituent had a real grievance against the Republican Party.

Mr. HILL. I will take that up in a moment. There is one thing in this debate that gives me a good deal of grim satisfaction, gentlemen. Were it not for the fact that I believe the passage of the metal schedule revision as a whole will be harmful to the country I confess I would have been quietly laughing for the last three or four days. I remember three years ago I was opposed to the present duty on zinc ore. I thought it was beyond the difference in the cost of production between Mexico and the United States, the only two competing countries, and my colleagues upon the committee know that I stood utterly opposed to a duty of more than half a cent a pound instead of a cent. I was importuned by letters-I think I have a peck of them-from Sunday-school children, from boys and girls in the day schools; pitiful letters, some of them, written by little girls, by wives and mothers, by men working in the mines, and by ministers, until finally the climax came in a newspaper notice that a prayer meeting was being held in Joplin, or somewhere there, and that 27 ministers-I do not know how true it is; it was so stated in the paper—were praying the Almighty that He might soften the hearts of the Republican members of the Committee on Ways and Means so that they would put a cent a pound duty on zinc ore. [Laughter.] That duty went on. It is there now. A Republican Member of Congress from Joplin then sat in this Chamber and they got their duty of a cent a pound. I do not know whether it was right or wrong. I do not know whether or not I was wrong in not standing for the higher rate of duty or whether was right in opposing it.

I simply know this, and it is a grim satisfaction to me when I look at the vacant chair on this side and see the position now filled by a Democrat on the other side, they now find that they have been buncoed successfully by the Democratic Party, and

zinc ore again goes back to the free list. [Laughter on the Republican side.] That is a source of satisfaction to me.

Now, in regard to another matter, for I am going to take a little of your time to treat of another subject.

THE ORGANIZATION AND WORK OF THE TARIFF BOARD.

A revenue policy is and always will be a political question, but with the policy once fixed the application of it, in my judgment, can be made a business matter and divorced from politics by legislating upon one subject at a time upon a finding of facts by an independent, bipartisan, permanent tariff commission. Such commissions have been common in Europe, but have been seldom tried here, and when tried have not heretofore been a success because of unfortunate attempts to invest them with legislative power.

In 1882 Congress passed an act for the appointment of a tariff commission, with instructions to report to the next session of Congress as to what changes were desirable in the existing tariff, but its report was practically ignored in the general tariff revision of 1883.

The commission act of 1888 was prepared and offered by Senator Plumb of Kansas.

Mr. FOWLER. I should be glad to ask the gentleman a question right there.

Mr. HILL. If it is on this subject.

Mr. FOWLER. Yes. Can you tell us the reason why the report of that tariff commission was ignored?

Mr. HILL. I can not, except that the idea was contrary to the general sentiment of both parties then.

Mr. FOWLER. How full was that report?

Mr. HILL. I can not tell you. I simply have looked up the facts, and I think the explanation will come as I go along, if the gentleman will pardon me.

As I say, the commission act of 1888 was prepared and offered by Senator Plumb, of Kansas. The amendment was accepted on the threat of talking out the session, and became a part of the Mills bill, which never became a law.

The Constitution provides that all bills for raising revenue shall originate in the House of Representatives, and they can not and will not and ought not delegate that power to any

Since the Mills bill was defeated, and within the last 20 years, four general tariff revisions have occurred, and the results have been the McKinley, Wilson, Dingley, and Payne bills, a raise and a reduction, a raise and a reduction. The business interests of this country have been turned upside down four times in 20 years

The Payne bill was necessitated by European conditions, which had largely changed during the life of the Dingley law, in the adoption of maximum and minimum tariff systems, and was further in response to a general sentiment for a lowering of many duties which the development of our industries had made unnecessary for protective purposes.

During the 11 years of the Dingley law many of the commercial nations of the world had changed from a single to a double system of tariff rates, known as the maximum and minimum system, the lower rate being used to secure like concessions from others and the maximum applied to those who would not grant them.

The United States, with a single tariff and with the impos sibility of securing the ratification of the commercial treaties which were provided for in the Dingley law, and which President McKinley had recommended, found itself greatly handicapped in competing in foreign markets with the other nations who, by concessions of their own, avoided the imposition of the maximum rates, which in most cases were prohibitory.

Let me give to the Members of the House a statement of some of the variations of these tariffs. I made it from a table inserted in the Record last year by Senator Aldrich, if I am not mistaken. In Argentina the maximum tariff rate exceeds the minimum by 50 per cent; in Austria-Hungary by 200 per cent; in Belgium, 50 per cent. Canada has three tariffs, subject to executive order in council. In Denmark the maximum tariff exceeds the minimum 40 per cent; in France, 50 per cent. Germany has two tariffs, varying 100 per cent. In Greece the maximum exceeds the minimum by 30 per cent. In Greece the maximum exceeds the minimum by 30 per cent. Italy has two fixed tariffs. In Japan the variation is 100 per cent. Norway, Russia, Spain, and Switzerland have two tariffs each, all of them protective, and a maximum rate besides. Mexico has one and Sweden one, both protective. Holland has one for revenue

and Sweden one, both protective. Holland has one for revenue only, which is now being changed to protective.

Now, let us see what Europe is doing under tariff commissions. During the last 18 years France, with a tariff commission of 32 members, 13, I think, coming from the city of Paris and the remainder from the other sections of the country, had no general tariff revision for a long time. They went for 18

years without a general tariff revision, from 1892 to 1910. During that time, under the direction and supervision of the tariff commission, 38 acts, affecting 348 rates, were passed, and the business interests of France never knew it, so far as any com-

mercial disturbance was concerned. It might be so here.

Take Germany. Germany went 27 years without a general revision, from 1879 to 1906; meanwhile reciprocal treaties and many other single changes were made. Great Britain has had no general tariff revision in 66 years. Single changes have been made almost every year as a part of the financial budget. is the way it ought to be here. That is the way it would be here with a well organized and thoroughly equipped tariff board, such as we are now trying to have authorized, and on which we have made a most excellent beginning.

The result of our maximum and minimum provisions is shown in the enormous increase of export trade due to the passage of the Payne bill and the adoption of the system, and our conse-

quent entry to the ports of other nations on equal terms, or with substantial equivalents for our minimum rates.

The Payne bill passed August 5, 1909, and provided that the maximum duty should go into effect April 1, 1910. Negotiations had to be concluded with the whole world in eight months. Hence a tariff board to assist the President in such negotiations was needed. The Ways and Means Committee were then opposed to a permanent tariff commission. When the bill reached the Senate Senators Dolliver and Beveridge offered propositions looking to an independent tariff commission. Dolliver's proposition was defeated, and Senator Beveridge agreed to the Senate modification. The amendment adopted by the Senate, in lieu of his proposed tariff commission, was as follows:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

This amendment was changed in conference committee and enacted into law in the following language:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Under this authority, supplemented by an appropriation of \$75,000, three persons were at once appointed to this work, and rendered most excellent work in the adjustment of our trade relations under the maximum and minimum provisions of the Payne bill.

When the tariff bill was passed the President announced that he should construe this clause as giving him authority "to secure statistics covering the prices and cost of production of goods at home and abroad upon which a scientific tariff must be built," and that there might be no question about it he asked Congress at the next session to broaden the authority, extend the scope, and furnish additional funds.

The result was the following provision, which was adopted and is now law:

EXECUTIVE.

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production as are authorized by said act, and including the employment of such persons as may be required for those purposes, and to enable him to do any and all things in connection therewith authorized by law, \$250,000.

Two classes of people bitterly opposed this action:

First, those who opposed any change whatever; and second, those who looked only to personal interests, and overlooked the common good of all.

The President had pledged his word to this much-needed reform, and this is what he said:

It is not unlikely that, in the light of accurate statistics, we may find that certain schedules in our tariff are too high. If we do, I shall at that time not hesitate to immediately recommend their revision.

I believe that the work of a tariff board should be to secure and to present evidence, not to frame a tariff. With this evidence before it Congress will act fairly and wisely, and the United States will have under this method a tariff established on a thoroughly scientific basis—as it should have had a quarter of a century ago.

In the closing hours of the Sixty-first Congress a further appropriation was made to carry, on the work, to the amount of \$200,000.

In the summer of 1910 the people of the country took up the subject and forced into the Republican platforms of 28 States a demand for a permanent, independent, bipartisan commission

and that all future tariff revision should be made with refer-

ence to only one schedule or subject at a time.

The Republican Representatives and the Senators who came to the Sixty-second Congress as a result of that election of 1910 in those States were committed to that program. [Applause on the Republican side.] Some of them seem to have forgotten it since they got here.

In January, 1911, a convention of nearly a thousand memincluding both Democrats and Republicans, assembled in Washington and reported as follows. I will not read the

whole of the report but will put it in the RECORD:

NATIONAL CONVENTION OF THE NATIONAL TARIFF COMMISSION ASSOCIATION, Washington, D. C., January 11-12, 1911. Hon. EBENEZER J. HILL, M. C., Washington, D. C.

MY DEAR SIR: I beg to hand you herewith the report of the committee on resolutions of the National Tariff Commission Association:

mittee on resolutions of the National Tariff Commission Association:

"To the convention:

"Your committee on resolutions submits the following report:

"The National Tariff Commission Association in convention assembled, in the city of Washington, January 11-12, 1911, more than 500 delegates being present, representing more than 100 of the leading agricultural, industrial, and commercial organizations of the country, all political parties, and nearly every State in the Union, reaffirm the resolution adopted by the National Tariff Commission Convention held at Indianapolis, Ind., in February, 1909, reading as follows:

"We demand from Congress, for the equal benefit of all classes of the people, and in the name of all American industry of farm, factory, labor, and commerce, the immediate creation of a permanent Tariff Commission."

"We welcome the widespread change of public sentiment which, inspired and contact the sentence of the property of

the people, and in the name of all American industry of farm, factory, labor, and commerce, the immediate creation of a permanent Tariff Commission.

"We welcome the widespread change of public sentiment which, in spired and encouraged by the leadership of President Taft, has taken place during the two years since that convention.

"We commend the action of Congress in authorizing the President to 'employ such persons as may be required' to assist him in obtaining information concerning tariff facts, and in making appropriations for the work, and the action of President Taft, under the authority so given, in creating the present Tariff Board, and for the enthusiastic and continuing support he has given to that board.

"We commend the existing Tariff Board for its splendid work in creating an efficient organization for the ascertainment of tariff facts, thereby laying the foundation on which may be erected a permanent Tariff Commission, and pointing the way for the full development of its intended usefulness.

"Recognizing and appreciating these facts and the widespread sentiment of the people signified by the adoption in 28 States, during the recent electoral campaign, of platform planks indorsing the proposal for a permanent Tariff Commission, and appreciating also that further legislation by Congress at this session is required for the purpose of giving effect to the will of the people, thus expressed, we recommend the adoption of the following

"'RESOLUTION.

"'We demand from the Sixty-first Congress, now convened in its final session, the enactment of a bill creating a permanent nonpartisan Tariff Commission having functions and compensation analogous to those enjoyed by the Interstate Commerce Commission, including the power to require the giving of testimony under proper conditions and safeguards, and for proper purposes; the functions of the commission to report the results of its work and findings to either branch of Congress or to the President, as called for."

"Your committee commends and indorses th

"RESOLUTION.

"We indorse the proposal of President Taft that hereafter the work of tariff revision, whenever required, shall be accomplished schedule by schedule, or preferably one subject at a time, each subject to be so defined that items which are interrelated shall be grouped together rather than by the sweeping revision of the entire tariff, to the end that revision may be accomplished in a more orderly, accurate, scientific, and impartial manner and without the disturbance of business inevitable to a general tariff revision.

"Respectfully submitted, for the committee,

"Henry R. Towne, Chairman."

Henry T. Willis,

HENRY T. WILLIS, Secretary National Tariff Commission Association.

In response to that demand, and I think the next day, or within a day or two afterwards, a hearing was held by the Ways and Means Committee. Various propositions had been submitted, one by the gentleman from Iowa [Mr. Good], one by the gentleman from Wisconsin [Mr. LENROOT]; and the Ways and Means Committee had a hearing, and as a result a bill was finally agreed on by the Republican members, not without much labor and anxious thought, not without much anxiety and trouble. It was finally agreed upon, however, and was presented to the full membership of the Committee on Ways and Means, backed by a solid Republican vote in the committee. I am going to tell you what occurred. It was at a former Congress. It is time the country knew about this situation. The bill came before the committee. It was presented and read. The gentleman who now acts as the leader, and who is the leader, uncontested and undisputed, on that side of the House, the gentleman from Alabama [Mr. Ilyngswoon] announced that the gentleman from Alabama [Mr. Underwood], announced that

if they were given a few minutes for consultation the Democrats on the committee would probably agree to the bill. The chairman of the committee then asked how much time they wanted. The reply was they would like to have 15 minutes. The entire Democratic membership retired to the next room and was gone but a very brief time. They came back and said if they could have one amendment they would be in favor of

Mr. COOPER. Name some of the Members.
Mr. HILL. They were all there; and I shall read them to you. They were gone just eight minutes, as I remember. They said that if they could have a certain amendment they would be the control of the could have a certain amendment. be in favor of the bill. What was the amendment? They said they would like to have the board report to Congress as well as to the President. I took a piece of paper and a pencil and drew an amendment then and there and handed it to Mr. PAYNE and Mr. DALZELL for their approval. They both approved it, and I offered it, and it was passed, and the bill went through the Ways and Means Committee by a unanimous vote, Republicans and Democrats—every one of them voting for the [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield

to me?

Mr. HILL.

Certainly.
WORTH. Was not the question not to report to Mr. LONGWORTH. Congress, but to report to either House of Congress?

Mr. HILL. I can give the gentleman precisely the language that I put into the bill by my amendment:

And said board shall also make investigation of any such subject whenever directed by either House of Congress.

It was put into the bill by the unanimous vote of every member of the committee who were present, and the bill met the approval of every member, Democratic and Republican.

Mr. LONGWORTH. That is what I said. The point was that the bill used the language "directed by Congress," whereas with the amendment it used the language "directed by either

House of Congress."

Ar. HILL. What happened? The question was raised, How shall the bill be brought up in the House? "By unanimous consent," was the reply—we shall all vote for it. It was brought up the next day, and one of the members immediately took the opposite side of the question, for the radical element of the Democratic Party had obtained control of the situation overnight. Do you know what it makes me think about? There has come to my mind over and over again, ever since Tim Campbell left the House, a statement that he made, undisputed, undenied by anybody, that a Northern Democrat down here was like a horse hitched to a post-feeding out of a salary bag, and that was all there was to it. And it is so. I do not blame you men from the South for taking control of the situation. I would do it if I were a Southern man. I would fight for what I believed to be my rights, but I do blame the Northern constituencies that send Democratic Members down here to let you do it. [Applause on the Republican side.]

But they did it then and took full control and full possession, and the next day on the floor of this House, although that bill and the next day on the hoor of this House, although that but was passed by Republican votes, the votes on the Democratic side of the House were 3 to 1 against it. The gentleman from Missouri [Mr. Clark], now Speaker of this House, the gentleman from Alabama [Mr. Underwood], the gentleman from Texas [Mr. Randell], the gentleman from North Carolina [Mr. Pou], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and the gentleman from Georgia [Mr. Brandellina [Mr. Pou]], and th LEY] all stood up like men and defended their position, and I am going to read you some of the things they said, so that you can see how consistent your position is now. Mr. Clark then

We are not afraid of information from any source. We welcome it. I think I am at liberty to say that it takes a vast amount of information to get up a tariff bill which anybody of good sense is willing to stand on in days to come.

How do you like that for a comment on the way that you have been getting up tariff bills since the 4th day of last April? [Applause on the Republican side.]

Mr. RANDELL said:

But, my friends, in this matter we vote for a better bill than exists to-day, when we vote to improve conditions in order that the next Democratic House may have power to gain information that they could not otherwise get by law.

Mr. UNDERWOOD said:

Now, there is no doubt that the sole purpose of this legislation is for a board to be appointed to gather facts, not to reach conclusions, but to lay those facts before this House—not facts that the board wants to lay before the House, but facts that this House shall order the Tariff Board to bring before it. You know, and every Democrat here knows, that one of the greatest difficulties we have had to face is that when the Ways and Means Committee goes into session to ascertain the facts upon which they write a tariff bill, the only men

who are sufficiently interested to come before us and give the facts are the protected industries of the United States, and yet to-day you would vote to continue that condition.

What have you done? When the public hearings under the Payne bill were held for three long, weary months, night and day, they were wide open to the American people. There were three classes of people who came before us-manufacturers, who wanted their industries protected; importers, who wanted the like products of those industries brought in free of duty; and consumers, who were interested for their own welfare—every one of them just as much interested and prejudiced in their own interests, one as the other. When you say you talk for consumers in making a tariff bill, you are talking for men who are interested, and you are interested yourselves as consumers. [Applause on the Republican side.] There can be no doubt about that situation. I agree with the gentleman from Alabama [Mr. Underwood] that that is true; but on the other hand, I cite a condition of affairs which has existed since the 4th day of last April that this country never has seen before and which no man going before the American people would dare to advocate, the statement made by the gentleman from Pennsylvania [Mr. Palmer], on this floor that they had refused to have hearings, but that they had thousands-I think he said thousands, but the RECORD will show whether I am rightthousands or hundreds, at any rate a great many personal pri-With whom? With whom? Manufacturers, vate interviews. producers, consumers! Mr. Oscar Underwood, the splendid chairman of the Ways and Means Committee, stood before you and condemned the open hearings, where witnesses, or Republican witnesses, had the right to be examined by Democrats, as disastrous and as fatal to an honest and just tariff making, and yet you stand here and boast before the American people that for weeks and months you have been having personal private interviews with parties interested in this tariff question, and not a Republican cross-examiner has had the privilege of asking a question. [Applause on the Republican side. 1

Do you think the American people will stand for a tariff made that way? It was bad enough before; it is a thousand times worse under your present system. I have not got through adding what Mr. UNDERWOOD said.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HILL. Not until I get through.

Mr. FITZGERALD. How does it differ from the method of the Tariff Board?

Mr. HILL. I have tried to explain it, and if the gentleman had listened he would understand it. I said in the one case they were all interested in it, and they could not divest themselves of that interest, and it made a decided difference whether it was done

Mr. LONGWORTH. May I suggest that there is this essential difference; that when anyone interested in any way appeared before the full tariff committee at the time the Payne bill was under consideration what was said was published to the world.

Mr. HILL. Why will not you publish these conversations? Why do not you publish the interviews that you have had in making up these tariff laws? Why do not you give the facts, as we gave them to you, 10,000 pages of them?

Mr. FITZGERALD. Did not the gentle

Did not the gentleman from Connecticut, himself, complain bitterly because there was placed in the Record yesterday a communication giving facts from one of his constituents?

Mr. HILL. That is personal correspondence of a Member; that is not a statement made in public to influence public officials, but it was personal correspondence, and the gentleman from New York would never have done what the gentleman from Pennsylvania did.

Mr. PAYNE. And I will state to the gentleman that when hearings were had during the last Congress both parties were present, and every man who appeared was examined by each and every member of the committee to his heart's full content. with a most rigid, thorough cross-examination to bring out all the facts

Mr. FOWLER. Will the gentleman yield?

Mr. HILL. I can not now. I have not gotten half through yet. I will have to cut my speech short. The gentleman who now honors the Speaker's chair, Mr. Clark of Missouri, and Mr. Cochran said that we had been absolutely fair and impartial all the way through in the hearings on the Payne revision.

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?
Mr. HILL, No; I can not yield to the gentleman from Illi-

Mr. FOWLER. If the gentleman does not desire to yield-Mr. HILL. Just a moment. The gentleman will allow me to control-

Mr. FOWLER. If the gentleman does not want to yield for information-

Mr. HILL. I do not at present. Mr. Underwood continued: And yet to-day you would vote to continue that condition, to continue to place us absolutely in the hands of the protected interests in this country for the information on which we are to write a tariff bill and refuse to give us the board that will be composed of men—

He was not talking to us on this side of the House; he was talking to his own colleagues over there

who by law are authorized and directed to investigate under our direction and to ascertain facts on which we can base honest tariff provision. Now, that is the issue. My friend from Tennessee wants to know why we should want information in reference to a bill written for revenue and revenue only.

Now, I come right to the practical test of a tariff for revenue only:

Why-

Said the gentleman from Alabama-

my friend, of all the bills that require information, the man who is writing a tariff bill for revenue needs information the most.

Said the gentleman from Tennessee [Mr. Sims]-

Said the gentleman from Tennessee [Mr. SIMS]—

I beg the gentleman's pardon. I said the difference in wages abroad and here, so as to ascertain what rates were to be levied to equalize.

Mr. Underwood. That is only one of the incidents. If you are writing a bill for protection, you can put it higher and higher, high enough to cut out competition, and you have a good bill for protection.

Mr. Clayron. If the gentleman will pardon me, if you want it for the support of the Government, can not you write it lower and lower, so as to lessen the tax on the people?

Mr. Underwood. That is true.

Then I call the attention of the chairman of the Committee on Appropriations to this answer by Mr. UNDERWOOD:

That is true, if you could afford to play hide and seek with the Treasury of the United States; but it is our duty, my fellow Democrats, not only to write a tariff bill solely for revenue, but also to write one that is capable of raising sufficient revenue to run this Government, and we must know what we are doing and not guess at it.

[Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman do me the honor to read what I said in opposition to that bill?

Mr. HILL. A radical element got in control overnight, and in spite of these portions of speeches which I have read to you, the Democratic vote was three to one against it, but it passed the House of Representatives. It was amended and passed in the Senate on March 3, and was beaten in the House by a fili-

buster on March 4, and the roll call has never yet been finished. I hold in my hand a pamphlet which I have not the slightest doubt cost thousands and thousands of dollars, which, I am told, was sent to every voter in the State of Massachusetts in the election last fall, from which I read the following state-

The Republican Senate denied the President adequate support for a competent tariff commission, and Mr. Taft's unofficial Tariff Board has been able to accomplish but little.

That was sent out by Eugene Foss, the man who holds the position of governor of Massachusetts. According to the Record, the Senate passed the bill and sent it over here, and it was defeated because there was not time in which to finish the roll call.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HILL. Certainly. Mr. FITZGERALD. The Republicans had control of both Houses of the last Congress by a large majority.

Mr. HILL. I will say to the gentleman that it did not have control of old Father Time. The wheels of the clock were revolving.

Mr. FITZGERALD. Does the gentleman imagine the party was sincere when it waited until the dying hours of the session, and then pretended that they desired a tariff board created?

Mr. HILL. The gentleman does not deny that the statement

of Gov. Foss is absolutely incorrect, does he?

Mr. FITZGERALD. I am not so sure about that. I am somewhat familiar with what was done in the other body in reference to that bill.

Mr. COOPER. If the gentleman from Connecticut will permit, the gentleman who engineered the filibuster is the gentleman from New York [Mr. FITZGERALD], who has just been questioning the gentleman from Connecticut. Everybody in the House knows that the gentleman from New York was the man who was responsible for the filibuster which defeated the tariff-commission provision. [Applause.]

And, Mr. Chairman, I desire to ask just one more question.

The truth or the falsity of the statement in the circular which

the gentleman has just read could have been ascertained very easily by consulting the Congressional Record, could it not?

Mr. HILL. Why, of course.

Mr. COOPER. In other words, then, that statement is nothing more nor less than a deliberate, willful falsehood?

Mr. FITZGERALD. It is not.

Mr. HILL. Every man must draw his own conclusion, Mr. FITZGERALD. The gentleman is not familiar with

what took place at the other end of the Capitol.

Mr. HILL. After the adjournment of Congress the President immediately appointed two Democrats, in accordance with the provisions of the defeated bill, so that for all practical purposes it was equivalent to the passage of the bill, except that the members were not to be confirmed by the Senate and could not compel the attendance of witnesses. They do not need that power. Out of every 100 mills and manufactories to which they have gone 90 per cent have cheerfully surrendered their books to them, and only about 10 per cent, either in this country or in Europe, as I understand it, have refused to give to them the desired information. And they inform me, and have so informed me again and again, that the power of summoning witnesses is not essential to the proper performance of their duty. But they had all the other power necessary to the performance of their duty.

Of whom does this Tariff Board consist? First is the chairman, Prof. Henry C. Emery, professor of economics in Chale University; next is Alvin H. Sanders, editor and publisher of the Breeders' Gazette; then there is the Hon. James B. Reynolds, who served for years as First Assistant Secretary of the Treasury of the United States; then there is the Hon. William M. Howard, who served for several years as an honored Member of this Hower.

of this House.

Mr. COOPER. And a Democrat.

Mr. HILL. Yes; a Democrat. Then there is Prof. Thomas W. Page, a professor of economics in the University of Virginia. I challenge any man on this floor to tell me the politics of those gentlemen. I understand, however, that Prof. Page is a Democrat. I know that Mr. Howard, of Georgia, is a Democrat. But who is there who can say whether Mr. Sanders is a Republican or a Democrat? What is Mr. Emery? Who can say? We know that James B. Reynolds is a Republican. There is an absolutely unbiased, nonpartisan board, whose members are the equals in intellectual ability and economic knowledge of any five men that you can select in the United States. Yet I have heard them denounced on this floor as not knowing their busi-Let me tell you what the chairman of the Committee on Ways and Means said about that board at a great dinner before the assembled business interests of New York City. what he said, referring to the message of President Taft:

To-day your President has notified the Congress of the United States, in a solemn message, that they must stop, that they must not obey the twice-given command of the American people to revise the tariff downward. And why? Because certain clerks—

Is Prof. Page, professor of economics in the University of Virginia, a clerk? Is William Howard, for years the honored colleague and equal of any of you on that side of the House, a clerk? Is Prof. Emery, who succeeded Prof. Sumner, of Yale University, as professor of economics, a clerk? Mr. Underwood

Because certain clerks not authorized by Congress

Where were they getting their pay from? Who is paying them now?-

not authorized by Congress, and called a "Tariff Board" only by courtesy were not ready to report.

Not only that, but the extra session was called, and the Tariff Board was at once repudiated by radical democracy on that side of the Chamber. Why? A new political complexion had been given to the Congress, and the men in the majority could not, because of caucus rule, stand by what they had favored when they were in the minority; and the desire on the part of some to destroy the protective system and on the part of others to modify it to suit particular sections and particular States could not be resisted. To wait for an accurate, system-atic, and scientific investigation of schedules when the majority of the majority in this House could bind all of its Members by caucus action to vote as a unit, and when they knew exactly what they wanted to do, was intolerable, and the trouble began.

The President gave as one of his reasons for vetoing each of the bills passed that the Tariff Board had made no report, and, in fact, had only been ordered to report on steel and cot-

ton in December last.

Now, I stand for the Tariff Board. [Applause on the Republican side.] I will stand for square, straightforward, intelligent investigation of the industies of this country before any legislation is had on the tariff question; and I say to you that it is infinitely better not to pass one single, solitary line of

legislation than to pass it in such a way that within three months or six months you have got to change it again.

The President has some rights in this matter. I have not consulted him about it, but I know that the President of the United States has legislative power, just as we have, just as the Senate has; that his vote is equal to one-third of yours; that he is compelled by the Constitution to vote on every proposition that come out of Congress, and say yes or no to it; and he has a right, as you have a right, to have intelligent information on this subject; and he would be derelict in his duty to the American people if he did not insist on having that information. [Applause on the Republican side.]

Mr. FOWLER. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Illinois?

Mr. HILL. I can not yield now, Mr. Chairman. My friend

will excuse me. I am almost through.

Now, I want to say to you gentlemen on the other side, why do you not give us a bill on a subject concerning which you have full information? I refer to the woolen schedule. Instead of bringing in a bill here relating to \$5,000,000,000 worth of the the American people, without any investigation by the Tariff Board, a bill brought in the night before some little information would have been available, such as was subsequently given by the Bureau of Corporations, a bill made absolutely on the old system and worse, because you had no public hearings on it, why did you not-Mr. FOWLER. Mr. Chairman-

Mr. FITZGERALD. Suppose a wool bill is brought in, will the gentleman vote for it?

Mr. HIIJ.

Mr. HILL. I will tell you what I will do.
Mr. FITZGERALD. Will the gentleman vote for it?

Mr. HILL. I will tell you what I will do. I will vote either for it or against it, according as it harmonizes or not with the Tariff Board report, which we now have.

Mr. FITZGERALD. The gentleman will vote against it; I

And I will give the gentleman the same oppor-Mr. HILL. tunity to vote for or against a Republican measure, based on the Tariff Board report, at the same time on the same subject. Do not make any mistake about that.

Mr. FITZGERALD. I will vote against a Republican meas-

Mr. HILL. I will do the same thing on a cotton bill, if I have to sit up nights and frame it myself.

Mr. FITZGERALD. Will the gentleman vote for this wool bill if it is brought in?

Mr. HILL. I say to you that the American people have the right to have intelligent information on this subject.

Mr. FITZGERALD. Will the gentleman vote for the wool bill, or is he just begging for another opportunity to vote

against it?

Mr. HILL. I will vote for a bill that will protect the industries of the American people, and I will vote against any measure that tends to destroy them. [Applause on the Republican side.] Now, I say to you gentlemen that you have the case before you. You have had in your hands the report of the Tariff Commission, and have had it for 30 days or more. You could have brought in a wool bill. Gentlemen complain of the injustice of the present wool schedule. I was against it two years ago. I wanted a reduction.

Mr. FITZGERALD. The gentleman was away ahead of his

side of the House.

Mr. HILL. I am against the present wool schedule now. am in favor of a reduction, but I do not believe in order to take a pimple off a man's nose it is necessary to cut his head off. [Applause on the Republican side.] Now, why have you not brought in a wool bill? You can not say that you have not the information. You may say that you are not capable of comprehending the information you have, but I do not believe that. The gentleman before me [Mr. FITZGERALD] is the last man of whom I would make such a statement. But you have the information.

Mr. FITZGERALD. Will the gentleman yield for a ques-

tion?

Mr. HILL.

Certainly.

ERALD. The report on the wool bill comprises Mr. FITZGERALD. four large volumes?

Mr. HILL. Yes; and I have read all four of them once and three of them twice since they came in.

Mr. FITZGERALD. The gentleman has not done much else. Mr. HILL. I have not. I stayed here during the holiday recess, when the gentleman was probably having a good time.

Mr. FITZGERALD. Other Members of the House have some

thing else to do. Now, does the gentleman believe that any committee inside of 30 days could read and digest and master the information in that report and prepare a satisfactory report to this House?

On what basis, for heaven's sake, are you bringing in tariff bills? If you can not do that in 'O days, how can you take a whole schedule of 82 paragraphs, covering five billions of American products and 83 separate and distinct industries, and discuss it over night and settle it and bring it in here the next day? On what basis did you bring in the bill last summer relating to this schedule? It was not even read in the committee.

Mr. FITZGERALD. The gentleman's party has had 16 years in which to make the reduction that he admits should

have been made three years ago.

Mr. HILL. I submit that if the Committee on Ways and Means, with the Tariff Board's report before them for 30 days, are not prepared to make up a wool schedule and submit it to this House, I ask the question, How can you expect them to bring in a metal schedule, a tobacco schedule, a rubber schedule—which I understand you are to bring in—a chemical schedule, which we went over four times—

Mr. FITZGERALD. And you did not make much of a job

of it.

Mr. HILL. Well, we thought it compared favorably with what we have had from you thus far.

Mr. FITZGERALD. The country did not think so.

Mr. HILL. Why do you not bring it in?

Mr. FITZGERALD. Will the gentleman vote for the bill

that is brought in?

Mr. HILL. I will if it agrees with the report of the Tariff

[Applause on the Republican side.] Will you? Roard.

Mr. FITZGERALD. I do not know whether I will or not. I will vote for any bill that is brought in by a Democratic Ways and Means Committee. [Applause on the Democratic Just as the gentleman did for the bill brought in by the Republican committee, although he did not believe in all that was in it.

Mr. HILL. In the absence of the leader of the Democratic side of the House, I will say to you now that here is a wool schedule made as closely in accordance with the findings of the Tariff Board as it is within my power to make it.

Mr. FITZGERALD. I have not as much confidence in it as

the gentleman has.

Mr. HILL. If your Ways and Means Committee will bring that in here now, I think I can safely pledge to your Democratic side, without consultation with a single Member on this side, that we will give you a solid vote, insurgents, progressives, and everybody, in favor of a wool schedule in a tariff bill which the Tariff Board will indorse. [Applause on the Republican side.] Will you take the challenge?

Mr. FITZGERALD. Let me ask the gentleman a question. have not read the report of the Tariff Board on the wool

schedule.

Mr. LONGWORTH. And the gentleman is not going to,

either, is he? [Laughter.]
Mr. HILL. Does the gentleman intend to read it?
Mr. FITZGERALD. There are four volumes. I have read the synopsis, and if the gentleman had as much to do in the House as I have he would not have read that much.

Mr. HILL. I think I put in about as many hours in work as the gentleman from New York does.

Mr. FITZGERALD. I know that the gentleman is very industrious and gives all of his time to his official duties, and he specializes on tariff matters. I have been informed that the Tariff Board believe that raw wool should be on the free list. Will the gentleman from Connecticut vote for that?

Mr. HILL. Now, I am going to leave the gentleman with one

parting suggestion.

Mr. FITZGERALD. I say that I understand that the Tariff Board believe that raw wool should be on the free list.

Mr. LONGWORTH. Where? Mr. HILL. The gentleman from New York says he has not read the tariff report; he has no business to understand. [Laughter.]

Mr. FITZGERALD. I have not read it, but I have that information; will the gentleman vote to put raw wool on the free

Mr. HILL. I do not know anything about that. [Laughter on the Democratic side.] I do not want to discuss a question with a gentleman who says he does not know what the question is.

Mr. FITZGERALD. I do not blame the gentleman for run-[Laughter on the Democratic side.]

ning away. [Laughter on the Democratic s Mr. COOPER. Will the gentleman yield?

Mr. HILL. Yes.

Mr. COOPER. Does not the gentleman think that the gentleman from New York, when he asks the question if the Tariff

Board does not recommend raw wool being put on the free list, know that that is not so, because the Tariff Board makes no recommendations at all?

Mr. HILL. Why, certainly.

Mr. COOPER. And he does that for the purpose of getting it into the RECORD.

Mr. FITZGERALD. I understand how clever the gentleman from Wisconsin is in attempting to conceal what is a notorious fact, that the Tariff Board believes that raw wool should be placed on the free list, which neither the gentleman from Wisconsin nor the gentleman from Connecticut would dare vote for.

Mr. HILL. I do not think there is any such notorious fact,

that the Tariff Board is in favor of free raw wool.

Mr. FITZGERALD. I will tell the gentleman where he can get the information.

Mr.-HILL. I do not know the position of the Tariff Board on that question.

Mr. FITZGERALD. Why does not the gentleman ask them? He has talked with them often.

Mr. HILL. I am studying the report of the Tariff Board. Mr. PAYNE. Mr. Chairman, I will ask the gentleman from

Connecticut to be more considerate of my colleague. [Laughter.]
Mr. FITZGERALD. Now, do not you get excited also.
Mr. HILL. Mr. Chairman, I have just one more thing to say and then I shall stop. As a business man all my life I want to plead for the industries of the United States and for the people of the United States. I say to you that this condition of affairs, which is being maintained purely for politics [applause on the Republican side]—absolutely for politics—is not fair to the business interests and to the people of the United States, either those in business or on the farms or anywhere else. When a report is brought into this House which in all human probability has cost two or three hundred thousand dollars, which has taken two years' time to get, which has taken a large corps of experts all over the world simultaneously, a thing that never was done before in the history of the world and never done so exhaustively by any nation in the world-when such a report is brought in the people of the country have a right to see it. To have it deliberately ignored, and to have the party in power in the House go on bringing in schedules on which no report and no investigation has been made, either by themselves, except in secret, or anyone else, is not fair to the American people. not fair to continue that sort of thing, and I beg of you to stop playing politics and get down to business.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. HILL. Certainly.

Mr. GOOD. Mr. Chairman, I agree with what the gentleman has said about this report; but why is it that Members of Con-

gress can only secure one copy of this report?

Mr. HILL. Simply because—no; I shall not say that—because our Democratic friends do not care to have it printed.

Mr. GOOD. Is it intended to smother the report?
Mr. HILL. I have tried my best to get copies to send the representatives of the industry in my State. I asked for 25, and I got 5.

Mr. PAYNE. How did the gentleman get the five? Mr. YOUNG of Kansas. How did you get the five?

Mr. COOPER. I can not get but one.

Mr. MANN. Mr. Chairman, I introduced into the House some time ago a joint resolution providing for the printing of 20,000 copies of the tariff report on the woolen schedule, 12,000 for the use of the House and 8,000 for the use of the Senate, but so far have been unable to secure a favorable report upon the resolution.

Mr. LONGWORTH. Is it not a further fact that the then acting chairman of the Committee on Ways and Means when this report was brought in refused to move that any copies should be printed, and plainly stated it ought not to be printed?

Mr. HILL. Absolutely. I want to treat the clerk of the committee fairly. I first got 6 copies, and again I asked for 25 and got 5, so that I got 11 altogether.

Mr. GOOD. Will the gentleman tell the rest of us how we

can get six copies?

Mr. HILL. I can not do that. I wish I could. There is no sheep grower or woolen manufacturer in the United States who can afford to be without a copy of that report.

Mr. PAYNE. Will the gentleman yield for a minute?

Mr. HILL. Yes. Mr. PAYNE. On this other subject. The only place under God's heaven where you can get a copy of that report is from the chairman or the clerk of the Committee on Ways and Means, and the number would not last 15 minutes after those who wanted them started to get them.

Mr. HILL. I will state that I got a letter to-day from a constituent in Litchfield, Conn., asking for a copy of this report. I gave it to him and wrote a letter somewhat as follows: I said that this is a very difficult thing to get; that it is a very rare publication; and that I sent it to him cheerfully, one of four remaining, notwithstanding many demands that I have had upon me, and that I asked him as a favor to me, after he had read it, to deposit it in the public library of his town so that other people might have access to it. Yet, Mr. Chairman, we are spending millions upon millions of money in printing, we are spending thousands and thousands of dollars upon useless investigations that are going on, and here is information unique in the history of the world that Members almost have to give bonds for to get one copy. Gentlemen, will not you stop playing politics and do business? Will you not? Is it not fair to the American people, is it not fair to your associates on this side of the House? Is it not fair to the President of the United States, to whom by and by you are going to send up legislation looking to the care or the destruction—one or -of the industries of this country?

Mr. FOWLER. Now, will the gentleman yield?

Mr. HILL. I will yield to the gentleman with pleasure for

a question.

Mr. FOWLER. I will ask the gentleman if it is not a fact that the President of the United States in 1908 made campaign speeches over the country at various places, among which were Cincinnati and Kansas City?

Mr. HILL. Oh, I do not know anything about that.

Mr. FOWLER. I will ask the gentleman further if it is not fact that in his addresses at both of those places the President when and how to make a reduction of the was ready then to tell when and how to make a reduction of the tariff—

Mr. HILL. I will ask the gentleman this question—

Mr. FOWLER. Is not that the fact?

Mr. HILL. Does the gentleman himself think it is fair to inject a speech into my remarks?

Mr. FOWLER. No; I do not; neither do I desire to do so.
Mr. HILL. Then please do not do it. I told the gentleman
to ask a question and I would yield for it. Now the gentleman
goes on to make a speech. Mr. Chairman, I thank the members of the committee for the courtesy they have shown me in occupying so much of their time. I did not intend to do it,

but I appreciate the courtesy very much. [Loud applause.]
Mr. BARTLETT. Mr. Chairman, will the Chair inform me

how the time stands?

The CHAIRMAN. The gentleman from Georgia has 10 minutes remaining and the gentleman from Pennsylvania 5 minutes.

Mr. HILL. Mr. Chairman, I yield back the balance of my

time to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Georgia has 10 minutes remaining and the gentleman from Pennsylvania has 5 minutes remaining.

Mr. BARTLETT. Mr. Chairman, I move that the commit-

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. Booher, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4651. An act to amend section 171 of the penal laws of the

United States, approved March 4, 1909.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below

S. 4651. An act to amend section 171 of the penal laws of the United States, approved March 4, 1909; to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. Smith of New York was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Erastus Coyle, H. R. 19613, Sixty-first Congress, no adverse report having been made

By unanimous consent, at the request of Mr. Kopp, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of the bill (H. R. 24632) for the relief of Daniel Richardson, Sixty-first Congress, no ad-

verse report having been made thereon.

Mr. Cox of Indiana was granted leave to withdraw from the files of the House, without leaving copies, the papers in the

case of Louise Mielchi, H. R. 30191, Sixty-second Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

The Clerk read as follows:

The Committee on the Post Office and Post Roads is hereby discharged from the further consideration of H. R. 18958, a bill placing certain positions in the Post Office Department in the competitive classified service, etc., and the same is hereby referred to the Committee on Reform in the Civil Service.

Mr. MANN. Mr. Speaker, is that by agreement with the chairman of the Committee on the Post Office and Post Roads?

The SPEAKER. No; there is no agreement, the Chair understands, but there was a similar bill that is already pending in the Committee on the Civil Service upon which hearings have been had.

Mr. MANN. I do not object.

There was no objection.

ADJOURNMENT.

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 31, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes, reported the same with amendment, accompanied by a report (No. 282), which said bill and report were referred to the Committee of the Whole House on the state of

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (H. R. 18781) providing for cumulative leaves of absence for the superintendent and members of the Female Nurse Corps when serving in Alaska or at places without the limits of the United States, reported the same without amendment, accompanied by a report (No. 285), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 1314) to incorporate the Carnegie Endowment for International Peace, reported the same without amendment, accompanied by a report (No. 287), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 18236) to allow and regulate amendments in judicial proceedings in the courts of the United States, reported the same without amendment, accompanied by a report (No. 286), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 18792) for the relief of homestead entrymen under the reclamation projects of the United States, reported the same without amendment, accompanied by a report (No. 281), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16675) to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-second Street, in said city, reported the same without amendment, accompanied by a report (No. 283), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Inter state and Foreign Commerce, to which was referred the bill (H. R. 16676) to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill., reported the same without amendment, accompanied by a report (No. 284), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12134) granting a pension to Mrs. Neville S. Mitchell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 19061) to authorize the appointment of two extra numbers on the retired list in the corps of professors of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. RAKER: A bill (H. R. 19062) for the improvement of the channel in Humboldt Bay in front of Eureka, Cal.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 19063) appropriating money for the continuing improvement of harbor at the entrance to Humboldt Bay, Cal.; to the Committee on Appropriations.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19064)

to provide for the improvement of the Sunflower River in Mississippi: to the Committee on Rivers and Harbors.

By Mr. LOUD: A bill (H. R. 19065) to amend sections 6 and 7 of the pure-food act of June 30, 1906, and for other purposes; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 19066) to provide for the erection of a Federal building at Payette, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. KINKEAD of New Jersey: A bill (H. R. 19067) to amend section 4477 of the Revised Statutes of the United States: to the Committee on the Merchant Marine and Fish-

By Mr. VREELAND: A bill (H. R. 19068) to provide for the purchase of a site for a public building in the city of Wellsville, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: A bill (H. R. 19069) to establish in the Department of Commerce and Labor a bureau of markets; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: A bill (H. R. 1907e) authorizing a lease between Samuel S. Carroll and William E. Carroll and the Tuscarora Nation of New York Indians; to the Committee on Indian Affairs.

By Mr. DAVIDSON: A bill (H. R. 19071) granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKSON of Mississippi: A bill (H. R. 19072) for the improvement of the harbor of Natchez, Miss.; to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 19073) to extend the general land laws to the former Fort Bridger Military Reservation

in Wyoming; to the Committee on the Public Lands.

Also, a bill (H. R. 19074) relieving homestead settlers from the necessity of maintaining residence during certain periods; to the Committee on the Public Lands,

By Mr. BRANTLEY: A bill (H. R. 19075) for a survey of Fancy Bluff Creek, a tributary of Brunswick (Ga.) Harber; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 19076) for a survey of Terry Creek and Back River, tributary to the harbor of Brunswick, Ga.; to the Committee on Rivers and Harbors.

By Mr. CRAGO: A bill (H. R. 19077) requiring receivers for national banks to file accounts in the district courts of the United States; to the Committee on Banking and Currency.

By Mr. SIMS: A bill (H. R. 19078) to abolish the Commerce Court, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Joint resolution (H. J. Res. 231) authorizing the Director of the Census to publish statistics of the domestic and foreign consumption of cotton, the surplus held by cotton manufacturers of the United States, and the number of bales exported; to the Committee on the Census.

By Mr. MONDELL: Resolution (H. Res. 295) requesting the Sacretary of War to furnish certain information; to the Committee on Expenditures in the War Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 19079) granting an increase of pension to Thaddeus W. Wolfe; to the Committee on Invalid

By Mr. ANTHONY: A bill (H. R. 19080) granting an increase of pension to Lyman H. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19081) granting an increase of pension to Patrick Kennedy; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 19082) granting an increase of pension to John S. Jones; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 19083) granting an increase of pension to John D. Fero; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 19084) granting a pension to Columbus H. Hubbard; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 19085) to correct the milirecord of James Millis; to the Committee on Military

By Mr. FRENCH: A bill (H. R. 19086) granting an increase of pension to John H. Zee; to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19087) granting a pension to John J. O'Neil; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 19088) granting an increase of pension to Alexander Jenkins; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 19089) granting a pension to

Catherine Sweeney; to the Committee on Pensions.
By Mr. HANNA: A bill (H. R. 19090) granting an increase of pension to John Broshard; to the Committee on Invalid

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19091) for the relief of the heirs of John A. Miller; to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 19092) for the relief of Robert C. Schenck, late paymaster, United States Navy; to the Committee on Naval Affairs.

By Mr. LOUD: A bill (H. R. 19093) granting a pension to

Lewis M. Benaway; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 19094) for the relief of New Hope Baptist Church, of Bartow County, Ga.; to the Committee on War Claims.

By Mr. LINTHICUM: A bill (H. R. 19095) for the relief of the estate of the late Robert H. K. Whiteley; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 19096) granting a pen-

sion to George P. Thompson; to the Committee on Pensions.
Also, a bill (H. R. 19097) for the relief of Joseph Carpenter; to the Committee on War Claims.

Also, a bill (H. R. 19098) for the relief of James Carlon; to the Committee on War Claims.

By Mr. ILOYD: A bill (H. R. 19099) granting an increase of pension to William T. Boyd; to the Committee on Invalid Pen-

By Mr. McGILLICUDDY: A bill (H. R. 19100) granting an increase of pension to Ansel G. Marston; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 19101) to amend the military record of Francis Crotts; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 19102) granting an increase of pension to Casper Condit; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 19103) granting an increase of pension to William A. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19104) granting an increase of pension to James T. Taylor; to the Committee on Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 19105) for the relief of Amanda Halton; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 19106) granting an increase of pension to Mary A. Winsor; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 19107) granting a pension to Barbara Boyle; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 19108) granting an increase of pension Chester H. Lillie; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 19109) granting an increase of pension to Alonzo T. Hickey; to the Committee on Invalid

Also, a bill (H. R. 19110) granting an increase of pension to William H. Stauffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19111) granting an increase of pension to William S. McCracken; to the Committee on Invalid Pensions. Also, a bill (H. R. 19112) granting an increase of pension to Godfrey K. Biber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19113) granting an increase of pension to Oliver J. Walker; to the Committee on Invalid Pensions.

By Mr. RAECH: A bill (H. R. 19114) granting an increase of pension to Peter Armantrout; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts

approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts; to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 19116) to correct the military record of Erastus Coyle; to the Committee

on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 19117) for the relief of Martha J. Haskew, former widow of W. T. Lanier, deceased; to the Committee on Claims.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 19118) for the perfecting of title to certain Indian lands heretofore sold under authority of Congress and of the Interior

Department; to the Committee on Indian Affairs.
By Mr. SULLOWAY: A bill (H. R. 19119) granting an increase of pension to Levi F. Hoyt; to the Committee on

Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 19120) for the relief of John Pitman; to the Committee on War Claims. Also, a bill (H. R. 19121) for the relief of Abner H. Merrill;

to the Committee on War Claims.

By Mr. UTTER: A bill (H. R. 19122) granting an increase of pension to Lewis B. Field; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 19123) to remove the charge of desertion from the record of Thomas H. Devine; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the Art Club of Phila-delphia, in favor of Lincoln memorial as recommended by Washington Park Commission; to the Committee on the Library

By Mr. AINEY: Petitions of Highland Grange, No. 193, of By Mr. AINEY: Petitions of Highland Grange, No. 193, of Athens; of Thompson Grange, No. 868, of Thompson; of Champion Grange, No. 1062, of Girdland; of W. Granville Grange, No. 257, of Alba; of Troy Grange, No. 182, of Troy; of Unity Grange, No. 1249, of Laceyville; of Iona Grange, No. 272, of Towanda; of Moosic Grange, No. 1041, of Waymart; of Beech Grove Grange, No. 1089, of Honesdale; of Jackson Grange, No. 342, of Jackson; of Pleasant Valley Grange, No. 1074, of Siko; of Union Grange, No. 155, of Troy; of Clifford Grange, No. 1399, of Clifford; of Granville Center Grange, No. 309, of Granville Center; of Armenia Grange, No. 883, of Troy; and of Gibson Grange, No. 798, of Thompson, all in the State of Pennsylvania, asking for certain changes in the oleomargarine law; to the asking for certain changes in the oleomargarine law; to the Committee on Agriculture.

Committee on Agriculture.

Also, petitions of Standing Stone Grange, No. 354; of New Albany Grange, No. 205; of Sugar Run Grange, No. 1429; of North Orwell Grange, No. 1280; of Troy Grange, No. 182; of Salem Grange, No. 965; of Friendship Grange, No. 1018; of Armenia Grange, No. 883; of Lincoln Grange, No. 237, all in the State of Pennsylvania, and of Theodore Klein, steward of Pennsylvania State Grange, protesting against the removal of special tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of Woman's Christian Temperance Union of Kingslay, Wyalusing, Aphum, Laddshurg, Gillett, and Hosford.

Kingsley, Wyalusing, Auburn, Laddsburg, Gillett, and Hosford; Methodist Episcopal Church of Thompson; First Methodist Episcopal, First Presbyterian, First Baptist, and the Christian churches, of Canton; Pride of Wayne Division, No. 232, Sons of Temperance, White Mills, all in the State of Pennsylvania, favoring the enactment of the Sheppard-Kenyon bill regulating the interstate commerce of liquor; to the Committee on the

Also, petitions of James M. Decker, Homer J. Tingley, A. W. Also, petitions of James M. Decker, Homer J. Thigley, A. W. Ellsworth, L. E. Van Housen, Claud D. Titus, and Frank M. Green, of Alford; N. E. Green, of Elk Lake; F. Mitchell, R. Harris, C. S. Barber, William J. Burns, G. M. Gones, and R. N. Harris, of Springville; B. B. Hay and Lee Carey, of Auburn; E. T. Smith, of Meshoppen; William Thayne, P. J. Brugler, A. C. Grow, W. J. McAvoy, F. R. Russell, W. H. Donlin, P. W. Conrad, Ernest West, LeRoy Woodruff, E. S. Loomis, J. J. Donlin, Marvin Bennett, and H. E. Hobbs, of Auburn, all in the State of Pennsylvania, asking that duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. BOWMAN (by request): Petition of Wyoming Monu-ment Council, No. 705, Junior Order United American Me-chanics, for restriction of immigration; to the Committee on

Immigration and Naturalization.

Also (by request), memorial of Salem Grange, No. 291, Patrons of Husbandry, protesting against the removal of spe-cial tax on oleomargarine; to the Committee on Ways and Means.

By Mr. BROWNING: Memorials of Woman's Christian Temperance Unions of Camden and Merchantville, also of the Tabernacle and Wiley Methodist Episcopal Churches, of Camden, N. J., in favor of the passage of an effective interstate

liquor law; to the Committee on the Judiciary.

By Mr. BUCHANAN: Petition of mayors of Toledo and Cleveland, Ohio, praying for the coinage of a 3-cent piece; to

the Committee on Coinage, Weights, and Measures

Also, memorial of Fairmount Park Art Association, of Philadelphia, Pa., favoring Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, petition of Cigar Makers' Union of Chicago, Ill., protesting against the repeal of the law of Congress of 1898, which provides that paper money shall be made by what is known as the hand-roller process; to the Committee on Printing.

Also, petition of Cigar Makers' International Union of America, praying for the passage of House bill 17253; to the Commit-

tee on Ways and Means.

Also, resolution of the Illinois State Veterinary Medical Association and others, praying for the passage of House bill 16843, providing for commissions for the veterinarians in the United States Army; to the Committee on Military Affairs.

Also, petition of National Association of State Mining Schools, praying for the passage of House bill 6304, providing for an appropriation for the State mining schools; to the Committee on Mines and Mining.

By Mr. BURKE of South Dakota: Petition of citizens of the

State of South Dakota, protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as recom-mended by the National Fine Arts Commission; to the Committee on the Library.
Also, memorial of Twenty-eighth Ward Taxpayers' Protective

Association, of Brooklyn, N. Y., protesting against abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the mayors of Cleveland and Toledo, Ohio, favoring the coinage by the United States Government of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, memorial of the American Continental League, protesting against proposed celebration of the 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. CARY: Petitions of residents of Milwaukee, Wis., favoring the reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, communication and resolutions from the Wisconsin Dairymen's Association, protesting against the repeal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. COPLEY: Petitions of Woman's Christian Temper-

ance Unions of Kane and Wheaton Counties, Ill., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petitions of citizens of Elgin and Joliet, Ill., protesting the committee of the c

ing against parcel-post legislation; to the Committee on the Post

Office and Post Roads.

By Mr. FARR: Petition of Mrs. Irvin A. Williams and 11 others, of Dunmore, Pa., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of West Abington Grange, No. 1200, of Dalton, Pa., relating to the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the First Methodist Episcopal Church of Jermyn, Pa., for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. FOCHT: Petitions of citizens of Lewistown and Mifflin, Pa., asking a reduction in the duty on raw and refined

sugars; to the Committee on Ways and Means.

Also, papers to accompany bill (H. R. 18876) for the relief of John Seiler; to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of the Woman's Christian Temperance Union of Boise, Idaho, for passage of House bill 16214, the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of Idaho, in favor of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of the State of Idaho, asking that

the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Newton D. Baker, mayor of

Cleveland, Ohio, and of Brand Whitlock, mayor of Toledo, Ohio, in favor of the passage of the Bulkley bill (H. R. 14042) to, authorize the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of Belden Manufacturing Co., of Chicago, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Resolutions adopted by the National Guard Association of Massachusetts, opposing the so-called Hay bill; to the Committee on Military Affairs.

By Mr. GARRETT: Petitions of W. S. Richardson, of Brownsville, Tenn., and Hawks & Duffey, of Humboldt, Tenn., in favor of the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Crockett and Dyer Counties, Tenn., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. GREGG of Pennsylvania: Petition of L. W. McCurdy, of Latrobe, Pa., protesting against the enactment of any parcelpost law; to the Committee on the Post Office and Post Roads.

Also, petition of Methodist Episcopal Church of West Newton, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill: to the Committee on the Judiciary.

liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 1467 and 1495, Patrons of Husbandry, for amendments to the oleomargarine law; to the Committee on Agriculture.

By Mr. HAMMOND: Petitions of citizens of Butterfield and Heron Lake, Minn., against extension of the parcel post; to the Committee on the Post Office and Post Roads. By Mr. HANNA: Petition of citizens of North Dakota, in

By Mr. HANNA: Petition of citizens of North Dakota, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of members of the congregation of the Methodist Episcopal Church of Reynolds, N. Dak., favoring the restoration of the Army canteen; to the Committee on Military Affairs, Also, petition of E. E. Pitcher, of Omio, N. Dak., favoring the

Also, petition of E. E. Pitcher, of Omio, N. Dak., favoring the passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, memorial of the Methodist Episcopal Church of Thompson, N. Dak., urging restoration of the Army canteen; to the Committee on Military Affairs.

Also, petition of citizens of Taxholm, N. Dak., protesting against legislation to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Petitions of citizens of the State of Georgia, urging the passage of an effective interstate liquor law: to the Committee on the Judiciary.

law; to the Committee on the Judiciary.

By Mr. HIGGINS: Memorial of the Grand Army of the Republic of the State of New York, protesting against incorporating the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of the German-American Alliance of Buffalo, N. Y., against the passage of an interstate liquor law; to the Committee on the Judiciary.

By Mr. HILL: Petition of Woman's Christian Temperance Union of Shelton, Conn., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, memorial of Woman's Christian Temperance Unions of Passaic and Paterson, N. J., favoring Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of Charles M. Burkett, of New York City, for amending postal-savings law; to the Committee on the Post Office and Post Roads.

Also, petition of Erasmus Haworth, of Lawrence, Kans., urging the passage of House bill 6304; to the Committee on Mines and Mining.

By Mr. KINKEAD of New Jersey: Petition of board of education of West Hoboken, N. J., urging that certain flags at the Naval Academy be repaired and preserved; to the Committee on Naval Affairs.

On Naval Affairs.

By Mr. KOPP: Petition of citizens of Crawford County, Wis., protesting against the extension of the parcel-post system; to

the Committee on the Post Office and Post Roads.

Also, petition of citizens of Richland County, Wis., protesting against the enactment of House bill 9433, providing for Sunday observance in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of the German Methodist Episcopal Church, of Plattsville, Wis., for the passage of an effective interstate

liquor law; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of the American Continental
League of Kings County, N. Y., remonstrating against pro-

posed celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. LLOYD: Petitions of citizens of the State of Missouri, against legislation to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of N. W. Weston and others, of Coleman, Mich., favoring the enactment of the Kenyon-Sheppard bill, regulating the interstate commerce of liquor; to the Committee on the Judiciary.

By Mr. McCREARY: Petition of the Art Club of Philadelphia, Pa., in favor of Lincoln memorial on a site to be approved by the Washington Park Commission; to the Committee on the Library.

Also, petition of Wharton Street Methodist Episcopal Church, of Philadelphia, Pa., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Memorial of South Dakota Board of Railroad Commissioners, indorsing bill to amend an act to codify, revise, and amend the laws relating to the judiciary; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Resolutions of the Art Club of Philadelphia, favoring erection of a memorial to Lincoln in the city of Washington; to the Committee on the Library.

By Mr. NELSON: Petition of citizens of Big Flats, Adams County, Wis., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of members of the Study Club of Portage, Wis., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of John H. Wise, attacking the right of Thomas S. Craso to the seat as Representative in Congress from the twenty-third district of Pennsylvania; to the Committee on Elections No. 1.

Also, petition of Cigarmakers' International Union, No. 94, of Pawtucket, R. I., objecting to the revenue tax to be collected on all cigars taken by the cigarmakers for the last two years and in the future; to the Committee on Ways and Means.

By Mr. OLDFIELD: Petition of citizens of Brewer, Ark., asking for the passage of the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: Petitions of citizens of the State of Tennessee, in favor of reduction in the duty on sugar; to the Committee on Ways and Means.

Also, petition of citizens of Tennessee, in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. PAGE: Petition of citizens of the seventh congressional district of North Carolina, asking for a reduction in duty on raw and refined sugars; to the Committee on Ways and

By Mr. PALMER: Petitions of Bible class of First Presbyterian Church of Stroudsburg, Pa., and of Presbyterian congregation of Middle Smithfield, Pa., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

ciary.

By Mr. PARRAN: Papers to accompany House bill 17414, granting a pension to William D. Allen; to the Committee on Pensions.

By Mr. REILLY: Petition of the New Haven Council, No. 293, United Commercial Travelers of America, against any legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Meriden and Hartford, Conn., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the Art Club of Philadelphia, Pa., for Lincoln memorial as recommended by National Fine Arts Commission; to the Committee on the Library.

Also, petitions of citizens of the State of Pennsylvania, for old-age pensions; to the Committee on Pensions.

By Mr. SPEER: Memorials of Bennetts Branch Grange, No. 1174, Patrons of Husbandry, of Weedville, Pa.; of Brokenstrau Grange, No. 407, Patrons of Husbandry, of Youngsville, Pa.; of Columbus Grange, No. 875, Patrons of Husbandry, of Columbus, Pa.; of Elk Grange, No. 911, Patrons of Husbandry, of Russell, Pa.; of Farmington Grange, No. 839, Patrons of Husbandry, of Clarks Mills, Pa.; of Mountain Grange, No. 1152, Patrons of Husbandry, of Tidioute, Pa.; of New Vernon Grange, No. 608, Patrons of Husbandry, of Clarks Mills, Pa.; and of Rasselas Grange, No. 118, Patrons of Husbandry, of Wilcox, Pa., protesting against the passage of bills providing for the

removal of the special tax on oleomargarine; to the Committee

Also, memorials of Brokenstrau Grange, No. 407, Patrons of Husbandry, of Youngsville, Pa.; of Farmington Grange, No. 837, Patrons of Husbandry, of Russell, Pa.; of Lake Grange, No. 1346, Patrons of Husbandry, of Mills, Pa.; of Mountain Grange, No. 1152, Patrons of Husbandry, of Tidioute, Pa.; of Rasselas Grange, No. 118, Patrons of Husbandry, of Wilcox, Pa.; and of Summit Grange, No. 1115, Patrons of Husbandry, of St. Marys, Pa., asking that certain defects existing in the Federal statutes governing the traffic in oleomargarine be remedied; to the Committee on Agriculture.

Also, memorial of the First Presbyterian Church of Warren, Pa., in favor of House bill 16214, for the passage of an effective

interstate liquor law; to the Committee on the Judiciary.
By Mr. STEPHENS of Nebraska: Petition of Roy G. Shelter, of Petersburg, Nebr., protesting against the passage of Senate

bill 237; to the Committee on the District of Columbia. By Mr. SULZER: Memorial of the Chicago Backer Gesang Verein, of Chicago, Ill., urging investigation of the administra-tion of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Memorial of London (Conn.) Business

Men's Association, against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of citizens of Tomlesville, N. Y., protesting against the passage of any bill to reduce the duty on potatoes; to the Committee on Ways and Means.

By Mr. UTTER: Papers to accompany House bill 11463, granting an increase of pension to Warren Moone; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Lewis B. Field; to the Committee on Invalid Pensions.

Also, petition of Benjamin A. Northup and other citizens, of Davisville, R. I., favoring the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of J. E. Warburton and 3 other citizens of Pawtucket, R. I., favoring the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Grange No. 44, Patrons of Husbandry, in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WHITE: Petitions of citizens of Muskingum and Washington Counties, Ohio, remonstrating against any legislation to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Kansas: Petitions of citizens of Beloit and Osborne, Kans., remonstrating against extension of the parcel-post system; to the Committee on the Post Office and Post

Also, petition of citizens of the State of Kansas, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of citizens of Kansas, asking for a general

parcel-post law; to the Committee on the Post Office and Post

Also, petitions of citizens of Kansas, asking a reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

SENATE. -

Wednesday, January 31, 1912.

(Continuation of legislative day of Tuesday, January 30, 1912.)

The Senate met at the expiration of the recess, at 12 c'clock m., Wednesday, January 31, 1912.

PLANT INVESTMENT CO.

The VICE PRESIDENT laid before the Senate the bill (S. 3087) for the relief of the Plant Investment Co., of New York, N. Y., returned from the House of Representatives in compliance

with the request of the Senate.

The VICE PRESIDENT. Without objection, the vote by which the bill was passed is reconsidered, a motion therefor having heretofore been entered; and, without objection, the bill is recommitted to the Committee on Claims.

HOUSE BILL REFERRED.

H. R. 1618. An act amending paragraph 6 of the act relating to the Metropolitan police force was read twice by its title and referred to the Committee on the District of Columbia.

THE METAL SCHEDULE.

The bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries

of the United States, and for other purposes," approved August 5, 1909, was read twice by its title.

Mr. REED. I move that the bill just read be referred to the Committee on Finance with instructions to report within 20 days from this date.

The VICE PRESIDENT. The Senator from Missouri moves that House bill 18642 be referred to the Committee on Finance with instructions to report the said bill back to the Senate within 20 days from this date. The question is on agreeing to the motion of the Senator from Missouri.

Mr. PENROSE. Mr. President, of course the Committee on Finance will have to abide by the decision of the Senate on this question. I simply desire to call the attention of the Senate to the fact that apparently no opportunity has been given in the House of Representatives or by the Committee on Ways and Means to give the vast and numerous interests concerned in this schedule any opportunity for a hearing. I am in receipt, as I suppose other members of the committee and other Senators are, of numerous requests for an opportunity on the part of manufacturers to present their views regarding the several paragraphs of the bill.

I do not believe it will be possible to give an opportunity for a proper hearing within the time fixed by the motion of the Senator from Missouri. Many of the persons who desire a hearing reside on the Pacific coast and at a distance and they have to confer with their associates in order to select the persons who are most competent and best able to come here to represent them. Anyone who is at all conversant with the ordinary course of these matters will realize, without further explanation, that the time fixed makes it physically impossible to give a fair hearing to the parties concerned, and it is manifestly unfair to discriminate by giving an opportunity to those near by to be heard and not afford an equal and similar opportunity to those at a distance.

I simply desire to record my protest-

Mr. LODGE. Mr. President—
The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Massachusetts?

Mr. PENROSE. I do. Mr. LODGE. I only desire to make a point of order. The VICE PRESIDENT. The Senator from Massachusetts will state his point of order.

Mr. LODGE. The Senate is now acting under a unanimousconsent agreement, which was to take up the children's bureau bill and dispose of it on the same legislative day. A unanimousconsent agreement of that character has always been held in the Senate to exclude all other business. The question of the reference of a bill which may lead to a great deal of debate is certainly other business.

The VICE PRESIDENT. The Chair thinks that the provision of the rule which permits the Chair to lay before the Senate at any time messages from the House of Representatives makes it permissible for the Chair to lay this measure before the Senate now. But if it is the desire of the Senate to proceed with the special order, the Chair feels sure that all Senators would be entirely willing that the Chair shall withdraw the message now from presentation, and present it later.

Mr. LODGE. I did not intend to make a point of order on the Chair's laying the message before the Senate, which may be done at any time. I make the point of order on the introduction of new business, which is to refer the bill with in-structions, in the middle of a unanimous-consent agreement. I think the question of reference ought to go over.

The VICE PRESIDENT. It seems to the Chair that there must accompany the right to lay a proposition before the Senate a disposition of it in some way. But the Chair sees no possible objection to the Senate permitting the matter to stand until the other business is disposed of.

Mr. REED. Mr. President, I am inclined to concur in the opinion of the Senator from Massachusetts. All that can be done is merely to lay the matter before the Senate, but without any action by the Senate at this time. Nevertheless, because the bill was laid before the Senate, and under the ordinary procedure here it goes to some committee, I thought it was necessary to make the motion at this time. I am quite content that the matter shall be held in abeyance until we have disposed of the matters included within the unanimous-consent agreement.

Mr. PENROSE. I would suggest to the Senator from Massachusetts that he do not press his point of order. The matter has come up while many Senators who are interested in the question are present in the Chamber. It will be very uncertain when it will come up again, and it might be quite inconvenient for many of us.

Mr. BORAH. Mr. President, I desire to call for the regular order.

The VICE PRESIDENT. The Chair thinks the regular order is the disposal of the bill which he has laid before the Senate. The Chair is not inclined to the opinion expressed by the Senator from Massachusetts that there does not accompany the right to lay before the Senate a message from the House the disposal of that message.

Mr. LODGE. Mr. President, I said I did not want to press that point; but under the unanimous-consent agreement I do not think any other business, laying messages or anything else, That is merely my opinion that I offer. I do not

think anything can supersede the unanimous-consent agreement.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. May the Chair suggest the reading of the rule? Section 6 of Rule VII is:

The Presiding Officer may at any time lay * * * and tion pending at that time shall be suspended for this purpose and any ques-

Mr. LODGE. A unanimous-consent agreement, I think, sets that rule aside and suspends it, because otherwise the unanimous-consent agreement would be almost valueless. Business might be laid before the Senate to any extent and destroy all the time for debate under the unanimous-consent agreement.

The VICE PRESIDENT. May the Chair make this suggestion, which will obviate all difficulty. Without objection, the message from the House will lie upon the table for future

disposal.

Mr. REED. That is satisfactory.
The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate Senate bill 252.

PROPOSED CHILDREN'S BUREAU.

The Senate resumed the consideration of the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Ohio [Mr. Pomerene].

Mr. OVERMAN. Mr. President, before the discussion is proceeded with, I desire to offer a substitute for the bill. I will

ask the Secretary to read it.

The VICE PRESIDENT. The Senator from North Carolina

proposes a substitute for the entire bill? Mr. OVERMAN. Yes, sir.

The VICE PRESIDENT. An amendment is pending, which, of course, must be disposed of before the substitute can be voted upon.

Mr. OVERMAN. What is the pending amendment?

The VICE PRESIDENT. The amendment of the Senator from Ohio [Mr. Pomerene]. A motion to strike out and insert can not be entertained without first perfecting the matter which it is proposed to strike out.

Mr. GALLINGER. Let the proposed substitute be read for

the information of the Senate.

Mr. OVERMAN. Let it be read for information. The VICE PRESIDENT. The Secretary will read the proposed substitute.

The Secretary. It is proposed to strike out all the text of the bill and to insert after the enacting clause:

the bill and to insert after the enacting clause:

That the Bureau of Education, under the direction of the Secretary of the Interior, shall investigate and report upon matters pertaining to the welfare of children and child life, having especial reference to questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations and accidents incident thereto, diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts of like nature as have a bearing upon the welfare of children.

SEC. 2. The results of the investigation herein directed and provided for shall be reported to the Secretary of the Interior on or before the 1st day of February, 1913, and the Secretary of the Interior shall forthwith transmit the same to Congress. Congress shall make provision for the publication and distribution of said reports, or so much thereof as may be deemed necessary and proper.

Mr. OVERMAN. Mr. President, instead of establishing a new

Mr. OVERMAN. Mr. President, instead of establishing a new bureau with all the expense incident thereto, the proposed substitute gives power to do exactly what the bill provides to a bureau that is already established. It seems to me that it is a proper part of the Bureau of Education, and it can be done with very much less expense. The Bureau of Education can collate all the facts that are given in the Census, in the Labor Bureau, and elsewhere, and give the information all collated that is desired by the supporters of the pending bill. I therefore have introduced the proposed substitute.

Mr. BACON. I should like to inquire of the Senator from North Carolina if he does not think that it would be necessary to vote some appropriation for the increased work that is im-

posed upon the Bureau of Education.

Mr. OVERMAN. Whatever is necessary, of course, the Committee on Appropriations will provide, just like we did with

the Labor Bureau. It will recommend whatever appropriation is necessary to carry out the duties prescribed in the bill.

The Senator will remember that the Bureau of Labor was ordered to make the prior investigation, and the bill carried no appropriation whatever. Therefore the Secretary of the Interior sent an estimate to the Appropriations Committee of the amount necessary to carry out the provisions of the bill, and the money was duly appropriated. Of course, Congress having provided for this investigation to be made, it will necessarily make the necessary appropriation to carry it into effect.

Mr. HEYBURN. I did not catch the word. Was it to collate or was it to collect information?

Mr. OVERMAN. "The Bureau of Education, under the direction of the Secretary of the Interior, shall investigate and

report."
Mr. HEYBURN. Oh, that is it.
The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. POMERENE], which the Secretary will read.

Mr. POMERENE. The amendment which was offered the other day was somewhat hastily drawn, and I have redrafted it, making it a little more definite but adding nothing in addi-

The VICE PRESIDENT. The Senator from Ohio withdraws his former amendment and offers the following amendment, which will be read.

The SECRETARY. On page 2, lines 7 and 8, strike out the words "The chief of said bureau may from time to time publish the results of these investigations" and in lieu insert:

The chief of said bureau shall tabulate the reports so collected, and shall from time to time publish said compilations and tabulations, together with such recommendations as he may deem proper, but the details of said reports shall not be disclosed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was rejected.

The VICE PRESIDENT. The question now is upon the substitute proposed by the Senator from North Carolina [Mr. OVERMAN]

Mr. GALLINGER. I offer the following amendment to the

The VICE PRESIDENT. The Senator from New Hampshire offers an amendment, which will be read.

The Secretary. In line 1, page 2, insert, after the words "child life," the words "among all classes of our people," so as to read:

The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, etc.

Mr. OVERMAN. I accept that amendment.

Mr. BORAH. Is it offered as an amendment to the substitute?

Mr. GALLINGER. It is offered as an amendment to the bill,

I will say to the Senator.

Mr. OVERMAN. I thought it was an amendment to the substitute

The VICE PRESIDENT. It is an amendment to the bill. Mr. BORAH. I have no objection whatever to the amendment. I think the bill is undoubtedly to that effect now, but if

there is any doubt——
Mr. GALLINGER. This makes it clear.

Mr. BORAH. I do not object to it if it is thought proper to

put it in, although I think it pure tautology.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire. [Putting the question.] The noes have it, and the amendment is rejected.

Mr. GALLINGER. I trust the question will be put again. Let Senators vote.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. I offer another amendment. The VICE PRESIDENT. The Secretary w The Secretary will read the amendment.

The Secretary. In line 3, page 2, after the word "rate," strike out the comma and insert the words "among all classes of our people," so that if amended it will read:

The birth rate among all classes of our people.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BORAH. May I ask for a rereading of the amendment? The Secretary again read Mr. Gallinger's amendment.

Mr. BORAH. I call the Senator's attention to the fact that that does not add anything whatever to the authority that is given already in the bill. I do not know the Senator's object in introducing it. The same subject matter is already covered by the general terms of the bill, and the same subject matter will be covered again by repeating it in a former part of the While I do not see any particular objection to it, it adds

nothing to the bill.

Mr. GALLINGER. Mr. President, my purpose in offering the amendment is that, in looking over these 12 volumes of interesting literature, volumes that will be interesting possibly to the antiquarians of the country after a few months, I find that the investigations were made exclusively among the poorer people of the country, and especially in the mill villages of the country. I apprehend that will be duplicated if we establish this bureau, and I want this investigation to be made among all classes of our people. If we have race suicide in this country. I think it will be found not to apply so much to the people who have been investigated as to the people who have not been investigated. I want to have a general investigation upon this subject.

Mr. ROOT. Mr. President, I think it would be rather unfortunate to establish classes among our people by an act of Congress. I do not think there are any. I would rather not have a law which says there are. There are no classes of the American people. I am against the amendment because it uses that

expression.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the substitute offered by the Senator from North Carolina.

Mr. OVERMAN. I call for the yeas and nays on the amend-

The yeas and nays were ordered.

Mr. OVERMAN. I ask that the substitute be read. Some Senators have come in since it was read.

*The VICE PRESIDENT. Without objection, the substitute

will again be read.

The Secretary again read Mr. Overman's substitute.
Mr. BORAH. Mr. President, I will not detain the Senate
with an extended discussion of the proposed substitute, but I
will state that when the pending bill was originally introduced and went to the Committee on Education and Labor it provided that this proposed bureau should be in the Interior Department instead of in the Department of Commerce and Labor. The hearings, however, disclosed the fact that those who had given great consideration to the subject, including the then Commissioner of Education, thought that the bureau should be established in the Department of Commerce and Labor. While I shall not and could not now state in extenso the reasons for that, I will say that it was after a hearing before the committee that the bill was changed in that respect.

With reference to not creating a bureau and thereby saving expense, it was found that this work could not be done any cheaper or any better in any other way than it could be done by creating a bureau, but that if there was a central authority and a responsible head the work would be done just as cheaply and more effectively and more successfully than if it were placed under the Commissioner of Education. For the reasons which were heard in committee we concluded to put the bureau under the Department of Commerce and Labor, and also to create a separate bureau, because we could not find that it would be any saving whatever not to create a bureau and place it else-

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from North Carolina [Mr. Overman], on which that Senator asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary pro-

ceeded to call the roll.

Mr. CLAPP (when his name was called). I have a pair with the senior Senator from Florida [Mr. Fletcher], who is absent. If he were present, I should vote "nay."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] is necessarily absent from the Chamber attending upon the Lorimer investigating committee. He is paired with the senior Senator from South Carolina [Mr. TILLMAN

Mr. BRYAN (when Mr. Fletcher's name was called). M colleague [Mr. Fletcher] is absent on business of the Senate.

Mr. THORNTON (when Mr. Foster's name was called). I announce the necessary absence of my colleague [Mr. Foster], and also that he has a general pair with the junior Senator from Wyoming [Mr. WARREN].

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. Percy]. That Senator being absent, and I not knowing what his vote would be if present, I beg to withhold my vote on this subject. Were I at liberty to vote, I should vote "nay."

Mr. REED (when his name was called). I have not a pair,

but I have a sort of understanding with the Senator from Michigan [Mr. SMITH] that I will not vote in his absence. however, reliably informed that he favors this bill, and I therefore feel at liberty to vote under the circumstances. I vote

nav.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. I understand that he is paired with the junior Senator from Missouri [Mr. Reed], but if present he would vote "nay." I am sure, therefore, that the Senator from Missouri did right in voting.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Alabama [Mr. John-

ston] and vote. I vote "yea."

The roll call having been concluded, the result was announced-yeas 30, nays 46, as follows:

YEAS-30.

Bacon Bailey Bradley Bryan Chamberlain Chilton Culberson du Poht	Gallinger Heyburn Lea Lippitt Martin, Va. Newlands O'Gorman Oliver	Overman Paynter Simmons Smith, Ga. Smith, Md. Smith, S. C. Stone Swanson	Taylor Thornton Tillman Watson Wetmore Williams
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NAYS-46

		The state of the s	
Borah Bourne Brandegee Briggs Bristow Brown Burnham Burton Clark, Wyo. Crane Crawford Cullom	Cummins Curtis Dixon Gamble Gardner Gronna Guggenheim Hitchcock Johnson, Me. Jones Kenyon Kerr	Lodge McLean Martine, N. J. Myers Nelson Nixon Owen Page Penrose Perkins Poindexter	Rayner Reed Richardson Root Shively Smoot Stephenson Sutherland Townsend Works

NOT VOTING—15.			
Bankhead Clapp Clarke, Ark. Davis	Dillingham Fletcher Foster Gore	Johnston, Ala. La Follette Lorimer McCumber	Percy Smith, Mich. Warren

So Mr. Overman's substitute was rejected.

Mr. NEWLANDS. Mr. President, I am inclined to think that the smallness of the vote in favor of the substitute offered by the Senator from North Carolina [Mr. Overman] was due to the fact that there was a misapprehension regarding the meaning of the substitute. There seemed to be an impression that the substitute limited the operation of the bill to 1913.

Mr. OVERMAN. It was not so intended. I had my clerk draw the amendment hurriedly this morning, but I did not in-

tend that there should be such a limitation.

Mr. NEWLANDS. I will state, Mr. President, that I have been throughout in harmony with the purpose of this bill, but when it was reported to this body by the Senator from Idaho [Mr. Borah] I inquired whether the proper jurisdiction should not be that of the Interior Department instead of the Department of Commerce and Labor. I have always been of the view that the proposed bureau should be a part of the Interior Department, and I think it eminently proper that all the duties proposed by this bill should be imposed upon the Bureau of Education in that department. I am sure that the vote for the proposed substitute would have been a much larger one if it had not been for the misapprehension existing with reference to the operation of the substitute offered by the Senator from North Carolina [Mr. Overman], and I hope that at some subsequent period in the day another substitute will be offered that will not be subject to that misunderstanding.

Mr. SMITH of Georgia. Mr. President, I came into the Senate too late to hear the substitute read. I voted for it upon the impression that it simply placed the same work in the Bureau of Education in the Interior Department that the original bill placed in the Department of Commerce and Labor. I did not vote for the substitute upon any thought to lessen the effectiveness of the measure, but because of my familiarity with the work of the Bureau of Education I felt sure that if it were placed there it would be intelligently and well done.

VICE PRESIDENT. The question is on the engross-

ment and third reading of the bill.

Mr. BRANDEGEE. I move to amend the bill by striking out, on page 2, line 6, the following words:

And such other facts as have a bearing upon the welfare of children. The effect of the language seems to me to add nothing to what is conferred in the previous language of the bill, which provides that the bureau shall "report upon all matters pertaining to the welfare of children and child life."

This language is:

And such other facts as have a bearing upon the welfare of children. If the bureau is to report upon all matters pertaining to that, there can be no other facts which have a bearing upon it. It is surplusage, and I move to strike it out.

The VICE PRESIDENT. The Secretary will state the amend-

The Secretary. On page 2, line 6, after the word "Territories," it is proposed to strike out "and such other facts as have a bearing upon the welfare of children."

The VICE PRESIDENT. The question is on agreeing to the amendment. By the sound the "ayes" have it, and the amendment is agreed to.

Mr. BACON. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it. Mr. BACON. Is the bill in the Committee of the Whole or

in the Senate?

The VICE PRESIDENT. The bill is in the Senate.

Mr. BACON. It has been reported from the Committee of the Whole, then? The VICE PRESIDENT. Yes. Are there further amend-

ments to be offered?

Mr. WILLIAMS. I call for a division upon the last vote.

The VICE PRESIDENT. In the absence of objection, the Chair will again put the question on the amendment offered by the Senator from Connecticut [Mr. Brandegee].

The amendment was agreed to; there being, on a divisionayes 28, noes 23.

The VICE PRESIDENT. The question is on the engross-

ment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. OVERMAN. I should like to have the amendment I introduced, in order that I may change it in the respect suggested. never intended to limit the operation of the bill at all, and I should like to submit the amendment making it unlimited.

The VICE PRESIDENT. It will be necessary, if any amendment is to be offered, to reconsider the vote by which the bill was ordered to be engrossed for a third reading and read the third time. If there be no objection, the votes by which the bill was ordered to be engrossed for a third reading and read the third time will be reconsidered.

Mr. OVERMAN. Mr. President, I have inserted in the substitute I have heretofore offered the words "annually thereafter, and the Secretary of the Interior shall forthwith transmit the same to Congress," to come in after the words "1st day of February, 1913, and." I now offer the substitute modified in that manner. in that manner.

The VICE PRESIDENT. The Senator from North Carolina offers an amendment in the nature of a substitute for the bill,

which the Secretary will read.

The Secretary. It is proposed to strike out all after the enacting clause and to insert:

That the Bureau of Education, under the direction of the Secretary of the Interior, shall investigate and report upon matters pertaining to the welfare of children and child life, having especial reference to questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations and accidents incident thereto, diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts of like nature as have a bearing upon the welfare of children.

SEC. 2. The results of the investigation herein directed and provided for shall be reported to the Secretary of the Interior on or before the 1st day of February, 1913, and annually thereafter, and the Secretary of the Interior shall forthwith transmit the same to Congress. Congress shall make provision for the publication and distribution of said reports, or so much thereof as may be deemed necessary and proper.

Mr. LODGE. Mr. President, I understood that this was a reproduction of the other bill. But it simply provides for a transfer to the Secretary of the Interior. It makes no provision whatever for doing the work and provides vision whatever for doing the work and provides no additional force and no additional money.

Mr. OVERMAN. It is exactly like the law for investigations by the Bureau of Labor.
Mr. LODGE. But he has no force with which to do it, and

no money with which to do it, and no opportunity to do it.

Mr. OVERMAN. That is exactly what was done in that case.
Mr. LODGE. We must make an appropriation. You can not
do anything without an appropriation. The other bill provides for additional clerks.

Mr. OVERMAN. That is exactly what we did in the case of the Bureau of Labor.

Mr. BAILEY. According to the President, you do not need

any more.

Mr. BORAH. Mr. President, the substitute has the vice of overlooking the question of an appropriation, and the work presumably is to be carried out by an appropriation on a subsequent appropriation bill.

Mr. OVERMAN. That is right.

Mr. BORAH. The effect of the measure now before the Senate is to limit the amount to be appropriated and to prescribe who shall do the work, and it confines the bureau to a certain amount of help.

Mr. OVERMAN. Does not the Senator know that this officer could send his estimate of the appropriation here and Congress

would appropriate the amount?

Mr. BORAH. Congress likely would not pay any attention to the Commissioner of Education, because the commissioner has said it ought not to be under his jurisdiction and should be under another and separate bureau. The very object of the bill in its present form is to avoid this unlimited power and also to prescribe the limit of the appropriation.

Mr. GALLINGER. Will the Senator from Idaho permit me?

Mr. BORAH. I yield.

Mr. GALLINGER. Does the Senator really believe that the appropriation in this bill will be sufficient to do the work? Does not the Senator know, as a matter of fact, that we will be asked for an additional appropriation to carry out the purpose of the bill now before the Senate?

Mr. BORAH. I do not know. I know we went very extensively and in detail into the question when the matter was before the committee, and we thought that this bureau could be organized and the work be begun with this appropriation. Whether or not there shall be more money appropriated will depend upon the facts submitted to Congress, and I think the next Congress will be as wise as this Congress and will be able to determine whether it should appropriate more or less for this bureau. I have no doubt, if the work is done as it should be done, there will be more appropriations, but I assume there will be no appropriation unless there is a necessity for it.

Mr. GALLINGER. Does the Senator think that 6 clerks are going to be able to go into the 46 States of the American Union

and make this investigation?

Mr. BORAH. I have no idea that six clerks will be able to make as thorough an investigation as some people would have made, but they will be able to gather facts in the States, in connection with the work of the different States. It was not the idea of those supporting the movement to create this bureau that the force here provided for would gather all the information, but that it would compile for universal use such information as has already been gathered in the different States.

Mr. GALLINGER. But the bill specifically says they shall make an investigation of these questions.

Mr. BORAH. They shall investigate by gathering together the information in the different States.

I am frank to say that, if I had my way about it, instead of putting it at \$29,000, I would put it at \$129,000, and in a short time facts would be gathered and sufficient publicity given that there would be some forces, opposing the bill now, which would at least change their system of doing business.

Mr. GALLINGER. I simply rose for the purpose of asking

the Senator, in all seriousness and good faith, whether he be-lieves that the machinery provided in this bill is sufficient to carry out the purposes of the bill?

Mr. BORAH. I do, in the beginning of the work.

Mr. GALLINGER. In the beginning of the work. If you began it with a nickel, it would be just as efficient.

Mr. BORAH. I have no doubt the Senator from New Hampshire would like to confine it to a nickel.

Mr. GALLINGER. I have no doubt it would be as efficient. Mr. LODGE. The machinery in this measure is just as ef-

Mr. GALLINGER. For the former commission not a copper was provided, but I think \$300,000 was appropriated. I think the Senator from North Carolina was right in saying that if the Bureau of Education called for an additional appropriation or additional help it would be forthcoming. So I think the statement made in behalf of the substitute, that in it no appropriation is made, has no force, as we very frequently legislate in that way. There is no difficulty about that afterwards. We respond to the demands of the different departments and make the appropriation if it is needed.

I think the Bureau of Labor during this session has received \$40,000, and I think it is probably being used for the purpose of this investigation, and in giving us so much literature.

always respond to those requests liberally and freely, and we would do the same thing if the substitute offered by the Senator from North Carolina should be agreed to by the Senate. There

is no question about it at all.

Mr. SMITH of Georgia. Mr. President, I came into the Senate Chamber after the substitute had been read, and I have not had an opportunity to consider it, but I do not think the substitute meets the purpose of this bill at all. I see no necessity for a formal report to Congress on the result of these investi-gations. The main purpose of these investigations is that the material shall be at hand and be furnished in bulletin form from time to time for the use of the people who desire to study these questions. I do not think the substitute meets the case, and while I should prefer to see this work done by a division in the Department of Education, I can not vote for the substitute, as I understand it, and shall vote for the original bill in preference.

Mr. HEYBURN. Mr. President, I agree with the Senator from Georgia. The substitute does not meet the intention of the original bill, in that it does not provide this officer with a

berth at \$5,000 a year.

And take care of a few friends.

Mr. HEYBURN. And a few friends. I think therein it does fall short, but that to me is rather a recommendation than

Mr. President, the argument which has been made against the bill from the great amount of money that has already been expended in collecting information determines me to stand by the bill rather than by the substitute.

I have not the slightest doubt of the constitutional authority of Congress to collect information regarding the social and industrial conditions in the United States through such agencies as it sees fit to constitute for that purpose.

Would the Senator from New York be good Mr. BAILEY. enough to tell the Senate upon what provision of the Constitu-

tion he rests the statement as broad as that?

Mr. ROOT. The Senator from New York will answer that question by reading from the decision of the Supreme Court of the United States in the Legal Tender cases. The court

It is not indispensable to the existence of any power claimed for the Federal Government that it can be found specified in the words of the Constitution or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly defined or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. * * * Congress has often exercised, without question, powers that are not expressly given nor ancillary to any single enumerated power. Powers thus exercised are what are called by Judge Story, in his Commentaries on the Constitution, resulting powers, arising from the aggregate powers of the Government.

Mr. BAILEY. Mr. President-

The VICE PRESIDENT. Does the Senator from New York yield further?

Mr. ROOT. In a moment, when I have completed my answer. Mr. President, we are vested by the Constitution with author-We impose ity to legislate upon a vast range of subjects. duties-customs and internal-revenue duties. We have the power to impose direct taxes. We regulate commerce between the States and with foreign nations. We are vested with the power to propose amendments to the Constitution of the United States if in our judgment the distribution of power between the States and the General Government ought to be changed. We have power to pass upon agreements between the States in case the States choose to regulate among themselves their industrial competition; and, for the purpose of performing duties which are imposed upon us in the exercise of our power in all this vast range of legislation, it is necessary that we shall be fully and broadly informed upon the social and industrial con-

ditions of our country.

Now, sir, Congress must be its own judge as to the kind and scope of its information, and it must be its own judge of the agencies through which it will acquire that information. I have no question whatever of the power of Congress to provide for securing this information, and the reason we are now called upon to provide a new agency for acquiring information in this field is that the agents hitherto existing in the department, who have been engaged in doing this very work, have proved to be ineffective in the performance of the work, and we have accumulated a great mass of material of which no use

is being made.

It is in the hope that the expectations of the originators and advocates of this bill for a more effective use of the material which may be collected will be realized that I shall stand for the bill and against the substitute.

Mr. BAILEY. Mr. President, evidently the Senator from New York [Mr. Root] had prepared himself to answer the very

question which I asked, and when the Senator from New York prepares himself to answer the Senate may be well assured that he makes the best answer of which the matter is suscepti-I therefore assume that what he has said is not only the best defense of this legislation, but it is the whole defense for it.

I need not remind the Senate, and certainly I need not remind the Senator from New York, that the quotation which he has just read is from an opinion which reversed two former decisions of that court, nor is it necessary for me to remind the Senate or the Senator from New York that it relates to one of the few episodes which almost touched that great court with a scandal. With all of the facts before me I do not now believe, although I have asserted it in my earlier days and on less information, that the court was packed to procure the opinion from which the Senator from New York has read, but the Senator knows as well as I do that there are thousands of intelligent men in this country who do believe it. I therefore would give less weight to that opinion than to almost any one rendered by that great tribunal, unless it would be the opinion that held the income tax of 1894 invalid.

But, Mr. President, let us accept that opinion, and, indeed, I am not sure that I do not readily accept that part of it which the Senator from New York has just read to the Senate. Let us agree that Congress need not put its finger on a single power authorizing a given action, but that it may put its finger on several powers which, taken together, may authorize a given action. Does that rule justify this legislation?

The Senator from New York tells us that we have the power to propose amendments to the Constitution. Does the Senator from New York mean—if he does it is instructive, and I think it would be alarming to Senators on this side—that he believes the purpose of this information is to propose an amendment to the Constitution which shall hereafter confer upon the Federal Government power over the children of the land? Does he mean that we will hereafter upon this information be asked to submit a constitutional amendment which will authorize Congress to pass child-labor laws?

Mr. ROOT. Mr. President—
The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New York?

Mr. BAILEY. I do.

Mr. ROOT. May I answer that question now? Mr. BAILEY. Certainly.

Mr. ROOT. Of course, the Senator from New York does not mean that

Mr. BAILEY. I thought the Senator instanced that as one of the powers.

Mr. ROOT. It is information that may be necessary to enable us to reject a proposal of that description.

Mr. BAILEY. I did not say we would submit it. I asked

if we are to be asked to submit it. We could not reject it unless we were asked to submit it.

Mr. ROOT. No one, Mr. President, can put a limit on what we may be asked to do.

Mr. BAILEY. Precisely. Very true, if this legislation is constitutional.

Mr. ROOT. Not the amendment of the Constitution of the United States. My proposition is that we have the constitutional authority to collect information to enable us always to be ready to meet any demand upon us for the exercise of our authority

Mr. BAILEY. Information with respect to matters not within our jurisdiction is not apt to materially assist in dealing with matters which have been committed to us. But, Mr. President, let us take the next power which the Senator from New York says that Congress is authorized to exercise. He says we have the power to lay and collect taxes, both internal and external, both revenue duties at the customhouses and revenue duties upon domestic commodities or transactions. Does the Senator seriously ask the Senate to believe that we are passing this bill for the purpose of obtaining information which will enable us to levy taxes?

If the Senator from New York, with all his great ability and acumen, is not able to illustrate his contention by producing an instance which fits this legislation, then no such instance can be produced. The Senator from New York is skilled in argument. The Senator from New York knows as well as any man on this floor what is an apt illustration. Yet he is not able to point out to the Senate a single enumerated power which he will tell us the information which it is here proposed to collect is a necessary and proper means of executing.

Mr. President, in order that I may not do the Senator an injustice, and in order that the Senate may have the benefit of his vast learning and his great ability, I will not leave it to be said that while he instanced things which did not fit the case

there were others which did fit the case, and I will be glad to have him now tell me the single provision, or the several provisions, in the Constitution which can be exercised more wisely or more justly upon the information here obtained.

Mr. ROOT. Mr. President, the question which the Senator from Texas has put is the very question which he conceded by the assumption of his argument he was not entitled to put;

Mr. BAILEY. That may be a good answer, but I do not

Mr. ROOT. That we are not to be required to put our finger upon a specific, expressed power-

Mr. BAILEY. I did not say that.

Mr. ROOT. As a basis of an implied power.

Mr. BAILEY. The Senator misunderstands me. I did not so limit my challenge. I concede, for the purpose of this debate, that he can not be required to point out a particular one; but I call on him to point out one or several.

Mr. ROOT. The Senator now asks that I put my finger on

Mr. BAILEY. Either one or several.

Mr. ROOT. Either one or several powers of the Constitution as a basis of the implied power to collect information regarding the social and industrial condition of the country. My answer is that there is not one power conferred upon Congress by the Constitution for the exercise of which a wise and prudent disposition of Congress will not provide for full and thorough information as to the conditions existing in the country for which we legislate. Be it the power of taxation, be it the power of regulating immigration, be it the power of regulating commerce, be it the power of establishing post offices and post roads, be it the power of declaring war and making peace, whatever it be, it is our duty to know the conditions of the country regarding which we are legislating, and full and accurate knowledge regarding those conditions will make us better legislators and better able to perform our duty; and in order that we may be able to perform our duty upon instruction and knowledge rather than upon evolving ideas from our inner consciousness, I say that we have the implied power to collect that information and to put it in a form where it will be available for us and available for those who sent us here and who pass upon our acts.

Mr. BAILEY. Mr. President, if that theory of this Government should be accepted it would forever destroy all the limitations upon the power of Congress, and I doubt if the Senator from New York in perfectly cool reflection would be willing to repeat the opinion which he has just expressed. I have been drawn to him within very recent years by a belief that he was himself soon to espouse the time-honored doctrine of State rights, as the Senator from Massachusetts [Mr. Lodge], who sits next to him and who smiles at that allusion, has already

I am not surprised that Massachusetts should become an advocate of State rights. Indeed, I will be surprised, sir, if every New England Commonwealth does not become in time a sturdy and earnest advocate of that doctrine. In the old days when New England governed the country New England never feared the General Government, because being practically the General Government they had no fear of themselves. But the scepter has passed from New England's hand; the power to control the destinies of this Republic has gone far beyond them, and they, wise in this generation, as their fathers were in the other generations, will learn a very wholesome fear of a Government which they can no longer control.

I had believed that even the Senator from New York was soon to adopt that doctrine. I may have misread, but I think I do not misread a speech which he delivered before some audience in New York within the last two years in which he declared that the Federal Government was breaking down under the powers now assumed by it or imposed upon it, and he called upon those who heard him to help resist and reverse the tendency to an increase of Federal power and Federal operation.

But, Mr. President, he will call in vain upon the majority to desist from exercising a power which he alleges them to possess. It may be treason to say that the majority can do wrong, but I am guilty of that treason, if treason it be, because I know that majorities have done wrong, and I know besides that the very purpose of framing and adopting this written Constitution was to protect the minority against the wrongs and injustices which majorities might inflict. So long as the Senator from New York is teaching the people of this country the sloctrine of unlimited Federal power he will plead in vain against the exercise of powers which he thus publicly asserts.

But, Mr. President, let us analyze the Senator's answer a little further. If the industrial, the social, and moral condition

of the children of this country is a proper subject of Federal legislation, then the Congress may properly authorize the collection of information which may qualify it to legislate upon that subject. But from the beginning to the end of that Constitution the Senator from New York can not find a single authority, nor can he fairly infer an authority from the whole of them, for congressional action with reference to the morals, health, or the protection of children. If he can, I would be greatly obliged to him if he would point it out to me.

I was reared in a school which taught, and I think no other school ever disputed that teaching, that the morals, the health, and the behavior of grown people as well as little children were withdrawn entirely from Federal countenance and left exclusively to the State's jurisdiction. Now, if that be true— and I think the Senator from New York will not be bold enough to dispute that, will he? The Senator does not dissent from

that statement, does he?

Mr. ROOT. That is to say, the statement that the behavior

of grown people as well as little children is—
Mr. BAILEY. The morals, the health, and the behavior of

grown people and of little children.

Mr. ROOT. Of course I do not dispute that. Of course I agree with the Senator upon that, but, Mr. President, is that

any reason why Congress can not collect information?

Mr. BAILEY. I think Congress has no power to create offices to procure information which it has no power to use for legislative, executive, or judicial purposes. That is my doctrine. I go back from these bald generalizations of the Senator from New York to the report of the committee itself. What does the committee assert to be the purpose of this legislation? It is to enable the States to do those things which the commit-tee concedes the States alone may do. I do not think I misstate the argument of the committee, and the Senator from Idaho [Mr. Borah], with his customary fairness, agrees by nodding his assent that I state it properly.

Now, Mr. President, if the Senator from New York can take

that report of the committee and find any power in the Con-stitution, or if reading them all together he can find that all the powers of the Constitution confer upon the General Government a power to aid the States in taking care of the children, I am

ready to conclude the argument.

The children, sir, are left, so far as they are left to any sovereignty, to the States of this Union; and I am one of those who believe that the States themselves ought to leave the mother's and father's authority as much unimpaired as possible, taking care only to do those things which are imperatively demanded by the highest interests of society.

So far as any legislation of this country will look to helping sick children, may look to relieving deserted children, may look to a provision for helpless children, those laws must be passed by the States; and there is not a Senator in this body who will contend that outside of this Federal District or the Territories of the United States Congress may enact any such law as that.

Mr. President, though I have no right to put the question to my Democratic associates, I beg them to consider that when the Senator from New York undertakes to rest a defense of this bill upon the broad statement of the Legal Tender cases, and yet is unable even under that to justify the bill by a single attempt to point out one power or any number of powers which it is honestly intended to execute, we concede the whole case between us and our adversaries on a construction of the Constitution. I suppose that it is now a waste of time to argue the Constitution of the United States. There is an impatience both here and elsewhere with arguments of that kind, and I find generally that the men who are the most impatient at the argument are the very men who know least about the Constitution. I have never in my life known a man who had studied the Constitution until he understood it who did not entertain a profound respect for it. Of course I have known wise men to differ about some of its simple provisions, but in all my life I have never known a man who understood it who did not manifest toward it a wholesome and a high respect.

When we are setting aside the Constitution here can we wonder that those who sent us to the Senate may feel impatient of its restraints and seek to set it aside in their sphere? No man who undertakes to construe that Constitution beyond its meaning or out of its meaning, or who dares to do anything here contrary to its meaning, ought ever be heard to tell the people whom he represents that the Constitution of the United States binds their conscience, because if it does not bind his it will not bind theirs.

It will not be long before the Senator from New York will be pleading the ancient and traditional doctrine of this Government in answer to the "progressive" or the "insurgent" demands of his own party. I must not mix those terms. As I

understand, "insurgent" describes a certain section of the Republican Party, and "progressive" describes a certain section of the Democratic Party. Of course, they mean largely the same thing—that is, they describe largely the same state of mind-but I believe Democrats have appropriated one and Republicans have appropriated the other. When the insurgents and the progressives face the Senator from New York he will cry as loudly for the protection of the Constitution then as I Yet when they read that extract from the legaltender opinion, which the Senator has read to the Senate, I wonder how he will answer them.

Mr. President, if we intend to maintain this Government there is only one way to do it, and that is to obey its Constitution. I have no patience with the man who invokes the Constitution against those things he does not desire, and yet waives that Constitution in favor of those things which he thinks ought to be done. The Constitution must be respected in all cases or in time it will come to be respected in no case. The Senator from New York ought to know that, and does know that as well as I do. If this Congress possesses the power to pass this bill, then this Congress possesses the power to pass any bill it chooses, because there has been no bill ever proposed here, except indeed it be in open and palpable violation of some express prohibition in the Constitution, that can not be justified upon the argument the Senator from New York has just addressed to the Senate. If I may stand here and say that this bill is warranted, not by any particular provision in the Constitution but that it is warranted by all of them, which I need not specify, then how can a limit on our power be fixed? Oh, Mr. President, let us be candid with ourselves; let us be candid with the country; let us either adopt the argument of the Senator from New York and say that the American Congress has power to do whatever it pleases, or let us say it has no power to do the thing which is here proposed.

I have objected to other measures of this kind, and my objection has from time to time been overruled. Sometimes I have not even been able to elicit a reply from those in charge of such bills as this, but we have gone on, step after step, establishing precedent after precedent until the ablest men in this body abandon the Constitution as an authority wholly and forever, and rest their support of this measure on the precedents, admitting practically that the precedents are without the warrant of the Constitution. The Senator from Idaho [Mr. Borah] who has charge of this bill and who is surpassed by no man in this body as a lawyer—a lawyer, too, who has a pride in his profession, and generously endowed with an intellectual integrity—does not say that there is any provision in this Con-

stitution to justify this measure.

The Senator from New York [Mr. Root], second to no man in this Senate, second to no man in this Republic, as a lawyer, will not attempt to specify a particular provision of the Constitution to which this bill can be referred. The Senator from New York, invoking the broadest doctrine ever announced by politicians or by judges in the history of the country, quoting the legal-tender decision in its fullness—and the quotation which he makes from it is the broadest statement in that or in any other opinion ever delivered from that high bench-yet in quoting that he can not justify himself even under it, for when I called upon him to point out either one or several provisions of the Constitution to which this bill may be referred and which this bill is intended to execute, he answers that he is not re-

The VICE PRESIDENT. The question is on agreeing to the

proposed substitute.

Mr. REED. Mr. President, it seems to me that this bill can be passed without trampling upon the Constitution of the United States. If this bill is violative of the Constitution, then that instrument has been misinterpreted and broken from the very day of its ratification.

Article I, section 8, of the Constitution opens with the general declaration, "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States." This clause, conferring upon Congress these broad and general powers, is followed by the enumeration of certain specific powers, beginning with the clause authorizing Congress "to borrow money on the credit of the United States" and ending with the clause which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitu-tion in the Government of the United States or any department or officer thereof."

It is contended by the Senator from Texas [Mr. BAILEY] that notwithstanding the existence of the general clause, the powers of Congress are circumscribed by the specifically enumerated powers which follow the general clause. If we are to accept the construction thus contended for by the Senator from Texas, then there can be no question that we must abolish fully onethird of the present machinery of government, because, if the contention of the Senator from Texas is correct, then that machinery exists in defiance of the Constitution.

If we have no power to inquire into the condition of children laboring in factories, then we have no power to inquire into the condition of adults in factories; thus we wipe out the Department of Commerce and Labor. If we are without power to inquire into the moral surroundings of children, surely we may

not investigate the diseases of animals.

A large number of existing bureaus should be immediately abolished. The Bureaus of American Ethnology, of Animal Industry, of Chemistry, of Education, of Mines, of Plant Industry, of Soils, of International Catalogue of Scientific Literature, and of Entomology would be wiped out at once. The Bureau of Immigration and Naturalization and the Bureau of Corporations would either be abrogated or their work greatly circumscribed. The Smithsonian Institution must close its doors; the distribution of garden seeds must at once be discontinued; and the entire Department of Agriculture go to the scrap heap.

We would not even have the right to investigate the ravages of the boll weevil or Texas tick; neither could we spend money to prevent the spread of glanders among horses, or the bubonic

plague among human beings.

The construction of the Constitution contended for, if placed in actual practice, would paralyze these useful agencies of government and effect a change so radical as to be almost

revolutionary..

I do not believe that the Federal Government ought to ever trench upon the rights of the States; but, sir, there is to my mind a very clear distinction between the Government of the United States invading the State and taking away the State's power over its citizens and the Government of the United States collecting mere data and information with reference to the popula-

tion of the United States.

The power of the Federal Government to count the population of the United States, or by its agents to inquire into conditions of labor, is quite a different thing from the Government of the United States going into the respective States and undertaking to pass laws to control the habits of the people or regulate their conduct. The right of the Federal Government to inquire into the best methods of agriculture is quite a different thing from the power of the Federal Government to say to the farmers how they shall cultivate their lands. The right of the Federal Government to inquire into the moral conditions of children employed in factories and mines and give that information to the public is quite a different thing from the assumption of the power to prescribe how many hours children shall work in factories or the age at which they may be employed in mines that exist in the respective States. It seems to me that here is the dividing line between those acts which constitute an invasion of the rights of the State by the Federal Government, so ably invelghed against by the Senator from Texas, and the proper exercise of Federal functions with due regard for the sovereignty of the States.

Mr. President, I may be very greatly mistaken, but to my mind the Constitution presents no obstacle to the passage of

this bill.

The argument advanced by the Senator from Texas is as old as the Constitution itself. Indeed, it was advanced at the time the Constitution was written. Perhaps it has never been more forcibly presented than by the Senator from Texas.

The argument is that the words "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States"—found at the beginning of section 8, Article I-convey no grant of power to do anything whatsoever unless the right is embraced within the specifications which constitute the remainder of the section. The argument, in fact, strikes the words "to provide for the common defense and general welfare of the United States" from the section, and leaves it as though these words had never been therein written.

If that often-urged view is correct, then I concede that this bill should not be passed; but in that event I also contend that this Congress should not pass an appropriation bill carrying a single dollar to any of the bureaus to which I have already

referred.

But I do not agree that the view just stated is a sound construction of the Constitution. I have some confidence in the opinion I entertain, because it is bottomed upon the declaration

of the greatest writer on constitutional law this country has produced. In his great work on the Constitution Mr. Story at length discusses the very proposition we are now considering, namely, whether the language "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States" conveys a distinct grant of power.

At page 912, volume 1, Judge Story says:

At page 912, volume 1, Judge Story says:

An attempt has been sometimes made to treat this clause as independent, and yet as having no real significancy per se, but (if it may be so said) as a mere prelude to the succeeding enumerated powers. It is not improbable that this mode of explanation has been suggested by the fact that in the revised draft of the Constitution in the convention the clause was separated from the preceding exactly in the same manner as every succeeding clause was, namely, by a semicolon and a break in the paragraph; and that it now stands in some copies, and it is said that it stands in the official copy with a semicolon interposed. But this circumstance will be found of very little weight when the origin of the clause and its progress to its present state are traced in the proceedings in the convention. It will then appear that it was first introduced as an appendage to the power to lay taxes.

But there is a fundamental objection to the interpretation thus attempted to be maintained, which is that it robs the clause of all

appear that it was first introduced as an appendage to the power to lay taxes.

But there is a fundamental objection to the interpretation thus attempted to be maintained, which is that it robs the clause of all efficacy and meaning. No person has a right to assume that any part of the Constitution is useless or is without a meaning; and a fortior no person has a right to rob any part of a meaning natural and appropriate to the language in the connection in which it stands. Now, the words have such a natural and appropriate meaning as a qualification of the preceding clause to lay taxes. Why, then, should such a meaning be rejected?

913. It is no sufficient answer to say that the clause ought to be regarded merely as containing "general terms explained and limited by the subjoined specifications, and therefore requiring no critical attention or studied precaution," because it is assuming the very point in controversy to assert that the clause is connected with any subsequent specifications. It is not said to "provide for the common defense."

And general welfare in manner following, viz, "which would

And general welfare in manner following, viz, "which would be the natural expression to indicate such an intention." But it stands disconnected from every subsequent clause, both in sense and punctuation, and is no more a part of them than they are of the power to lay taxes. Besides what suitable application in such a sense would there be of the last clause in the last clause of the enumeration, viz, the clause "to make all laws necessary and proper to carry into execution the foregoing powers," and so forth? Surely this clause is as applicable to the power to lay taxes as to any other, and no one would dream of its being a mere specification under the power to provide for the common defense and general welfare.

Then follows in this author's work a statement of the identical arguments which were to-day adduced by the Senator from Texas. They have all been made in years past. And in their support the language of the old Articles of Confederation was

often invoked.

Replying to these arguments, Story says:

often invoked.

Replying to these arguments, Story says:

916. But it does so happen that, in point of fact, no such unfavorable or restrictive interpretation or practice was ever adopted by the Continental Congress. On the contrary, they construed their power on the subject of requisitions and taxation exactly as it is now contended for, as a power to make requisitions on the States for all expenses which they might doem proper to incur for the common defense and general welfare and to appropriate all moneys in the Treasury to the like purposes. This is admitted to be of such notoriety as to require no proof. Surely the practice of that body in questions of this nature must be of far higher value than the mere private interpretation of any persons in the present times, however respectable. But the practice was conformable to the constitutional authority of Congress under the confederation. The ninth article expressly delegates to Congress the power "to ascertain the necessary sums to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses"; and then provides that Congress shall not "ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, etc., unless nine States assent to the same." So that here we have, in the eighth article, a declaration that "all charges of war and all other expenses that shall be incurred for the common defense or general welfare, etc., shall be defrayed out of a common treasury"; and in the ninth article an express power to ascertain the necessary sums of money to be raised for the public service, and then that the necessary sums for the defense and welfare of the United States. Clearly, therefore, upon the pilal language of the articles, the words "common defense and general welfare" in one, and "defense and welfare" in another, and "public service" in one, and "defense and welfare of all the States, but extending to the welfare and defense of the constitution. It is, on i

others, the effect must substantially be the same in destroying the import and force of the particular enumeration of powers which follows these general phrases in the Constitution. For it is evident that there is not a single power whatsoever which may not have some reference to the common defense or the general welfare, nor a power of any magnitude which in its exercise does not involve or admit an application of money. The government, therefore, which possesses power in either one or the other of these extents is a government without limitation, formed by a particular enumeration of powers, and consequently the meaning and effect of this particular enumeration are destroyed by the exposition given to these general phrases.

The conclusion deduced from these premises is that under the Confederation and the Constitution "Congress is authorized to provide money for the common defense and general welfare. In both is subjoined to this authority an enumeration of the clauses to which their powers shall extend. Money can not be applied to the general welfare otherwise than by an application of it to some particular measure conducive to the general welfare. Whenever, therefore, money has been raised by the general authority, and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in the Congress. If it be, the money requisite for it may be applied to it; if it be not, no such application can be made. This fair and obvious interpretation coincides with and is enforced by the clause in the Constitution which declares that no money shall be drawn from the Treasury but in consequence of appropriations by law. An appropriation of money to the general welfare would be deemed rather a mockery than an observance of this constitutional injunction."

How much this argument, long ago advanced, sounds like the reasoning we have heard here to-day. But Judge Story answers it—nay, annihilates it—in these words:

it—nay, annihilates it—in these words:

919. Stripped of the ingenious texture by which this argument is disguised, it is neither more nor less than an attempt to obliterate from the Constitution the whole clause, "to pay the debts and provide for the common defense and general welfare of the United States," as entirely senseless, or inexpressive of any intention whatsoever. Strike them out and the Constitution is exactly what the argument contends for. It is, therefore, an argument that the words ought not to be in the Constitution, because if they are, and have any meaning, they enlarge it beyond the scope of certain other enumerated powers, and this is both mischievous and dangerous. Being in the Constitution, they are to be deemed vox et preterea nihil, an empty sound and vain phraseology, a finger board pointing to other powers, but having no use whatsoever since these powers are sufficiently apparent without. Now, it is not too much to say that in a constitution of government, framed and adopted by the people, it is a most unjustifiable latitude of interpretation to deny effect to any clause, if it is sensible in the language in which it is expressed, and in the place in which it stands. If words are inserted, we are bound to presume that they have some definite object and intent, and to reason them out of the Constitution upon arguments ab inconvenienti—which to one mind appear wholly unfounded and to another wholly satisfactory—is to make a new constitution, not to construe the old one.

The author, after proceeding through these arguments, all of which have been reproduced upon this floor, lays this down:

The author, after proceeding through these arguments, all of which have been reproduced upon this floor, lays this down:

922. A power to levy taxes for any purposes whatsoever is a general power; a power to lay taxes for certain specified purposes is a limited power. A power to lay taxes for the commen defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It can not constitutionally transcend them, If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special or local, as contradistinguished from national, it is not within the scope of the Constitution. If the tax be not proposed for the common defense or general welfare, but for other objects wholly extraneous (as, for instance, for propagating Mahometanism among the Turks, or giving aids and subsidies to a foreign nation to build palaces for its kings or erect monuments to its heroes), it would be wholly indefensible upon constitutional principles. The power, then, is, under such circumstances, necessarily a qualified power. If it is so, kow, then, does it affect or in the slightest degree trench upon the other enumerated powers? No one will pretend that the power to lay taxes would, in general, have superseded or rendered unnecessary all the other enumerated powers. It would neither enlarge nor qualify them. A power to tax does not include them. Nor would they (as unhappily the confederation too clearly demonstrated) necessarily include a power to tax. Each has its appropriate office and objects; each may exist without necessarily interfering with or annihilating the other. No one will pretend that the power to lay a tax necessarily includes the power to declare war, to pass naturalization and bankrupt laws, to coin money, to establish post offices, or to define piracles and felonies on the high seas. Nor would either of these be deemed necessarily to include the power to tax. It might be convenient, but it would not be absolutely

Mr. President, there is vested in Congress the power to lay taxes for the general welfare and to expend the money for the general welfare. The fact that Congress may abuse that power is no answer to the argument and statement that the power is vested in Congress. As was well said by this author, we have the power to lay these taxes, but we would unjustly exercise that power and we would violate the Constitution if, instead of expending the money for the general welfare, we expended it for the purpose of propagating the Mahomedan reli-

gion or some other matter entirely without the purview of our governmental functions.

I think Mr. Jefferson, the patron saint of Democracy, shed

much light upon this subject. Says Mr. Story:

much light upon this subject. Says Mr. Story:

The argument in favor of the construction which treats the clause as a qualification of the power to lay taxes has, perhaps, never been presented in a more concise or forcible shape than in an official opinion deliberately given by one of our most distinguished statesmen. "To lay taxes to provide for the general welfare of the United States is," says he (Mr. Jefferson), "to lay taxes for the purpose of providing for the general welfare. For the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes ad libitum for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose."

In further answer to the arguments limiting the constitutional powers to those specifically mentioned, the author, in paragraph 934, among other things, states:

tional powers to those specifically mentioned, the author, in paragraph 934, among other things, states:

Every Government ought to contain within itself every power requisite to the full accomplishment of the objects committed to its care and the complete execution of the trusts for which it is responsible, free from every other control but a regard to the public good and to the security of the people.

If, therefore, the Federal Government was to be of any efficiency and a bond of union, it ought to be invested with an unqualified power of taxation for all national purposes. In the history of mankind it has ordinarily been found that in the usual progress of things the necessities of a nation in every state of its existence are at least equal to its resources. But if a more favorable state of things should exist in our own Government, still we must expect reverses and ought to provide against them. It is impossible to foresee all the various changes in the posture, relations, and power of different nations which might affect the prosperity and safety of our own. We may have formidable foreign enemies. We may have internal commotions. We may suffer from physical as well as moral calamities; from plagues, famine, and earthquakes; from political convulsions and rivalries; from the gradual decline of particular sources of industry; and from the necessity of changing our own habits and pursuits, in consequence of foreign improvements and competitions, and the variable nature of human wants and desires. A source of revenue adequate in one age may wholly or partially fail in another. Commerce or manufactures or agriculture may thrive under a tax in one age which would destroy them in another. The power of taxation, therefore, to be useful, must not only be adequate to all the exigencies of the Nation, but it must be capable of reaching from time to time all the most productive sources. It has been observed, with no less truth than point, that "in political arithmetic two and two do not always make four." Constitutio

Mr. President, the reading of this authority, though somewhat prolonged and I doubt not wearisome to the Senate, finds justification in the fact that it completely answers those who have here attempted to construe out of the Constitution the generalwelfare clause. The position of these Senators is not sound in logic and can not be supported by authority.

On the contrary, that clause is in the Constitution, and because it is in the Constitution we have the right to create these various boards to make investigations and perform their multitudinous duties. Pursuant to that power we have gone down into the State of Texas to suppress the boll weevil, the Texas tick, and various other pests that at times afflict that part of

Now, Mr. President, if we do not possess the power to pass this bill, or if Senators do not believe we possess the power, then let us have the courage of our convictions, let us be consistent, let us apply the doctrine to all existing boards which come within the same rule. If I believed we had no constitutional right to pass this bill, I would oppose it to the limit of my ability, but I would for the same reason and with equal zeal contend against the passage of an appropriation bill carrying a single dollar to the Agricultural Department, the Labor

Bureau, or the other bureaus I have named.

I have no patience, sir, with that argument which suggests at we can "hang on"—I believe that was the expression that we can used—the right to appropriate money for the improvement of breeds of cattle to the interstate-commerce clause of the Constitution upon the theory that some of the cattle may be shipped from one State to another. When we appropriate money to improve the breed of cattle, we do not provide that the money used shall be expended only upon such cattle as may be thereafter shipped from one State to another. We do not limit the expenditure to the particular hogs that are thereafter to cross the State line. We appropriate it for the benefit of the whole cattle and hog industry. But if we were to limit the expenditures to the particular cattle and hogs which are afterwards to cross the State line, and that kind of legislation could be sustained upon the ground that the money was used upon an animal that was to become the subject of interstate commerce, then, for the same reason, this legislation can be "hung on" the interstate-commerce provision. It is true that in one case the subject of interstate commerce is also a common subject

of barter and sale, and in the other it is not. We sell cattle; we do not yet sell children. But, Mr. President, it is not essential that the thing shipped shall be the subject of barter and sale in order for it to come within the scope of the interstatecommerce provision. A human being traveling from one State to another is as much within the purview of the interstate-commerce clause as are hogs shipped from one State to the other. A hog shipped from one State to another is the subject of interstate commerce, whether it is sold or not. So, too, is a human It is the shipment, not the sale, which is determining.

You can not hang the appropriations for these other bureaus upon the interstate commerce provision. If you can, then you can just as well make that provision apply to human beings

who pass from one State to another State.

I have no patience with the argument which maintains that we can appropriate money to cultivate corn, but we can not appropriate money for the purpose of improving the condition of children. I know it was stated here the other day that the argument that "we are treating cattle better than we are treating children" is old and threadbare. Mr. President, when a man is unable to answer an argument, he always has recourse to the declaration that it is old and threadbare. My experience has been that an argument which will last until it is worn threadbare, lasts because it has the strength which springs from merit. It lives long because it has the virility of truth. A false argument never gets threadbare; it is destroyed before the threadbare period is reached.

When, therefore, we declare that the Government is bestowing more care on the cattle and horses of the country than it is on the children of the land, it is no answer to reply, "You have often so declared in the past, and therefore your argument is threadbare." The point is not how often has a thing been The point is not how often has a thing been stated, but is it true. No man has dared challenge the truth of the assertion we have made. It stands unanswered and undenied.

I come now to consider another argument that has been re-peatedly advanced, viz. that "the parents of children are their natural guardians and the Government ought not to interfere in the homes of the land." Sir, if that was the purpose of this bill, if it was proposed by the bill to substitute governmental supervision for the loving care and protection of the father and mother, I would be against the bill. Every man in this body, regardless of politics, would rise to condemn the bill. But, sir, when we simply inquire into the conditions under which men live, we do not take away the independence of the citizen. We do not invade his home or assail his liberties. We allow him to continue to live as he may see fit, but we may gain and disseminate useful knowledge of which he can voluntarily avail himself.

Neither do we impinge upon the authority of the parent to control the child and educate it and nurture it and rear it as the parent chooses when we merely ask how many children are employed in factories? How many men are coining the blood of babies into money? What is the condition of the

children thus employed?

The National Government has an interest in these grave questions. I dislike to put that interest upon so low a ground, but so long as the Government of the United States has the right to lay its hand upon every citizen and muster him into its Army, it has the right coincident to ascertain the conditions under which that future soldier is growing up. I do not mean that the Government has the right to impinge upon the authority of the State to control its citizens. That is something of an entirely different nature. The mere ascertainment of facts and the dissemination of useful knowledge can not by any logical mind be confused with an attempt to pass laws regulating the conduct of the citizen.

Why is this bill opposed? Why is it that men contend that our right to expend the public revenues is comprehensive enough to reach the ox in his stall but not broad enough to embrace the child in its cradle? Why is this opposition comembrace the child in its cradle? Why is this opposition coming from Senators who represent States that have cotton mills Is it because pale-faced children are trooping every morning into the sweatshops of labor? Is it because there are unspeakable conditions in those mills? Is it because men are putting the guinea stamp upon the souls of young children? Or do they really fear they are treading upon the Constitution? Yet every one of them has voted for these other bureaus time and again. They have voted to appropriate money for the improvement of cattle. They have voted money to improve the breeds of horses. They unhesitatingly vote money to publish a "horse book," which embraces every subject from the pedigrees of stallions to the proper feed for calves. But the little information that might, by means of this proposed board, be collected and sent out to the mothers of this land desperately alarms these same gentlemen. May we not rather infer that there is the fear that this board may expose the

picture of little children in the very morning of their lives herded into the shadows of great mills that men may make a profit from their toil which creates consternation in these

constitutional anatomies?

Mr. President, there is still another argument to be answered. It is that we are going to create a bureau here which will do some work which has already been performed. For that argument, sir, I have the profoundest respect. If it be true that this board will merely duplicate work which has already been done by an existing bureau or board, then we ought not, of course, to incur this expense. I accord to the Senator from West Virginia [Mr. Chillon] the position in this debate of forcefulness and logic. But, sir, I believe that the Senator from West Virginia overlooks this important fact, namely, that while these facts and figures have been largely collected and are to-day in the reports of various boards and various officers and can be found by diligent and careful and prolonged search, they are not in that concrete form which will enable them to be given to the people of this country so that they can be readily grasped and easily understood.

The fact that we have these figures already widely scattered throughout these various reports only argues two things, first, the necessity of gathering them from the volumes and documents and putting them in succinct shape that the mothers and fathers and the legislators of the land can readily grasp them; second, it argues that this work can be done for a nominal sum. If we had to gather all of the information by direct investigation, if it had not already been largely accumulated, there might be some reason for the argument that this bureau would grow into very large proportions; but if the figures are here, then so much the easier is the task.

I think, Mr. President, however, that the figures at hand are not complete. Doubtless there is much information that can be collated and condensed, yet I confidently assert there remains much which can be done and which ought to be done.

Mr. President, I have no patience with another argument, that because "there was once a board and that board published 17 volumes which nobody ever read, and that board made mistakes and made blunders, therefore we should never again proceed to go along that road." That is equivalent to saying that if any department of the Government or any officer of the Government has ever made a failure we should never again attempt to do the thing he failed to do. That argument, in the last analysis, would amount to the abolition of every department of this Government, for there has not been one of them that at some time has not made a failure or botch of some piece of work. Most of us on the Democratic side think that nearly all of the Republican Presidents have been failures, and still we keep on electing Presidents and are obliged to get along the best we can with poor human beings.

Mr. MARTINE of New Jersey. We are through electing

Republican Presidents.

Mr. REED. Yes; we are through electing Republican Presidents, but we will have no sooner elected a Democratic President than our Republican brethren will become convinced that he, in like manner, is a failure. And the greater his virtues the stronger will be their convictions.

The truth is that all these questions ought to be settled according to the fact and reason of the matter. While some of our departments have wasted money, while under some circumstances and in some instances the work has been poor, taken as a whole much good has resulted from departmental bureaus. I assume it to be true that if the person selected to preside over this work shall be incompetent Congress can discover it, and 12 months from now can discontinue the work.

Neither do I agree with the argument which assumes that this is simply the opening of the floodgates, and that hereafter our appropriations for this bureau will mount beyond all reason. That is a question which must be settled by each Congress as each Congress convenes and proceeds with its business. So it seems to me that no valid reason has been offered against this

bill.

I say-this, Mr. President: I do not believe in multiplying bureaus and I do not believe in wasting public money. I stand as much for economy as any other Senator. But I am unwilling, Mr. President, that economy shall begin with the children of the land and end with the children of the land; that we shall expend hundreds of thousands of dollars to increase corn and wheat production, to improve the breeds of cattle and disseminate knowledge with reference to the diseases of live stock, but that we must stop short at the children of this land.

I think the main objection to the bill, from some sources at least, lies in the fact that there is a desperate condition amongst the children of the country in the factory States, and

that information on that subject is what is not desired by the proprietors of those institutions.

Mr. OWEN. Mr. President, this bill, almost word for word, passed the Senate during the preceding Congress on the 14th of February, 1911, and without objection. The objections which are now urged so strongly against the constitutionality of the bill appear not to have been considered at all by the Senate at that time. Even the senior Senator from Idaho [Mr. Heyburn] gave his acquiescence to this bill on the 14th of February, a year ago.

I have no doubt of the constitutionality of this bill. I believe that the Federal Government has a perfect right to provide for its own self-preservation as a necessary implied power of the Constitution. I believe whatever information is necessary to be acquired by the Congress or the Senate, or by the Executive Department, in the performance of their respective duties, is fully justified. I believe that any information which is necessary to the "general welfare" or the common defense of this Nation is fully justified under section 8 of Article I. The time for debating the meaning of that section has passed. guage is as plain as the English language can be made. It says that the "Congress shall have power to lay and collect taxes,"
"to provide" for the "general welfare" as well as the "common defense." And the Congress has been providing for the "general welfare" all these years. So far has it gone with regard to such matters affecting the general welfare that we have enlarged our Federal services so that in the Bureau of Animal Industry we expended last year \$1,654,750 to promote the animal industry and conserve and develop animal life. We have taken great pains to eradicate Texas fever in cattle. many men in the field now engaged in this work, clearing up one county after another in various States, pushing back the quarantine line against Texas fever of cattle from one point to another. It is now crossing southward my State of Oklahoma. Inside of State lines Federal officials under the Agriculture Department are now engaged in stamping out various diseases of cattle which would otherwise interfere with the food supply of the American people, and therefore be injurious to "the general welfare."

Congress has proceeded upon this theory ever since I was born. Even gentlemen who have declared this bill was unconstitutional, within an hour voted for a substitute for this bill by the Senator from North Carolina [Mr. Overman], which contained every element of unconstitutionality of this bill, if it be unconstitutional. What do these gentlemen mean by voting for an unconstitutional provision on their several oaths, if in reality they seriously think that such measure is unconstitutional? The amendment proposed by the Senator from North Carolina [Mr. Overman] is just as open to the constitutional objection as the bill brought in by the Senator from Idaho [Mr. Borah].

Not only has this power in the Federal Government been approved by Senate after Senate, and by Congress after Congress, and by President after President, but it has met the universal approval of the people of the United States. It is the acknowledged Constitution and the accepted law. We need not debate the Constitution any more. The time has gone to consider the question of the constitutionality of this power in the Federal Government.

We expended in the Plant Industry Bureau last year \$2,680,416—for the protection of plant life—in the interest of commerce, and now we can not spend \$30,000 for the protection of child life in the interest of humanity. Great is commerce! It ranks human life. I think it is of great importance to spend what is necessary to protect this country against the insects which infect our forests, against the San Jose scale which affects the orange groves of the country, and other injurious insects, but shall we spend that money freely as "constitutional" and at the same time be unwilling to expend a dollar for the conservation of the child life of this Republic as "unconstitutional"?

Four hundred thousand children die every year in this country under the age of 12 months, and one-half of them, a vast army of 200,000 little children, lift up their tender voices to this Republic asking for protection from preventable diseases; and we spend \$2,674,000 to protect our forests from insects and refuse to spend \$29,000 for the conservation of the child life of this Republic.

Child labor is useful in coining money in sweatshop and in mines and in dangerous and unhealthy service, and greedy employers must not be interfered with, even by public opinion based on well-ascertained facts collated by a child's bureau. Great is commerce! It has more power than humane considerations.

When we have had this country assailed by bubonic plague, has any man questioned the right of Congress to protect human life by appropriations and services employed for that end? Did we not spend a million on the Pacific coast for stamping out the bubonic plague for the protection of human life, for the

"general welfare"? But we may not spend a pitiful \$30,000 to establish a bureau of inquiry as to the best methods to protect child life.

During the last season I sent 25,000 bulletins on how to take care of hogs into Oklahoma; not a bulletin on how to take care of children. We see such a man as Straus, in New York, spending his own private funds for the purpose of furnishing pasteurized milk and teaching the people of New York how they can conserve child life. In that one simple instance thousands of lives of little children were saved, and yet hundreds of thousands of mothers know nothing about pasteurized milk or how to take care of an infant, and may not have the bulletins of a child's bureau when they anxiously seek advice having authority because it is "unconstitutional" to have a child's bureau.

This "unconstitutional" bureau for protecting child life by gathering and distributing knowledge might interfere with sweatshops and factories where the labor of children is coined into money, and such interests will oppose this bill and urge on representatives the objection of unconstitutionality while

concealing the real reason.

In the Bureau of Chemistry we spend \$965,780, and in the Bureau of Entomology we spend \$601,920, a bureau particularly devoted to the study of insects and bugs, and not a dollar

is expended for the proper study of child life.

I agree that it is of importance to study the habits of the boll weevil, and it is for the "general welfare" to protect this country against the ravages of that insect so deadly to our great cotton crop. This study has very great commercial importance, because it will enable us perhaps to destroy the life of this pest. But I believe also that we have a right to study child life and give publicity, and the widest publicity, knowledge of how to protect child life. It is a great national asset. It has great commercial importance, if I must put it upon that low plane. Every human being has a certain commercial value, and is worth so many hundreds or so many thousands of dollars. He has a certain productive value if a slave and a greater value if a freeman. Let us take steps to preserve the lives of human beings as a commercial asset and as a matter of prudent national business. The acquisition of knowledge on this subject and its wide distribution is the cheapest way to accomplish this end.

If this Nation is to be controlled by commerce alone, if it is to disregard human life and consider nothing but commerce and the vulgar sordid dollar, let us consider the commercial value of 200,000 children annually whose lives we might save. Are they worth \$500 apiece? Then they have a commercial value of \$100,000,000 and this bill is justified as a means to saving the vast sum invested in infants under 1 year of age. I waive all sentiments of humanity, the grief and anguish of unlearned mothers and fathers unnecessarily bereaved of their

little children.

Mr. President, as a matter of policy, this question has been considered not only by learned men in this Republic but by the learned legislators of the great nations of the world abroad. The German Empire has a complete method for considering and investigating the conditions of child life with a view to preserving child life, and that wonderful nation, because of its interest in the preservation of human life, is growing by giant strides to be the master nation of Europe. Its great sons have been a most tremendous asset to this Republic. They do not believe in race suicide. They raise large families and love children and care for them.

The German Empire has set us an example, and the British Empire has set us an example in their recent "child's act providing for the study of the conditions of child life. Why shall we hang behind the march of the civilized world and lose sight of the welfare of the little children of the greatest people on earth?

If it is competent authority we want, we have had those who are expert in this question give the most careful considera-tion to this question. This bill has been recommended by the National Child Labor Committee, the National Federation of Women's Clubs, the Conference on Dependent Children, consisting of 200 men and women, the most learned in the world with regard to this particular subject.

Among these distinguished Americans I call your attention to

a few, for instance:

His eminence Cardinal Gibbons; Mr. John M. Glenn, director of the Russell Sage foundation, New York City; Dr. S. M. Lindsay, director of the New York School of Philanthropy; Miss Jane Addams, Hull House, Chicago; Miss Lillian D. Wald, of the Henry Street Settlement, New York; Mrs. Florwer, Mrs. ence Kelley, secretary of the National Consumers' League; Mr. Thomas Nelson Page, author and publicist; Mr. Owen B. Lovejoy, secretary of the National Child Labor Committee,

and Mr. A. J. McKelway, southern secretary of the National Child Labor Committee; Mr. J. Prentice Murphy, of the Children's Bureau of Philadelphia; Mr. Homer Folks, secretary of the State Charities Aid Association, New York; Hon. Julian W. Mack, of the Court of Commerce; Mr. Hugh F. Fox, president of the Children's Protective Alliance, New Jersey; Dr. Ludwig B. Bernstein, superintendent of the Hebrew Orphan Asylum, New York City; Judge Ben B. Lindsey, judge of the juvenile court of Denver; Judge N. B. Feagin, of the juvenile court of Birmingham, Ala.; Mrs. Lucy Syckles, superintendent Michigan State Home for Girls; Mr. J. W. Magruder, secretary of the Baltimore Charities Association; Mr. Hastings H. Hart and L. F. Hamner, of the Russell Sage Foundation; Mr. Miles M. Dawson, of the American Association of Labor Legislation; Mr. H. Wirt Steele, executive secretary of the American Association for the Prevention and Relief of Tuberculosis; Miss Mary Wood, representing the Daughters of the American Revolution; Mr. Bernard Flexner, authority on juvenile court legislation, Louisville, Ky.

Mr. President, the argument has been made that this will cause a duplication of work. That has been most abundantly answered. It was answered a year ago by the head of the Census, Director North. He stated that there will be no duplication in his department; that they were not concerned in the questions which would be investigated by such a bureau as this. Commissioner Neill, of the Bureau of Labor, of the Department of Commerce and Labor, most emphatically said that he thought this bureau ought to be established; and Commissioner Brown, of the Bureau of Education of the Interior Department, the very department where we were proposing by an amendment to send this proposed bureau, also gave his testimony that the child's bureau should be established, and that it will not duplicate his work. These departments, which are said to be concerned in this matter, have already testified in favor of this measure, and the report will be found in the RECORD of February 14, 1911.

So the objections have all been answered. The constitutionality is beyond doubt. The importance of the policy I can not think will be disputed by any humane man. No far-seeing statesman should deny that the preservation of human life and the conservation of the little children of this Nation is one of the most important subjects which can engage the consideration of the Senate.

Let us establish this bureau, and send out bulletins giving reliable information to anxious mothers and fathers, to State authorities, and to all who seek it, so that the knowledge of child preservation shall become the common property of the people of the Republic.

Let us gather the facts and show when and where children are unfairly exposed so that public opinion may protect them.

Let us have publicity so that we may protect the innocent

and precious young life of the Nation.

Let our people have the facts and they will verify the words of the Book of Books, "Ye shall know the truth, and the truth shall make you free."

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Crawford McLean Martin, Va. Martine, N. J. Myers Nelson Newlands Richardson Crawford Culberson Cullom Cummins Curtis Dixon du Pont Gallinger Gardner Gronna Gusgenhei Richardson Root Shively Smith, S. C. Smoot Stephenson Stone Sutherland Swanson Bailey Borah Bourne Bradley Brandegee Newlands Nixon O'Gorman Oliver Overman Owen Page Paynter Perkins Poindexter Pomerene Rayner Swanson Taylor Guggenheim rnton Burnham Burnham Burton Chamberlain Chilton Clapp Clark, Wyo. Clarke, Ark. Crane Heyburn Hitchcock Johnson, Me, La Follette Lippitt Lodge McCumber Tillman Townsend Watson Works Rayner Reed

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is detained from the Chamber by illness.

Mr. PAGE. My colleague [Mr. DILLINGHAM] is unavoidably

detained on business of the Senate.

Mr. POINDEXTER. My colleague [Mr. Jones] is unavoidably detained on public business.

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. GALLINGER. Mr. President, I desire to ask the Senator from Idaho [Mr. Borah] having charge of the bill, if he will be kind enough to look at line 9, on page 1, where it reads:

The said bureau shall investigate and report upon all matters.

What has the Senator in mind as to whom this bureau shall report?

Mr. BORAH. I suppose to the Department of Commerce and Labor.

Mr. GALLINGER. Then would the Senator have any objection to having the words inserted "to such department"?

Mr. BORAH. Not at all.

Mr. GALLINGER. Then, again, would the Senator have any objection, at the close of section 2, to insert the words I will suggest? I will first read the sentence as it stands:

The chief of said bureau may from time to time publish the results of these investigations.

Would the Senator object to adding the words "in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor"?

Mr. BORAH. No; I have no objection to that. Mr. GALLINGER. Then, Mr. President, I move those amendments to the bill.

The PRESIDING OFFICER. The pending amendment is that of the Senator from North Carolina [Mr. OVERMAN] in the nature of a substitute.

Mr. GALLINGER. Then I will offer my amendments when the pending amendment is disposed of. The Senator's amendment, however, is a substitute. Would we not have the right to perfect the bill before the substitute is voted upon?

The PRESIDING OFFICER. The right to perfect the bill

has precedence.

Mr. GALLINGER. Very well; I offer the two amendments which I have suggested.

The PRESIDING OFFICER. The amendments proposed by the Senator from New Hampshire will be stated.

The Secretary. In section 2, on page 1, line 10, after the word "report," it is proposed to insert the words "to said department."

The amendment was agreed to.

The Secretary. It is further proposed, in section 2, on page 2, at the end of line 8, after the word "investigations," to strike out the period and to insert "in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor."

The amendment was agreed to.
The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from North Carolina [Mr. OVERMAN], in the nature of a substitute for the entire bill. [Putting the question.] In the opinion of the Chair the noes The noes have it, and the amendment is disagreed to.

Mr. THORNTON. Mr. President, do I understand that the bill is now in the Senate?

The PRESIDING OFFICER. The bill has been in the Senate

for some time, and is still in the Senate. Mr. THORNTON. Then, Mr. President, I wish to offer an amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated.

Mr. THORNTON. I ask that the amendment be read, and then I shall ask permission to make a few brief remarks in connection with it.

The Secretary. In section 2, on page 2, line 7, after the word "children," it is proposed to insert the following:

Provided, That this act shall not be construed as attempting to authorize the bureau created by it to enter into or remain in any premises in any State without the consent of the owner or occupant thereof.

Mr. THORNTON. Mr. President, on last Thursday, when this bill came up for discussion, I very briefly outlined my opposition to it, basing it upon two grounds: First, that I was opposed to the grant of ever-increasing power to the Federal Government in matters which I thought more properly pertained to the powers of the different States of this Union; and, second, because, under the language of this bill authorizing and instructing the bureau to investigate and report upon all matters pertaining to the welfare of children and child life, authority was given to permit employees of the bureau to invade the private homes of citizens of this country and to ask just such questions and as many of them as were dictated by the judgment or the inclination of the official. I object to any official having the right to enter my home and to pry into my domestic matters. The object of my amendment is to prevent

I do not say that even if the amendment were adopted the bill would meet with my approval, for it does not; but it would certainly remove a very objectionable and very dangerous fea-

ture, in my opinion, of the bill, and indeed it would remove the possibility of what I suggested last Thursday, that the head of a house might be compelled, in order to maintain his own self-respect, to violate the law by forcibly ejecting an agent of this bureau out of his house. However some Senators may be willing to run the risk of having their homes entered by such an official and having such questions asked of them by the official as in his judgment pertains to the welfare of children and of child life, I am not willing, and I sincerely hope that the Senate will not force such a condition upon those who are unwilling. I may add that, law or no law, it is not going to be done in my house. [Laughter.]
The PRESIDING OFFICER. The question is on agreeing

to the amendment proposed by the Senator from Louisiana. [Putting the question.] In the opinion of the Chair the ayes

Mr. CLARKE of Arkansas. I call for a division.

Mr. BORAH. I ask for a yea-and-nay vote upon the amend-

The yeas and nays were ordered. -

Mr. BORAH. Mr. President, before the roll is called I desire to say that, of course, the adoption of this amendment would make it impossible for the officials of the department to go into some of the manufacturing establishments and other places where they ought to go, and where it will be necessary for them to go. Such an amendment is, in effect, an invitation for these places to close their doors.

Mr. BAILEY. If the Senator from Idaho will attend closely,

I think he will find that the amendment proposed by the Senator from Louisiana reads that the officials shall not be permitted to enter over the objection of the head of the house.

Mr. THORNTON. That is right.

Mr. BORAH. May I see the amendment, Mr. President? The PRESIDING OFFICER. The Secretary will again read the amendment to the Senate.

The Secretary. In section 2, on page 2, line 7, after the word "children," it is proposed to insert the following:

Provided, That this act shall not be construed as attempting to authorize the bureau created by it to enter into or remain in any premises in any State without the consent of the owner or occupant

Mr. THORNTON. Mr. President, I wish to modify— The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Louisiana?

Mr. BORAH. I yield to the Senator.
Mr. THORNTON. I should like to modify my amendment further by inserting the word "private" before "premises." That is really what was in my mind when I drew the amendment.

The PRESIDING OFFICER. The modification as requested will be made. Does the Senator from Idaho desire to hold the floor?

Mr. BORAH. Mr. President, I desire to say that that modification proposed by the Senator from Louisiana does not wholly remedy the defect. The bill would be very much weakened, it seems to me. As I have said, it invites parties to shut off investigation.

Mr. BACON. The Senator from Louisiana means "residence."

Mr. OVERMAN. "Private homes."

Mr. THORNTON. Then, I will say "private dwelling" to comply with the request of Senators who favor the amendment That was my idea.

The PRESIDING OFFICER. The Chair understands the Senator from Louisiana modifies his amendment further by changing the word "premises" to "private dwelling."

Mr. THORNTON. Yes, sir.

The PRESIDING OFFICER. The Secretary will make the

modification and then read the amendment as modified.

The Secretary. In section 2, on page 1, line 7, after the word children," it is proposed to insert the following:

Provided. That this act shall not be construed as attempting to authorize the bureau created by it to enter into or remain in any private dwelling in any State without the consent of the owner or occupant thereof.

Mr. BORAH. Mr. President-

Mr. GALLINGER. Will the Senator from Idaho permit me?
The PRESIDING OFFICER. Does the Senator from Idaho
yield to the Senator from New Hampshire?

Mr. BORAH. I yield to the Senator.
Mr. GALLINGER. I desire to make an inquiry as to whether the words "and such other facts as have a bearing upon the welfare of children" were not stricken out?
The PRESIDING OFFICER. They were stricken out.

Mr. GALLINGER. Then the amendment of the Senator from Louisiana ought to come in after the word "Territories," in

The PRESIDING OFFICER That is correct. The question is upon agreeing to the amendment proposed by the Senator from Louisiana.

Mr. BORAH. Mr. President, I desire to say that while the proposed amendment now is not so bad as at first, nevertheless it renders less effective the measure, and it would be very unfortunate for the bill if it were adopted.

Mr. CLAPP. Mr. President, I desire to call the attention of the Senator from Louisiana to the fact that I think the word "owner" should be stricken out of the amendment, as it may lead to confusion. The object of the amendment is to protect the household itself, and the word "occupant" is sufficient. The word "owner" might lead to confusion.

Mr. THORNTON. "Owner or occupant." The owner might

not be there

Mr. CLAPP. The owner might object, although the occupant might not object.

Mr. THORNTON. I am perfectly willing to accept the amendment.

Mr. CLAPP. Then I suggest that the words "owner or" be stricken out.

The PRESIDING OFFICER. The amendment will be modified by striking out the words "owner or," and the Secretary will again read the amendment as modified.

The Secretary. In section 2, on page 2, line 6, after the word "Territories," it is proposed to insert:

Provided, That this act shall not be construed as attempting to authorize the bureau created by it to enter into or remain in any private dwelling in any State without the consent of the occupant thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The Secretary will call the roll.

Mr. CLAPP (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. Fletcher]. In his absence I withhold my vote.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. SHIVELY (when Mr. Kern's name was called). I wish to announce that my colleague [Mr. Kern] is necessarily absent from the Senate Chamber on official business.

Mr. LIPPITT (when his name was called). I again announce my pair with the junior Senator from Tennessee [Mr. Lea], and therefore withhold my vote.

Mr. McCUMBER (when his name was called). I announce my pair with the senior Senator from Mississippi [Mr. Percy]. I announce

If transfer that pair to the senior Senator from Michigan [Mr. Smith] and vote. I vote "nay."

Mr. TILLMAN (when his name was called). Under a previous arrangement I desire to announce the transfer of my pair with the senior Senator from Vermont [Mr. Dillingham] to the Senator from Alabama [Mr. Johnston], and I will vote. Lyote yea."

The roll call was concluded.

Mr. OVERMAN. I am requested to announce that the Senator from Alabama [Mr. Johnston] is detained from the Chamber by illness

Mr. TAYLOR. My colleague [Mr. LEA] is absent from the Senate on official business. He is paired with the junior Senator from Rhode Island [Mr. LIPPITT]. If my colleague were present, I am authorized to say that he would vote "yea."

Mr. PAGE. I wish to say that my colleague [Mr. DILLING-HAM] is necessarily absent from the Senate on official business. He is paired with the senior Senator from South Carolina [Mr.

TILLMAN]. If present, my colleague would vote "nay."

Mr. TOWNSEND. I desire again to state that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent. He is paired, however, in favor of the bill.

The result was announced—yeas 30, nays 42, as follows:

YEAS-30. Martin, Va. Myers O'Gorman Oliver Overman Paynter Penrose Rayner S—50.
Shively
Simmons
Smith, Ga.
Smith, Md.
Smith, S. C.
Smoot
Stone
Swanson Taylor Thornton Tillman Watson Williams Bailey Brandegee Bryan Chilton Culberson Gallinger Gardner NAYS-42. Kenyon La Follette Lodge McCumber McLean Borah Crane Poindexter Crawford Cullom Cummins Dixon Pomerene Reed Richardson Bourne Bradley Briggs Bristow Root Stephenson Sutherland Townsend Wetmore Martine, N. J. Nelson Nixon Owen Brown Burnham Burton Chamberlain Clark, Wyo. Clarke, Ark. Gamble Gronna Guggenheim Heyburn Johnson, Me. Page Perkins Jones

NOT VOTING-19.

du Pont Fletcher Foster Bankhead Johnston, Ala. Kern Newlands Percy Smith, Mich. Warren Clapp Curtis Lea Lippitt Lorimer Gore Hitchcock Davis Dillingham

So Mr. Thornton's amendment was rejected.

Mr. STONE. Mr. President, I think this is a fit occasion to say a word to emphasize the significance of the vote just taken. By this vote the American Senate either authorizes in a negative way or approves the notion that the home of a citizen may be invaded at pleasure by an official operating under the provisions of this proposed law. The home ceases to be the castle of the citizen. A \$900 clerk, "drest in a little brief authority," inflated with self-importance, and puffed with impertinence, can knock at the door of an American and demand admission, and, if denied, can force his way in. I presume he would almost have warrant to kick open the door, and assemble the family vi et armis around the hearthstone to propound such questions as he might think important and within the range of his authority.

Mr. President, this is one of the most dangerous things, the

most unregardful of the rights of American citizens that I have known to be done or attempted in any legislative body, and I can not but express my profound astonishment that it has the sanction of the Senate of the United States.

Mr. CULBERSON. Mr. President, I offer the amendment I send to the desk.

After the word "Territories," in line 6, The SECRETARY. page 2, it is proposed to insert:

But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any private family resi-dence under this act.

Mr. HEYBURN. Mr. President, in justification of the vote which I cast I desire to say that I was actuated by a consideration for the comfort of the household. It would be intolerable, in my judgment, that the agent should stand at the front gate and summon the family out into the front yard in order to ask these questions. I thought it was better for the health of this officer as well as for the health of the family that he be permitted to enter the household. Of course, I am opposed to the whole proposition; but if we are going to enter upon this matter, make it just as obnoxious as possible and it will then receive early consideration at the hands of the Senate in its sober second thought.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. Cul-The question is on agreeing to [Putting the question.] The noes appear to have it.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of Georgia. Let the amendment be again read. The VICE PRESIDENT. The amendment will be again

The Secretary. After the word "Territories," in line 6, page 2, insert:

But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any private family resi-dence under this act.

The VICE PRESIDENT. The year and nays having been ordered, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I again announce

my pair, and on that account withhold my vote.

Mr. CURTIS (when his name was called). I announce my pair with the senior Senator from Alabama [Mr. Bankhead], and withhold my vote, and I will let this announcement stand for the day

Mr. BRYAN (when Mr. Fletcher's name was called). My colleague is absent on business of the Senate and is paired with the junior Senator from Minnesota [Mr. CLAPF]. If my colleague were present, he would vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I desire again to announce to the Senate that my colleague is absent on official business.

Mr. TAYLOR (when Mr. Lea's name was called). My colleague is absent on business of the Senate and is paired with the junior Senator from Rhode Island [Mr. Lippitt].
Mr. Lippitt (when his name was called). I again an-

nounce my pair, and will let that announcement stand for the

day.
Mr. McCUMBER (when his name was called) nounce my pair with the senior Senator from Mississippi [Mr. Percy]. I transfer the pair to the senior Senator from Michi-

gan [Mr. Smith], and will vote. I vote "nay."

Mr. REED (when his name was called). I desire to state that I have an understanding with the Senator from Michigan

[Mr. SMITH] that I would not vote in his absence. However, I am informed as to his position on this bill, and it is the same as my own, and therefore I will vote. I vote "yea."

Mr. TILLMAN (when his name was called). Repeating the

explanation I have given twice, I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. Foster], and withhold my vote.

The roll call was concluded.

Mr. POINDEXTER. I desire to announce that my colleague [Mr. Jones] is unavoidably absent on public business. If present, he would vote "nay."

The result was announced-yeas 36, nays 37, not voting 18, VEAS-36

as follows:

	I.E.	45-00.	
Bacon Bailey Bradley Brandegee Bryan Chilton Culberson du Pont Gallinger	Gardner Heyburn Kenyon Martin, Va. Myers O'Gorman Oliver Overman Owen	Paynter Penrose Rayner Reed Shively Simmons Smith, Ga. Smith, Md. Smith, S. C.	Smoot Stone Swanson Taylor Thornton Tillman Watson Williams Works
	NA	YS-37	
Borah Bourne Briggs Bristow Brown Burnham Burton Chamberlain Clark, Wyo. Clarke, Ark.	Crane Crawford Cullom Cummins Dixon Gamble Gronna Guggenheim Hitchcock Johnson, Me.	La Foliette Lodge McCumber McLean Martine, N. J. Nelson Nixon Page Perkins Poindexter	Pomerene Richardson Root Stephenson Sutherland Townsend Wetmore
	NOT V	OTING-18.	
Bankhead Clapp Curtis Davis Dillingham	Fletcher Foster Gore Johnston, Ala. Jones	Kern Lea Lippitt Lorimer Newlands	Percy Smith, Mich. Warren

So Mr. Culberson's amendment was rejected.

Mr. HEYBURN. Mr. President, we have now placed the stamp of disapproval on Article IV of the Constitution of the United States, which it might be well to call to the attention of the Senate. It says:

The right of the people to be secure in their persons, houses, papers, ad effects, against unreasonable searches and seizures, shall not be

I suppose this officer, by implication, is authorized to enter a household and require the parent to produce the child; to bring him out for examination.

Mr. GALLINGER. To determine whether it is diseased or not.

Mr. HEYBURN. To see whether the child meets the approval of this clerk; to see whether he is well fed and well clothed.

The wisest men and the wisest bodies of men sometimes go far astray. In voting down a proposition of this kind, which was nothing more or less than an assertion of that principle, the Senate seems to have forgotten that there is a Constitution of the United States. If there was no Constitution the sentiment expressed by the opposition to this amendment would be a violation of human rights, and the Constitution is merely an expression of the rights of a human being under a self-governing system of government.

Mr. SUTHERLAND. Mr. President-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. Does the Senator think we would add anything to the strength of a constitutional right by repeating it in a statute?

Mr. HEYBURN. No. I was merely expressing my senti-ment in regard to the vote. If the Constitution should be amended according to the sentiments which have prevailed here to-day, the people would amend it fast enough or abolish it.

Mr. President, I voted against the first amendment more as a matter of satisfying curiosity than anything else. I was curious to know whether or not that principle which has always been recognized, of the sanctity of the home and the respon-

sibility of the parent, would be so lightly voted away.

Just think how intolerable it would be, in the midst of a great social function, with the family assembled in the drawingroom or around the dinner table, dressed for the banquet or the fête, to have an officer come in and say, "Produce the child; I want to see it." [Laughter.] A \$900 clerk, it is suggested. He would come in, and those people, who have all they can do to struggle against the adversity of fate, would be required to stop on an occasion of this sort and produce for the inspection of the officer the child or even the adult, as to whether or not they are clothed and dressed within the bounds of reason, as

an example to their children which should govern them in establishing their ideas as to what is right and what is wrong.

Just think of inquiring on such an occasion whether this child was subjected to the example of festivity and its incidents, liable, through such an example, to be led into dissipation in later life and become a charge upon the Public Treasury

These thoughts rise involuntarily in one's mind, and one is shocked and appalled. Of course the agent would knock on the door of the ordinary citizen, and he would be met at the door by the proprietor or some of the family, and the agent can get at them readily and push past them and inspect them. But when the agent comes to the statelier mansions, he will ring the bell and run the gantlet of the servants, and be told the folks are not at home or are engaged and can not be disturbed, and notwithstanding this brutal officer will rush in and require an inspection.

We are going astray in this matter. We are forgetting there is such a thing as individual right. We are forgetting there is such a thing as the right of a home and the things pertaining to the home. We forget that it is from the very class-I use that word in no invidious sense, but merely to distinguish one class from another-that is being held up as requiring rigid governmental inspection that four-fifths of the men and women

of worth in this country come.

Such legislation as this, as I said on a former occasion, would have taken a man like Abraham Lincoln from the custody of his parents, because they lived on the earth floor in the log cabin, surrounded by what would be termed, in the poetic language of the reports of the officer, squalor and poverty and misery, and yet with all the inate ambition which animates the great man, lying on his face on the floor, studying and developing character and mind by the firelight of the log in the fireplace.

The best men and the best women in the world have come from humble surroundings. There is something about such a life that seems to develop character between lines of safety as distinguished from those conditions that surround the child with luxury and laziness, resulting in proficiency in the con-sumption of cigarettes and other things.

Mr. President, I still have hope that the last thought upon this measure will develop the fact that some wisdom has been gained by the protracted consideration of this question, and that the whole measure will be defeated.

Mr. CULBERSON. Mr. President, I offer the amendment I send to the desk, to be inserted in the same place at which the other was offered.

The VICE PRESIDENT. The Senator from Texas offers an amendment, which will be stated.

The Secretary. On page 2, line 6, after the words "States and Territories," insert:

Both no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas. [Putting the question.] The "noes" appear to have it.

Mr. THORNTON. The yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BAILEY. Mr. President, if Congress has the power to pass this bill, and to collect this information, then it has the power to employ any means necessary to its collection, and the officers appointed under it can enter the homes of these people, unless some amendment like this is made a part of the bill.

Mr. CHAMBERLAIN. Mr. President, I desire to dissent from the view expressed by the distinguished Senator from Texas, as well as against the view expressed by the Senator from Idaho. I have voted constantly against this amendment on the theory that there is not a word or line in the bill which authorizes the invasion of any man's home.

Mr. SMITH of South Carolina. Mr. President, I had intended from the beginning to vote for this bill, but when these amendments offered by the Senator from Texas drew out the expression that it is, at least, in doubt whether the officers created under this bill shall have the right to invade the homes of the citizens in enforcing the terms of this bill. I determined that unless some such safeguard as these amendments propose can be thrown around it I shall vote against the bill in toto. I was under the impression that the purpose of this bill was to take this service out of the several departments where the same work is now fractionally done and concentrate it into one bureau; and that these officers, benefiting by the experience that has been given by the Senator from North Carolina, would collect and collate from whatever source available the information necessary for the proper conduct of this work and for the benefit of the people without ruthlessly entering the homes to obtain this information.

But it is a different question if it is to assume an inquisitorial form. I want to say right here that there is not a man on this floor who does not know that the most sensitive of all the citizens of our country are the very poorest. The man whom adverse circumstances has brought to a condition of poverty-circumstances over which he perhaps has no controlshrinks from having his home invaded and its condition exploited before the public.

Surely the agents proposed in this bill could find facilities for gathering all the necessary information that this bill proposes shall be gathered without this obnoxious warrant. There are doctors who go about in the country and towns who are familiar with the conditions; and they could give the facts without exposing the citizen to the inquisitorial service of these officers. And I hope sincerely that the framers of the bill and the advocates of the bill will allow us who are in earnest also about this matter to have this amendment gotten in the best available form, and not put us in the attitude of acquiescing in outraging the sanctity of the home or forcing us to vote against the bill.

Mr. SUTHERLAND. Mr. President-

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH of South Carolina. I do. Mr. SUTHERLAND. What provision does the Senator find in this bill that would authorize any officer to enter the home of a citizen against the objection of the citizen?

Mr. SMITH of South Carolina. What is the objection, then, to putting it in the bill specifically that the officer shall not?
Mr. SUTHERLAND. Because it is to my mind a perfectly

useless thing to do; a wholly unnecessary thing to do. If we are to write that language into this law, then we ought to write it into every law which authorizes any officer or agent of the Government to gather information, because the information must be gathered from persons, and if it is necessary to negative in this law the right of an officer to go into a home against the protest of the owner or the occupant, it would be necessary to do it in every law. I undertake to say there is not a line in this bill which would in any manner authorize any official or agent to enter the home of a citizen against his protest.

Mr. SMITH of South Carolina. If that be true, there can be no objection to emphasizing the intent not to do it. But by

parity of reasoning, if Congress passes an act for a specific purpose, then the officers acting under that act, without specific prohibition, could use all the means in their power to carry out the terms of the act; and when they go to the home of a citizen, the act does not prohibit them from entering it, but it demands

that they get the information.

Mr. SUTHERLAND. If any officer attempts, not under the express warrant of the law, to enter the home of the citizen, he would be committing a trespass, would be not?

Mr. SMITH of South Carolina. The Constitution says the citizen shall be protected against unreasonable searches and seizures. You have made it a reasonable one.

Mr. SUTHERLAND. I am not talking of the Constitution. I say unless there is an express warrant of law for the officer to enter the home of the citizen, if the officer enters it against

the protest of the citizen he commits a trespass. Mr. SMITH of South Carolina. Will not the Senator admit that the mere passage of this bill requiring certain officials to do certain things is in itself a warrant to do that thing?

Mr. SUTHERLAND. No. This does not authorize the official to enter the home with the consent-

Mr. CULBERSON. Mr. President-

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. In a moment. This bill simply authorize the agents to investigate and report upon all matters pertaining to the welfare of children, and so on. It does not authorize them to go into any person's home or anywhere else.

Mr. CULBERSON. I call the attention of the Senator from Utah to the fact that the Senator from Idaho having charge of the bill said if the amendment was adopted it would destroy the very purpose of the bill, showing that it is contemplated that these officers shall enter private residences if necessary

Mr. SUTHERLAND. The Senator from Idaho was not talking about the amendment now under consideration, as I recall. He was talking about the amendment of the Senator from Louisiana

Mr. CULBERSON. The purpose of the amendments is the

Mr. SMITH of South Carolina. I think the intent of the amendment offered by the Senator from Louisiana, as well as of the several amendments offered by the Senator from Texas, though the phraseology was somewhat different, was the same. All Senators understood that it was the same. It was to guard against any official entering the privacy of a home to make investigations over the protest of the owner or occupant of that home. And the Senator from Idaho said that if it passed it would emasculate the bill, that it would destroy the very purpose of the bill.

I should like to say further that I recognize, as do other Senators here recognize, that new conditions have arisen. Facilities for communications and transportation have become so perfect that, though we have our first allegiance and love to our State, we have become cosmopolitan. Diseases may be spread with infinitely more ease now than they were 50 years ago, and I recognize that there is a disease more terrible than the physical one. If my neighbor's children take smallpox or some contagious disease I insist that the yellow flag shall be put up and they shall be quarantined, but I have no possible way of guarding against immoral infection. And it is largely to the solution of this problem that this applies.

There is in my own city to-day a reformatory school, the first in the history of the State. It is alleged that evil tendencies among boys are being multiplied largely by certain conditions growing out of modern life. Thousands of occupations under modern conditions, taking fathers away almost continually from their families, are forcing the State to grapple with the problem of supplying this lack of paternal rule and control of the home. I was favorable to the bill on the broad ground that from every State in the Union there would be gathered the thoughts and experiences of the earnest, honest men who were attempting to solve the problem of how best to serve the young, the children, of this country-not with the intent of going into States to legislate, but simply to give advise as do other bureaus in reference to our material and financial welfare. I was perfectly willing to vote for the bill; but I hereby enter my protest now that I shall not vote for the bill which, by an expression of the author of it and by the implication of the vote on the amendments, gives any man the power to enter the sacred domain of the home of the highest or the lowest and search there for facts to spread before the public without knowing the causes that brought about the conditions which he finds there.

Mr. BORAH. Mr. President, if I could find in this bill any intimation of authority for the agent of the Government to enter the home over the protest or without the consent, if it was made known, of the occupant, I certainly would be in favor of amending it. I do not believe that there is an intimation of that kind in the bill. I do not believe, furthermore, that a man could enter the home of a resident of a State without his consent under this bill. I do not know how he would do it. I know that he would have ample and absolute protection under the laws of the State which this statute could not over-

ride, if it in specific terms undertook to do so.

Mr. STONE. I should like to ask— Mr. BACON. I should like to ask the Senator-

The VICE PRESIDENT. Does the Senator from Idaho yield, and to whom?

Mr. BORAH. I yield to the Senator from Missouri, as he had the floor first, and then I will yield to the Senator from Georgia.

Mr. STONE. I should like to ask the Senator, then, what he meant by what he said some time ago, I think while the amendment of the Senator from Louisiana [Mr. THORNTON] was pending, and which in substance and effect is identical with the one now pending, that if it should be adopted it would practically destroy the bill.

Mr. BORAH. Mr. President, it is quite possible-and I will be frank with the Senate in this matter-that my language was too broad, but the idea which I had in mind was that if we put in the bill the limitation, it would invite the parties to shut out the agent and he would have no power to invoke any State authority whatever; that he would be limited and prescribed by this act.

But there was another proposition in the first amendment. It was that if the mere consent of the party was not obtained that foreclosed the action of the agent entirely with reference to manufacturing establishments and other places, which is an entirely different proposition from the one which is presented now.

Now, so far as I am concerned, as I stated, if I thought there was any authority whatever for entering the house without the consent of the owner or occupant I would agree to the adoption of this amendment.

Now, I yield to the Senator from Georgia.

Mr. BACON. I was simply going to ask the Senator this question: The Senator said the householder would have the protection of the law, if he invoked it. There is a difference of opinion upon the subject as to whether or not this bill would

carry such authority, as is evidenced by the amendments which have been offered. Is it not better, in view of what the Senator himself says is the intent, that the law shall instruct those who are charged with this responsibility as to what they have a right to do and what they have not a right to do, rather than to leave it a matter of expense and annoyance, or legal proceedings to settle that question?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas [Mr. Culberson], on which the yeas and nays have been ordered. The Secretary

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I again announce my pair with the Senator from Florida [Mr. Fletcher].

the absence of that Senator I withhold my vote.

Mr. THORNTON (when Mr. Foster's name was called). wish to announce the necessary absence of my colleague [Mr. FOSTER], with the statement that if he were here he would certainly vote "yea." My colleague is paired with the Senator from Wyoming [Mr. WARREN].

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. Percy] and the transfer of that pair to the senior Senator from Michigan [Mr. Smrth]. I vote "nay."

Mr. REED (when his name was called). I am paired with the Senator from Michigan [Mr. SMITH], but the senior Senator from North Dakota [Mr. McCumber] having transferred his pair to that Senator, I consider myself at liberty to vote. I vote "yea."

Mr. TILLMAN (when his name was called). With the ex-

planation already given, I vote "yea."

Mr. WARREN (when his name was called). I wish to announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call having been concluded, the result was announced—yeas 39, nays 34, as follows:

	YE.	AS-39.	
Bacon Balley Bradley Brandegee Briggs Bryan Chilton Culherson du Pont Gallinger	Gardner Heyburn Hitchcock Johnson, Me. Kenyon Martin, Va. Myers O'Gorman Oliver Overman	Owen Paynter Pomerene Rayner Reed Shively Simmons Smith, Ga. Smith, Md. Smith, S. C. YS—34.	Smoot Stone Swanson Taylor Thornton Tillman Watson Williams Works
Borah Bourne Bristow Brown Burnham Burton Chamberlain Clark, Wyo. Clarke, Ark.	Crane Crawford Cullom Cummins Dixon Gamble Gronna Guggenheim Jones	La Follette Lodge McCumber McLean Martine, N. J. Nelson Nixon Page Perkins	Poindexter Richardson Root Stephenson Sutherland Townsend Wetmore
Bankhead Clapp Curtis Davis	Fletcher Foster Gore Johnston, Ala.	OTING—18. Lea Lippitt Lorimer Newlands Penrose	Percy Smith, Mich. Warren

So Mr. Culberson's amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. BAILEY. I ask for the yeas and nays on the passage of

Mr. GALLINGER. Mr. President, before the vote is taken

on the passage of the bill I wish to make a single observation. The junior Senator from Missouri [Mr. Reed] closed his speech to-day with a remark that the probabilities were that the opposition to this bill came from the so-called manufacturing States, where they did not want legislation of this kind. I chance in part to represent a manufacturing State, and I want to say to Senators in all sincerity that I have not received a communication from any manufacturing concern or any official employed in any manufacturing concern in either my State or any other of the New England States. So that my vote has not been influenced because of that consideration.

One other remark, Mr. President. The Senator from Oklahoma [Mr. Owen] in his earnestness observed that while we were willing to pay large sums of money for investigations of almost every conceivable kind we were unwilling to vote a pittance of \$29,000 to inquire into the social conditions of the women and children of the United States.

Mr. President, that is not quite fair, and I am unwilling to let it go to the country, so far as my vote is concerned, that I am controlled by any such motive or consideration as that. The fact is that a great department of this Government, engaged in

investigating substantially the same questions, has at its disposal \$300,000, more or less. That department has not concluded its work. The literature that it has sent to us is part of the literature that is to come from that department, and I apprehend, inasmuch as we recently voted an additional appropriation to the Bureau of Labor, it is for the continuation of the work that bureau is engaged in.

Mr. President, I think we can afford to wait until that great department and that bureau, in which we all have confidence, has completed its investigation. If it then appears that the work has not been well done or that further investigation is necessary, it will be time to establish an additional bureau in

the Department of Commerce and Labor.

Those are the considerations that govern my action in this matter, Mr. President, and I am quite unwilling that I should be misrepresented by any Senator as to the attitude I have taken on this question.

Mr. OVERMAN. Mr. President, I did not hear the remark of the Senator from Missouri [Mr. Reed]. As I have the good fortune to represent a State that has a good many cotton mills in it, I want to say that I have not had a letter from any cotton-mill man or anybody else against this bill, but all for it; and the Senator ought not to have made a statement like that unless he had some proof of it.

My ground was based upon the evidence that was taken not in the cotton-mill section, but in the mountain section, as I stated, and the Senator heard me make that statement. am sure he was not referring to me. I repeat that no man has ever written to me to oppose this bill, but I have many letters from my State asking me to support it. But I am satisfied they did not understand the measure as I understand it.

I base my opposition because of the enormous amount that I believe it would take, and, in addition to that, it is the creation of a new bureau. I believe that all the evidence that is desired and is provided for in the bill is gathered by a different department. I do not think the Senator ought to go and make such a statement as that. Why does he make it? Does it do his case any good to make such a statement?

Mr. REED. Mr. President, I made no specific reference to any Senators, and I do not know just why the Senators apply my remarks specifically to themselves. I did say in substance that it appeared that this opposition came from States—I may have used the words from Senators from States-in which there were manufacturing industries. I do recall that the Senator from North Carolina [Mr. Overman] complained bitterly about some previous report. I do not mean to ascribe to these Senators any evil purpose or motive. I do not think my words can be so construed.

But, Mr. President, what I meant to say, and what I now say with emphasis, is that there is, in my judgment, not a single great manufacturing institution in the United States in which children of tender years are employed that will not be found to have been in opposition to this bill and in opposition to it to-day. I exculpate both the Senators from any evil purpose or motive, and I did not intend that they should take my remarks in a personal light.

Mr. GALLINGER. For myself, Mr. President, I will say that I did not take it as a personal reference, but I felt that I had a duty to perform in stating exactly what had occurred in so far as one manufacturing State of the Union is concerned.

Mr. President, the fact is that under the investigation that is now going on by the Department of Commerce and Labor, through the Bureau of Labor, the agents have been in the State of New Hampshire and have been shown every possible consideration, and they have had full access to the manufacturing establishments of that State. I am very much gratified to know from reading the reports that they have not found the terrible conditions existing there that some of our good people in this country have advertised to the world as existing in the manufacturing States of the country.

Mr. OVERMAN. I would be glad if the Senator from Missouri would read those reports that relate to the cotton mills of North Carolina. I am willing for him to see what those agents I have been criticizing have said about the mills of my State. I do not think even the Senator from Missouri would

then complain.

The VICE PRESIDENT. The Senator from Texas [Mr. BAILEY] asks for the yeas and nays on the passage of the bill. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). my pair with the senior Senator from Florida [Mr. Fletcher], who is unavoidably detained from the Chamber on the business of the Senate. If he were present and I were at liberty to vote, I would vote "yea."

Mr. CURTIS (when his name was called). As I have heretofore announced, I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. Were he present, I should vote " yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). wish to again announce the absence of my colleague [Mr. Du-LINGHAM], who is away on official business. He is paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I again announce the absence of my colleague [Mr. Kern], who is de-

tained elsewhere on business of the Senate. If he were present, he would vote "yea."

Mr. TAYLOR (when Mr. Lea's name was called). My colleague [Mr. Lea] is absent on the business of the Senate. He requested me to state that he is paired with the junior Senator from Rhode Island [Mr. LIPPITT], and that if he were present he would vote "yea."

Mr. LIPPITT (when his name was called). I announce my pair with the junior Senator from Tennessee [Mr. Lea]. If I were at liberty to vote, I should vote "nay."

Mr. McCUMBER (when his name was called). Again transferring my pair with the senior Senator from Mississippi [Mr. Percy] to the senior Senator from Mississippi I vote "yea."

Mr. REED (when his name was called). I make the same announcement with reference to my right to vote that I have

heretofore made. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce that the senior Senator from Michigan [Mr. SMITH], who is absent from the city, is paired in favor of the bill with the senior Senator from Mississippi [Mr. Percy].

Mr. TILLMAN (when his name was called). Under the statement already made of the transfer of my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Alabama [Mr. Johnston], I will vote. I vote "nay."

Mr. WARREN (when his name was called). I again anhounce my standing pair with the senior Senator from Louisiana [Mr. Foster], and I wish to announce that I shall stand paired with that Senator for the day upon any votes which

The roll call having been concluded, the result was announced-yeas 54, nays 20, as follows:

VEAS_54

111	AD-UT.	
Cummins Dixon du Pont Gamble Gardner Gronna Guggenheim Hitchcock Johnson, Me. Jones Kenyon La Follette Lodge McCumber	McLean Martin, Va. Martine, N.J. Myers Nelson Newlands Owen Page Perkins Poindexter Pomerene Rayner Reed Richardson	Root Shively Simmons Smith, Ga. Smith, S. C. Smoot Stephenson Sutherland Swanson Taylor Townsend Williams
NA.	YS-20.	
Culberson Gallinger Heyburn Nixon O'Gorman	Oliver Overman Paynter Smith, Md. Stone	Thornton Tillman Watson Wetmore Works
NOT V	OTING-17.	
Fletcher Foster Gore Johnston, Ala. Kern	Lea Lippitt Lorimer Penrose Percy	Smith, Mich. Warren
	Cummins Dixon du Pont Gamble Gardner Gronna Guggenheim Hitchcock Johnson, Me. Jones Kenyon La Follette Lodge McCumber NA: Culberson Gallinger Heyburn Nixon O'Gorman NOT Vo Fletcher Foster Gore Johnston, Ala.	Dixon Martin, Va. du Pont Martine, N.J. Gamble Myers Gardner Nelson Gronna Newlands Guggenheim Hitchcock Page Johnson, Me. Perkins Jones Poindexter Kenyon Pomerene La Follette Rayner Lodge Reed McCumber Richardson NAYS—20. Culberson Gallinger Overman Heyburn Nixon Smith, Md. O'Gorman Stone NOT VOTING—17. Fletcher Lea Foster Lippitt Gore Lorimer Johnston, Ala. Penrose

So the bill was passed.

THE METAL SCHEDULE.

The VICE PRESIDENT. The Chair again lays before the Senate House bill 18642, to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which has been read twice by its title. The Senator from Missouri [Mr. REED] has entered a motion to refer the bill to the Committee on Finance with instructions to report it back within 20 days.

Mr. REED. Mr. President, I have consulted a number of Senators, and I am informed that it will probably not be necessary to fix any time when the bill shall be reported. I there-

fore withdraw the motion.

The VICE PRESIDENT. The Senator from Missouri withdraws the motion, and the bill is referred to the Committee on Finance.

SERVICE OF CERTAIN LINE OFFICERS OF THE ARMY (S. DOC. NO. 288).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d instant, a statement showing the names, rank, and organizations of all officers of the line of the Army who, during the six years ending July 31, 1911, had not served two years in the organizations in which they were respectively commissioned, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ROOT presented memorials of the George Washington Branch of the Monroe Doctrine League, the Jefferson Democratic Club, of the sixteenth congressional district, the U.S. Grant Branch of the Star Spangled Banner Association, and of the Waterford Federation, all of New York City, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry organizations of Brooklyn, Ballston Spa, Long Island City, and New York City, all in the State of New York, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were

ordered to lie on the table.

He also presented a petition of sundry citizens of Lowville, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented a petition of sundry citizens

of Baraboo, Wis., praying for the establishment of a children's bureau in the Bureau of Commerce and Labor, which was or-

dered to lie on the table.

Mr. FLETCHER presented a memorial of sundry citizens of Windsor, Gainesville, and Hawthorne, all in the State of Florida, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SHIVELY presented petitions of the Indiana Grain Dealers' Association and the Indiana Millers' Association, of Indianapolis, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain,

and France, which were ordered to lie on the table.

He also presented petitions of the congregations of the Evangelical Church of Syracuse, and the Modern Friends Church of Amboy, of the Presbyterian Brotherhood of Oxford, and of the Woman's Christian Union of Richmond, all in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Council No. 188, United Commercial Travelers of America, of Terre Haute, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Com-

mittee on Post Offices and Post Roads.

He also presented a memorial of the Ex-Soldiers and Sailors' Association of Elkhart, Ind., and a memorial of Shiloh Field Post, No. 198, Department of Indiana, Grand Army of the Republic, of Elkhart, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

Mr. RAYNER presented a petition of Pomona Grange No. 7, Patrons of Husbandry, of Montgomery County, Md., praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which

was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OWEN:

A bill (S. 4947) providing for the equalization of Creek allotments: and

A bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; to the Committee on Indian Affairs.

By Mr CHAMBERLAIN:

A bill (S. 4949) granting an increase of pension to George W.

Allen (with accompanying papers); and A bill (S. 4950) granting an increase of pension to John Jones (with accompanying papers); to the Committee on PenBy Mr. JONES:

A bill (S. 4951) to further regulate the admission of Chinese persons and persons of Chinese descent; to the Committee on Immigration.

A bill (S. 4952) providing for the appointment of an appraiser of merchandise for the customs-collection district of Puget Sound, State of Washington;

A bill (S. 4953) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast; and

A bill (S. 4954) providing for the purchase or construction of launch for the customs service at and in the vicinity of Port

Townsend, Wash.; to the Committee on Commerce.

A bill (S. 4955) for the relief of the estate of Frederick

Heisinger

A bill (S. 4956) for the relief of Matilda Elizabeth West; and A bill (S. 4957) for the relief of Simon M. Preston; to the Committee on Claims.

A bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes; to the Committee on Public Lands.

A bill (S. 4959) to provide for the erection of a public build-

ing at Blaine, Wash.; and

A bill (S. 4960) to erect a public building in the city of Vancouver, in the State of Washington; to the Committee on Public Buildings and Grounds.

By Mr. PAGE:

A bill (S. 4961) granting an increase of pension to Jacob L. Cook; to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the con-

sideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 9 minutes p. m., Wednesday, January 31, 1912) the Senate adjourned until to-morrow, Thursday, February 1, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 30 (calendar day, January 31), 1912.

ASSISTANT COLLECTOR OF CUSTOMS.

William H. Turnbull to be assistant collector of customs for the port of Camden, N. J.

UNITED STATES ATTORNEY.

Harry Eugene Kelly to be United States attorney, district of Colorado.

POSTMASTER'S.

ALABAMA.

Jehn F. Sutterer, Cullman.

COLORADO.

Edward L. Trounstine, Walsenburg.

Benjamin J. Burris, Washington.

Perry T. Grimes, Bloomfield.

SOUTH CAROLINA.

Emma J. Peeples, Hampton.

HOUSE OF REPRESENTATIVES.

Wednesday, January 31, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

We bless Thee, Almighty God, our heavenly Father, for Thy wonderful patience and tender mercies. Love waits upon us all. What we might have been we may always become through faith, penitence, and perseverance. Kindle, we beseech Thee, within our hearts the sacred flame and grant that it may burn brighter and brighter until we shall have reached the coveted goal, the perfected manhood. In Jesus Christ our Lord.

The Journal of the proceedings of yesterday was read and

CALENDAR WEDNESDAY. The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (S. 3024) to provide for the con- Page, in the chair.

struction, alteration, and repair of the bridge across the Weymouth Back River, in the State of Massachusetts. Under the order made by the House the gentleman from Georgia [Mr.

ADAMSON] is entitled to two hours.

Mr. CLAYTON. Mr. Speaker, the Committee on the Ju-

diciary had not exhausted its call.

The SPEAKER. This arrangement was made, the Chair will say to the gentleman from Alabama, by special order. Mr. MANN. You will not lose your right.

The SPEAKER. And that was the way the Judiciary Committee was reached.

Mr. CLAYTON. I was not present when the special order arose.

The SPEAKER. The special order was that this bridge bill should be the unfinished business, and that the gentleman from Georgia [Mr. Adamson] should have two hours and the gentleman from Tennessee [Mr. SIMS] one hour.

Mr. CLAYTON. Mr. Speaker, I desire to make an inquiry of the Chair. That will give the Committee on the Judiciary

the call on next Wednesday?

The SPEAKER. I think it will give the Judiciary Committee the call as soon as we get through with this bill. The call rests on the Judiciary Committee, the Chair will state.

Mr. ADAMSON. Mr. Speaker, it was my understanding that the Committee on the Judiciary had the call, and that if this bill, the Weymouth Back River bill, were taken up to-day and disposed of, then the Committee on Interstate and Foreign Commerce could not call up any more bills until the call had gone around again; and inasmuch as we had a good many uncontested bills, the consideration of which would not consume much time, I really preferred, if the House desired, that the Committee on the Judiciary should go ahead and let the call get around, so that when we take up our business again we can transact what business we have.

The SPEAKER. The Chair will refresh the memory of the gentleman by reading from page 1267 of the Record. After the colloquy between the gentleman from Georgia and the gentleman from Tennessee and various other gentlemen, the Speaker stated the matter this way-

Mr. ADAMSON. Will the Speaker go back of that passage a little and read my proposition, and then read what the Speaker stated?

The SPEAKER. The way the Speaker stated it was what the House agreed to. Here is the way it was stated:

The gentleman from Georgia asks unanimous consent that this bill-That is, this bridge bill-

which is the unfinished business to-day, go over until next Calendar Wednesday, and be then the unfinished business, and coupled with that that general debate on the bill next Wednesday, or whenever it comes up, shall be limited to three hours—two hours to be controlled by the gentleman from Georgia and one hour by the gentleman from Tennessee [Mr. Sims].

Mr. ADAMSON. Now, Mr. Speaker, permit me one moment. I would like to read the proposition as I made it, just preceding

Then, Mr. Speaker, I couple with my request, at the suggestion of the gentleman from Tennessee, the condition that when we resume consideration of this bill on next Wednesday, or at any future time when it is resumed on the call, general debate be limited to three hours.

Then the Speaker, after making the statement that the proposition is that it go over until next Wednesday, stated:

And be then the unfinished business, and coupled with that that general debate on the bill next Wednesday, or whenever it comes up—

Referring, evidently, to the language of my statement.

The SPEAKER. The reason the Chair put that clause in was that the House by a two-thirds vote can dispense with Calendar Wednesday entirely, and if it were dispensed with to-day then this Massachusetts bridge bill would be the unfinished business next Wednesday.

Mr. ADAMSON. It was only as a matter of expediency that I suggested to the House, Mr. Chairman, that the Committee on the Judiciary should go on, and that it would be fair to everybody that the call should go on around, and then, when the Committee on Interstate and Foreign Commerce should be reached, it would not be shut out with the finishing of the one bill, but would have the day, or two days if necessary, to complete unfinished busines

The SPEAKER. The gentleman can ask unanimous con-

sent to do anything he chooses.

Mr. GARRETT. Mr. Speaker, I demand the regular order.
The SPEAKER. The gentleman from Tennessee [Mr. Garrett] demands the regular order. The regular order is that
the House automatically resolve itself into the Committee of the Whole House on the state of the Union for the considera-tion of this bill, with the gentleman from North Carolina, Mr. BRIDGE ACROSS WEYMOUTH BACK RIVER, MASS.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration

of the bill S. 3024, with Mr. Page in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of Senate bill 3024. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3024) to provide for the reconstruction, alteration, and pair of a bridge across the Weymouth Back River, in the State of repair of a br Massachusetts.

The CHAIRMAN. The Chair will state that, under the order previously adopted, the debate is limited to three hours, two hours to be controlled by the gentleman from Georgia [Mr. ADAMSON] and one hour by the gentleman from Tennessee [Mr. SIMS]. The Chair will recognize the gentleman from Georgia.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. Mann] 15 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN]

is recognized for 15 minutes.

Mr. MANN. Mr. Chairman, under the provisions of the Constitution, Congress has the power of control over navigable streams so far as the interests of navigation are affected. It was only in recent years that Congress provided that obstruc-tions to navigation in or over navigable streams should not be made without the consent of Congress. At the time this bridge was built, 100 years ago, the local authorities had the right to build the bridge, even though it had entirely obstructed the navigation of the stream, subject to the superior right of Congress at any time to require that obstruction to be removed.

Probably the most noticeable and notable example of the exercise by Congress of its power was the case of the Chicago River tunnels, where the city of Chicago had constructed under the river tunnels which at the time of their construction did not at all interfere with navigation, which were constructed by the city under the authority of the State Legislature of Illinois. Subsequently Congress exercised its superior right and declared those tunnels to be obstructions to navigation, and ordered their removal, which was done at the expense of the local people of

It is undoubtedly the general rule that where a bridge has been constructed across a navigable stream by the local authorities, under the right of law of the local authorities, it still is within the power of Congress, where Congress has not given its assent to the construction of such obstruction, to order the removal of the obstruction under the authority granted in the Constitution that Congress shall control in commerce. So that in this case there is no doubt whatever of the power of Congress, which power is delegated to the Secretary of War, to order the removal of this Weymouth Bridge as an obstruction to navigation. It is quite certain that as a general proposition, where Congress orders the removal of a bridge because it obstructs navigation, that bridge having at the time of its construction been legally authorized by the local authorities, it is still undoubtedly the rule that Congress is not required to pay damages which may accrue by reason of the removal of the obstruction to navigation. In other words, wherever local authorities have constructed obstructions to navigation in a stream they have done so at their own peril, subject to the power of Congress at any time to order the removal of the obstruction if it proves to be an obstruction to navigation. There are many bridges throughout the United States over navigable streams which have been constructed by local municipalities, by railroads, or by bridge corporations, under local authority, without having obtained the authority from Congress, because that has only been required in the last 20 years, which bridges are ordered from time to time to be removed or reconstructed. In my own district a railroad bridge, constructed many years ago by State authority, has been ordered by the Secretary of War to be removed or a new bridge to be constructed, because that bridge has become an obstruction to navigation. There is no liability on the part of the General Government for exercising its superior authority, and the only question involved in this case is whether there are such special equities as would justify Congress in paying some portion of the damages which are caused by the removal of the obstruction to navigation. I think everyone will concede that cases might arise where it would be inequitable for Congress to order a local bridge removed, without participating in the cost of the construction of a new bridge. Take a case where a bridge had been constructed across a river by the local authorities, where for some purpose or other the Government of the United States had acquired possession of practically all the land in the territory which had originally paid for the con-

struction of the bridge, and it, being declared an obstruction to navigation, was ordered to be removed. A case is easily imagined where the local authorities would be quite without the ability, under the power of taxation, to provide money enough to reconstruct the bridge. That was the case at Moline, which has already been cited, where, because of the construction of the Hennepin Canal, a bridge was ordered to be removed which had been constructed across Rock River by the city of Moline. The Federal authorities ordered the removal of the bridge because of circumstances arising long after its construction. It would be an onerous hardship on the city of Moline to require it to rebuild this bridge outside of the boundaries of the city, which bridge was mainly for the convenience of the farmers at a distance.

A case might arise in any portion of the United States in connection with encampment grounds. Suppose Congress should purchase maneuver grounds of 30,000, 40,000, or 50,000 acres and should order the removal of a bridge which was an obstruction to navigation. The local authorities might be without the power, so far as actually raising money is concerned, to provide the means of reconstructing the bridge ordered to be removed

for the convenience of the national authorities.

Now, it seems to me this case brings itself within equitable considerations which demand that Congress should pay a portion of the cost of a new bridge. Here is a bridge across a navigable water, but navigable only a short distance above the bridge. The bridge is amply convenient for the local necessities, and there is no probability that it would ever need to be removed for the convenience of navigation if the Government of the United States had not purchased the property above it for magazine purposes. No one else wants to use the stream for navigation except the Government. No one else except the Government has any reason for removing the bridge.

Mr. CRUMPACKER. Will the gentleman yield to me?

Mr. MANN. Certainly. Mr. CRUMPACKER. Has any order been made prohibiting the navigation of this stream by individuals?

Mr. MANN. No such order could be made.

Mr. CRUMPACKER. Have any steps been taken to prohibit the use of the river above the bridge by the citizens of the country?

Mr. MANN. No order could be made to prevent anyone navigating this water above the bridge; but no person could land, because the land is all owned by the Government of the United States.

Mr. CRUMPACKER. Let me ask the gentleman another question. Suppose a private corporation had purchased the land on both sides of the river above the bridge and constructed large industries and required the use of the river for the purpose of commerce, would not such an institution have the right to navigate the river for industrial purposes under conditions

Mr. MANN. If my friend from Indiana will have patience I will try and answer that question. Now, this bridge is ordered to be removed purely for the convenience of the Government. While theoretically this water is open to the navigation of the world, as a matter of fact no one else can navigate it to any purpose, because no one can go above the bridge and land.
Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MANN. Not until I have finished this statement. Being directed to be removed purely for the convenience of the Government, the question arises whether it is a hardship on the local authorities to require them to remove a bridge wholly suitable to their needs because the Government wants it reconstructed, or whether the Government ought to contribute toward that expense.

If this were a matter in the city of Chicago, I would say that the Government was under no obligation to pay any portion of this expense, because a large municipality ought to be able to meet those expenses. But here is a proposition to require an expensive bridge to be paid for purely by the local authorities and purely for the benefit of the General Government.

Now, it is true that this request might have come from the demands of other people who might have acquired this property. Some large manufacturing establishment might have located on the ground now occupied by this naval magazine. Some shipping community might have acquired the land; warehouses might have been constructed there, and in such case, undoubtedly, it would have been the duty of the Secretary of War to have required the removal of the obstruction to navigation. But it must be perfectly patent to us all that there is no great difference, so far as the local taxation is concerned and the raising of the money from the local people is concerned, between requiring that to be done for the benefit of the General Government, which pays no taxes, and doing it where it is done for the benefit of the local community, which pays a large amount

If this property had been devoted to commercial uses, shipping uses, warehouse uses, it would have contributed not only to the payment of taxes for the construction of the bridge but would have contributed to the payment of the ordinary taxes for the management of the municipalities themselves.

[The time of Mr. Mann having expired, he was yielded five minutes more by the gentleman from Georgia, Mr. Adamson.]

These communities are not wealthy communities. The State of Massachusetts has recognized the fact that it would be unfair to the communities to require them to pay the total expense, and the State proposes to pay a portion of the expense. The State of Massachusetts is under no greater obligation to these local communities than we are. The State proposes that these local communities, not having the power fairly to raise by taxation the large amount necessary for the construction of the bridge, has proposed to pay a portion of the cost. It seems to me that where this is to be done for our benefit it brings itself within those exceptional equities which justify the Government in paying, not the whole of the expense, possibly not half of the expense, but, as proposed by this bill, not to exceed one-third of the expense.

We constantly oppose We meet these equities everywhere. bills to give property to this municipality or that municipality where the Government has property, for certain purposes, de-pending in each case upon the equity of each case, without attempting to violate the general principles that it is not, on the one hand, the duty of Congress to give away property and, on the other, not the duty of Congress to pay for the reconstruction of bridges which have become obstructions to navigation.

When this bill first came before the committee of which I was then the chairman I felt as gentlemen do who are now opposing the bill. I appreciate their position, but after a long study of that subject, going carefully into the facts, some of which are disclosed in the report which was made then and in the report which is now made, and some of which are not disclosed at all, I reached the conclusion myself that under the peculiar circumstances of this case the Government of the United States was fully warranted in helping pay the cost of a bridge which we under our superior power had ordered reconstructed, purely for our own benefit and not for the benefit of anyone else, having the power to refuse to pay and to place a hardship upon the local people; but having the right also, if we choose, to deal justly and fairly by all citizens and all localities throughout the country. When we impose hardships we should at least partake of those hardships ourselves. [Applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly. Mr. MARTIN of South Dakota. Can the gentleman inform the committee as to the approximate length of the present

Mr. MANN. I do not recall it at this moment,

Mr. MARTIN of South Dakota. As shown on the map, it would be, I should judge, some hundreds of feet.

Mr. MANN. My impression is it was about 200 feet, but I am not certain.

The CHAIRMAN. The time of the gentleman from Illinois

Mr. ADAMSON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. Curley].

Mr. Curley. Mr. Chairman, it is with considerable hesitation that I participate in the debate on this particular proposition, and my hesitation is because of the fact that this is no new proposition for consideration by a majority of the Members of this body. It is a proposition that was investigated thoroughly by the Sixty-first Congress, and was acted upon favorably by that Congress. The President of the United States, in a communication to Congress, through the gentleman from Massachusetts [Mr. Weeks], after a thorough investigation of the facts in the case, went on record positively in that com-munication as being in favor of the proposition. The language of Judge Harlan, which has been quoted by the gentleman from Massachusetts [Mr. Weeks], presents a proposition upon which the justice of this case may securely rest. He said:

It is one to be addressed to the legislative branch of the Government. It is for Congress to determine under the circumstances of a particular case. Justice requires that compensation may be made to a person or corporation incidentally suffering from the exercise by the National Government of its constitutional power.

Mr. Chairman, one not familiar with the neighborhood in which it is proposed this bridge shall be located might be justified by the arguments so well and ably presented by the

gentleman from Indiana [Mr. Cultor], the gentleman from New York [Mr. Fitzgerald], the gentleman from Mississippi [Mr. Sisson], the gentleman from Tennessee [Mr. Sims], and by many others, in believing that the location of a magazine station in a section was of immeasurable benefit to the entire community. As a matter of fact, Mr. Chairman, if that magazine ever exploded it would destroy every human being and animal within 10 miles, or possibly 20 miles, of the station. The land upon which the station is now located did not become the property of the Government because of condemnation proceedings. The Government purchased the property. An area nearly 3 miles square was taken out of the taxable value of the town of Hingham.

The location of the magazine station tended to reduce property values in the neighborhood contiguous to the station. Any man who will study over the chart can get some idea of the condition that obtains there at the present time. He will readily perceive that the extreme width of the Weymouth Back River is in that portion of North Weymouth outside of the confines of the magazine station, and that if the magazine station had never been located in Hingham there would never have been a demand for a 50-foot draw in connection with that bridge; that a 24-foot draw was ample for all commercial purposes; and that the 50-foot draw is not put in for the development of commerce, but put there primarily and absolutely to serve the purposes of the Government. The Government property extends within a few feet of where it is probable this draw shall be located. That 50-foot draw is to be placed there in order that the Government may be permitted to have access to the magazine station by its large barges which carry the high explosives from the point where they are stored in Hingham and North Weymouth to that section of Boston Harbor in the vicinity of Charlestown Navy Yard.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. CURLEY. Certainly.

Mr. BATHRICK. How many inhabitants of Hingham village are there?

Mr. CURLEY. I can not state exactly; but I should judge that the population of Hingham was about 1,500.

Mr. BATHRICK. Is the gentleman familiar with the ground

about this Weymouth Back River and this property?

Mr. CURLEY. I am.

Mr. BATHRICK. Is there much marsh upon it?

Mr. CURLEY. I should say there is very little marsh.
Mr. BATHRICK. About how much—what will be the pro-

portion? Mr. CURLEY. Well, I really could not answer that question,

but I could answer it in this way

Mr. BATHRICK. Give us your judgment. Mr. CURLEY. By saying that the soil in that vicinity is largely a gravel and sandy soil. It is not a marshy or clay soil. Mr. BATHRICK. But there is marsh around the bank of the river, is there not?

Mr. CURLEY. You could not avoid having marsh on the banks of a river where it is salt tidewater. There is, I should say, not any great proportion.

Mr. MARTIN of South Dakota. About what is the length of

the present bridge, if the gentleman knows?

Mr. CURLEY. The length of the present bridge, I should

judge, is about 90 feet and the draw about 24 feet.

Mr. MARTIN of South Dakota. You take it, the bridge is not to exceed 90 feet?

Mr. CURLEY. The present bridge does not, I believe, exceed 90 feet.

One hundred feet. Mr. MANN.

Mr. MARTIN of South Dakota. In what manner is the structure now supported, by piles or piers, or how?

Mr. CURLEY. By piles and granite piers in places, and the support of the bridge itself rests on the roadway. If the Government did not require a 50-foot draw there and if it did not require it to be open for navigation, the proper thing would be to put a culvert there, so the only purpose the bridge serves is the purpose of the Government. Now, Mr. Chairman, it must be understood that this section of Massachusetts differs greatly from other sections of the country, and this is more particularly true of North Weymouth, South Weymouth, and Hingham, and that section of Massachusetts located along the south shore. There are no great industries there, there are few opportunities for employment there. The towns are not wealthy towns, and such a burden imposed by this Government upon the two counties and upon that section is a tremendous burden when we consider that an area covering nearly 9 square miles of taxable property is taken out of the taxable value returned for this section. The adjoining property is reduced and lessened in

value in consequence of the injury and the danger that results from being contiguous to a magazine station, and I venture to say, Mr. Chairman-

Mr. JACKSON. I would like to ask the gentleman, who seems to be familiar with local conditions there, if this plant is of any value locally, do these people profit from it in any way? Mr. CURLEY. I should say very little, and I think I might be justified in saying absolutely none, for this reason, Mr. Chairman: A magazine station in Massachusetts is not a new institution.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ADAMSON. I yield the gentleman five minutes additional.

Mr. CURLEY. A magazine station in this section of Massachusetts is in no sense an innovation. A magazine station has been maintained for a great many years at Chelsea, which is about 12 to 14 miles from the new magazine station in Hingham. Substantially the men who were formerly employed at Chelsea have been transferred in employment to this section at Hing-The street railway service and the steam railroad service to this point are excellent, so that the majority of those who have secured employment at the new magazine station have still maintained their residences in Chelsea or in Charlestown or in Boston or in some place other than Hingham.

Mr. JACKSON. How many of them are there, can the gen-

tleman tell approximately?

Mr. CURLEY. I should say, Mr. Chairman, approximately not more than 60 or 80, for this reason, that none of the explosives are manufactured at the magazine station. They are simply handled and stored there, transferred from the sows which bring them there from the point where they are manufactured, and then the scows carry them out to the war vessels located in Boston Harbor or to the Charlestown Navy Yard.

Mr. JACKSON. Is it true that eventually these 60 or 80 men

will all reside in this vicinity?

Mr. CURLEY. Mr. Chairman, that is a question that I can not answer. Personally, if I were one of the men, I should not consider such a proposition, because they do not have even a moonlight schedule on the street lighting there. They have no lamps at night. There is no place to which a person can go in that section for amusement. In the winter it is extremely cold, and in the summer time the mosquitoes are extremely vicious.

Mr. JACKSON. What does the gentleman say to the propo-

sition that if it were put up to the people of this locality to let the plant be removed and let the bridge stay as it is, and make the improvement, and pay for it, what would the people say?

Mr. CURLEY. Mr. Chairman, of course I have no means of

knowing what the people in that section would say, but if the proposition were put in this manner, to discontinue that portion of Weymouth Fore River that enters in the land now owned by the Government and maintained as a magazine station, and permit the town, the State, and the street railway company to establish any kind of crossover they saw fit there, I think the people would agree to that proposition.

Mr. JACKSON. Does the street railway bear a part of the

expense of this improvement?

Mr. CURLEY. Under the Massachusetts State law they do. Now, then, Mr. Chairman, there has been some confusion created in the minds of many Members of this House with relation to the benefit or the injury that a proposition of this character involves to a community. And it has been so beautifully pictured here that one would believe that a magazine station was as ideal an acquisition to a community as a post office or a Government building of any character; that instead of detracting from property values it rather had added to property values. Mr. Chairman, in the very few minutes allotted I want to point out this fact: The people of Hingham and the people of Massachusetts generally would much prefer that this magazine station were located in the district represented by some of those Members who oppose justice in this matter rather than in some sections of Massachusetts.

Mr. SIMS. Are you willing for the navy yard to go with it? Mr. CURLEY. I will say, Mr. Chairman, that I have too much regard for my colleague from Massachusetts, who is serving his first term in this body, to go publicly on record against a proposition that may be the means of sending him back here. But there is no navy yard, fortunately for me, located in my section. But I recognize that navy yards are necessary, and I do believe that there is sufficient historic tradition attached to the Charlestown Navy Yard to warrant its retention.

The CHAIRMAN. The time of the gentleman has expired. Mr. ADAMSON. Mr. Chairman, before asking the other side to consume some time, I wish to notify Members that, acting

on the suggestion of the gentleman from Minnesota [Mr. STEVENS] in his speech the other day, that the RECORD fails to disclose a part of the amendment made in the committee, I shall offer the amendment which he says he offered in the committee, and that is: On page 2, line 6, insert the word "fifteen" in place of the word "fifty," so that the possible maximum for the Government to contribute under this bill will be \$15,000 instead of \$50,000.

Mr. SIMS. Do you mean that you will offer that in the bill

when read for amendment?

Mr. ADAMSON. I mean that I will offer it when we reach the consideration of the bill for amendment.

Mr. SIMS. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, the merit of this bill has given me some little bother. My original understanding was that the Government had acquired the land abutting the river above the bridge for magazine purposes and had prohibited public navigation of the river. I am informed now that that is not the situation at all. While the Government has acquired the land and owns all the river front within a fixed distance above the bridge the river, theoretically, is open to navigation as much as it ever was. There never was much navigation on the river and probably there never will be. But the question now recolves itself to one should be contained. the question now resolves itself to one pivotal or controlling proposition, and that is when the Federal Government locates an improvement or acquires real estate in any community for the use of the Government the question is, Shall it contribute toward carrying on local administration provided that its location withdraws more from the community in the way of taxes than it brings in the way of trade to the inhabitants? That is a question which is purely speculative and has no legal or

Mr. AMES. Mr. Chairman, will the gentleman yield to an

interruption there?

Mr. CRUMPACKER. It is purely speculative. That is all that is involved in this bill.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Massachusetts?

Mr. CRUMPACKER. I will yield.

Mr. AMES. Does the gentleman quite fairly state the case? Mr. CRUMPACKER. I think so. I think I have analyzed it so that I have reached the kernel in the proposition.

Mr. AMES. The gentleman says the river is navigable and that the Government proposes to keep it navigable in the

Mr. CRUMPACKER. There is nothing in the law that prohibits anybody from running boats up and down that river.

Mr. AMES. The committee in their report say that—

As the Navy Department owns all of the abutting land on the river, and it being necessary to prevent any trespassing on the magazine grounds, it is the purpose of the Government to prevent in future any navigation above the bridge.

Does not that make it theoretically not navigable?

Mr. CRUMPACKER. No; it does not make it theoretically nonnavigable. The situation is the same as if that land were owned by a large industrial company, including all the frontage. It could keep trespassers off the premises and exercise all the power that the Government exercises, and no more. The situation would be exactly the same. The amount of money involved in this bill is not large, but-

Mr. BOWMAN. Mr. Chairman, will the gentleman yield? Mr. CRUMPACKER. I will yield for a question.

Mr. BOWMAN. The point having been made that an explosion occuring there would destroy all the property within 5 and 10 miles of the place, and the fact that the Government must, in order to protect the country, prevent navigation above that point, does that not make it not navigable for all practical

Mr. CRUMPACKER. The assumption in the gentleman's question is not borne out by the facts. The Government has shown no disposition to prevent navigation above the bridge at all, and if there is a liability to explosion, it seems to me the prudent thing would be not to pay for an explosion in advance, but wait until the explosion happens. It may never If the Government inflicts any considerable injury upon adjoining property, and there are equitable reasons why it should make compensation, or partial compensation, let us do it then. Let us not be appropriating Federal money now for a Prospective injury that may never happen.

Now, the bill carries a small appropriation, only \$15,000, if

it goes through as the gentleman from Georgia [Mr. ADAMSON] says he hopes it will; the \$15,000 will be distributed among the street railroad company, the town or city of Weymouth, the town or city of Hingham, and the city of Quincy. It is not a very great burden upon those communities, and if allowed it would set a very dangerous precedent.

The CHAIRMAN. The time of the gentleman has expired. Mr. CRUMPACKER. I would like to have three minutes

Mr. SIMS. Mr. Chairman, I yield three minutes more to the

Mr. CRUMPACKER. It would set a very dangerous precedent, because wherever the Government buys or condemns property for the purpose of establishing an Army post or establishing training grounds—we have a bill pending now authorizing the Government to purchase or to accept donations of land for that purpose-if the Government withdraws from taxation any considerable amount of land, it is not a difficult thing to prove in any community that by the withdrawal of the land from taxation the community loses more than it receives in the way of benefits on account of the location of the improvement or the purchase of the land, and then in equity the Government should contribute something, directly or indirectly, toward the administration of local civic affairs. That is the real question in the case, and Congress, under a precedent like that, may involve itself in all kinds of trouble.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Georgia?
Mr. CRUMPACKER. Yes.

Mr. TRIBBLE. That condition does not exist there.

Mr. CRUMPACKER. Where?

Mr. TRIBBLE. At the place you describe. At the time this magazine was contracted for by the Government \$75,000 was the amount agreed upon, and did not that plat there cost \$200,000, and did not the Government pay \$200,000?

Mr. CRUMPACKER. I presume the Government in such cases usually pays four times what the land is worth, and I presume the money is in the community, and the results of the sale are reachable and taxable.

Mr. TRIBBLE. Then there is something else behind this project in addition to these innocent farmers, is there not?

Mr. CRUMPACKER. I do not know about that; but I do not think the bill ought to go through, because the principle is wrong. The matter is so purely speculative.

Now, as to this talk about an accidental explosion, can the Congress of the United States appropriate Federal money in cases like this because there might be an explosion and the adjacent property in that vicinity might be injured by it?

The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. I yield five minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I have listened with a great deal of interest to this debate, and I think I have heard all of the debate on this question; and not going into the equities which have been so ably discussed by those both for and against this proposition, there is one phase of it which makes it impossible for me under any condition to reconcile my mind to the point where I could vote for this measure. The greatest estimate made by the Government engineers of the damage that will be done to this structure by the changing of this draw is the sum of \$20,000. Yet here in this bill there is an estimate for a minimum of \$33,000 and a maximum of \$50,000 the Government shall pay, or a minimum of \$13,000 and a maximum of \$30,000 more than the Government estimate of the entire cost. Those who are asking the passage of this bill think this bridge can be built for \$100,000, the Government to pay one-third. That will be thirty-three and one-third thousand dollars; but, allowing a maximum of \$150,000 for this bridge, that would put the Government in for \$50,000, and I am pretty well satisfied that they would use the maximum amount. I can not see how we, as Members of the House of Representatives, can come in here and pass such legislation as this, for it is so patent on the face of it that it simply is asking Congress to help build a fine bridge there, which they, no doubt, need on account of the age of those structures. The only argument I have heard brought up here was that after this expenditure of \$20,000 was made the old bridge would not bear the weight of the new structure. I want to say to you gentlemen who know anything about drawbridges that the ends of the bridge are not supposed to hold any of the weight of the draw. All they do is to have a locking device at each end, which holds the ends in place while the load goes over the draw. The pier of the draw is supposed to support the draw itself and all the load that is on it; sometimes it is necessary to move the draw with its load when it has cars, passengers, and teams upon it. We have all seen instances where they have bridges of this kind which swing around, carrying not only the bridge but its

load. I can not see that there is any argument here in favor of this excessive appropriation.

Mr. AMES. Has not the gentleman in mind a swinging drawbridge, one that is pivoted in the center? I do not anticipate that this is to be such a bridge. It is to be supported from one

Mr. LA FOLLETTE. We have no way to tell by this bill what this draw is to be, but the Government engineer has made an estimate of \$20,000, and the suggestion is made in reply that he does not take into consideration anything but the draw. I have no doubt the engineer is thoroughly onto his job and understands his business, and has taken that question into consideration, including the fixing of the ends of this draw so that it will support the necessary load. But I can not reconcile myself to the fact that you are asking from \$13,000 to \$30,000 more than the entire estimate of the Government engineer. locks as though you are simply asking Congress to help build a new bridge there, and not to make up any damage which the Government will occasion to the present structure.

Mr. AMES. After all, does it not resolve itself down to this proposition, that either the river is navigable or it is not? If it is not, ought the State or the community to be compelled to bear this entire burden?

Mr. LA FOLLETTE. There is no question about the navigability of the stream. It is navigable, and I understand this bridge has had a draw in it for many years.

Mr. AMES. Up to date; but the drawbridge which is now there supplies the necessities of present navigation, and the increase in the capacity of the draw is proposed solely for the convenience of the Government of the United States.

Mr. LA FOLLETTE. Even if it is needed for that purpose, what right have you to ask the Government to pay from \$13,000 to \$30,000 more than the entire estimate of \$20,000 made by the Government engineer?

Mr. AMES. But the Government is the party that is insisting that this draw shall be widened.

Mr. LA FOLLETTE. The Government estimate is that when it is widened the expense will be only \$20,000.

Mr. AMES. Do you think the State ought to bear any of

Mr. LA FOLLETTE. Even if it ought not, what right have you to ask more than \$20,000?

The CHAIRMAN. The time of the gentleman has expired.
Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentle-

man from Ohio [Mr. BATHRICK]. Mr. BATHRICK. Mr. Chairman, there has been a great deal said here about the equities of this case, although I be-

lieve the discussion of the equities has principally referred to the possible great injury that is liable to be done to the citizens of Hingham.

Mr. WEEKS. Will the gentleman yield?

Mr. BATHRICK. I will yield to the gentleman, although I can not lose too much of my time.

Mr. WEEKS. The equity of the case belongs to the citizens of Massachusetts and the communities that are to contribute to the bridge, not to the citizens of Hingham and Weymouth alone. The gentleman will recollect that the State is going to pay 45 per cent of the cost of reconstructing the bridge, and therefore the equity is in all the people of Massachusetts as well as these local communities.

Mr. BATHRICK. Very well; but I will confine my discussion of the equity to the citizens of Hingham. As far as the State of Massachusetts is concerned, I think the State is perfectly able to bear its fair share of the burdens in constructing bridges over navigable streams without calling upon the United States Government to assist it.

Now, the land contained in this site for a Government magazine approximates a little less than 1,000 acres. heard from the gentleman from Massachusetts [Mr. Curley] to the effect that a proportion of this land is marsh, and that it is uninhabitable, practically, because of mosquitoes. order to ascertain what the equity of the matter is we want to know what the Government paid for this kind of land, and why the citizens of Hingham should come back and cry for justice from the Government if they did not give justice to the Government itself.

These 900 and odd acres included in this site were sold to the Government for \$193,000. How did we proceed to purchase the land? A board was appointed, and that board had no interest in the land whatever nor in the sale of it. They were entirely impartial. They went to the locality and ascertained the value of the land in that region, and came back and declared an appraisal on the whole parcel of \$36,000.

The Navy Department went before the Committee on Naval Affairs of the House in 1905 and stated that whereas the appraisal was \$36,000, everybody knew that when the Government bought any land they could not buy it at a fair price, and they asked for \$70,000. It seemed in all justice that that amount of money, both the original appraisal or the \$70,000, would certainly be enough to satisfy the greed of the people of the community that had the land for sale. But, notwithstanding this, the Government was held up by these citizens and paid over \$193,000. I have a list of the people that sold to the Government the land included in the site, and there are nearly 200 of them. There are 1,500 citizens in Hingham. The people who sold the land to the Government at a price far in excess of the real value, included all the citizens of Hingham; in other words, Hingham as a village or a town itself sold land to the Government, and while the appraisal was originally about \$40 per acre, the sum asked for before the Naval Committee was only \$77 per acre, the Government was obliged to pay \$214 an acre on the average. But the average was entirely too small for the village of Hingham when they sold, and the average price it received for its land was \$236 per acre to the Government.

We find that the land that was sold to the Government for the enormous average of \$214 an acre, and by the city of Hingham for \$236 an acre, is part marsh and all of it is so beset by mosquitoes that it is impossible for people to live there. withstanding this enormous price paid by the Government for this land, the people of Hingham come to this House and ask that equity and justice shall be given to them. I have not heard anything on that side of the question asking that full justice be done to the Government in the matter.

Let us look into this a little further. We find that one person sold for \$700 per acre. Further on is a sale at \$80 per acre-all these sums far above the average price of the appraisal, an average that was thought to be fully sufficient and ought to have been satisfactory to the people of that community.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. BATHRICK. For a question.

Mr. WEEKS. Is it not possible that that seven or eight hundred dollars an acre land contains something besides the land? The gentleman will note that there were some buildings on this property.

Mr. BATHRICK. If there were any portion of that land that contained buildings it might explain the proposition; but does it explain the appraisal of \$40 an acre for the buildings and whole piece and the final payment of \$214 per acre?

Mr. WEEKS. The gentleman should look at the map.

Mr. BATHRICK. Does the map explain the estimate of \$40

an acre for the whole piece?

Mr. WEEKS. As long as the gentleman has asked me that question, I want to ask him if he ever knew the Government to buy any land at its appraised value?

Mr. BATHRICK. There is the crux of the whole question. The question is whether the Government can receive justice from any community. If it does not receive justice from the community, then the question arises whether that community has the right to come into this House and cry equity when it has received two or three times the value of the land.

Mr. SIMS. I will ask the gentleman from Ohio if, in his investigation, he found any evidence of where any of these citizens of that locality at the time protested against this

magazine being located there?

Mr. BATHRICK. I have seen nothing of protest in these investigations, and, furthermore, on the question of whether it is a benefit to the community, I wish to state this: There are 60 to 80 employees engaged in taking care of that magazine. They still live in Chelsea, because of this bad land which is infested by the mosquitoes. They come down on the railroad and railroad fare, and then the railroad comes in here as one of the beneficiaries of this bill, if it passes, although the railroad is the recipient of the benefit derived from these people traveling over it. Then the stores are the recipients of the benefit given by the larger population which buy goods there. Still we hear talk about equity. I might go on and show through this whole list of 200 people who it was that sold their land to the Government, including all of the people of Hingham. I might show comparisons here of prices that are apparent on their face, almost prima facie evidence that this Government did not buy this property at a fair price; that one person after another succeeded a little better than his neighbor in getting a higher price than his neighbor got for the land.

Mr. WEEKS. Does the gentleman know that the sellers of this land were residents of Hingham or Weymouth?

Mr. BATHRICK. I do not know where they were residents. can not see that it is material.

Mr. WEEKS. Could they not be residents of Rhode Island

or of New York?

Mr. BATHRICK. It might be possible that some wise man who lived in New York City got an option from some of these people and that he succeeded in getting the greater portion of

The citizens of Hingham lived in Hingham.

Mr. BATHRICK. Yes; the citizens of Hingham lived in Hingham, and sold the town land for over \$10,000-at the high-In conclusion, Mr. Chairman, I wish to say est price of all. this, that the facts which I have presented are authentic. received them from the Navy Department but a few moments ago, and this evidence I submit to the House for its consideration in the determination of the question of equity and whether the people of Hingham or the vicinity or the citizens of Massachusetts owe the Government or whether the Government owes [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. ADAMSON. Mr. Chairman, I yield 10 minutes to the

gentleman from Maryland [Mr. Covington]

Mr. COVINGTON. Mr. Chairman, the discussion on the bill now under consideration has seemed to me to take a range far from the actual situation. The bill provides that one-third of the sum necessary to reconstruct the existing bridge across Weymouth Back River shall be paid by the Government of the United States. It is not disputed that the existing bridge as maintained by the towns of Weymouth and Hingham and the city of Quincy is adequate for highway purposes and the draw is of sufficient width to accommodate all navigation on Weymouth River except that of the United States Government. It is admitted that the land on both sides of the river above the bridge has been acquired by the Government for a place for a naval magazine. The War Department has notified the towns owning the bridge that it must be rebuilt so as to make the draw therein 50 feet wide. In other words, a new bridge will practically have to be built solely to suit Government boats. No business interests will be benefited by the widening; no local navigation will be aided; no commerce will be increased. The Government is, in fact, putting a burden upon small towns which get no benefit, for a purpose wholly apart from trade and commerce.

It makes very little difference whether or not the citizens of the community affected sold land to the Government. makes very little difference what prices were obtained for that There is involved a more serious proposition, the proposition of the equitable treatment by the United States Government of a locality when it arbitrarily exercises a power under the Constitution for purposes not strictly within the true purview In the controversy over this bill we have lost of that power. sight, and particularly those who oppose the bill have lost of the sole purpose of the power of the Government of the United States to control the navigable waters of the United It was accurately stated by the gentleman from Illinois [Mr. Mann] that there was a long period when the Federal Government possessed no power to control the navigable waters of the country. Until a comparatively recent time-I think, in 1882-there was no act of Congress which gave to the Federal Government the power to control or regulate the construction of bridges over navigable waters, and a landmark was placed in the constitutional law of this country when the great Blackbird Creek Marsh case was decided by Chief Justice Marshall in the Supreme Court of the United States in 1822, Willson v. Blackbird Creek Marsh Co. (2 Pet., 245), wherein he announced the doctrine that in the absence of some congressional legislation expressly by virtue of the power of the Federal Government to regulate commerce a State legislative enactment controlling absolutely the navigable waters within the State was not open to successful attack in the Federal courts. Therefore, in the absence of the existing laws controlling navigable waters of the United States for the protection and regulation of commerce, the Government would have to condemn and pay for the bridge over Weymouth River if it desired to destroy or alter it.

Now, the gentlemen who antagonize this measure do not seem to have grasped the reason for the favorable report of the bill by the Committee on Interstate and Foreign Commerce. That committee recognized the fact that the Federal Government in arbitrarily requiring the bridge to be changed was exercising a power that was unusual; that it was seeking, under the guise of its constitutional right, to regulate commerce, not to control a navigable stream for the benefit of trade purposes, but to withdraw an area of land from all future commercial development and to take a private bridge for public use without compensation. If the Government in acquiring its land in this locality had acquired a continuous area over which there was no water, it would not be seriously urged that it would not have to exercise its power of condemnation and payment to the citizens or to the municipalities whose land was taken; and yet the mere act of crossing a navigable stream does enable it, under the guise of the constitutional power to regulate commerce, to compel the owners of the bridges to make improvements of an expensive character when, as a matter of fact, the improvements do not help commerce but totally destroy it. Simply because the United States has the flat-footed right to do this under existing acts of Congress, it is idle to say that there is no equity in the failure to do it in a just manner. Mr. Chairman, it strikes me that whenever the Government puts a heavy burden on a community for its sole use it is fair to cause it to share that burden. It is true that a street railway company uses a part of this bridge, but the question of whether or not an instrumentality of municipal public service, a corporation engaged in the transportation of passengers for pay, ought not seriously to weigh with gentlemen when they are discussing the question whether or not this Government ought to deal squarely with local governments,

The present Chief of Engineers, a man careful in safeguarding the interests of the public, in transmitting his letter to the Committee on Interstate and Foreign Commerce, has stated that if the Congress shall believe that the expense of this burden should be apportioned and placed a part of it upon the public, the amount appropriated should be not greater than one-half of what is actually expended. The committee, in apportioning this equity, has gone further than that in protecting the interests of the public. It has provided that only one-third of the amount should be paid out of the Treasury, leaving two-thirds to be paid by the citizens of the burdened towns

of the State of Massachusetts.

Mr. SIMS. Is not the gentleman mistaken? It is one-third of the cost of constructing the new bridges.

Mr. COVINGTON. One-third the cost of constructing the new bridges, a construction compelled entirely by the action of the Federal Government for its naval purposes wholly apart from commerce. In reality there is no commerce above the bridge to be controlled. I say to you, gentlemen, such action is too harsh an exercise of Federal power.

Mr. MARTIN of South Dakota. Will the gentleman permit?

Mr. COVINGTON. I yield for a question.

Mr. MARTIN of South Dakota. The engineer from whom the gentleman quotes said that the Government ought not to pay more than one-half the amount required to make the changes, and then he proceeds to say that the draw could be changed from its present width to 50 feet at a cost not exceeding \$20,000.

Mr. COVINGTON. If the gentleman will permit me to answer him, I will say that there was testimony before the committee that the cost will be much greater, and, moreover, it is my contention that the Government at this time is engaged in the forced exercise of a constitutional power for a purpose wholly apart from what was the intention of the Constitution which conferred upon Congress the regulation of commerce. Those of us who live in the tidewater States of this country recognize that there will always be present the power of the Federal Government practically to confiscate the land of municipalities by taking them for Government purposes, such as forts and magazines, and if there is also recognized the right of the Government to compel the destruction of all manner of bridges over navigable waters without requiring compensation to the local communities the power to regulate commerce will, indeed, be totally perverted to the lasting detriment of the communities affected. I have in mind one locality which gentlemen of this House ought to be familiar with. It is that county in the State of Maryland where the Naval Academy is situated. If this Government were to condemn the land above the Severn River bridge at Annapolis and withdraw it from occupancy and decide that on the headwaters of that river there should be a training station where battleships should be moored for the naval cadets to train on and all commerce on that river stopped, it would require the construction of a bridge of such a cost that the county treasury could not stand it, and at the same time it would destroy and not control an existing commerce. I believe no man here will seriously contend that the commerce clause of the Constitution of the United States was ever intended to be used for any such an end.

And I ask the gentleman seriously whether he would urge that that sort of burden ought to be placed upon a municipality under the guise of the constitutional right to regulate commerce? Mr. MARTIN of South Dakota. I do not apprehend the gentleman expects me to answer his question. If he does, I suggest that the cases are not parallel. The Government, in this instance, has simply demanded the removal of an obstruction to commerce, the placing of a 50-foot draw in the place of a 24-foot draw, and has made no demand for the remodeling of a bridge 90 feet long, which I understand this to be.

Mr. COVINGTON. The gentleman will understand that prior to the existence of the naval magazine that river was to

some extent open to commerce.

Mr. MARTIN of South Dakota. It is now.

Mr. COVINGTON. Wait a moment until I finish. The gentleman understands certainly, if he is a member of the Committee on Interstate and Foreign Commerce, that at the hearing held on this bill it was expressly shown that there will no longer be so much as a rowboat for commerce to go above that bridge.

Mr. MARTIN of South Dakota. I think the gentleman is wrong.

Mr. COVINGTON. I think I am right. I will ask the gentleman from Massachusetts [Mr. Weeks] if my statement is or is not correct?

Mr. WEEKS. The gentleman is practically correct. The Government has posted notices on both sides of this stream forbidding anyone to land. The upper end of the tidal basin, even at high water, is bare ground, and it is impossible for anyone to land above the bridge.

Mr. MARTIN of South Dakota. Under the law, with which we are all familiar, anyone has as much right to use that water as the Government has, and it can not be prevented by any

number of notices.

Mr. WEEKS. For what possible purposes can it be navi-

The CHAIRMAN. The time of the gentleman from Maryland [Mr. Covington] has expired.

Mr. ADAMSON. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. COVINGTON. The Government owns the land above Weymouth Bridge for the purpose of making it impossible to have commercial development upon it, and it has already taken steps, as shown in the hearing, to prevent the land being used by posting notices to all persons to keep off, and it can not be seriously contended that above that bridge there will be any longer any commerce of a character that will require a drawbridge. If the gentleman knows aught about the construction of bridges without draws, he knows it is vastly less than the construction of bridges with draws of the size that will permit naval tugs and other vessels to go through and serve that naval magazine.

In conclusion, I simply say that, without regard to the question of whether it is a wealthy community or one that is limited in its resources, without regard to whether it is in Massachusetts or in Texas, whether it is in Maine or California, we are dealing here with a greater principle than many realize. We are dealing here with a question of whether the Government of the United States, seeking to exercise a power arbitrarily, a power never given to it for any other purpose than to benefit the whole people, can place a burden upon a few of its people and give them no commensurate return. The failure of this bill means simply that you throw down the bars to the brute legal power of the Government to open or close the navigable waters of the tidewater section of America, without regard to the fact that commerce is benefited or destroyed and in spite of the fact that the Supreme Court of the United States has said that the power of Congress shall at no time be used to destroy commerce, but solely to regulate it for its benefit. I shall support this bill with great pleasure, because of its establishment of that equitable dealing with citizens which should characterize the Congress of the United States.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Colorado [Mr. Martin] 10 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, although I am a member of the Committee on Interstate and Foreign Commerce, and have listened very carefully to the discussion of this bill before that committee, and voted favorably upon it, it was not my intention to say a word in this discussion. The fact of the matter is that I have neither listened to nor read the discussion that has proceeded here on this little bill from Wednesday to Wednesday ever since it has been reported. And if I had prepared to say anything with reference to it, I would have been in danger of preparing to discuss a feature that I understand to be, under strict parliamentary procedure, out of order.

It must be mystifying to some of the brethren to see a bill reported with apparent unanimity from a committee, and then almost as unanimously opposed on the floor by members of the

But I want to assure the brethren that it is no less mystifying to them than it is to me, and I think it is to be regretted-if I may endanger myself by a transgression of parliamentary procedure to that extent—that these members of the committee did not give their benighted brethren on the committee the benefit of the voluminous information which they have demonstrated they possessed by the length and vigor and scope of the arguments which they have made against this bill for the last three or four Calendar Wednesdays in the House. Mr. SIMS. Mr. Chairman, may I ask the gentleman a ques-

tion?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Tennessee?

Mr. MARTIN of Colorado. Yes; the gentleman may

Mr. SIMS. The gentleman has referred to those who oppose this bill now, and indicates that they were derelict in not opposing it when it was before the committee. The gentleman will remember that in the committee I stood up and made a speech in opposition to this bill, but I could not persuade the

gentleman to adopt my way of thinking.

Mr. RICHARDSON. I would like to ask the gentleman this

question.

Mr. MARTIN of Colorado. I will, in fairness to the gentle-man from Tennessee [Mr. Sims], admit that he did make some brief remarks in committee and reserve the right to oppose this bill when it came up in the House, although apparently the gentleman did not think this a matter of sufficient importance to warrant him in filing a minority report on the bill, as is usual in such cases, and give the House his views in the regular

Mr. SIMS. The report shows all the facts in the case, and the report of the engineer, upon which I base my opposition, is embodied in the report.

Mr. RICHARDSON. And I did not need to add anything to

what is stated in the report.

Mr. MARTIN of Colorado. That may be, but-

Mr. RICHARDSON. Has the gentleman from Colorado read the report?

Mr. MARTIN of Colorado. I have read the report; I have it right here

Mr. RICHARDSON. The gentleman started out by saying

that he had not given any attention to the matter.

Mr. MARTIN of Colorado. I said I had not given any attention to the discussion in the House, but that I had given the matter careful attention in the committee. I will say to the gentleman that, being a landlubber and not knowing much about these matters of navigable streams, I listened all the more attentively to the discussions before the committee.

Mr. RICHARDSON. It is a fact, is it not, that this bill has been reported twice by the committee?

Mr. MARTIN of Colorado. It is; and I want to say, while it is in my mind, that to a man from the arid regions it seemed to me that it was somewhat of a fiction and rather a strain upon the term to refer to this stream as navigable water. may be navigable to tadpoles and turtles, and things of that sort, at high tide; but, aside from the fact that it has a tide-water connection with the ocean, there has not been anything whatever developed before the committee to indicate that this is really a navigable stream.

Now, Mr. Chairman, I am not a bit excited about this bill. In fact, there is a consoling side to the development in this case—a sort of secret satisfaction in seeing how our New England brethren get a lesson in conservation—the spectacle of this great Congress fighting here, Calendar Wednesday after Calendar Wednesday, everybody knowing that there is pending before this Congress far more important legislation than will ever be reached for consideration, while we are wasting every Calendar Wednesday here from week to week merely to determine whether or not this Government will be fair and just. That is all that is involved in this case, in my judgment—whether the Government will be fair and will contribute \$10,000 or \$15,000 or \$20,000 to help pay the cost of a condition that is being brought about wholly and solely by it and for its benefit.

Mr. Chairman, I passed on this matter in committee merely as a juror. I did not propose afterwards to come before the House as an advocate of the proposition. I proposed to leave that to those who are interested in this matter or to those who are at least interested in the matter of navigable waters generally. have been advised that the controversy has raged over this bill principally around the legal question that the Government is not legally obligated to contribute any part of the cost of putting in this new bridge. Mr. Chairman, I never proceeded in the committee upon the theory that the Government was legally liable. The sole and only question that determined me was whether, under the particular circumstances existing in this case, it was fair and right for the Government to make this contribution, and thought it was.

We seem to have three standards of conduct in this countryone for the individual, and that is a pretty rigid standard; one for the corporation, which is rather loose; and one for the Government, that will permit it to do things that would be absolutely unjust and immoral in an individual; and not only that, but which would absolutely destroy his standing in the community. Nobody would claim for a moment that either an individual or a corporation would dare to undertake to work to a community the injustice that is sought to be perpetrated upon these people in these little towns in this case.

Now, what are the facts which have been gone over to you repeatedly? Here is this little neck of backwater [indicating map] up from the Atlantic Ocean, where these villages built a bridge sufficient for their needs and all the needs of navigation forever, so far as could be foreseen. As has been pointed out, they built this bridge there almost half a century before this Government ever asserted the powers that it has undertaken to exercise in this case.

Now, the Government comes in and buys all the land for 2 miles above that bridge on both sides of that stream and, in effect, practically closes that stream to navigation absolutely to everybody but itself. I say, under the facts, and I defy contradiction, that the Weymouth Back River, from the bridge clear up virtually to where any kind of navigable water ceases, is just as effectually closed to the use of any other individual as though there were a statute written upon the statute books against it. The Government is to be the sole user and the sole beneficiary of this stream.

Now, let me carry my illustration a little further. I will admit, and it can not be denied, that the Government could also have taken the land at each end of the bridge. It could have taken it all and have destroyed the bridge completely. It could have created such a situation there that a bridge could not be built at all. But would it be fair and right? Is the Government too big to do the right thing in a situation like

But not only has the Government taken all this locality for its own use, as it appears to me; not only has it forever closed this stream to navigation, to all practical intents and purposes closed it to everybody else, but it has rendered it henceforth nonnavigable; and I say now that to all practical intents and purposes the Weymouth Back River above that bridge is nonnavigable water. It is just a basin which the Government has taken for its own purposes, and has shut everybody else out of the use of it. Not only that, and whether it was objected to by the town or not, the Government has established there an institution that is a positive detriment to that community.

Mr. AMES. A nuisance.

Mr. MARTIN of Colorado. The Government has established an institution there that will absolutely prevent further growth and development there or thereabouts.

The CHAIRMAN. The time of the gentleman has expired. Mr. MARTIN of Colorado. I should like just a minute more. Mr. ADAMSON. I yield to the gentleman one minute more.

Mr. MARTIN of Colorado. In addition to that it has taken

all of this property out of taxation.

Is there a Member here who would want the Federal Government to build a great naval magazine like that in the vicinity of his property? Would he want it within or near the boundaries of a city in which he lived and had his home?

So, to sum up, leaving out the legal question-and I am frank to state that there is no legal liability on the part of the Government-I am simply telling you what appealed to me as a member of the committee, having no interest in this matter one way or the other. What caused me to make a favorable report on this bill was the unusual combination of facts that the Government had gone in there; had bought all the land on both sides of this stream for 2 miles; had closed it forever to navigation by anybody but itself; had built there a plant which was a menace, a detriment, and a damage forever to that community; had caused an expense that will run somewhere from \$25,000 to \$100,000, solely for its own benefit, the entire burden of which cost was to be placed on the community, and I thought that was not fair and that the Government should contribute one-third of this cost. [Applause.]

Mr. ADAMSON. I yield five minutes to the gentleman from

Wyoming [Mr. Mondell].

Mr. Mondell. Mr. Chairman, a few days ago, when this matter was under discussion, I interrogated the gentleman from Alabama [Mr. Richardson], who, I believe, at that time had charge of the bill, relative to the theory on which the committee had reported it. At that time I had some doubts about the wisdom, propriety, justice, and equity of the legislation.

The answers then given me and the information I have received since have convinced me that the committee was entirely justified in reporting the bill; that it proposes an act of justice and equity, and that the legislation should be had. We should remember that the situation which we have to deal with is a complicated one. We are met here with the presence of the Federal Government in two capacities: First, as a sovereign; and, second, as a landowner and an organization engaged in industrial affairs.

The Government as an industrial organization desires to have the channel widened, and it appeals to the Government as a sovereign to require that the bridge which now obstructs the widening of the channel shall be removed. There is the question in the first place, whether if the Government was not interested in the land above the bridge the authorities could have been prevailed upon by the landowners to compel the removal of this bridge. But as the Government as a corporation engaged in industrial affairs there desires it, the Government as a sover-

eign commands that it shall be done.

The question is, What are the equities thus presented? No one proposes to use this new channel except the Government. The Government's needs alone require the enlargement of the channel. The Government will alone be benefited by the enlargement of the channel. The Government has acquired a large amount of land which, except for that fact, would be subject to taxation, not only for the reconstruction of this bridge but for the support of all local institutions. But as the Government as a corporation engaged in industrial affairs requires that this work shall be done, the Government, as a matter of fairness and equity, should assume at least the burden that any other landowner, that any other party engaged in industries there, would be called upon to assume; that is, to pay a part of the cost of the reconstruction of the bridge. is all that the Government is asked to do in this case-to bear its fair and just proportion of a burden that arises by reason of its necessities and not by reason of the demand or request or necessities of anyone else in the community. Therefore, it seems to me that under the circumstances the bill should pass.

Mr. ADAMSON. Mr. Chairman, how much time have I re-

maining!

The CHAIRMAN. The gentleman from Georgia has con-

sumed 1 hour and 15 minutes.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentle-

man from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Chairman, it is never a gracious task to oppose legislation that Members are seeking to apply locally to their own communities, and especially when a bill is supported by one who always accords the membership of this House the courtesy and fairness that is accorded by the gentleman from Massachusetts [Mr. Weeks].

I have already, early in this debate, stated the grounds of my opposition to this measure, and I shall confine myself in these concluding words to a statement of such facts as I think all members of the committee ought to have for a correct under-

standing of the case.

It certainly states the proposition very mildly to say that this bill at present is in a very crude, if not in an entirely inoperative form, and I would like the attention of the members of the committee upon that subject. This bill passed the Senate July 26, 1911. It provides for an appropriation which may be as high as \$50,000 to aid in the reconstruction of these bridges.

Mr. ADAMSON. Mr. Chairman, the gentleman from South Dakota, no doubt, misses the fact, as did also the gentleman from Washington [Mr. LA FOLLETTE], which I stated, that the gentleman from Minnesota [Mr. Stevens], offered in the committee an amendment to strike out the \$50,000 and make it

Mr. MARTIN of South Dakota. I. understand, but what I am saying has no bearing on that. Six days before, on July 20 last, before the Senate passed the bill, the Massachusetts Legislature had acted in this matter, and I have that act before me. That act provides that this bridge should be reconstructed at a maximum cost of not to exceed \$80,000, and the Senate was in the attitude six days after of passing a bill in a form that might bind the Government of the United States to pay within \$30,000 of what the State of Massachusetts had fixed as the entire cost of the reconstruction.

But, beyond that, the bill we are called upon to pass and which we have been debating off and on for a period of some weeks is not in accord or agreement with the statute. This weeks, is not in accord or agreement with the statute. This bill provides that whenever the Legislature of Massachusetts shall determine what proportion of this expenditure is to be am not willing to admit, we should proceed and put the draw paid, relatively, by the Old Colony Street Railway Co., the in at our own expense, which would not cost over \$20,000; or we

towns of Weymouth and Hingham, and the city of Quincy toward this public improvement, the Government shall be called upon to appropriate not to exceed one-third of the amount.

The act of the legislature, passed on the 20th of July, calling for the reconstruction of these bridges, provides that they shall be reconstructed under the supervision of a board of bridge commissioners, to be selected, and the manner of their selection is named; that the primary expense of this construction shall be borne—one-half by the county of Norfolk, one-half by the county of Plymouth, or \$40,000 each; and that ultimately the expense shall be borne—45 per cent by the State of Massachusetts, 20 per cent by the county of Norfolk, 20 per cent by the county of Plymouth, and 15 per cent by the railway company. The act also provides that whatever appropriation may be made by Congress shall be paid as follows: To the State of Massa-chusetts 45 per cent, to the two counties 20 per cent each, and to the railway company 15 per cent.

But here is a bill stating that whenever the Legislature of Massachusetts shall say how much shall be paid to the town of Hingham, how much to the town of Weymouth, how much to the city of Quincy, how much to the railway company, then this appropriation shall be made. Let me ask of the gentlemen who are supporting this measure, What will be the effect of this bill if we should pass it to-day or at any other time? When would it become operative? To whom will this money be paid in the face of the act of the Massachusetts Legislature? evident that the bill was passed through the Senate without knowledge of or with indifference to what action had been taken six days earlier by the Massachusetts Legislature, and it would be perfectly idle for us to pass this bill in this form at the present time.

Fundamentally, to state again my main objection to this legislation, as a precedent, I will say that here is a bridge built 100 years ago. As near as I can learn, its length is in the neighbor-

hood of 400 feet.

Mr. ADAMSON. One hundred feet, I think,

Mr. MARTIN of South Dakota. The gentleman from Massachusetts [Mr. Weeks] informed me that in the gallery to-day thusetts [Mr. Weeks] informed me that in the gallery to-day he noticed the city attorney of the town of Weymouth, who is fully familiar with these subjects; at my request he obtained from him his statement as to the length of the structure, and the gentleman from Massachusetts, with his usual frankness, has told me that the city attorney of the city of Weymouth tells him that this bridge is 400 feet long.

Mr. ADAMSON. That is the entire structure; approaches and all.

Mr. MARTIN of South Dakota. It is the structure which we are asked to contribute toward rebuilding. Here is an obstruction to navigation which the Government orders removed, and all it does order removed is a draw which is 24 feet wide, which shall be replaced by a draw 50 feet wide. We have not instructed them to take down that 400-foot bridge, or any other bridge. All we are interested in and all we will ever be interested in is the widening of the draw. They have been notified to widen that draw. The Chief of Engineers of the Army reports that it would cost in the neighborhood of \$20,000 to widen that draw from 24 feet to 50 feet.

Mr. SIMS. And to make it of steel instead of wood, as it is now.

Mr. MARTIN of South Dakota. And to make it of steel instead of wood, as it is now.

The time of the gentleman has expired. The CHAIRMAN. Mr. SIMS. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. MARTIN of South Dakota. What is the value of this present structure, which was erected a hundred years ago? That question was asked of a witness before the committee, a man named Barnes, appearing on behalf of the bill, and he stated that originally it had cost from \$35,000 to \$40,000. It is a structure built by putting down wooden piles and then placing upon them a wooden superstructure. Yet from the mere fact that the Government orders the removal of a 24-foot draw and the widening of it to a 50-foot draw, which our own Army engineers say can be done, and made of steel instead of wood, for \$20,000, we are asking as a Congress to contribute to the cost of a monumental structure 400 feet long, in which we are not interested. It is setting a precedent that, in my judgment, would rise up to embarrass the Congress in the future. If the taking out of that draw and the putting in of a larger one, which is all the Government has directed to be done, ought to be done by the Government, a question which I

ought, as the Army engineer says, if we are to bear any portion of that reconstruction, to bear not more than one-half.

That, in a nutshell, is the case; and, believing that a good

deal of mystification and misunderstanding has grown up about the case, I thought it my duty in these concluding words to state the facts as to what this bill asks us to do, and what is the position of the Government upon the subject.

Mr. HARDY. Will the gentleman allow me? Mr. MARTIN of South Dakota. Certainly.

Mr. HARDY. I would like to know who it is that is asking that this monumental structure should be put up there when

the Government only asks \$50,000?

Mr. MARTIN of South Dakota. The bill asks for it. The bill asks for the reconstruction of both of these bridges at a cost not to exceed \$100,000, and the legislature directs it to be done at not exceeding \$80,000.

Mr. HARDY. Well, who changed the program?

Mr. MARTIN of South Dakota. It comes simply by this:

That the Government directs the removal of the present draw and we are asked to build new bridges that we are not interested

Mr. HARDY. Where did the idea come from that a bridge

400 feet long be constructed?

Mr. MARTIN of South Dakota. Because the bill of the legislature and this bill which we are asked to pass asks us to contribute to the reconstruction of those bridges, and the bridges are 400 feet long.

Mr. HARDY. And the gentleman's position is that that is

not in response to the demand of the Government?

Mr. MARTIN of South Dakota. That that is not in response to the demand of the Government, and this is seeking to make us partners in the building of a permanent structure there to take the place of the wooden structure built many, many years ago.

Mr. SIMS. Mr. Chairman, has the gentleman used his en-

tire time?

The CHAIRMAN. The gentleman has 1 minute remaining. The Chair will say that the gentleman from Georgia [Mr. ADAMSON] has 55 minutes remaining and the gentleman from Tennessee has 24 minutes.

Mr. SIMS. I understood the Chair to say there was 75 min-

utes remaining

The CHAIRMAN. The Chair was mistaken when he stated that he had 75 minutes remaining.

Mr. SIMS. The gentleman has used 65 minutes?

The CHAIRMAN. The gentleman from Georgia has now 55 minutes remaining and the gentleman from Tennessee 24.

Mr. WEEKS. As the gentleman has that much time remaining and the gentleman who wants to speak on this side is not in, I would ask that the gentleman use some of the time on that side, if anybody wants to use it.

Mr. ADAMSON. We have two speakers left, and I do not ropose to use but one in conclusion. I would like to sandwich

Mr. Weeks in between the last two.

Mr. SIMS. The gentleman from Kentucky [Mr. Sherley] is one of the gentlemen to speak, and he is engaged in the Appropriations Committee room.

Mr. ADAMSON. Could not the gentleman go on? Mr. SIMS. Why, I could; I wanted him to speak and give him such time as he desired.

The CHAIRMAN. The Chair will remind gentlemen that the time is passing.

Mr. SIMS. Not to come out of this time. Mr. Chairman, I

make the point of no quorum in the committee.

The CHAIRMAN. The gentleman from Tennessee makes the point of no quorum in the committee. The Chair will count. [After counting.] The point is well taken, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Covington	George	Kahn
Ainey	Cox, Ind.	Glass	Kent
Alexander	Currier	Goldfogle	Kindred
Anderson, Ohio	Dalzell	Graham	Kinkaid, Nebr.
Andrus	Davidson	Gray	Kinkead, N. J.
Ayres	Davis, Minn.	Griest	Lafferty
Barchfeld	Dent	Hanna	Langham
Berger	Dupre	Harris	Langley
Bradley	Estopinal	Harrison, N. Y.	Legare
Broussard	Fairchild	Hartman	Lever
Browning	Fields	Haugen	Lindsay
Burke, Pa.	Finley	Hayes	Littlepage
Byrns, Tenn.	Fitzgerald	Heffin	Littleton
Calder	Flood, Va.	Hinds	Lobeck
Campbell	Focht	Houston	Longworth
Cantrill	Fordney	James	McGillicuddy
Cary	Fornes	Johnson, Ky.	McKellar
Claypool	Foster, Vt.	Johnson, S. C.	Madden
Connell	Gardner, Mass.	Jones	Maher

Malby Matthews Murdock Needham Olmsted Slemp Smith, Cal. Smith, N. Y. Speer Stack Ransdell, La. Thaver Townsend Underhill Vreeland Wickliffe Reyburn Roberts, Mass. Robinson Stanley Switzer Taggart Taylor, Ala. Taylor, Ohio Palmer Rouse Wilder Sells Sherwood Simmons Slayden Plumley Willis Post Prouty Pujo Young, Tex.

The SPEAKER resumed the chair, and the Chairman of the Committee of the Whole House on the state of the Union [Mr. Page] reported that the committee, finding itself without a quorum, the Chairman had caused the roll to be called and 279 gentlemen responded to their names, and the Clerk had recorded the names of the absentees.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that, the committee finding itself without a quorum, he caused the roll to be called and that 279 gentlemen responded, and that the names of the absentees were noted. The committee will resume its

sitting.

The committee resumed its sitting.

Mr. SIMS. Mr. Chairman, how much time have I left? The CHAIRMAN. The gentleman has 25 minutes remaining. Mr. SIMS. Then I ask the Chair to notify me when I have

used 10 minutes

The CHAIRMAN. The Chair will notify the gentleman.

Mr. SIMS. Mr. Chairman, it was not my intention to say anything further on this bill. I expected the gentleman from Kentucky [Mr. Sherley] to close, but he tells me that he only wants to occupy 15 minutes. Therefore my 10 minutes will be used in trying to get the Members of the House to understand the real facts in this case.

It is true there is no minority report made by the members of the committee who voted against the bill, for the reason that the majority report, both in the last Congress and in this, made as a part of the same the letter of the Secretary of War transmitting the letter of the Chief of Engineers, which gives all the facts necessary for anybody to know, it seems to me, to cause them to vote against this bill.

I want to call your attention to what those facts are. Remember this is an officer of the United States Government who is authorized to make a report. And he does make it. This is not my work; it is not somebody's hearsay; it is not anybody who is interested, but a sworn officer of the Government. And he says:

In my judgment the proposition is not a commendable one, and the consideration upon which it is based is not sound. Weymouth Back River is a natural highway capable of a useful navigation, and for many years its navigable capacity has been obstructed and diminished by the existence of these bridges.

If the Navy Department did not put a magazine there, did not put a dollar of property there, nor never expected to, the Secretary of War had the authority, and could exercise it, to have that obstruction to navigation removed.

A great deal has been said here because the Government has storage magazine there, and that therefore we must pay something for having it located at that point. In other words, that the bridge would not have been widened; that it was not necessary to widen it so far as commerce existing at the time the Navy Department located its storage magazine there.

The Chief of Engineers tells us that this natural highway has been obstructed for many years by these bridges. Do you wonder there is no navigation there when practically these bridges prevented navigation? Suppose, as I said before, some private individual or corporation had built this magazine or any other kind of an industry. It would have been the duty of the Secretary of War to make the order he did. Then do not forget that the Government represents all the people of the United States. That magazine belongs to you; it belongs to everybody. I submit that the whole is greater than any portion of the units that it takes to make up the whole, and because the Government uses it it is simply preposterous to say that the Government should pay for this widening of the draw.

What else does the Chief Engineer say? He says:

What else does the Chief Engineer say? He says:

The Federal Government has always had the right of way through
the structures, and their owners have maintained them subject to the
exercise and assertion of this right. As the widening of the draw openlugs is necessary to provide for the navigation of which the river is
capable, it is within the power of the Secretary of War, as the instrument of Congress, to require such widening at any time.

The fact that the Navy Department is the chief complainant against
the bridges and will benefit immediately by the action of the Secretary
of War in ordering changes in the structure is immaterial.

He further says:

Such fact is not essential to his action nor can it affect the duties and obligations of the bridge owners. The latter are simply required to abate an obstruction created by themselves and to partially restore the ancient navigable capacity of a public highway.

Now, can any gentleman in this House, knowing these facts and knowing that they are stated by the department whose duty it is to make a statement upon the bill being submitted to you, vote for this contribution-for that is all it is? Putting in the bill that the Government should superintend the construction of this bridge was only done to make it appear that it was a Government requirement or necessity.

Why, they could have ordered that bridge removed absolutely,

and not used it at all, and prevented those cities from ever

using it, and still the order would have been valid.

Now, the town of Hingham received, according to the reports from the Navy Department, for a part of this land the sum of \$10,622.60. Yet the town of Hingham is here asking charity of this House after having sold its marshes and its swamps-for such they were-for a much larger price than they could other-

wise have obtained for them.

Now, let me read to you what was said by a distinguished Member of this House then and now, a gentleman from Massachusetts—and that is a guaranty of ability and respectability—when this proposition was first proposed in an appropriation bill in 1994. tion bill in 1904. The gentleman from Georgia [Mr. BARTLETT], always alert and watchful, made a point of order. I want to read to you what Mr. Roberts, of the State of Massachusetts and a member of the Committee on Naval Affairs, said in reference to that point of order. This is not my statement. I will have to read it:

Mr. Roberts. Mr. Chairman, I hope the gentleman from Georgia will reserve his point of order until an explanation can be made.
Mr. Bartlett. Mr. Chairman, if it is desired by the gentleman from Massachusetts that the point of order be reserved that he may be

Mr. Bartlett. Mr. Chairman, if it is desired by the gentleman from Massachusetts that the point of order be reserved that he may be heard, I will do so.

The Chairman. The point of order is reserved.

Mr. Roberts. Mr. Chairman, I trust, after the explanation which I shall give, the gentleman from Georgia will withdraw his point of order entirely. The facts in this case are as follows: There is a small naval magazine in the city of Chelsea. It is in a very thickly settled territory. Within perhaps a square mile of this magazine there are from forty to fifty thousand people residing. In addition, a large coking plant—an establishment costing \$2,000,000, running day and night, manufacturing coke and gas—has been located within 1,200 feet of the magazine; so that to-day the magazine, as at present existing, and the only one which the Navy Department has on the New England coast north of Cape Cod, is a source of imminent and grave danger to a great many people. Not only that, the magazine is small, it is obsolete, and it is entirely inadequate to the needs of the Navy Department. By previous legislation this Congress has authorized an examination of and a report upon a new and suitable site; and in pursuance of that report this provision has been inserted in the bill.

The gentleman from Georgia will note a provision here that the land inclosing the present obsolete magazine shall be sold as soon as a new magazine has been provided. I am not an expert on land values, but, in my opinion—and I have some familiarity with the location of the old magazine—that land will bring almost, if not fully, enough to pay for the entire cost of the new magazine.

Not merely the land, but the entire cost. I read further:

Not merely the land, but the entire cost. I read further:

The board that has looked into this proposition has done its work with great thoroughness; has made a report to the Secretary of the Navy and to Congress that the site selected is inclosed by a range of bluffs, isolating it from the surrounding country, so that in case of explosion the safety of the people and property in the neighborhood will not be endangered. The location is secure from attack by armed vessels, and is far enough from sea to render bombardment futile. Its area and boundaries forbid the proximity of dangerous or objectionable neighbors.

But more than that, Mr. Chairman, it is a grave question whether the Navy Department can secure anywhere else on the New England coast a suitable site that will combine all the elements of safety and desirability that this site presents for the amount of money with which this site can be purchased at the present time. And it is a matter of business economy for the Government to take steps at once to secure the site that this board has reported upon. That site can be secured at not exceeding \$70,000 at the present time. If time is allowed to run on, there is no telling what speculators may do in the way of enhancing the value of the land. I trust the gentleman from Georgia, after this explanation, will withdraw his point of order.

That is what the gentleman from Massachusetts, speaking on his honor as a Member of this House-and no man will inquire beyond it-stating that this place was in the midst of bluffs which protected the people against damage, either to life or to property. In the town of Chelsea it was threatening the lives and property and the health of 50,000 people in the State of Massachusetts. They were anxious to get it away from there, and they ought to have been. Yet because, forsooth, on account of this public requirement and public necessity this bridge is ordered to be opened, which is an admitted obstruction and an ancient obstruction, and one that has long prevented navigation, the people of the wealthy State of Massachusetts come here and ask you to give 45 per cent of the cost that will be imposed upon her to build this bridge.

The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. Mr. Chairman, I will reserve the balance of my time and yield it later to the gentleman from Kentucky [Mr.

SHERLEY], and then there will be no further speakers from this

ADAMSON. Mr. Chairman, I yield 25 minutes to the gentleman from Massachusetts [Mr. Weeks].

The CHAIRMAN. The gentleman from Massachusetts [Mr. [EEKS] is recognized for five minutes.

Mr. WEEKS. Mr. Chairman, if an observer in the gallery had watched the proceedings of this House during the past week he would have been a good deal mixed in his judgment as to the relative importance of legislation. This House devotes five hours of debate to the steel bill, which directly affects hundreds of millions of capital and tens of thousands of men, and any number of people indirectly, and yet it devotes three days to the consideration of a bill which, under no circumstances, can cost the Government over \$30,000

Mr. ADAMSON. Fifteen thousand dollars— Mr. WEEKS. The gentleman from Georgia suggests only \$15,000. I would not have any Member think that it is the importance of this bill which has delayed its passage or prevented its passage earlier. There is something else in the minds of those who are working and speaking against it-quite likely something on the calendar which they may be fearful of, to prevent the consideration of which they might wish to consume time rather than allow this legislation to be considered on its merits. However that may be, we have seen various gentlemen, especially members of the Appropriations Committee, come in here and use an unusual amount of time, not entirely discussing the facts relating to this bill, but apparently with the purpose of delaying action as well as to defeat this legislation. They have been agitated especially about the question whether this is establishing a good or a bad precedent. I am as averse as anyone to establishing a bad precedent or voting for a bill which has not merit. But in such matters you will not find a precedent that will exactly fit such legislation as this. You may find something that is comparable to it in some degree, but there are never two cases which are exactly alike. The gentleman from Minnesota [Mr. Stevens] the other day instanced 14 cases similar to this in every respect, but not exactly like it, where appropriations have been made through the War Department for similar purposes.

The War Department is not alone in this respect, for appropriations have been made for the Navy Department to assist a local community in matters in which the Government had some direct or indirect interest. I have a list of several prepared for me by the Navy Department. I am sure that it is not a complete list, but I want to read two or three of them to show you the kind of legislation which has been favored by gentlemen

who are opposing this bill.

For instance, on March 2, 1907, there was appropriated for a sidewalk on Flushing Avenue and Navy Street, in front of the navy yard, Brooklyn, N. Y., \$10,800; an appropriation of \$10,800 for building a sidewalk on a street in the city of

Brooklyn outside of the navy yard.

That provision came in the form of an amendment which was adopted on the floor of the House. The gentleman from New York [Mr. Calder] proposed it. The other gentleman from New York [Mr. Fitzgerald] who is especially responsible for the Brooklyn Navy Yard was present on the floor, for he took part in the discussion immediately before and immediately after, and presumably was in favor of this legislation. Yet he objects to the bad precedent which he says is going to be made in this case, the Government helping to reconstruct a bridge, when the reconstruction is entirely for Government purposes, and for no other.

Let me take another case relating to the Brooklyn Navy Yard. There was appropriated, on March 3, 1857, for the construction of a sewer under Flushing Avenue, in Brooklyn—though I can not charge the gentleman from New York with that—and under Vanderbilt Avenue, the sum of \$60,000, because presumably this sewer was going through Government property and was to empty into the harbor from Government land. There was no

other possible reason for it.

I have half a dozen other similar instances in which appropriations have been made, not because the Government had any direct interest, but because indirectly either the improvement was put across Government land, or, as in the first instance I gave, the appropriation was made to assist a local community when the Government was to derive no advantage from it.

This question is not one of precedents. It is a question of Nobody contends that we come here asking for this money as a matter of right, because the law is explicit that the War Department may order the removal of any obstruction in a navigable waterway. This is not a river. In fact, it is a tidal basin. There is no substantial flowage of water above that upper bridge. Even at high water there is no water above this point [indicating] where the Government has taken the land. The Government has taken all of the land inside the red line [indicating]. The point has been raised whether navigation in that section of the river has been stopped. Navigation has not

been absolutely stopped, because that could not be done; but, as a matter of fact, even at high water, there is no water above the Government land, and the Government has posted notices, as it has a perfect right to do, prohibiting any landing on either side of the stream between the bridges. And we have the affidavit of the draw tender at the lower bridge that only about one boat, except a Government boat, has gone through that draw during the past year, and that was a small catboat. As a matter of fact, as I stated the other day, there has not been and is not now any navigation for commercial purposes which can have any bearing on this case. The question is just as was enunciated by Mr. Justice Harlan in the Supreme Court, whether there is an equity in this case or not.

The Government bought this land, and, as far as this question is concerned, it makes no difference whether it paid more or less for it. Ordinarily the Government does pay more for land than would a private purchaser. In this particular case it paid twice as much as the estimated cost when the building of the magazine was undertaken. The location of the magazine was decided by a board of naval officers, appointed by the Secretary of the Navy, who considered it the best place adapted for magazine purposes along the Massachusetts coast, it being necessary to remove the magazine from the city of Chelsea.

The land was bought-all of it-at private sale. paid for it has no bearing on the question. It is not a question whether some individuals were paid more than they should have received for this land; it is a question whether the local communities and the Commonwealth of Massachusetts are to be put to an unusual expense when they receive no direct benefit from it and whether the Government should not bear some part of the expense when the expenditure is made entirely for governmental purposes. That is all there is to this question, and it is up to members of this committee to determine whether we have shown here that there is an equity in this case.

There are all kinds of appropriations made from time to time by Congress. I notice since this bill has been under consideration that there has been a convention in the city of Washington to agitate the question of good roads. A large number of Members of this House attended the convention, or at any rate they gave to it the dignity of their presence even if they are not in favor of the large expenditures advocated for road building. The leader of the majority of this House is quoted as being in favor of large expenditures for building "post roads" throughout the country. Is not that assisting local communities and has it any other purpose? I do not mean to say that I am in favor of it, but that is what it amounts to-to assist local communities to build good roads.

This is a post road, probably more important than those which would be constructed under any law that would be passed by the Members who are agitating against this bill. It is not an unusual thing for the Government to be of assistance to a local community as a matter of equity, and this case carries, in my judgment, a larger equity than any similar case I have investi-The debate has dragged along so long that I have investigated every possible case that might have any bearing on the subject.

Now, I ask members of the committee to determine in their own minds whether the Government shall be put in the position of demanding this burden of a local community for purposes that are essentially governmental and yet at the same time shall

mot pay some part of the expense relating thereto.

Mr. JACKSON. Will the gentleman yield?

Mr. WEEKS. I will.

Mr. JACKSON. Do I understand the gentleman to be arguing from precedents, that the precedents have been that such appropriations as these should be made?

Mr. WEEKS. Undoubtedly there have been precedents made, and in many cases they should have been made.

Mr. JACKSON. If this is established as a precedent, does not the gentleman think the result in a few years would be quite adverse to the gentleman's position, expressed by him in the House, as to economy?

Mr. WEEKS. I assume that subsequent Houses will determine similar questions on their merits. We can not de-termine what our successors will do. If a case of this kind comes up and is debated as long as this has been, the Members certainly will be supposed to have brains enough to determine whether in such case equity requires what the Government

Mr. JACKSON. If we should adopt this precedent, might not similar cases come from the Mississippi and Missouri Rivers demanding the same kind of assistance?

Mr. WEEKS. You will not be likely to find other cases for which this is a precedent, because it is not possible that the Government can own all the land above a certain point on the Mississippi or Missouri or any other river; and even if it were,

it is not possible that it is likely to take the land for military purposes alone. That is a point which the gentleman does not want to lose sight of—that this is for military purposes.

Mr. JACKSON. But if I understood the gentleman's position the other day on the pension bill—and I do not say this to be unkind—I understood it was a matter of economy, in order

to keep down appropriations.

Mr. WEEKS. Oh, the gentleman from Kansas has confused me with somebody else, because I did not say a word on the pension bill.

Mr. JACKSON. As I understood it, that was the gentleman's position and that of his people on this question.

Mr. WEEKS. The gentleman from Kansas may understand hat he likes. I have made no statement about the pension what he likes. bill, and that is not in controversy at this time.

Mr. JACKSON. The gentleman and a few of the delegations would not vote for the pension bill, on the ground that it was

increasing appropriations.

Mr. WEEKS. The gentleman may make that statement, but it has no bearing on this question, and it would not have any bearing, even if it were true, because that is entirely a different proposition. That involves from fifty to seventy-five millions of dollars and this involves only \$15,000.

Mr. JACKSON. That is what I am getting at, that it would

be but a short time when this would involve more.

Mr. WEEKS. I just said that you can not have a case comparable to this, because the Government probably never will again buy all of the land surrounding a river or a part of a river.

Mr. JACKSON. According to the gentleman's own statement the Government has already paid money into this community to an amount more than it will cost to build this bridge.

Mr. WEEKS. I do not know that the Government has paid more than the land is worth. I simply said the property was assessed at \$75,000, and when the Government came to buy it it had to pay more for it. It may have been worth more.

Mr. JACKSON. I understood some gentleman here to state

that it cost \$200,000.

WEEKS. The Government paid \$193,000, but I do not think that has anything to do with the case.

Mr. JACKSON. After all, the difference between this appropriation and the pension appropriation is one of locality. Mr. WEEKS. Not in any sense, and the gentleman is going out of his way to make any such statement.

Mr. McLAUGHLIN. Was some portion of the purchase price of this land paid to the municipality?

Mr. WEEKS. About \$10,000 was paid to the town of Hing-ham because the town owned land there that was taken for this magazine purpose.

Mr. McLAUGHLIN. What part of the whole price paid for the land was paid to the municipality?

Mr. WEEKS. About one-twentieth.

Mr. McLAUGHLIN. Can the gentleman give us an estimate as to the assessed valuation of that property, or what it would be assessed at for the purpose of taxation, if it had not been taken by the Government.

Mr. WEEKS. I presume the assessed valuation was the valuation that was placed on the property by the board which made the original report, which was about \$70,000; but unimproved, wild lands in Massachusetts are very seldom assessed for their market price, provided there is a market. Frequently lands will be assessed for 2 or 3 cents a foot in suburban communities when sales of the same land are made at 10 cents a foot. The bulk sale of such land is at a rate much less than the lot sale.

Mr. SHERLEY. Was not this what the board recommended, that the land was worth \$36,000 and it would probably take \$70,000 to buy it, whereas, as a matter of fact, it actually took \$193,000 to get it?

Mr. WEEKS. Mr. Chairman, I have a statement from the Navy Department on that subject, giving a list of the sellers of the land. The amount paid was \$193,000. It is stated in this report that the board estimated the cost at \$70,000. I did not see anything in it relating to \$36,000, and I do not know whether there was any such amount stated.

Mr. McLAUGHLIN. Is there any force or truth in the statement made by one of the gentlemen representing the State of Massachusetts upon the other side of the aisle that the municipalities that will receive this appropriation are poverty stricken

panties that will receive this appropriation are poverty stricken and need the help that this appropriation would give?

Mr. WEEKS. I am not prepared to say that. These are well-to-do communities and, in my judgment, are not poverty stricken. They could bear this expense and will if necessary.

Mr. ADAMSON. I think that statement was made sneeringly by a gentleman on the other side.

Mr. WEEKS. Quite likely.
Mr. McLAUGHLIN. No; that was made in good faith, seemingly, by a Representative of the State of Massachusetts

who was arguing in favor of this measure.

Mr. WEEKS. Mr. Chairman, I think the gentleman was in error in saying these towns are poverty stricken, or possibly the gentleman from Michigan misunderstood him, because they are certainly not poverty-stricken communities. They could and will bear their proportional part of this expense if it is imposed upon them.

Mr. ADAMSON. What I referred to was the statement made

by a gentleman arguing on the other side, in which he inquired

if that be the fact they are in no need of charity.

Mr. MARTIN of South Dakota. To whom, in the judgment of the gentleman from Massachusetts, would this appropriation be paid in the event the bill passes?

Mr. WEEKS. If the \$15,000 which the gentleman from Georgia proposes to offer as an amendment to this bill passes, 45 per cent will be paid by the Commonwealth of Massachusetts, 20 per cent by the town of Hingham, 20 per cent by the town of Weymouth, and 15 per cent by the Old Colony Street Rail-

Mr. MARTIN of South Dakota. I notice that the bill we have before us provides that whenever the Commonwealth of Massachusetts shall determine what proportion of these ex-penses is to be borne by the town of Hingham and the town of Weymouth and the city of Quincy and the Old Colony Railroad Co. the appropriation shall be made. Would not the natural interpretation of that bill be that the money was to be paid to

these towns and the railroad company?

Mr. WEEKS. That bill was introduced before the State of Massachusetts had acted in the matter. The State has now acted and has apportioned the expense for building the bridge.

Mr. MARTIN of South Dakota. Would it not be idle, then, to pass the bill in its present form, if those towns are in no sense beneficiaries?

Mr. WEEKS. Those towns are the beneficiaries.

Mr. MARTIN of South Dakota. Do I understand the gentle-man proposes—the Massachusetts Legislature having acted, directing the construction of this bridge and having apportioned 45 per cent to the Commonwealth of Massachusetts, 20 per cent each upon the two counties, and 15 per cent upon the railroad company-does he now expect to pass this legislation to pay this money to the certain towns?

Mr. WEEKS. The gentleman has not read the Massachusetts

statute carefully.

Mr. MARTIN of South Dakota. I think I have. Mr. WEEKS. It provides that the counties shall proceed with the building of the bridge, and when the bridge is constructed they shall be reimbursed by assessing the State 45 per cent of the cost, each of those towns 20 per cent of the cost, and the Old Colony Street Railway Co. 15 per cent.

Mr. MARTIN of South Dakota. I beg the gentleman's pardon; it provides the money shall first be paid, 50 per cent by each of those two counties.

Mr. WEEKS. That is exactly what I said.

Mr. MARTIN of South Dakota. Secondly, that that expense shall ultimately be borne, 45 per cent by the Commonwealth of Massachusetts, 20 per cent by the county of Plymouth, 20 per cent by the county of Norfolk, and 15 per cent by any street railway company that may apply for and receive the right to run a railroad line across the bridge.

Mr. WEEKS. The railway is located now. Mr. MARTIN of South Dakota. Then it is further provided that this money, if any shall come from the United States contributed toward this general enterprise, shall be paid 45 per cent to the State of Massachusetts, 20 per cent to certain counties, 15 per cent to the railroad company, and none what-

ever to the towns of Hingham, Plymouth, or Quincy.

Mr. WEEKS. The gentleman is entirely mistaken in his version of the Massachusetts law. The money shall be paid first by the counties, and in the final settlement it is paid back

to the counties in the proportions I have named.

Mr. MARTIN of South Dakota. I do not desire to take up time unnecessarily, but-

Mr. WEEKS. The gentleman is taking some of my time unnecessarily because he is wrong in his proposition. Now, I want to say one word more to the members of the committee, and that is this: This bill passed the Senate and the House in the last Congress. It received practically a unanimous report by the House Committee on Interstate and Foreign Commerce. It reached the President on the last day of the session. The President, seeing an adverse report by the Chief of Engineers on technical grounds, did not sign the bill, but since that time, as I said the other day, that matter has been taken up by the

Chief of Engineers and myself, and the President has stated in and I have his letter here—that he was in error in not signing the bill; that he believed the equities were sufficient and he would sign it if the bill were passed again. The bill has again been reported by the Committee on Interstate and Foreign Commerce without any minority report. It has been as carefully investigated as any similar legislation since I have been a Member of this House, and I believe that the equities are sufficient to warrant the bill being passed to-day as they were at the last session. [Applause.]

Mr. ADAMSON. How much time has the gentleman used? The CHAIRMAN. Twenty-two minutes. Mr. ADAMSON. Mr. Chairman, the gentleman from Alabama [Mr. Richardson] would like to occupy five minutes. The CHAIRMAN. The gentleman from Alabama is recog-

nized for five minutes.

Mr. Chairman, I confess that I have Mr. RICHARDSON. been very much surprised at the developments of this debate. And why am I surprised? This bill was thoroughly investigated in January, 1911, in a protracted, exhaustive hearing, and all phases of the question were carefully considered by the Committee on Interstate and Foreign Commerce. After that hearing was over the Interstate and Foreign Commerce Committee took up the bill for consideration and made a favorable report on it, and, so far as I recollect, without dissent. Certainly there never has been a minority report. The gentleman from Massachusetts [Mr. Weeks] has just explained somewhat the history of the bill. It passed the House and likewise the Senate and went to the President, and he failed to sign the bill on account of the pressure on his time, and, merely glancing over it in the dying hours of the Sixty-first Congress, and seeing the recommendation made by the Chief Engineer of the Army, Gen. Bixby, he simply withheld his signature. The gentleman from Massachusetts [Mr. Weeks], the author of the bill, believing and realizing that great injustice had been done to these two towns, went with Gen. Bixby, the Chief of Engi-neers, to the President, and the result of that visit was the note that the gentleman from Massachusetts has put in the Record from the President of the United States, who is surely and certainly an eminent lawyer and a talented judge, saying that if he had known the facts of the case as they were he would have signed that bill. Gen. Bixby, the Chief Engineer, was present and made no objection. We have heard here a variety of views expressed during this protracted discussion.

The gentleman from New York [Mr. FITZGERALD], the distinguished chairman of the Committee on Appropriations, has pictured in glowing and fervid terms the banks of that stream as covered with flower beds and meandering, shell-covered walks. He indulged in touching sentimentality—yea, indeed, poetic pathos—and we thought we saw canary birds there in their multicolored, swinging cages, caroling their enchanting songs. The able and vigilant chairman of the great Appropriations Committee has engaged in that kind of rhetoric in opposing this bill, which is to take from the Treasury of the country \$15,000 to discharge a just and equitable obligation of the Government. And another gentleman, the gentleman from Mississippi [Mr. Sisson]. has said on the floor of this House, as I understood him—and I can not quote him literally—that he is opposed to the Government being in copartnership with any individual or corporation, vet he was gently and kindly reminded that in his own State the Federal Government had contributed immense sums of money in partnership with the farmers in Mississippi to maintain and sustain the levees which protect not the navigation only but protect the crops of the Delta and save that country from destructive inundation. And yet the gentleman proclaims against Government ownership. The counties bordering on the Mississippi River have done their part well in meeting their share of

this copartnership obligation with the Government.

Now, the question is asked, Mr. Chairman, seriously asked, in this discussion, What the real question is before this committee? Is it a question of the condemnation, that the Government paid a larger price for that land on either side of the banks of that stream or arm of the sea than was proper and

right?

The Government has unquestionable authority, and nobody disputes it who is informed on the matter at all, that when it locates a naval magazine it has the right to buy the necessary land surrounding that magazine. It is not a question as to whether or not the Government made a bad trade when buying that land, or that men sold the land at a higher price to the Government than its assessed value. After having given a careful study to this bill when it was first before the Interstate and Foreign Commerce Committee, I say that that has really no bearing upon the justice of this case. The question is not whether the Government made a good or bad

trade in buying that land, but the real question is, as I understand it, that when the Government exercised its arbitrary and lawful and constitutional power to order that draw extended, it was bound to do equity and justice to the people of those two cities. If the draw was altered from 24 feet to 50 feet alone to accommodate the transportation facilities of the Government and not to benefit navigation, and thereby places a burden of taxation on the backs of the people of those two towns, without a shade of benefit to them, then I those two towns, without a shade of benefit to them, then I say the Government ought to bear its just part of the expense.

Mr. HAMLIN. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Alabama [Mr. RICHARDSON] yield to the gentleman from Missouri?

Mr. RICHARDSON. I will.

Mr. HAMLIN. You base your right to ask the Government to contribute any part of this on equity?

Mr. RICHARDSON. And that is the only question which is in this case.

is in this case.

Mr. HAMLIN. Does the gentleman think because the Government orders a draw of 24 feet widened to 50 feet it ought to pay the entire cost of a bridge and convert it from wood into steel, 400 feet long? Does the gentleman think that is equity?
Mr. RICHARDSON. I think the Government must be placed

in such a position as to do justice and equity to the citizens on whom it places an unjust burden in the exercise of its arbitrary power. That is this case, and my judgment is if there ever was a case that I have come across in my experience in Congress where the Government is called upon to do justice and equity to the people it is this one.

Mr. HAMLIN. But are we not to do equity to the other people of the United States? And does not the gentleman think we have a right to make them build a new bridge entirely?

Mr. RICHARDSON. That is not the question.

Mr. HAMLIN. That is all there is to it. Mr. RICHARDSON. The question, in a nutshell, is whether those people are entitled to relief on account of the imposition of a burden upon them by the Government, not to their interest, not that they asked for it, but to the interest alone of the Government. That is the whole question.

Mr. Chairman, I desire once more to say that gentlemen in this discussion have read the strong and adverse terms of Gen. Bixby in opposing the proposition to have the Government pay a just proportion of the expenses of altering the length of the draw of this bridge. No one can possibly, in view of the law, deny that the Government can, over all navigable streams, order the removal of any obstructions on or across that stream that interferes with navigation, and going one step further, the Government expects those that brought those obstructions into existence must remove them at their own expense. But the question we are trying now is, If the Government does that really not in the interest of navigation, but because it has established a naval magazine above that bridge, which the people did not want, and the draw was too narrow for the Government boats to get through, and the people of those two towns are required to enlarge the draw, which enlargement does not help those citizens, not one iota commercially, socially, or otherwise, ought not the Government to pay its part of the expense and not arbitrarily throw all on the citizens? But let me call the attention of the committee to what Gen. Bixby, Chief Engineer, says in his report:

The existing law contemplates that the cost of making alterations in obstructive bridges when thus ordered shall be borne by the parties responsible for the maintenance of the structures. The proposition embraced in the bill is therefore distinctly at variance with the intent of the statute as interpreted by the department and by the courts, and should not be adopted unless some good reason exists therefor.

We concur in the correctness of the statement made by the Chief Engineer, but the Chief Engineer does not make his statement without qualifications—absolutely without any possible conditions. He says "unless some good reason exists therefor." We are seeking to bring this bill within that reasonable qualification made by the Chief Engineer.

Again, along this line of thought I call attention to the opinion of that great lawyer and judge-Judge Harlan-who to the date of his lamented death was accepted as one of the ablest justices of the Supreme Court of the United States. He said

in the case of Union Bridge:

Some stress was laid in the argument upon the fact that compliance with the order of the Secretary of War will compel the bridge company to make a very large expenditure in money. But that consideration can not affect the decision of the questions of constitutional law involved. It is one to be addressed to the legislative branch of the Government. It is for Congress to determine whether, under the circumstances of a particular case, justice requires that compensation be made to a person or corporation incidentally suffering from the exercise by the National Government of its constitutional powers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I yield the rest of my time, 15 minutes, to the gentleman from Kentucky [Mr. Sherley].

The CHAIRMAN. The gentleman from Kentucky [Mr. Sher-

LEY] is recognized for 15 minutes.

Mr. SHERLEY. Mr. Chairman, this very long-drawn-out debate has now reached the point where the proponents of this measure undertake to prove that Congress has in the past done something equally culpable, if not more so, and therefore it should now commit such an offense. Precedent after precedent is cited here—precedents that are not in any sense on all fours with this case—to show that the Government has been more than liberal in the past and should not be a stickler now over a little matter of this kind.

The question is really very simple. There is no right, no vested interest, anywhere that has been interfered with by anybody. The bridges that were over this navigable stream were there simply by permission, and the right of the community to the use of those bridges was always subject to the superior right of the Government to obtain, on behalf of itself

or any of its citizens, the navigability of that stream.

But we are now faced with two propositions. One is that inasmuch as the particular demand for the removal of this nuisance came from the Government, because of a Government arsenal there, therefore there is a particular equity; and, secondly, that inasmuch as certain land has been taken out of the taxable property of the State, an equity has again been created. To put it in another way, we are faced with the proposition that wherever the Government performs a governmental action which may not be of benefit to a particular community the

Government should then pay that community.

Now, if that is coupled with the proposition that whenever the governmental activity is of peculiar benefit to a community the community should pay something for it, we would consider there was an opportunity for the balancing of equities, although it might require a master in chancery to arrive at a just decision. When Massachusetts got, as she has gotten, her full and complete share of the benefit from establishments of the Government, there was no disposition on the part of that great Commonwealth to come to the Federal Government and donate something for the benefit conferred. But now that she is required to bear something of the burden that is incident to government she insists that we must recompense her. recompense is to go, 40 per cent of it, to the State.

This arsenal was already in the State of Massachusetts, and at the instance of Massachusetts and the people of Chelsea it was removed from there and put in another part of the State. If anything is to be paid to this community, it seems to me it ought to come from the community of Chelsea, which urged the removal of the institution not for the benefit of the

Government but for its own benefit.

Now, the fact is brought out here clearly that the land was originally assessed by the Government officers at \$36,000, but knowing the greed of men when they come to sell to the Gov-ernment, knowing the disposition on the part of individuals to mulct the Government, they said it would take probably \$70,000 to get the land, and when it came actually to getting \$10,000 to get the land, and when it came actuarly to getting it it took \$193,000. Now, \$193,000 has been put into that community for land that could not possibly have been sold for more than one-fourth of that sum; certainly not for more than one-third of that sum.

Mr. WEEKS. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Massachusetts?

Mr. SHERLEY. Certainly.

Mr. WEEKS. How does the gentleman know that?

Mr. SHERLEY. I know it because I am willing to take the statement of the officers that this land was worth only \$36,000. Mr. WEEKS. Has the gentleman himself seen that statement?

Mr. SHERLEY. Yes. Mr. WEEKS. Whose statement was it?

Mr. SHERLEY. It was the statement made by the officers of the Navy, and, knowing the disposition to mulct the Government, they said it would probably take \$70,000 to get it.

Mr. WEEKS. How does the gentleman know that that land

would not have been sold for other purposes?

Mr. SHERLEY. I do not know it, but I am willing to accept the statement of disinterested officers of this Government, who would have no disposition and no reason to make a false statement.

Mr. WEEKS. What has all that to do with this?

Mr. SHERLEY. I am coming to that right now. It has this to do with it: One of the members of the committee claimed that there had been taken out of the community property that would otherwise have been subject to taxation, and that the

burden of taxation was thereby removed from this section and placed upon the rest of it. I show you that instead of the wealth of the community having been abstracted from, it has actually been added to by the transaction. And yet because of the absence of taxation of this particular property you claim to base your equity

Mr. WEEKS. No; I beg pardon. Mr. SHERLEY. You may not have claimed that, but the advocates of the bill have been claiming it; and while I appreciate the fact that the gentleman is the head and front of this offending, he must not take exception if I undertake to answer

the arguments of some others than himself.

The fact is that this is navigable water; that a Government engineer has stated that these bridges have long interfered with the navigability of it. But we are told that because the navigability is desired by the Government, which represents us all, it creates a different situation than if the navigability was desired by only a part of the whole. If a demand had been made, as it could have been made by anyone using that waterway, to have that obstruction removed, the War Department would have compelled the removal of it, and these men would not have had the face to come here and ask at the hands of Congress a contribution; but because the Government itself is the initial mover in the transaction, you have a situation so unique as to warrant us in paying for the new bridge. That is the claim made by the advocates of the bill.

Mr. MURRAY. May I suggest to the gentleman that the

reason no private party did ask for the removal of the obstruction is because, in fact, it is not an obstruction. There is not enough commerce on that backwater to require any larger draw than the present one, and therefore the Government is imposing a burden from which we are trying to get some relief

Mr. SHERLEY. The fact is that this is navigable water and that it is used to some degree.

Mr. MURRAY. How much of a degree? Mr. SHERLEY. Just wait a moment, if you please.

Mr. MURRAY. But let us get the facts right. We can not get correct conclusions unless we get the facts right.

Mr. SHERLEY. I have no hope of convincing the gentleman, but I have hope of using my time in this discussion.

Mr. MURRAY. Certainly; but I thought the gentleman

yielded to me.

I did; and I want to answer the gentleman's question and I want to be given an opportunity of doing The fact is that the department states that it is navigable water and that it is used as such. The fact that it is not used more has resulted simply in giving you people a permissive right to maintain a nuisance longer than you ought to have had the right. It does not give you an equity when the occasion arises to abate that nuisance. Your whole predicate is wrong. It proceeds upon the idea that something has been taken from you which belongs to you, when in point of fact you have been permitted for years to maintain a nuisance that you had no real right in law to maintain in the first instance. [Applause.]

Will the gentleman permit one more question? The CHAIRMAN. Does the gentleman from Kentucky yield

to the gentleman from Massachusetts?

Mr. SHERLEY. Certainly.

WEEKS. What has the gentleman to say as to Mr. Justice Harlan's opinion that Congress should determine the

equities in each individual case similar to this?

Mr. SHERLEY. What Mr. Justice Harlan said was this, when it was urged that there was an equity: "This court can not consider that question. If there be such a question it is for Congress to determine." But there was not a line, there was not an intimation in that whole opinion that there necessarily was an equity. There was simply this statement: That if an equity existed it could not be considered in that court of

I say to you that we can not afford to let a community determine, or let this Congress determine, the particular harm that may come from a governmental agency, and then undertake to repay the community where the governmental agency happens to be located. That is one of the burdens that all communities. like all citizens, ought to bear as an incident to the Government. Has it gotten to the point that you are willing to accept, aye, to come and beg for all of the benefits that a great and glorious Government bestows upon you, and your patriotism is so small that it hesitates from assuming the slightest bur-den that that Government may impose? [Applause.] I am not willing to take any such position.

Oh, the matter is small; there has been much time wasted on it, the gentleman says. That may be true, and yet I notice that the gentleman considers it so important that he spent more time debating it than he did the great steel schedule that he says was put through the House with only five hours of debate. Whether a small matter or not, it is simply a question of bestowing a pure gratuity upon these people or doing our duty toward the rest of the people of America.

The very form of the bill-and I do not mean it in an offensive sense—is deceptive. Anybody reading the title of the bill would think it was necessary that Congress should take some action in order that this bridge might be reconstructed. The fact is that Congress does not need to move one iota in order to have the nuisance removed. What is asked here, under the guise of building a new bridge under the direction of the War Department, is a direct gift-45 per cent of it to the State, 20 per cent to each of two towns, and 15 per cent to the railroad company. Mr. Chairman, I do not want to delay this committee longer; the matter has been thrashed out in its entirety. It is plain. The whole question is whether we shall make a gift of a sum that may amount to \$15,000, or run to much more than that to these different municipalities, to a State sovereignty and this railroad company. To my mind it establishes a really dangerous precedent, though I have no bugaboo notions about precedents. I believe that future Congresses are able to take care of themselves pretty well. I think we need not hesitate simply on that ground, but we ought to hesitate because the facts of the particular case make it wrong, irrespective of what influences it may have on legislation that is to come hereafter. [Applause.]

Mr. ADAMSON. Mr. Chairman, I assure my eloquent friend from Kentucky [Mr. Sherley] that it is through no fault of mine that this debate has been drawn out as he complains.

Mr. SHERLEY. I do not complain; it is the gentleman from Massachusetts.

Mr. ADAMSON. It is not the fault of the gentleman from Massachusetts. For reasons that I did not understand, the opponents to this measure, who grew up rapidly, profusely, eloquently, and surprisingly, evinced a disposition to kill time in debating this bill, and we repeatedly stated that we had no disposition to cut them off or abridge their liberty, and we let them debate it two solid Calendar Wednesdays. On last Wednesday when their distinguished leader, the able gentleman from Tennessee [Mr. Sims], proposed to bring an end to the debate and put on a time limit, we had to beg and insist that the author of the bill [Mr. Weeks] and the chairman of the committee be allowed to be heard first, and he agreed to it; he conceded the justice of our demand by acknowledging that they had used the most of the time, and proposed that we use twice as much time to-day as they consume,

Now, Mr. Chairman, I have enjoyed the eloquence of these distinguished gentlemen. I commend their professions of patriotism. I love their protestations of economy, and I am sure they are sincere. I can not deprecate or disparage anything of the sort, and I really hope and believe that when these eloquent and economical gentlemen "hear the watch dog's honest bark bay deep-mouthed welcome as they draw near home," with fat and juicy appropriations, they will prove their sincerity and consistency. [Laughter and applause.]

Mr. Chairman, I am not the champion of this bill. I am not its father, legitimate or putative. I did not intend to argue it here at all. I had no idea of such a thing. If I had supposed that gentlemen would make it the buffer of such prolonged showers of patriotism and eloquence I would not have called it up. I would have gratified the desire expressed indirectly by some of the gentlemen and put it off until after election, so that they might realize less excuse or necessity for profuse patriotism and economy and might not have fought the bill so

lustily. [Laughter and applause.]

Now I am glad that my eloquent and distinguished friend from Ohio [Mr. Bathrick] in his speech declaimed all right of any appropriation to carry home unless it is already in the law. If it is already in the law it will not be necessary for him to ask it of Congress. I assure my distinguished friend from Kansas [Mr. Jackson] that when I first read this bill and Gen. Bixby's report I went off halfcocked just as he and others have done. At first blush, and without any consideration, I scented something wrong—awful, ruinous, unpatriotic, uneconomical, outrageous. I saw the word "Mass." [Laughter.] I had never outrageous. I saw the word "Mass." [Laughter.] I had never been educated to believe that "Mass." had been slighted by the Congress or neglected by the balance of the country. I also saw the word "railroad," and it rose up in terror and horror, with the features of robbery, and, with its clutches around my throat, was about to steam up and carry away the Treasury; and I said, "This is a bad bill, and I do not want it." [Laughter.] Then I did just what my distinguished friend Gen. Bixby and the President of the United States did.

I looked through it and said, "It is not in the law, and we can not do it "-just like some of these gentlemen did on first flush. But, Mr. Chairman, I looked into the matter further, and I found that although Massachusetts did not always do to suit me, yet that a Massachusetts Yankee would skin a Massachusetts Yankee as quick as he would skin me. I then went home to Georgia and from there to Kansas, bleeding Kansas, and I found there that some of my neighbors and the neighbors of the gentleman from Kansas [Mr. Jackson] would skin him and me as quickly as they would skin a Massachusetts Yankee [laughter], and all sectionalism went out of my heart. I assure the gentleman from Kansas that he is mistaken about this presenting a question of locality. It is a question of our willingness that our Government shall do right. When I looked into the fact further I discovered that that dreaded octopus was a little bit of a sickly, weazened, puny trolley railroad, trying to accommodate three or four country towns, and it could not build a whole bridge by itself, but it had to hang on to the public highway bridge as an appendage, and when the Commonwealth of Massachusetts undertook to apportion the percentages of interest in the entire cost of the bridge, found that it represented 15 per cent of the entire concernthe smallest, little, puny, weakly, insignificant octopus that ever was in the world. I then decided there was no use in my nursing prejudice any longer. Then I did what the President of the United States and Gen. Bixby afterwards did. I listened to the facts and heard the truth and had the courage to recognize and declare it.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Mr. Chairman, I want to be polite to my friend, but I am not a champion of this bill at all. I have yielded to everybody who wanted to debate it, and, ex necessitate, as chairman of the committee that has twice reported this bill, I am making this speech, not as a lawyer for or against the bill, but as a juror who has passed upon the case, and had his verdict unjustly assailed and criticized.

The CHAIRMAN. The gentleman refuses to yield.

Mr. ADAMSON. Mr. Chairman, when I looked further into the matter I found what this very distinguished lawyer from Kentucky [Mr. Sherley], whom I have held up here as a hero and as an idol, as a lawyer approaching as near perfection as anyone in this House, failed to discern the equitable character of this meritorious case. He, with that zeal acquired from long experience on the kicking end of the Committee on Appropriations [laughter], has lost sight of his legal acumen as an equity lawyer and he has failed to see the case. His task has been not so much to discern what ought to be paid as to find a way to avoid paying anything, if possible. I saw what he and the other gentlemen and the President and Gen. Bixby failed to see at first but the President and Gen. Bixby failed to acknowledge afterwards.

I found there was an equitable case, not a legal right. I found what any lawyer ought to have known, that if the law had said to pay it, we would not need this act of Congress. I found it was within the equitable jurisdiction of Congress, just as it is within the equitable jurisdiction of Congress to sit here and pass special pension acts for cases not provided for by general law, but which the gentleman from Kansas [Mr. Jackson] is never going to vote for any more, because they are not in the law. [Laughter.] If they were in the law, they would not have to be put into the law. Every lawyer and layman knows that "equity is the correction of that wherein the law, by reason of its universality, is deficient." Therefore, equity looks into cases that are not covered by exact expressions of law, and wherever hardship has been inflicted by the harsh application of the written statute a court of equity—and Congress, sitting here as such—will grant relief and consider that done which ought to be done.

We find here that of late years the Secretary of War has the right to order the removal of obstructions in navigable streams. Up here in Massachusetts we found a little backwater marsh which, when the tide runs up, is large enough to float a ship and which by courtesy or long habit, good or bad, Massachusetts has got to calling a river, a dignity absolutely unjustified, in my judgment. We found, further, an old road across the upper end of that so-called river, and that ever since 1812, for exactly a century, there had been a bridge there. We found, further, one day a magazine situated down at Chelsea, a decent, respectable place, where good people live and do business. The magazine was a nuisance to them, and they instituted a propaganda to get rid of it. They thought they could find some little backwoods place, where it would be out of the way and disturb nobody, where they could unload it. They went up there above that bridge, where no ship but a little

sand sloop had ever navigated. Even that little navigation had quit. Nobody ever sailed upon it but moon-struck lovers in boats and canoes seeking pleasure.

The Government placed that magazine there, and now gentlemen complain we ought not to help reconstruct this bridge because we paid for the land a goodly sum. I do not blame those people for asking a high price to locate that nuisance there. I would not have let it be put near my town for a million dollars. That is the reason it cost so much; it was obnoxious and objectionable. No boy or girl, unless they wanted to take a volcanic joy ride straight to heaven from a powder magazine, would ride up there. Now, it would be tempting fate by sailing into the jaws of danger and destruction. [Long laughter.]

The very character of the occupation, without any law, makes the naval magazine the sole occupant. The Navy Department went and built that. There was a draw in the bridge. It is acknowledged that the draw was big enough for the tugs that they were using, but it is stated that they could not haul as heavy loaded lighters as they wanted without a wider draw. They have taken the headwaters, which never were navigable for any business whatever, and they insisted that a bridge be reconstructed that never would have had to be done under any other circumstances, and the proposition is that our Government do something in the way of equity. Oh, the gentleman from South Dakota said if a private person had done that you would not. No; a private person could not have done it, either; a private person has not the power of the Government.

The Navy Department and the War Department represent

the same thing; it is the Government of the United States. It puts out one arm and says, "I am run away from Chelsea. will impose myself on these people, even if I have to pay a high price for it, but then I will make the other arm of the Government remove this obstruction and fix this bridge, so that we can have it all to ourselves," and the same Government does it, The Secretary of War did not intend to perpetrate all the outrage. The Secretary of War said, "Just widen the draw." did not do what in late years he is authorized to do, order the removal of the obstruction. He did not take the extreme theoretical position assumed by some gentlemen, that we are entitled to have it opened regardless of everything and every-"No," he said, "widen your draw and continue to use your bridge, as you have done for a century." But those people said, "The bridge is so constructed that we can not increase the width of the draw to 50 feet without destroying the bridge. The bridge is so constructed that it will fall in if we widen the draw, and it will cost \$100,000 to rebuild it." The Chief of Engineers said, "\$20,000 will do the work." Your committee decided that in the difference of opinion between the War Department and the people interested in the bridge, a difference of \$80,000, considering the circumstances that the Government had gone to a place unused and unoccupied by habitation, production, or commerce above that bridge and excluded everybody else and rendered the reconstruction of the bridge necessary, that the Government ought to pay something to help sustain the

When we look for precedents in equity we do not look for a case on all fours, as the lawyers say. If it was, it would go on the books and become a law. The precedent would become We simply look for analogous guides within the limits of which we will dispose of those cases where equity and good conscience demand some relief. Now, Mr. Chairman, when we look to the facts and learn the truth about it, what are the The unanimous report from our committee came into the Sixty-first Congress; that is, there was no minority report. The bill passed this House and went to the Senate and passed there. The President, reading the opinion of the Chief of Engineers superficially, without looking at the equity of the case as it was presented to the committee, allowed it to fail for lack of signature. He and Gen. Bixby and the author of the bill have had a conference, in which they have acknowledged their error and said it should have been signed and would be if it should be passed again. It came again before our committee. Being in the majority, my conscience was just like it was when I was in the minority, and my sense of right is just as acute and my courage just as strong before election as after. No man who feels that way and has faith in the intelligence and integrity of his constituents need grow hysterical about supporting this bill now any more than he would next fall,

If any Member finds himself in a different frame of mind no reflection on him is intended. He has the right to change. I have not changed, and may be a fool for not changing, but the facts are the same and the immutable principles of right and justice are the same—before and after election, whether in minority or majority. I am not afraid of any precedents. There can not be any precedent in equity, but if this Govern-

ment ever again goes to a place where it is not needed and wanted because of the character of its work, and thereby imposes an unnecessary hardship upon communities or towns or little struggling corporations; if it does a wrong in the exercise of power under the law, let it do like an individual does, let it do right; and if the strict letter of the law does not provide for substantial equity according to good conscience, let Congress, in the exercise of its prerogative, do equity and say what shall be paid, and let justice be done though the heavens fall—whether in Massachusetts, Kansas, of even Georgia, where we sometimes think it proper for Congress to do something not already provided for by strict law. [Loud applause.] Mr. Chairman, I gave notice of an amendment which I wish to offer at the proper time. Let it be read under the five-minute rule. There is not much of it to be read.

The CHAIRMAN. The Chair will state to the gentleman that under the rule when the debate is closed the bill will be read

for amendment.

Mr. ADAMSON. Let the bill be read. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted, etc., That whenever there shall be fixed by the Legislature of the State of Massachusetts the proportion of the total expense toward the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, on Lincoln Street, in the town of Hingham, in said State, made necessary because of the erection of a naval magazine and for other governmental purposes, to be paid by the Old Colony Street Railway Co., a corporation organized and existing under the laws of the State of Massachusetts, the town of Hingham, in Plymouth County, in said State, and the town of Weymouth and the city of Quincy, both in Norfolk County, in said State, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an amount not exceeding \$50,000, and not, in any case, to exceed one-third of the sum necessary to reconstruct, alter, and repair said bridge as may be ascertained by the Secretary of War.

Mr. ADAMSON and Mr. SIMS rose.

Mr. SIMS. Mr. Chairman, I rise to make a preferential motion.

Mr. MANN. The gentleman is not entitled to recognition

The CHAIRMAN. The Chair recognizes the gentleman from

Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I move to amend by striking out the word "fifty" in line 6, page 2, and inserting in lieu thereof the word "fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 6, strike out the word "fifty" and insert the word "fifteen."

Mr. SIMS. I rise to make a preferential motion. The CHAIRMAN. The gentleman from Tennessee is recognized

I move that the committee now rise, and recom-Mr. SIMS. mend to the House that the enacting clause of the bill be stricken out.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman can not couple the two motions together.

Mr. SIMS. Mr. Chairman, I move, then, to strike out the enacting clause.

The CHAIRMAN. The gentleman from Tennessee moves

that the enacting clause be stricken out. Mr. ADAMSON. Are we not entitled, Mr. Chairman, to per-

fect the bill before the Chair entertains that motion?

The CHAIRMAN. No, sir. Under the rule this motion is preferential. The question is on the motion of the gentleman from Tennessee [Mr. SIMS] to strike out the enacting

The question was taken, and the Chair announced that the noes seemed to have it.
Mr. SIMS. Division, Mr. Chairman.

The committee divided; and there were-ayes 50, noes 80. So the motion was rejected.

Mr. SIMS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. WEEKS and Mr. SIMS as tellers.

The committee again divided; and the tellers reportedayes 57, noes 101.

So the motion was rejected. The CHAIRMAN. The Chair would suggest that there were some committee amendments that will likely have to be considered first.

Mr. ADAMSON. They are both committee amendments, but y a clerical omission the one I offer now was not reported. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 7, strike out the word "one-half" and insert the word "one-third."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. ADAMSON. I would like to have the other committee amendment reported.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In line 8, insert after the word "bridge" the following: "as may be ascertained by the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. Adamson].

The Clerk read as follows:

In line 6, page 2, strike out the word "fifty" and insert in lieu thereof the word "fifteen."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. WEEKS. 'Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. MARTIN of South Dakota. Mr. Chairman, I have an

amendment to offer.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Massachusetts [Mr. Weeks].

The Clerk read as follows:

After the word "Massachusetts," in line 1, page 2, insert "the Commonwealth of Massachusetts and the counties of Plymouth and Norfolk."

Mr. WEEKS. In place of the words commencing with "the," in line 1, page 2, and down to and including the words "Norfolk County," in line 3.

Mr. MANN. I would suggest to the gentleman from Massa-

chusetts that it is the committee that votes on this question, and nobody has heard his amendment or his explanation.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

After the word "Massachusetts," in line 1, page 2, insert the words "the Commonwealth of Massachusetts and the counties of Plymouth and Norfolk."

The CHAIRMAN. The Chair is quite sure the gentleman from Massachusetts does not want to offer that amendment.

Mr. WEEKS. I wish to add the words in place of the words commencing with "the town," in line 1, and down to and including the words "Norfolk County," in line 3 of page 2. Strike out one and insert the other.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WEEKS

Mr. WEEKS. Mr. Chairman, I wish to say, in relation to that amendment, that the payment as provided for in this bill would not go to those who are furnishing the money for the reconstruction of the bridge. From a reading of the original bill which was proposed in the Massachusetts Legislature, and which I have before me, and which I stated during my remarks provided that the town of Weymouth and the town of Hingham should each bear 20 per cent of the cost, I find I was in error when I attempted to correct the gentleman from South Dakota [Mr. Martin] in his statement regarding the communities that were to furnish the money. It is the county of Norfolk and the county of Plymouth, 20 per cent each, instead of the town of Hingham and the town of Weymouth, and that is the reason I offer the amendment which I have sent to the Clerk's desk

Mr. MARTIN of South Dakota. Mr. Chairman, I would like

to inquire on what page and line the amendment begins?

Mr. WEEKS. After the word "Massachusetts,' in line 1 on page 2.

Mr. MARTIN of South Dakota. Mr. Chairman, when I was debating this question on the floor of the House this afternoon, when there were very few Members present, I called attention to the fact that the bill in its present form would, in my opinion, be absolutely idle, because it proposes to appropriate money to municipalities that have nothing whatever to do with the construction of this bridge under the Massachusetts statute. The gentleman from Massachusetts [Mr. Weeks], in his closing speech, when I questioned him on the same subject, undertook to correct me, and stated that my version of it was incorrect. He has found now, I think, that it is as I said it was at that time.

I now have to say, Mr. Chairman, that the amendment he proposes would not conform even now to the statute of Massachusetts. The statute of Massachusetts, passed July 20 last, appoints three men as a board of bridge commissioners and directs that they shall tear down these old bridges and build a new bridge at a cost not exceeding \$80,000, the one-half of which expense shall be advanced by each of these two counties. It also provides that ultimately 45 per cent of the expense incurred shall be paid by the Commonwealth of Massachusetts, 20 per cent by the county of Norfolk, 20 per cent by the county of Plymouth, and 15 per cent by any street railway company that may apply for and be granted a location on said bridge by the towns of Weymouth and Hingham; not 15 per cent to the Old Colony Railway Co., but to any such railway company as shall apply for and receive the right of way to run a railway over there. It is a very peculiar provision in this act, which suggests, to my mind, that this Old Colony Railway Co. expects to go out of business, so far as the transportation of passengers across that bridge is concerned.

Section 4 of this Massachusetts act reads:

The said bridge commissioners are hereby authorized to take in fee simple, or to acquire by purchase or otherwise, any lands with the structures thereon and any property or property rights, including the location of any street railway company, which, in their judgment, may be required in the building of said bridge.

In other words, as a part of this expenditure involved in tearing down this bridge and building a new one they are authorized to acquire the right of way of a railway company; and when they get the apportionment of the cost, the apportionment is 45 per cent to the Commonwealth of Massachusetts, 20 per cent to the county of Norfolk, 25 per cent to the county of Plymouth, and 15 per cent not to this Old Colony Railway Co., to which the gentleman from Massachusetts proposes to appropriate 15 per cent of this money, but 15 per cent is to go to-

Any street railway company that may apply for and be granted a location on said bridge by the towns of Weymouth and Hingham in the manner provided by law.

In other words, with a part of the fund that we are asked to contribute, the commissioners are authorized to buy new approaches and assess other property, including the rights of way of railway companies, and to make payment for this expense.

This Old Colony Railway is to pay no part, but 15 per cent is to be paid by such railway company as shall obtain a right of way to run a line of cars across that bridge. Then the act of

the Massachusetts Legislature provides:

That any sums that may be received from the United States in reimbursement of these expenditures shall be distributed as follows: Fortyfive per cent to the Commonwealth of Massachusetts, 20 per cent to the county of Norfolk, 20 per cent to the county of Norfolk, 20 per cent to the county of Plymouth, and 15 per cent to the street railway company—

Referred to in this section which I have already read, which is the street railway company which may apply for and receive a right of way over the bridge.

Mr. MANN. Will the gentleman yield for a question? Mr. MARTIN of South Dakota. Certainly.

Mr. MANN. Of course we are not bound by the act of the Massachusetts Legislature. The gentleman does not understand that this bill is an appropriation of money.

Mr. MARTIN of South Dakota. It authorizes the appropriation of money upon the happening of certain contingencies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Does not the gentleman think we are quite competent to protect ourselves against paying any money to the Old Colony Street Railway Co. if that company does not contribute toward this bridge? We have to make the appropriation hereafter, and can do as we please about making the appropriation. We certainly will not make an appropriation at any time unless we have facts before us indicating to whom the money should go.

Mr. MARTIN of South Dakota. That is very true; and when we do come to act on the appropriation the law authorizing the appropriation is the law that will govern that appropriation, unless it be changed; and I suggest that it is very poor legislation to provide for an authorization that probably may have to be amended in form before the money is appropriated.

Mr. WEEKS. May I interrupt the gentleman from South Dakota to say that the street railway company which now has a location there is the Old Colony Street Railway Co. It is not the policy of the State of Massachusetts to grant locations to companies that are in competition, and I assume that that would be the company that would make application for this location. If the gentleman thinks that the Government will be better protected by substituting the words "the street railway

company that makes application and contribution for this pur-

I have no objection to that change.

Mr. MARTIN of South Dakota. I think that would be better legislation; but I should like to ask the gentleman, who is familiar with these circumstances, for what purpose it is provided that the bridge commissioners, as a part of the cost of tearing down and rebuilding this new bridge, may have authority to buy new land and structures, including, as the language says, the location of any street railway company?

Mr. WEEKS. I assume that the bridges, being entirely dif-

ferent structures, situated side by side, and as the street rail-way company is to use the bridge which is to be constructed,

and that bridge alone, it may be necessary to purchase additional land. I do not know about that.

Mr. MARTIN of South Dakota. The street railway company has been notified to remove its obstruction to this channel?

Mr. WEEKS. Yes.

Mr. MANN. I suggest to the gentleman that if my recollection is correct, if the street car company goes upon the bridge, it will have to be wider than the present highway bridge, and will be over on the land now owned by the street railway company, for the abutment of their bridge. The gentleman understands that there are two bridges, side by side.

Mr. MARTIN of South Dakota. I understand that thoroughly. Mr. MANN. And when they construct the highway bridge they will probably have to make an arrangement by which, if street railway company goes upon this bridge, they will acquire the street railway company's property for their own

Mr. MARTIN of South Dakota. This all illustrates to what length of absurdity we are asked to go in going into partnership with various municipalities to rebuild two new bridges across a stream, one of the existing bridges being now a hundred years old, made of wood and 400 feet long, when the Government has only notified them to change the draw from 24 feet in width to

50 feet in width.

Mr. MANN. Does not the gentleman think it is wholly within our power not to make any appropriation for the Old Colony Street Railway Co., if they are not to be the ones, and that we could not make an appropriation under this authorization to any other railway company? And that being so, how

are we injured by it?

Mr. MARTIN of South Dakota. I will throw out for the gentleman's consideration this query: If we pass this legisla-tion and these parties act upon it and remodel these structures according to this authorization, will they not have a stronger equity than is here now, and will we not have a great deal of difficulty in refusing to follow up this authorization by an appropriation, if the conditions are fully met by the parties?

Well, they could not be fully met under the gen-Mr. MANN. tleman's position. We expressly provide by name for one company, and the gentleman says that company may not be the one. No one else can get it. We will not appropriate unless they do

the work. It is perfectly plain.

Mr. COOPER. Will the gentleman yield? Mr. MARTIN of South Dakota. Certainly.

Mr. COOPER. Much has been said during the debate by the gentleman from Massachusetts and others about the hardship done by the order of the Secretary of War to the towns of Hingham and Weymouth because it has deprived these two towns of taxable property amounting to about \$700 a year. As I understand, from hearing the reading of the Massachusetts statute, that State has not required these two towns to assume any part of this responsibility.

Mr. MARTIN of South Dakota. These two towns have not

been required to assume any responsibility.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. COOPER. Mr. Chairman, I ask that the gentleman may have five minutes more. He has made a study of this question. Mr. MANN. Mr. Chairman, I shall not object to this re-

quest, but I propose, if possible, to see that this day is not spent without having a vote on this bill.
Mr. FINLEY. I object.

The CHAIRMAN. The gentleman from South Carolina ob-

Mr. COOPER. Mr. Chairman, I move to strike out the last word. From the time when this bill was first brought up for consideration, on Calendar Wednesday two weeks ago, and frequently since, we have been told that the two towns of Weymouth and Hingham were to be deprived of property, the taxation of which amounted to about \$700 a year, and were also to be compelled to pay for the bridge; and I suppose that it is for this alleged reason that these two towns are specifically named in this bill as recipients of some of the money which it is proposed now to appropriate. But the statute of Massachusetts read by the gentleman from South Dakota [Mr. MARTIN] shows that these two towns are not made to assume the burden, for that statute does not mention them, but, on the contrary, specifically puts the burden of paying for the bridge upon the State of Massachusetts, the two counties of Norfolk and Plymouth, and the railroad company. Thus it appears that these towns of Weymouth and Hingham are not to be called upon to pay for the bridge, despite the language of the bill and all that has been said here by its friends.

Mr. MARTIN of South Dakota. And, if the gentleman will allow me, the act of the State of Massachusetts defining who shall pay for these bridges was passed July 20 last, six days

before the bill passed the Senate.

Mr. COOPER. Exactly. And yet the Senate passed and sent over here a bill which gave the House to understand that these two towns of Hingham and Weymouth were to be made to pay a very considerable part of the cost of this bridge, although, as a matter of fact, a law had already been passed by the Legislature of Massachusetts requiring only the State, the county of Norfolk, the county of Plymouth, and the railroad company to pay for it. The bill now before the House, like the one which passed the Senate and the House at the last session, though not intended to deceive, does nevertheless deceive any man who reads it unless, like the gentleman from South Dakota, he has made a study of the question and unearthed that Massachusetts statute.

This is not all. The distinguished officer of the United States Government authorized to investigate this subject for us and for the people of the United States, whom Congress represents as trustee—the Chief of the Corps of Engineers of the United States Army-officially reports that this bill ought not to pass.

The committee which reported the bill says, in its report, that good engineering requires that the bridge be torn down and a new one constructed in its place. But has any Government engineer so reported? On the contrary, the Chief of Engineers reports that the only thing which the Secretary of War has ordered to be done is to widen the draw from 25 feet to 50 feet. Presumably the Chief of Engineers and the Secretary of War investigated this subject and knew what ought to be and could be done. Presumably the Secretary of War did wisely in ordering only the widening of the draw from 25 to 50 feet and in not requiring the construction of a new bridge.

The Chief of Engineers reports that the total cost of widening the draw as ordered would not much exceed \$20,000. But this bill is brought in here, proposing that because of some sup-posed equities of the railroad company and of the two towns of Hingham and Weymouth, that the United States Government shall appropriate not to exceed \$50,000 as its share of the money to be paid, not for widening the draw, but for constructing a

new bridge.

I can not vote for the bill.

Mr. ADAMSON. Mr. Chairman, I regret very much that we can not enjoy the soothing consolation of the support of the distinguished gentleman from Wisconsin [Mr. Cooper]. not care, however, to thrash over old straw by replying to that part of his speech which rehashes all that has been said by gentlemen opposed to this bill for three Calendar Wednesdays. I do not understand his argument that it vitiates this bill because under its provisions the money goes to two counties instead of to two towns. I do not know but that I like a good, substantial, honest yeomanry population in a county as well as I like to see them huddled up in little towns or cities, where they carry their provisions home daily in paper sacks. I do not see how it hurts this bill if the money does go to two counties instead of to two towns in those counties.

As to the ignorance of the Massachusetts Legislature, I want to assure the gentleman from Wisconsin that I have heard Massachusetts people accused of everything in the world except ignorance. If the Massachusetts Legislature is not astute enough to prepare by statute to receive what Congress is willing to authorize as a matter of equitable right in this case, it will not be our fault.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to. Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all of section 1 and insert:
"That whenever the Secretary of War shall report that the board of bridge commissioners, appointed by the General Court of Massachusetts, by act of July 20, 1911, for the purpose of constructing a new bridge over the Weymouth Back River, in the State of Massachusetts,

has so constructed the said bridge as to leave a suitable draw therein at least 50 feet in width, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an amount equal to one-half of the cost of the construction of the said draw, not to exceed the sum of \$10,000, the said appropriation to be paid as follows: Forty-five per cent to the Commonwealth of Massachusetts. 20 per cent to the county of Norfolk, 20 per cent to the county of Plymouth, and 15 per cent to such street railway company as may apply for and be granted a location on said bridge by the towns of Weymouth and Hingham in the said State."

Mr. MARTIN of South Dakota. Mr. Chairman, it occurs to me that from the time this bill was pressed in the Senate it has developed a comedy of errors. It was passed on July 26, 1911. On the 20th day of the same month, six days previous, the Legislature of Massachusetts had already taken action regarding the reconstruction of these bridges, and had required them to be constructed at a cost of not to exceed \$80,000 and appointed three commissioners for that purpose, and had said from whom the money should come by which to construct the bridge and to whom any money that Congress might appropriate toward the enterprise should be paid.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Yes,

Mr. MANN. This bill, as I understand, was reported without a minority report from the Committee on Interstate and Foreign Commerce, of which the gentleman from South Dakota [Mr. MARTIN] is a distinguished member. Why did not the gentleman have the changes made before the bill was reported to the House's

Mr. MARTIN of South Dakota. Mr. Chairman, the question that the gentleman from Illinois asks me has already been answered in full detail in the earlier stages of this debate, and I do not deem it necessary to make further statement regarding either my own position or the position of any of the other members on the committee.

Mr. MANN. I think we are entitled to know.

Mr. MARTIN of South Dakota. If the gentleman had been listening to the debate he would have known. It is in the

Mr. MANN. It may be that I did not listen to all that my friend from South Dakota said, although I usually listen with

more respect than he is showing now.

Mr. MARTIN of South Dakota. The gentleman has been told privately by me the same information, practically, within the last 30 minutes, in this room.

Mr. MANN. The gentleman has told me that he was not there, and I wondered if the committee always had a comedy

of errors when the gentleman was not present.

Mr. MARTIN of South Dakota. Mr. Chairman, the gentle-man, in my time, has, contrary to the rules of the House and without justification, told the explanation that I made to him privately within 30 minutes, and which I made on the floor of the House apologetically, as to why I with other members of the minority are opposing this vicious legislation. I want to say that this bill came out of the committee last summer at a time when the House was adjourning for three days at a time, awaiting the action of the Senate on tariff legislation. This was during the special session, when it was generally understood that committees would not act on general legislation; and not anticipating any public measures of this kind I was about other business, excused, as I had a right to be. Mr. Chairman, I have now had to take two or three minutes to meet what otherwise would be misunderstood by the interruption of the gentleman from Illinois, contrary to the rules Now, I desire to say, Mr. Chairman, that the of the House. amendment which I have prepared conforms precisely with the requirements of the statute of Massachusetts and the legislation which has been passed upon this subject and makes the same parties beneficiaries. All that we have asked of these municipalities and counties in regard to this bridge of over 400 feet long is to change one span from 24 feet wide to 50 feet wide, and the Chief of Engineers of the Army reports that a span 50 feet wide could be put in there at not exceeding \$20,000, and-

The CHAIRMAN. The time of the gentleman has expired. Mr. MARTIN of South Dakota. I ask for one minute more. Mr. MANN. I ask unanimous consent that the gentleman

may have five minutes.

Mr. MARTIN of South Dakota. One minute is all I desire. The CHAIRMAN. Is there objection to the request for one

minute? [After a pause.] The Chair hears none.

Mr. MARTIN of South Dakota. Now, the Chief of Engineers of the Army, in making that report that this could all be done for \$20,000, stated that if Congress was to pay anything at all it ought not to pay to exceed one-half. The amendment which I have offered authorizes the payment of one-half the cost of the construction of that new draw, a steel draw 50 feet wide,

not to exceed \$10,000, and is in exact accordance with the statute as to who are the beneficiaries and is in exact accordance with the report as to what would be the cost.

Mr. SISSON. Mr. Chairman, the gentleman who has offered this amendment certainly gives to these people infinitely more than any sort of equity could possibly entitle them to. Here is a wooden structure 100 feet long, 24 feet wide-

Mr. MARTIN of South Dakota. I beg the gentleman's pardon. I obtained from the gentleman from Massachusetts [Mr. Weeks] a statement that he got from a gentleman in the gallery,

saying that the length of the bridge is 400 feet.

Mr. SISSON. That the bridge is 400 feet long! If that is true this report is not the truth. If it is true that we have got to ask the opinion of people in the gallery, then we ought not to pass this until we do get the facts. [Applause.] Now, the statement we have before this House is that the bridge is not Now, the worth, in its present condition, more than \$10,000. That is the full value of the bridge. Now, what is proposed? That you take out of the Federal Treasury \$15,000 to pay on this wooden bridge, the entire value of which is not more than \$10,000. In other words, you are asking the Federal Government to pay \$15,000 as a gift or graft or gratuity. You put that amount in this bill and it goes to another body, and it goes in conference, and the amount may get to be \$33,500 or \$50,000. There is no justice, no fairness, no equity-even if we admit the contentions that these gentlemen make that there is an equity in this case against the Government-to give them more than one-third of the present value of the present structure, which would be \$3,333.33. I deny that there is equity even to that extent. have some information that there are other bridges that will come into this House if this passes, and they will demand that they be treated just like the Weymouth people have been treated, and that will make the Weymouth proposition look like 30 cents if you begin thus to loot the Treasury for the benefit of private citizens and corporations in the States. want to establish a precedent, then pass this bill; but when you do, it will rise up to haunt you in the future. [Applause.] There can be no equity here that would possibly give these people more than one-third of the present value, even if an equitable condition existed as is advanced here by the proponents of this bill.

Mr. THOMAS and Mr. ADAMSON rose.

The CHAIRMAN. To whom does the gentleman yield? Mr. SISSON. I yield to the gentleman from Kentucky, who rose first

Mr. THOMAS. Does not the gentleman think we have spent about enough time upon this bridge proposition and we had

better defeat it here and be done with it?

Mr. SISSON. I would like to defeat it and be done with it. but if you do not spend some time now to defeat this one you will spend many hours in the future on other propositions that will be infinitely worse than this. You need not tell me that when a railroad shall build a bridge across a stream in accordance with the plans and specifications of the War Department and a few years after that navigation should be such as to demand a change of the structure, if they build it according to the instructions of the War Department, they would not have infinitely more equity than exists in this case. They would. This the proponents of this bill know. Every railroad company in the United States knows it. Thus this strong support.

Mr. THOMAS. Why should we talk along in this manner?

Why not vote and defeat it, and be done with it?

Mr. SISSON. For no other reason than to give expression to my individual opinion, and I can only delay it a minute or two longer, as I had only five minutes to start with. But if delaying this bill on every Calendar Wednesday from now on to the close of the session could accomplish the defeat of it, we ought to do it. I do not believe in voting for this proposition because some Member comes to you and electioneers with you for it. I do not believe this Congress ought to permit that sort of thing to control them. My friend from Massachusetts [Mr. Weeks] is a popular and a good man, and his popularity is doing this bill infinitely more good than the merits of it. On its merits it could not get a dozen votes.

Mr. ADAMSON. Mr. Chairman, having heard a five-minute

speech from a proponent of the amendment and five minutes

from an opponent, I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from South Dakota [Mr. Martin].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That said work shall proceed under the provisions of an act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

Mr. SIMS. Mr. Chairman, I move that section 2 be stricken out.

The CHAIRMAN. The gentleman from Tennessee moves that section 2 of the bill be stricken out. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2 of the bill.

Mr. ADAMSON. I ask, Mr. Chairman, that as soon as the gentleman from Tennessee has been heard for five minutes that we have a vote.

Mr. SHERLEY. That motion is not in order.

Mr. SIMS. Mr. Chairman, I hope Members of the House will notice what this section is. This will not affect the payment of the money that is provided for in the bill at all. The Secretary of War, by the letter of the Chief Engineer, says under no circumstances ought the construction of this bridge be placed under the War Department. I hope the gentleman from Massa-chusetts himself will not insist on that.

Mr. MANN. Will the gentleman yield for a question?
Mr. SIMS. Yes.
Mr. MANN. Is not the purpose of section 2 to give the Government of the United States control over the character of the bridge to be built? Is not that essential?

Mr. SIMS. This is not a bridge to be used by the Govern-

ment.

Mr. MANN. It is the bridge where the Government wants to get through the draws, and it is very essential that the Government have control.

Mr. SIMS. If they do not make it 50 feet wide, it will not

conform to the order of the Secretary of War.

Mr. MANN. The gentleman understands that under the general bridge act all the Government does is to pass upon the plans for the bridge. It does not superintend the construction of it.

Mr. SIMS. The Government does not want to have anything to do with this bridge. The gentleman from Massachusetts [Mr. Weeks] has introduced a bill to build a bridge of a certain kind, and asks for a certain amount of money to be contributed.

Mr. MANN. The gentleman understands that the only au-

thority to rebuild this bridge is section 2.

Mr. SIMS. Not to rebuild at all. There is no order from the War Department to rebuild the bridge at all, but to widen the draw to 50 feet, and all they have to do is to comply with the order.

Mr. ADAMSON. If the gentleman from Tennessee will yield for a moment, I think he misapprehends the proposition of the gentleman from Illinois [Mr. MANN]. Unless you comply with the general bridge act, the bridge would not be a lawful bridge, however you have constructed it. It is necessary on account of legality that section 2 be in there, and the plans approved by the War Department.

Mr. SIMS. Why does the Chief of Engineers say the Government has nothing to do with it, and asks that that part of the

bill be stricken out?

Mr. MANN. If the gentleman will pardon me, that section was inserted by the chairman of the Interstate and Foreign Commerce Committee when the gentleman was present, and it was the unanimous opinion of the committee, including the gentleman from Tennessee [Mr. Sims], at the time. If the structure was authorized at all, the plans ought to be approved by the War Department, and ought to come under the general bridge act.

Mr. SIMS. Not this identical bill, but one just like it, was pending then, having this identical clause in it, before the general bridge law was passed that the gentleman referred to.

Mr. MANN. The gentleman from Tennessee is mistaken. When the proposition came before the Committee on Interstate and Foreign Commerce section 2 was not in it, and after that section was inserted the gentleman joined in a unanimous report thereon.

Mr. ADAMSON. If the gentleman from Tennessee will answer my question I would be glad.

Mr. SIMS. I thought I had answered the gentleman's ques-

Mr. ADAMSON. The gentleman asked why the Chief of Engineers had made such a report as that. The Chief of Engineers in his report takes the position that the Government does not need that bridge there, and does not use it, and does not want it, and does not know what to do with it, and advocates that we brand this with the word "charity."

The committee disregarded that view of the subject, and in order to make a legal structure of a bridge that had already been condemned by the War Department, that bridge must be constructed in accordance with the provisions of the general bridge law, and therefore we put that section in, and the gentleman assented to that action.

Mr. SIMS. Mr. Chairman, I would like to have five minutes in which to finish.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to proceed for five minutes. Is

There was no objection.

Mr. SIMS. Now, Mr. Chairman, this bill proceeds on the idea that the Government ordered a new bridge.

'Mr. ADAMSON. No; it ordered them to correct the old bridge by widening the draw. They find that they can not do that without building a new bridge, and they had to get authority from the Congress and from the War Department to build that new bridge; otherwise it would not be a lawful structure. Therefore we put in the section providing that it must be built in accordance with the general bridge act. In order that it may be lawful it is necessary to build it so.

Mr. SIMS. If the bridge is built in accordance with the act of Congress directing it to be built in a certain way, it certainly

would be lawful.

Mr. BERGER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield

to the gentleman from Wisconsin [Mr. Berger]?

Mr. SIMS. I will yield in a moment. The object of the bill is absolutely and clearly to get money out of the Treasury of the United States, and it is not necessary at all, in order to get that money, to have governmental supervision of this bridge. The order of the War Department was to widen the draw from 24 to 50 feet; and if, in widening the draw, they build a new bridge instead of merely widening the old bridge, why in the world should the Government supervise the building of that bridge any more than is required to see that the draw should be 50 feet wide as required? I think the section should be stricken out.

Mr. BERGER, Mr. Chairman-

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. SIMS. Yes; I yield.
Mr. BERGER. Just for a question on economy. I want to ask this question of the gentleman from Tennessee. It costs about \$6,000,000 to run this Congress annually-

SEVERAL MEMBERS. Oh. no!

Mr. BERGER. And it costs about \$30,000 a day, counting 200 working days in the year. Now, we have spent three days in the consideration of this bridge bill, and at that rate it makes \$90,000. Those people in Massachusetts are asking for \$15,000 as the Government's share in the building of this bridge, and we are spending enough time on this one bill to build six bridges at that rate. I ask this question, Is that good economy? [Laughter and applause.]

Mr. SHERLEY. Is that the reason why the gentleman from

Wisconsin is wasting still more time?

Mr. SIMS. Mr. Chairman, it takes much less time to vote on this amendment than it does to talk about it. I move to strike out the section for the reasons I have given. I regard that section as superfluous and useless, and I have founded my opinion and my statement upon the statement of the Secretary of War in reporting upon this identical bill-a statement which is made a part of the report in this case. If that is not good authority I am not responsible for it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. Sims]. The question was taken, and the amendment was rejected.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with all amendments and with the recommendation that the bill as amended do pass.

The question being taken, Mr. SIMS demanded a division, but subsequently withdrew the demand.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Page, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. ADAMSON. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to a third reading, and was accordingly read the third time.

Mr. THOMAS. Mr. Speaker, I move that the bill and amendments be recommitted to the Committee on Interstate Commerce, and on that I demand the yeas and nays

The SPEAKER. The gentleman from Kentucky moves to recommit the bill to the Committee on Interstate and Foreign Commerce

Mr. ADAMSON. I make the point of order that there is no such committee as the one named by the gentleman. The gentleman said the Committee on Interstate Commerce.

Mr. THOMAS. The Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair corrected the gentleman's motion in his statement of it.

Mr. THOMAS. On that I demand the yeas and nays.

The yeas and nays were refused, 13 Members, not a sufficient number, seconding the demand.

The question being taken, the motion to recommit was re-

The question being taken on the passage of the bill, the Speaker announced that the noes appeared to have it. Mr. ADAMSON. Division!

The House divided; and there were—ayes 109, noes 83. Mr. CULLOP, Mr. THOMAS, Mr. SIMS, and Mr. SHERLEY demanded the yeas and nays.

The yeas and nays were ordered.

Bartlett Cox, Ohio

The question was taken and there were—yeas 155, nays 112, answered "present" 6, not voting 119, as follows:

YEAS-155.

	YEAR	-155.	
Adamson	Doremus	Howland	Prouty
Aiken, S. C.	Draper	Hughes, Ga.	Raker
Alexander	Driscoll, D. A.	Hughes, W. Va.	Redfield
Allen	Driscoll, M. E.	Humphrey, Wash.	Reilly
Ames	Dyer	Humphreys, Miss.	Richardson
Ansberry	Edwards	Kennedy	Roberts, Nev.
Ashbrook	Ellerbe	Kinkaid, Nebr.	Rodenberg
Austin	Esch	Knowland	Rothermel
Barchfeld	Evans	Langham	Rubey
Barnhart	Farr	Lawrence	Scully
Bartholdt	Finley	Lee, Ga.	Sharp
Bates	Flood, Va.	Lee, Pa.	Sherwood
Bell, Ga.	Foss	Legare	Slayden
Bingham	Foster, Vt.	Linthicum	Small
Blackmon	Fuller	Littlepage	Smith, J. M. C.
Bowman	Gallagher	Lloyd	Smith, Saml, W.
Brantley	Gardner, Mass.	Lobeck	Smith, N. Y.
Browning	Gardner, N. J.	Longworth	Speer
Burgess	Gillett	McCall	Stedman
Burke, S. Dak.	Goeke	McCoy	Steenerson
Burnett	Good	McCreary	Stephens, Cal.
Butler	Gould	McGuire, Okla.	Sterling
Byrnes, S. C.	Green, Iowa	McKinley	Stevens, Minn.
Calder	Greene, Mass.	McKinney	Sulloway
Cannon	Gregg, Pa.	McLaughlin	Talbott, Md.
Carlin	Griest	McMorran	Talcott, N. Y.
Catlin	Guernsey	Mann	Thayer
Clark, Fla.	Hamill	Martin, Colo.	Tilson
Conry	Hamilton, Mich.	Matthews	Tuttle
Covington	Hamilton, W. Va.		Utter
Crago	Hammond	Morgan	Volstead
Cravens	Hardwick	Mott	Vreeland
Curley	Hawley	Murray	Wedemeyer
Curry	Hay	Parran	Weeks
Danforth	Hayes	Patton, Pa.	Willis
Davenport	Henry, Conn.	Payne	Wilson, Pa.
De Forest	Higgins	Peters	Wood, N. J.
Dodds	Hill	Pickett	Young, Mich.
Donohoe	Howard	Prince	

Jackson Jacoway Kendall Kindred Kitchin

Lenroot

Moore, Tex.

Morrison Moss, Ind. Nelson

Oldfield

Rauch

Moon, Tenn.

Lever

NAYS-112. Akin, N. Y.
Anderson, Minn.
Anderson, Ohio
Bathrick
Beall, Tex.
Berger
Boehne Dixon, Ind. Doughton Faison Fergusson Ferris Fitzgerald Floyd, Ark. Foster, Ill. Booher Borland Fowler Brown
Buchanan
Burke, Wis.
Byrns, Tenn.
Callaway
Candler
Clayton Gray Cline Collier Cooper Crumpacker Cullop Daugherty Davis, Minn. Davis, W. Va. Helm Hensley Holland Howell Hubbard Denver Dekinson Dickson, Miss. Dies

Konop Kopp La Follette Francis French Garrett Godwin, N. C. Goodwin, Ark. Gray Gregg, Tex. Gudger Hamlin Hardy Harrison, Miss. Heflin Mays Page
Pepper
Porter
Pou
Rainey
Randell, Tex. Hughes, N. J. PRESENT "-6. ANSWERED Garner Korbly

Roddenbery Rucker, Mo. Russell Sabath Sherley Sims Sisson Smith, Tex. Stephens, Miss. Stephens, Nebr. Lever Lindbergh McKenzie Macon Maguire, Nebr, Martin, S. Dak. Sulzer Sweet Thomas Towner Tribble Turnbull Underwood Warburton Watkins Watkins
Webb
White
Wickliffe
Wilson, Ill.
Witherspoon
Woods, Iowa
Young, Kans.
Young, Tex.

Riordan

NOT VOTING-119.

LING—119.
Lindsay
Littleton
Loud
McDermott
McGillicuddy
McHenry
McKellar
Madden
Maher
Malby
Mondell
Moon, Pa.
Moore, Pa.
Moore, Wis.
Murdock
Needham
Neeley
Norris
Nye
Olmsted
O'Shaunessy
Padgett
Palmer Adair Ainey Andrus Fornes George Glass Goldfogle Reyburn Roberts, Mass. Robinson Anthony Goldfogle
Graham
Hanna
Harris
Harrison, N. Y.
Hartman
Haugen
Heald
Helgesen Anthony Ayres Bradley Broussard Bulkley Burke, Pa. Burleson Campbell Cantrill Rouse Rucker, Colo. Saunders Sells Shackleford Shackielord Sheppard Simmons Slemp Sloan Smith, Cal. Henry, Tex. Hinds Hobson Houston Carter Cary Claypool Connell Sparkman Stack Stanley Stephens, Tex. Conneir Copley Cox, Ind. Currier Dalzell Davidson Dent Difenderfer Dupre James Johnson, Ky. Johnson, S. C. Jones Kahn Taggart
Taylor, Ala.
Taylor, Colo.
Taylor, Ohio
Thistlewood Kent Kinkead, N. J. Konig Lafean Lafferty Palmer Patten, N. Y. Plumley Dupre Dwight Townsend Underhill Whitacre Post Powers Pray Pujo Ransdell, La. Estopinal Fairchild Fields Focht Lamb Langley Levy Lewis Wilson, N. Y. Fordney

So the bill was passed.

The following pairs were announced:

For the session:

Mr. Glass with Mr. Slemp. Mr. Riordan with Mr. Andrus. Mr. Fornes with Mr. Bradley.

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. DENT with Mr. KAHN. Mr. LEVY with Mr. COPLEY. Mr. GRAHAM with Mr. FORDNEY.

Mr. PALMER with Mr. DALZELL.

Mr. Houston with Mr. Moon of Pennsylvania.

Mr. McKellar with Mr. Malby. Mr. FIELDS with Mr. LANGLEY. Mr. Hobson with Mr. Fairchild. Mr. Goldfogle with Mr. Plumley. Mr. Broussard with Mr. Ainey.

Mr. Pujo with Mr. Smith of California.

Mr. STACK with Mr. Nye. Mr. Robinson with Mr. Burke of Pennsylvania, Mr. Adair with Mr. Anthony.

Mr. CARTER with Mr. CAMPBELL. Mr. Burleson with Mr. Cary.

Mr. Cox of Ohio with Mr. Taylor of Ohio. Mr. Connell with Mr. Currier.

Mr. Littleton with Mr. Dwight. Mr. Sparkman with Mr. Davidson.

Mr. DUPRE with Mr. FOCHT.

Mr. Cox of Indiana with Mr. HANNA.

Mr. Garner with Mr. Haugen. Mr. George with Mr. Heald.

Mr. HENRY of Texas with Mr. LAFEAN.

Mr. James with Mr. Loud.

Mr. Johnson of Kentucky with Mr. Mondell. Mr. Johnson of South Carolina with Mr. Moore of Pennsyl-

Mr. Lamb with Mr. Murdock. Mr. Lewis with Mr. Needham. Mr. McDermott with Mr. Powers. Mr. McHenry with Mr. Olmsted.

Mr. O'SHAUNESSY with Mr. PRAY.

Mr. PADGETT with Mr. REES.

Mr. Post with Mr. REYBURN.

Mr. Rouse with Mr. Roberts of Massachusetts.

Mr. SAUNDERS with Mr. SELLS.

Mr. Wilson of New York with Mr. Simmons. Mr. Stanley with Mr. Sloan.

Mr. Townsend with Mr. WILDER.

On this vote:

Mr. HINDS (for) with Mr. BULKLEY (against).

Mr. HUMPHREY of Washington (for) with Mr. Morrison

Mr. Bartlett (against) with Mr. Harris (for). Mr. Korely (against) with Mr. Helgesen (for).

From January 30 to February 1:

Mr. Jones with Mr. Morse of Wisconsin.

From January 29 to February 3, inclusive: Mr. Morrison with Mr. Madden.

From January 30 to February 6:

Mr. CANTRILL with Mr. HARTMAN.
Mr. BARTLETT. Mr. Speaker, I desire to withdraw my
ote. I voted "no," but I find I am paired with the gentleman from Massachusetts, Mr. Harris.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. Bartlett, and he answered

Present," as above recorded.

The result of the vote was then announced as above recorded. On motion of Mr. Adamson, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. Kindred, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Harry Karslake, H. R. 13340, Sixty-second Congress, no adverse report having been made thereon.

Mr. Garrett, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Bethel College, McKenzie, Tenn., Fortyfourth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill H. R. 19065, to amend sections 6 and 7 of the pure food act of June 30, 1906, and for other purposes, and the same was referred to the Committee on Interstate and Foreign Commerce.

REPRINT OF REPORT ON ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the reprint of a thousand copies of the report on the Army appropriation bill.

Mr. PRINCE. And Mr. Speaker, in that connection, I ask that the minority have unanimous consent to file their views

within the next two days.

The SPEAKER. The gentleman from Virginia asks unanimous consent for a reprint of a thousand copies of the report on the Army appropriation bill, and the gentleman from Illinois amends that by asking for two days for the minority to file

Mr. HAY. I understand that the gentleman from Illinois desires to file the minority views in the morning, so that the minority views may be printed at the same time as the report. I ask that that may be done, and that the order shall be held until to-morrow morning when we get the minority views.

Mr. MANN. And that a thousand copies be printed of the

report and views of the minority.

The SPEAKER. And that a thousand copies of the report and views of the minority be printed together. Is there objec-

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 11321. An act to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis.;

H. R. 2973. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Thursday, February 1, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of State, withdrawing his estimate for a new appropriation for expenses International Joint Commission concerning use of boundary waters between the United States and Canada and recommending that a provision be included in the sundry civil appropriation bill reappropriating unexpended balances from former appropriations (H. Doc. No. 494), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SIMS, from the Committee on War Claims, to which was referred the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March, 1887, and commonly known as the Bowman and the Tucker Acts, reported the same without amendment, accompanied by a report (No. 288), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14220) granting a pension to Ira N. Haney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16194) granting an increase of pension to Harry Landau; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2070) for the relief of the estate of Antonio Sousa, deceased; Committee on Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. JACKSON: A bill (H. R. 19124) to prohibit interference with commerce among States and Territories and with foreign nations and to remove obstructions thereto and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. GARRETT: A bill (H. R. 19125) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BERGER: A bill (H. R. 19126) to condemn and acquire for Government ownership and operation railroad, telegraph, telephone, and express properties engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: A bill (H. R. 19127) providing for the erection of portable steel shelter sheds for wholesalers' produce markets in the District of Columbia; to the Committee on the District of Columbia.

By Mr. VREELAND: A bill (H. R. 19128) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

By Mr. PEPPER: A bill (H. R. 19129) to amend section 3297 of the Revised Statutes of the United States, as extended by act of May 3, 1878, providing for the remission of excise taxes upon alcohol used by universities and colleges for scientific purposes; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: A bill (H. R. 19130) to prohibit interference with commerce among States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. CAMERON: A bill (H. R. 19131) to provide for the irrigation and settlement of lands included in the Colorado River Indian Reservation and other lands, and for other purposes: to the Committee on Indian Affairs.

poses; to the Committee on Indian Affairs.

By Mr. CALLAWAY: A bill (H. R. 19132) to establish in the Department of Commerce and Labor a bureau of markets; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: A bill (H. R. 19133) to regulate commerce with foreign countries and between the States and to increase the facilities and efficiency of the postal service; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 19134) to promote a patriotic spirit among the citizens and youth of the United States and for the encouragement of rifle practice; to the Committee on

Military Affairs.

By Mr. DIFENDERFER: Joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign

By Mr. McCALL: Joint resolution (H. J. Res. 233) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PETERS: Joint resolution (H. J. Res. 234) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations; to the Committee on Foreign Affairs.

By Mr. LEVER: Concurrent resolution (H. Con. Res. 36) authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exhibition at Columbia, S. C.; to the Committee on Industrial Arts and Expositions.

By Mr. BUCHANAN: Resolution (H. Res. 396) to provide for an investigation of unemployment and cause thereof in that group of industrial States comprising Illinois, Wisconsin, Michigan, Indiana, Ohio, Iowa, and Missouri; to the Committee on Rules.

By Mr. GOODWIN of Arkansas: Resolution (H. Res. 397) providing for the appointment of a commission of five qualified citizens to inaugurate improvements in the methods of transacting public business in the departments of the Government; to the Committee on Rules.

By Mr. MONDELL: Resolution (H. Res. 398) requesting the Secretary of War to furnish certain information; to the Committee on Expenditures in the War Department.

By Mr. HUMPHREY of Washington: Resolution (II, Res. 399) for the appointment of a committee to investigate commerce on the high seas, and for other purposes; to the Committee on Rules.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 400) to print 11,750 copies of Public Roads Bulletin No. 41, mileage and cost of public roads in the United States in 1909; to the Committee on Printing.

By Mr. STEPHENS of Mississippi: Resolution (H. Res. 401) authorizing the Committee on Banking and Currency to sit during the session or recess of Congress; to the Committee on Rules.

By Mr. MOTT: Resolution (H. Res. 402) requesting the Secretary of War to furnish certain information; to the Committee on Expenditures in the War Department.

By Mr. LOBECK: Resolution (H. Res. 403) directing the Committee on Expenditures in the Treasury Department to make inquiry as to prices paid for elevators used in Government buildings under control of the Treasury Department; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 19135) granting an increase of pension to Martin Ressler; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 19136) granting an increase of pension to Daniel S. Tuthfil; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 19137) for the relief of the widow and the heirs of Benjamin P. McMahan; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 19138) for the relief of the heirs of David Williams, deceased; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 19139) granting an increase of pension to Tony Hartstine, alias Stephen Potter; to the Committee on Pensions.

to the Committee on Pensions.

By Mr. COX of Indiana: A bill (H. R. 19140) granting a pension to Dorcas Tauksley; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 19141) granting a pension to Nellie J. Hoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19142) to correct the military record of Sylvenus Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 19143) to correct the military record of Andrew Snyder; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 19144) for the relief of John Mills; to the Committee on Military Affairs. By Mr. DAVIS of West Virginia: A bill (H. R. 19145) grant-

By Mr. DAVIS of West Virginia: A bill (H. R. 19145) granting pensions to Daisy M. Watson, Frank L. Watson, Robert L. Watson, Dana B. Watson, Miran B. Watson, and Owings Watson; to the Committee on Pensions.

son; to the Committee on Pensions.

By Mr. DOUGHTON: A bill (H. R. 19146) granting an increase of pension to John F. Pardue; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 19147) granting an increase of pension to Eliza Wolf; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 19148) to provide for the relief of the widow and minor children of James Kerr; to the

By Mr. GARRETT: A bill (H. R. 19149) for the relief of the legal representatives of Mrs. L. R. Goodlett, deceased; to the

Committee on War Claims.

By Mr. GREEN of Iowa: A bill (H. R. 19150) granting a pension to Diana Christy; to the Committee on Invalid Pen-

Also, a bill (H. R. 19151) granting a pension to Catherine McCombs; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 19152)

granting a pension to Ann Manley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19153) granting an increase of pension to George W. Taggart; to the Committee on Invalid Pensions. By Mr. HAMLIN: A bill (H. R. 19154) granting a pension to

Frank C. Barron; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 19155) granting a pension

to John W. Revelle; to the Committee on Pensions.

Also, a bill (H. R. 19156) granting a pension to Mary F. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19157) granting an increase of pension to Fighard T. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19158) for the relief of Lawrence Sheri-

dan; to the Committee on Military Affairs.

Also, a bill (H. R. 19159) for the relief of Peter Whistler; to

the Committee on Military Affairs.

Also, a bill (H. R. 19160) for the relief of William H. Price,

alias William Sweeney; to the Committee on Military Affairs. By Mr. HULL: A bill (H. R. 19161) for the relief of Harde

Chadwick, jr.; to the Committee on Military Affairs.

Also, a bill (H. R. 19162) granting an increase of pension to

Susan Read; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 19163) granting an increase of pension to John B. McElhinny; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 19164) granting a pension to William B. Pollard; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 19165) granting a pension to

Samuel M. Pitzer; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 19166) for the relief of the congregation of the First Presbyterian Church, Marietta, Ga.; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 19167) granting a pension to

Charles K. Remsburg; to the Committee on Invalid Pensions.

By Mr. LINDSAY; A bill (H. R. 19168) granting an exten-

sion of patent to Bernard Klein and William Rosenstein, assignee of half interest; to the Committee on Patents.

By Mr. LITTLEPAGE: A bill (H. R. 19169) granting a pension to Edgar E. Cummings; to the Committee on Pensions.

Also, a bill (H. R. 19170) granting a pension to Isaac W. Whitaker; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 19171) granting a pen-

sion to William A. Scott; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 19172) granting a pension to James H. Johns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19173) granting an increase of pension to Noah E. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19174) granting an increase of pension to Wesley Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19175) granting an increase of pension to Jonathan G. Farguson; to the Committee on Invalid Pensions. Also, a bill (H. R. 19176) granting an increase of pension to John Griffith; to the Committee on Invalid Pensions.

John Grimth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19177) granting an increase of pension to
Benjamin F. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19178) granting an increase of pension to
Isaac McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19179) granting an increase of pension to
John E. H. Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19180) granting an increase of pension to John W. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19181) granting an increase of pension to Joseph Southard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19182) granting an increase of pension to William Grayson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19183) granting an increase of pension to

Thomas J. Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19184) granting an increase of pension to Nathan V. Cleaver; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 19185) granting a pension to

John A. Scone; to the Committee on Pensions.

By Mr. PARRAN: A bill (H. R. 19186) granting a pension to Thirza M. Dolph; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 19187)

granting an increase of pension to George Swisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19188) granting an increase of pension to David McMickin Toner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19189) granting an increase of pension to John H. Norris; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 19190) for the relief of John

P. Risley; to the Committee on Military Affairs.

Also, a bill (H. R. 19191) for the relief of Christian H.

Hedges; to the Committee on Military Affairs.

Also, a bill (H. R. 19192) for the relief of John C. Davis;

Also, a bill (H. R. 19192) for the relief of John C. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 19193) for the relief of Oliver Lewis; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 19194) granting a pension to

Anna D. Strock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19195) granting a pension to Flora Predmore; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 19196) granting a pension to Joseph F. Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19197) granting an increase of pension to Michael Fitzgerald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19198) granting an increase of pension to Bridget Sheil; to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 19199) granting an increase of pension to M. V. Curry; to the Committee on Invalid

By Mr. SCULLY: A bill (H. R. 19200) granting an increase of pension to Joseph Rue; to the Committee on Invalid Pen-

By Mr. SHERLEY: A bill (H. R. 19201) for the relief of Francis M. Grinstead; to the Committee on Military Affairs. By Mr. SLOAN; A bill (H. R. 19202) granting an increase of

pension to James C. McClay; to the Committee on Pensions.

By Mr. SMITH of California: A bill (H. R. 19203) granting an increase of pension to Seth Winslow; to the Committee on Invalid Pensions

By Mr. SPEER: A bill (H. R. 19204) granting an increase of pension to James S. Henderson; to the Committee on Invalid

By Mr. STEPHENS of California: A bill (H. R. 19205) granting an increase of pension to James Ferguson; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 19206) granting a pension to Savilla Heikenborn; to the Committee on Invalid Pensions

Also, a bill (H. R. 19207) authorizing the Secretary of War to issue an honorable discharge to John T. McQuay; to the Committee on Military Affairs.
Also, a bill (H. R. 19208) for the relief of Kate Kearney

Henry, widow and administratrix of James L. Henry, deceased: to the Committee on Claims.

Also, a bill (H. R. 19209) authorizing the Secretary of War to issue an honorable discharge to James S. Baer; to the Committee on Military Affairs.

By Mr. TURNBULL: A bill (H. R. 19210) granting an increase of pension to Allen Mahlin; to the Committee on Invalid

Also, a bill (H. R. 19211) granting an increase of pension to Ezra H. Witmer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of citizens of the States of California, Indiana, Louisiana, Michigan, and Utah, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Missouri, remonstrating against extension of the parcel-post system; to the

Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of Abenaki Tribe, No. 116, Improved Order of Red Men, of Van Wert, Ohio, in support of Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Resolutions of the Farmers' Educational and Cooperative Union of America, asking for the crea-

tion of a national bureau of child protection; to the Committee on Labor.

By Mr. AYRES: Petition of citizens of the city of New York, in favor of parcel post; to the Committee on the Post Office and

By Mr. BATES: Petition of Second National Bank of Erie, Pa., for adequate appropriation to supply clean paper money to the country; to the Committee on Appropriations.

Also, petition of Henry Harris, of Conneaut Lake, Pa., asking for increase of pension to deaf-mute soldiers; to the Committee on Invalid Pensions.

Also, petition of Grange No. 1294, of Erie, Pa., in favor of a treduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Athens Grange, No. 34, of Centerville; of Belle Valley Grange, No. 1294, of Erie; of Cambridge Grange, No. 168, of Cambridge Springs; of Dicksonburg Grange, No. 556; of Edinboro Grange, No. 947; of French Valley Grange, No. 988, and Frenchtown Grange, No. 1181, of Meadville; of Sparta Grange, No. 110, of Spartansburg; of Summit Grange, No. 1079, of Erie; and of Union City Grange, No. 89, all in the State of Pennsylvania, praying that special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter be permitted to remain; to the Committee on Agriculture.

Also, petitions of Belle Valley Grange, No. 1294, of Erie; of Clover Leaf Grange, No. 1265, of North East; of Conneaut Grange, No. 955, of Pennside; of Dicksonburg Grange, No. 556; of Edinboro Grange, No. 947; and of French Creek Valley Grange, No. 988, of Meadville, all in the State of Pennsylvania, asking for certain changes in the oleomargarine law; to the Committee on Agriculture.

By Mr. BERGER: Petition of D. P. Ballard, of State Line, Miss., for an investigation of the National Soldiers' Homes; to the Committee on Military Affairs.

By Mr. BOOHER: Petitions of citizens of St. Joseph, Mo., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. BROWNING: Petitions of the Woman's Christian Temperance Unions of Merchantville, Camden, Glassboro, and Williamstown; of Wynne Memorial Baptist, Wesley Methodist Episcopal, and Bethel Methodist Episcopal Churches, of Camden; and of Methodist Episcopal Church of Williamstown, all in the State of New Jersey, for passage of Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of First Methodist Episcopal Church of Parsons, Kans., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of Pittsburg, Kans., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. COX of Indiana: Petition of citizens of Orleans, Ind., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: Petitions of members of Improved Order of Red Men, urging the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. CRAVENS: Petition of citizens of Ashdown, Ark., for the passage of Kenyon-Sheppard interstate liquor bill (H. R. 16214); to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of 686 residents of Rochester, Y., favoring the passage of House bill 8141, the militia pay bill; to the Committee on Military Affairs.

Also, petition of Methodist Brotherhood of North Chili, N. Y., for the passage of Kenyon-Sheppard interstate liquor bill (H. R. 16214); to the Committee on the Judiciary.

By Mr. DODDS: Petition of citizens of Morley, Mich., for passage of Kenyon-Sheppard bill; to the Committee on the Judi-

By Mr. DRAPER: Memorial of the Farmers' Educational and Cooperative Union of America, favoring Senate bill 252, for the establishment of a national children's bureau; to the Committee on Labor.

By Mr. DYER: Petition of Erasmus Haworth, Lawrence, Kans., for the passage of House bill 6304; to the Committee on Mines and Mining.

Also, petition of the Roberts, Johnson & Rand Shoe Co., of St. Louis, Mo., in favor of Senate bill 3276; to the Committee on Interstate and Foreign Commerce.

Also, petition of Newton D. Baker and Brand Whitlock, mayors of Cleveland and Toledo, Ohio, respectively, in favor of the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of John R. Kirk, of Kirksville, Mo., urging additional appropriation for the Bureau of Education; to the Committee on Appropriations.

Also, petition of William T. Cross, of Columbia, Mo., for certain amendment to the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Farmers' Educational and Cooperative Union of America, in favor of Senate bill 252, to establish a children's bureau; to the Committee on Labor.

Also, petition of Merchants' Exchange, of St. Louis, Mo., for Lincoln memorial as recommended by the National Fine Arts

Commission; to the Committee on the Library.

Also, petition of Edward C. Young, in favor of the militia pay bill; to the Committee on Military Affairs.

Also, petition of the Lafayette Park Methodist Episcopal Church South, of St. Louis, Mo., for the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. GARRETT: Papers to accompany bill for relief of the legal representatives of Mrs. L. R. Goodlett, deceased; to the Committee on War Claims.

By Mr. FERGUSSON: Petitions of citizens of the State of New Mexico, remonstrating against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of Epworth League of Methodist Episcopal Church and St. John's Methodist Episcopal Church, of Santa Fe, N. Mex., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the State of New Mexico, in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of Seventh-day Adventist Church of Roswell, N. Mex., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of New Mexico, for amendment to the homestead laws; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: Petitions of citizens of Benton County, Ark., in favor of reduction of duty on raw and refined to the Committee on Ways and Means.

By Mr. FORNES: Petition of the Woman's Christian Temperance Union of the State of New York, and of sundry citizens of Mundy, Mich., for passage of Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary

By Mr. FOSS: Memorial of St. Joseph's Society, of Chicago, Ill., praying for the passage of House bill 2896, providing for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. FRENCH: Petition of the Central Woman's Christian Temperance Union, of Boise, Idaho, for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of Chesterfield, Idaho, for enactment of House bill 14, to extend parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Papers to accompany House bill 14770. for the relief of Martin A. L. Olson; to the Committee on Claims. Also, petition of ladies of De Kalb (Ill.) Woman's Christian Temperance Union, favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of National Association of State Mining Schools, in favor of the passage of the Foster bill (H. R. 6304) for an annual appropriation in support of State mining schools, etc.; to the Committee on Mines and Mining.

Also, petition of the National Guard Association of the United States, favoring the passage of Senate bill 1996 and House bill 8141, to increase the efficiency of the State militia; to the Com-

mittee on Military Affairs.

Also, petition of National Drainage Congress, in favor of the creation of a national drainage commission, etc.; to the Committee on Irrigation of Arid Lands.

By Mr. GODWIN of North Carolina: Memorial of the Chamber of Commerce of Southport, N. C., against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of Wilmington, N. C., protesting against any interference with the present scheme of operation of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Petition of citizens of Red Oak, Iowa., for old-age pensions; to the Committee on Pensions.

By Mr. HINDS: Memorials of the Woman's Christian Temperance Unions of Newhall, South Windham, Gray, and Westbrook, Me., praying for legislation to restrict the interstate traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of the Woman's Christian Temperance Union of Skowhegan, Me., protesting against the repeal of the anti-canteen law; to the Committee on Military Affairs.

By Mr. HOWELL: Petition of Utah State Woman's Christian Temperance Union, protesting against repeal of the anti-

canteen law; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Memorial of members of Branch Fort Lee (N. J.) Socialist Party, opposing militia pay bill; to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union of New Jersey, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of West Milford, N. J., for parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of the Philadelphia Maritime Exchange, remonstrating against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Farmers' Educational and Cooperative Union of America, in favor of Senate bill 250, to establish a

children's bureau; to the Committee on Labor. By Mr. JOHNSON of South Carolina: Papers to accompany bill for the relief of W. B. Pollard; to the Committee on In-

valid Pensions.

Also, papers to accompany House bill 18619, granting an increase of pension to Benjamin F. Henderson; to the Committee on Invalid Pensions.

By Mr. KENDALL: Petitions of citizens of Newbury, Iowa, asking for a reduction in the duty on raw and refined sugars;

to the Committee on Ways and Means. By Mr. KINDRED: Petition of E. R. Thomas Motor Car Co., of Buffalo, N. Y., for Lincoln memorial road; to the Com-mittee on Appropriations.

Also, petition of Edward Flaherty, of Long Island City, N. Y., asking for the total elimination of the tariff on raw and refined

sugars; to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of citizens of the State of Pennsylvania, for the enactment of House bill 14, to extend parcel-post system; to the Committee on the Post Office and

By Mr. LEWIS: Petition of J. S. De Vore, of Ellerslie, Md., asking for a reduction in the duty on raw and refined sugars;

to the Committee on Ways and Means.

Also, petition of the congregation of the Methodist Protestant Church of Buckeystown, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the

By Mr. LINDBERGH: Petition of George B. Smith and 7 other citizens of Foley, Minn., favoring the enactment of the Sheppard-Kenyon bill, regulating the interstate commerce of

liquor; to the Committee on the Judiciary.

Also, resolutions of the Northwest Development League, indorsing a domestic immigration policy which will give aliens authentic information about unoccupied lands and assist them in getting homes on the same; to the Committee on the Public

By Mr. LINDSAY: Petition of Woman's Christian Temperance Union of the State of New York, in favor of the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Farmers' Education and Cooperative Union of America, in favor of Senate bill 252, to establish a

children's bureau; to the Committee on Labor.

Also, petition of citizens of Brooklyn, N. Y., in favor of House bill 14, for extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. McHENRY: Petitions from Northumberland Grange. No. 218, Patrons of Husbandry, Northumberland, Pa., and Sugarloaf Grange, No. 105, Patrons of Husbandry, Benton, Pa., asking that certain changes be made in the Federal oleomargarine law as set forth in said petitions; to the Committee on Agriculture.

Also, petition of citizens of Watsontown, Pa., in favor of reduction of duty on raw and refined sugars; to the Committee

on Ways and Means.

By Mr. MOON of Tennessee: Petitions of citizens of Franklin County, Tenn., in favor of an effective interstate liquor

law; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Memorial of the Philadelphia Maritime Exchange, against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. NYE: Resolutions of Minnesota State Dairyman's Association, favoring repeal of oleomargarine law, and favoring Page bill, for improved methods of production on our farms; to the Committee on Agriculture.

Also, petitions of Minneapolis (Minn.) retail grocers, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. PADGETT: Petition of citizens of Dickson County, Tenn., for an effective interstate liquor law; to the Committee

on the Judiciary

By Mr. PARRAN: Petition of citizens of Laurel, Md., in favor of the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Women's Club of Laurel, Md., to make the mountain laurel the national flower; to the Committee on the Library.

By Mr. PATTON of Pennsylvania: Petitions of citizens of the State of Pennsylvania, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. PEPPER: Petition of citizens of Miles and Muscatine, Iowa, protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, memorial of Seventh-day Adventist Church of Atalissa, Iowa, in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and

Post Roads.

Also, petition of citizens of Iowa, in favor of House bill 13114, providing old-age pensions; to the Committee on Pensions. By Mr. SCULLY: Petitions of the Woman's Christian Tem-

perance Union and the Methodist Episcopal Church of Sayreville, N. J., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of the American Forestry Association, for certain legislation favorable to the forestry industry of the

United States; to the Committee on Agriculture.

Also, petition of Woman's Home Missionary Society of Ocean Grove, N. J., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, resolutions of the Philadelphia Maritime Exchange, protesting against any interference with the present scheme of operation of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of members of the Presbyterian, First Methodist Episcopal, First Baptist, and Central Baptist Churches of Atlantic Highlands, N. J., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary

Also, petition of the congregation of Simpson Methodist Church, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

Also, memorial of the Farmers' Educational and Cooperative Union of America, praying for the passage of the so-called

children's bureau; to the Committee on Labor.

By Mr. J. M. C. SMITH: Petition of merchants and members of Business Men's Association of Albion, Mich., protesting against passage of parcel post; to the Committee on the Post Office and Post Roads.

Also, resolution of Hillsdale Council, No. 116, United Com-

mercial Travelers of America against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California; Petition of First Free Methodist Church of Pasadena, Cal., urging the passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

Also, petitions of citizens of the State of California, protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of California, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. STONE: Petitions of citizens of Tiskilma, Ill., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of Chicago Backer Gesang Verein, approving House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturaliza-

By Mr. TALBOTT of Maryland: Petitions of citizens of Carroll County, Md., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Maryland, urging reduction of duty on raw and refined sugars; to the Committee

on Ways and Means.

By Mr. TALCOTT of New York: Petition of Woman's Christian Temperance Union of Poland, N. Y., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of citizens of the State of Iowa, in favor of old-age pensions; to the Committee on Pensions.

By Mr. TURNBULL; Petition of B. W. Jones and 23 other citizens of Surry County, Va., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of First Congregational Church of Wellsville, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. WEDEMEYER: Petition of citizens of Northville, Mich., for the passage of the Kenyon-Sheppard bill; to the Com-

mittee on the Judiciary.

By Mr. WILLIS: Petition of the Methodist Episcopal Church and Woman's Christian Temperance Union of Kings Creek, Champaign County, Ohio, asking for the passage of the Kenyon-Sheppard bill for the regulation of interstate commerce in in-

toxicating liquors; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of the Woman's Christian Temperance Union of the State of New York, for the passage of the Kenyon-Sheppard interstate liquor bill, to with-draw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, memorial of the American Continental League, of Kings County, N. Y., protesting against celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. YOUNG of Kansas: Petitions of citizens of the State of Kansas, in favor of parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, February 1, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. Gallinger and by unanimous consent, the further reading was dispensed with and the Journal was approved.

VISITORS TO THE NAVAL ACADEMY.

The VICE PRESIDENT appointed Mr. Lodge and Mr. Swanson members of the Board of Visitors on the part of the Senate to attend the next annual examination of midshipmen at the Naval Academy, at Annapolis, Md., under the requirements of the act of February 14, 1879.

REPORT OF CAPITAL TRACTION CO. (H. DOC. NO. 503).

The VICE PRESIDENT laid before the Senate the annual report of the Capital Traction Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON BAILWAY & ELECTRIC CO. (H. DOC. NO. 502).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Railway & Electric Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON, SPA SPRING & GRETTA RAILWAY CO. (H. DOC. NO. 497).

The VICE PRESIDENT laid before the Senate the annual report of the Washington, Spa Spring & Gretta Railway Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF GEORGETOWN & TENNALLYTOWN BAILWAY CO. (H. DOC. NO. 500).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown & Tennallytown Railway Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF CITY & SUBURBAN RAILWAY CO. (H. DOC. NO. 498).

The VICE PRESIDENT laid before the Senate the annual report of the City & Suburban Railway Co., of Washington, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF ANACOSTIA & POTOMAC RAILROAD CO. (H. DOC., NO. 496).

The VICE PRESIDENT laid before the Senate the annual report of the Anacostia & Potomac Railroad Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF THE POTOMAC ELECTRIC POWER CO. (H. DOC. NO. 495).

The VICE PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF THE BRIGHTWOOD RAILWAY CO. (H. DOC. NO 499).

The VICE PRESIDENT laid before the Senate the annual report of the Brightwood Railway Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Trustees of the Macedonia Methodist Episcopal Church South, Frederick County, Va., v. United States (S. Doc. No.

291); and

Trustees of the Presbyterian Church of Culpeper, Va., v.

United States (S. Doc. No. 290).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 12623) to incorporate the American Numismatic Association, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Senate of the State of Kentucky, which was referred to the Committee on the Census and ordered to be printed in the RECORD, as follows:

RECORD, as follows:

Be it resolved, That the Senate of Kentucky extend its thanks to the National House of Representatives for the passage of H. R. 13988; and Whereas we believe that said bill is of great benefit to the tobacco growers of the United States: Be it

Resolved, That we respectfully petition the Senate of the United States to speedily enact the same into law; be it further Resolved, That a copy of this resolution be sent to the Clerk of the Senate and to our United States Senators from Kentucky.

In Senate. Adopted January 8, 1912.

Attest: George H. Peters,

Attest:

GEORGE H. PETERS, Chief Clerk of Senate.

The VICE PRESIDENT presented a petition of the National Funeral Directors' Association, praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of sundry citizens of Udall, Kans.; St. Louis, Mo.; and Gonzales, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Graysville, Columbia, and Maury County, all in the State of Tennessee, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of sundry citizens of Connecticut, Pennsylvania, Maine, Delaware, New Jersey, and New York, remonstrating against the ratification of the pro-

New York, remonstrating against the rathication of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Springfield, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chicago Post Office Civil War Veterans' Association of Illinois, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Presbyterian Church of Greenville, Ill., and a petition of the Woman's Christian Temperance Union of De Kalb, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Auburn Park Thirty Club, of Chicago, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agricul-

margarine law, which was referred to ture and Forestry.

Mr. TOWNSEND presented petitions of sundry citizens of Woodland and Kingston; of the congregations of the First Baptist Church of Coldwater, the First Wesleyan Methodist Church of Coldwater, and of the Methodist Church of Ithaca; of the Woman's Christian Temperance Union of Leoni, the Woman's Christian Temperance Union of Jackson, and of Charles R. Wilkes, of Allegan, and J. B. Edmonson, of Jackson, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Culture Club, of Clinton, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain,

and France, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 893, Patrons of Husbandry, of Sumner, Mich., remonstrating against the removal of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a memorial of Local Grange No. 893, Patrons of Husbandry, of Sumner, Mich., remonstrating against the repeal of the eleomargarine law, which was referred to the

Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Vernon, Frankfort, Fennville, Owosso, and of Local Grange No. 893, Patrons of Husbandry, of Sumner, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Stock-bridge, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry business firms of Saginaw, Detroit, Grand Rapids, and Grand Lodge, all in the State of Michigan, remonstrating against the passage of the socalled eight-hour bill, which were referred to the Committee on Education and Labor.

Mr. BRISTOW presented a petition of sundry citizens of Stafford, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the

Judiciary.

He also presented petitions of sundry citizens of Logan and Minneapolis, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Emmett, Cedarvale, Osborne, Abilene, Logan, Burlington, Frankfort, Clay Center, Elk City, Greenfield, Olivet, Kansas City, Caldwell, Cherokee, Otis, Hill City, and Meade, all in the State of Kansas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club of Topeka, Kans., praying for the establishment of a bureau of information in the Department of Commerce and Labor to disseminate information about the advantages in the agricultural States of the Middle West for aliens coming to this country, which was referred to the Committee on Agri-culture and Forestry.

Mr. RICHARDSON presented a petition of the Delaware State Federation of Women's Clubs, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. NELSON presented petitions of the congregations of the First Swedish Lutheran Church of St. Paul; the Bethlehem Presbyterian Church, of Minneapolis; the First Baptist Church of Rochester; the Baptist Church of Winnebago; and of the Christian Endeavor Society of the First Baptist Church of Rochester, all in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of

State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Albert Lea, Minn., praying for the removal of the duty on refined and raw sugars, which was referred to the Committee on Finance.

He also presented a memorial of the Minnesota State Dairymen's Association, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Baptist Church of Le Roy, Minn., praying for the rati-fication of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to

lie on the table.

He also presented a petition of the Minnesota State Dairymen's Association, praying that an appropriation be made for the endowment and support of State colleges of agriculture and mechanic arts, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER presented petitions of Local Granges No. 1431, of Volant; No. 841, of Farmington Hill; No. 1460, of Oxford; No. 385, of Harbor Creek; No. 926, of Meshoppen; No. 22, of Bucks and Philadelphia Counties; No. 218, of Northumberland; No. 105, of Benton; No. 1348, of Utica; No. 1308, of West Brownsville; No. 63, of London Grove; No. 1146, of Kerrmour; No. 1318, of Luthersburg; and No. 798, of Gelatt, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the United Brethren Church of New Holland and the Methodist Episcopal Church of West Newton; of the Woman's Christian Temperance Union of Clarington; the Woman's Christian Temperance Union of Greensburg; the Woman's Christian Temperance Union of Mount Pleasant; and of the Woman's Christian Temperance Union of Atlantic, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the

side dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Samuel McAllister Literary and Military Association, of Philadelphia, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of members of the Art Club, of

Philadelphia, Pa., praying for the erection in the city of Washington of a memorial to Abraham Lincoln, in monumental form, on the site approved by the Washington Park Commission, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented petitions of the congregations of the Baptist Church of Brentwood, the First Methodist Episcopal Church of Epping, and of sundry citizens of Epping, all in the State of New Hampshire, praying for the enactment of an interstate liquor law to prevent the nullification of State of the Company liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Charles H. Poor, vice president of the Board of Lady Visitors, Columbia Hospital, of Washington, D. C., praying that an appropriation be made for the maintenance of Columbia Hospital, in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of the Congregational Church of Hampton, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GAMBLE presented petitions of the Woman's Christian Temperance Union of Volga, the Woman's Christian Temperance Union of Gary, the Woman's Christian Temperance Union of Armour, and of A. Kieft, of Ada, all in the State of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the sale, manufacture, and importation of intoxicating liquors, which were referred to the Committee on

Mr. JOHNSON of Maine presented petitions of the Woman's Christian Temperance Unions of Gray, Gorham, Westbrook, South Windham, and Skowhegan, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union of Skowhegan, Me., remonstrating against the repeal of the anticanteen law, which was referred to the Com-

mittee on Military Affairs.

Mr. GARDNER presented a petition of sunary citizens of West Newfield, Me., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of the congregation of the First Congregational Church of Orono, the Woman's Christian Tem-perance Union of Gorham, the Woman's Christian Temperance Union of Westbrook, and of sundry citizens of Auburn, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Alma and Lincoln, in the State of Nebraska, praying for the enactment of legislation providing for the pay of members of the National Guard, which were referred to the Committee on

Military Affairs.

Mr. KERN presented a memorial of Local Council No. 188, United Commercial Travelers of America, of Terre Haute, Ind., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Indiana Grain Dealers' Association, favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain,

and France, which was ordered to lie on the table.

He also presented petitions of the congregations of the churches of Elmwood, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRYAN presented a petition of the Young Men's Christian Association of Stetson University, De Cand, Fla., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Jacksonville, Fla., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented petitions of sundry citizens of Malvern, Lebanon, Grampian, Ulysses, Wyalusing, Mohnton, Spring City, and Pughtown, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry local granges, Patrons of Husbandry, all in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and

Forestry.

He also presented a memorial of members of the Patrick O'Donnell Club, of Philadelphia, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of the Pennsylvania Arbitration Peace Society and of the Woman's Civic Club of Steelton, Pa., praying for the ratification of the proposed treaties of arbitra-tion between the United States, Great Britain, and France,

which were ordered to lie on the table.

He also presented a petition of members of the Fairmount Park Art Association, of Philadelphia, Pa., and a petition of members of the Art Club of Philadelphia, Pa., praying for the erection in the city of Washington of a memorial to Abraham Lincoln, in monumental form, on the site approved by the Washington Park Commission, which were referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a petition of the congregation of the Congregational Church of Hampton, N. H., and a petition of members of the Woman's Club of Franklin, N. H., praying for the ratification of the proposed treaties of arbitration be-tween the United States, Great Britain, and France, which

were ordered to lie on the table.

He also presented a petition of the Minnesota State Dairyman's Association, praying that an appropriation be made for the endowment and support of State colleges of agriculture and mechanic arts, which was referred to the Committee on

Agriculture and Forestry.

Mr. PERKINS presented a petition of the Good Cheer Bible Class of the First Presbyterian Church of Alameda, Cal., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Eureka Cal., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Chamber of Commerce of Sacramento, Cal., and a memorial of the Chamber of Com-

merce of San Luis Obispo, Cal., remonstrating against the reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented petitions of the congregations of the Methodist Episcopal Church, of Tulare, and of the First Congregational Church of San Luis Obispo, and of members of the Athena Club, of Bishop, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Merchants' Association of San Diego, Cal., praying that an appropriation be made to provide ample highway and hotel facilities in the Yosemite Valley to visitors who may attend the Panama-Pacific Exposi-tion in San Francisco, Cal., in 1915, which was referred to

the Committee on Appropriations.

Mr. BRANDEGEE presented a petition of the Woman's Christian Temperance Union, of Mystic, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the First Ward Irish-American Republican Club, of New Haven, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Norwalk, Conn., praying for the repeal of the so-called pulp-andpaper clause in the reciprocity act with Canada, which was

referred to the Committee on Finance.

Mr. OVERMAN presented petitions of sundry citizens of Asheville and Winston Salem, in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullication of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Leagrove, Flat Rock, and Hendersonville, in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post

Mr. CURTIS presented a petition of Local Post No. 222, Department of Kansas, Grand Army of the Republic, of La Crosse, Kans., and a petition of sundry veterans of the Civil War, residents of Hallowell, Kans., praying for the passage of the socalled dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Stafford, Kans., praying for the enactment of an interstate liquor law to prevent the nullication of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Eminence, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Council No. 77, United Commercial Travelers of America, of Pittsburg, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented a memorial of the congregation of the Seventh-day Adventist Church of Jamestown, N. Y., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the Mcthodist Episcopal Church of Bridgehampton, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP presented petitions of the congregations of the Presbyterian Church of Winnebago, the Methodist Episcopal Church of Winnebago, and of the First Swedish Lutheran Church of St. Paul; of the Woman's Christian Temperance Union of Winnebago, and of the Christian Endeavor Society of South St. Paul, all in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CHILTON presented petitions of the congregations of the First Baptist Church, the First Presbyterian Church, and the Church of Christ, of Morgantown, and of sundry citizens of Morgantown, all in the State of West Virginia, praying for

the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented the petition of William Speiden, of New York, praying that he be granted a pension, which was

referred to the Committee on Pensions.

Mr. McLEAN presented a memorial of the Manufacturers' Association of Bridgeport, Conn., remonstrating against the passage of the so-called eight-hour bill, which was referred to

the Committee on Education and Labor. He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Derby, Conn., and a memorial of the First Ward Irish-American Republican Club, of New Haven, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to which were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:
S. 2365. A bill for the relief of Capt. Frederick B. Shaw; and S. 2612. A bill for the relief of Capt. N. F. McClure, United

States Army.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (S. 183) for the relief of G. A. Embry, reported it without amendment and submitted a report (No. 270) thereon.

He also, from the Committee on Public Lands, to which was referred the bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama, reported it without amendment and submitted a report (No. 269) thereon.

Mr. SIMMONS, from the Committee on Commerce, to which were referred the following bills, reported them each without

amendment and submitted reports thereon:

S. 4446. A bill to provide for completing the lighting and marking with aids to navigation of Cape Fear River, N. C.

(Rept. No. 272); and

S. 4551. A bill to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909 (Rept. No.

Mr. JOHNSON of Maine, from the Committee on Naval Affairs, to which was referred the bill (S. 548) retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes, reported it without amendment and submitted a report (No. 274) thereon.

Mr. REED, from the Committee on Commerce, to which was referred the bill (S. 4364) to provide for the use as a lighthouse depot of such part of the naval reservation at San Juan, P. R., as may be useful for such purpose, reported it without amend-

ment and submitted a report (No. 275) thereon.

Mr. SMITH of Maryland, from the Committee on Naval Affairs, to which were referred the following bils, reported them each without amendment and submitted reports thereon:

S. 1505. A bill for the relief of certain officers on the retired

list of the United States Navy (Rept. No. 276); and 8. 2335. A bill authorizing the President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on the retired list, a lieutenant on the retired list (Rept. No. 277).

Mr. SMITH of Maryland, from the Committee on Naval Affairs, to which was referred the bill (S. 937) to regulate the rank of staff officers of the Navy, submitted an adverse report (No. 278) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 1239) to appoint Holmes E. Offley upon the retired list of the Navy with the rank of lieutenant, submitted an adverse report (No. 279) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to

which were referred the following bills, reported them each

the wreck of the battleship *Maine*, to report adversely thereon, and I ask that the bill be indefinitely postponed, the subject matter of which has been taken care of in another manner.

The VICE PRESIDENT. The bill will be postponed indefi-

nitely.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 4361) to provide for the construction of lighthouse tenders for general service, reported it without amendment and submitted a report (No. 282) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 1580) to grant an honorable discharge to George W. Hahn, moved its indefinite postponement, which was agreed to.

Mr. BROWN, from the Committee on Military Affairs, to which were referred the following bills, moved their indefinite

postponement, which was agreed to:

S. 4463. A bill to authorize the appointment of Shepler Ward FitzGerald to the grade of second lieutenant in the Army; and

S. 4922. A bill authorizing the appointment of Alden George Strong as a second lieutenant, Coast Artillery Corps.

Mr. BROWN. I am directed by the Committee on Military Affairs to submit a report (No. 283), accompanied by a bill (S. 5046) to authorize the appointment of Shepler Ward Fitz-Gerald and of Alden George Strong to the grade of second lieutenant in the Army, which I ask may be read twice by its title, the bill being a substitute for the two bills just reported adversely by me from that committee. I ask that the report be printed in the RECORD.

The VICE PRESIDENT. The bill will be placed on the calendar, and if there be no objection the report will be printed

in the RECORD.

The report is as follows:

The report is as follows:

The Committee on Military Affairs, to which was referred the bills (8. 4463 and 8. 4922) which authorize the appointment of Shepler Ward FitzGerald and Alden George Strong to the grade of second lieutenant in the Army, reports them back to the Senate with the recommendation that action upon them be indefinitely postponed, and offers the following report in explanation of the bill herewith, which is submitted in the nature of a substitute for the two bills above referred to. Mr. FitzGerald and Mr. Strong were regularly examined for appointment from civil life to the grade of second lieutenant in the Coast Artillery Corps, United States Army, under a provision of the Army bill approved March 3, 1911, which reads as follows:

"Provided, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect."

However, in both cases the age limit of 27 years was passed between the time of taking the examinations and the time the War Department announced the names of the successful candidates, Mr. FitzGerald having reached the age limit on November 11, 1911, and Mr. Strong on January 1, 1912. In the case last mentioned the President's nomination for the young man's appointment had actually been received by the Senate, but, owing to the holidaty recess, confirmation did not take place until January 8, 1912. The War Department, therefore, has held that commissions, in these cases can not issue, the Judge Advocate General, in deciding the earlier of the two cases (that of FitzGerald), having said:

"The value of a commission, as evidence, will be serfo

Strong also:

WAR DEPARTMENT, Washington, January 19, 1912.

Washington, January 19, 1912.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, recommending favorable consideration.

Another case similar to that of Mr. FitzGerald is that of Mr. Alden George Strong, who was examined in September and whose nomination was sent to the Senate on December 21, 1911, but who was not confirmed until January 8, 1912. In the meantime, on January 1, 1912, Mr. Strong had become 27 years of age, and it is now held that a commission can not be issued to him.

LEONARD WOOD, Major General, Chief of Staff.

which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 316. A bill to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900, with reference to insane civilian employees of the Military Establishment (Rept. No. 280); and

S. 310. A bill relative to joint operations of the Army, Navy, and Marine Corps (Rept. No. 281).

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3129) extending the provisions of section 20 of the act of Congress of March 3, 1890, to include expenditures in connection with the raising of

rank to which they are entitled as the result of the competitive examination governing appointments from civil life to the Coast Artillery

Mr. DIXON, from the Committee on Indian Affairs, to which was referred the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, reported it with amendments and submitted a report (No. 284)

Mr. BURNHAM, from the Committee on Commerce, to which was referred the bill (S. 4576) to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond light station, Rhode Island, reported it without amendment and submitted a report (No. 285) thereon.

Mr. WETMORE, from the Committee on Naval Affairs, to which was referred the bill (S. 4607) to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property, reported it without amendment and submitted a report (No. 286) thereon.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 1361) for the relief of John H. Dawe, submitted an adverse report (No. 287) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRADLEY, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 268), accompanied by a bill (S. 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

end twice by its title, the bill be wing pension bills heretofore references.

S. 41. Thomas Jefferson.

S. 48. Loyd D. Forehand.

S. 51. John F. Scofield.

S. 55. Leicester Walker.

S. 64. Wingate K. Wachtel.

S. 128. Abner F. Clement.

S. 132. Frank V. Marshall.

S. 153. Augustus L. Ward.

S. 154. John W. Mowrey.

S. 155. Edwin Totten.

S. 198. Henry J. Mullins.

S. 335. William H. Eagle.

S. 346. Edwards O. Dodge.

S. 356. Henry Yost.

S. 357. Israel Osman.

S. 371. William H. Harvey, jr.

S. 372. Charles H. Hushaw.

S. 382. Jane E. Norton.

S. 402. Louis J. Hinkley.

S. 486. Horace E. Hagar.

S. 520. Alexander Hogelan.

S. 520. Alexander Hogelan. S. 544. James Sexton.

S. 566. David Mills. S. 569. Edmond Gould. S. 572. Asbery Byrd. S. 601. Henry Shafer.

S. 610. Ferdinand Capansky. S. 611. Josiah Chatfield.

S. 619. David M. Harned. S. 766. Joseph Laws, S. 769. Martha A. Connor.

S. 770. Elihu Messer.

S. 781. John N. Cooter. S. 831. Hardy H. La Due.

S. 878. William Deary. S. 818. William Deary.
S. 911. Alonzo C. Neff.
S. 913. Louis Putoz.
S. 918. Perry B. Johnson.
S. 945. Allen Turner.
S. 950. Abram Ellis.
S. 995. Thomas M. Smith.

S. 1046. William C. Cook. S. 1047. John W. Teel. S. 1062. Julia Baldwin. S. 1105. Priscilla L. Howe.

S. 1111. George Heffen. S. 1112. Franklin Heffen.

S. 1116. William R. Harris. S. 1120. Jared C. Meek.

S. 1187. Lorentz Czarnezki,

S. 1188. John Bettner. S. 1190. William Eldridge. S. 1211. Ole A. Thompson. S. 1349. James J. Poyner.

S. 1352. Francis M. Foster.

S. 1489. William L. Morris. S. 1500. George W. Grisinger.

S. 1501. Charles W. Stratton. S. 1516. Charles F. Deivert.

S. 1518. Robert Bullen. S. 1533. Esto A. Makepeace.

S. 1545. Ellen Kirkpatrick.

S. 1621. John A. Wills. S. 1643. Lucien E. Kent.

S. 1676. Mary E. Putney. S. 1681. John W. Phillips.

S. 1685. George E. Wentworth.

S. 1700. Peter Schaddle. S. 1765: James Barr.

S. 1780. William K. Best.

S. 1882. Albert Raymond. S. 1883. Albert A. Loveland.

S. 1937. Walter S. McArthur, S. 1964. Albert H. Heath.

S. 1984. Alwilda Smith. S. 2073. George M. Roak. S. 2087. Charles E. Handy. S. 2159. Thomas C. Anderson.

S. 2182. Jane Murphy. S. 2200. William Emery.

S. 2200. William Emery.
S. 2201. Jesse W. Casteel.
S. 2206. Turner W. Bottom,
S. 2274. Austin B. Tobey.
S. 2320. William Walker.
S. 2460. Charles H. Jones,
S. 2466. Charles E. Abbott.
S. 2469. Joseph H. Dougherty.
S. 2479. Lyman C. Brown.
S. 2485. George W. McKain.
S. 2500. Robert E. Love.
S. 2501. Elias C. Burdick

S. 2501. Elias C. Burdick.

S. 2515. James H. Rogers (alias James H. Robinson). S. 2536. James W. Wilson. S. 2542. William Mulloy.

S. 2555. Philip Wining. S. 2569. Mirusa Rutherford.

8. 2569. Mirusa Rutherford. 8. 2593. Abraham Neidigh, 8. 2618. Frank A. Thurber. 8. 2620. Albert R. Austin. 8. 2632. Thomas J. Bulfinch, 8. 2633. Stewart Burright. 8. 2665. Leander W. Yost, 8. 2665. William Javall

S. 2000. Leander W. Yost, S. 2687. William Jewell. S. 2724. James E. Cooley. S. 2744. Joseph W. Eystra, S. 2745. William J. King. S. 2746. Stiles H. Wirts.

S. 2759. Hannah G. Edgar. S. 2812. Helen Hill Sanford.

S. 2834. Chastina E. Hawley.

S. 2836. John W. Yount. S. 2851. Byron A. Cole.

S. 2908. Marion Cunningham. S. 2919. William A. Limbocker.

S. 2921. Thomas J. Cason. S. 2926. Horace P. Tucker.

S. 2934. Azel W. Drake. S. 2965. Jushua Boreing.

S. 2965. Jushua Boreing.
S. 2990. Charles S. Hicks, jr.
S. 2995. Jehn E. Rosser.
S. 3015. George F. Sawin.
S. 3018. George Henry Welshman.
S. 3064. John Edwards.
S. 3086. Robert Harcourt.
S. 3131. Ira Flagg.
S. 3174. William H. Marshall.
S. 3193. Samuel P. Strahan.
S. 3208. William T. Kinerson.
S. 3209. George R. Waterman.
S. 3267. Elizabeth Otis.
S. 3287. George Treece.
S. 3311. John Dingee.

S. 3311. John Dingee. S. 3328. Harrison M. Reavis.

S. 3329. Patrick Daily. S. 3342. Lewis Walters.

S. 3385. Charles H. Stearns.

S. 3386. Samuel F. Wyman. S. 3387. John B. Lewis.

S. 3389. John H. Grandy. S. 3394. William Haas.

S. 3407. Alfred Denny S. 3425. Jesse K. Robbins. S. 3447. Niles H. Arnold. S. 3451. Ann E. Bundy. S. 3464. Gilman L. Eastman. S. 3472. Thomas Powers. S. 3485. Albert L. Washburn. S. 3494. Henry M. Goodell, S. 3495. Villars Larson. S. 3502. Henry M. Zellers. S. 3503. George L. Prentice. S. 3518. Laura V. Geissinger. S. 3538. William R. Schaffer. S. 3562. Samuel F. Patterson. S. 3655. Maria L. Miller. S. 3657. Matthew O'Halloran. S. 3704. Moses E. Kimball. S. 3705. Henry H. Bailey. S. 3707. Aaron Page. S. 3732. Hillery A. McVicker. S. 3791. Frank Fischer. S. 3854. Thomas M. Jackson. S. 3865. Ellen Fish Biddle. S. 3935. Joseph Lewis. S. 3938. George A. Pease. 4143. Robert Paisley. S. 4167. John C. Napier. 4183. William Bowzer. S. 4184. Ira L. Wescott. 4216. Leander J. Beals. S. 4307. John L. Perry. S. 4316. Julia R. Wood. S. 4317. Emilie M. Boyle. S. 4342. Caleb S. Bigham. S. 4448. Sally Ann Bradley. S. 4474. Frank Gardner. S. 4501. Josephine Robb. S. 4567. George H. Garnett. S. 4590. John W. Bruner. S. 4595. Calvin W. H. Smith. S. 4601. Charles W. Ammerman. S. 4609. Joseph H. Newton.

S. 4615. James D. Pearce. S. 4659. Oliver D. Browning.

S. 4683. Otho Lock. S. 4702. Joseph B. Harris.

S. 4738. Franklin E. Sawyer. S. 4812. Margaret Ann Taylor. Mr. STEPHENSON, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4455. A bill to provide for the establishment of additional aids to navigation at Ashland, Wis. (Rept. No. 288); and

S. 4242. A bill to authorize the establishment of aids to navi-

gation at Oconto Harbor, Wis. (Rept. No. 289).

Mr. CRAWFORD, from the Committee on Commerce, to which was referred the bill (S. 4432) to provide for the construction of a light and fog-signal station and for improving the aids to navigation at Lorain Harbor, Ohio, reported it without amendment and submitted a report (No. 290) thereon.

Mr. BURTON, from the Committee on Commerce, to which were referred the following bills, reported them each without

amendment and submitted reports thereon:

S. 4434. A bill to provide for removing, reconstructing, and improving the fog-signal station at Cleveland, Ohio (Rept. No.

S. 4433. A bill to provide for rearranging, rebuilding, and imroving the aids to navigation at Ashtabula Harbor, Ohio Rept. No. 292).

(Rept. No. 292).

Mr. POMERENE, from the Committee on Pensions, to which was referred the bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 293)

He also, from the same committee, to which was referred the bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Nav and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 294) thereon.

Mr. THORNTON, from the Committee on Naval Affairs, to

ports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 2226. A bill to create in the Navy Department a board to

correct naval records (Rept. No. 295); and

S. 3752. A bill directing that the charge of desertion standing against the name of George F. Stedman be removed (Rept. No.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 4306) to provide for the disposition of pensions due inmates of the Naval Home, reported it without amendment and submitted a report (No. 297) thereon.

He also, from the same committee, to which was referred the bill (S. 2235) to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps or for four years in the naval auxiliary service, reported it with amendment and submitted a report (No. 298) thereon.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 2037) to provide for the erection of a monument on the battle field of Gettysburg to commemorate the services of the United States Signal Corps during the War of the Rebellion, reported it without amendment and submitted a report (No. 299) thereon.

LEASE OF SCHOOL LANDS IN WASHINGTON.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 2577) authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years, and I submit a report (No. 271) thereon. It is a bill of a few lines, and I ask for its present consideration.

The VICE PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON PRINTING HEARINGS AND RECOMMITAL OF THE PRINTING BILL.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 199, submitted by the Senator from Delaware [Mr. Richardson] January 30, to report it favorably without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as fellows:

Resolved. That the Committee on Printing, or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer eaths, to employ stenographers from time to time to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the sessions of the Senate.

Mr. CULBERSON. I ask the Senator in charge of the resolution what is the emergency or the necessity for this inquiry? Mr. BRIGGS. I will let the chairman of the Committee on Printing answer.

Mr. SMOOT. I will say

Mr. CULBERSON. I addressed my question to whoever has charge of the matter. I did not know who presented the reso-

Mr. BRIGGS. I made the report. The urgency consists in the fact that hearings have been asked on the proposed new printing law. The committee, I understand, have already had hearings, and they desire prompt action in order that they may proceed with their work.

Mr. CULBERSON. I have no objection to the resolution, with

that explanation.

Mr. BROWN. I have no objection to the resolution, but I should like to inquire from the chairman of the Committee on Printing as to the hearing that is provided for in the resolution, Is it supposed to furnish a basis for the bill that he brought into the Senate the other day and tried to get the Senate to

Mr. SMOOT. In answer to the Senator from Nebraska, I will state that the Plate Printers' Union desired a hearing on the printing bill before the Committee on Printing. that hearing and we held our first meeting. We did not expect that the witnesses would be sworn, and the committee had no authorization to swear them, but the attorney for the plate printers desired that the witnesses be sworn. We simply came into the Senate with a resolution and asked the Senate for which were referred the following bills, submitted adverse re- authority to swear witnesses and to pay the expenses of the

stenographers for reporting the hearings out of the contingent fund of the Senate. That is the only item that we have in mind.

Mr. BROWN. I congratulate the chairman of the Committee on Printing in at last providing for an agency by which they may investigate the facts on which to rest the bill. I was surprised the other day to find my good friend from Utah insisting on taking up the bill when there had been no hearing at all on the proposition. I do not yet understand how it was possible for the chairman of the Committee on Printing to bring in a bill with a provision which revolutionizes the entire system and policy of the Government without having had a hearing and without his committee having had some authority to summon

witnesses and take testimony.

Mr. REED. Mr. President, I wish to inquire of the Senator from Utah if the bill which has been reported to the Senate, and which he now proposes to investigate, has been recommitted to

Mr. President, it has not been recommitted, but Mr. SMOOT. that would not preclude a hearing if the committee desired it. It is upon this question that the hearing will be had.

In answer to the Senator from Nebraska, wherein he states that there has been no hearing, I do not want to have any mis-understanding with him or with the country, and I will state that if the Plate Printers' Union had asked a hearing of the committee it would have been granted to them just as willingly at any time before the bill was reported to the Senate as it was granted after the bill was reported here. I am not going to find any fault or make any criticism. I stated at the opening meeting the other day to the representatives of the Plate Printers' Union that they could have all the hearings they want, and that there should be no one excluded from giving whatever testimony he wants, and, Mr. President, I feel that way now.

Mr. REED. Mr. President, it strikes me as an anomaly to have a bill reported to the Senate and, while the bill is pending in the Senate, for the committee, which is in duty bound to pass upon the merits of the bill, to then take evidence, with the bill no longer before the committee.

Mr. President, will the Senator from Mr. GALLINGER. Missouri permit me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Yes, sir. Mr. GALLINGER. I chance to be a member of the Committee on Printing. I have felt all along that it would have been better to have had these hearings in the first instance; and I feel so now. I suggest to the Senator from Missouri, so far as I am concerned, and I think the other members of the committee will agree with me in this matter, that the bill may well be recommitted to the committee for further consideration. Mr. SMOOT. Mr. President-

Mr. GALLINGER. I think the chairman will make that

Mr. SMOOT. I am perfectly willing that the bill shall be recommitted to the committee. The committee has no desire whatever to do other than to give every man a hearing who wishes to be heard. Mr. President, I move that the bill be recommitted to the Committee on Printing.

Mr. REED. I have the floor.

The VICE PRESIDENT. The Senator from Missouri retains the floor.

Mr. REED. I merely want to conclude my remark. What I wanted to say is that I was not in the least attempting to criticize the committee, but in view of the fact that they are going to have hearings, they ought to have the subject matter before the committee upon which the hearings are to be held, and it ought not to be prejudged by a report already made. was about to say that I thought the proper course would be to have the bill recommitted, and I think that request would be properly made by the chairman of the committee.

Mr. SMOOT. I want to say that this is a proceeding which is constantly had in the Senate, and I have no objection to a recommittal of the bill. Therefore, Mr. President, I move that Senate bill 4239, Order of Business 173, be recommitted to the Committee on Printing.

The VICE PRESIDENT. The Senator from Utah asks unanimous' consent that the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications be recommitted to the Committee on Printing.

Mr. BROWN. I do not make any objection, because I understand by the motion of the Senator from Utah the bill is to go back to the Committee on Printing. The bill as reported is entitled "A bill to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Gov-

ernment publications." My recollection is that subject was intrusted to a joint committee to codify and revise the printing laws of the country and never was committed to the efforts of the Printing Committee of the Senate.

I will suggest further to the Senator, so long as he seems willing now to have things take their proper course, why should not this subject with reference to the engraving and printing of the currency be referred to the Committee on Finance? That is the committee that always has had jurisdiction. The Printing Committee never on earth before investigated that subject. Reports on it heretofore have been made always by the Committee on Banking and Currency in the House and by the Committee on Finance here. It seems to me that that part of the bill ought to be referred to the Committee on Finance.

Mr. FLETCHER. Mr. President, I wish to suggest to the Senator from Nebraska that this bill has not been reported without consideration, nor investigation or hearing. months past the committee has been engaged in investigating the matters involved in the bill. The bill is the result of their investigation and has had consideration. The committee had experts before it and went into the whole subject of public printing, and it is a mistaken idea of the Senator that the bill was reported without any sort of investigation or hearing. have been practically for six months or more engaged in that work.

Mr. BROWN. I understood the chairman of the committee to say that no testimony had been taken on this subject of currency printing. He comes in here now and confesses by his motion to recommit that his committee has had no power to summon witnesses or produce papers, and he now asks that power from the Senate. Of course he ought to have it, and he ought to have had it before.

Mr. SMOOT. As I stated before, we have had hearings on this question, but the witnesses were not subpenaed. They were not under oath, but they gave their testimony to the committee. The representatives of the printers' union wanted to have the witnesses sworn before they testified, and the committee granted their request. It is for that purpose that this resolution has been brought before the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and the bill is recommitted to the Committee on Printing.

Without objection, the resolution reported by the Senator from New Jersey [Mr. Briggs] is agreed to.

HEARINGS BEFORE THE COMMITTEE ON INDUSTRIAL EXPOSITIONS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 181, submitted by Mr. Root January 11, 1912, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Industrial Expositions be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON PENSIONS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 192, submitted by Mr. McCumber January 22, 1912, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Pensions, or any subcommittee thereof, be authorized to send for persons and papers, and to administer oath, and to employ from time to time a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

ATCHAFALAYA ENTRANCE CHANNEL, LA.

Mr. NEWLANDS. I am directed by the Committee on Commerce, to which was referred the bill (S. 4367) to provide for the establishment of aids to navigation in Atchafalaya Entrance Channel, La., to report it without amendment and submit a report (No. 267) thereon. I call the attention of the Senator from Louisiana [Mr. Thornton] to the report.

Mr. THORNTON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$35,000 to establish aids to navigation in Atchafalaya Entrance Channel, La., at a cost not to exceed \$35,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO, MILWAUKEE & PUGET SOUND RAILWAY CO.

I am directed by the Committee on Military Affairs, to which was referred the bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, to report it without amendment, and I submit a report (No. 265) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to make and execute a lease to the Chicago, Milwaukee & Puget Sound Railway Co., a corporation of the State of Washington, of a tract of land lying in the Fort Keogh Military Reservation, in the State of Montana, containing an approximate area of 40 acres, lying northerly of the right of way now owned by the railway company, granted by the act approved May 11, 1906, and also a right of way not exceeding 50 feet in width extending from the present right of way at a point near the westerly boundary of the reservation in an easterly and northeasterly direction to the tract, a distance of approximately 3½ miles, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

PROFESSOR OF MATHEMATICS IN THE NAVY.

Mr. THORNTON. I am directed by the Committee on Naval Affairs, to which was referred the bill (S. 2654) providing for the appointment of an additional professor of mathematics in the Navy, to report it without amendment, and I submit a report (No. 266) thereon. I will state that a similar bill passed both Houses in a previous Congress, but too late to be signed by the President. I ask unanimous consent for the

present consideration of the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President, by and with the advice and consent of the Senate, to appoint one additional professor of mathematics in the Navy, who shall be an extra number in the corps of professors of mathematics, and who shall, when appointed, take rank at the foot of the list of officers in said corps. Such appointment may be made when the proposed appointee shall be found mentally, morally, and physically qualified therefor, and shall also establish professional fitness, in such manner as the Secretary of the Navy may prescribe, as an instructor in the Spanish language, and the appointment authorized shall be held and considered as filling the next vacancy among the regular members of the corps when such vacancy occurs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS AND JOINT DESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RAYNER:

A bill (S. 4962) for the relief of Peter C. Haines, jr.; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 4963) to regulate the construction and operation of elevators in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 4964) granting an increase of pension to John W.

Page: to the Committee on Pensions.

By Mr. KERN:

bill (S. 4965) granting an increase of pension to Andrew J. Merrill (with accompanying papers); to the Committee on

By Mr. WATSON:
A bill (S. 4966) granting honorable discharge from the Army to Jacob Whipkey; to the Committee on Military Affairs.
A bill (S. 4967) for the relief of the estate of Henderson

Sturm, deceased; to the Committee on Claims.

A bill (S. 4968) granting an increase of pension to Samuel

Oliver (with accompanying paper);
A bill (S. 4969) granting an increase of pension to Charles

Eads (with accompanying papers);

A bill (S. 4970) granting a pension to Sue E. Madden (with accompanying paper); and

A bill (S. 4971) granting a pension to Sarah Jane Wilson; to the Committee on Pensions.

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 4972) to authorize and empower the Public Health and Marine-Hospital Service to collect, maintain, and make available plans and descriptive matters relative to hospitals, asylums, dispensaries, and like institutions, and make provision therefor; to the Committee on Public Health and National Quarantine.

By Mr. MARTINE of New Jersey: A bill (S. 4973) authorizing the President to appoint Rudolph Ullmer a first lieutenant on the retired list; to the Committee on Military Affairs.

By Mr. POMERENE:

bill (S. 4974) granting an increase of pension to Albert Fletcher (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:
A bill (S. 4975) granting a pension to Henrietta S. Hodgdon (with accompanying paper); and
A bill (S. 4976) granting a pension to Charles W. Spencer

(with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 4977) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur or his heirs or executors or administrators such sum of money as he may be justly and equitably entitled to; to the Committee on Claims.

A bill (S. 4978) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890; to the Committee on Commerce.

Mr. SMITH of South Carolina:

A bill (S. 4979) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture and Forestry.

By Mr. SIMMONS:

A bill (S. 4980) for the relief of John A. Norris; to the Committee on Claims.

A bill (S. 4981) granting an increase of pension to Annie E. Millikin;
A bill (S. 4982) granting an increase of pension to James

Lewis (with accompanying papers);
A bill (S. 4983) granting an increase of pension to Samuel

Randolph (with accompanying papers); and

A bill (S. 4984) granting an increase of pension to Levi N. Lunsford (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN: A bill (S. 4985) to provide for the purchase of a site and for the erection of a public building thereon at Klamath Falls. Oreg. (with accompanying papers); to the Committee on Public Building and Grounds.

By Mr. CHILTON:

A bill (S. 4986) for the relief of J. R. Clifford; to the Committee on Claims.

A bill (S. 4987) granting an increase of pension to Isaac Comer

A bill (S. 4988) granting an increase of pension to John Bachtler;
A bill (S. 4989) granting an increase of pension to Joseph

Letzkus;

A bill (S. 4990) granting an increase of pension to George Windings A bill (S. 4991) granting an increase of pension to Amos

Hoy; A bill (S. 4992) granting an increase of pension to John

Gordon; and

A bill (S. 4993) granting a pension to John D. Pearson; to the Committee on Pensions.

By Mr. NEWLANDS:

bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires; to the Committee on Public Lands.

By Mr. CURTIS (for Mr. CLAPP) (by request):

A bill (S. 4995) for the relief of the Oneida Indians residing in the State of Wisconsin; and

A bill (S. 4996) authorizing the Secretary of the Interior to make allotments to certain Oneida Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRADLEY:

(By request.) A bill (S. 4997) establishing a national park to be known as Mammoth Cave National Park and to appropriate money therefor (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 4998) to renew and extend certain letters patent;

to the Committee on Patents.

By Mr. DIXON:

A bill (S. 4999) for the relief of Francis M. Malone (with accompanying papers); to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 5000) granting an increase of pension to Oliver Jones; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5001) for the relief of Edmund F. Steckel; A bill (S. 5002) to grant an honorable discharge to William A. Shawda; and

A bill (S. 5003) to grant an honorable discharge to Amos Gaul (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5004) granting a pension to Dallas Mills; A bill (S. 5005) granting a pension to Ella V. Temple;

A bill (S. 5006) granting an increase of pension to John

Chalmers (with accompanying papers); and A bill (S. 5007) granting an increase of pension to John D.

Sullivan (with accompanying papers); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 5008) for the relief of the estate of Emily A. Auten and others: to the Committee on Claims.

By Mr. JONES:

A bill (S. 5009) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon Trail; to the Committee on the Library.

A bill (S. 5010) to provide a site and erect a public building at Blaine, Wash.; to the Committee on Public Buildings and

Grounds

By Mr. SHIVELY:

bill (S. 5011) granting an increase of pension to Morgan M. Mills;

A bill (S. 5012) granting an increase of pension to Jackson

Truit (with accompanying papers); and

A bill (S. 5013) granting an increase of pension to Louis M. Lea (with accompanying papers); to the Committee on Pensions

By Mr. BRANDEGEE:

A bill (S. 5014) granting an increase of pension to George W.

A bill (S. 5015) granting an increase of pension to Theodore E. Smith; and

A bill (S. 5016) granting an increase of pension to Susan M. Parkhurst; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5017) granting a pension to William Jobe (with accompanying papers);

A bill (S. 5018) granting an increase of pension to Mary

Crowder (with accompanying papers)

A bill (S. 5019) granting a pension to Charles Pollard (with accompanying papers);
A bill (S. 5020) granting an increase of pension to Amos

Spangler (with accompanying papers);

A bill (S. 5021) granting an increase of pension to W. E. Puett (with accompanying papers);

A bill (S. 5022) granting a pension to Catherine Anna Ringhiser (with accompanying papers);

A bill (S. 5023) granting a pension to Joseph Autrem (with accompanying papers);

A bill (S. 5024) granting a pension to Harriet L. Fisher; A bill (S. 5025) granting an increase of pension to B. T.

Sawrey (with accompanying papers); A bill (S. 5026) granting an increase of pension to Cal K.

Shoemaker (with accompanying papers);

A bill (S. 5027) granting a pension to Mary Dietrich (with accompanying papers);

A bill (S. 5028) granting an increase of pension to Isaac H. Robbins (with accompanying papers);

A bill (S. 5029) granting an increase of pension to Virgil M.

Halloman (with accompanying papers);
A bill (S. 5030) granting an increase of pension to Sylvester
H. Gaskill (with accompanying papers);
A bill (S. 5031) granting an increase of pension to Cornelius

Cline (with accompanying papers);

A bill (S. 5032) granting an increase of pension to Hugh K. Godding (with accompanying papers);

A bill (S. 5033) granting an increase of pension to Israel H. Philips (with accompanying papers);

A bill (S. 5034) granting a pension to William Kennedy (with accompanying papers);

A bill (S. 5035) granting an increase of pension to Mary I. Stauber (with accompanying papers);

A bill (S. 5036) granting an increase of pension to Francis M. Jones (with accompanying papers);

A bill (S. 5037) granting an increase of pension to Michael Ingram;

A bill (S. 5038) granting an increase of pension to John H. Young

A bill (S. 5039) granting an increase of pension to W. W.

Palmer; and A bill (S. 5040) granting an increase of pension to Lyman

Bennett; to the Committee on Pensions.

A bill (S. 5041) to correct the military record of Matt Mc-

Donald (with accompanying papers);
A bill (S. 5042) to correct the military record of Daniel

A bill (S. 5043) to correct the military record of F. J. Andress; to the Committee on Military Affairs.

A bill (S. 5044) for the relief of Christ Schrey (with accompany) to the Committee on Claims.

panying papers); to the Committee on Claims.

By Mr. CRANE:
A bill (S. 5047) for the relief of Sardine G. Williams and others (with accompanying papers); to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 5048) for the relief of Mary A. Molloy, sole heir of Thomas N. Molloy, deceased, late United States consul at St. Johns, Newfoundland (with accompanying papers); to the Committee on Claims.

By Mr. LODGE:

A joint resolution (S. J. Res. 73) to grant American citizenship to Eugene Prince; to the Committee on Immigration.

By Mr. SMITH of South Carolina:

joint resolution (S. J. Res. 74) for an exhibit at the Fifth National Corn Exposition at Columbia, S. C.; to the Committee on Agriculture and Forestry.

VOLUNTEER FORCES OF THE UNITED STATES.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war, which was ordered to lie on the table and be printed.

ALLOWANCE OF CLAIMS.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) for allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, which was referred to the Committee on Claims and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was referred to the Committee on Immigration and ordered to be printed.

RIVER AND HARBOR IMPROVEMENTS IN WASHINGTON.

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 12), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to submit, as early as practicable, an estimate of the cost of enlarging the present project by deepening the channel of Willapa River and Harbor from Raymond, Wash., to the sea, so as to secure a depth of 24 feet at mean

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 13), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to submit, as early as practicable, an estimate of the cost of dredging a strip of land separating Padilla Bay from Saratoga Passage, so as to obtain a suitable channel for navigation, as well as an estimate of the cost of improving the Cap Sante waterway, at Anacortes, Wash.

COMMITTEE ON FINANCE.

Mr. NEWLANDS. I offer the resolution I send to the desk. The VICE PRESIDENT. The Senator from Nevada offers a resolution, which will be read.

The Secretary read the resolution (S. Res. 202), as follows: Whereas the Finance Committee of the Senate as at present organized is not in harmony with the views of the Senate regarding tariff legislation:

*Resolved**, That two additional members be added to the Finance Committee, one to be selected by the Progressive Republicans and one by the Democrats.

Mr. GALLINGER and Mr. LODGE. Let it go over.

The VICE PRESIDENT. The Chair thinks it is liable to give rise to debate.

Mr. NEWLANDS. I simply desire to announce that I would like to have the resolution lie on the table, and that I will bring it up for consideration at an early date.

Mr. GALLINGER. Some of us were taken by surprise when

Mr. NEWLANDS. For the word "legislation" substitute "reduction." I had the impression that the copy I sent to the desk was all right.

The VICE PRESIDENT. The resolution will again be read. The Secretary read as follows:

Whereas the Finance Committee of the Senate as at present organized is not in harmony with the views of the Senate regarding tariff

reduction:

Resolved, That two additional members be added to the Finance Committee, one to be selected by the progressive Republicans and one by the Democrats.

The VICE PRESIDENT. The Senator from Nevada asks that the resolution be printed and lie on the table. Without objection, that course will be taken.

REPORT OF THE POSTMASTER GENERAL.

Mr. PENROSE. I submit, for reference to the Committee on Printing, a resolution authorizing the printing of extra copies of the report of the Postmaster General.

The resolution (S. Res. 204) was read and, with the accompanying paper, referred to the Committee on Printing, as

Resolved, That there be printed and delivered to the Committee on Post Offices and Post Roads 20,000 copies of the Annual Report of the Postmaster General of the United States for the fiscal year ended June 30, 1911.

STREET CAR LINES IN THE DISTRICT.

Mr. GALLINGER submitted the following resolution (S. Res. 200), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia are hereby directed to communicate to the Senate, at as early a day as practicable, their views as to the necessity of establishing additional street car lines in the District, the routes over which they should be built, and whether they should be extensions of existing lines or independent companies, with blue prints accompanying.

WITHDRAWAL OF PUBLIC LANDS.

Mr. DIXON. I offer a resolution and ask for its present consideration.

The VICE PRESIDENT. The resolution will be read

Resolved, That the Secretary of the Interior be, and he is hereby, directed to submit to the Senate as early as practicable, a statement of the number of acres of public land withdrawn by Executive order or otherwise in the State of Montana under the provisions of the acts of Congress approved June 22, 1910, and June 25, 1910, and for what purposes such withdrawals have been made; also what amount of land so withdrawn for classification, if any, has been classified and restored to entry; and when, in his judgment, the remainder of these withdrawn lands will be classified and restored to the operations of the public-land laws. The Secretary read the resolution (S. Res. 201), as follows:

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to call the attention of the Senator from Montana to the fact that the Secretary has already submitted such a report, and he will find it in Document No. 317, House of Representatives. It covers not only the lands in Montana, but in all the other States of the Union.

Mr. DIXON. My attention has just been called to the letter of the Secretary, under date of December 8, and I notice that in the statement submitted by the Secretary there is included only a list of lands withdrawn. The resolution I have just submitted calls on the Secretary for information as to lands that have been classified. We know the amount of lands that have been withdrawn. This document conveys no information that was not open to practically every Member of the Senate before. The resolution I have submitted asks the Secretary to submit information regarding the State of Montana alone. This document shows that about 18,000,000 acres have been withdrawn, but it does not show the number of acres classified. Eighteen months have elapsed since then, and, as we understand, no classification has been made. But all these lands have been

withheld from entry.

Mr. GRONNA. I ask the Senator from Montana if he has any objection to including North Dakota?

Mr. DIXON. I should be very happy to have North Dakota

The VICE PRESIDENT. The Chair assumes that no Senator objects to the present consideration of the resolution, and the amendment will be stated.

The Secretary. After the word "Montana" insert "and North Dakota."

Mr. SMOOT. I am not going to object to the consideration of the resolution, but I simply want to understand it. I understand that the resolution is based upon the withdrawal act, wherein the Secretary was instructed to make reports annually of the lands withdrawn.

Mr. DIXON. We know how much land has been withdrawn, but we want to know how much has been classified.

Mr. SMOOT. I have no objection to the resolution. Mr. BORAH. I should like to suggest an amei I should like to suggest an amendment to include Idaho.

The VICE PRESIDENT. The Senator from Idaho offers

an amendment, which will be stated.

The Secretary. Strike out "and," before the words "North Dakota," and insert, after "North Dakota," "and Idaho."

The amendment was agreed to.
Mr. GAMBLE. I offer an amendment to include also the
State of South Dakota.

The VICE PRESIDENT. The Senator from South Dakota offers an amendment, which will be stated.

The Secretary. Insert, after "Idaho," the words "and South Dakota."

The amendment was agreed to.

Mr. DIXON. The chairman of the Committee on Public Lands suggests that the resolution be amended so as to include all the public-land States.

Mr. SMOOT. All of the States that have lands withdrawn? Mr. DIXON. All of the States that have lands withdrawn. I will include that.

The VICE PRESIDENT. Will the Senator suggest how he wants to have the resolution amended?

Mr. SMOOT. So as to include all of the States that have public lands in them.

Mr. DIXON. That will include many.
The VICE PRESIDENT. The Secretary will state the amendment.

The Secretary. After the words "South Dakota" insert the words "and all other States in which public lands have been withdrawn.'

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. Without objection, the amendments presented are agreed to and the resolution as amended is agreed to.

Mr. HEYBURN. The resolution should be further amended. I suggest that we simply strike out all of the enumerated States

and make it general.

The VICE PRESIDENT. Is there objection to the amendment? The Chair hears none. The resolution as thus amended is agreed to.

The resolution as agreed to is as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to submit to the Senate, as early as practicable, a statement of the number of acres of public land withdrawn, by Executive order or otherwise, in all the States in which public lands have been withdrawn under the provisions of the acts of Congress approved June 22, 1910, and June 25, 1910, and for what purpose such withdrawals have been made: also what amount of land so withdrawn for classification, if any, has been classified and restored to entry; and when, in his judgment, the remainder of these withdrawn lands will be classified and restored to the operation of the public-land laws.

EVERGLADES OF FLORIDA.

Mr. BRYAN (for Mr. Fletcheb) submitted the following resolution (S. Res. 203), which was read and referred to the Committee on Printing:

Resolved, That there shall be printed 4,800 additional copies of Senate Document No. 89, Sixty-second Congress, second session, entitled "Everglades of Florida," 2,000 copies of which shall be for the use of the Senate document room and 2,800 copies of which shall be placed on sale by the superintendent of documents.

CLAIMS OF PONCA INDIANS.

Mr. GAMBLE. I move that the bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States, being Order of Business 196, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

UNIVERSAL PEACE MOVEMENT (S. DOC. NO. 289).

Mr. STONE. Mr. President, I have in my hand a speech delivered at the peace banquet held at the Hotel Waldorf-Astoria, December 30, 1911, by Hon. Charles A. Towne, formerly a mem-ber of this body. Mr. Towne is one of the most erudite and accomplished gentlemen I know, as well as one of the most forceful writers and eloquent speakers. I do not agree with some things in this speech, but it is a very forceful presentation of the views of those who are advocating the movement now being made in favor of universal peace. I ask the Senate to allow the speech to be printed as a public document. I will not ask that the speech be printed in the RECORD, for I understand that it has been pretty generally determined that speeches made on the outside are not going in the RECORD, and hence I have not asked it.

Mr. GALLINGER. That is a good understanding, if it has

been reached.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so

HOUSE BILL REFERRED.

H. R. 12623. An act to incorporate the American Numismatic Association was read twice by its title and referred to the Committee on the District of Columbia.

WEYMOUTH BACK RIVER BRIDGE, MASS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts, which were, on page 1, line 11, after the word "Massachusetts," to strike out all down to and including the word "County," in line 13, and to insert "the Commonwealth of Massachusetts and the counties of Plymouth and Norfolk"; on page 2, line 2, to strike out "fifty" and insert "fifteen"; on page 2, line 3, to strike out "one-half" and insert "one-third"; and on page 2, line 4, after the word "bridge," to insert "as many he accordained by the Scandard William. may be ascertained by the Secretary of War.

Mr. LODGE. I move that the Senate concur in the amend-

ments of the House of Representatives.

The motion was agreed to.

GENERAL ARBITRATION TREATIES.

Mr. BURTON. I desire to give notice that on Tuesday next, after the completion of the routine business, I shall seek to address the Senate on the pending arbitration treaties.

Mr. LODGE. Mr. President, I rise for the purpose of asking the Senate to proceed to the consideration of the arbitration treaties as in open executive session. I do not know whether or not any Senator is prepared to go on to-day, but I wish to ask the Senate to fix a day for a vote on those treaties. There are many Senators who desire to speak upon them. They are very important measures; and while I have not the slightest desire to press unduly for a vote, unless some agreement is made as to time, the speeches will not be made-

Mr. HEYBURN. Mr. President, allow me-

Mr. LODGE. And therefore, representing the committee, I shall be forced to ask the Senate to remain in session, and to press the treaties from day to day as a bill is pressed, which it seems to me is not a desirable method.

Mr. HEYBURN. Mr. President-

Mr. LODGE. I yield to the Senator from Idaho.
Mr. HEYBURN. I rose merely to say, as a point of order, that this motion is not properly presented in legislative session. Mr. LODGE. I move that the Senate proceed to the consid-

eration of the treaties in open executive session.

The motion was agreed to.

Mr. LODGE. Now, I renew the request. I ask the Senate to fix a day on which a vote shall be taken on the treaties. It is the only way I know of by which speeches can be made and the treaties brought to a vote.

I do not wish to discommode Senators by pressing the matter day in and day out and thus preventing adjournments over.

Mr. CULLOM. I was about to ask unanimous consent that a vote be taken on one of the last days of next week.

Mr. STONE. Do you mean a vote on the peace treaties?

Mr. CULLOM. Yes.
Mr. STONE. I think that is rather sudden.
Mr. CULLOM. I suggest to the Senator that he himself suggest a date.

Mr. STONE. I think there are several Senators who desire to be heard.

Mr. LODGE. I know there are.
Mr. CULLOM. I do not know who they are.
Mr. STONE. I am in sympathy with the effort to bring the matter to a vote.

Mr. LODGE. Let the Senator from Missouri suggest a day. Mr. CULLOM. I made the request for unanimous consent merely to bring out a suggestion as to a day. I do not know whether anybody wants to speak on the treaties.

Mr. STONE. I think, Mr. President, since the chairman of the Committee on Foreign Relations and the Senator from Massachusetts, who signed the majority report, have made the statements they have made before the Senate this morning, it might be well for us to leave it where it is, without attempting just now to fix a date, for enough has been said to call the attention of the Senate to the desire of the Committee on Foreign Relations to bring these treaties to a vote at an early

Why would it not be well, therefore, to let the matter day. run a few days and then try to fix a day?

Mr. CULLOM. So far as I have observed, the longer we let a subject run the less anyone takes an interest in it. What I want to do, and what my colleague on the committee wants to do, is to call the attention of the Senate to the situation in the hope that we may come to some definite understanding as to when we will take a vote. That is all either one of us wants to do, I think. If the Senator from Missouri will say that the 20th of this month or the last of this month will suit him, we will agree to it.

Mr. STONE. Personally, I am not very particular. I desire to say something myself; but I can do that at almost any

Mr. CULLOM. What would the Senator think about Thursday, the 22d of this month? That is Washington's Birthday.

Mr. HEYBURN. Not on that day.
Mr. GALLINGER. Say, Wednesday the 21st.
Mr. LODGE. I suggest the 21st.
Mr. CULLOM. What does the Senator think of either the 21st or the 23d of February?

Mr. STONE. That is satisfactory to me.
Mr. CLARKE of Arkansas. Why not the first week in
March—any day in the first week in March? Any day the Senator from Massachusetts may select in the first week in March will be satisfactory to some of us.

Mr. LODGE. I will then substitute the 5th day of March. Mr. CULLOM. Will that be satisfactory?

Mr. STONE. It is satisfactory to me.
Mr. LODGE. I ask unanimous consent that the vote on the treaties be taken on Tuesday, the 5th of March, before adjournment on that legislative day, and on all amendments pending or to be offered, of course.

The VICE PRESIDENT. Is there objection to the request

of the Senator from Massachusetts?

Mr. BACON. I understand the Senator to say on that legis-

Mr. LODGE. I said on that legislative day. I think it is a very bad way of arranging it, but I do not suppose I can get it otherwise.

Mr. HEYBURN. It occurs to me we ought not to include a vote on amendments, under the peculiar circumstances surrounding this treaty, on the same day we are required to vote on the treaty. There are a number of Senators who will be governed as to how they will vote on the treaty by the fate of the amendments.

Mr. LODGE. There is only one amendment pending to the

treaty. The amendments are to the resolution of ratification, and thus I make it that we shall vote on the resolution of rati-

fication and all amendments pending on that day.

Mr. HEYBURN. I will inquire, Does that preclude the voting on amendments to the resolution before that time?

Mr. LODGE. Certainly not.

Mr. HEYBURN. It would under the ordinary rule of unanimous consent, because under the ordinary rule of unanimous consent you can not vote on an amendment or the subject to be voted on until the time fixed for voting.

Mr. LODGE. I have said all amendments pending and to be hereafter offered. That is part of my request. But the amendments to the treaty are one thing and the amendments to the resolution are another. Of course, the only vote on the treaties is the vote on the resolution.

Mr. HEYBURN. I understand that. Mr. LODGE. When I said amendments I meant amendments to the treaty or amendments to the resolution, of course, and I

supposed that was understood.

Mr. HEYBURN. I was attracted by the statement of the Senator that the vote would be on the treaty and then that there was only one amendment pending. If my recollection serves me, there are five amendments to the resolution.

Mr. LODGE. Certainly.
Mr. HEYBURN. I had them on my desk this morning.

Mr. LODGE. There are five.

Mr. HEYBURN. Each of those amendments is of some importance.

Mr. LODGE. Of very great importance. Mr. HEYBURN. And if they were disposed of in one way then Senators might want time enough to gather themselves together and determine what they would do in the next step. The amendments to the resolution change, if adopted, the entire character of these treaties. There are three of them to which you might apply the statement that if they are adopted they change the character of the trenty. The others are of minor importance. After disposing of the first amendment that may be voted upon there should be time enough to

consider what action a Senator should take before being compelled to vote upon another. The last vote will be upon the resolution as amended.

Mr. LODGE. Unquestionably.

Mr. HEYBURN. There should be a lapse of time between the disposal of the amendments and the time when the vote is to be taken. It is too important a question to put through without anything less than the most thorough and careful consideration. I am speaking for myself. I have it in my mind that if those amendments were not adopted I would pursue one course of action. If those amendments were adopted, I would, perhaps, take an entirely different stand in the matter. I hesitate to be foreclosed against the discussion of the treaty, should it not be amended, by the brief time and the conditions under which one must dispose of the question in his own mind.

In my judgment, the amendments to the resolution should be disposed of a week prior to the time when we vote on the If this were an ordinary matter of legislation resolution. which we could repeal to-morrow it would be easy. In my judgment, it is the gravest crisis that has arisen in the civil affairs of this Government in its history.

I feel strongly enough about it to justify myself in saying that unless we can arrange it so that a time may elapse between the disposition of the amendments and the vote upon the resolution, I would decline to give my consent to fixing a time. I am ready to go on with this matter now, so far as I am concerned, but my observation in this body has been to the effect that when you fix a day to vote there will be very scant consideration given to the question in the meantime. would rather have the Senator hold us right up, if he may and can, to the consideration of it, and we might vote within a week.

Mr. CUMMINS. Mr. President-

The VICE PRESIDENT. Does the Senator from Massa-chusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly; I yield to the Senator from Iowa. Mr. CUMMINS. I desire to suggest to the Senator from Massachusetts that the unanimous-consent agreement, if made, should differentiate between amendments to the treaty and amendments to the resolution. It is obvious that the proposed amendment to the treaty should be considered and disposed of first, because the conclusion we may reach with regard to the amendments to the treaty or treaties might very greatly change the character and form of the resolution of ratification.

I shall offer before the time comes certain amendments to the treaties themselves, for I stand for a plain, simple, and unqualified resolution, when we have amended the treaties as I think they ought to be amended. I hope, therefore, the Senator will propose the unanimous-consent agreement so that the amendments to the treaties will be voted upon before the resolution of ratification.

Mr. LODGE. Then, I will propose that the vote on amendments to the treaty be taken on February 29; that the vote on amendments to the resolution be taken on March 5; and that the vote on the treaty be taken on March 6.

Mr. President-Mr. BACON.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do. Mr. BACON. Do I understand the Senator in that to exclude the feature involved in the former proposition during the legislative day?

Mr. LODGE. No; the legislative day in each case. That is I was trying to get the dates to satisfy Senators. understood. Mr. BACON. I want to call attention to what appears to me to be a very serious objection to that proposition. It involves

Mr. LODGE. I think there are objections to every proposi-

tion, but I am trying to find one there is not objection to.

Mr. BACON. I was about to say it involves necessarily the proposition, I suppose, that no amendments should be offered after that time—after the amendments were voted upon.

Mr. LODGE. I do not suppose any amendments could be offered after the vote was taken on the ratification.

Certainly there would be no amendments after Mr. BACON. that, and no other action after that, unless it was one of reconsideration.

Mr. LODGE. Under no possible system you can devise can you offer amendments to a treaty after the resolution is sub-

mitted to a vote, that I see.

Mr. BACON. I should like to inquire of the Senator in all earnestness if he understands either myself or anybody else to propose a proposition so ridiculous as that?

Mr. LODGE. That is precisely the proposition I understood the Senator to make.

Mr. BACON. I must have been very unhappy in my expression. All I can say to the Senator is that I have not made any proposition, and all I was trying to do-but the Senator did not give me an opportunity

Mr. LODGE. I thought the Senator was trying to make a proposition.

Mr. BACON. The Senator will not give me an opportunity.

will wait until he gets through.

Mr. LODGE. I yield to the Senator. I am waiting for him to proceed.

Mr. BACON. I prefer to go on in my own time. The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent that the treaties be taken up on February 29; that a final vote on all amendments thereto be had upon that legislative day; that the vote be taken upon all amendments to the resolution on the legislative day of March 5; and that the vote be had upon the passage of the resolutions as they are then amended on the legislative day of March 6. Is there objection?

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

Mr. LODGE. I will say—

Mr. BACON. I hope we may be allowed to be heard on this question before-

Mr. STONE. I should like to ask-

Mr. BACON. Before it is summarily disposed of-

Mr. LODGE. Objection is made by the Senator from Idaho, and there is no use wasting time in trying to reach an agreement now

Mr. STONE. I did not know—
Mr. BACON. If the Senator from Idaho will withdraw his objection for a moment, I want to present something which may possibly lead to an understanding.

Mr. HEYBURN. Certainly. I have no desire to preclude

Mr. BAÇON. I want to say that I think the Senator from Idaho is mistaken as to the embarrassment which would result from not having the amendments voted on in advance of the day when the main proposition is to be voted upon. The Senator would be correct if this were a proposition to vote on a certain day or at a certain hour. I have frequently seen such embarrassment arise as the Senator from Idaho now antici-pates where a certain time is fixed and where right in the last moment of it some development is made which makes it very desirable that there should be some other amendment, or that something should be said upon a pending amendment; but upon a unanimous-consent agreement to vote at a certain time everything is cut off; there is no opportunity for it.

If there is, as was first proposed by the Senator from Massachusetts, simply an arrangement by which we will come to a vote on a certain legislative day, that gives ample opportunity for the debate of every proposition and for offering counter propositions whenever one proposition may have been disposed of in a way not satisfactory to any Senator. I have forgotten the date suggested by the Senator from Massachusetts. I want to say to him that the first proposition was entirely agreeable to me. I think it was a very proper one.

Mr. CULLOM. The date suggested was the 29th.
Mr. BACON. For instance, if we should agree that on the legislative day, the 29th of February, there should be a vote upon all amendments to the treaty and all amendments to the resolution of ratification, as soon as we entered upon it of course we would be committed to the continuation of its consideration to the end; there would be continuous debate.

Mr. CULLOM. Let me interrupt the Senator. I wish the

Senator would make a specific proposition now to the Senate so that we may see whether we can not reach an agreement.

Mr. BACON. I am in favor of the proposition offered by the

Mr. BACON. I am in favor of the proposition Senator from Massachusetts in the first instance.

Mr. CULLOM. That is what I want.
Mr. BACON. I think that is a proper one, and I am quite sure if that is adopted it will not result in the embarrassments supposed or anticipated by the Senator from Idaho. I think an agreement to vote on a given proposition on a legislative day is the best disposition which ever can be made in the Senate on an important measure. It brings the Senate directly to its consideration. It necessitates a continuance of consideration without interruption. At the same time it gives full opportunity for the discussion of the main proposition and of every amendment; it gives full opportunity for counter propositions, whenever any one is made; and there is no possibility that there can arise a situation where something is presented immediately

before the vote and Senators are cut off from the opportunity either of debate or further amendment. It gives full opportunity both for amendment and for debate, but it does bring the Senate finally and within a very reasonable time to its con-

We had an illustration of it yesterday, where the vote was to be taken on the legislative day of Tuesday. If the word "legislative" had not been used in the agreement, we would have been kept here on Tuesday until late in the night, and there would have been no advantage in it whatever. But by making it the legislative day every opportunity is given for debate, every opportunity is given for amendment, and there is no possibility of anything being concluded without the opportunity to be heard or to consider some proposition which may be advanced immediately before the vote is taken. In other words, the vote can not be taken until every Senator is through, but it puts him in a position where he has an opportunity to get through within a reasonable time and without interruption.

Mr. HEYBURN. I will ask a question for information. marked the calendar as the request was being made. I may not be correct, but I understand the first vote is to be taken on amendments upon the 29th of February. Is that correct?

The VICE PRESIDENT. Amendments to the treaty.

Mr. HEYBURN. Amendments to the treaty.
Mr. GALLINGER. On the legislative day.
Mr. HEYBURN. Yes; the legislative day. Now, I will call the attention of the Senator from Georgia to this fact: With only two calendar days intervening-

The VICE PRESIDENT. Three.

Mr. HEYBURN. With only three calendar days intervening we would be compelled to conclude any discussion that might arise. We-may utterly destroy those intervening calendar days; the space is short; and we would then be without a unanimous consent, because the unanimous consent could not be set forward to another day.

I understand the vote is to be taken first upon the amendments on the 5th of March. Am I correct in that date? That is not the final vote, as I understand it.

The VICE PRESIDENT. It is the vote on amendments to

Mr. HEYBURN. The vote, then, is on amendments to the There is not the slightest doubt but that the discussion on that day would extend over perhaps for several It might last for 10 days. We would find ourselves again blocked by the intervention of a calendar day that would be obliterated by protracting the discussion of the legislative day beyond it; and we would again be without a unanimous consent; we would be again without a day. We must find a better arrangement than that or we will destroy our unanimousconsent agreement by the lapse of time.

We are in somewhat of a hurry this morning, but I think we have time enough to do this right. It is not provident to fix a vote upon one calendar day and another vote upon the next on the supposition that the first legislative day will expire before the second calendar day begins. We had that experience here We lost a legislative day during this week by the other day. reason of the calendar day intervening before the legislative day had expired. We had the experience this week. There are two opportunities and two probabilities, but that would occur under this proposed unanimous-consent agreement.

Mr. LODGE. Of course, Mr. President, the Senator understands that if the Senate is going to do a thing like that it is impossible to make any unanimous-consent agreement. It is to be assumed that the Senate will act fairly and reasonably; that if it wants to take three calendar days on the proposed amendments by making them one legislative day, it can do so; but that after the Senate has agreed-supposing it agrees-to take a vote on the treaty amendments before the end of the legislative day of February 29 it would extend that day so as to wreck the subsequent agreement to take a vote on the amendments and the resolution on the 5th of March, I do not think is probable. I do not believe the Senate will do that.

Mr. HEYBURN. We did it within a week.

Mr. LODGE. I beg the Senator's pardon. We did not wreck any second agreement by extending the legislative day on the children's bureau bill. The Senator assumes not only that we shall carry the legislative day of February 29 over for three calendar days, but he assumes that we shall carry it over a fourth day, and wreck the agreement to vote on the amendments to the resolution. I do not believe the Senate would do that.

I am perfectly willing to extend the time and make it a further day, and that will give the same margin between the votes on the amendments to the resolution and the final vote as there now is between the vote on the treaty amendments and the resolution, making the final vote on the 8th or 9th. Make it on

Mr. HEYBURN. Mr. President, if any Senator is laboring under the impression that I am trying to postpone this vote he is mistaken. I am speaking and acting in the interest of an early disposition of this question. I should like to see the Senate stay here and discuss this treaty and the resolution every day, if possible, or practically so, and we would have a vote not on the 5th or some other day in March, but we would have it within 10 days. That is my purpose. I should like to see the interest in this discussion kept right up to the top notch until the matter is disposed of. This will be the fate of it: If we fix a time to vote, Senators will go away until the time arrives, and if a Senator desires to speak on the measure he will speak to the galleries and to the Vice President. I have seen such a condition before. We are admonished by experience in this matter. I am in favor of staying here and staying in our seats, and discussing it and giving respectful attention to those who may speak, whether we may agree with them or not. In my judgment, that is the way to conduct the business of the United States Senate, and not to fix a time to vote, so that Senators will feel under the obligation either to speak or to listen to those who do speak.

Mr. CUMMINS. Mr. President, I think I can make a sug-

gestion that will meet the difficulty in the mind of the Senator from Idaho, and I recognize it to be a real difficulty. Suppose the unanimous-consent agreement was so expressed that on February 29 the amendments to the treaties are taken up and are to be disposed of on that legislative day, and then, upon the third or fourth or fifth legislative day thereafter the resolution should be taken up and amendments to the resolution or resolutions disposed of, and then, upon the next legislative day thereafter, there should be a final vote upon the resolution.

Mr. LODGE. On the 3d?

Mr. CUMMINS. Then, if there should be a long debate, as has been suggested by the Senator from Idaho [Mr. HEYBURN] we would not suffer the consequences that he has so well pointed out.

Mr. HEYBURN. If the Senator from Iowa will permit me right there, I have not anticipated or suggested a long debate, but a short one. If we have a short debate we will keep

Senators right up with their work.

Mr. CUMMINS. I understood the Senator to say—and I anticipate that might happen—that the legislative day, of February 29, beginning then, would be carried past the calendar day of March 5.

Mr. HEYBURN. That would be because of the unanimous-consent agreement delaying a vote until that time; but let us commence now and we will have forgotten the treaty by the time proposed for a vote.

Mr. CUMMINS. I am not attempting, of course, to meet that objection on the part of the Senator from Idaho, but only the conflict between legislative days and calendar days. can easily see that the whole trouble will be avoided by adopt-

ing the suggestion I have made.

Mr. HEYBURN. I see the reason of the Senator's remarks. Now, I want this to appear plainly. I am not speaking in the interest of delaying a vote on this measure; I am speaking in the interest of the immediate consideration and disposition of it by a vote when Senators have finished discussing it. is what I am speaking about, and I want no Senator nor any one else to charge me with having stood in my place to-day for the purpose of deferring this vote, for it is not true. I am here merely in the interest of an early and intelligent consideration and disposition of this question. I would suggestand that was my reason for objecting to unanimous consentthat we go to work upon this treaty, discuss it now, and vote upon it when no longer any Senator desires to speak.

Mr. LODGE. Mr. President, during the past 10 days I have brought this up repeatedly. I have asked Senators if they were ready to speak, and no Senator has been ready to speak. The matter has gone over without any attention at all. I have tried the system proposed by the Senator from Idaho, and tried it faithfully. The only alternative to that is what I shall now be obliged to do. Owing to the objection of the Senator from Idaho, I shall be obliged to give notice that I will bring the treaty up to-morrow and the next day and every day and try to press it to the inconvenience of Senators, and make it impossible for them to tell when the vote is to be taken. It is idle to suppose that you can compel Senators to sit here and listen to a debate if they do not want to do so. That must depend upon the speaker. If he can not interest Senators, no scheme we can adopt will force them to sit in their seats.

Mr. BACON. Will the Senator from Massachusetts permit me to make a suggestion?

Mr. LODGE. Certainly.

Mr. BACON. If the Senator will give notice that on a certain day he will move to take up the treaty and then will proceed in the way he indicates, that would accomplish the same

Mr. LODGE. I have given that notice before, Mr. Presi-

dent.

Mr. BACON. No; the Senator does not understand me.
Mr. LODGE. And I have brought up the treaty, and no
Senator was ready to speak, though Senators have told me they
desired to speak. I did not want to press the treaty as I would

Mr. BACON. The Senator has not understood me

Mr. LODGE. I am very unfortunate in not understanding the Senator.

Mr. BACON. I hope the Senator will permit me to endeavor to present the proposition in such a way that he will under-

Mr. LODGE. I yield, of course. Mr. BACON. My suggestion is this, not that the Senator shall on a certain day bring the matter up, and then, if no Senator is ready, let it go over, but that he give notice that on a certain day he will move to take up these treaties for consideration, and if no Senator desires to speak that there will be a vote; in other words, whenever a subject has been exhausted or when nobody desires to be heard upon it the thing to be done under that kind of a notice would be to vote. It will have the same effect as a unanimous-consent agreement to proceed on a certain day and it will keep the matter before the Senate.

Mr. LODGE. Well, Mr. President, the Senator has been here a great many years; he is as familiar as I am with that method; and he knows precisely what will happen, just as I know what will happen, if I give a notice, for instance, that on Monday I will ask the Senate to go on, and, if nobody is ready, I shall ask for a vote. He knows perfectly well that if not Monday, then on some other day, a Senator will rise and say, "I desire to be heard on this treaty; I am not ready to-day"; and of course I should yield and let it go over. That has been done over and over again.

Mr. BACON. No, Mr. President; the Senator, I think, is

mistaken about that.

Mr. LODGE. It has been done ever since I have been here.

Mr. BACON. I have seen it here before; I do not recall the particular instance; but the effect of it is to bring the Senate to a consent. I do not ask that the Senator will give that notice for to-morrow.

Mr. LODGE. I propose to give that notice for to-morrow.

Mr. BACON. Well, I think, if the Senator gives the notice for to-morrow, it will take the direction which he is now suggesting; but if he will give notice that he will do so at some future time-such time, for instance, as he is willing to name in the proposed unanimous-consent agreement-I do not think it would take that direction.

Mr. LODGE. I do not desire to keep the Senate from adjourning over until Monday, which they can do perfectly well; I do not desire to interfere in any way with any arrangement of that sort; but, charged with the report of the committee, I have no choice; I have to press it unseasonably and

unreasonably.

Mr. CLARKE of Arkansas. Mr. President-

Mr. LODGE. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. Unless I have fallen under the same disability as has the Senator from Massachusetts [Mr. LODGE] in understanding the Senator from Georgia [Mr. BACON], his proposition is a very feasible one. For instance, he suggests that the Senator give notice that on the 29th day of February he will move to proceed to the consideration of the treaties and the resolutions. That would be perfectly understood as having exhausted the time that was indicated as sufficient by the unanimous consent, saving the objection of the Senator from Idaho [Mr. Heyburn]. It will accomplish all the purposes that could be accomplished by a unanimous-consent agreement

Mr. LODGE. Then the debate would not begin until the

29th of February?

Mr. CLARKE of Arkansas. It would not begin until the 29th of February even under the proposed unanimous-consent agreement.

Mr. LODGE. Oh, yes, it would, Mr. President. I think there would be a great many speeches made between now and then if a time were fixed.

Mr. CLARKE of Arkansas. If they would be made between now and then under the one arrangement, they would be under the other.

Mr. LODGE. But if Senators failed to make speeches, the agreement having been made for the 29th of February, it would be their own fault, of course.

Mr. CLARKE of Arkansas. An announcement of that sort by the Senator from Massachusetts would carry with it the same significance as an agreement to vote on that day, because

everyone would understand what its purpose was.

Mr. LODGE. I shall give notice, then, that on Monday next I will move to take up the treaties for consideration, and if no Senator is ready to speak upon them I will ask for a vote.

Mr. BACON. Mr. President, I hope the Senator will not fix as early a date as that, because that is manifestly an earlier

Mr. LODGE. I am only giving a notice, Mr. President— Mr. BACON. I know; but if my suggestion were to go for anything, the notice ought to be given in such a way as to make it effectual. If the Senator fixes the date far enough in advance there can be no reasonable objection by any Senator, because he will have ample opportunity. I know, for instance, that certain Senators have to be absent within a very short

Mr. LODGE. Mr. President, if we are not to have an agreement to vote at some future day, then the motion having been made and the treaties now being before the Senate, I ask the Senate to consider the treaties, and if no Senator is ready to speak, let us vote upon the treaties.

The VICE PRESIDENT. If the Senator will indulge the Chair a moment, the Chair thinks that during the discussion he has worked out a proposition which will meet the objections of Senators, and, if the Chair may be indulged, he will state it to

the Senate. It is as follows:

It is agreed, by unanimous consent, that on Thursday, February 29, 1912, the Senate will proceed to the consideration of the pending arbitration treaties; that before adjournment on that legislative day a vote shall be taken upon any amendments that may then be pending or offered to the text of the treaties, and that no vote shall be taken upon any amendment prior to that legislative day; that on the fourth day after the expiration of the last-named legislative day, before adjournment on that legislative day, a vote shall be taken on any amendment pending or that may be offered to the resolutions of ratification of such treaties, and that no vote upon any amendment to said resolutions shall be taken before that legislative day; that on the fourth day after the expiration of the last-named legislative day, before adjournment on that legislative day, a vote shall be taken upon the resolutions of ratification of such treaties without further amendment.

If that agreement were entered into, it would be impossible

for it to fail.

Mr. LODGE. Mr. President, that covers it perfectly, and, of

course, it is entirely agreeable to me.

Mr. HEYBURN. Mr. President, that is as skillfully drawn and as accurately stated as I could possibly imagine it to be done. I still adhere, however, to my belief that we should enter upon the consideration of this treaty under circumstances that will result in it being considered. For more than eight years I have been a looker-on at these proceedings. I have seen the Senate practically adjourn by fixing a time to vote on great measures. Then no one would even consider himself under obligations to remain within the District of Columbia, much less in the Capitol Building. He would know that under no circumstances could the vote be taken; but, in the absence of such an agreement, every Senator knows that if a Senator takes his seat after speaking upon the treaties, unless some other Senator is prepared to rise and enter upon their consideration, a vote will be taken. Under such circumstances Senators will be kept at their post of duty until the question is disposed of, whether it be within 5 days or within 50 days. We will know then that when the treaty has been voted upon it has been after a fair discussion. Every Senator is as much entitled as is every other Senator to be heard and to be listened to in this matter, and we will probably arrive at a wiser and more satisfactory conclusion if we really discuss it rather than read essays about it. There should be that sharp interchange of thought and expression in connection with the discussion of this measure that will bring out the points. We have heard many essays in regard to the treaties

Mr. BACON. Mr. President-

Mr. HEYBURN. I yield to the Senator from Georgia. Mr. BACON. I want to ask the Senator from Idaho if the original proposition of the Senator from Massachusetts that the treaties be taken up on the 29th of February, and that a vote be had before the conclusion of that legislative day would not bring the Senate immediately to a discussion of them with exactly the course to be pursued thereafter that is now indicated by the Senator? The discussion would continue; no Senator would know when the vote was going to be taken; and every Senator would necessarily have to remain here in order to be present in case the vote should be taken. It seems to me that what the Senator urges as the proper conclusion to be reached is the one which will be reached by following the suggestion of the Senator from Massachusetts, that on a certain day the treaties be taken up. The discussion will be proceeded with, and when the discussion is ended, the time of voting being altogether uncertain, the vote will be taken. It seems to me that that is all that can be done.

Mr. HEYBURN. Mr. President, there is much merit-Mr. BACON. If the Senator will permit me further-

Mr. HEYBURN. The Senator can proceed.

Mr. BACON. We have been proceeding under this system for I do not know how many years, certainly as long as I have had any familiarity with the Senate proceedings, and it has always worked out smoothly and easily. It is no new thing. The only time there has ever been any trouble has been when a certain hour has been fixed for a vote, and in that way Senators have been cut off from the opportunity either to offer amendments or to discuss anything which might have arisen in the latter part of the discussion which ought to be answered. This removes that difficulty; it does bring up the very continuous sharp discussion which the Senator speaks of, and requires it to be continued until the vote is reached; and that is all there is to it.

Mr. HEYBURN. Mr. President, were I inclined to endeavor to postpone the consideration of this measure, I would adopt that method, knowing that when the time arrived on the 29th day of February, or whatever day might be agreed upon, we would have to sit in continuous session for perhaps a week, have night sessions and continuous sessions, because some Senator would object to a recess. We could not adjourn under that kind of an arrangement and we would meet with that diffi-I object to postponing the consideration of the matter until that time. I see nothing to be gained by it. The Senator from Massachusetts will give notice that on a certain day he will ask to take it up. That requires a vote. The Senate may or may not vote to take it up. Any Senator has the same right to move to take up this measure that any other Senator has. It has been reported to the Senate; the committee reporting it has been discharged of its duty; it is with the Senate; and it is with any Senator to make a motion to take it up.

I make that plain statement, so that there may be no misapprehension as to the status of this question. The unanimousconsent agreement read by the Presiding Officer is entirely explicit, and it obviates the objection I made to the preceding one; and it is only a question now whether or not we will post-pone entering upon this question until the 29th day of February, and then proceed to its consideration, with the knowledge that we will remain or have to remain in continuous session until a vote is taken. That may be 10 days. It may be a weary, sleepless 10 days.

Mr. LODGE. We can take a recess whenever we want to. Mr. HEYBURN. I know, but I have been here long enough to know also that we do not know what we are going to do in that respect.

If to this agreement there could be coupled a provision that we would take up the treaties at that time and then we would, within a given number of days, dispose of them, it would mean only that we would postpone the consideration of them until that time. I will not object to any request for propries I will not object to any request for unanimous consent which postpones entering upon the discussion of this question until the 29th of February, provided provision is made in the unanimous-consent agreement for ample time to finish the consideration of the questions. But I do not propose at this time to run up against a continuous session, with all the hardships it involves, and place ourselves at the mercy of those who think they may force the issue by denying to others an opportunity to sleep and rest.

Mr. CULLOM. How much time does the Senator from Idaho

Mr. HEYBURN. I would want only about an hour on that

Mr. CULLOM. How much time does the Senator want? Mr. HEYBURN. The same plan as represented in this unani-

mous-consent request, unless it is transferred ahead, would answer so far as I am concerned.

I am ready at this time to take up this measure or any other upon the calendar-

Mr. CULLOM. How much time does the Senator want?

Mr. HEYBURN. If you want to defer it until then and ask time for the present consideration-

Mr. GAMBLE. Regular order! Mr. HEYBURN. There is no regular order.

Mr. LODGE. There is no regular order before the Senate except-

Mr. HEYBURN. The chairman presumably has a motion to make in regard to this matter.

Mr. LODGE. The question is in connection with the amend-

Mr. LODGE. The question is in connection.

ment offered by the Senator from New York?

The VICE PRESIDENT. Certainly. The Chair has sent for the original. The original is not at the desk.

Year hardly imagine that the Senator from rate at this time Mr. STONE. I can hardly imagine that the Senator from Massachusetts desires to press the treaty to a vote at this time

or ask for a vote upon any of the amendments.

Mr. LODGE. Of course, I do not. I think that would be an

absurd way to proceed. I have no desire to suggest to Senators how they shall argue the question, whether it shall be debated one way or another. My only desire is to make such an arrangement fixing a day to vote on the treaties as would serve the convenience of Senators and enable Senators to debate it to the best advantage.

I think the Senator from Missouri and every other Senator except the Senator from Idaho are in entire accord with me. It is the duty of a Senator in charge of a measure to press it upon the attention of the Senate. Otherwise he is lax in his Of course, I do not expect that we will vote on the matter this afternoon. I called attention-

Mr, HEYBURN. Mr. President-

Mr. LODGE. I believe I have the floor.

Mr. HEYBURN. The regular order is called for.

Mr. LODGE. This, I believe, is the regular order, and I have the floor, and I am going to occupy it for just a minute.

Under these circumstances the disagreeable duty falls upon me to press this matter. I want to make it as convenient to the Senate as possible, only insuring that we dispose of our duty within a reasonable limit of time. With the present disposition of the Senate, I move that the Senate adjourn.
Mr. GAMBLE. Mr. President—

Mr. LODGE. No; I will not yield.

The VICE PRESIDENT. Did the Senator from Massachusetts make a motion? The attention of the Chair has been diverted, unfortunately.

Mr. PENROSE. There is pending a motion to adjourn,

The VICE PRESIDENT. That is what the Chair asked

Mr. LODGE. I withdraw the motion if any Senator desires to speak on the question to-day.

The VICE PRESIDENT. Does the Senator from Massachusetts yield the floor?

Mr. LODGE. I withdraw the motion. Certainly I yield the

Mr. HEYBURN. Mr. President, I had not intended to discuss the treaty this afternoon, but I will make a few remarks, which I hope will attract the attention of some.

This, Mr. President, is a great question. The railroading of a great question like this through the United States Senate is not the best method of proceeding to the fulfillment of our duty.

We are beginning to unwind the skein of government. are showing some evidence of forgetting the founders and the principles that they interwove into our Government. We are proposing to appoint monarchs as guardians over a Republic. We are proposing to place the destiny of this Republic at the mercy of the monarchs of the world. We are proposing to take away from the Congress the constitutional power to declare We are proposing to take war-the Congress, I say, and not the President of the United States. The Constitution says that Congress shall have power to declare war, and it does not need the cooperation of the President of the United States. And yet the President and the Senate, independent of the House, which must participate in the act declaring war, are proposing to take away from the House, the representatives of the people, that constitutional

The United States Supreme Court in a case which, I think, I have on the desk before me has announced that you could not by treaty take away any constitutional function or power. You may modify the law, but you can not take away the power that is given by the Constitution; and I want Senators here at this time to take this thought. I shall not protract my remarks this afternoon, but I will give you a text to think about for a day or two. Are you going to disregard the admonition of the founder of this country, who gave his strength, his manhood, and his purse for it, when he admonished the people of this country not to enter into an entangling alliance, and gave as a reason for it the different sentiments that moved and actuated monarchies as compared with the sentiments that actuated the

people of this country?

He warned us against entering into entangling alliances with the nations of Europe, because, he said in the great document which is here annually read from the Vice President's desk on the 22d of this month, their sentiments are diametrically op-posed to those of the people of the United States. The relation of the people of the United States is reversed. There the monarch is first and the people are his subjects, while here the people are first and the officeholders are their representatives.

I intend before this question is closed, if I have to speak a solo, to enter more at length into these questions of our rights under this treaty. To me it is a serious question. It is the result of toadying—mental toadying, intellectual toadying—to the glare and the trumpet of monarchs. That is where it origi-

Men grow luxurious and idle in their habits, and they admire the conditions that conform to that situation of theirs, but there is in this country an element of citizenship that will never permit the representatives in the United States Senate to take away from their representatives in the House the right to perform the constitutional function of declaring war.

The people make the Congress—both Houses of it—and they can unmake it. If they find they have unfortunately selected men who trade off their liberties despite the prohibition in the Constitution, they will trade them off for real patriots, for men who know the difference between a monarchy and a republic, for men who would not dream of placing the liberties and the rights of the people under the trusteeship of the monarchs of Europe.

That this treaty does so I am prepared to demonstrate from its own language, and I will do so at a subsequent time when

more inclined to do it than I am now.

Mr. President, in order, I suppose, to make good some promises that this treaty could not be discussed under present conditions a vacuum has been created, something abhorrent to nature; but when the people come to read of the proceedings of this body upon this question they will know where men stood. There is nothing in the RECORD to show whether this Senator or that was present. But the American people are present, and when the proposition is made to take away from them the power to assert their rights among the nations of the earth, to protect and defend their rights in controversies that arise in our country as a whole or to its individual citizen, they will know about it.

Now, Mr. President, the discussion of this question has been opened, and I will desist, so that those who have heard my remarks may consider whether or not they will unwind the skein of Government that has been wound tight and firm by the patriots who have gone before us, and whether or not they will place the guardianship of the Republic in the hands of the monarchs of Europe.

Mr. LODGE, Mr. President—
The VICE PRESIDENT

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator from Idaho had finished.

I beg pardon.

Mr. HEYBURN. I can not tell whether I have finished or not. Senators have arisen as though I had, and I suppose I have.

Mr. LODGE. Mr. President, that bit of humor having been passed I will now make a motion that the Senate proceed to the consideration of legislative business; and I give notice that on Monday I shall ask the Senate to take up these treaties for consideration, and if that motion is sustained, and no Senator is ready to speak on the subject, I will ask for a vote.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts, that the Senate

proceed to the consideration of legislative business.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, the treaties having gone over until Monday, and there being a very large amount of business before the committees of the Senate, I have been requested by Senators on both sides of the Chamber to move that when the Senate adjourns to-day it be to meet on Monday I make that motion.

The motion was agreed to.

SURPLUS LANDS IN STANDING ROCK INDIAN RESERVATION.

Mr. GAMBLE. On Monday last I gave notice of a motion to reconsider the vote by which the bill (S. 109) to authorize

the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, failed to pass. It is my purpose to call up the motion at this time, but before doing so desire to state that I have amendments to offer to section 3 to meet the objections urged against the bill when it was under consideration, and I think the parties who interposed the objections are entirely satisfied with these amendments. So, if the motion prevails, I will submit the amendments indicated.

The VICE PRESIDENT. The Senator from South Dakota asks for action on the motion which he heretofore entered to reconsider the vote by which Senate bill 109 was defeated. The question is on the motion of the Senator from South

Dakota.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Without objection, the vote by which the bill was ordered to be engrossed for a third reading and was read the third time is reconsidered. The Chair hears no objection, and the bill is again before the Senate.

Mr. GAMBLE. I have two amendments to offer to the bill. On page 5, line 10, after the word "prescribe," I move to strike out the remainder of line 10 and all down to and including the word "incorporated," in line 17, as follows:

And he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued by the Secretary of the Interior for the lands so set apart and reserved for school, park, and other purposes to the municipality legally charged with the care and custody of lands donated for such purposes upon receiving satisfactory evidence that said towns have been duly incorporated.

The amendment was agreed to.

Mr. GAMBLE. On page 5, I move to strike out line 21 and all down to and including the word "located," in line 25, as fol-

And he shall cause at least 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the town sites in which such lots are located.

The amendment was agreed to.

The VICE PRESIDENT. Are there other amendments to be offered to the bill?

Mr. BACON. I understand from the Semator that the amendments just agreed to eliminate from the bill all the provisions which look to setting apart either the 10 acres or the 20 per cent proceeds from town lots?

Mr. GAMBLE. Yes, sir. Mr. BACON. I want to ask the Senator a question, not with a view of pressing it now, but simply that it may be noted and

possibly elsewhere it may be looked into.

The Senator will remember that when the bill was before the Senate there was something said about the selection of lots in lieu of lots already taken and the payment therefor by the Government. If I recollect aright, the Senator stated that the area involved in the territory which is to be opened was somewhere in the neighborhood of 1,100,000 acres.

Mr. GAMBLE. That is, the area embraced is a little upward of 1,000,000 acres. Now, then, the Indian allotments have, of course, peen taken out of that.

Mr. BACON. I am not speaking of that at all. I understand about that.

Mr. GAMBLE. I can not state how many acres are affected

Mr. BACON. What I was about to suggest was based upon my recollection that the Senator had stated it was somewhere between a million and a million one hundred thousand acres.

Mr. GAMBLE. Yes, sir; that is correct.
Mr. BACON. This is the point I want to call attention to, though I do not know that it is important in view of the other amendment which was put on which limited the amount to \$2.50 per acre. Was it not?

Mr. GAMBLE. Yes, sir; I understand that amendment was agreed to.

Mr. BACON. That amendment was agreed to, and in view of that fact the suggestion I am now making is not important because no more than that could be used for that purpose. What I intended to call attention to was the fact that the amount appropriated-\$180,000, I think it is-would exceed the amount if the estimate of the number of acres made by the Senator is correct, but the limitation on the price, of course, will guard that point.

Mr. GAMBLE. Yes, sir; and the bill only appropriates so

much as may be necessary.

The bill was ordered to be engressed for a third reading, was read the third time, and passed.

SENATOR FROM VIRGINIA.

Mr. MARTIN of Virginia. My colleague, who was appointed by the governor of Virginia to fill the vacancy occasioned by the death of the late Senator Daniel until the legislature should elect, has been elected by the Legislature of Virginia. I send his credentials to the desk, and when they are read I will ask that he be sworn in.

The VICE PRESIDENT. The Secretary will read the creden-

tials of the Senator elect from Virginia.

The credentials of CLAUDE AUGUSTUS SWANSON, chosen by the Legislature of the State of Virginia a Senator from that State to fill the vacancy occasioned by the death of John Warwick Daniel in the unexpired term which began March 4, 1911, were read and ordered to be filed.

The VICE PRESIDENT. The Senator elect will present him-

self at the desk and take the constitutional oath of office.

Mr. Swanson was escorted to the Vice President's desk by Mr. MARTIN of Virginia, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the con-

sideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 16 minutes) the Senate adjourned until Monday, February 5, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1912. SECRETARIES OF EMBASSY.

Charles S. Wilson to be secretary of the embassy at St. Petersburg, Russia.

Post Wheeler to be secretary of the embassy at Rome, Italy. Montgomery Schuyler, jr., to be secretary of the embassy at Mexico, Mexico.

Arthur Bailly-Blanchard to be secretary of the embassy at Tokyo, Japan.

Robert Woods Bliss to be secretary of the embassy at Paris,

G. Cornell Tarler to be second secretary of the embassy at Constantinople, Turkey.

John H. Gregory, jr., to be second secretary of the embassy at

Rio de Janeiro, Brazil. William P. Cresson to be second secretary of the embassy

at London, England. Albert B. Ruddock to be third secretary of the embassy at Berlin, Germany.

SECRETARIES OF LEGATION.

Perry Belden to be secretary of the legation at Tegucigalpa, Honduras.

James G. Bailey to be secretary of the legation to the Nether-

lands and Luxemburg Francis Munroe Endicott to be secretary of the legation at

Christiania, Norway.

Franklin Mott Gunther to be secretary of the legation at Lis-

Paxton Hibben to be secretary of the legation at Santiago,

Roland B. Harvey to be secretary of the legation at Lima,

Leland Harrison to be secretary of the legation at Bogota,

Colombia. M. Marshall Langhorne to be secretary of the legation at San

Jose, Costa Rica. George L. Lorillard to be secretary of the legation at Euenos

Aires, Argentina. William Walker Smith to be secretary of the legation at Berne, Switzerland.

Jordan Herbert Stabler to be secretary of the legation at

Stockholm, Sweden. Charles E. Stangeland to be secretary of the legation at La

Paz, Bolivia. Richard E. Pennoyer to be secretary of the legation to Para-

guay and Uruguay. Arthur Mason Jones to be secretary of the legation at Mana-

gua, Nicaragua.

Hugh R. Wilson to be secretary of the legation at Guatemala, Guatemala.

SECRETARIES OF LEGATION AND CONSULS GENERAL

Gustavus L. Monroe, jr., to be secretary of the legation and consul general at Bangkok, Siam.

Charles B. Curtis to be secretary of the legation and consul general at Santo Domingo, Dominican Republic.

J. Butler Wright to be secretary of the legation and consul general to Roumania, Servia, and Bulgaria.

Thomas Hinckley to be secretary of the legation and consul

general at San Salvador, Salvador.

PROMOTIONS IN THE NAVY.

Lieut. James B. Gilmer to be a lieutenant commander. Lieut. (Junior Grade) Julian H. Collins to be a lieutenant. Surg. George H. Barber to be a medical inspector. Machinist Frederick F. Krainek to be a chief machinist.

POSTMASTERS.

CALIFORNIA.

John Ainscough, Banning. Charles E. Bauer, Courtland.

COLORADO.

Jennie Ross, Cheyenne Wells.

CONNECTICUT.

W. Franklin Sheldon, Moosup. C. Leon Wilcox, Windsor Locks.

William A. Collins, Western Springs. Theodore A. Fritchey, Olney. G. Gale Gilbert, Mount Vernon. Samuel R. Thomas, Oblong.

IOWA.

Ulysses G. Mauk, Tabor. H. E. Wyatt, Rockford.

KANSAS.

William H. Bondurant, Ness City. Ida L. Cason, Lakin. Zelma P. Jackson, Coldwater. William A. Morgan, Lansing.

Gerry A. Proctor, Rangeley.

MASSACHUSETTS.

Lillian R. Alexander, Northfield.

MICHIGAN.

Frank N. Green, Olivet. Elmer Pryce, Tustin. Neal McMillan, Rockford. Gerrit Van Schehen, Holland. William P. Stiles, Coopersville. Samuel L. Willits, Remus.

MISSOURI,

Elsie Frost, Ilasco. William Howe, Hardin. Edwin Pidgeon, Ferguson.

Mary L. Boehnert, Glasgow. George E. Bolster, Plentywood.

NEW MEXICO.

Henry Rankin, Elida,

NEW YORK.

Henry M. Anderson, Kerhonkson. Valentine Bahn, Liverpool. George T. Eveland, Franklin. Fernando H. Reeves, Brownville. Wesley Rulison, Evans Mills. Ulysses G. Sprague, Prince Bay. Charles E. Turner, Cato. Loren Webster, Delanson. Theodore C. Wethey, Savannah. Charles D. Wilder, Charlotte.

NORTH CAROLINA.

Thomas L. Green, Waynesville. William J. Leary, sr., Edenton, John R. Mobley, Williamston.

NORTH DAKOTA.

Edmund K. Cavileer, Pembina.

Joseph W. Bryson, Glouster. Russel C. Heddleston, East Liverpool, Alexander Y. Henderson, Maynard. George H. Lewis, Bluffton. John B. Maule, Greenspring. William A. Morrison, Struthers. Nellie F. Sheridan, Somerset. Philip Zeigler, Strasburg.

OKLAHOMA.

John A. Banker, Kingfisher. Rolland D. Barnes, Eldorado. William E. McGuire, Pawhuska. Delany G. Rogers, Buffalo. Maud C. White, Quinton.

PENNSYLVANIA.

Otto E. Enders, Elizabethville. Daniel W. Reynolds, Reedsville. Laura Wood Weaver, Republic.

SOUTH DAKOTA.

Napoleon M. Bratton, Newell. Alonzo E. Roop, Salem.

UTAH.

Orrice F. McShane, Beaver.

WEST VIRGINIA.

J. Howard Coleman, Farmington.

WISCONSIN.

Cyrus C. Glass, River Falls. Adelbert E. Lapham, Nekoosa. K. E. Thompson, Barron.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 1, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

Hold us close to Thee, O God, our heavenly Father, as we ass through the remaining hours of this day; that, guided by Thy spirit, its issues may be in consonance with the eternal purposes Thou hast ordained, that we may hallow Thy name by a faithful service. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and

approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SULZER, by direction of the Committee on Foreign Affairs, reported the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, which was read a first and second time and, with the accompanying report (No. 289), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARNER. Mr. Speaker, I reserve all points of order

on the bill.

Mr. MANN. Mr. Speaker, I reserve all points of order on

the bill.

The SPEAKER. The gentleman from Texas and the gentleman from Illinois reserve all points of order on the bill.

Mr. SULZER. Mr. Speaker, I give notice that I will call this bill up for consideration at the earliest possible day.

JAMES C. ALLEN, OF ILLINOIS.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent to address the House for not exceeding five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for not exceeding five minutes. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. Mr. Speaker, I have asked the privilege of the House this morning to say a few words in honor of a man who served as a Member of this body in the Thirty-third Congress. Judge James C. Allen, of Olney, Ill., was born January 28, 1823, in Shelby County, Ky. He received a public-school education, moved to Indiana in 1843, and studied law and was admitted to the bar, where he was afterwards elected district attorney. The ex-Speaker of this House, Hon Joseph G. Can-Non, was then a young man, clerking in a grocery store in the same town, and knew this young attorney at that time. Judge Allen afterwards moved to Illinois and became a resident of Palestine, which in that day was an important place for the reason it was the location of the land office and is now a thriving city in one of the richest sections of the State of Illinois. Judge Allen was elected to the Legislature of Illinois in 1850. He was first elected to Congress in 1852 from the seventh dis-In that Congress Stephen A. Douglas and James Shields were in the Senate, and Richard Yates and William H. Bissell, who were both afterwards elected to the office of governor, Elihu B. Washburn, John Wentworth, Willis Allen, James Knox, Jesse O. Norton, and William Richardson were in the

There were also in that Congress Thomas A. Hen-House. dricks, of Indiana; Thomas H. Benton, of Missouri; and Galusha A. Grow, of Pennsylvania. These men became famous in the history of our country, and had a great deal to do with the enactment of important legislation many years afterwards. Judge Allen was elected to the Thirty-fourth Congress, but a contest being instituted, the seat was declared vacant; but the office was not given to the contestant, William B. Archer. Judge Allen returned to his home and was again elected, and took his seat on December 1, 1856, showing that the people of that district had faith in him as a man and one fit to represent them in the National House of Representatives. Judge Allen was elected clerk of the House of Representatives in the Thirty-fifth Congress and held that position until February 3, 1860. He presided during the long time required to elect a Speaker, which finally resulted in William Pennington being chosen on the 1st of February, 1860, the House having balloted from the first Monday in December. He then returned to his home and was elected judge of the district court.

Being nominated for Congress at large in 1862, he resigned the office of judge and was elected to the Thirty-eighth Congress, defeating the late Robert G. Ingersoll Ly a large majority, taking his seat December 7, 1863. The record shows that in this Congress such men as Owen Lovejoy, William R. Morrison, James C. Robinson, and John R. Eden were Members from that State, and that William Richardson and Lyman Termulally were Senators. In the House of Representatives were Trumbull were Senators. In the House of Representatives were William B. Allison, Schuyler Colfax, Daniel W. Voorhees, William Window, Francia D. William Window, William Win liam Windom, Francis P. Blair, Samuel S. Cox, George H. Pendleton, James A. Garfield, William D. Kelley, Samuel J. Randall, Thaddeus Stevens, and others who have become eminent in the history of our country. Judge Allen, after retiring from Congress, returned to his home in Illinois and was again honored by the people where he lived by being elected judge of the district court, and served for a time on pellate bench. He was chosen by his party as candidate for governor in 1860 against Richard Yates. In 1870 he was elected as a member of the constitutional convention.

During the Civil War Judge Allen was offered the command of the Twenty-first Illinois Regiment, many of that regiment being residents of Crawford County, his home, but not having had any military training he declined, and he urged Gov. Yates to appoint Ulysses S. Grant, which he did. President Lincoln offered Judge Allen the command of a brigade, but he refused on account of his lack of military training, as stated previously

to Gov. Yates.

Judge Allen lived to the ripe age of 90 years and 1 day, and I received a telegram this morning saying he had passed away at his home on January 30, 1912.

I observe that in all the proceedings of Congress while he was a Member he took an active part, showing him to be a statesman and a man of broad views, equal with those with whom he served at that time. Judge Allen always had regard for the views of those with whom he differed; yet he was positive in his opinion, and at all times ready to advocate what he believed to be right in the interest of the majority. as he was able to do so he felt it his duty as a citizen of our country to take part in elections, believing that this Government was a government of the people and that the people must take sufficient interest to express their views upon candidates and issues at the polls.

I am glad to have the opportunity this morning to say these few words in honor of a good man; a man whose heart always beat with the noble impulse for humanity; one who believed that the rights of man were greater than the rights of the dollar; a man who believed that the interest of the masses was paramount to the interest of any one individual. He was one who took a broad view of governmental affairs and looked to the side of legislation in the interest of the greatest number. He was a worker with Abraham Lincoln and Stephen A. Douglas and others of his time. He never faltered from any duty imposed on him, and was ever ready to do his part for the preservation and upbuilding of our country. It is a satisfaction to his family and friends to realize that he lived such a life and that he was ever steadfast to the last in his views, and that his mind was clear and that he evinced a keen interest in public matters up to the time of his death. Through all of his public career he was a Christian man, dying an honored member of the church of his faith. In his home he was kind and gentle and was always happy with his family. This man lived such a life that the world was made better, and much good was accomplished through him. Many men live long lives, and yet, when they have passed away, the world has not been bettered by their having lived. Unselfishness and devotion to the principles of right and our duty to our fellow men should guide us for better things in this world, and the example of the life of this man should point us to higher and better things and teach us to strive to accomplish something, so that it may be said of us, too, when we are gone, that our lives have not been lived in vain, and that we left the world the better for having lived in it.

Judge Allen has passed from this earth, yet he lives in the hearts of those who knew him but to love him.

I can not say, and I will not say,
That he is dead; he is just away!
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It need must be, since he lingers there.
And you—O you, who the wildest yearn
For the old-time step and the glad return—
Think of him faring on, as dear
In the love there as the love of here.

Mild and gentle, as he was brave,
When the sweetest love of his life he gave
To simple things; where the violets grew
Pure as the eyes they were likened to:
The touches of his hands have strayed
As reverently as his lips have prayed;
When the little brown thrush that harshly chirred
Was dear to him as the mocking bird;
And he pitied as much as a man in pain
A writhing honey bee wet with rain.
Think of him still as the same I say,
He is not dead—he is just—away.

PENSION APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18985, the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. Booher

Mr. BARTLETT. Mr. Chairman, how does the time stand? The CHAIRMAN. The gentleman from Georgia has 10 minutes and the gentleman from Pennsylvania [Mr. BINGHAM] has 5 minutes remaining of the time devoted to general debate.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman from Pennsylvania if he desires to use the balance of his time? Mr. BINGHAM. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. Austin].

Mr. AUSTIN. Mr. Chairman, I desire to enter a protest against the abolition of the 17 pension agencies carried in this bill. I do not make any complaint about any of the provisions of this bill except the first section, which carries the abolition of the 17 pension agencies scattered throughout the country. As we all know, this proposition has been before Congress a number of times, and the House, I believe, in every instance, has gone on record in favor of this proposed abolition of the pension agencies; but at the other end of the Capitol the Senate has insisted that these agencies remain. I know that this abolition is proposed with a view of economy, but I think we have demonstrated in previous discussions that it really in fact does not mean economy. When a similar bill was before the Sixty-first Congress a full investigation was made, showing the cost of maintaining these agencies in the country, and at that time we had 472 clerks in the 17 pension agencies, and their average pay per annum was \$977.79. Now, the average pay per annum of the Washington clerks in the Pension Department, where this bill proposes to transfer the work now done in the 17 pension agencies, is \$1,280.72 per annum, or a difference in favor of economy by the use and employment of clerks in the various pension agencies of \$302.72 for each clerk, or a total difference in favor of economy by maintaining the present system of \$125,425.60. Now, the statement of the gentleman from Georgia [Mr. BARTLETT], having this bill in charge, on Tuesday was that it would result in a saving of practically \$100,000 in clerk hire by the abolition of the salaries of the 17 pension agencies and an item of \$4,500 a year paid for the rental of the agency in New York City, so taking the figures as stated by the gentleman having charge of this bill that there would be a saving of \$104,500, we have as against that in economy by maintaining the present system of \$125,425.60, so that in reality there is no economy. On the contrary, Mr. Chairman, here is a proposition to take from the various States and 17 cities of the country established Government pension agencies that have been in existence practically since 1832. What else, Mr. Chairman? We are called upon to legislate out of office, not in the interest of economy, as the facts demonstrate, 17 brave and gallant Union soldiers who are to-day filling the position of agents in those 17 agencies. yond that; we practically legislate out of office and turn out of

Government employment, according to the report submitted two years ago, 472 clerks in those pension agencies. I believe the gentleman's statement on Tuesday was that we would legislate out of office 300 clerks.

Mr. BARTLETT. No. Will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. BARTLETT. The gentleman is mistaken in saying we

would legislate out of office any clerks.

Mr. AUSTIN. Then we will transfer those clerks to the Pension Bureau in this city, where Congress later on will be called upon to increase their salaries, now averaging \$977.79, to at least the average of the salary we are paying clerks in the Pension Office here, which is \$1,280.72. I do not think any Member of the House will controver the proposition that the Member of the House will controvert the proposition that the cost of living in this city far exceeds the cost of living in the 17 cities in which these pension agencies are located. It will not do to tell this House that we are going to transfer these clerks and pay them the identical salaries they are now receiving after they come to Washington City. The Committee on Appropriations and this House will be besieged to increase these salaries and place these transferred clerks on an equal footing, so far as remuneration is concerned, with that received by their fellow clerks in the Pension Bureau. Mr. Chairman, we not only legislate out of office the distinguished ex-Federal soldiers in the 17 pension agencies, but I venture the assertion that at least one-third if not a half of the 300 or 400 clerks now performing duty in the various pension agencies are ex-Union soldiers, and in many instances the wives or daughters or sons of soldiers. Now, take the pension agency located in my town, Knoxville, Tenn. One of the men in that agency, Col. Thornberg, aided in raising an east Tennessee regiment and commanded it and rendered valiant service for more than three years in the Union Army. You are going to force those people there to abandon the public service or remove to Washington City. Mr. Chairman, many of those clerks have homes either paid for or partly paid for, and you are not only going to require them to suffer a loss in the surrender of their homes, but you are going to force them to break asunder their family and social relations in the towns in which they were born and reared and in which they have lived all their lives. Many of those people are old people. You are either going to force them to come here and live on a salary where under the high cost of living it is practically impossible to make ends meet

The CHAIRMAN. The time of the gentleman has expired. Mr. AUSTIN. I ask for just three minutes additional.

The CHAIRMAN. The gentleman from Tennessee a unanimous consent for three minutes. Is there objection? Mr. BARTLETT. I have no objection, but the time has been limited. I give the gentleman three minutes of my time.

The CHAIRMAN. The gentleman from Tennessee [Mr. Aus-

TIN] is recognized for three minutes more.

Mr. AUSTIN. We will force them to come here and face the situation or to surrender their positions and turn them adrift in the communities in which they live, to seek other employment. A man who has rendered long and faithful work in the public service and who, back of that, has an honorable military record in the defense of his country, should not be legis-lated out of office when there is practically no economy in it, Mr. Chairman, and it is asking this House to do an unreasonable, unkind, and unpatriotic thing.

Will the gentleman yield? Mr. McLAUGHLIN.

Mr. AUSTIN. Yes.

Mr. McLAUGHLIN. Do you believe that we ought to keep men in office when it appears clearly and beyond question that their services are not needed?

Mr. AUSTIN. Mr. Chairman, there is not a statement from the Appropriation Committee or in its report, or absolutely none before this House, to the effect that the services of a single one of these clerks in the 17 pension agencies are not needed and that his service is not satisfactory. And this pension work that is now done in the 17 pension agencies must be performed either in the agencies or in Washington City. And to faithfully and satisfactorily render that service, these 472 clerks are necessary in these 17 towns or in the city of Washington. I am not favoring abolishing any of these offices. We are not dispensing with any clerks under this bill. It is simply a transfer of a force from the 17 pension agencies to Washington City, where Congress must afterwards increase their compensation.

Mr. ADAIR rose.
The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Indiana?

Mr. AUSTIN. I do.

Mr. ADAIR. Is the gentleman not aware of the fact that the Secretary of the Interior and the Commissioner of Pensions have, on a number of occasions, stated in reports to this House that it would not require all these clerks in these agencies to render this service, and that if the agencies were consolidated it would effect a saving to this Government?

Mr. AUSTIN. Mr. Chairman, the Commissioner of Pensions two years ago stated that he could dispense with the use of a hundred of these clerks out of the total number of 472. Now, Mr. Chairman, I know it has been stated in the discussions heretofore that this service could be rendered at the Pension Office here without any material increase in the force of the Pension Bureau. If that statement be true, Mr. Chairman, then they are carrying upon the rolls of the Pension Bureau in this city, when they make that claim, an unnecessary force of men who have not sufficient to do.

Mr. ADAIR. Mr. Chairman, will the gentleman yield for

one more question?

Mr. AUSTIN. Yes; certainly. Mr. ADAIR. Is not the gentleman aware of the fact that a large amount of this work is duplicated, and that the Commissioner of Pensions says by the consolidation of these agencies it will be unnecessary to duplicate this work, and thereby effect a saving?

Mr. AUSTIN. Mr. Chairman, there are so many pensioners on the rolls in this country, and there is a certain amount of detail and clerical work in order to prepare to pay these pensions, and that work must be performed in a satisfactory and correct manner, whether it is done in Knoxville, Chicago, New

York, or in the city of Washington.

The CHAIRMAN. The time of the gentleman has again

expired.

Mr. BARTLETT. There are only seven minutes of my time left

Mr. Chairman, I yield to the gentleman from Colorado [Mr.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. BARTLETT. Mr. Chairman, I desire to refer briefly to the remarks of the gentleman from Tennessee [Mr. Austin]. We find that these agencies are used in various places without regard to the needs of the Pension Bureau. We are paying pensions geographically without regard to the number of pensioners in the particular locality of the pension agencies.

For instance, the one at Augusta, Me., paid last year 15,257 pensioners. The one at Topeka, Kans., paid 102,828 pensioners. The one at Knoxville, Tenn., in behalf of which my friend from Tennessee [Mr. Austin] speaks, paid 59,253. There is one at Louisville, Ky., which is not a great distance from Knoxville and embraces about the same territory, so far as the residences of pensioners are concerned. That agency at Louisville paid 24,254 pensioners.

Now, we find from the testimony of the Commissioner of Pensions before the Committee on Appropriations that the chief clerk at Augusta, Me., gets \$1,500; the chief clerk at Knoxville, Tenn., gets \$2,000; and the chief clerk at Louisville gets \$1,800. I will insert in the RECORD these tables and this evidence, Mr. Chairman, to show the number of employees and their salaries at these various pension agencies. They are shown as fol-

Amounts disbursed at United States pension agencies during the fiscal year ended June 30, 1911, as shown by accounts current.

Agency,		Pensions.		Fees of examining surgeons, pensions.	Salaries.	Clerk hire.	Rent.	Contingent expenses.	Grand total.
	Army.	Navy.	Total.						
Augusta					\$4,000.00				\$2,856,966.6
Boston	8,054,134.19	\$1,113,004.95			4,000.00				9, 193, 806. 7
Buffalo	6, 823, 797. 67 11, 276, 687. 48	1.084.331.57			4,000.00				6,847,158.0 12,393,484.4
Columbus	** *** *** ***	1,009,001.07			4,000.00				15, 860, 363, 3
oncord					4,000,00			372.01	2,733,254.3
Des Moines					4,000.00			77.25	8, 834, 201, 10
Detroit					4,000.00			153. 45	6, 746, 023. 1
ndianpolis					4,000.00			136.01	10,648,348.5
Cnoxville					4,000.00			939.90	10,075,945.8
ouisvillefilwaukee	4, 201, 535. 04 8, 233, 535. 90				4,000.00	10 045 00		159.68 88.88	4, 217, 694, 7
New York	7, 430, 683, 83	1,036,394.50			4,000.00	23, 575, 14	\$4,500.00	279.37	8, 256, 470. 0 8, 499, 432. 8
hiladelphia	8, 207, 573, 69	657, 600, 61			4,000.00		42,000.00	335.44	8, 891, 851, 0
'ittsburgh	7,075,940.01				4,000.00			206. 22	7,099,965,9
an Francisco	7,014,437.32	351, 837. 50			4,000 00			213.32	7, 390, 199. 6
opeka	18, 139, 064. 10		18, 139, 064. 10		4,000.00			128.01	18, 181, 010. 9
Washington	7, 883, 769. 08	1,149,291.18	9, 033, 060, 26	\$158, 414. 20	4,000.00	25, 569. 33		2,777.83	9, 223, 821.63
Total	151, 930, 642. 72	5, 392, 460. 31	157, 323, 103. 03	158, 414, 20	72,000.00	384, 507. 15	4,500.00	7,474.35	157, 949, 998. 7

Number of pensioners, by classes, on the rolls of each agency, to jether with the total number on the rolls June 30, 1911 and 1910.

Agency.					Civil War.										
	1	Regular est	Act of			General law.					Act of June 27, 1893.				
	Army.		N	Navy.			Army.		Navy.		Army.		Navy.		
	Inva- lids.	Widows,	Inva- lids.	Widows,	Army.	Navy.	Inva- lids.	Nurses.	Widows,	Inva- lids.	Widows,	Inva- lids,	Minors,	Inva- lids.	Minors, etc.
Augusta . Boston . Buffalo . Chicago . Columbus . Concord . Des Moines . Detroit . Indisnapolis . Knoxville . Louisville . Milwaukee . New York . Philadelphia . Pittsburgh . San Francisco . Topeka . Washington .	\$5 309 306 527 628 86 330 332 649 1,113 563 382 618 371 170 941 1,012 2,238	322 151 103 97 140 80 86 315 139 90 290 151 58 209 167 542	536 536 330 788	199 196 278 190 58	6,062 21,900 15,002 26,135 30,807 4,724 21,946 13,187 15,405 23,518 8,224 20,169 18,485 20,708 16,347 19,986 44,334 41,381	2,897 2,473 2,473 2,669 1,590 983 2,398	2,994 2,981 5,124 8,638 15,743 2,991 7,037 6,899 15,051 4,275 3,109 6,312 2,822 4,396 3,184 12,349 4,395	3 26 9 37 29 37 29 11 28 22 25 5 24 19 17 11 40 40 40 40 50	1, 835 4, 333 4, 362 5, 621 8, 958 2, 014 3, 698 3, 687 7, 081 2, 772 2, 235 3, 554 3, 254 3, 264 5, 783 3, 760 5, 783 3, 760 1, 584 5, 783 3, 922	265 403 403 148 105 53	309 240 257 157 119 23 133	783 1,489 2,364 4,305 6,748 679 3,413 2,774 3,342 5,064 1,913 2,889 1,543 2,537 2,960 2,512 9,106 3,496	(2 141 101 299 308 51 174 139 234 646 546 285 178 121 186 155 177 667 284	307 564 304 159 146 561	23 23 23 24 24 20 12
Total	10,660	2,721	3,097	1,458	343,820	13,010	111,924	406	69,929	1,139	981	57,950	4,208	2,041	153

Agency.		r—Contd. or. 19, 1908.		. War wi	th Spain.		War of 1812. War with Mexico.			India	n wars.	Number of pen-	Number
	Widows. Army.			my.	Na	avy.						sioners June 30, 1911.	of p n- sioners June 30, 1910.
	Army.	Navy.	Invalids.	Widows,	Invalids.	Widows,	Widows.	Surviv- ors.	Widows.	Surviv- ors.	Widows.		
Augusta Boston Buffalo - Chicago - Columbus - Concord - Des Moines - Detroit - Indianapolis - Knoxville - Louisville - Milwaukee - New York - Philadelphia - Pittsburgh - San Francisco - Copeka - Washington	15, 414 9, 796 15, 599 21, 145 3, 226 11, 439 8, 107 11, 420 14, 044 6, 075 10, 511 15, 281 16, 523 12, 500 8, 757 25, 770 10, 585	2,174 1,483 2,095 1,362 354 1,492	268 677 830 1,430 2,440 333 987 1,394 2,015 2,315 1,047 1,231 1,231 752 792 752 1,640 1,647	47 373 210 257 346 56 151 1214 165 643 231 224 416 261 114 236 310 533	131 76 102 187	54 31 22 108	5 7 7 19 19 20 4 4 3 3 3 13 85 5 6 6 5 3 3 12 47	4 13 14 128 68 2 65 65 222 72 422 422 23 48 27 14 14 291 250	25 78 45 406 206 21 213 61 205 5 1,978 336 97 164 126 78 80 821 372	1 4 4 7 7 6 7 1 1 1 4 6 4 4 4 5 5 3 1 1 1 7 7 4 8 9 1 9	2 14 7 58 11 1 26 6 14 1,577 10 18 11 10 3 659 161	15, 257 54, 538 38, 292 69, 955 87, 603 14, 213 49, 597 36, 917 55, 841 59, 253 24, 254 45, 721 50, 378 52, 660 40, 362 43, 766 102, 828 50, 663	15, 89 56, 66 39, 94 72, 100 90, 49 14, 84 51, 31 51, 31 57, 31 61, 27 24, 93 46, 98 52, 97 54, 82 41, 86 44, 93 52, 97 52, 90 52, 90 5
Total	219, 238	8,960	22,644	4,817	739	290	279	1,639	5,982	1,387	2,629	892,098	921,08
Augusta: 1 chief clerk, at 2 clerks, at 4 clerks, at 1 messenger, at Boston: 1 chief clerk, at 1 clerk, at 1 clerk, at 2 clerks, at 1 clerk, at 2 clerks, at 2 clerks, at 1 clerk, at 1 clerk, at 1 clerk, at 2 clerks, at 4 clerks, at 4 clerks, at 1 clerk, at 1 clerk, at 1 clerk, at 1 clerk, at 2 clerks, at 4 clerks, at 1 clerk, at 2 clerks, at 3 clerks, at 1 clerk, at 3 clerks, at 1 clerk, at 1 clerk, at 2 clerks, at 1 clerk, at 3 clerks, at 1 clerk, at 1 clerk, at 1 clerk, at 1 clerk, at 2 clerks, at 2 clerks, at 2 clerks, at 3 clerks, at 4 clerks, at 5 clerks, at 1 clerk, at 1 clerk, at 1 clerk, at 2 clerks, at 5 clerks, at 3 clerks, at 5 clerks, at 6 clerks, at 7					\$1,500 1,000 900 400 2,000 1,600 1,260 1,260 1,260 1,200 1,000 960 960 960 900 840 2,000 1,800 1,200 1,800 1,200 1,800 1,200 1,800 1,200 1,800 1,200 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,800 1,900 1,800 1,900 1,800 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1	4 cle 8 cle 8 cle 1 cle 3 cle 1 cle 2 cle 2 cle 7 cle 3 cle Philadelp 1 chi 1 cle 1 cle 1 cle 1 cle 1 cle 2 cle 1 cle 2 cle 1	rk, at rks, at	atatatatatatatatatatatatatatatatatatatat					- 1, 20 - 1, 14 - 1, 08 - 1, 20 - 1, 108 - 1, 20 - 1, 108 - 1, 60 - 1, 60 - 1, 60 - 1, 50 - 1, 108 - 1,
10 clerks, at					1, 020 900 2, 000 1, 200 1, 080 960 2, 000 1, 020 960 960 2, 000 1, 600 1, 380	1-cler 5 cler 2 cler 12 cler 1 mes Washingto 1 cler 1 cler 1 cler 3 cler 5 cler 1 cler 3 cler	k, at ks, at rks, at rk, at rks, at r	tt					1, 20 1, 00 1, 00 1, 01 1, 02 1, 02 1, 74 1, 50 1, 38 1, 38 1, 30 1, 30

Mr. BARTLETT. Now, how are these employees at the pension agencies employed? I asked the Commissioner of Pensions

Mr. YOUNG of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Kansas?

Mr. BARTLETT. Yes.
Mr. YOUNG of Kansas. I want to offer this to the gentleman from Georgia simply as a suggestion: Is it not true that a great deal of the work at these agencies is caused by senda great deal of the work at these agencies is caused by sending out vouchers ahead, and that this bill proposes to abolish that system, and therefore very much less clerical work will be required at the agencies if this new method were adopted?

Mr. BARTLETT. I think so. That is the purpose of it. I was going to read the evidence of the Commissioner of Pensions

before the committee to show that these pension agencies are busy only a part of the time; that is, the time during which

they have to send out these vouchers.

Mr. YOUNG of Kansas. The greater part of their time is

used up in sending out these vouchers?

Mr. BARTLETT. Yes. They are engaged on that work 15 days previous to the date when they are required to send out these 4,000,000 vouchers. That work will be dispensed with if this provision is adopted. The necessity of the work will be done away with, not alone at the agencies, but everywhere.

Now, the Commissioner of Pensions said, in answer to my question as to whether all the employees at these agencies are

occupied all the time:

question as to whether all the employees at these agencies are occupied all the time:

Mr. Davengort. We have a few extra on pay day. We take them in and pay them so much. The civil service allows that. It only amounts to about five days. The regular employees are all in the classified service.

Mr. Bingham. Have you a class of employees who are paid less or lower than they should be?

Mr. Davengort. I think all Government clerks are paid too low.

Mr. Bingham. In all the divisions of employment there is a class paid too low?

Mr. Davengort. Yes, sir.

Mr. Bingham. What is your idea of what should be the lowest class of salary for what might be called the humblest line of work?

Mr. Davengort. I should say that anyone doing clerical work—

Mr. Bingham. (Interposing). Have you in your subordinate force a class of subordinates whom you conclude from your experience are paid less than a living wage?

Mr. Davengort. I think so in the clerical force, but take the charwomen; a charwoman gets \$33 a month for working only from 3 to 5 o'clock in the afternoon. I think they are well paid.

Mr. Bingham. So do I.

Mr. Davengort. When you take a clerk, perhaps, a college graduate and, perhaps, a law graduate, and he only gets \$1,000, I think he should have more salary.

Mr. Davengort. There is a \$900 class which I call my lowest grade that I put clerks in who are worthless, who are not quite ready to be discharged or who can not afford to be discharged. I put them down in the \$900 class and let them work along the best they can.

Mr. Bingham. That you regard as low?

Mr. Davengort. A pretty low salary in these times.

Mr. Bartlett. In reference to the service rendered by the employees at the various agencies, do you say that they are constantly engaged in work, or that there is more work to do at certain times and less at others? Is the force we have is absolutely necessary to carry on the work or is it employed only a short while during the quarter?

Mr. Davengort. No. The force we have is absolutely necessary, to carry on

Now, there is no purpose entertained primarily of dismissing any of the employees, but if this proposed change in the manner of paying pensions is carried out, if the proposition to abolish these 17 agencies which will not be necessary to carry out the law if this provision is adopted as we suggest, this clerical force will be useless. Why should the Government maintain force will be useless. Why should the Government maintain useless agencies if the Pension Bureau here can dispense with the services of these pension agencies by the discontinuance of this practice of sending out 4,000,000 vouchers a year, without injury to the pensioners, but, on the contrary, as all the evidence shows and the report of the commissioner and the testimony before the Committee on Appropriations demonstrate, with an actual improvement in the manner of paying the pensioners? This method of payment will be better and more expeditious, and the Government will be more amply protected than it has been heretofore. If we can put into effect this wise scheme which protects the pensioner and protects the Government and brings about a more businesslike way of paying these pensioners, why should we retain a useless method, involving the unnecessary expenditure of money by the retention in the service of useless officials?

That is the whole question. The question is whether we will permit these agencies, which have been established in the various parts of the country from Maine to Kansas, to continue in operation when it is shown that they are needless or whether

we shall abolish them. All the evidence goes to show that they were established in those particular localities not so much by reason of the needs of the service, not so much by reason of the fact that their establishment and continued operation would facilitate the payment of pensions in those particular localities, and where the salaries of the agents are not fixed in accordance with the amount of work they do, but rather that they had been established in those particular localities and the salaries of the employees fixed-as, for example, the salaries of the chief clerks-in consequence of the political considerations and exigencies of the particular localities in which they happened to be situated. And all these things being presented to the committee, the change being recommended by those whose duty it is to investigate and report to Congress as to the improved methods and the saving of money, it occurs to me that it is the duty of this House to reduce these expenditures and abolish these useless offices.

The CHAIRMAN. The time of the gentleman has expired. All time for general debate has expired. The Clerk will read the bill under the five-minute rule for amendment.

The Clerk read as follows:

From and after July 1, 1912, no pension shall be paid to a nonresident who is not a citizen of the United States except for actual disabilities incurred in the service.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that.

Mr. GOOD. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Iowa [Mr. Good]
moves to strike out the last paragraph read.

Mr. MANN. I make the point of order against the paragraph, Mr. Chairman, in order to have a ruling upon the subject. My point of order is that it is legislation on an appropriation bill

and not warranted.

In doing that I appreciate the fact that under the Holman rule, so called, it is possible that the paragraph is in order. It is possible that under the rules of the House, adopted by the Democratic Party in the House, it is in order on a pension appropriation bill to change the law and cut off pensioners from the pension rolls. If this be in order, of course any proposition in the bill to restrict the payment of pensions would be in order. I should like to know, through a ruling of the Chair, whether the Democratic Party, in its reform of the rules, has so fixed the rules that it is possible on an appropriation bill to cut off pensioners; not possible to reform the law so as to add pen-sioners, but possible under the rules to cut down or cut off all the pensioners on the pension rolls. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. Certainly. Mr. FITZGERALD. Under the rules in force for many years in a Republican House it would have been in order to withhold pensions to any class of pensioners on an appropriation bill.

Mr. MANN. It would have been in order at any time to withhold the appropriation, but it would not have been in order to provide a permanent law striking from the rolls anybody who was on the rolls.

Mr. FITZGERALD. In what better position would a person be who could not get his pension, through the device that might be resorted to under your peculiar rules or under the method

adopted under these improved rules?

Mr. MANN. Oh, yes; under the old rules if a pensioner was not appropriated for he could file a claim in the Court of Claims for his pension. That is the difference between the rules of the two Houses. If your side of the House propose, through practically the only change of importance that they have made in the rules, to fix it so that the Democratic side of the House can strike down all pensioners but can not add anything to the pension roll, I want to know it from the ruling of the Chair.

Mr. BARTLETT. Mr. Chairman, I do not think this provision is subject to the point of order under the rules heretofore governing the House, and certainly not under the rules adopted by this House. But in order that there may not be any doubt as to the precedents about it, I have before me and will present to the Chair a decision upon this identical proposition made by former Representative William L. Wilson, of the State of West Virginia, acting as Chairman of the Committee of the Whole House on the state of the Union, on February 16, 1893, when this identical proposition was up, and this exact provision was carried in an appropriation bill appropriating for pensions.

I refer the Chair to page 1708 of the Congressional Record, Fifty-second Congress, second session. The House was considering the pension appropriation bill, and the following provision was being considered:

That from and after July 1, 1893, no pension shall be paid to a non-resident who is not a citizen of the United States, except for actual disabilities incurred in the service.

Mr. Burrows. Mr. Chairman, the gentleman from Indiana makes a point of order against that amendment, and it ought to be heard.

Mr. Martin. Mr. Chairman, the point of order I desire to make is this: That it is perfectly apparent to the Chair, if my understanding is correct, that from this on all of the legislation, or almost all of it, is new legislation. The paragraph which has just been read is:

"That from and after July I, 1893, no pension shall be paid to a nonresident who is not a citizen of the United States, except for actual disabilities incurred in the service."

The point I make is that this is not germane to the bill; that it is new legislation, and that an amendment of this character can not be put on an appropriation bill by this committee without jurisdiction of the subject matter. I can not add any argument to what has already been said, except to make this point, and I ask a ruling.

The Chairman. Under the ruling, copied by the Chair, as made by the gentleman from Ohio [Mr. Outhwaite] when this pension appropriation bill was before the first session of this Congress, when he held that an amendment to the pension appropriation bill tending to increase the class of persons prohibited from the benefit of pension law is in order, because its effect will be to reduce expenditures, the Chair overrules the point of order.

That seems to have settled this question, if that precedent is

That seems to have settled this question, if that precedent is to be followed, and I apprehend that it is. Now, Mr. Chairman, in absence of anything to the contrary, with such a precedent aptly in point, covering the identical amendment that was offered and enacted into law by that Congress and repealed in 1905, I think, it seems that there ought not to be any department of the ruling of the Chair. We have the identical amendabout the ruling of the Chair. We have the identical amendment offered, the identical point of order made against it, and to say anything further would not add to the strength of the argument.

This is the precedent I have been able to find. I have not gone into the various rulings that have been made for the purpose of analogy, but having been able to find a precedent exactly in point where this legislation was formerly presented and enacted and having found the ruling of the Chair made by an able Member of Congress, distinguished in Congress and in public life, a lawyer and a parliamentarian, I think I have done all that is required of me, and I ask the Chair to sustain

the ruling then made as applicable here.

Mr. MANN. Mr. Chairman, I am familiar with the precedents cited by the gentleman from Georgia, and I could cite him other precedents made by the same Chairman to the same effect in 1893. But that was at a time when, I think, the rulings were wrong-at a time when the Democratic Party boldly avowed its opposition to the pensions. Since then we have the pretense on their part that they are in favor of pensions, and the gentleman will remember that while the Chairman of the Committee at that time, Mr. Wilson, ruled this amendment in order, at the next election the country ruled them out of order and sent the largest Republican majority to this Congress ever seen on the floor of the House. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Certainly. Mr. FITZGERALD. Is the gentleman from Illinois arguing the question of the point of order?

Mr. MANN. Yes.

Mr. FITZGERALD. Of course, that is a very potent argument to influence the mind of the Chair.

Mr. MANN. It ought to be a potent argument to the Chair. If a bad ruling was made by Mr. Wilson in 1893, repudiated afterwards by the country, repudiated by your own side of the House by not including the rule when you revised the rules, it ought to be a potent argument against that ruling now, and turning down the pensioners of the country under a claim that a Democratic Chairman made in 1893 authorized a Democratic

House to strike down the pensioners.

Mr. BARTLETT. Mr. Chairman, I do not intend to reply to my friend's suggestion, which is sort of a "side-bar" remark. and not his argument with reference to this point of order. Of course, whenever my friend from Illinois can not say anything seriously in opposition to a proposition of this kind he necessarily is forced to resort to that kind of an argument. It is an argument not in support of the point of order, but to some policy that the Democrats at some time pursued with reference to pensions. It is true it is history that in 1894 the Democratic Party suffered the greatest defeat in its history, but I never yet heard that it was any decision of a point of order or any ruling made by Mr. Wilson, or any other Democratic Chairman of the Committee of the Whole House, that led to that defeat. It is true also that the gentleman and his party last year undertook to deceive the people by passing pension legislation, and they suffered the greatest defeat in their history in 1910. Now, was it because you were in favor of pension legislation, or because you opposed it? It is true you suffered this defeat, and it is true also it is believed you suffered defeat on account of the way the rules of the House were enforced. I do not know how it was.

I do not care to continue that discussion. All I have to say, Mr. Chairman, is that on this point of order I have presented to the Chair the reasons for the rule and the precedents, and

I think the Chair ought not to have any doubt as to how this question should be decided.

The CHAIRMAN. The present occupant of the chair desires to state that the Chair is not at all concerned with the politics of any gentleman who has occupied this chair and who rendered a decision. If it appears to the Chair that the decision is founded upon the rules and has the support of reason and argument, there could be no good reason why the present occupant of the chair should not follow it. The Chair read carefully the decision of Mr. Wilson and has also read the arguments that were made which lead up to that decision. The Chair is constrained to believe that the ruling then enunciated was the only ruling that could be made under the rules of the House. The Chair is still of that opinion and, therefore, overrules the point of order.

Mr. GOOD. Mr. Chairman, I move to strike out the para-

graph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Page 2, strike out lines 8, 9, 10, and 11.

Mr. GOOD. Mr. Chairman, when this provision was first submitted it seemed to me that it had in it some element of fairness, and I was inclined to support the proposition of limiting payments of pensions to nonresidents, to citizens of the United States, or to those who had received actual disabilities in the service; but the more I studied this question, and the history of similar legislation, the more I have become convinced that it is not desirable. When President Lincoln called for volunteers he made no distinction, and the country made no distinction, between the volunteer who was born in this country and the volunteer who was born in Canada, in Germany, in Ireland, or in England. [Applause on the Republican side.] We have just passed a service pension bill. In that bill we made no distinction between the citizen of the United States and the citizen of some other country, but provided that every soldier who had rendered service to preserve this Union should be paid a certain pension without regard to his residence or his citizenship. We only provided that the amount that would be paid to each pensioner should depend on his service. The appropriation act making appropriations for pensions, approved March 1, 1893, contained this provision:

That from and after July 1, 1893, no pension shall be paid to a non-resident, who is not a citizen of the United States, except for actual disabilities incurred in service.

It will be noticed that with the exception of the year for which the appropriation is made that provision is the same provision, word for word, that is now proposed in this bill. Commissioner of Pensions, in his report for the year ending June 30, 1893, reported that there were 3,856 persons residing abroad who received pensions, and that the amount received by them was \$666,967.04. In the same report of the Commissioner of Pensions—and mind you he was a Democratic commissioner—I find this remarkable statement:

missioner—I find this remarkable statement:

A clause of chapter 187 of the public acts of the second session of the Fifty-second Congress provides:

"That from and after July 1, 1893, no pension shall be paid to a nonresident, who is not a citizen of the United States, except for actual disabilities incurred in the service."

I respectfully ask your attention to this clause, in the hope that you may recommend its repeal. It causes great trouble and annoyance to the excepted classes, who constitute the great bulk of nonresident pensioners, in compelling them to make proof that they belong to these excepted classes. And the final result is that payments under it are withheld from but few, save widows and dependent mothers, who have little else for their maintenance. The saving is too little to offset the suffering inflicted in individual cases. If all nonresidents were refused payments of pension some plausible argument might be made in support of such policy; but none can be urged in favor of this law, which, while giving annoyance to all, strikes only the most helpless.

I should not feel warranted in asking attention to this law, but for the fact that it entails much work on this bureau, in answering communications, and seems to yield little practical results except annoyance and apparent cruelty. I recognize to the fullest extent that my sole duty is to execute and administer the laws as they are enacted—fairly and honestly interpreted.

Very respectfully,

WM. LOCHREN,

Commissioner.

WM. LOCHREN, Commissioner.

The SECRETARY OF THE INTERIOR.

Last year, according to the report of the commissioner, there was paid out to nonresident soldiers, widows, and dependent mothers, \$978,471.98. The year in which we enacted the former legislation we paid out \$666,967.04; but did that act, that provision that struck only at the dependent mother, only at the helpless widow, result in economy? I hold in my hand the report of the Secretary of the Interior for the year ending June 30, 1905, and I am amazed to find that after that law had been in operation one year, instead of working for economy, it cost this Government \$28,368.17 more in the payment of pensions to nonresidents than it had before the law was enacted. It is true the first year after this enactment some pensions were

held up and not paid and there was a little saving, but, as the commissioner says, the hardship fell on the dependent mothers and on the helpless widows. These dependent mothers and widows are 15 years older now than they were when you discovered that the act of March 1, 1893, was a failure, and I ask you if you are going to make their burdens heavier by imposing this hardship on them? This provision will deprive those same dependent mothers and helpless widows of their They gave a husband, they gave a son, for the de-I do not care whether that sacrifice was fense of the Union. made to preserve the Union or to forever eradicate in this country the curse of human slavery, for in either case they gave their lives to a righteous cause, and I for one am not willing to cast my vote to make harder the burdens of such widows and dependent mothers simply because they live in some other country. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the policy of the Committee on Appropriations in regard to the payment of pensions to nonresident aliens can be very easily explained and justified. In 1894, as the gentleman from Iowa pointed out, there were 3,447 nonresidents of the United States receiving pensions from the United States. Seventeen hundred of those persons resided in the Dominion of Canada. Since that time the number of nonresident pensioners has increased to 5,476, an increase in 20 years of 2,049, and 2,712 of those pensioners are now residing in Canada, or an increase of 1,019. It has been stated to 1,019. in Canada, or an increase of 1,012. It has been stated, I do not know how authoritatively, that many of these pensioners, disgusted with the conditions in the State of the gentleman from Iowa, are taking refuge in Canada, and perhaps he prefers that they should be supported there rather than have them live within the confines of his own Commonwealth. A Republican Congress passed a law much more severe than this, much more far-reaching in its effect, to which gentlemen on that side did dissent, but which they very vigorously supported, and that is the law which deprives of his citizenship any naturalized American citizen who permanently resides without the United States for a fixed period of years. There are different views of the policy by which pensions are awarded to those who have served the Nation or to persons who were dependent upon those who so served. In nearly every civilized nation in the world pensions cease when the pensioner either removes without the confines of the country within which he is domiciled and from which he receives a pension, or whenever he enters the civil service of the Government and receives compensation for such

Mr. HAMILL. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. HAMILL. Suppose a man is drawing a pension in this country, having received it for services rendered to his Government, and he moves to another country either for the sake of his health or to spend his declining days in happiness; is it the opinion of the gentleman from New York that his pension should then be cut off?

Mr. FITZGERALD. If he removes from the United States to spend his declining years in some other country, under some other flag, under some other Government that he prefers to the United States, and he continues there sufficiently long under the law, if a naturalized citizen, he may lose his citizenship in the United States. What greater claim is there to be supported at the expense of the people of the United States than to have the protection and the benefit of the laws of the United States?

May I ask the gentleman another question?

Mr. FITZGERALD. Yes.

HAMILL. Are not pensions granted not with regard to the citizenship of a man, because men who are not citizens are taken in time of war, but rather on the theory that a man has rendered service to the Government and in gratitude for his services the Government pays him a pension?

Mr. FITZGERALD. Mr. Chairman, I have hitherto expressed the opinion that merely as a matter of right the Government does not or at least should not distribute money to those who have served in its wars regardless of their necessities or their

condition.

I have no sympathy with the theory that simply because a man served to protect the country which he prefers to all others, and in the preservation of which he is vitally interested, that thereby the country becomes liable to him pecuniarily regardless of his necessities. Some gentlemen differ from me in that position.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there ob-

jection? [After a pause.] The Chair hears none and it is so ordered.

Mr. FITZGERALD. In the Argentine Republic, in Austria-Hungary, in Belgium, in Denmark, in France, Great Britain, Greece, Sweden, and Servia, the laws of which countries I have had the opportunity to examine to some extent, pensions cease to those who rendered service to the country upon their removing without the limits of the country, except in some instances where special provision is made by which consent is given to the pensioner to reside abroad.

No person residing in the Dominion of Canada who served Great Britain in any war can remove to the United States and permanently take up his abode here and be the beneficiary of the pension laws of the Dominion of Canada, unless permission to do so be obtained from the proper official. If those who have rendered service to the United States for the purpose of perpetuating our Government prefer to live under some other form of government, prefer some other country, then, so far as I am concerned, except in the few cases excepted, I would not pay them from the Public Treasury to keep them from becoming burdens on some other Government. Under this provision there are excepted those who are receiving pensions because of disability received in the service.

Mr. FULLER rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois? Mr. FITZGERALD. I do.

Mr. FULLER. I would like to know if you have the statistics of the number of soldiers who are now living abroad who were living abroad at the time they enlisted in the war?

Mr. FITZGERALD. No; I have not, except I know that in the past 20 years the number of nonresident pensioners has increased from 3,400 to 5,400, and some odd.

Mr. SHERWOOD. Will the gentleman yield? Mr. FITZGERALD. I will. Mr. SHERWOOD. What right has the Government of the United States to take money out of the Treasury and send it abroad to men who are not contributing to the support of the Government?

Mr. FITZGERALD. I doubt the propriety of it, I will say to the gentleman, without going into the question of right. I am

opposed to the policy.

Mr. SHERWOOD. So am I.

Mr. FITZGERALD. I do not hesitate to express my opinion in that respect.

Mr. AUSTIN. Can I ask the gentleman a question? Mr. FITZGERALD. I yield for a question. Mr. AUSTIN.

Mr. AUSTIN. I wanted to know, if this provision remains in the bill, how it will affect the widow or dependent mother of a soldier who is living abroad. It says it shall apply only to soldiers who are injured in the service. Will it strike from the pension roll the dependent mothers or widows of soldiers living abroad?

Mr. FITZGERALD. It would. Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Suppose a Filipino joined the Army during the Philippine insurrection and died from disabilities incurred in the service, and his mother is now in possession of a pension, would that cut the mother off?

Mr. FITZGERALD. Does the gentleman know of any such cases of Filipinos who joined the Army during the insurrection, or would have been tolerated in the American Army at that time?

Mr. MANN. Undoubtedly. I have no doubt such cases exist. The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the

gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Such a condition may exist in the Philippine

Mr. FITZGERALD. The gentleman from Iowa [Mr. Good] called attention, Mr.-Chairman, to the fact that in 1894 the United States was paying to pensioners of this class \$666,967.04. Last year there was paid \$978,471.98. And if the increase continues at the same ratio, and if the emigration from some of the States in the Middle West to the Dominion of Canada continues, then in a very short time this sum will be very largely augmented.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes; I yield.

Mr. MANN. The gentleman does not contend that under this provision an American citizen, native born, on going to Canada would lose his pension?

Mr. FITZGERALD. No; not a native-born citizen.

Mr. MANN. The other class comprises a very small number, does it not?

Mr. FITZGERALD. We were unable to get any definite information as to that. It was difficult to classify the persons. But I base my support of this proposition upon the ground that not only is there no obligation but there is no justification to pay pensions from the Public Treasury to nonresident aliens who were not injured or who were not disabled in actual service. I know that an appeal can be made to the sympathies of men; but, after all, our public duty is to the people of the United States, not to the subjects of foreign nations; and I prefer to keep my obligations to the people who contribute to and maintain and support this Government rather than to relieve other nations from the burden of supporting those who belong to them. [Applause.]
Mr. CANNON and Mr. CRUMPACKER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois first and later the gentleman from Indiana.

Mr. CANNON. I hope, Mr. Chairman, I may have 15 minutes. If I do not use it all, I will yield back the remainder.
The CHAIRMAN. The gentleman from Illinois a

The gentleman from Illinois asks unanimous consent for 15 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, I am opposed to this proposed legislation, and I shall favor and vote for the amendment

offered by the gentleman from Iowa [Mr. Good].

I want to say at the very outset that I do not believe you gentlemen on the other side of the House would vote for this proposed legislation if you understood what it would do, and I am quite sure that this side of the House would not vote for it as proposed. The United States, in achieving its independence, owed much to people who were never citizens of the United [Applause on the Republican side.]

We have now adorning the corners of one square in the city of Washington, with a statue of Jackson in the center, monumental statues of Rochambeau, Kosciusko, Von Steuben, and Certainly Von Steuben and Kosciusko and Lafayette received liberal land grants. Pulaski also rendered valuable service toward the establishment of our Republic. I do not recollect whether he or Rochambeau ever received compensation Within the period of my service as a Member of Congress, and particularly within the last four years, we have adorned that great square-Lafayette Square-with statues of foreign-born patriots who never were naturalized in this There are their monuments, erected to stand to their memory in perpetuity.

Now, what will this proposition do? It will take away the pension from the man who served in the war for the preservation of the Union and goes to Canada. Such a man, before he can homestead land in Canada, must become a citizen there, and the moment he becomes a citizen there he is deprived of his pension here—or would be if this provision were enacted into law-no matter whether he served for a long or a short period as a Union soldier in the Civil War. There are widows in such cases-some to my knowledge who are widows of as good soldiers as ever fought in that great contest—who have gone over to take up the cheap land in the Canadian northwest. Under

this proposal they would no longer be pensioned. Now, I want to call the attention of the House to another fact: In that great struggle for the preservation of the Union, which cost so much to the Northland and to the Southland, a struggle long protracted, it is an open secret that the ruling classes of the Old World were not in sympathy with our cause. Great Britain, you will recollect, so conducted herself that she was subsequently constrained to pay to the United States, if I recollect aright, an award of \$15,000,000 on account of the Alabama trouble. All of us recollect it. Canada, so far as the ruling authorities were concerned, so far as her Government was concerned, so far as the viceroy was concerned, was not in sympathy with our cause. Our southern brethren, you know, went up and camped across the border and organized in Canada without much interruption or great discouragement from the Canadian authorities. You older Members will recollect it. But the hearts of the common people in Canada did sympathize with the tens of thousands of their friends and neighbors who had come to Illinois and other great States in the West, and many to the East, and they came here and enlisted in the Union

It was a pretty serious matter to our Navy to get seamen. Canadian seamen came over and enlisted in our Navy, and

Canadians also enlisted in the Union Army. Many of them never became citizens. Yet Kosciusko, Von Steuben, Lafayette, and Rochambeau never had a heart more devoted to the welfare of the great Republic than had these humble men. [Applause on the Republican side.] Why, half of them who live in Canada were born in this country and have gone to Canada to improve their condition.

Mr. MANN. And there are some in Ireland, too. Mr. CANNON. Oh, yes; some in Ireland, some in England,

some in Germany, and some in France.

Gentlemen, I do not believe you can afford to do it. It amounts in round numbers to \$900,000. You did it once, in 1893; but a Republican House of Representatives came in in 1895, with Cleveland President and Lochren, of Minnesota, who lately crossed over, Commissioner of Pensions, and he recommended the repeal of that law which you now propose to reenact, and it was repealed.

I do not know that there is much more for me to say. listened with great interest to the gentleman from Iowa [Mr. Good], who is a member of the Committee on Appropriations and one of the subcommittee that prepared this bill. He cov-

ered the ground.

I am a little bit surprised that my very good friend, the chairman of the Committee on Appropriations [Mr. Fitzgerald], should seek to justify this matter. He says a Republican Congress passed a law that, as it turns out, naturalized citizens of the United States who go abroad and abandon their residence in this country shall lose their citizenship in five years, as I recollect it, if it be done in fact. Why? Because it became apparent to Congress that there were numbers of men who came over just long enough to be naturalized, in order that they might have the protection of the American flag. fraud upon naturalization, a fraud upon the great Republic that they never served, coming without any genuine intention to become permanent residents of this country, and then going back and calling for our protection. I think the vote was unanimous, if I recollect aright, or substantially so, in both the House and Senate, in the enactment of that law.

Something has been said about these Canadians who came over when the ruling powers in Great Britain were not in sympathy with the Government of the United States in that great struggle. They came over because their kindred were There are two counties in the district I have the honor to represent which were settled largely by the Canadian French, whose kindred are back in Canada. They have come here from the standpoint of sympathy and love as much as Kosciusko and Lafayette came.

Gentlemen, I do not believe you can afford to pass this legis-

lation. [Applause on the Republican side.] . Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be concluded in 10 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. Bart-LETT] asks unanimous consent that all debate on the paragraph be concluded in 10 minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, if the amendment submitted by the gentleman from Iowa [Mr. Good] should not prevail, then I appeal to gentlemen on the other side of this House to amend this provision. In all fairness it should not apply to the widows and dependent mothers of soldiers who are living When I had charge of the American consulate at Glasgow I came in contact with at least 75 of our pensioners, and I remember putting this question to them when they came at the end of the first quarter to execute their vouchers: is it that you are living here in Scotland?" And the reply in a majority of the cases was that they had returned to Scotland for two reasons-first, that their kindred lived in Scotland and, in the second place, the cost of living was much less in Scotland than in America. They had reached that age in life where their earning capacity was practically nothing; but with the liberal pension system of our great country and the low cost of living in Scotland and residing with their relatives or kinsmen they could make ends meet. There came to the consulate a good old Scotch mother with her children every three months to execute a voucher. All that she has in this life in the way of an income is a pension from this generous Republic, given to her to support her for the loss of a brave son. Our country had no claims upon him, for he could have escaped military Now you ask this great Republic that used this son service. in its trying hour to put this mother, in her old age and her poverty, into a Scotch poorhouse. Oh, no, my countrymen; we have not reached the point where economy means putting into a poorhouse the widow or the mother of a man who gave his life that your country and my country might live. There are more than 400 of these people in Ireland. Their pensions not

only aid in sustaining their lives, but I do not doubt that they aid in giving relief to some of their deserving relatives.

Mr. RUSSELL. May I ask the gentleman a question? Mr. AUSTIN. Yes.

Mr. RUSSELL. I would like to know my friend's construction of the provision as it now reads as affecting widows and mothers of soldiers killed in the service. The gentleman speaks of the widow or mother of a soldier who gave his life for the preservation of the Union and who came from another coun-If a soldier from a foreign country came here and was killed in the service, would not the gentleman understand that this provision would pension his widow? This section reads "disabilities incurred in the service."

The CHAIRMAN. The time of the gentleman from Tennes-

see has expired

Mr. BARTLETT. I will yield the gentleman one minute

Mr. AUSTIN. I put that very question to the chairman of the Committee on Appropriations [Mr. FITZGERALD]—how this would affect the widow and dependent mother-and my recollection of his answer is that this provision would not protect

Mr. RUSSELL. My recollection is just to the contrary.

Mr. AUSTIN. Well, let me read the provision:

From and after July 1, 1912, no pension shall be paid to a nonresident who is not a citizen of the United States except for actual disabilities incurred in the service.

Now, the widow or dependent mother had no disability in-curred in the line of service, and this strikes every one of that

class from the pension roll.

Mr. BARTLETT. Mr. Chairman, I do not think it is incumbent on the United States Government to take care of dependents of other countries. The fact is that in every instance cited by my friend from Tennessee, if, perchance, there was a soldier that served the English Government in its wars and had been pensioned and come over here and died and left a dependent family, the mere fact that he left England would at once deprive him of his pension. Why should we support the de-pendent citizens of England who happened to serve in the war, or whose ancestors served in the war, when England does not support ours under similar circumstances?

This does not propose to take away the pension of any man who suffered actual disability in the service, but it does say that those foreigners who enlisted and received pay and large bounty, who have taken up not only their residence in a foreign country but renounced their allegiance to the United States Government, if they owed it any, and are therefore citizens of foreign countries, shall not receive a pension. This does not take away the pension from any citizen of the United States simply because he lives abroad, but it takes it away from those who reside abroad and are not citizens of the United States.

Mr. GOOD. Will the gentleman yield? Mr. AUSTIN. Certainly.

Mr. GOOD. I note by the report that last year there was paid to persons residing in the Philippine Islands \$16,639.12; Porto Rico, \$5,820. Would not this practically eliminate all of

Mr. BARTLETT. No; those are the people who reside there in the Consular Service, or who are citizens of the United

Mr. GOOD. But suppose they are citizens of Porto Rico or

the Hawaiian Islands?

Mr. BARTLETT. I do not care to enter into that particular That is a question upon which the Supreme Court of the United States has been equally divided, and it may equally divide again. That is not the question. They are not residents abroad. It is a country adjacent to and appertaining to the United States, to use the language of the Supreme Court of the United States. Now, Mr. Chairman, this is proper, this is just to those pensioners who still reside in the United States, and it is just to the taxpayers of the country.

The CHAIRMAN. All time has expired. The question is on

the amendment offered by the gentleman from Iowa.

Mr. MANN. On that, Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Iowa [Mr. Good] and the gentleman from Georgia [Mr. BARTLETT].

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be

again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment.

The committee divided; and the tellers reported that there were 86 ayes and 49 noes.

So the amendment was agreed to.

The Clerk read as follows:

For salary of one agent for the payment of pensions, \$4,000; and from and after the 1st day of July, 1912, there shall be only one agent for the payment of pensions to be appointed in the manner now provided by law and who shall receive a salary at the rate of \$4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is

Mr. WILLIS. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

On page 2 strike out lines 15 to 23, inclusive, and insert therefor the following: "For salary of 18 agents for the payment of pensions, \$72,000."

Mr. AUSTIN. I suggest that the gentleman put in "at a

salary of \$4,000 each."

Mr. WILLIS. That can be offered subsequently. man, I feel that in fairness I should state in beginning the discussion of this amendment that it was prepared by my colleague from Ohio, Mr. TAYLOR, who is unavoidably detained at his home until now, and I have offered it at his request. He has just arrived and will speak for himself. I want to say that in announcing that the amendment was prepared by the collaboration of my colleague and myself I do not mean to intimate that this is a perfunctory performance on my part, because if the gentleman from Ohio, my colleague, had not said anything about it I should have prepared the amendment and offered it, because I think it is just and fair.

I want to call attention, in the first place, to this fact, that

this proposition that is embodied in this bill to abolish the pension agencies is not recommended by the Commissioner of Pen-What has been said here in the discussion indicates that many Members think this is a plan of the Commissioner of Pensions and recommended by him. I assert without fear of being overthrown in that particular that the Commissioner of Pensions did not recommend this, and, in fact, has exactly the con-

trary opinion about it.

Mr. Chairman, I call attention to the fact that the provisions embodied in the bill under discussion are taken almost word for word from the bill drafted by the Commissioner of Pensions, to be found on page 27 in the last annual report of the commissioner, except the paragraph abolishing the pension agencies, a provision not to be found in the commissioner's bill and not approved by him.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WILLIS. Yes.

Mr. BYRNS of Tennessee. The gentleman states that the Pension Commissioner has not recommended this plan. Has not he done so in a former report? I notice in the hearings the following:

Mr. Bartlett. This proposed plan would dispense with the sending of the checks to the agency at Knoxville and having them countersigned?

Mr. Davenpoet. It would. If we paid all from Washington there would not be any agency in Knoxville.

Mr. Bartlett. Is not that a feasible plan?

Mr. Davenpoet. I do not know what those higher in authority than I want to do. I would like to see the agencies reduced by the plan. They could be reduced, I think, and they are very expensive as they are to-day.

Mr. Davenport, in response to several questions, made this statement:

There is just one objection. It puts 18 men out of office—that is all. In case it should be brought about, 18 as fine men as ever lived in the country—our pension agents—and, of course, they would not like to lose their positions. That is all there is to it.

Mr. WILLIS. Mr. Chairman, I am very much obliged to my friend for reading that. I had already read it, and no doubt many others had.

The CHAIRMAN. The time of the gentleman has expired. Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for 10

minutes. The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I want to read something else that appears in these hearings that indicates that the Commissioner of Pensions did not contemplate the abolishment of these agencies. I now turn to page 16. There is a series of questions and answers. The Commissioner of Pensions said, at the bottom of the page, in response to a question by the gentleman from Georgia [Mr. BARTLETT]:

I guess all of them, if they were forced to, and pay from here, but I hardly think that will be done at once, because this is an entire change in the way of payments, and no one can tell how it will work until we get it into operation. We believe it is all right. It is such a radical change in the way of payment that we would have to try it first on one agency and see if it was feasible and worked out all right.

The statement of the commissioner, on page 16 of the hearings, is as follows:

Mr. Bartlett. The next item is, "For salaries of agents for the payment of pensions, at \$4,060 each," and your estimate for the next fiscal year is \$72,000, the same as has been carried since 1887?

Mr. Davenport, Yes, sir; 18 agents, at \$4,000. That is what it calls for

for.

Mr. Bartlett. There was a provision in the last pension appropria-

Mr. Bartlett. There was a provision in the last pension appropriation bill which read as follows:

"The Commissioner of Pensions is directed to formulate and embrace in his next annual report a simplified plan for the payment of pensions, whereby all preliminary vouchers shall be abolished and the only vouchers required shall be attached to or a part of the payment checks, and the commissioner shall further report what, if any, changes in the law are necessary to carry such a plan into effect."

In your report you have complied with that direction of Congress, as I understand it?

Mr. Davendout, Yes. sir.

Mr. DAVENPORT, Yes, sir.

Mr. BARTLETT. And if Congress adopts the plan of paying pensions in the manner you have suggested, in pursuance to the direction of Congress, it will dispense with how many of these agents?

Mr. DAVENPORT. We might dispense with all of them in the near

future.

Mr. Bartlett. How many would it dispense with in the coming year?
Mr. Davender. That would depend. The law as it is now says that
the agencies must be in groups of three. The proposed plan changes
that to arrange the pensioners into groups of three, instead of the
agencies, and, by so doing, power would be given to reduce the agencies
to one or six or nine, as could be done without injuring the efficiency
of the service. Gradually the agencies might be reduced, although I
can not anticipate what action will be taken.

Mr. Bartlett. By the new method you have suggested?
Mr. Davender. Yes. There certainly will be a reduction after a
time.

time.
Mr. BARTLETT. You do not know how many or which ones would be

Mr. Bartlett. You do not know how many or which ones would be reduced?

Mr. Davenport. I do not know anything about it at this time.

Mr. Bartlett. If this plan which you have formulated in pursuance to the direction of Congress was put into effect before the end of this fiscal year, how many could you dispense with then; all, or how many?

Mr. Davenport. I guess all of them, if we were forced to, and pay from here, but I hardly think that would be done at once, because this is an entire change in the way of payment, and no one can tell hew it will work until we get it into operation. We believe it is all right. It is such a radical change in the way of payment that we would have to try it first on one agency and see if it was feasible and worked out all right.

The gentleman from Tennessee [Mr. Byrns] read that the Commissioner of Pensions said it would be possible to reduce the number of agencies, and I am in favor of that. commissioner did not say in what the gentleman read or anywhere else in the hearings that I have been able to find that it would be feasible immediately to abolish all the agencies. He does claim that the agencies could be consolidated, but it is the idea of the Commissioner of Pensions that at least some of those agencies should be retained, and in further proof of that proposition I invite attention to page 20 of the report of the Commissioner of Pensions for this year, wherein he goes on to explain how this proposed plan would work. I want to say that I am in favor of the plan. I am not objecting to the plan of payment of pensions by means of checks. I think it is a commendable project, but it is only a project, and until we can be assured that it is workable, I say that it is extremely inadvisable to ingraft upon the pension system something that will work confusion, something which the Commissioner of Pensions himself, for whom I have the highest respect and regard, says is highly experimental and that he does not know whether it will work or not. The important thing in the consideration of this bill is not the supposed saving of five or ten thousand dollars here, but the great question is the convenience of the pensioners, the old soldiers and those dependent upon them, that are scattered about over the country.

Referring back again to the report of the commissioner, he

says, on page 20:

As the law now exists it is necessary to place these pensioners on the agency according to the district in which the pensioner lives. With the law amended as suggested, the entire number of survivors and widows of the Mexican War might be placed on one agency, the survivors and widows of the Indian wars on another agency, and the widows of the War of 1812 on another agency, each separate class being accounted for by 1 agency only, instead of by 18 as now.

Evidently he contemplated that while there might be a consolidation of agencies, the system of the payment of pensions through the agency should at least be retained until we have proof that it would work out all right.

Mr. FITZGERALD. Mr. Chairman, will the gentleman allow me to read two or three lines of what the Commissioner of Pensions said, which the gentleman has evidently overlooked and which appear on page 19?

Mr. WILLIS. I think I have read all of that already, but I have no objection to the gentleman repeating it.

Mr. FITZGERALD. Speaking about abolishing the agencies, Mr. Davenport said:

There is just one objection. It puts 18 men out of office.

Mr. WILLIS. Mr. Chairman, the gentleman from Tennessee [Mr. Byens] has already read that and it is now a part of my speech.

Mr. FITZGERALD. I did not catch it, but I understood the gentleman to say that the commissioner had not made any statement about it.

Mr. WILLIS. Mr. Chairman, I said that the Commissioner of Pensions in no report nor anywhere else that I had ever been able to find had recommended the abolishment of the agencies, and the language that the gentleman was proposing to read, and that the gentleman from Tennessee did read, does not say at all that the commissioner is in favor of that proposition. He simply says, when he is pressed by members of the committee, that possibly it could be worked out, that he did not know, that it is an experiment, but that he believed he could work it out.

Mr. FITZGERALD. The truth of the matter is the Commissioner of Pensions has advocated this.

Mr. WILLIS. I did not quite get the gentleman's statement. Mr. FITZGERALD. The Commissioner of Pensions had advocated the abolition of these pension agencies every year

during the past five or six years.

Mr. WILLIS. Mr. Chairman, I have absolute confidence in the word of the gentleman from New York, but I wonder where the commissioner has done that. He has not in his report, and I challenge the gentleman from New York to show a place in the commissioner's report this year or any other year where he has ever advocated this proposition.

Mr. FITZGERALD. Oh, the same reasons existed for the

abolition of the agencies; there are just 18 reasons.

Mr. KOPP. Will the gentleman yield? Mr. WILLIS. If I can get more time. I have several things

want to say.

Mr. KOPP. The gentleman from Ohio has just stated that one of the main arguments against the proposed change is that the pensioners will be greatly inconvenienced. Will the gentleman kindly point out to the committee wherein there will be any inconvenience after the first year?

Mr. WILLIS. Mr. Chairman, that is precisely the thing I

have in mind to do.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WILLIS. I can not answer three or four questions at once. I want to take care of my friend from Wisconsin. That is one of the points I want to make clear if I can. I think the gentleman from Wisconsin voted for the Sherwood bill; I hope he did.

Mr. KOPP. I did.

Mr. WILLIS. Very well. We hope it will pass at the other end of the Capitol and become a law, and we believe it will. [Applause.] The Commissioner of Pensions says right in this hearing, on page 5, that if that becomes a law there will be 25,000 applications per day; that with the clerks the department now has they will not be able to handle more than 400 per day. Now, when this additional work is coming on the Pension Bureau, 25,000 applications per day, or something like thatthat is the estimate made by the commissioner-when there are 450,000 claims to be passed upon, when he admits that he can not adjudicate more than 400 a day, I say that it will lead to tremendous confusion to provide that the office of the Commissioner of Pensions shall have all this additional work of paying pensions dumped upon it without any provision for additional help. The statement of the commissioner, on page 5 of the hearings, is as follows:

Mr. Bartlett. Have you an estimate of how many cases probably would be disposed of during the first year and what would be allowed?

Mr. Bartlett. You are getting onto a pretty tender subject; but let me say that we feel that the bill would probably bring into the bureau 450,000 claims. As you all know, the force is old. There are very few young clerks. The average age of the real working force is nearly 60 years in the Pension Bureau. I do not suppose that we could settle, on an average, over 400 claims a day with the force as it is now, and so you can figure how long it would take to settle the 450,000 claims.

and so you can figure how long it would take to settle the 450,000 claims.

Mr. Bartlett. On an average of 400 claims a day?

Mr. Davender. Four hundred a day, perhaps more. I can not tell you how my force will break in. I have a very reliable force, but slow, because they are old, very old, but they are accurate men and women, and when people get old they can not work quite as fast as when young.

Mr. Bartlett. Unfortunately.

Mr. Davender. Not that they do not understand the work, because they do the very best they can, and are always there, but for a time it would probably take my whole force to take care of the rush work, which would come in at the rate of 25,000 a day, and we could not adjudicate anything. We have to send out a receipt for every claim that comes in, and then it has to be recorded. We have to be very accurate about these things, because every claim means money.

Mr. Bartlett. Would you necessarily have to increase your force in order to efficiently and properly dispose of the work?

Mr. Davender. I would have to increase the force in order to meet the demand for prompt adjudication.

Mr. Bartlett. To what extent would the force have to be increased? Mr. Davender. I would have to have three or four hundred clerks temporarily, for a year or so. I do not see how it could be avoided.

Mr. KOPP. How many clerks are now employed in the

Mr. KOPP. How many clerks are now employed in the

various agencies, all told?

Mr. WILLIS. It was stated by a gentleman here this moraing that there were something over 400 last year.

Mr. KOPP. The gentleman will concede at least one-half of

that number can be put to work in the one office?

Mr. WILLIS. I will concede that according to the evidence that it is probable that practically the whole force will be brought to the city of Washington, and in that connection I want to call his attention to another fact. The gentleman knows and the members of the committee generally know that the salaries of clerks in the city of Washington are higher than are in the Government service outside of the city of Washington by from \$200 to \$300 per annum on the average, as the commissioner states in his testimony that the average outside is perhaps \$1,000 or \$1,100. Now, then, what will happen? We find this line of so-called economy will result in increased expenditures. We are seeing simply one thing-the abolition of these 17 offices that will save \$68,000 save \$68,000. Now, here is something of which the gentleman perhaps has not thought. These clerks will have to be brought here and there will come a demand upon Congress that these clerks shall be paid as other clerks are paid. The gentleman, if this goes through, will have an opportunity before the end of this Congress to vote for another bill to increase the salaries of the clerks, 300 of them-

Mr. BARTLETT. May I interrupt the gentleman-

Mr. KOPP. The only statement of the gentleman that I am challenging is that it will inconvenience the pensioners, and I again ask the gentleman to show any inconvenience other than the problematical inconvenience that he suggests when the Sherwood bill becomes a law.

Mr. WILLIS. I thought I had made that perfectly clear. It is evident to me that if you are going to put 25,000 further ap-

plications into the Pension Bureau-

Mr. KOPP. They are not there; I am taking the conditions of to-day

Mr. WILLIS. Does not the gentleman think they ought to be there?

Mr. KOPP. Next year; we have plenty of time——Mr. WILLIS. Does not the gentleman think the Sherwood or some other bill will be passed long before next year?

I hope so.

Mr. WILLIS. Certainly; so do I, and I think it is extremely unwise and extremely unjust now to throw all this work in there without knowing what will be the result. The Commissioner of Pensions himself said he does not know whether the plan will work.

Mr. ADAIR. Mr. Chairman—
The CHAIRMAN. The time of the gentleman from Ohio has

Mr. TAYLOR of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears

Mr. WILLIS.

Now, Mr. Chairman— TT. Before the gentleman proceeds I would Mr. BARTLETT. like to call his attention to the fact that he has made a statement-I do not know whether he really meant it-that the clerk hire paid to clerks in pension agencies outside of Washington is less than that which is paid in Washington.

Mr. WILLIS. I said substantially that-that it was the general rule that clerks outside of Washington received less pay

than clerks in Washington.

Mr. BARTLETT. It is not the rule, however, that clerks in pension agencies outside of Washington receive less pay than the same class of clerks in the city of Washington. show the gentleman that he is mistaken about that, I call his attention to the statement furnished the committee by the Commissioner of Pensions, found on page 30 of the hearings of the committee, in which it appears that the clerks are graded in those offices just as they are graded here, and the salaries in those agencies are the same as paid in the Pension Office for a like class of work.

Mr. WILLIS. Mr. Chairman, I was simply making this statement, which I reiterate, that it is a general rule in the Government service, and the distinguished gentleman from Georgia

knows it very much better than I do-

Mr. BARTLETT. The gentleman is mistaken with reference to these particular clerks in this particular service with which we are dealing. They are not paid less in these agencies than they are paid here in the Pension Bureau.

Mr. WILLIS. If you remove these 300 clerks to the city of Washington, there will be an effort, following this bill immediately, to increase their salaries, making them commensurate with the general standard of pay for clerks. There will be an

\$50,000 or \$60,000. If you say there are 300 clerks and their salaries are increased \$300 a year, it will amount to \$90,000. Here is another item. It is admitted, on page 27 of the hear-

ings, that it will cost \$10,000 at least to move these agencies from the places in which they are now located to Washington. Mr. AUSTIN. And they have got to rent a building here in

Washington.

Yes; so far as I know-and I will be glad to be corrected if I am wrong—these pension agencies, without a single exception, carry on their work in buildings that are now owned by the Government. If it is proposed that these agencies shall be abolished and this work shall be done in Washington, what will be done? You will be confronted with an appropriation bill to do one of two things-either to erect a new building or to rent buildings-because any man who has ever had any business at the Pension Office knows that that building is overcrowded; and these agencies will have to be housed in new buildings at a cost of hundreds of thousands of dollars, or you will have to rent buildings, and everybody knows we have enough Government offices located in rented buildings scattered over the city of Washington now.

Mr. FOWLER. I want to ask the gentleman if we are not

renting buildings at these various agencies throughout the coun-

try now?

Mr. WILLIS. Mr. Chairman, I was unfortunate in my use of language if I did not make that matter clear. I stated that, so far as I knew—and if the gentleman knows differently shall be glad for him to give me the information-so far as I know there is only 1 agency out of the 18 where they have to rent a building. The other 17 are housed in Government-owned property, and there is no rent to pay. If you pass this, you have got to rent buildings to accommodate them here or erect a new building

Mr. AUSTIN. The only exception is New York City, where

we pay \$4,500 a year rent.

Mr. WILLIS. That was brought out by the gentleman from

Georgia in his speech the other day

Mr. FOWLER. Is it not a fact that the chief clerk at Columbus and the chief clerk at Topeka are getting greater salaries than any other chief clerk at any other agency?

Mr. WILLIS. I have not investigated that, and I do not care anything about it as to whether it is true or not. I will admit that it is true, but it has no bearing on this proposition at all. What I am talking about is, that when you add the probability and almost certainty that there will be a movement to increase the general scale of salaries, and on top of that you have to pay for rent of buildings, or perhaps have to erect a building, I say to you, Mr. Chairman, this proposition will not save a single penny.

It will do another thing. It will still further centralize the

Government.

I do not believe that all of the activities of this Government ought to be centralized in the city of Washington. [Applause on the Republican side.] I think it is a good thing to have these activities scattered out somewhat through the country. I do not know just where all these agencies are. There is one at Topeka, Kans.

Mr. BARTLETT. There is one in Columbus, Ohio, too. Mr. WILLIS. Yes; but that is not in my district.

Mr. FOWLER. If we were to transfer them all to Ohio and put them under one government there, how would the gentleman like that? [Laughter.]

Mr. WILLIS. So far as that is concerned, I would say that

it is not necessary to transfer the offices to Ohio. It would be better to leave them here and still have an Ohio man that will be at the head of the whole shebang. [Applause and laughter.]

Mr. FOWLER. May I ask the gentleman who is that man? Mr. WILLIS. Oh, it is not necessary to name him. That [Laughter.]

Mr. FOWLER. The gentleman does not mean Gov. Harmon? Who, else could he refer to? [Laughter and applause on the

Democratic side.]

Wr WILLIS. The best disproof of that proposition is that the progressive Democrats of Ohio say he will not be the man [Laughter on the Republican side.]

Mr. BARTLETT. And some Republicans say that the other man will not do at all. [Laughter on the Democratic side.]
Mr. WILLIS. But all that has nothing to do with this meas-

ure. I am simply talking about the merits of this bill.

Now, there is another proposition. There is an advantage in having these agencies located throughout the country, not only in the saving of money, but on account of the fact that the with the general standard of pay for clerks. There will be an increase in expenditure of nobody knows how much—maybe visory duties for the benefit of the old soldiers that are of tre-

mendous advantage. The location of a pension agent in any State is a great advantage to the old soldiers of that State. I say to you frankly, Mr. Chairman, that in the consideration of this bill it is not simply a question as to whether it would save money, though my information, secured through personal investigation, convinces me that it would not in the long run save a penny. It would simply concentrate more business here in the city of Washington. It would still more concentrate here the affairs of the Government, here where they are already

so concentrated that they are almost unwieldy.

I repeat I believe in the long run it will not be economy. But I say the first consideration, as it seems to me, ought to be the one I alluded to in the earlier part of my remarks, namely, that it would be an inconvenience and hardship to the old soldiers. If the proposition were made that this could be done in the remote future or in the near future, say two or three years ahead, so that in the meantime we could work out

the details of this scheme, it would be all right. But now, in view of the increased work of the Pension Bureau, when there are soon to be referred to it 25,000 claims per day, with that Pension Building already overcrowded and the employees working as hard as they can and still unable to keep up with the flood of claims as it is, together with the prospect of new legislation which we all hope will pass at the other end of the Capitol and become a law, I say, in view of all this it is exceedingly inopportune and ill advised and ill timed to take up this work of paying pensions and dump it all on the Pension Bureau in the face of the suggestion of the Commissioner of Pensions that he does not know, whether the plan would work or not.

The result will be that there will be delay in the payment' pensions. The old soldiers and those dependent upon them of pensions. understand the present system. It has been working satisfactorily for years. It has been working well. I insist, Mr. Chairman, that if we take up a new system it should first be put to a trial, so that we can be sure that the old soldiers will not be inconvenienced by it. I hope, therefore, that this amend-

ment will be adopted. [Applause on the Republican side.]
Mr. KENDALL. Mr. Chairman, I desire to be recognized in opposition to the amendment.

The proposition which is now presented to the House is in no sense a novel one or one upon which the House has scant or imperfect information. When the pension bill—a similar measure to this-was presented in the last Congress, the Committee on Appropriations reported a recommendation almost identical with the one we are considering now. It was favorably acted upon in the House, and the consolidation of the 18 pension agencies throughout the country was ordered, so far as this body could effectuate that result. As I remember it, in another body an amendment was insisted upon, allowing the old law to remain as it had been prior to that time.

Now, Mr. Chairman, the concrete question which is before this committee at this hour is this: Having pensions amounting to \$152,000,000 to disburse aroually throughout every section of our country, how can that labor be most efficiently and economically done; through one central distributing agency or through 18 branch agencies?

I sympathize with the sentiment expressed by the gentleman from Ohio, for it must be a delightful incident in a congressional career to have a pension agency established and maintained in one's district, but I think there is a larger consideration than any local concern involved in this question this afternoon. We understand thoroughly that if every Member of this House were consulted upon this question and should surrender to his own individual desire, we should have a pension agency located in every congressional district in the United States. But that would not be good economy; it would not be good efficiency; it would not be good business administration.

What are we trying to do? We are trying to pay their pensions to these worthy and disabled and deserving veterans in such a way as to be most convenient for them and most economical to the General Government. That is what we are attempting to do, and I want first, now, to notice the matter of inconvenience, as suggested by my friend from Ohio [Mr. Willis]. He insists here with a good deal of eloquence that if these 18 agencies are consolidated into one and all the others are abolished a good deal of inconvenience will be required of these old veterans, scattered from one coast to the other and these old veterans, scattered from one coast to the other and from the Great Lakes to the Gulf of Mexico. I disagree with that view, for I believe that these pensions, going from Maine to California and from Minnesota to Louisiana, can be paid as acceptably from a central office at Washington or Chicago or St. Louis or Des Moines as they are paid now from these branch agencies; and on that question of convenience I want to read what the Commissioner of Pensions himself said in the hearwhat the Commissioner of Pensions himself said in the hear-

ings before the committee. I am certain it is a matter that has been overlooked inadvertently by the gentleman from Ohio [Mr. WILLIST.

In those hearings he was discussing the feasibility of the reform which is proposed in the payment of pensions-the check system which he hopes to inaugurate—and he was interrogated as to the effect of consolidating the agencies. This interesting colloquy occurred:

Mr. Bartlett. Do you not believe it would be advisable in the administration of the Pension Office?

That is, to establish this new system of payment. This is found on page 18:

Mr. DAVENPORT. I believe the plan for paying by check would be. I think it is the greatest move that has been contemplated in the way of paying pensions.

Mr. BARTLETT. If you adopt this plan as suggested in the report, will it be necessary to make provision for any agency outside of Washington?

Now, gentlemen, it can not be maintained here that the Commissioner of Pensions did not have in contemplation at that time the possibility that this Congress would abandon all agencies except the one at Washington. That very subject was under consideration, and when asked if more than one agency was necessary, he replied:

Mr. Davenfort. Not at all. We can take care of it ourselves without any trouble.

Mr. Bartlett. As I understand you, the Pension Bureau could take care of that?

Mr. Davenfort. Yes, sir; I think we could.

Mr. Bartlett. There is no inconvenience to the pensioner or the Government in that method?

Now, listen:

Mr. Davender. Oh, no. Let me illustrate it. I just got a report from San Francisco, and it took the agent there 15 days to make his payments, and some man did not get his pension check for 15 days. If it had been paid from Washington that check would have been nailed on the morning of pay day, and the pensioner would have received it within five days. showing that under this plan, if it works out all right, we can make the payments, even on the western coast, more quickly than the agent at San Francisco can now make them.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENDALL. Mr, Chairman, here is the testimony of a high official of this Government, totally disinterested in what-ever action may be adopted by the House this afternoon. He says that if these agencies are abandoned and the check system of payment reported by the Committee on Appropriations shall be availed of, he can make distributions to the pensioners in San Francisco more expeditiously than they are now made through the branch office located there.

Mr. FOWLER. More expeditiously by 10 days, Mr. KENDALL. Earlier by 10 days. Mr. WILLIS. Will the gentleman yield?

Mr. KENDALL. I will.
Mr. WILLIS. I would like to have the interpretation placed
by my genial friend from Iowa on what the commissioner says
at the bottom of page 16 as to the workability and certainty of this plan.

Mr. KENDALL. Mr. Chairman, I have no disposition to run away from a discussion of what the commissioner says. I am glad that he said that, for it has furnished my excellent friend from Ohio the only satisfaction he has been able to extract from all the hearings that were held by the committee.

Now, when I was interrupted I was remarking upon the testimony of the Commissioner of Pensions as to the possibility of making pension payments without interruption and with efficiency if this new plan should be adopted. I want to read again what he said:

If it had been paid from Washington that check would have been mailed on the morning of pay day and the pensioner would have received it within five days, showing that under this plan, if it worked out all right, we could make the payments, even on the western coast, more quickly than the agent at San Francisco can now make them.

Now I come to the milk in the coconut. We now uncover the real reason which has been expressed, and which will be fur-ther advanced, why these useless agencies should be perpetuated:

Mr. Bartlett. So the experience you have had is that it would be more convenient for the pensioner in the way of promptly getting his pension than by distributing it among the agents?

Mr. Dayenfort. You are just right, Judge.

Mr. Bartlett. It would not only be a benefit to the service but a matter of convenience and benefit to the pensioner?

Mr. Dayenfort. There is just one objection—

I think there is a strong suspicion in the minds of Members here as to just what that objection is-

It puts 18 men out of office, that is all.

Does anybody suppose the Commissioner of Pensions has advocated as sweeping and far-reaching a proposition as that without having given the subject fair and faithful consideration? Why, it is not new. This matter of the consolidation of agencies, while it has not been recommended by Mr. Daven-port, the present commissioner, has been approved by all his predecessors for 15 years. The only reason in the world why the recommendation has not been adopted by Congress is because in 18 localities throughout the country an adverse influence has been exerted against that public economy.

Mr. AUSTIN. Will the gentleman yield?

Mr. KENDALL. Yes.

Mr. AUSTIN. I want to ask the gentleman if the commissioner, on page 16, does not recommend simply the reduction in the number of agencies and not the abolition of the entire

Mr. KENDALL. Oh, the gentleman seeks recourse with my friend from Ohio to page 16, and that is the only comfort that can be absorbed from the statement of the Commissioner of Pensions.

Mr. MANN. Will the gentleman from Iowa yield?

Mr. KENDALL. Certainly.

Mr. MANN. The gentleman and I are in accord on this proposition. Does the gentleman from Iowa think that this is brought into the House for the purpose of consuming the valuable time of the House or with the expectation that this will become a law?

Mr. KENDALL. The gentleman from Illinois puts upon me the labor and burden of determining what is in the minds of the Democratic majority, and that is a speculation in which I refuse to indulge. [Laughter.]

Mr. MANN: Does the gentleman believe that the Democratic majority has nerve enough to insist upon this provision being in the conference report when it finally comes from the con-

Mr. KENDALL. Mr. Chairman, I have this to say in that regard: I am apprehensive that when this bill passes this House with these agencies eliminated, goes to the body at the other end of the Capitol, where the provision for the agencies will be reinserted, and then to conference, I expect to see the gentlemen on that side of the Chamber desert their standard and come back here recommending that the Senate amendment be agreed to. [Applause on the Republican side.]

Mr. BARTLETT. Is the gentleman of that opinion because the Republicans have heretofore pursued that same course? [Laughter on the Democratic side.]

Mr. KENDALL. No; that side is not wise enough to adopt the Republican example. [Laughter on the Republican side.]

Mr. BARTLETT. We are too wise to adopt the bad examples of the Republicans.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that

the gentleman from Iowa may have five minutes more.

Mr. FITZGERALD. Mr. Chairman, I do not think the other side of the House ought to have all the time during the consideration of this bill. I do not think it is fair that the gentleman should take charge of this bill and do the work that belongs to the gentleman in charge of the bill.

Mr. MANN. Nobody is doing that. Does the gentleman say that nobody on this side has any right to be heard?

Mr. FITZGERALD. I am not saying that, but I am stating exactly what I mean, and the gentleman from Illinois understands what I mean.

Mr. MANN. The gentleman from Iowa was defending the bill. Does the gentleman object to that?

Mr. FITZGERALD. No; I do not. Mr. MANN. What does the gentleman mean?

Mr. FITZGERALD. Just what I said. Mr. KENDALL. Mr. Chairman, I am endeavoring in my feeble and faltering way to support the committee, and I ask the chairman of that committee to allow me to proceed.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa may be permitted to proceed for five minutes. Is there objection?

There was no objection.

Mr. KENDALL. Mr. Chairman, I have no disposition to trespass upon the time which the chairman of the committee expects to occupy, but I have some views which I desire to express with reference to this provision. I approve it cordially. I believe it is not only in the interest of economical government, but I believe it is in the interest of efficiency and convenient distribution of the pension fund throughout the country, a consideration in which we are all primarily interested. [Applause.]

While I am on this subject, Mr. Chairman, I want to say this: So far as I am concerned, I hope, with all the confidence that I can entertain, that the Sherwood pension bill may be enacted into law at the other end of this Capitol. [Applause.] It does not wholly suit me. I believed when that bill was pending that the fime had come when every man who volunteered to rescue his flag when it was assailed and who, after faithful contributions in the fold was becaused by the state of the sta service in the field was honorably discharged, ought to be pensioned at a dollar a day for the remainder of his natural life: but my judgment was overridden, and the Sherwood bill passed. We supported it, not because we were satisfied with it entirely. but because we believed it was the most generous measure that could be secured at this time. But I have no warrant in supposing that if this bill becomes a law the vast volume of business which the gentleman from Ohio [Mr. WILLIS] anticipates will be devolved upon the Pension Bureau. I believe that that bureau can examine all the additional claims that will be filed and adjudicate them promptly.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. I will yield, but I am being forced for time. Mr. WILLIS. If the gentleman will turn to page 5 of the report, he will get precisely the information that he wants, where the commissioner said that claims will come in to the amount of 25,000 a day, and they can adjudicate only 400.

Mr. MANN. The pension agents do not adjudicate claims. Mr. KENDALL. The pension agencies have nothing to do with the adjudication of claims, and I am surprised that a gentleman of the sagacity which the gentleman from Ohio generally

exhibits should insist on that objection to this reform.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. I have not much time to yield.

Mr. WILLIS. I will get the gentleman more time.

Mr. KENDALL. If the gentleman gets me more time.

Mr. WILLIS. I want to ask the gentleman if he does not think that with this increased volume of business which he admits is to come on the Review Review this increased the company that the province which he admits is to come on the Review Review this increased the company that the reversions where the description of the province which he admits is to come on the Review Review this is a reversion to the reversion of the reversio

mits is to come on the Pension Bureau this is a very inopportune time to put upon it additional business which would naturally come from the cutting off of the pension agency? Of course, understand that the pension agencies have nothing to do with the adjudication of claims.

Mr. KENDALL. Mr. Chairman, I might have some apprehension about that if we did not have the testimony of the commissioner himself that more expeditious payment could be made by this plan than by the plan now in operation. I congratulate the Committee on Appropriations upon the initiation of this program, which will result in a substantial reduction in the expenditures of the Government without delaying for a single day the disbursement of pensions to the old soldiers. I confess, Mr. Chairman, that I am not so solicitous that money be saved to the Treasury as I am that some other results be accomplished. We are supporting examining boards 'everywhere at vast outlay; we are maintaining an army of inspectors at immense expense who understand their duty to be to convict the applicant of perjury or fraud; and we are continu-ing a multitude of clerks to transact the business of the pension office. Every dollar expended for the purposes I have men-tioned ought to be saved to the Government and disbursed directly for the benefit of the disabled and deserving veterans in the declining years of their lives. [Applause.] It is a reproach to this Nation that any man who volunteered in his youth and strength and vigor to preserve the Republic should now be confronted with want in any section of the country. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the gentleman from Iowa [Mr. Kendall] should not have been so severe on the Democratic House in advance of its action. These 18 pension agencies have been maintained during the past 16 years because of the refusal of the Republican Presidents to exercise their power to consolidate them. They have not been consolidated by law because Republican Congresses have refused to enact legislation compelling their consolidation after the failure of the President to exercise his discretion to consolidate them. It might be well for the gentleman to wait until the completion of this session of Congress before he expresses his opinion as to what the attitude of this House shall be. So far as I am concerned, so far as any influence I may have can be exerted to do it, if this bill passes the House with this consolidation of the agencies contained in it, there will be no pension appropriation bill enacted into law unless that consolidation is carried in the law [applause on the Democratic side], and the responsibility for the failure to make appropriations to pay pensions will rest elsewhere. The gentleman from Ohio challenged the committee to produce recommendations that Commissioners of Pensions have been in favor of the consolidation of these agencies. Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

challenged the gentleman to produce a recommendation of the Commissioner of Pensions and I had in mind Commissioner Davenport. I had examined his report.

Mr. FITZGERALD. The gentleman's statement was much more comprehensive. He asked the committee to produce a recommendation or report or hearing in favor of the consolidation of these agencies. On January 19, 1906, this transpired in the Committee on Appropriations.

Mr. Gardner of Michigan. I would like to ask the commissioner what is the necessity of having 18 pension agencies.

Mr. Warner—

Who was then Commissioner of Pensions-

None whatever. They should be reduced to six. That could be done by an Executive order.

Commissioner Warner said later':

If I had the power I would decrease the number of agencies in the United States to six.

Mr. Keifer. Who can do that?

Mr. Warner. The President can do it by an Executive order.

I think it was about that time I made some remarks in this House calling attention to the manner in which a vacancy had been filled in the New England States. Up to that time it was customary to accept the recommendations of the two Republican Senators of the State in which the agency was located, but at that particular time the two Republican Senators did not happen to be in very close accord with the then dominant force in the administration and a so-called progressive Republican from that section was nominated and sent to the Senate to fill that position-

Will the gentleman yield for a question? Mr. MANN.

Mr. FITZGERALD. I yield to the gentleman.
Mr. MANN. I tricd to find the provision of the law au-

thorizing the President to consolidate the agencies.

Mr. FITZGERALD. It is the statute which gives him the authority to establish them, section 4780 of the Revised Statutes.

Mr. MANN. Yes; I read that, but I could not see any au-

thority to consolidate in that.

Mr. FITZGERALD. If there be another statute I shall have it in a minute. On January 17, 1907, Mr. Warner, Commissioner of Pensions, was before the Committee on Appropriations and speaking of the work of his bureau, he said:

I have no complaint to make of the organization, or laws, or anything else, so far as that is concerned. There is only one point; that is the question of the agencies for the payment of pensions throughout the United States—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that my time be extended for five minutes.

Mr. GARRETT. Would the gentleman like 10 minutes? I ask unanimous consent that the time of the gentleman may be extended for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from New York may be extended for 10 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD (reading):

Mr. FITZGERALD (reading):

That is within the control of the President, as to the number of them. There are now 18, and I think it would be good policy to reduce the number to 9, anyway.

Mr. Gardner. Have you any recommendation to make in that respect? Mr. Warner. It is entirely within the control of the President. I recommend that the number be reduced from 18 to 9, but of course it is an embarrassing proposition. There are 18 agents, at \$4,000 salary each, scattered around over the United States, and Senators and Representatives are interested in them, etc. You do not have to tell a Member of Congress what that means. I think it would be economy in policy to reduce the number to 9. It could be reduced to 6.

Mr. Brownlow. Do you think that would improve the efficiency of the service?

Mr. Warner. I think it would benefit the efficiency of the service, because you can do business better with 1 man than with 3, and you can do business better with 9 than with 18 agencies. You can enforce policies better with 9 than 18. The checks and vouchers would be made all the same then. As it is now, we have separate checks for each agency with the agent's name printed in them and a separate voucher for each agency.

On January 27, 1908, Commissioner Warner said:

On January 27, 1908, Commissioner Warner said:

As far as I personally am concerned it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor. But looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the record kept in better shape.

On January 7, 1909:

Mr. Keifer. On page 5 is the item for the salaries of 18 agents for the payment of pensions, at \$4,000 each, \$72,000. That would be the same as before?

Mr. Warner. Yes. I wish you could knock them down to 9.
Mr. Bowers. I think it ought to be done.
Mr. Warner. You would do it in a moment if it was your own business. You take New Hampshire and Maine and Massachusetts—three little agencies up there that would not make a vest pocketful, hardly.

On February 5, 1910:

Mr. Keifer. If you care to state, will you please say whether you think it would be advisable to pay all of these pensions at one agency from Washington?

Mr. Davenport. 1 think it would be in the interest of economy.

Mr. Keifer. Have you made any calculations as to what would be the approximate saving of money if they were all paid from one agency?

Mr. Davenport. I have not the figures before me, but I think we would save about \$200,000.

I trust that these recommendations will satisfy the gentleman from Ohio that the Commissioners of Pensions have advocated this reform.

I have here the report of the Secretary of the Interior, dated December 31, 1907, in which he says:

A special report, House Document No. 352, Sixtieth Congress, first session, has been made to Congress on the advisability of discontinuing all the agencies except the one in Washington. In the present condition of the roll this change would effect an immediate saving of approximately \$200,000 a year, and there would be no loss in the efficiency of the service and in the promptness of payment to the pensioners.

So far as the consolidation of agencies is concerned, the statute authorizing the President to establish has always been construed to mean that he could establish them and increase or diminish them, and fix the lines of the districts and create one or more, except as prohibited by the statute. It prohibits the establishment of more than three agencies in any one State, unless they existed at the time the statute was enacted, or any agency in any State unless there were \$500,000 being paid in that State for pensions.

Mr. Chairman, there are two separate recommendations contained in this bill. They are not in any way connected, and I trust the committee will not confuse them. One is the consolidation of the agencies, and the other is the adoption of the check-voucher system of payment. The consolidation of the agencies has been recommended, regardless of and long prior to the suggestion that the new method should be adopted of using the check-voucher system. Even if that system were not adopted it is believed that economies would be introduced by the consolidation of the agencies. If the agencies be not consolidated there will result advantages from the adoption of the check-voucher system. Under the present system the voucher is first sent to the pensioner, and after he fills it out and signs and acknowledges it he returns it to a pension agent, and then the check is mailed to pay the pensioner called for by the voucher. Before it was ever suggested that that system be abandoned it was the opinion of different Commissioners of Pensions that the consolidation of the agencies into one agency would effect economies and increase the efficiency of the force. But in compliance with the provision incorporated in the pension appropriation act for the current year, the Pension Commissioner reported upon the advisability of adopting the check-voucher system for the payment of pensions, whereby instead of handling \$4,000,000 separately from checks, the voucher and check would be combined and one mailing only made to the pensioner. When he indorses it and has it witnessed under the regulations outlined by the Secretary of the Interior his check would be payable and the check would come Interior his check would be payable, and the check would come back as a voucher for a payment to which he was entitled. It is the modern system in vogue in every great business estab-lishment. Gentlemen should not confuse the two schemes rec-ommended in the bill. There has not, so far as I know, ever been any objection to the adoption of the check-voucher system, except that perhaps some slight inconvenience might occur at the first payment because of the rearrangement of pensioners in groups.

They are all paid now at the same time, quarterly, and under the system proposed it was suggested that they be rearranged in groups so that every month in the year a portion of the pensioners would be paid. The object of making that rearrangement was to equalize the work throughout the year and have it continue evenly from month to month. Under the present system, prior to the time of sending out the vouchers, a large force is needed for about 15 days. After the payment has been made for that quarter very little remains to be done by the force until the next pay time is due.

After a careful investigation, Mr. Chairman, I have come to the conclusion, reached by many men in the House during the past six years, that the agencies should be consolidated. Later in the bill is the provision providing for the adoption of the check-voucher system. The committee did not report the pro-vision in the exact manner recommended by the Commissioner of Pensions, because on examination the committee found that certain changes were necessary.

The CHAIRMAN. The time of the gentleman has expired. Mr. FITZGERALD. I desire, Mr. Chairman, to place in the RECORD at this time the report of Secretary Garfield in relation to the proposed reduction in the number of pension agencies, made under date of December 13, 1907.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert in the RECORD the document named.

Is there objection?

There was no objection.

Following is the document referred to.

[House Document No. 352, Sixtleth Congress, first session.] PROPOSED CONSOLIDATION OF PENSION AGENCIES.

Letter from the Secretary of the Interior submitting a report in relation to the proposed reduction in the number of the pension agencies:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 13, 1997.

Washington, D. C., December 13, 1907.

SIB: The "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes," approved March 4, 1907, contained the following proviso:
"Provided, That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies."

In compliance with said provision I submit herewith the following report:

of existing pension agencies."

In compliance with said provision I submit herewith the following report:

1. Economic execution of pension laws: The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately \$550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners could be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, \$350,000, a saving of 20 cents per annum per pensioner, or \$200,000. After the first year of the consolidation I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least \$25,000 more.

2. The prompt and efficient payment of pensioners: If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioner into three groups, one group to be paid each month, as at present, and all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents.

3. Inconvenience to pensioners: As all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents, there would be no inconvenience to pensioners except the slight delay which would be caused in the case of pensioners living remote from Washington in the time required for a voucher to reach Washington through the mails and for the check to be returned. The checks would, however, be issued quarterly as now and the pensioner receive his payment regularly every three months after the receipt of the first payment. Many of the pensioners now paid by the San Francisco agency do not receive their checks until seven or eight days have expired from the date of mailing of vouchers. Pensioners now paid by the San

5,000 are not paid by the San Francisco agency, but are paid by other agencies.

There are certain other conditions to which attention should be invited if all pensions should be paid by the Commissioner of Pensions, or one central disbursing officer located in this city. The records would be readily accessible for reference by the bureau. A large amount of extra correspondence is now required to furnish information to correspondents relative to the payment of pensions. The bureau must first obtain such information from the pension agents, and a great deal of time is consumed in securing this information, especially from agencies located in distant cities.

All vouchers now required by pensioners are printed by the Government Printing Office in this city and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for 1 agency rather than for 18.

All paid vouchers must be forwarded by the pension agents to the

checks if such vouchers and checks were prepared for 1 agency rather than for 18.

All paid vouchers must be forwarded by the pension agents to the Auditor for the Interior Department in this city. There is always danger of the loss of such vouchers in the mails. Many vouchers of widow pensioners under the general law and under the act of June 27, 1890, were recently lost in transit from one of the pension agencies to the auditor in this city. No trace of the missing vouchers has as yet been discovered. The pension agent has since died, and his accounts can not be settled for many months on account of the lost vouchers.

It is further suggested that if it be decided to consolidate the 18 agencies into one agency the entire 18 agencies be abolished and provision be made that the payments be made by the Commissioner of Pensions or one disbursing officer, to be appointed by the Secretary of the Interior.

The statute now provides (26 Stat. L., 138) that the pension agent, with the approval of the Secretary of the Interior, may designate and authorize a clerk to sign the name of the pension agent to official checks. There are 18 such designated clerks now employed, one at each agency. The name of the pension agent is printed on all checks used, but before the check is issued it must be countersigned by the designated clerk. Only one clerk may be thus authorized to sign such

checks for any one pension agent under the law as it now stands. If all pensioners were paid by the Commissioner of Pensions or by one disbursing officer the services of six or eight clerks would be required to sign such checks, and if the 18 agencies be abolished and all payments made by the Commissioner of Pensions or one disbursing officer provision should be made authorizing the Commissioner of Pensions or the disbursing officer, with the approval of the Secretary of the Interior, to designate the necessary number of clerks to sign the name of the Commissioner of Pensions or disbursing officer to such official checks.

Ample accommodation for the consolidated agency could be furnished in the Pension Building.

Under the practice now in vogue there is a duplication of records. Each of the 18 agents receives from here the certificates of pensions for the pensioners residing in his district. A record is made here and also by the agent at the agency who then forwards the certificate with the voucher to the pensioner. A consolidation of the agencies would require but one record of the certificate, etc., which would be kept in the office here in Washington, and the certificate and voucher would be malled direct to the pensioner from here. This would do away with having the certificate malled to the agent, the making of a record by the agent, and the malling by him of the certificate and voucher to the pensioner and the Secretary as to when the transfers from the different agencies should be made. To require all of such transfers to be made on one date would entail unnecessary work and might result in delay and complications in making payments.

If the 18 agencies are abolished and provision made for the payment of all pensions from the city of Washington, I respectfully suggest that an appropriation of at least \$10,000 should be made to be immediately available for the purpose of carrying out the consolidation and defraying the necessary expenses of the removal of the records, etc., of the agencies to the city of

JAMES RUDOLPH GARFIELD, Secretary.

The Speaker of the House of Representatives.

Mr. PROUTY and Mr. ADAIR rose.

The CHAIRMAN. The gentleman from Indiana [Mr. Adair] is recognized. The Chair will recognize the gentleman from Iowa [Mr. Prouty] next.

ADAIR. Mr. Chairman, this is the fourth time this question has been thrashed out on the floor of the House to my I am opposed to the continuance of these agencies, in the first place because it unnecessarily adds to the expenses of the Department of the Interior. I am opposed to it because under a consolidation of the agencies the pensioners of the country could be paid more expeditiously than they are now

It is urged by my good friend from Ohio [Mr. WILLIS] that this matter should go over to some time in the future, when we could have ample time to make a careful investigation of this proposed change. I want to say to my friend from Ohio that same argument was made in the Fifty-ninth Congress, when the committee brought in a bill reducing the number of agencies to 9. The House considered the proposition at that time and voted to reduce the number to 1, striking out the 17 unnecessary agencies. It went over to the Senate. In that body it met with opposition, and the agencies were placed back in the bill. When the conference committee met and considered the matter, they found it impossible to get together on the proposition to strike out the 17 pension agencies. They did, however, finally agree upon a proviso, which was added to the bill, instructing the Secretary of the Interior to make a thorough and careful investigation of this proposition and report to Congress at the beginning of the next session. The proviso I refer to, which was placed in the bill, read as follows:

That the Secretary of the Interior shall make inquiry and report to Congress at the beginning of its next regular session the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or the power of the President under existing law in respect to reduction or consolidation of existing pension agencies.

Acting upon this instruction by the Fifty-ninth Congress, the Secretary of the Interior did make an exhaustive and careful investigation into this matter and, having done so, reported to Congress on the 13th day of December, 1907, in favor of consolidating these agencies upon the ground that it would not only bring about an economical administration of the pension laws but would enable the department to pay pensioners more expeditiously. Here is an extract from the Secretary's report:

That by the concentration and centralization of the handling of this work here in Washington, with the present organization in the Pension Office, and with the possibility of the introduction, as we could then, of certain mechanical devices for the handling of these hundreds of thousands of vouchers and certificates, we could, without interfering at all with the expedition with which the pensioners receive their claims, transact all of that business here and mail the checks to the various parts of the country, receiving the vouchers quite as quickly as it is now done under separate agencies.

The saving, as we figure it, will be something over \$200,000, and I believe it will be even more than that when we put into effect all of the systematized business methods that can be put into effect if this work is brought here. I believe that the saving would be nearer \$350,000 a year, in administration, and without any loss to the pen-

sioners in expeditiously receiving their pensions, and without in any way interfering with the handling of the present business in the settlement of claims presented.

The Commissioner of Pensions at that time also made a report to Congress, in which he recommended the consolidation of these agencies for exactly the same reasons as were set out in the report by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman has expired. Mr. ADAIR. Mr. Chairman, I ask for five minutes more.

Mr. HAMILTON of West Virginia. Mr. Chairman, I ask that the gentleman's time be extended for 10 minutes instead of five minutes.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the time of the gentleman from Indiana be extended 10 minutes. Is there objection?

There was no objection.

Mr. ADAIR. So, Mr. Chairman, both the Secretary of the Interior and the Commissioner of Pensions made similar reports to Congress, urging this body to strike down these 17 agencies and let the department here in Washington pay pensions directly from this city, upon the ground that it was not only economy but that it would enable the department to pay pensioners more expeditiously and more satisfactorily.

In the next session of Congress this matter was taken up again and threshed out, being debated at length, and by a large majority this House voted to strike out these agencies. Again the bill went to the Senate, and the Senate put the agencies back. The bill came back to the House and the House finally agreed upon the conference report, leaving them in the bill.

Then again in the Sixty-first Congress the House voted out the agencies, but the Senate put them back and would not agree to consolidation.

Mr. Chairman, I am at a loss to understand, with all the facts before us, why any Member of the House or any Member of the other body, except, possibly, those who represent districts in which there are pension agencies, should object to the proposed consolidation.

Not many days ago we passed in this body what is known as the Sherwood pension bill, carrying an annual appropriation of possibly \$40,000,000 or \$45,000,000. A bill that would not cost the Government any more money than the Sulloway bill, which was passed one year ago. The Sulloway bill was passed by a Republican House. At that time there was not a newspaper in the country, so far as I know, which censured the House for passing a pension bill carrying this sum of money; but when a Democratic House passes a pension bill carrying a like sum of money, then the press of the country, or at least a large part of it, immediately denounces this body for practicing extravagance. It was patriotism when a similar bill was passed by a Republican House, but it was extravagance when passed by a Democratic House.

Now, you gentlemen on that side, who are in favor of continuing these 17 unnecessary pension agencies, should remember that by so doing you are making it that much more difficult to secure the passage of the Sherwood pension bill, or any other pension bill, in the body at the other end of the Capitol.

The charge is already being made that the Sherwood bill carries too much money. If the gentleman from Ohio [Mr. Willis] wants to do something for the soldier, he should join this side of the House in cutting down this expense, in line with the ideas and views of the Commissioner of Pensions, not only of our present Commissioner of Pensions, but of Mr. Warner, who preceded him; not only in line with the views of the present Secretary of the Interior, but also of his predecessor, Mr. Garfield.

You gentlemen on that side should join us in cutting down these expenses in order that we may be able at this time to do something for the men who stood in the front during those unfortunate days, and aid them now when they need help from the Government.

Mr. Chairman, so far as I am concerned, I would rather see this \$300,000 or \$400,000, which is now unnecessarily expended in keeping up these superfluous agencies, go to the soldiers who fought in that war, in the way of more liberal pensions, rather than to see it paid out to a few clerks who never performed one minute of military service and to whom this Government is under no chilgration whatever.

ernment is under no obligation whatever.

It is argued by my friend from Ohio [Mr. Willis] that the 18 agents at the head of these agencies were soldiers, and that we are taking their salaries away from them and throwing them out of employment. Mr. Chairman, I venture the assertion that practically all of the men at the head of these agencies are drawing large pensions because of having been officers in the war; and now you would add \$4.000 a year to the pension of each one by continuing these agencies, and by doing

so would take it out of the pockets of the men who stood in the forefront, the privates who rendered the actual service that held the States together and preserved this Union.

Mr. WILLIS. I suppose the gentleman desires to be perfectly fair. I understood the gentleman to say that by passing this bill as it is reported from the committee there would be a saving of \$300,000 to \$400,000. Does the gentleman wish that statement to go into the Record?

Mr. ADAIR. In reply to the gentleman from Ohio, I will say that I do wish that statement to go into the Record. I can show by the reports of the ex-Secretary of the Interior and the ex-Commissioner of Pensions that there would be a saving of at least that amount, and I believe there would be more. You say the employees in these agencies out in the various parts of the country should not be thrown out of employment. These men work, possibly, four months out of the year, and that is about all. The men at the head of these agencies have no great amount of labor to perform.

After reading the report of the ex-Commissioner of Pensions and the ex-Secretary of the Interior, I can not understand why any man on the floor of this House will insist on these pension agents being retained when he knows it is taking money not only out of the Treasury of the United States, but is taking the bread out of the mouths of the private soldiers whose pensions ought to be increased.

Mr. Chairman, I insist and believe that, as a matter of justice, these agencies ought to be abolished. They ought to have been stricken out years ago, and instead of following the advice of my good friend from Ohio, this House will strike them out again, and when the bill goes to the Senate, if the Senators who have the appointment of agents, or for personal reasons, vote them back in the bill, I hope the conferees on the part of the House will never agree to the conference report, and that we will insist on standing on our rights and show the House and the country that we at this end of the Capitol have something to say with reference to the legislation of this country, [Applause.]

Mr. Chairman, this Democratic House on December 12 passed the Sherwood bill, which is the most liberal pension bill ever passed by Congress in the history of the country. It immediately went over to the Senate, and it was believed that body, which is Republican by a goodly majority, would pass the bill at an early date, but up to this time nothing has been done. It is now believed the Senate will amend the bill greatly reducing the rates, which I think would be very unjust, and we all know would be a disappointment to the old veterans who deserve and need every cent provided for in the Sherwood bill. The Senate should have taken action immediately after the House passed the bill, especially in view of the fact that over 3,000 soldiers are dying each month, many of whom do not have the necessaries and comforts of life.

The Senate has now had the Sherwood bill 50 days, during which time nearly 6,000 soldiers have died. Such delay is nothing short of a crime, and I sincerely hope you gentlemen on that side of the House will use your influence with your Republican friends in the Senate urging immediate action in that body. A Democratic House has done its duty to the old soldier, now let a Republican Senate do likewise. [Applause.]

Mr. PROUTY. Mr. Chairman and gentlemen, my distinguished colleague from Iowa hit the keynote of this whole discussion, and while I have an agency in my district, if anyone will convince me that I am standing in the way of a good governmental policy I will not oppose this bill. The gentleman says the keynote is that if we have this consolidation we can administer it more wisely and cheaply than we do now.

I know that there is pregnant everywhere the thought that in consolidation there is always economy. The great trusts in this country are pouring that doctrine into the ears of every committee that will listen to them. The great Steel Trust is before the committee telling it that it is for the benefit of this Government and all of the people in it to have such a consolidation that all, or practically all, of that industry will be under one single management and control. The Standard Oil Co. is presenting the same argument. The bathtub people are presenting the same argument. The sugar people are presenting the same argument. I am one of those people who do not be-lieve in that kind of an economical policy. I do not believe that it is for the benefit of this country to have too much consolidation. I believe in the distribution of energies and enterprises all over the country. I am not surprised that the Commissioner of Pensions recommends the abolition of all of these agencies and wants to bring them all to Washington under his care and control. That is in accordance with the spirit of the It is what everybody is asking for-more power, to be put in control of more affairs-and I am not surprised that the

Commissioner of Pensions wants all of the pension agencies brought to Washington. I am not surprised that he wants

more help brought here.

In that connection I was amused by the argument of the gentleman from Indiana [Mr. Adair], who told you that it was going to reduce the expenses of the Government from \$300,000 to \$400,000 a year, and yet in the appropriation that has come from the committee they only make a reduction of \$35,000. What are you going to do with the rest of the \$300,000 or what are you going to do with the rest of the \$350,000 of \$400,000 that you are saving? The bill provides \$350,000 for help, and yet the estimate of the bureau for the agencies as they are now is only \$385,000.

Mr. ADAIR. Will the gentleman yield?

Mr. PROUTY. I will yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, the Secretary of the Interior in his report to Congress uses this language-

Mr. PROUTY. Mr. Chairman, I thought the gentleman was

going to ask me a question.

Mr. ADAIR. The gentleman asked me how we were going

to save this money, and I am going to tell him.

Mr. PROUTY. I would rather the gentleman did so in his

Mr. ADAIR. I have not any time now, but if the gentleman wants it to go into the RECORD I will put it into the RECORD, and he would not be so much amused if he would let me tell

Mr. PROUTY. In the report of the committee, which I hold in my hand, I find clerk hire at agencies, \$385,000, which is the appropriation for 1912. The estimate for 1913 is \$385,000. Recommended for 1913, \$350,000.

Mr. BARTLETT. That does not refer to the salaries of the agents. It simply refers to the clerk hire. The preceding paragraph has reference to the agents. There is \$4,000 carried in this bill for one agent, whereas \$72,000 were carried in the

Mr. PROUTY. Well, suppose I take the gentleman's state-

ment

Mr. BARTLETT. The gentleman is quoting from the report of the committee.

Mr. PROUTY. Salaries of agents, \$72,000.

Mr. LOBECK. And they allow \$4,000. Mr. PROUTY. Under this bill \$4,000. There is a difference of \$68,000. Let me ask you where is the other three hundred thousand and odd dollars.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. FITZGERALD. I think the gentleman is entitled to the information. The Commissioner of Pensions made this statement, that it would be impossible for him to tell the exact amount required. The committee reduced the estimate by the amount required for 17 chief clerks, not desiring to cripple the office, while it gave him enough money to organize it, and required detailed estimates for the next year. The committee could have indulged in cheap politics by making a radical cut without information, but it preferred not to do that.

Mr. PROUTY. That simply corroborates what I was trying to say. You fellows admit, and you do not have the nerve to deny, when you are talking to yourselves, the expenses would

be substantially the same as they are now.

Mr. FITZGERALD. That is not quite accurate.

Mr. PROUTY. I do not pretend to be as accurate as the gentleman from New York

Mr. FITZGERALD. And I do not admit that the gentleman

[Laughter.]

Mr. PROUTY. And I have not asked the gentleman to do so. The fact shows, from his own statement, that when he was conrice fact shows, from his own statement, that when he was com-sidering this matter coldly and calmly in the committee room he did not have the nerve to say that it will save three hundred or three hundred and fifty thousand dollars, but the only sav-ing they have made, to use their own estimate, is less than a hundred thousand dollars.

Mr. ADAIR. Mr. Chairman, the gentleman wants to be fair to me, I know. Will he yield for a second?
Mr. PROUTY. Certainly.
Mr. ADAIR. I made a statement, and the gentleman has said that it amused him, and I want to give him my authority. I was quoting from the Secretary of the Interior, and he says the first year when this is put in operation it will result in a saving of 20 cents per annum on each pensioner, or \$200,000, and then following that he said that the second year the saving will be \$25,000 more. That is in the conduct of the office here. Those are the words of the Secretary of the Interior, and it was funny to me and quite interesting.

Mr. PROUTY. It is very funny to me, I will admit.
Mr. ADAIR. It may not be funny to anyone who has an agency in his district.

The CHAIRMAN. The time of the gentleman has expired. Mr. PROUTY. Mr. Chairman, I ask unanimous consent to continue my remarks for 10 minutes.

Mr. ADAIR. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to continue for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. BARTLETT. Mr. Chairman, reserving the right to object, I ask unanimous consent that debate on this paragraph

and amendment be limited to 30 minutes.

Mr. TAYLOR of Ohio. Mr. Chairman, I wish to ask the gentleman a question for information. I desire to take a few

minutes time.

Mr. BARTLETT. I know that. With what time will the gentleman be satisfied

Mr. TAYLOR of Ohio. I should have 10 minutes, and probably 15 minutes.

Mr. BARTLETT. Then I ask unanimous consent that debate be limited to 25 minutes, 5 minutes to be occupied by the gentleman from Iowa, 15 minutes by the gentleman from Ohio, and the other 5 minutes to be consumed by myself. Will that be satisfactory to the gentleman from Ohio?

Mr. TAYLOR of Ohio. If it suits the gentleman from Iowa. Mr. BARTLETT. Then, Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendment be limited to 25 minutes, 5 to be occupied by the gentleman from Iowa, 15 by the gentleman from Ohio, and 5 by myself.

Mr. PROUTY. Mr. Chairman, I would like at least seven and a half minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that debate on this paragraph be closed in 25 minutes.

Mr. MARTIN of South Dakota. I would like to ask the gen-

tleman from Georgia if he would-

The CHAIRMAN. Fifteen minutes of that time to be controlled by the gentleman from Ohio [Mr. TAYLOB], five minutes by the gentleman from Iowa [Mr. Prouty], and the other five minutes by the gentleman from Georgia himself. Is there objection?

Mr. MARTIN of South Dakota. Mr. Chairman, reserving the right to object, before the gentleman from Georgia formulates his request I will say that the gentleman from Iowa had already asked for 10 minutes additional.

Mr. BARTLETT. I understood that.

Mr. MARTIN of South Dakota. And he was considerably interrupted. Will not the gentleman make it 30 minutes, and give the gentleman from Iowa 10 minutes of that time?

Mr. BARTLETT. The gentleman has already had five minutes

Mr. MARTIN of South Dakota. But much of it was taken up. Mr. BARTLETT. The gentlemen on that side opposed to this proposition—the gentleman from Ohio [Mr. WILLIS] had some 25 minutes, and most of the time has been used by gentlemen who are opposed to the proposition, and now we are yielding practically all the time to those who are opposed to the action of the committee, and we are only reserving five minutes.

The CHAIRMAN. Is there objection to the request of the

gentleman?

Mr. AUSTIN. What is the request?

Mr. BARTLETT. The request is this: That debate upon this section and amendments be limited to 25 minutes—15 minutes to be used by the gentleman from Ohio [Mr. Taylor], who is in favor of the amendment, and five by the gentleman from Iowa, who has already had five, and five for myself. Out the 25 minutes I have only reserved 5.

Mr. AUSTIN. I would like to state that I started a speech this morning and was cut off, and agreed to finish it under the five-minute rule, and I would like to go on.

Mr. BARTLETT. Mr. Chairman, I wish the Chair would put the request for unanimous consent.

The CHAIRMAN Is there objection to the request of the The CHAIRMAN. Is there objection to the request of the

gentleman from Georgia?

Mr. AUSTIN. I object.
Mr. BARTLETT. I move, Mr. Chairman, that all debate upon this paragraph and amendments thereto be closed in 25 minutes.

The CHAIRMAN. The gentleman from Georgia moves that all debate upon the paragraph and amendments thereto be closed in 25 minutes.

The question was taken; and the Chair announced the ayes seemed to have it, that the ayes had it-

Mr. AUSTIN. Mr. Chairman, I make the point that there is not a quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present in the committee. The Chair will count. [After counting.] One hundred and twenty-four Members are present, a quorum. The ayes have it,

and the motion to close debate is adopted.

Mr. TAYLOR of Ohio. Mr. Chairman, do I understand now that the gentleman from Iowa is to have five minutes?

Mr. BARTLETT. Yes

Mr. PROUTY. Mr. Chairman, I was just remarking that if this policy was a good one I would not interfere with it, and if gentlemen would convince me that it was a good one I would not interfere. I said I was not in favor of the policy of consolidation. It has not worked to the advantage of this country in any other department. Why should it in the United States departments? I remember well when the steel organization was made and it was heralded all over this country that by reason of its large organization that it could furnish material to the United States and all its people much cheaper than could be done by individual concerns.

Mr. GOOD. Mr. Chairman-Mr. PROUTY. I refuse to yield. Mr. GOOD. For a question? Mr. PROUTY. I refuse to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. GOOD. Does the gentleman think there ought to be competition in these 18 offices?

Mr. PROUTY. What I was saying is this: That when the Standard Oil and Steel Trust went before this country they said that because of the large organization they could reduce the price to the people. I have been watching now for 10 years the marvelous reduction in the price of steel products in this country under this organization. They told us also when the Harvester Trust was formed that that would do away with the several agencies all over the country and bring them under one management and one organization and that furnish to the farmers of this country their machinery much They told us, in volumes of figures much larger than the gentleman from Indiana quoted, that they could do away with State agents and all that and furnish this machinery much cheaper, and what was the result? Every man upon the floor of the House knows that instead of machinery going down it is going up. In other words, the policy is not correct; it does not result in economy. And there is one of the best indications that this bill will not, in the judgment of the committee, work great economy from the fact that they do not materially reduce the appropriation, notwithstanding the vaunted economy to be worked by the consolidation.

Now, one other question. I am opposed to it because it takes people from the whole country and brings them to Washington. Washington is big enough now for me, so far as I am concerned. They get them down here, and as soon as they get them here they live off their salaries as long as they can, and when they are not able to work longer they ask the Federal Government to pension them, and stay here and eat up their pension. I say it is not a good governmental policy that looks to the

concentration of everything in Washington.

Now, one thought more. The whole plan of this device will be to concentrate wealth here as well as individuals. Whenever you draw on your account you have got to keep money with which to meet it, and the result will be, if you adopt the system of checks from here, the money from the West will be gradually brought in here and concentrated to meet the checks the Government draws upon the local Treasury here. In other words, this whole scheme is concentration of help in Washington and the concentration of money either in New York or in

Washington. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.
Mr. TAYLOR of Ohio. Mr. Chairman, as my time is limited,
I wish to state, in order to avoid the usual question that is always asked when I arise to my feet to insist upon such an amendment as is offered by the gentleman from Ohio [Mr. Willis] as to whether or not I have any personal interest in this legislation, that in my home city is located one of the largest—in fact, the second largest—pension agency in the United States, disbursing to old soldiers and widows, residents of Ohio only, about \$16,000,000 per annum. And every pensioner paid in Ohio is within less than 200 miles of the agency, and therefore their pensions get to them faster than they can get by any scheme patched up here in Washington for the purpose of consolidating them under one bureau and perpetuating the Pension Bureau in Washington.

I have listened with a great deal of interest to the statements of the chairman of the Appropriations Committee, in which he undertakes to say it has been for years the consensus of opinion of the Commissioners of Pensions that these agencies be abolished. In the face of those statements we find there has not been a single recommendation for the abolishment of all the agencies. Mr. Warner said he could get along with nine, he

knew, and possibly with six, agencies, but he stopped right there. Mr. Garfield, the Secretary of the Interior, did say they all ought to be transferred to Washington under one head, and he made the broad statement that we would save about \$250,000 year by doing so. But he did not give one single fact that justified his statement, although his statement has been used in every debate on this question since he made it. It has not

impressed the House to any extent, I am quite certain.

The actual fact is that the only saving whatever contemplated here that you can put your finger on, and that is not an absolute guess and experiment, is the saving of the salaries of 17 pension agents at \$4,000 a year, a total sum of \$63,000. In the face of that, on page 19 of the hearings, we find that it will be necessary, in order to carry out this scheme of disbursement, if it can be carried out-and this is by no means certain. as is admitted by the commissioner—to transfer a great number of clerks from the agencies to Washington, all of those, in fact, except the aged and infirm. Clerks in Washington receive more than clerks in other departments outside of Washingtonabout \$200 or \$300 a year more on the average. It is a wellknown fact that the average salary of clerks of pension agencies outside of Washington is a fraction under \$1,000 per annum, and the average salary of clerks in the department at Washington is \$1,200 to \$1,300 per annum; and if you transfer, say, 300 of these clerks to Washington, you will have necessarily to increase their salaries to reach the high cost of living in this city, which was said by the Keep Commission two or three years ago to amount to about 20 per cent more than the other cities in which the agencies are located. You would raise them over \$90,000, and that would wipe out your \$68,000 and leave about \$22,000 to the bad, at a rough estimate.

Now, the next question is, there is not a man in this House, and there is not a man, from the Commissioner of Pensions, down, in the Bureau of Pensions, who knows whether this scheme is economical or practical. The commissioner admits that frankly, and I am going to read from the hearings. Mr. BARTLETT asked the question that if Congress adopted these

plans how many of these agents it would dispense with.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask unanimous consent that the gentleman may have 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Ohio. Mr. BARTLETT said:

MP. TATION of Oillo. All. Darillett Said:

How many would it dispense with in the coming year?

Mr. Davender. That would depend. The law as it is now says that the agencies must be in groups of three. The proposed plan changes that to arrange the pensioners into groups of three instead of the agencies, and by doing so power would be given to reduce the agencies to one or six or nine, as could be done without injuring the efficiency of the service. Gradually the agencies might be reduced, although I can not anticipate what action will be taken.

Mr. Bartlett. By the new method you have suggested?

Mr. Davender. Yes. There certainly will be a reduction after a time.

Mr. BARTLETT. You do not know how many or which ones would be

Mr. Bartlett. You do not know how many or which ones would be reduced?

Mr. Davenfort. I do not know anything about it at this time.

Mr. Bartlett. If this plan which you have formulated in pursuance to the direction of Congress was put into effect before the end of this fiscal year, how many could you dispense with then; all, or how many?

Mr. Davenfort. I guess all of them, if we were forced to, and pay from here; but I hardly think that would be done at once, because this is an entire change in the way of payment, and no one can tell how it will work until we get it into operation. We believe it is all right. It is such a radical change in the way of payment that we would have to try it first on one agency and see if it was feasible and worked out all right.

There we have it in an attempt to drop the agents in the face of the fact that the Commissioner of Pensions admits that he does not know how it is going to work out; that he wants to try it on one agency first, and go no further until he sees whether or not it is feasible and workable and economical.

From those hearings it appears that the commissioner's statements as to what economy he thinks can be worked out are mere guesswork. He states in these hearings that he has not the slightest idea as to how the thing will work, and does not know how many agents could be cut out or should be cut out. He admits that it is a radical change, which would be unquestionably highly experimental, and should be tried out only on one agency first, and that is an admission that he does not know whether the plan is a good one or would breed confusion and distress.

But in spite of this the committee comes before the House' with a provision abolishing 17 out of the 18 agencies. They might as well abolish the entire 18 agencies, because in the hearings, if I remember aright, it was stated that a disbursing officer could do just as well as a pension agent if you put this

scheme into operation.

Now, let us look at the legislative situation that confronts us in relation to the pending legislation on pension matters.

Appropriations Committee has decided to cut out the agencies and bring the whole work to Washington and work out a new plan of disbursement, which the commissioner admits he does not know anything about. And then he says that it will be necessary to bring in the neighborhood of 300 clerks here to get the thing to working right. This transfer, as I said before, will more than wipe out the saving in agents' salaries. The commissioner also admits that the transfer of the documents and of the agencies would cost at least \$600 each, which is an item of \$10,800 alone. And in addition to this, if you will look at pages 4 and 5 of the hearings, you will see that if the socalled Sherwood bill, which is now in the Senate, having passed this House, should become a law, Mr. Davenport estimates that it will increase the appropriation about \$75,000,000 a year. On page 5, in discussing the effect it will have upon his department, the commissioner says:

his department, the commissioner says:

Mr. Davender. You are getting onto a pretty tender subject; but let me say that we feel that the bill would probably bring into the bureau 450,000 claims. As you know, the force is old. There are very few young clerks. The average age of the real working force is nearly 60 years in the Pension Bureau. I do not suppose that we could settle. on an average, over 400 claims a day with the force as it is now, and so you can figure how long it would take to settle the 450,000 claims.

Mr. Bartlett. On an average of 400 claims a day?

Mr. Davender. Four hundred a day; perhaps more. I can not tell you how my force will break in. I have a very reliable force, but slow, because they are old, very old, but they are accurate men and women, and when people get old they can not work quite as fast as when young.

slow, because they are old, very old, but they are accurate men and women, and when people get old they can not work quite as fast as when young.

Mr. Bartlett. Unfortunately.

Mr. Davenport. Not that they do not understand the work, because they do the very best they can, and are always there, but for a time it would probably take my whole force to take care of the rush work, which would come in at the rate of 25,000 a day, and we could not adjudicate anything. We have to send out a receipt for every claim that comes in, and then it has to be recorded. We have to be very accurate about these things, because every claim means money.

Mr. Bartlett. Would you necessarily have to increase your force in order to efficiently and properly dispose of the work?

Mr. Davenport. I would have to increase the force in order to meet the demand for prompt adjudication.

Mr. Bartlett. To what extent would the force have to be increased?

Mr. Davenport. I would have to have three or four hundred clerks temporarily, for a year or so. I do not see how it could be avoided.

Mr. Bartlett. What class of clerks?

Mr. Davenport. From \$1,000 to \$1,200. It would be no use to try to get them through the civil service; that would have at least 300 clerks to come in on the recommendation of some one who knew them. There are a great many clerks here in Washington who have been in the Census Bureau, and have been trained, and who could come in and take up the work without any trouble. If I should have to go to the Civil Service Commission, it would take too long and it would be hardly fair to overload the bureau again with a lot of permanent clerks. This is all in contemplation; we do not know that the bill will pass.

Going on further, the Commissioner of Pensions states that these clerks would receive from \$1,000 to \$1,200 a year, which for 300 clerks would be \$350,000 a year. Into this bureau would be coming 25,000 claims a day and only 400 could be attended to with the present force. With all of this new work, it is now proposed to throw the disbursing of the pensions into this office and transfer some three hundred clerks from the various agencies. Thus we find the commissioner attempting to work out a new scheme of pension disbursement, of which he is not certain, in the face of an enormous increase in the Pension Bureau by reason of the passage of new general pension legislation, and any man who knows will understand that but one result can accrue from the great influx of new business and attempted reorganization of the payment of pensions, and that result is chaos and confusion, and a great delay to the pensioners, and a day's delay in pensions means a great deal when we think that a hundred pensioners are dying every day, or 3,000 every

Further on in the hearings, on page 6, when asked by Mr. Bartlett what would become of the business of the office without this additional force, Mr. Davenport replied that it would simply accumulate, pile up, and they could not get it out. No one has disputed that the present system of paying pen-sions is perfectly satisfactory to the pensioners. The payment

of pensions is substantially completed in from six to eight days. Should the proposed plan be adopted, you can not tell when it would be completed. True, the commissioner says that it would would be completed. True, the commissioner says that it would be more rapid, but he admits that he does not know whether the plan is a workable one, and admits it will be experimental. Suppose it should prove a failure. How about the pensioners who await their money? They should have it promptly, especially in the face of the fact that we are losing pensioners at the rate of a hundred a day. I think a canvass of any locality in which old soldiers live would find them unanimously opposed to any such experiment at the cost of their comfort.

Another great feature of the pension system has been the idea of locating agencies at various centers throughout the country in order that the Pension Department should be brought in close touch with its beneficiaries, so that their allowances can

be made them with the least delay. Every pension agent is a sort of adviser for the pensioners in his district, and they want to know him and be in touch with him. This would all be done away with. Not a day passes but that some inquiry is made, some lost paper asked to be replaced, and these are generally in the form of appeals to the local agent.

It seems that we are working out this proposition along very economical lines. It is only costing about 46 cents per capita to pay the pensions. The last table of per capita cost that I have access to was presented to this House in argument on a similar amendment by Mr. Alexander, of New York, and can be found on page 1129 of the RECORD of January 19, 1909. It is as follows:

Tonows.	
Topeka	\$0.4
Columbus	
Chicago	. 5
Knoxville	. 5
Indianapolis	. 4
Boston	. 5
Philadelphia	
New York City	. 6
Washington	. 6
Des Moines	. 5
Milwaukee	. 5
Buffalo	. 5
Pittsburgh	. 5
PittsburghSan Francisco	. 5
Detroit	. 5
Louisville	. 6
Augusta	. 7
Concord	. 7

Then there is the feature of the extreme hardship to the clerks themselves. I know from my own experience in my home city, where we have 30 clerks, that they have lived there and have entered the service with the idea, of course, that they would stay as long as they were qualified, have made their homes there, and in many cases purchased their homes; and their transfer to Washington, even at an increased salary, would be an unfair and distressing proposition. We are pay ing off 16,000 pensioners there, and the per capita cost is 46 cents. The same applies to Topeka, where more pensioners are Every pensioner paid in the Columbus office is a resident of the State of Ohio. Everyone is within a hundred miles at least of the pension office and can get in touch with the pension agent for the many things which arise within a short time. It will work a hardship upon a great number of old soldiers and their widows who live in Ohio and elsewhere to have this radical scheme, admitted to be experimental, put into effect and the old system of payment through agencies abolished. For these reasons I urge the adoption of this amendment.

Mr. Chairman, how much time have I remaining? The CHAIRMAN. The gentleman has two minutes remaining

Mr. TAYLOR of Ohio. I will yield that back to the gentleman from Georgia [Mr. BARTLETT], who so kindly gave me an extension of time.

Mr. FOSTER of Illinois rose.

The CHAIRMAN. The gentleman from Illinois is recognized. Mr. BARTLETT. How much time does the gentleman desire? Mr. FOSTER of Illinois. Mr. Chairman, I would like to have two minutes

Mr. BARTLETT. Mr. Chairman, I yield two minutes to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. FOSTER of Illinois. Mr. Chairman, I have no pension agency in the district which I have the honor to represent, but there is one in the State of Illinois, in which a good many thousand pensioners are paid each quarter. This House for several

years, at least for a few years, has each time voted to strike these agencies out of the pension appropriation bill.

Mr. TAYLOR of Ohio. That was not done last year, was it?

Mr. FOSTER of Illinois. It was done on my motion last year. My recollection is that the pension agencies have been stricken out each year for four or five years. Now, this is simply a common-sense proposition. There are no soldiers of simply a common-sense proposition. There are no soldiers of the country asking the retention of 18 pension agencies, and the fact is it is a ridiculous proposition when we think about it. There is a pension agency in Milwaukee, another one in Chicago, another one in Des Moines, Iowa, another one in Indianapolis, Ind., located right close together. There are two in the State of Pennsylvania—

Mr. FOWLER. One in Ohio.

Mr. FOSTER of Illinois. One in Columbus, Ohio. There is one in Washington and one in Philadelphia, only three hours' ride from this city.

Mr. FOWLER. One in New York and one in Pittsburgh.
Mr. FOSTER of Illinois. I might go ahead and mention all
of them. But, anyhow, I remember very well that last year Mr.
SMITH of Iowa, who was a member of the Committee on Ap-

propriations, had a provision put in the bill directing the Commissioner of Pensions to work out some scheme whereby these pensioners might be paid without all these agencies. now paying rent for one agency, I think, in New York City. We are paying a salary of \$4,000 a year to each of these agents. We ought to look at this matter as a business proposition.

It is not discommoding any soldier, and I am sure I would not want to do that; but it is simply a business proposition, whether we ought to go ahead and pay out this money each year for pension agencies and pension agents or whether we want to stop that and save that much money to the Government, and not discommode any pensioner in the United States. I realize that next year we probably would have the oppor-tunity, in all human probability, to fill these offices.

Several Members (on the Republican side). Oh, no!

Mr. FOSTER of Illinois. But I believe this side of the

House is patriotic enough to save that much money for the country, and not want to keep up a lot of useless offices like these. They would give 18 places for good, faithful, honest Democrats, I am sure, but I do not want the places at the expense of the taxpayers of the country. So I am in favor of doing away with these pension agencies and paying these pensioners directly, as proposed in this bill. Then these men can get their money when it is due and not have to wait to fill out a voucher and go to the pension agent and get back a receipt, and go through all that trouble that they have had to go through for many years. When a lot of people were hungry for office and wanted places as pension agents, there might have been an excuse, but that time has passed, I hope, upon that side of the House; and when you see the patronage being lost to your own party, I hope you will be patriotic enough to stand up and be in favor of this provision of the bill.

Mr. HAWLEY. We do not concede the loss of patronage. Mr. CRUMPACKER. I should like to talk on this amendment for about three minutes.

Mr. BARTLETT. The debate has been limited.

Mr. CRUMPACKER. I did not know that.

Mr. BARTLETT. How much time is there remaining?

The CHAIRMAN. Three minutes.

Mr. CRUMPACKER. I only want to say that I am in favor of the consolidation of these agencies.

Mr. BARTLETT. Then I will yield to the gentleman the

remaining three minutes. [Laughter.]
Mr. CRUMPACKER. I thank the gentleman.
The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for three minutes.

Mr. CRUMPACKER. Mr. Chairman, it is a hard thing to reduce the number of public offices by an act of Congress. has been tried with reference to the pension agents for a number of years, and in every instance the measure failed of passage. There is one pension agency in Indianapolis, and the agent is a friend and constituent of mine, and if I were prompted by personal reasons altogether I would vote against the consolidation of these agencies; but several years ago Congress instructed the Secretary of the Interior to make an investigation and furnish Congress with an estimate of the amount, if anything, that could be saved by consolidation. Secretary Garfield, in pursuance of that direction, made an investigation, and reported to Congress that there could be a net saving of—my recollection is \$250,000, although my friend from Indiana [Mr. Adair] suggests that it was \$350,000—and that there would be no inconvenience to the pensioners resulting from the consolidation. They are paid four times a year, and under no circumstances can you get more than three months between the periods of payment. I am not willing to vote for a measure continuing an unnecessary expense upon the Government of \$250,000 a year in order to keep a friend in

Mr. BARTLETT. Mr. Chairman, I yield the one minute remaining that I have to the gentleman from Illinois [Mr.

Mr. MANN. Mr. Chairman, I believe that we can well adopt the provisions in the bill abolishing the useless pension agencies, and pay the pensioners with less expense and greater expedition from Washington, under the scheme provided in the bill, than is now being done in the present expensive, useless, and cumbersome method. [Applause.]

The CHAIRMAN. The time limited for the discussion of this amendment has expired, and the question is on the amendment offered by the gentleman from Ohio [Mr. WILLIS]

The question was taken; and on a division (demanded by Mr. WILLIS) there were 16 ayes and 107 noes.

So the amendment was rejected.

The Clerk read as follows:

For clerk hire, and other services, pension agency, including not exceeding \$10,000 for expenses of consolidating and removing records and equipment of pension agencies, \$350,000, or so much thereof as may be necessary: Provided, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each.

Mr. PROUTY. Mr. Chairman, I make a point of order to the paragraph just read, and particularly to those words "including not exceeding \$10,000 for expenses of consolidating and removing records and equipment of pension agencies," on the ground that there is no existing law authorizing the consolidation of such agencies. I make this point of order under the provision of section 2, Rule XXI, which provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless continuation of an appropriation for such public works and objects as are already in progress.

I have not understood that there was any work in progress removing pension agencies. It may be that some of these gentlemen who are in such a hurry about it have started to remove them. But I do not understand that there is any provision of law authorizing that work to be done, and therefore I insist upon the point of order.

Mr. BARTLETT. Mr. Chairman, as I gather from the gen-tleman's remarks, his point of order is to the provision "including not exceeding \$10,000 for expenses of consolidating and removing records and equipment of pension agencies." understand the point of order is made to those words.

Mr. PROUTY. That is correct.
Mr. BARTLETT. Mr. Chairman, the point of order was not made, and I apprehend it could not have been successfully made, against the preceding paragraph of this section, which was to provide that only one pension agent be appointed at a salary of \$4,000, and also that section 4780 of the Revised Statutes, which authorizes the President to appoint these agents and for their distribution among the States, should be repealed.

So far as the House is concerned, that is a part of this bill. If the point of order had been made against it, I apprehend that under the rulings heretofore made, under the same rule under which we are now working, known as the Holman rule, and under the decision of the Chairman of the Committee of the Whole House on the state of the Union made some days ago construing this rule, we could have retained in this bill this provision abolishing the pension agents and repealing the law, for the reason that it reduces expenditures and provides for the abolition of salaries.

This is simply a provision providing for clerk hire, which is authorized by law, and for \$10,000 for expenses in removing the records or equipment of the pension agencies. The law authorizes the heads of departments to take care of the property of the various departments. The property, the furniture, the equipment of the offices of the Government are in charge of the heads of departments, and of the heads and chiefs of the divisions and bureaus. It is simply for the purpose of preserving the property of the United States now already on hand, and it is simply to carry out the power to take care of the property. It is not new legislation. This simply authorizes the property. It is not new legislation. This simply authorizes the heads of the departments, which under the law they have the power to do now, to take care of the property. That is all it rouly

Mr. PROUTY. Mr. Chairman, I wish to say a word in reply to the argument of the gentleman on the point of order which I have raised. If I have understood the gentleman correctly, he claims that because we have gone by the previous section or clause, therefore there is now authority in law for this expenditure

Mr. BARTLETT. I never said anything of the kind.

Mr. PROUTY. Then I did not understand the gentleman. I understood the gentleman to say that.

Mr. BARTLETT. I did not. Mr. PROUTY. I confess that I did not hear the gentleman very well.

Mr. BARTLETT. I said the point of order to that section, in my judgment, would not lie.

Mr. PROUTY. I did not raise a point of order on that other provision. I reached the same conclusion that the gentleman did, that it would not lie; but here is one that will lie, because here is an appropriation intended to be made for something not authorized by law, and it would be a strange profision if you could put into one clause in the bill a provision that would make another clause lawful, when it had not been passed. I do not know that any part of this bill will pass. I am not making this objection upon the theory that it repeals existing law. That is not the contention. It is that we are making an appropriation for an object that is not authorized by law. Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly. Mr. RUSSELL. The gentleman makes the point of order on the ground that this would be a change of existing law?

Mr. PROUTY. No. Mr. RUSSELL. Then the gentleman makes it upon the ground that it is authorizing an appropriation when there is no authority of law to do the thing for which the appropria-

tion is to be made?

Mr. PROUTY. That is it.

Mr. RUSSELL. I want to ask the gentleman a question. If it were true that the Government now had property in these several cities where the pension agencies exist, and there were no pension agencies there, does the gentleman claim that there is no authority in law, as it now is, for the agents of this Government to take care of that property and to carry it somewhere where they had a use for it?

I undertake to say that this committee in this appropriation bill can not put that kind of a clause into the bill. In the first place, it would not be germane to the

subject matter of the bill.

Mr. RUSSELL. But if this law is passed, as it now has been passed by this committee, these agencies will be abolished.

Mr. PROUTY. Possibly next year.

Mr. RUSSELL. I say if the bill should be passed and become a law then the Government would have books and stationery in these cities where these agencies now exist. Does the gentleman claim that under the present law the officers of this Government would have no right or authority to take care of this property and transfer it to some place where it

could be taken care of?

Mr. PROUTY. Mr. Chairman, the gentleman begs the question. He says if this bill passes. This bill has not yet passed, and that is what I am trying to prevent. Here is what the rule

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Not authorized in this act, but previously authorized.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa a question. Having adopted a provision reducing the number of pension agencies, is it not proper for the Congress to proceed to enforce by proper legislation, or provide

by proper legislation, for the removal of these offices?

Mr. PROUTY. Yes; by a proper bill. I would have no objection to that, but in a general appropriation bill they have no right to load it down with provisions not authorized by law. Gentlemen on the other side say that if the Senate does not agree to this there shall be no appropriation for taking care of the pensioners of this country during the next two years. That is what they have said, and it is the object of this rule to prevent that.

Mr. CRUMPACKER. Mr. Chairman, just a word upon the

point of order

The CHAIRMAN. The gentleman from Iowa [Mr. PROUTY] has the floor.

Mr. PROUTY. I was simply answering the Chair. The CHAIRMAN. The Chair did not hear it.

Mr. PROUTY. What I was saying is this, that it is perfectly proper to provide for it by an act in its proper place, but by the system which was adopted by the gentlemen on the other side, and I compliment them on it, that it has been intended to so fix legislation that you could not load down an appropriation bill by putting into it measures that might not otherwise meet the judgment of the House, but which they would be willing to pass in order to get an appropriation. As I said a minute ago, the gentleman from New York, when upon the floor, frankly announced that unless this scheme went in as part of the bill, unless the Republican Senate included it, that upon your side, so far as he was concerned and any in-fluence he had, there should be no appropriation for pensions in this Congress

Mr. CRUMPACKER. Mr. Chairman, a word on the point of order. It is, that the paragraph preceding the one to a portion of which the point of order was made is in order under the so-called Holman amendment to the rules, because its operation is or ought to be to reduce expenditures. The subsequent paragraph, carrying an appropriation of \$10,000, is simply an incident to that paragraph. It is a part of the plan to consolidate the pension agencies and save the Government \$200,000 or \$300,000 a year, that it is expected will be saved by this bill if it should become a law. This provision is necessary to consolidate the agencies and is a pure incident to the purpose of the preceding paragraph, and of course it must be construed with Many propositions contained in appropriation bills calculated to reduce the public expenditures carry with them certain

incidental matters of detail which standing by themselves might not be in order, but when construed with the subject matter to which they related become a part of a plan to reduce expenditures, and must be so construed, and they are in order. I have no doubt under the new rule that the point of order is not well taken.

The CHAIRMAN. The Chair is ready to rule. The Chair agrees with the position taken by the gentleman from Indiana-that if the legislation reducing the number of pension agencies is in order on this bill, then it must certainly be in order to pass legislation to make that provision effective—and the Chair does not think that this legislation has any other effect than to make effective that which goes before and is admitted to have been in order. Therefore the Chair overrules the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill concerning the effect of the last clause in the paragraph. The proviso in that paragraph is that estimates and details shall be submitted for the fiscal year ending 1914 and annually thereafter for clerks and others employed in the United States agency, and the amount to be paid to each; and I have some question in my mind whether that might not make in order a change in the salaries of the clerks if estimated for by the department.

Mr. BARTLETT. No; we just want the information.

Mr. MANN. Well, it does not say, however, an estimate of which the commissioner thinks ought to be paid to each clerk.

Mr. BARTLETT. No. Mr. MANN. But the amounts to be paid to each, and I very much fear that some time some Chairman will hold, where proposition is made to increase the compensation of those clerks upon the estimate of the commissioner, that this author-

Mr. BARTLETT. This is in the form in which we have here-tofore called for such information on appropriation bills.

Mr. MANN. While I may be mistaken, and freely admit it, think that this is absolutely new as far as the language is concerned in this one item.

Mr. BARTLETT. No; I think not.
Mr. FITZGERALD. At various times provisions have been placed in appropriation bills requiring detailed estimates—

Mr. MANN. Yes.

Mr. FITZGERALD. The clerk of the Committee on Appropriations drew this in accordance with former provisions.

Mr. MANN. I understand that and I understand what was in his mind, but I have not any language in mind to obviate the objection, although I fear it. I know that is what he wants

Mr. FITZGERALD. I do not believe myself there is any danger from what is suggested by the gentleman from Illinois that this fixes law which would justify an appropriation.

Mr. MANN. It is not the intention?

Mr. BARTLETT. Oh, no.

Mr. FITZGERALD. It is to get detailed estimates.

Mr. MANN. And not to give the commissioner any authority to fix the compensation?

Mr. BARTLETT. No, indeed.

Mr. FITZGERALD. At present, let me say to the gentleman from Illinois, the compensation of these clerks is fixed by the Secretary of the Interior. The desire is to obtain detailed estimates of the services required and the amounts to be paid, so that the Congress may make specific appropriations in accordance with its own judgment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior is authorized in the payment of pensions to arrange the pensioners in three groups as he may think proper, and may from time to time change any pensioner or class of pensioners from one group to another as he may deem convenient for the transaction of the public business.

Mr. PROUTY. Mr. Chairman, I wish to make a point of order on that provision. It is not germane to the subject matter of the bill as shown in its title. Second, that it repeals existing law, without showing on its face or elsewhere that it comes within any of the exceptions provided for under clause 2, Rule XXI, of the House.

Mr. KENDALL. Will my colleague yield? I want to suggest to the Chair that in ruling on the question, it seems to me, the next paragraph of the bill ought to be considered also.

Mr. PROUTY. I might say that I will make the objection on

each one of these paragraphs as we go along.

Mr. BARTLETT. Will the gentleman agree to this, namely, that we will have all the paragraphs read, and then he can raise a point of order to all of them?

Mr. PROUTY. Yes.

Mr. BARTLETT. Make the point of order on all of them at

Mr. PROUTY. Yes.

Mr. BARTLETT. I ask, then, Mr. Chairman, that the reading of section 2 be finished, and that the consideration of all the paragraphs in section 2 be had at one time.

The CHAIRMAN. The gentleman from Georgia asks permission that the additional paragraphs in section 2 be read, and that they all be considered at one time. Is there objection?

There was no objection. The Clerk read as follows:

The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year.

The Secretary of the Interior is authorized to cause payments of pension to be made for the fractional parts of a quarter which may be made necessary by the transfer of a pensioner from one group to another.

Mr. PROUTY. Now, Mr. Chairman, I wish to renew my point of order and to make it apply to the entire section. First, that the section as a whole is not germane to the subject matter of the bill as disclosed in its title; second, that it repeals existing law without making any of the reductions contemplated or provided for in the latter half of clause 2 of Rule XXI of this House.

As a suggestion upon that point, I would say that this measure, as contained in the second section, as you will find if you read it through, does not make the slightest reduction in expenditure. The rule laid down by this House under what is know as the Holman rule, under all the interpretations that have been given to that rule, holds that the reduction in expenditure must appear in the act or the section under consideration and from such provisions of the law as may be applicable to the case. Now, there is not a word or a syllable or a suggestion contained in this bill or in this clause that it would reduce expenditures to change the manner of payment, the times of payment, and the way in which it should be paid.

I call the attention of the Chair to a ruling that is found in volume 4, page 596, section 3888, of Hinds' Precedents, as

follows:

On March 15, 1894, the House was in Committee of the Whole House on the state of the Union considering the sundry civil appropriation bill.

Mr. Benjamin A. Enloe, of Tennessee, offered an amendment for abolishing the Bureau of the Coast and Geodetic Survey in the Treasury Department and transferring the duties of the bureau to the Navy Department and to the Interior Department.

Mr. Joseph D. Sayers, of Texas, having made the point of order, the chairman ruled:

I will not read all of it:

Now, if part of an amendment is subject to a point of order, then the whole of it is. The fact that an amendment reduces expenses must clearly appear upon the face of the amendment. The Chair thinks that the legislative portion of this amendment does not come within the exception of the rule, because it does not appear that the legislation proposed by the amendment of itself reduces expenditures. The Chair therefore sustains the point of order.

Of course this is not in the form of an amendment, but this provision of the rule applies to a bill as well as to an amendment.

Mr. BARTLETT. Mr. Chairman, the present law provides: That the Secretary of the Interior is hereby authorized and directed to arrange the various agencies as he may think proper, etc.

So that there is a law which makes a provision for the arrangement into the groups provided for in this bill. That provision is carried by the act of March 3, 1801. It also provides that the Secretary of the Interior shall make provision for the payment of the fractional part of a quarter, so that this first section does not in any way change existing law except in this respect alone, that it changes or may change the time or the month or the quarter in which the pension may be paid.

Now, this provision of the bill does not violate existing law. But even if it did, Mr. Chairman, when you come to take into consideration the other provisions that will follow, it is evident that it is done for the purpose of reducing expenditures

Now, let us see what the Holman rule is. Quoting from the decision rendered by the Chairman of the Committee of the Whole House on the state of the Union on January 16, 1912, the rule is:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: Provided, That it shall be in order further to amend such bill upon the

report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

At the last session of Congress, upon the pension appropriation bill there was a provision carried which required the Secretary of the Interior or the Commissioner of Pensions to report to Congress upon the feasibility of changing the method of paying pensions. By that provision the Commissioner of Pensions was directed-

To formulate and embrace in his annual report a simplified plan for the payment of pensions, whereby all preliminary vouchers shall be abolished and the only vouchers required shall be attached to or a part of the payment check, and the commissioner shall further report what, if any, changes in the law are necessary to carry such plan into effect.

The commissioner in his annual report complies with that provision.

Mr. PROUTY. Was that commission appointed by the House?

Mr. BARTLETT. It was an authorization in the last pension appropriation bill, directing the Commissioner of Pensions in his annual report to make a report. He has done that,

Mr. PROUTY. But does the gentleman understand that this provision of the law refers to a commissioner other than that named by the House from among its own Members?

Mr. BARTLETT. I have not made any such statement. Mr. PROUTY. I understood the gentleman so to state.

Mr. BARTLETT. The gentleman could not understand me to make any such statement. I have not made it; and it would be a pretty far-fetched statement for me to make under those circumstances if I had made such a statement.

Mr. PROUTY. Why, then, was the gentleman quoting from the commissioner?

Mr. BARTLETT. Because I wanted to. That is why.

[Laughter.] Now, Mr. Chairman, the Commissioner of Pensions makes a

report and suggests a plan by which, if we can enact this legislation upon this appropriation bill, expenses will be reduced in the Pension Office. The evidence before the committee is that at the present time there are some 4,000,000 vouchers issued before the checks are sent out. The evidence is that if this plan is adopted, that expense will certainly be reduced, so that the whole object of this provision is to reduce expenditures in the Pension Office and to bring ourselves within the provisions of the Holman rule in that regard.

The Chair is already informed by the previous provisions of the bill that we have reduced the number of agencies by 17, thereby reducing the expenses some \$68,000 in that particular; and by reason of this reduction in the number of agencies we have further reduced the expenditures some \$200,000.

Then, following up that provision of the bill, is this one which, I believe, will reduce expenditures. I believe that is evident from the bill itself.

But, in the event that the Chair should be of a different opinion from that, then we meet the other requirement of the Holman rule, which is this:

Provided, That it shall be in order further to amend such bill upon the report of the committee, or any joint commission authorized by law, or the House members of such commission, having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

We have here a bill, H. R. 18977, which has been reported to this House and is now on the Union Calendar ready to be considered by the House. I apprehend there will be no dispute about the facts. This bill on the Union Calendar is reported from the Committee on Appropriations. The bill was introduced at the beginning of this session, referred to the Committee on Appropriations, considered by the committee, and reported by that committee, and authority given to the chairman of the committee and to myself to call up the bill at any time we had the opportunity.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. BARTLETT, Certainly, The CHAIRMAN, Would to Would the rule of construction be the same if this was offered as an amendment on the floor of the House that it is when the provision appears in the bill?

Mr. BARTLETT. The committee that could offer it as an amendment can embody it in the bill originally, because if it was stricken out and we should at once offer it as an amendment it would then be in order; and it seems to me that is too

fine a technicality to be considered.

The CHAIRMAN. The application of the rule would be the same?

Mr. BARTLETT. The application of the rule would be the same. It is in order if it is germane to the bill and if it reduces expenditures and is reported by a committee having had it referred to them, and may be offered from the floor.

Now, the committee reported the bill in an appropriation act in the very terms. The committee have reported the bill in-dependently and it is on the calendar, and the fact that it is not offered as an amendment from the floor does not change the rule. If the purpose of the provision is germane, and it retrenches expenditures, then, whether offered as an amendment or offered as a part of the bill, from a committee authorized to do so it in the retreatment of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the provision is germane, and it retreatment to the purpose of the purpose of the purpose of the provision is germane, and it retreatment to the purpose of th thorized to do so, it is in order. In both instances the rule is complied with.

Mr. KENDALL. Mr. Chairman, I want to make a single suggestion to the Chair on this point of order. The provision in this bill is assailed by the gentleman from Iowa [Mr. PROUTY] on the theory that it contravenes this provision of

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures.

And so forth.

Now, Mr. Chairman, the pension appropriation bill which was enacted by the Sixty-first Congress contained a direction to the Secretary of the Interior or the Commissioner of Pensions to devise a more efficacious method of disbursing pensions; efficacious in the sense of being more convenient for the pensioners and more economical to the Government. In response to that direction the Secretary of the Interior has proposed a plan by which remittances of pension money are to be made as contemplated by this scheme which he has recommended to Congress. That recommendation has been incorporated by the Committee on Appropriations in section 2 and the subsequent sections of this bill. I think these sections must be considered as a whole by the Chair in determining this question of order, because they are all a part of a general plan which the Secretary of the Interior has submitted to Congress for adoption in the disbursement of this large sum of money, and the Secretary of the Interior, acting through the Commissioner of Pensions, has said that the adoption of this reform will result in an economy amounting, I think, to some \$225,000. These considerations clearly render the provision in order.

Mr. GARRETT and Mr. GARDNER of Massachusetts rose.

Mr. GARRETT. Does the gentleman from Massachusetts

desire to speak for the point of order?

Mr. GARDNER of Massachusetts. Curiously enough, gentleman from Massachusetts does not know. I am familiar with the question of "linked" amendments and discussed it with the chairman of the Committee on Rules at the time the rules were adopted. I merely wish to call attention to precedents on both sides. I am perfectly willing to have the gentleman from Tennessee go ahead; in fact, I prefer that he should go ahead, because I want to get some books from my desk.

Mr. GARRETT. Mr. Chairman, I have only this suggestion to offer: I think the ruling made by the Chair a few moments ago upon the point of order raised by the gentleman from Iowa applies with equal force to the point of order that

is raised now.

While this appears by paragraphs, as a matter of fact all of this legislation, all of these paragraphs, constitute a part of a whole scheme of legislation. Now, the point of order was not raised on the paragraph beginning at line 15, page 2. If the point of order had been raised there, I apprehend the Chair then would have been in a position where he would have had to determine on the question of retrenchment, but the point of order not being raised, manifestly it was the sense of the Committee of the Whole and of each member of that committee that it did show upon its face, under the terms of the so-called Holman rule, a retrenchment of expenditure. Consequently, the Chair was not called upon to pass upon that question.

Now, that being true, and since the several paragraphs against which the point of order is made by the gentleman from Iowa constitute a part of the whole scheme of legislation, the Chair ought not to be technical in construing the rule. The Chair must give to the rules a common-sense construction, and since these paragraphs constitute a part of the whole scheme of legislation, since the harmony of that scheme of legislation will be destroyed were these paragraphs to go out of the bill, I submit that the common-sense construction is to overrule the point of order and let these remain as a part of the bill.

Now, upon one other question. Reference has been made to the ruling which was made by myself when I had the honor to occupy the chair a few days ago in construing one phase of the so-called Holman rule.

The substance of that ruling was that the Appropriations Committee could not bring in substantive legislation as an integral part of an appropriation bill, but that it was confined to retrenchment by the method laid down in the first part of the

I was not then called upon to pass upon the proviso to the rule, which reads:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission, having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

I say I was not called upon to construe that part of the rule. What is the situation now? It is known to the Chair from the official records of the House that a bill embodying precisely the matters of pension agency abolishment and consolidation that are in this appropriation bill was introduced in this House before the holidays and was referred to the Committee on Appropriations. Whether that reference was proper or not we need not stop now to inquire. The fact is that it was so referred, that no point of order against the reference was ever made, that the Committee on Appropriations did not seek to evade that jurisdiction, and that the Committee on Pensions did not seek to obtain jurisdiction of that bill, and therefore the Committee on Appropriations passed on it and reported that bill to the House with a favorable recommendation.

Having been so reported from that committee, it would, if its effect shown clearly on its face be to retrench expenditures, be in order if offered as an amendment. And if it would be in order if offered as an amendment, then certainly it would seem that the common-sense construction of the rule would permit it to be brought in as an integral part of the bill, though, as I view it, it is not necessary for the Chair to pass upon

this phase now

Mr. GARDNER of Massachusetts. Mr. Chairman, the original Holman rule years ago, adopted some time about 1876, did not contain the proviso which is in the present rule, allowing amendments to an appropriation bill to be introduced upon the authorization of a committee's report, provided they are germane and provide for a retrenchment. Under the original Holman rule any amendment which was germane and retrenched expenses was in order, whether introduced in accordance with a committee's report or not. That rule, as Mr. Holman subsequently pointed out in debate, was altogether too liberal. It allowed Members to bring in all sorts of legislation in an appropriation bill which did not belong there. So the next step was the adoption of the Holman rule in its present form, which says that Members without the authorization of a committee's report may only introduce germane amendments retrenching expenses affecting three classes of matters, to wit, the reduction of the number of officials, the reduction of compensation, and the reduction of amounts of money covered by the bill. In order not to confine the amendment privilege too much from Mr. Holman's point of view it was then provided that if a committee had previously reported a bill covering the same ground, in that case it would be in order to introduce any amendment to an appropriation bill, provided it was germane and retrenched expenses, no matter what its scope might be. It is under this last proviso that the Committee on Appropriations has reported in the original draft of this bill, instead of offering it by way of an amendment, a certain clause providing that the Secretary of the Interior shall organize the Pension Office in a particular way.

Now comes the gentleman from Iowa [Mr. PROUTY] and, resting on the decision rendered by the Hon. Rufus E. Lester, of

Georgia, says:

Yes; but although you do reduce expenses by a certain amendment to xisting law, nevertheless you couple with that a legislative provision which does not of itself reduce expenses.

Mr. Chairman, I am somewhat in doubt how the Chair ought to rule on this point; but I have given it some study. In fact, it was a matter of some debate between the chairman of the Committee on Rules and myself the day these rules were adopted. The rulings on the questions "linked" or coupled amendments under the Holman rule are contradictory. Speaker Carlisle, in a case which can be found in the fourth volume of Hinds' Precedents, 3602, held to be in order one of these "linked" amendments; that is to say, an amendment which provided for a retrenchment and at the same time had other features of a legislative nature. On June 1, 1892, 12 years later, under the exact Holman rule which we have now, Mr. Buchanan, of Virginia, chairman of the Committee of the Whole House, ruled in the same way. The amendment proposed at that time reduced by a nominal sum the amount of money provided for rural free delivery; and then, if I recollect rightly, it further provided that no additional routes should be established until each congressional district had at least one route. There were two branches to the amendment—one reducing an expense, like cutting out these pension agents, and another providing other matters. That amendment was ruled to be in

order by Mr. Buchanan, and the Committee of the Whole House on appeal sustained that ruling

Three days later, however, precisely the same question or an analogous one came up again. The RECORD apparently shows that Mr. Buchanan was again in the chair; but the remarks of the Chairman, made just before his ruling, and the text of the ruling itself shows that it was not Mr. Buchanan, but some other Chairman who, to my mind, squarely over-ruled the decision made three days before. On this latter occasion the proposition was to retrench on a small amount of money and to repeal the ocean mail-subsidy act. It was another one of these "linked" amendments having two features. Whoever it was in the chair said that he had consulted the various rulings, that they were all based on one reason or another, but he squarely ruled out of order the two propositions linked in one, although the amendment technically came under the rule. This latter ruling, which occurred on June 4, 1892, can not be found in Hinds' Precedents, I think. It occurs in Crutchfield's Comments on the Holman Rule. Two years later came this Enloe ruling, handed down by Col. Lester, of Two years Georgia, to which the gentleman from Iowa [Mr. Prouty] has A question was raised there analogous to this which we are now considering. Col. Lester acted in accordance with the decision of the unknown Chairman, and exactly against the decision of Mr. Speaker Carlisle and Chairman Buchanan. He decided that under the Holman rule it was not in order to present one of these "linked" amendments.

Although the proviso in the Holman rule in its terms gives a standing only to amendments previously reported by a committee having jurisdiction, it seems to be obvious that it means to extend the same standing to similar provisions in the appropriation bill as originally reported. The proviso on which the gentleman from Georgia [Mr. BARTLETT] is relying, to wit, the proviso making in order an amendment previously reported by a committee, says "that it shall be in order further to amend such bill," and so forth, in the way specified. It is true that it is silent as to whether or not the original bill may contain a provision such as the proviso says may be added by amendment. Strictly speaking, if paragraph 2 of Rule XXI were to be interpreted literally, I think the Chair would be obliged to hold that this provision of the bill scarcely comes within the scope of the proviso, inasmuch as it is not an amendment. I doubt, however, if this proviso should be construed so literaly.

Now, Mr. Chairman, when the gentleman asked me a little while ago whether I was going to speak in support of the point of order or against the point of order I said that I did not know, but, as I had made a study of the matter, I felt that it would not be an inopportune time to record these decisions

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. Certainly.

Mr. FITZGERALD. This provision to which the point of order has been made has been reported in a separate bill from the Committee on Appropriations. I would like to ask the gentleman, if he feels free to do so, to give an opinion as to whether, that having been done, the same construction should be applied to the provision whether it be offered as an amendment or be contained in the bill as an original proposition.

Mr. GARDNER of Massachusetts. Mr. Chairman, I have not the slightest doubt that if this question could have been foreseen by the gentlemen who drew the rules they would have drawn the proviso somewhat as follows: "That it shall be in order to report in an appropriation bill or further to amend such bill," and so forth. They did not so do; but, nevertheless, if I were in the chair, I think I should decide that this provision was in order.

Mr. BARTLETT. Mr. Chairman, one word. I want to state I have called attention to the fact that the law already now provides, act of March 31, 1891, and other provisions to be found in the compilation which I hold in my hand, the way in which pensions shall be paid. It provides that 15 days before the payment period, quarterly period, there shall be sent out vouchers. Now, the Chair can be informed-it is a matter of official knowledge-that 4,000,000 of these pension vouchers a year are necessary to be filed, to be printed, and made. The law provides for them now. This changes the law by dispensing altogether with the preparation, with the making out, with the carriage through the mails, of these 4,000,000 pension vouchers, so that this provision which we propose is to have only one receipt, where we now have the pension voucher first carried through the mails, the pension voucher returned to the pension agencies at the cost of the Government, and then the check made out in accordance with the pension voucher, and then carried back to the pensioner through the mails. So if nothing else is done by this bill, we save the expense of the

preparation, signing, and transmission and retransmission of the pension vouchers to these agents, so that retrenches expenditures certainly in that amount.

Part of this scheme is the abolition of the pension agencies, and this following upon that is another evidence in the bill of the purpose of the bill to retrench expenditures with a saving to the Government of something over \$200,000. That much as to whether it retrenches expenditures or not. I apprehend that it is germane to the bill. The bill is for the payment of pen-sions to pensioners. Anything that carries out the purpose of an appropriation of money and the manner in which it shall be paid is germane to the bill. The whole purpose of the bill is an appropriation of money to pay pensioners, some \$152,500,000.

Mr. GARRETT. It would undoubtedly be in order, if the

Appropriations Committee saw fit, to so fix by way of limitation as to provide the method by which the money should be sent.

Mr. BARTLETT. Certainly. We could limit the way in which it can be done and put a limitation as to how it shall be expended. It could be provided that none of this money should be expended in the preparation or signing or transmission of vouchers and their return and they could only be paid by check, so we have here undoubtedly a bill whose whole purpose is to pay pensions, and we have a right to say how they shall be paid.

But I apprehend, Mr. Chairman, that there can be no question that the matter is germane to the bill. Then, as to the other question of being germane, it will not do, Mr. Chairman, to say that the Committee on Appropriations did not have authority to consider and report this bill. I ask the Chair to read paragraph 4365, volume 4, of Hinds' Precedents, which he has before him, bearing upon this proposition. The rule. whatever may have been the conflicting decisions as to a committee having a bill referred to it improperly, the accepted or modern rule is that, although a committee may not have had jurisdiction originally to entertain a bill, although the bill was improperly referred to it, yet if the bill remains with the committee and no effort is made by the committee to which it should have been referred to obtain jurisdiction, and no effort is made by the committee to which it has been referred to decline jurisdiction, and that committee acts, then the question of the jurisdiction of the committee acting and reporting the bill can not be raised at the time when the bill is taken up in the House and is being considered.

So if the proposition is that the Committee on Appropriations did not have jurisdiction to consider this bill originally, if it be true that the bill had been improperly referred and ought to have been referred to some other committee, that objection is not now tenable under the rule, because under the precedent to which I have referred the Chair it is the accepted rule that it is too late to raise that question after the committee has acted upon a bill, reported it to the House, and has it upon the calendar. So as to the Holman rule we have the retrenchment of expenditures, and this being a part of a scheme which this bill proposes of reducing expenditures, and the other part where it can be offered as an amendment and carried as a part of the bill when the committee having jurisdiction, or the committee which had taken jurisdiction by reason of the reference, reports the bill out and has it ready upon the calendar, all the requirements of the rule have been met.

Mr. GARDNER of Massachusetts. It seems to me it all reduces itself down to the question of whether or not the proviso in paragraph 2 of Rule XXI, "That it shall be in order further to amend such bill upon the report of the committee," forth, shall be held to include the right of the Committee on Appropriations to report this provision originally. Chairman, suppose the point of order is sustained and suppose that this provision is struck out because the Committee on Appropriations did not have the right to include it in this bill, all they have got to do is to offer the same provision as an amendment. It seems to me to be a parliamentary absurdity to say that you may insert a provision by amendment and yet may not insert it as a part of the original bill. Mr. OLMSTED. Could they offer it by amendment unless

it has been reported by the committee?

Mr. GARDNER of Massachusetts. I think it is too late to raise a point of order on the jurisdiction of that committee, I think it is too late to Mr. Chairman. I am assuming, at all events, that it is too late.

The CHAIRMAN. If the gentleman from Massachusetts will permit, I will say that so far as the jurisdiction of the committee is concerned, the Chair is satisfied, whether it was properly or improperly referred to that committee, there is no

doubt it is now properly before the House.

Mr. GARDNER of Massachusetts. Assuming that such is the case, I submit to the Chair that it is an absurdity to say that you may do by amendment that which you may not do in

presenting a bill. Although the proviso to paragraph 2 of Rule XXI is carelessly drawn, it is a carelessness of many years' standing. It seems to me that the Chair could very properly construe that proviso as giving the right to the Committee on Appropriations to include in their original bill any provision which could be inserted as an amendment under the Holman rule.

Mr. CRUMPACKER. Mr. Chairman, I understand the point of order relates to a new provision, incorporated in the bill by the Committee on Appropriations. The gentleman from Massachusetts contends that under the so-called Holman amendment to the rules, authorizing amendments to bills changing existing law, where the effect is to reduce the expenses of the Government, they are only in order when offered or proposed from the floor of the House.

Now, think for a moment of the absurdity of that proposition, even if the gentleman from Massachusetts [Mr. GARDNER] be right. The Committee on Appropriations, according to his contention, can not investigate thoroughly and incorporate in the bill a new provision under that rule. But when the bill is reported to the Committee of the Whole House on the state of the Union any member of that committee may, without consideration by the Committee on Appropriations, without opportunity for an investigation of the subject matter, be at liberty to offer an amendment changing existing law, provided always

that its effect is to reduce public expenditures.

Mr. GARRETT. Will the gentleman yield?

Mr. CRUMPACKER. I yield for a question.

Mr. GARRETT. I think the gentleman is making rather a

broad statement there.

Mr. CRUMPACKER. I am stating the contention of the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I do not think the gentle-

man understood my contention if he thinks he stated it.

Mr. CRUMPACKER. I understood the gentleman from Massachusetts to say this provision was subject to a point of order because it was reported by the Committee on Appropriations originally as a part of the bill.

Mr. GARDNER of Massachusetts. On the contrary, I say

in my opinion it is in order, although the rules, as strictly read, do not put it in order.

Mr. CRUMPACKER. Then, what is the objection to it now? What is the ground for the point of order?

Mr. GARDNER of Massachusetts. I did not raise the point of order.

Mr. CRUMPACKER. Then I misunderstood. I thought it was a strange contention that the amendment should be given such a narrow construction as to permit an amendment from the floor of the House and at the same time prohibit the committee from reporting, as part of the original bill, the same proposition. Of course, if the gentleman does not take the position that I understood him to take, I have nothing to answer. [Cries of "Vote!" "Vote!"]

Mr. PROUTY. Mr. Chairman, inasmuch as I made the objection, I think I ought to be permitted to state my position. can not quite consent that somebody else should state the proposition and then knock it down.

Mr. BARTLETT. I think the gentleman is entitled to that

privilege

Mr. PROUTY. Now, referring to the last proposition that has been discussed, I think I might say frankly to the Chairman and to the committee that I do not claim to be a parliamentarian, and yet I believe that I understand fairly well the English language. I have read every decision of this body and every decision of every Speaker upon this question, and I think I can understand fairly well what this new proviso means; and unless I am entirely mistaken in my construction, the learned gentleman who has just spoken did not reach the question involved at all.

Now, I wish to read that rule:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment.

Now, that seems to me to be plain. It does not mean that the Committee on Appropriations can come in here and inject into a bill a measure over which some other committee has jurisdiction. Suppose, now, that when I raised the objection some members of this committee should come in here and report a liquor law, and say that they, as members of that committee, had reported it. The objection is that their committee has not jurisdiction of that subject matter. This is an Appropriations Committee. This other matter should belong to the Pensions Committee, and this Committee on Appropriations has no right to engraft upon this law a measure that is not subject to their jurisdiction.

Of course, I realize the cuteness and the shrewdness of the gentleman in reporting another bill here and saying that there has been no objection to the fact that this has been reported by their committee. But can any parliamentarian say that because a bill has been referred to a committee and has been reported out, that is a report affecting this bill? Not in the least. It is another and a separate bill, and there can be nothing that more clearly indicates the candid, cold judgment of the gentleman who is the author of this bill than the fact that he brought in another bill that is word for word and line for line and punctuation for punctuation the same, covering exactly the same thing that I raised the objection against here. If he had felt in his heart that this measure was good here, why should he attempt to report another bill covering identically the same matter?

Now I come to another question discussed by the distinguished author of the bill, who reported or stated that there was a provision in an appropriation bill providing that a commissioner should report upon this measure.

Mr. BARTLETT. Not a commission. I did not say "commission." I said "the Commissioner of Pensions."

Mr. PROUTY. I said "commissioner." I simply said "commissioner," not "Commissioner of Pensions." Now, he undertakes to say, if I understand the logic of his argument, that because that commissioner reported in favor of it that has something to do with this bill being within the scope of Rule XXI.

Mr. BARTLETT. No. I know my friend does not mean to

misstate my position.

Mr. PROUTY. I certainly did not intend to.

Mr. BARTLETT. That was done simply for the purpose of showing that that would result in a reduction of expenditures, and I cited that simply to show that it would have that re-

sult and nothing more.

Mr. PROUTY. Well, then, if that is what the gentleman cited it for, it has no merit. The gentleman has gone almost as far as my distinguished friend from Iowa went, who got up here and quoted the Commissioner of Pensions, saying that it reduced expenditures \$200,000. In order to determine questions in that way we would have to have a trial, and I would have to summon witnesses and prove whether or not it did reduce expenditures. But this House has established the correct rule. It is not whether the Commissioner of Pensions has recommended this or that. If you will turn to page 3885 of Hinds' Precedents, under date of April 28, 1876, when this identical question was raised, you will find this is what was said by the Speaker .

In the first place, to what considerations in the making of a ruling has the Chair a right to look? Can he go outside of this bill and inquire generally, as it is the right and duty of a Member on the floor of this House to do, what will be the effect of this fourth section; or is it his duty to limit his inquiries to the face of the bill, to the specific terms of the section in question, the law of the land so far as applicable, and the parliamentary rules and practice of this House? In the judgment of the Chair the range of his investigation is the latter, and he can not properly go beyond these three considerations.

Mr. GARRETT. Mr. Chairman, will the gentleman permit me?

Mr. PROUTY. Certainly.

Mr. GARRETT. The suggestion of the gentleman might very well have applied if the point of order had been made at the proper section of the bill; but the real gist of this legislation is involved in that paragraph beginning with line 15 on page 2.

I am not yielding for a speech. I am yield-Mr. PROUTY.

ing for a question.

Mr. GARRETT. It is rather a suggestion. If the gentleman had made his point of order there, it would have been very

Mr. PROUTY. "The gentleman from Iowa" was fully advised as to the place where he wanted to make his point of order. I am frank to say that it would not have been good if made to section 1 of this act. That provision, standing alone and by itself, does reduce expenditures.

The CHAIRMAN. Will the gentleman from Iowa permit the

Chair to ask a question?

Mr. PROUTY. Certainly.
The CHAIRMAN. If that provision of the bill does that, and this further provision is simply to give force and effect to it,

does not that make it germane to the bill?

Mr. PROUTY. If the Chair will pardon me, I say no, for this reason, that they are distinct propositions. What is the first one, in section 1? It is simply the abolition of pension agencies, and the section that it repeals applies simply to the creation of agencies and the appointment of agents. Here is a substantive law, carrying an entirely different subject in no way connected with the pension agencies. The pension agencies might have been abolished, and yet we would go ahead and pay just as we always had, but pay from Washington. There would not

have had to be a change in the time of payment. There would not have had to be a change at all. I think that fairly and squarely answers the Chairman's question. There are two provisions. The first one provides simply and solely for the abolition of offices, and I believed and I still believe that if I had raised the point of order upon that section, I would have made myself ridiculous, because this rule clearly provides that if it reduces the number of offices it is in order.

There could not be a finer situation developed to show the wisdom of this rule and the requirement for its fair and reasonable interpretation than the situation now before us. As I have intimated before, the chairman of the Committee on Appropriations has said clearly that, although this is not a subject over which his committee has jurisdiction, they will withhold all appropriations for pensions unless this legislation is attached to and made a part of the bill that he has offered to this House

Mr. BARTLETT. I think the gentleman is mistaken about

Mr. PROUTY. No; the gentleman from New York repeated

Mr. BARTLETT. He was referring to the 18 pension agencies. Mr. PROUTY. No; he repeated the statement later while standing by the gentleman from Illinois [Mr. MANN] in the center aisle here. Now, gentlemen, we are dealing with a big proposition here to-day. Are we going upon record as saying that a man can come in here and force legislation through, and when one branch of this Congress will not enact that legisla-tion say to them, "Unless you do that you can not have any appropriation." That is exactly what this rule meant to cover. It says:

* * * having jurisdiction of the subject matter of A committee such amendment.

If the Committee on Pensions had this bill under consideration and had reported a bill upon the subject, I would concede that the interpretation of the gentleman is correct, but I do not believe the chairman or this House is ready to go upon record upon the proposition that a committee can come here and report a matter over which they have no jurisdiction, and make it germane and proper to be considered in an appropriation bill.

The CHAIRMAN. The gentleman from Iowa makes the point of order to the entire provision of section 2, and bases it upon two grounds. The first is that the section as a whole is not germane to the subject matter of the bill as disclosed in its title. It is not necessary, as I understand, and no authority has been called to the attention of the Chair that it is necessary to disclose all the provisions of a bill in its title. The Chair holds on the first ground that it would not be necessary for the title of the bill to disclose all the provisions of the bill and therefore overrules the point of order on that ground.

Now, the second ground is that it repeals existing law without making any reduction of expenditures as contemplated and provided for in the latter part of clause 2, Rule XXI, of this

Perhaps standing alone and not considering the other provisions of this bill that point of order would be well taken. But, as has been well said by several gentlemen arguing the point of order, the bill must be judged by all the provisions that have gone before this one. It will not do to put too narrow a construction on the rule. We might so narrowly construe the rules that the House could not legislate at all. There must be some life and vitality to the rules of the House.

Rule XXI was enacted for the purpose, I presume, of preventing general legislation upon appropriation bills. Since it has been in force it has received a good many constructions. It has been passed upon by some of the ablest Speakers and parliamentarians in Congress, and I think we can safely follow the construction placed on the rules by former occupants of the chair. I want first to come to the proposition of the gentleman from Iowa, that the committee that reported this bill had no jurisdiction, and consequently, for that reason, the point of order must be sustained.

That precise question has been decided, and I will read the entire decision so that the committee may see just what position we are in so far as that question is concerned.

Section 4365 of the fourth volume of Hinds' Precedents reads

4365. According to the later practice of the House the erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. On October 19, 1893, Mr. Joseph Wheeler, of Alabama, on behalf of the Committee on Territories, presented for consideration the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

Mr. W. A. Stone, of Pennsylvania, made the point of order that the bill, not being within the jurisdiction of the Committee on the Territories, had been erroneously reported and was improperly on the calendar.

endar.

The Speaker overruled the point, holding as follows:

"The reference of a public bill, as described by the rules, is different from that prescribed in regard to private bills. An erroneous reference of a public bill may be corrected any morning immediately after the reading of the Journal, either by unanimous consent or on motion of a Member representing the committee to which the bill has been erroneously referred or on motion of the committee claiming jurisdiction. And where a public bill has been suffered, even erroneously, to be considered by a committee, and that committee has reported it back to the House, there is no way of raising the question of jurisdiction if the bill is a public bill. The case is different in regard to private bills. This bill is practically an amendment of a charter granted to a railroad company to pass through lands in the Territories, which original bill was reported by the Committee on the Territories."

I take it that if this bill was erroneously referred originally

I take it that if this bill was erroneously referred originally to the Committee on Appropriations, if we follow the decision of Mr. Speaker Crisp just read, it is too late now to raise that

point of order, and the Chair so holds.

As to the proposition that it must be shown on the face of section 2 that it reduces the expenditures of the Government, in order to bring it within the Holman rule, is the real question at issue I do not think the rule should be so narrowly construed. This section is part of the general legislation of the bill reducing expenditures, and in the Fifty-second Congress this point was debated at length, and two of the men who debated it were Mr. Holman himself, the author of the rule, and Mr. Dingley, of Maine.

I have read their arguments with a great deal of interest and care, and knowing that this point of order was to be made, I took the pains to read up very thoroughly on the question.

I may say to the committee that in arriving at my conclusion in this matter I followed very closely the very able arguments of Mr. Dingley and Mr. Holman, and I have come to the conclusion which I will now state to the committee:

Rule XXI provides that before a proposition changing existing law shall be in order on an appropriation bill it must be germane to the subject matter of the bill and tend to retrench expenditures, and such reduction must be apparent on the face of the bill.

It is conceded that the new legislation in the bill reduces the number of employees, thereby tending to reduce expenditures, and is germane; but it is contended that the new legislation in subsequent provisions of the bill is subject to a point of order on the ground that such new legislation is a change of existing law, and for that reason is improperly in an appropriation bill and obnoxious to the provisions of Rule XXI.

That there is a reduction of the number of employees of the Government and a consequent reduction of expenditures is apparent on the face of the bill, and if the subsequent provisions of the bill are necessary to carry into effect the prior object—reduction of expenses—they would be germane to the bill and not subject to the point of order. That the only purpose and effect of the new legislation is to give force and effect to the provisions of the bill which tend to reduce the expenditures of the Government must be apparent to all.

The Chair therefore holds that there is a reduction of expense apparent on the face of the bill, and that the subsequent legislation is necessary to accomplish that result and therefore in

The Chair overrules the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau; to the Committee on Interstate and Foreign Commerce.

PENSION APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That hereafter pensions shall be paid by checks drawn, under the direction of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the proper assistant treasurer or designated depositary. Such checks shall be transmitted by mail to the payee thereof at his last known address.

Mr. PROUTY. Mr. Chairman, I make the same point of order to this section that I did to the preceding section.

Mr. BARTLETT. Mr. Chairman, it is the same point of order.

Mr. PROUTY. Mr. Chairman, I do not care to argue the matter.

The CHAIRMAN. The Chair overrules the point of order, and the Clerk will read.

The Clerk read as follows:

Sec. 4. That postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mall to any person whomsoever if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mall to have remarried; and the postmaster in every such case shall forthwith return such mail to the pension agency with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known.

Mr. PROUTY. Mr. Chairman, I make the same point of order to that section.

Mr. YOUNG of Kansas. Mr. Chairman, I desire to make a point of order to section 4, just read.

The CHAIRMAN. The Chair will hear the gentleman from Kansas.

Mr. YOUNG of Kansas. Mr. Chairman, in making this point of order I do so as a friend of the bill. I am in complete harmony with all the provisions of this bill excepting sections 4 and 5, and I raise this point of order because I think that it ought not to be in the bill and is not properly there under the rules of this House. It is not necessary for me to repeat the rules that have been read and reread over and over in the discussion of the points of order made to the other parts of this bill; but upon the face of it, the reading of the very section, section 4, it is clear that it does not come within the rules of the House, because it is substantive legislation of itself. The Committee on Appropriations has no jurisdiction over the subject matter that is provided for in this section, as this section seeks to amend the general postal laws of the United States, seeks to change them, and, therefore, is obnoxious to the rules of the House. It surely does not come under the exception of the general rule, in that it seeks to reduce the expenditures of the Government. Neither can it be urged that this section would come under that provision of the exception to the general rule. Nor can it be urged as linked legislation necessary to perfect legislation provided for in the other sections of the bill, because it relates wholly to the delivery through the mail of the checks that come into the hands of the pensioner. As already said, it seeks to amend the postal laws that are now in existence. The old soldier is entitled to the check when it comes to him. This seeks to reverse the rule and impose upon him another rule of the mail system and the delivery of his check, which imposes upon him burdens that are not imposed upon the great business that is transacted throughout the country. Millions of dollars in checks are sent everywhere, and no such rule or law as that which is sought here to be invoked is imposed upon any other business transactions. This is legislation that is imposed upon this class of people unfairly, and not speaking from the point of the extra imposition put upon this class of people, it clearly comes within the prohibition of the general rule. The legislation is not fair to the old soldier. It is not fair to him to provide that the rural route carrier or even the postmaster or the city mail carrier shall, if he chooses, withhold from the old soldier his mail and cause him any extra trouble, any more than you would make the same provision respecting any other business transaction and change the rules of the delivery of first-class mail.

I insist that this section does not come within the rule; that it is new legislation, substantive, and that it does not tend to reduce expenditures. Neither can it be urged as legislation linked and necessary to that which we have already approved in this bill. I insist that the point of order be sustained.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question, if I can, not strictly on the point of order.

Mr. BARTLETT. I will answer any question in my power which the gentleman may ask.

Mr. MANN. What does the gentleman think is the effect of the language "removed"?

Mr. BARTLETT. These pension checks, under the rules and regulations, are sent to the last known address of the pensioner. Now, if a pensioner has removed from that address and can not be found by the carrier—

Mr. MANN. That is it; what does it say about "can not be found"?

Mr. BARTLETT. The presumption is that the carrier, if he knows the address, will deliver it. It does not change the law now in reference to pension checks.

Mr. MANN. If the gentleman was sure about that-

Mr. BARTLETT. I inquired of the official who has this matter in charge, day before yesterday, and he was before the subcommittee; and it does not change the rule, as I undertook to state in my remarks in general debate on this subject. If the address of the pensioner is changed, the carrier can not deliver it, and in a certain time—so many days—it comes back to the office here and it is held here until the pensioner informs the Pension Office of the changed address, and then it is forwarded to his new address. I stated in my remarks that the purpose of the Committee on Pensions and pension authorities here in charge of the Pension Bureau was that if this shall become a law, when they sent out the last checks under the present law they would notify each pensioner who receives his check that in case they remove to notify the Pension Office of their changed address, if any, and the new check will be sent to that changed address.

Mr. MANN. Now, if the gentleman will permit. If this language is in the existing law and has received a construction, I am satisfied; but if it is new language, I would like to know just what it means. It does not say "moves his residence"; it does not say that "if the pensioner has moved"; but it says, "if he has removed." Now, probably 20 per cent of my constituents move every year or every two years where they live in an apartment building. Suppose a pensioner's address is flat A in a building and he moves to flat B?

building and he moves to flat B?

Mr. BARTLETT. That does not mean he has moved his residence.

Mr. MANN. But it does; he has removed—

Mr. BARTLETT. He has not changed his residence.

Mr. MANN. That is the question. Suppose he has moved across the street? Suppose he has moved to another part of Chicago? Suppose he has moved to another part of the State and they have his address? How does the gentleman make the differentiation between moving from flat A to another flat, or from one part to another part of the State where they have the address, and there has been no construction in any law?

Mr. BARTLETT. Under the present law and under this proposed law this gives the department the power to make rules and regulations—

Mr. MANN. But here is a positive prohibition against the carrier delivering mail if he knows the addressee has removed.

Mr. BARTLETT. This is the identical provision as it was recommended by the department to execute and carry out the

Mr. MANN. I understand; but the Bureau of Pensions is not the Post Office Department.

Mr. BARTLETT. I understand that.

Mr. MANN. The gentleman and I want to reach the same

conclusion in reference to it.

Mr. FOSTER of Illinois, May I be permitted to ask this question for my own information? Suppose a letter was addressed to a pensioner at a certain number in a city. Now, that pensioner moves to a different number or in another block on the same route that the carrier goes. Now, under this, is the carrier permitted to deliver that letter to the new address? Mr. MANN. It says not.

Mr. MANN. It says not.

Mr. FOSTER of Illinois. The question is, for instance, in the city where my colleague lives a pensioner has his address at a certain number on a street. Now, then, when a letter comes again to him he has moved to a different number on the same route on which the letter carrier goes. Now, under this provision will the carrier be permitted to take that letter to the

provision will the carrier be permitted to take that letter to the new address, where he knows the pensioner lives?

Mr. BARTLETT. I should think so, beyond any question.

Mr. MANN. If he could do it, why could not he give it to his fellow carrier at the same station, or send it back to the post office to be delivered to some other carrier, or send it to some other address if he knows the address.

some other address, if he knows the address.

Mr. FOSTER of Illinois. This is in the plural number here, and I judge it might be, if he was on the route of one carrier, and then he may have lived on the route of another carrier—

Mr. MANN. But it says that all post-office employees are prohibited from delivering any such mail to any person whomsoever if the addressee has removed. Now, I do not think the committee wants to do that.

Mr. FOSTER of Illinois. I do not believe the committee wants to make such a narrow construction as that. I do not believe the Committee on Appropriations—

believe the Committee on Appropriations—
Mr. O'SHAUNESSY. Mr. Chairman, I would like to ask the gentleman from Georgia [Mr. Bartlett] a question.

Mr. BARTLETT. Has the gentleman from Illinois [Mr.

Mann] finished?

Mr. Mann. Yes. I just called it to the attention of the gentleman.

Mr. O'SHAUNESSY. What is the rule now for the delivery

of letters where people have moved?

Mr. BARTLETT. They are held at the post office to which they are addressed for a certain time, and then returned to the Pension Office. They are held here at the office until they learn of the pensioner's changed address, and then they send it to him. Mr. BURLESON. This does not change the method of deliv-

ery in the slightest.

Mr. YOUNG of Kansas. They are held and delivered exactly the same as all other first-class mail. Is not that true?

Mr. BARTLETT. Certainly. But if the carrier does not know the address and can not find the man, how can he deliver it to him?

Mr. BURKE of Pennsylvania. Will the gentleman from Georgia [Mr. BARTLETT] yield? Mr. BARTLETT. Yes.

Mr. BURKE of Pennsylvania. What will be the effect of the belief in the mind of a special-delivery boy or a letter carrier

as to the remarriage of a widow, as provided in this section 4?

Mr. BARTLETT. I guess he would know it by seeing it announced in the papers or by statements in the neighborhood,

without doubt.

Mr. BURKE of Pennsylvania. Would not the effect of section 4 be that once a letter carrier formed the belief that the widow had remarried it would estop the payment of her

Mr. BARTLETT. Yes; that is true. Mr. BURKE of Pennsylvania. Does the gentleman think that is wise legislation?

Mr. BARTLETT. I think so. The department also thinks it is, in order to protect the Government.

Mr. PAYNE. I would like to ask if the Commissioner of Pensions would not send a man there to investigate?

Mr. BARTLETT. Upon the return of the check by the postal clerk stating that the widow had remarried, of course the Pension Office would ascertain whether it was true or not.

Mr. BURKE of Pennsylvania. But there is nothing in the provisions of this bill-

Mr. BARTLETT. There is in this bill a provision for the Pension Office to make all necessary rules and regulations about the matter, and they already have.

Mr. BURKE of Pennsylvania. But you describe specifically what shall take place under this legislation.

Mr. BARTLETT. No more than what the rules and regula-

tions are now about this same thing.

Mr. BURKE of Pennsylvania. Does the legislation proposed here wipe out the rules now existing?

Mr. BARTLETT. No. On the contrary, it gives the department full authority to make all needful rules and regulations to carry out the provisions.

Mr. BURKE of Pennsylvania. Has the pension agent or the Pension Department or the Interior Department the right to promulgate rules in violation of this provision?

Mr. BARTLETT. I do not think so.

Mr. BURKE of Pennsylvania. That being the case, section 4 must stand

Mr. BARTLETT. I do not think it would injury anybody. Mr. FITZGERALD. I think the gentlemen are unduly alarmed about this section.

Mr. BURKE of Pennsylvania. I am unduly alarmed about the widow.

Mr. FITZGERALD. I know the gentleman does not want to

lose his pension agent.

Mr. BURKE of Pennsylvania. No; the gentleman is not worrying about his pension agent. He is worrying about the widow.

Mr. FITZGERALD. This provision is practically in the language recommended by the Commissioner of Pensions. He said he believed that it was the best method most promptly to deliver these vouchers and checks to the pensioners. It would also save delay and inconvenience to have it done so. If this be not enacted into law, it will not affect what will be done. Under the law a letter belongs to the sender until it is actually delivered to the addressee. The Commissioner of Pensions or the Secretary of the Interior could have printed on the envelope the statement that the mail should not be delivered to the person addressed except at the address given on the envelope, and there would be no authority residing anywhere to deliver that mail otherwise. That is within the control of the person who sends the mail.

There is no desire to inconvenience the pensioner or to prevent him from getting his check promptly. In fact, this is designed to have the check delivered to him expeditiously. Unless a card or notice is placed on the envelope directing that the mail be returned within a fixed time, that mail may be held

I think it is held, sometimes, longer. Some of my mail, at least, has been held longer than that because there was no direction on the envelope to return it within a certain time. It was in order to provide that these checks should be delivered quickly to the pensioners that this provision was drawn. If the gentleman from Pennsylvania or other gentlemen think they are better able to pass upon this question than the Commissioner of Pensions, the best way would be to have the question of order passed upon at once and let us finish the consideration of this bill to-day

Mr. BURKE of Pennsylvania. Suppose a woman lived on a certain street at a certain number, and suppose the letter carrier covering that route believes that that woman has remarried. Under the provisions of this section he is prohibited from delivering that letter to her. The letter is then returned, with the explanation of the postmaster to the Interior Department. That is the end of it, so far as this bill is concerned. Assuming, now, that the gentleman's plan might be good, it is only good in a measure. Suppose they sent out their post-office inspector or pension investigator, and the inspector satisfied himself that the woman is still a widow. The inspector is satisfied, but the letter carrier is still of the same opinion. The letter carrier's route has not changed and the widow's address has not changed, and as long as the letter carrier's belief still abides in his mind he is forbidden and prohibited, under this law, from delivering that letter to her.

Mr. FITZGERALD. The gentleman is mistaken. would happen in that case would be this: If that widow did not get her pension on the day it was due, she would communicate quickly with the pension agent to know why the delay was occasioned, and within a very brief time the facts would be definitely ascertained. If she had been remarried, she would be stricken from the pension roll; and if she was still a widow she would be paid. Of course, it is impossible to provide in gen-eral legislation for every conceivable case that would arise. This measure is designed to make the administration of this

law effective.

Mr. BURKE of Pennsylvania. I think she would have to change her address in order to get her money.

Mr. GREEN of Iowa. Mr. Chairman, speaking of the point of order raised by the gentleman from Kansas [Mr. Young], it seems to me it is not well taken. As the gentleman from New York [Mr. Fitzgerald] has well stated, it seems to me the Commissioner of Pensions has the power to put any directions upon the letter he thinks proper to insure its delivery. Indeed, any private sender of a letter can give directions as to whom it shall be delivered by printing on the letter itself. The letter is under the directions of the person who sends it until it is delivered to the person to whom it is addressed, and up to that time the sender has control over the matter if he gives the proper directions. What a private individual can do the Government may do by statute. That is all there is to this question, and I think the amendment does not change any existing law.

The CHAIRMAN. The Chair is of opinion that section 4 does not add anything to the legislation contained in this bill. If the proposition inserted by the gentleman from New York was not in the bill, the bill would be just as strong as it is now. The Chair is of opinion that the point of order is well taken, and therefore the Chair sustains it. The Clerk will read.

The Clerk read as follows:

Sec. 5. That the envelope in which the check is malled shall have plainly printed thereon instructions in accordance with the provisions of this act. Checks returned as herein provided on account of the death or remarriage of the pensioner shall be canceled.

Mr. YOUNG of Kansas. Mr. Chairman, I want to make a point of order against section 5. It surely ought to go out for the same reason as section 4.

The CHAIRMAN. Does the gentleman from Georgia [Mr.

BARTLETT] wish to say anything about that provision?

Mr. BARTLETT. Mr. Chairman, I think the law provides that the Commissioner of Pensions shall make such rules and regulations as to sending out mail as he thinks proper.

The CHAIRMAN. The Chair is inclined to think that the point of order is well taken, and therefore the Chair sustains it. The Clerk read as follows:

SEC. 6. That whoever shall forge the indorsement of the person to whose order any pension check shall be drawn, or whoever with the knowledge that such indorsement is forged shall utter such check, or whoever, by falsely personating such person, shall receive from any person, firm, corporation, or officer or employee of the United States the whole or any portion of the amount represented by such check, shall upon conviction be punished by a fine of not more than \$1,000 or be imprisoned not more than five years or both.

Mr. PROUTY. Mr. Chairman, I wish to make the same point of order to this section that I made to section 2. I do not wish to do it perfunctorily as I have to sections 3 and 4. Here, certainly, seems to be a legislative extension that I can not imagine gentleman on the other side will insist upon. If you will notice, this section creates a new crime and a new punishment. In other words, gentlemen are not satisfied by having the Committee on Appropriations pass upon substantive legislation on the civil side, but they are going upon the criminal side

Mr. FITZGERALD. Does the gentleman wish to permit people to forge and cash and improperly collect pension checks?

Mr. PROUTY. No; I do not wish them to do that.
Mr. FITZGERALD. That will be the effect of the gentle-

man's action.

Mr. PROUTY. Not at all. At the proper time and by the proper committee this matter can be considered and reported to this House and passed upon without regard to the threat of the gentleman from New York that there shall be no appropriation pass this House for the old soldiers unless this measure is carried through.

Mr. FITZGERALD. The gentleman is mistaken. The statement of "the gentleman from New York" did not apply to this pension check-voucher system. It applied to the indefensible employment of people in the gentleman's district and other dis-

tricts in the pension agencies.

Mr. PROUTY. Conceding the accuracy of the gentleman's statement as to what his threat included, why does it not apply

with equal force to this?

Mr. FITZGERALD. Because I did not apply it to this. It is an entirely different proposition.

Mr. PROUTY. The criminal phase of it is certainly just as

important as the civil.

Mr. FITZGERALD. More important. The gentleman has been proclaiming his anxiety to protect the old soldiers. Now he wants legislation enacted in such a defective form that it will permit pension checks to be stolen and cashed without any penalty for the crime.

Mr. PROUTY. I think the gentleman misunderstands me. am perfectly willing, at the proper time and place and before the proper committee, to have this House pass appropriate legislation; but I do say I am not willing to turn over all the legislation of this Congress to the gentleman who is at the head of the Appropriations Committee.

Mr. FITZGERALD. Let me say to the gentleman from Iowa that this provision is properly before the House and properly reported and will be properly considered, regardless of the desires or objections of the gentleman from Iowa.

Mr. PROUTY. Will the gentleman submit to a question?

Mr. FITZGERALD. Yes, Mr. PROUTY. I should like to know at what stage and what time the gentleman became so thoroughly interested in the welfare of the old soldier? Did not the gentleman vote against the Sherwood pension bill?

Mr. FITZGERALD. I did.

Mr. PROUTY. When did the gentleman get so interested in the old soldier?

Mr. FITZGERALD. Is the gentleman anxious to know? Mr. PROUTY. Surely, or I would not have asked the ques-

Mr. FITZGERALD. I think I got really interested in the old soldier long before his vote might affect my personal in-

old soldier long before his vote might affect my personal interests. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, while I have not fully agreed with the reasoning of the Chair holding sections 2 and 3 in order, yet it seems to me that the Chair, in order to be consistent, ought to hold this section in order. If the payment of pensions by checks was coupled with and a part of the proposition to abolish the pension agencies, which proposition was in order under the Holman rule, then it seems to me that as a part of the same proposition we have the right to prescribe a penalty for the forgery or fraudulent use of the checks. As the Chair has connected the payment of checks with the abolition of the pension agencies, it does not seem to me that it is any step further to connect the penal prohibition against forging the check as a part and parcel of the proposition.

Unfortunately, possibly, the committee in reporting the bill put in different sections of the bill. I do not think anyone would contend that if this were offered as an amendment in connection with section 3 providing for the payment of the check, and in the same section insert a penal provision against forging the check-I say I do not think anyone could say that the two were not connected with each other, and that the latter proposition was not germane to the first.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. MANN. I will.

Mr. O'SHAUNESSY. Does not forging a check constitute a

crime without providing for it in this bill?

That is a matter of argument, but whether it does or does not makes no difference as far as the point of order is concerned, because the law may not cover it. It is within the power and a part of the province of Congress in providing for the payment of checks to put in a penalty against forging the checks. I apprehend the law does not fully cover it.

The CHAIRMAN. The Chair would like to be consistent,

and therefore he is going to follow the advice of the gentleman

from Illinois and overrule the point of order.

Mr. WILLIS. Mr. Chairman, in this discussion reference has been made to the reports of the commissioner and the Secretary of the Interior, and I ask leave to extend my remarks in the Record by publishing extracts from those reports.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record. Is there objectively.

tion?

There was no objection.

The Clerk, completing the reading of the bill, read as follows:

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the person authorized to act in his place.

Mr. BARTLETT. Mr. Chairman, I move to amend by striking out in the last paragraph, next to the last line, the word "person" and insert in lieu thereof the word "persons."

The CHAIRMAN. The question is on the amendment offered

the gentleman from Georgia.

The amendment was agreed to.

Mr. BARTLETT. I offer the following amendment, Mr. Chairman.

The Clerk read as follows:

SEC. 8. That nothing in this act shall be construed to amend or repeal that portion of the sundry civil appropriation act for the fiscal year 1883, Statutes at Large, volume 22, page 332, concerning the payment of pensions due inmates of national homes for disabled volunteer soldiers.

The amendment was considered and agreed to.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOOHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18985) making appropriations for invalid and other pensions, and for other purposes, and had directed him to report the same back to the House, with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended

Mr. BARTLETT. Mr. Speaker, I demand the previous ques-

tion on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amend-

Mr. BARTLETT. Mr. Speaker, I ask for a separate vote on the amendment striking out lines 8, 9, 10, and 11, page 2. The SPEAKER. Without objection, the other amendments

will be considered in gross.

notified.

Mr. MANN. I object.
The SPEAKER. The Clerk will report the first amendment. The Clerk read as follows:

Page 2, strike out lines 8, 9, 10, and 11.

The SPEAKER. The question is on the amendment just

The question was taken; and on a division (demanded by Mr. Bartlett) there were 57 ayes and 67 noes.

Mr. GOOD. Mr. Speaker, I demand the yeas and nays. Mr. MANN. I make the point of order that no quorum is

present. The SPEAKER. Evidently the point of order is well taken. The Doorkeeper will close the doors and the absentees will be

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Friday, February 2, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the vice president of the Georgetown & Tennallytown Railway Co., transmitting to Congress the report of that company for the year 1911 (H. Doc. No. 500); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the vice president of the Brightwood Railway Co., transmitting to Congress the report of that company for the year 1911 (H. Doc. No. 499); to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the vice president of the City & Suburban

Railway of Washington, transmitting to Congress the report of that company for the year 1911 (H. Doc. No. 498); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the chairman of the executive committee, transmitting to Congress report for the year 1911 of the Washington, Spa Spring & Gretta Railroad Co. (H. Doc. No. 497); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the vice president of the Anacostia & Potomac River Railroad Co., transmitting to Congress the report of that company for the year 1911 (H. Doc. No. 496); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the vice president of the Potomac Electric Power Co., transmitting to Congress the report of that company for the year 1911 (H. Doc. No. 495); to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Capital Traction Co., submitting to Congress the annual report of that company for the year 1911 (H. Doc. No. 503); to the Committee on the Dis-trict of Columbia and ordered to be printed.

8. A letter from the vice president of the Washington Railway & Electric Co., transmitting to Congress the annual report of that company for the year 1911 (H. Doc. No. 502); to the Committee on the District of Columbia and ordered to be

9. Annual report of the Washington-Virginia Railway Co. for the year 1911 (H. Doc. No. 501); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows

Mr. FLOYD of Arkansas, from the Committee on the Territories, to which was referred the bill (H. R. 18794) to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico for the use of the State certain furniture and furnishings, law books, and typewriters, reported the same without amendment, accompanied by a report (No. 290), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 4351) to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona for the use of the State certain furniture and furnishings, reported the same with amendment, accompanied by a report (No. 291), which said bill and report were referred to the Committee of the Whole House on the state

of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17436) granting an increase of pension to Charles W. Hott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19086) granting an increase of pension to John H. Zee; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18707) granting a pension to Bertha J. Stewart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11338) granting a pension to Daniel W. Setzer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; to the Committee of the Whole

House on the state of the Union.

By Mr. HARRISON of Mississippi: A bill (H. R. 19213) to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830; to the Committee on Indian Affairs.

By Mr. KOPP: A bill (H. R. 19214) for the acquisition of a site and the erection of a building thereon at Mineral Point,

Wis.; to the Committee on Public Buildings and Grounds.

By Mr. PARRAN: A bill (H. R. 19215) to authorize certain changes in the plan for the permanent system of highways for that portion of the District of Columbia bounded on the south by Nevada Avenue and Broad Branch Road, on the east by Rock Creek Park, on the northeast by Utah Avenue, on the north by Northampton Street, and on the northwest by Nebraska Avenue NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 19216) to regulate the expenditure of the funds of the Five Civilized Tribes now on deposit in the United States Treasury; to the Committee on

Indian Affairs.

By Mr. DAVENPORT: A bill (H. R. 19217) providing for equalization of the Muskogee (Creek) Nation of Indian allotments, and for other purposes; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 19218) to carry into effect agreement between the United States and the Muskogee (Creek) Nation of Indians for the equalization of Creek allotments; to

the Committee on Indian Affairs.

Also, a bill (H. R. 19219) to give full jurisdiction, legal and equitable, to the United States Court of Claims, with right to appeal to the Supreme Court of the United States, to hear, consider, determine, and finally adjudicate any claim which the Eastern Cherokees may have against the United States growing out of the judgment of the Court of Claims May 18, 1905, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 19220) to remove the restrictions from certain allotted Indian lands in the Quapaw Agency, Okla., and for

other purposes; to the Committee on Indian Affairs.

By Mr. RUBEY: A bill (H. R. 19221) empowering commission to determine a location and secure plans and designs for an agricultural memorial building in memory of Abraham Lincoln, to be erected in the city of Washington, in the District of Columbia; to the Committee on the Library.

By Mr. SPARKMAN: A bill (H. R. 19222) to provide for a

site and public building at Brooksville, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19223) to provide for a site and public building at Fort Myers, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. TURNBULL: A bill (H. R. 19224) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C.; to the Committee on Industrial Arts and Expositions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19225) to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of the Barry farm, and for other purposes; to the Committee on the District of Columbia.

By Mr. THAYER: A bill (H. R. 19226) to provide copies of legal publications of the United States Government to free-public law libraries; to the Committee on Printing.

By Mr. PETERS: A bill (H. R. 19227) to incorporate the Rockefeller Foundation; to the Committee on the Judiclary.

By Mr. LEE of Georgia: A bill (H. R. 19228) to authorize the Secretary of War to enter into a contract to develop the water power on the Coosa River at lock and dam at Mayos Bar; to the Committee on Rivers and Harbors.

By Mr. CARLIN: A bill (H. R. 19229) to provide for the construction of a bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 19230) to provide for the construction of a memorial bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 19231) to authorize the Secretary of Agriculture to publish annually a list of herd, stud, and flock books of horses, asses, cattle, sheep, swine, and goats published in the United States by associations or corporations, and to adopt rules and regulations relating thereto; to the Committee on Agriculture.

By Mr. FAISON: A bill (H. R. 19232) for the erection of a monument to Gen. James Moore upon Moores Creek battle ground, North Carolina; to the Committee on the Library

Also, a bill (H. R. 19233) instructing the Secretary of War to cause a survey to be made of New River, N. C.; to the Committee on Rivers and Harbors.

By Mr. HOBSON: A bill (H. R. 19234) to equalize the rank. pay, and allowances of the sword master at the Naval Academy with corresponding position at the Military Academy; to the Committee on Naval Affairs.

By Mr. KENT: A bill (H. R. 19235) for dredging and improvement of San Rafael Creek, Marin County, Cal.; to the Committee on Rivers and Harbors.

By Mr. AIKEN of South Carolina (by request): (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19237) to increase the limit of cost of the Federal building at Clarksdale, Miss.; to the Committee on Public Buildings and Grounds. Also, a bill (H. R. 19238) to amend the laws relating to the

judiciary; to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 19239) authorizing an appropriation for the Interparliamentary Union for International Arbitration; to the Committee on Foreign Affairs.

By Mr. EDWARDS: A bill (H. R. 19240) providing for the establishment of life-saving stations on Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, coast of Bryan County; on St. Catherines Island, coast of Liberty County; on Black Beard Island and on Sapelo Island, coast of McIntosh County, all in the State of Georgia; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Resolution (H. Res. 404) to investigate the strike on the so-called Harriman railroad lines; to the Committee on Rules.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 235) proposing an amendment to the Constitution of the United States making Presidents ineligible for election to a second term; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 19241) for the relief of the heirs of Joshua Nicholls; to the Committee on War Claims.

By Mr. BURGESS (by request): A bill (H. R. 19242) for the relief of the estate of Alexander Stoddart, deceased; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 19243) granting an increase of pension to John H. Styles; to the Committee on Invalid Pensions.

By Mr. CAMPBELL; A bill (H. R. 19244) granting an increase of pension to William H. H. Sleeth; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19245) granting a pension to Lucy L. Bane; to the Committee on Pensions,

By Mr. CARY: A bill (H. R. 19246) granting an increase of pension to Benjamin Bissell; to the Committee on Pensions.
By Mr. CURRIER: A bill (H. R. 19247) granting a pension

to Robert Burns; to the Committee on Pensions.

Also, a bill (H. R. 19248) granting an increase of pension to John Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19249) granting an increase of pension to Josiah Ruffle; to the Committee on Invalid Pensions,

Also, a bill (H. R. 19250) to correct the military record of

Grick R. Burgess; to the Committee on Military Affairs. By Mr. DALZELL: A bill (H. R. 19251) granting an increase of pension to Anthony Lowman; to the Committee on Invalid

By Mr. DWIGHT: A bill (H. R. 19252) granting an increase of pension to Western P. Munroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19253) granting an increase of pension to Peter Peterson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 19254) granting a pension

to Robert S. Mell; to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 19255) granting a pension to Charles W. Mayer; to the Committee on Pensions.

By Mr. FAISON: A bill (H. R. 19256) for the relief of Salem Methodist Episcopal Church South, Wayne County, N. C.; to the Committee on War Claims the Committee on War Claims.

By Mr. FORNES: A bill (H. R. 19257) granting an increase of pension to Thomas Sheehan; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 19258) to reimburse the trustees of Bethel College, McKenzie, Tenn.; to the Committee on War Claims.

By Mr. GUERNSEY: A bill (H. R. 19259) granting an increase of pension to Archibald C. Lambert; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 19260) granting a pension to Josiah G. Swinney; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 19261) granting an increase of pension to Christopher C. McGinety; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19262) granting an increase of pension to Charles H. Koontz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19263) granting an increase of pension to Charles Dillon; to the Committee on Invalid Pensions. By Mr. JOHNSON of Kentucky: A bill (H. R. 19264) grant-

a pension to Elijah F. Hocker; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 19265) granting an increase of pension to George W. Salter; to the Commiton Invalid Pensions.

By Mr. KITCHIN: A bill (H. R. 19266) for the relief of Dorsey S. De Loatch; to the Committee on War Claims.

Also, a bill (H. R. 19267) for the relief of the heirs of William H. Pettipher; to the Committee on War Claims.

By Mr. KORBLY: A bill (H. R. 19268) granting a pension to Olive Knowlton Jeffries; to the Committee on Invalid Pensions. Also, a bill (H. R. 19269) granting a pension to Mary B. rner; to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 19270) granting an increase of pension to Robert Disert; to the Committee on Invalid Pensions.

Also, a. bill (H. R. 19271) granting an increase of pension to

Stephen G. Pysher; to the Committee on Invalid Pensions.
Also, a bill (H. R. 19272) granting an increase of pension to Cyrus Gere; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19273) granting an increase of pension to James T. Campbell; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 19274) for the relief of William L. Million; to the Committee on Military Affairs.

Also, a bill (H. R. 19275) for the relief of Clark W. Cottrell;

to the Committee on Military Affairs

By Mr. MOON of Tennessee: A bill (H. R. 19276) authorizing the Secretary of War to convey by deed to D. B. Loveman, or D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in County, Tenn.; to the Committee on the Public Lands.

By Mr. MORRISON: A bill (H. R. 19277) granting a pension

to Ben R. Barner; to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 19278) granting an honorable discharge to Anson Rising; to the Committee on Military

By Mr. O'SHAUNESSY: A bill (H. R. 19279) granting an increase of pension to Matilda F. Healey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19280) granting an increase of pension to Mary A. Brown; to the Committee on Invalid Pensions.

Mr. PROUTY: A bill (H. R. 19281) to pay Nancy J. Gilliland the sum of \$173.13; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 19282) granting a pension to Rachel Millert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19283) granting a pension to Carl L. Austin: to the Committee on Invalid Pensions. Also, a bill (H. R. 19284) granting a pension to R. E. Pel-

ham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19285) granting a pension to Jane Rickey; to the Committee on Invalid Pensions. Also, a bill (H. R. 19286) granting a pension to Lillian A.

Grierson; to the Committee on Invalid Pensions. Also, a bill (H. R. 19287) granting an increase of pension to

Daniel A. Jones; to the Committee on Invalid Pensions. Also, a bill (H. R. 19288) granting an increase of pension to

Newton Capps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19289) granting an increase of pension to Adam Herold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19290) granting an increase of pension to D. W. Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19291) granting an increase of pension to William Dudnit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19292) granting an increase of pension to Joseph B. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19293) granting an increase of pension to William Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19294) granting an increase of pension to Napoleon B. Greathouse; to the Committee on Invalid Pensions. Also, a bill (H. R. 19295) granting an increase of pension to John Chenoweth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19296) granting an increase of pension to George J. McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19297) granting an increase of pension to Peter Burns; to the Committee on Pensions.

Also, a bill (H. R. 19298) granting a pension to J. Ernest Havird; to the Committee on Pensions.

Also, a bill (H. R. 19299) granting an increase of pension to

John Rahn; to the Committee on Invalid Pensions. Also, a bill (H. R. 19300) granting an increase of pension to Marcellus Chambers; to the Committee on Invalid Pensions. Also, a bill (H. R. 19301) granting an increase of pension to

John D. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19302) granting an increase of pension to William H. Couchman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19303) granting an increase of pension to Charles A. Renner; to the Committee on Invalid Pensions. Also, a bill (H. R. 19304) granting an increase of pension to

Watson Goodrich; to the Committee on Invalid Pensions. Also, a bill (H. R. 19305) granting an increase of pension to

Hardin H. Thompson; to the Committee on Invalid Pensions. Also, a bill (H. R. 19306) for the relief of Henry C. Pratt; to

the Committee on Military Affairs.

Also, a bill (H. R. 19307) for the relief of Capt. Richard Hulett; to the Committee on Claims.

Also, a bill (H. R. 19308) to correct the military record of A. P. Armstrong; to the Committee on Military Affairs.

Also, a bill (H. R. 19309) to remove the charge of desertion from the record of Henry W. Hitt; to the Committee on Military

Also, a bill (H. R. 19310) to remove the charge of desertion from the record of Luther Cline; to the Committee on Military

By Mr. RUBEY: A bill (H. R. 19311) granting an increase of pension to Scott Wright; to the Committee on Invalid Pensions. Also, a bill (H. R. 19312) granting an increase of pension to

James Manning: to the Committee on Invalid Pensions.

Also, a bill (H. R. 19313) granting an increase of pension to

David C. Hardy; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 19314) granting
a pension to Rebecca Lemoyne; to the Committee on Invalid

Also, a bill (H. R. 19315) for the relief of Henry J. Crangle; Committee on Military Affairs.

By Mr. SCULLY: A bill (H. R. 19316) granting an increase of pension to Cecelia B. Chauncey; to the Committee on Invalid

By Mr. SIMS: A bill (H. R. 19317) for the relief of the trustees of Bethel College, McKenzie, Tenn.; to the Committee on

War Claims. By Mr. SLAYDEN: A bill (H. R. 19318) for the relief of the heirs of Toutant Beauregard; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 19319) granting an increase of pension to Sarah Agnes Earl; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 19320) granting an increase of pension to Jason L. Alford; to the Committee on Pensions.

Also, a bill (H. R. 19321) granting an increase of pension to Deliah J. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 19322) granting an increase of pension to Joel J. Addison; to the Committee on Pensions.

Also, a bill (H. R. 19323) granting an increase of pension to Addison Arnold; to the Committee on Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 19324) for the relief of the heirs and representatives of Susan Marlow; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 19325) for the relief of John House; to the Committee on Military Affairs.

By Mr. WEDEMEYER: A bill (H. R. 19326) for the relief of Patrick Irwin; to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 19327) to refund to Mary Beecher Longyear duty collected on certain rugs or wall hangings: to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the National Funeral Directors' Association of the United States, in favor of the organization of existing national health agencies into a single

department; to the Committee on Interstate and Foreign Com-

By Mr. ANTHONY: Petition of T. J. Sevier and other residents of Brown County, Kans., heirs of the late Gen. John Sevier, in support of their claim for reimbursement for certain land in Tennessee; to the Committee on Claims.

By Mr. BEALL of Texas: Petitions of citizens of Midlothian Carrollton, Tex., and other citizens of Texas, protesting against any system of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of the Active Workers' Association of Luzerne County, Pa., in favor of Senate bill 2873; to the Committee on the Post Office and Post Roads.

By Mr. BROWN: Petition of First Presbyterian Church, First Baptist Church, Methodist Episcopal Church, and Church of Christ, of Morgantown, W. Va., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of South Jersey Baptist Ministers' Association and Rosedale Baptist Church, of Camden, N. J., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary

By Mr. BULKLEY: Petition of 84 citizens of Cleveland, Ohio, urging the passage of the old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. BURLESON: Resolutions, petitions, letters, etc., of Switchmen's Union, Lodge No. 11, Cleveland Ohio; Painters, Decorators, and Paperhangers of America, Pensacola, Fla.; Cigar Makers' International Union of America, Local No. 290, Janesville, Wis.; Musicians' Association, Alton, Ill.; Photo-Engravers' Union, Columbus, Ohio; Current Events Club of Northfield, Minn.; Switchmen's Union, Grand Rapids, Mich.; Locomotive Engineers, Clinton, Ill.; American Federation of Musicians, Local No. 161, Washington, D. C.; Woman's Alliance, Musicians, Local No. 161, Washington, D. C.; Woman's Alliance, Kenosha, Wis.; Switchmen's Union, Lodge No. 110, Saginaw, Mich.; Woman's Round Table Club, Mansfield, Ohio; Switchmen's Union, Lodge No. 201, Buffalo, N. Y.; Switchmen's Union, Lodge No. 37, St. Louis, Mo.; United Garment Workers of America, Oshkosh, Wis.; Switchmen's Union, Lodge No. 4, Buffalo, N. Y.; Switchmen's Union, Lodge No. 10, Milwaukee, Wis.; Switchmen's Union, Lodge No. 72, Peoria, Ill.; Brotherhood of Railroad Trainmen, Pittsburgh, Pa.; National Brotherhood of Operative Potters, Wheeling, W. Va.; Woman's Literary Club, Meadville, Pa.; Order Railway Conductors, Jersey Shore, Pa.; Woman's Culture Club, Hazleburst, Miss.; Switchmen's Union Woman's Culture Club, Hazlehurst, Miss.; Switchmen's Union, Lodge No. 14, Toledo, Ohio; International Brotherhood of Teamsters, etc., Davenport, Iowa; Philomusian Club, Philadelphia, Pa.; Brotherhood of Railroad Trainmen, Galesburg, Ill.; Coopers' International Union, San Antonio, Tex.; Thursday Coopers' International Union, San Antonio, Tex.; Thursday Club, Elkhart, Ind.; Switchmen's Union, Cincinnati, Ohio; International Brotherhood of Bookbinders, Columbus, Switchmen's Union, Lodge No. 158, Oakland, Cal.; Switchmen's Union, Lodge No. 199, Chicago, Ill.; California State Federation of Labor, San Francisco, Cal.; Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 147, Chicago, Ill.; Retail Grocers and Butchers' Association, Lansing, Mich.; Muskegon Business Men's Protective Association, Muskegon, Mich.; Retail Grocers' Association, Wichita, Kans.; Retail Grocers and Market Men's Association, Providence, R. I.; Re-Grocers and Market Men's Association, Providence, R. tall Merchants' Association, East St. Louis, Ill.; Woman's Study Club, Whitefield, N. H.; Glass Bottle Blowers' Association, Parkers Landing, Pa.; Study Club, Portage, Wis.; Owl Club, McKinney, Tex.; International Union of United Brewery Workmen, Pekin, Ill.; Arkansas Cotton Seed Crushers' Association, Helena, Ark.; New Century Guild, Philadelphia, Pa.; Research Club, Saginaw, Mich.; Switchmen's Union, Lodge No. 216, Oklahoma City, Okla.; Athene Club, Bangor, Me.; Switchmen's Union, Lodge No. 134, St. Louis, Mo.; Painters, Decorators, and Paperhangers of America; Rockford, Ill.; Anabasis Literary Club, Elizabeth, N. J.; Worcester Retail Grocers and Provision Dealers' Association, Worcester, Mass.; Melrose Highlands Woman's Club, Melrose Highlands, Mass.; and Portia Club, North Yakima, Wash., requesting Congress to repeal the tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, petitions of Friday Club of Wellsboro, Pa.; Portia Club, North Yakima, Wash.; the Woman's Clinic, Washington, D. C.; Newark Photo-Engravers' Union, No. 28, Newark, N. J.; Travelers' Club, Mansfield, Ohio; International Association of Machinists, Palestine, Tex.; Rockland Woman's Club, Rockland, Woman's Culture Club, Memphis, Tenn.; Athenæum, Park City, Utah; Woman's Club, Humboldt, Iowa; Cheshire Literary Club, Cheshire, Conn.; Waterloo Woman's Club, Waterloo, Iowa; Woman's Club of Arlington, N. J.; Emerson Club of Philadelphia, Pa.; Atlanta Typographical Union, Atlanta, Ga.; Research Club, Saginaw, Mich.; Boston Chapter, Woman's Organization of the National Association of Retail Druggists; Brotherhood of Painters, Decorators, and Paper-hangers of America, Local No. 505, Streator, Ill.; Hesperian

Club of Greenfield, Ind.; Journeymen Stonecutters' Association of North America, Birmingham, Ala.; State Federation of Pennsylvania Women; International Brotherhood of Bookbinders, Columbus, Ohio; Literary Club of Ladonia, Tex.; Journeymen Stonecutters' Association of North America, Cleveland, Ohio; Twentieth Century Club of Oshkosh, Wis.; Painters' Union No. 965, Jackson, Tenn.; Glass Bottle Blowers' Association, Milwaukee, Wis.; International Brotherhood of Paper Makers, Bellows, Falls, Vt.; Woman's Club of La Jolla, Cal.; Brother-hood of Locomotive Firemen and Enginemen, Silsbee, Tex.; Big Rapids Woman's Club, Big Rapids, Mich.; Woman's Culture Club, Hazlehurst, Miss.; Woman's Literary Club, Meadville, Pa.; Erie Central Labor Union, Erie, Pa.; Woman's Association, Ridgefield Park, N. J.; International Union of United Brewery Workmen, Ogden, Utah; Central Labor Union, Lancaster, N. Y.; Order of Railway Conductors, Muskogee, Okla.; Ohio Federation of Women's Clubs; Woman's Club of Wauseon, Ohio; Woman's Round Table Club of Mansfield, Ohio; Plumbers and Gas Fitters' Local Union No. 15, Minneapolis, Minn.; and New Century Club, West Chester, Pa., to order an investigation of diseases carried through dairy products, etc.; to the Committee on Agriculture.

By Mr. CANDLER: Petition of the Woman's Christian Temperance Union and other residents of West Point, Miss., for the passage of the Kenyon-Sheppard interstate liquor bill; to the

Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of citizens of the State of Florida, in favor of old-age pensions; to the Committee on Pensions.

Also, petition of members of the Improved Order of Red Men, of Miami, Fla., for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. CURLEY: Petitions of citizens of the State of Massachusetts, in favor of old-age pensions; to the Committee on

By Mr. CURRIER: Petition of W. L. Cobb, of Lebanon, N. H., and other citizens of New Hampshire, for a reduction of the duty on raw and refined sugars; to the Committee on Ways and

By Mr. DALZELL: Papers to accompany bill granting a pension to Anthony Lowman; to the Committee on Invalid Pen-

Also, petition of South Avenue Methodist Episcopal Church, of Wilkinsburg, Pa., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. DAVENPORT: Memorial of the Eastern Cherokees, to give full jurisdiction to the United States Court of Claims in the claim of the Eastern Cherokees against the United States; to the Committee on Claims.

By Mr. DICKINSON: Petition of certain citizens of Johnson, St. Clair, Cass, and Henry Counties, Mo., asking for the reduc-tion of the duty on raw and refined sugars; to the Committee

on Ways and Means. By Mr. DRAPER: Petition of the United German Societies of Troy, N. Y., against interstate liquor laws; to the Committee

on the Judiciary By Mr. DWIGHT: Petition of W. D. Ransford and other residents of Norwich, N. Y., praying for the speedy passage of House bill 16214; to the Committee on the Judiciary.

By Mr. DYER: Petition of J. Roberts White, in favor of the passage of House bill 16822 to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 11520; to the Committee on Pensions.

By Mr. ESCH: Papers to accompany bill for the relief of Charles V. Mayer; to the Committee on Pensions.

By Mr. FITZGERALD: Petitions of citizens of New York City, in favor of reductions in the duties on raw and refined Sugars; to the Committee on Ways and Means.

Also, memorial of the Farmers' Educational and Cooperative

Union of America, in favor of Senate bill 252, to establish a children's bureau; to the Committee on Education.

Also, petition of General Henry R. Guss Post A, Civil War Veterans, of West Chester, Pa., favoring the pension appropriation bill abolishing all pension agencies except the one in Washington, D. C.; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: Petition of citizens of Searcy County, Ark., in favor of House bill 14, to extend the parcelpost system; to the Committee on the Post Office and Post

By Mr. FORNES: Petition of the Roessler & Hasslacher Chemical Co., of New York City, asking that the duty on fusel oil remain unchanged or that fusel oil be put on the free list; to the Committee on Ways and Means.

Also, petition of Edward C. Young, for the passage of House

bill 8141; to the Committee on Military Affairs.

Also, petition of the Farmers' Educational and Cooperative Union of America, in favor of Senate bill 252, to establish a children's bureau; to the Committee on Education.

Also, petition of the mayors of Cleveland and Toledo, Ohio,

favoring the coinage by the United States Government of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of W. C. Cunningham, of Brush Valley, for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Ministerial Association of Kittanning, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 625, 1315, and 1409, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. FULLER: Petition of Farmers' Educational and Cooperative Union of America, in favor of the passage of Senate bill 252, for the establishment of a national children's bureau; to the Committee on Education.

Also, petition of R. C. Brown, clerk of the district court at Springfield, Ill., in favor of the passage of Senate bill 1772, to fix the salary, etc., of such clerks; to the Committee on the

Judiciary.

Also, petition of Local No. 929, United Mine Workers of America, of Oglesby, Ill., in opposition to the passage of Senate bill 2564, Smoot printing bill, etc.; to the Committee on Print-

By Mr. GARNER: Petitions of citizens of De Witt and Kendall Counties, Tex., for improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GARRETT: Papers to accompany bill to reimburse the trustees of Bethel College, McKenzie, Tenn.; to the Committee on War Claims.

By Mr. HARTMAN: Petition of the Woman's Christian Temerance Union, of Saxton, Pa., in favor of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Also, memorial of Grange No. 1125, Patrons of Husbandry. for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. HAWLEY: Petition of citizens of Forest Grove, Oreg., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Roseburg, Oreg., requesting that pension be granted C. W. Clark, of Roseburg, Oreg.; to the Committee on Pensions.

Also, petitions of citizens of the State of Oregon, asking for a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Oregon, in favor of old-age pensions; to the Committee on Pensions.

By Mr. JACOWAY: Petition of J. H. Priddy, W. R. Patton, D. C. Logans, J. L. Moncrief, G. W. Moncrief, and M. F. Phillips, of Aly, Ark., for reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: Petitions of residents of Lexington, Pleaston, Greeley, Gottenburg, and 29 other points in the sixth congressional district of Nebraska, remonstrating against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Leafdale and O'Neill, Nebr., in favor of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Nebraska, for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Resolution of Web Pressmen's Union, No. 34, of Hudson County, N. J., regarding the proposed increase in compensation for pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. KOPP: Petitions of the Free Methodist and Methodist Episcopal Churches of Platteville, Wis., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of the mayors of Cleveland and Toledo, in favor of coinage by the United States Government of 3-cent pieces; to the Committee on Coinage, Weights, and

Also, petition of citizens of the seventh congressional district of Indiana, asking for the passage of Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Indiana, in favor of the Berger d-age pension bill; to the Committee on Pensions.

By Mr. LANGHAM: Petition of United Presbyterian congregation of Dayton, Ohio, for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LONGWORTH: Petition of citizens of Ohio, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. LOUD: Petition of Richfield Grange, No. 1343, of Herbert, Mich., in favor of a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Richardson County, Nebr., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Mr. MARTIN of South Dakota: Petition of citizens of Big Stone City, S. Dak., in favor of the passage of an effective interstate-commerce law, etc.; to the Committee on the Judi-

By Mr. MATTHEWS: Petitions of citizens of Charleroi, Pa., favoring passage of old-age pension bill, introduced by Hon. VICTOR L. BERGER; to the Committee on Pensions.

Also, petitions of the Plain Grove Grange, Volant, Pa., and the Dairy Grange, of West Brownsville, Pa., favoring certain changes in the law governing sale of oleomargarine; to the Committee on Agriculture.

By Mr. MOON of Tennessee: Papers and plat to accompany bill authorizing the Secretary of War to convey by deed to D. B. Loveman, or D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, Tenn., a certain strip or parcel of land in Hamilton County, Tenn.; to the Committee on the

Also, petitions of citizens of the State of Tennessee, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petitions of citizens of Monroe county, Tenn., for sale of certain school lands; to the Committee on the Public Lands.

By Mr. MOTT: Petitions of members of First Baptist Church and of Mrs. Jennie I. Lewis and others of Lowville, N. Y., and of Woman's Christian Temperance Union of the State of New York, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Hon. D. D. Long, mayor of Oswego, N. Y., asking for a reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. OLMSTED: Resolution of Bunker Hill Grange, No. 1368, Patrons of Husbandry, of Lebanon, Pa., protesting against the reduction of the tax of 10 cents a pound on oleomargarine and suggesting four provisions for insertion in the oleo law; to the Committee on Agriculture.

By Mr. PROUTY: Petition of Elmwood United Presbyterian Church, of Des Moines, Iowa, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the

By Mr. RAINEY: Petition of W. A. Jenkinson and 26 other merchants of Jacksonville, Ill., favoring reduction of sugar duties; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions of the board of supervisors of Lassen County, Cal., favoring House bill 12410, appropriating \$40,000 for the erection of a public building at Susanville, Cal.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of California, favoring womsuffrage (H. J. Res. 201); to the Committee on the Judiciary.

Also, petition of citizens of California, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. REYBURN: Resolutions of the Philadelphia Maritime Exchange, protesting against any interference with the present scheme of operation of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: Petition of certain merchants of Tonopah, Nev., protesting against the establishment of a local rural parcel post; to the Committee on the Post Office and

petitions of citizens of Manhattan, Mason, Yerington, McGill, National, Silver City, Tonopah, and Virginia City, Nev., favoring the enactment of the old-age pension bill; to the Committee on Pensions.

By Mr. RUCKER of Colorado; Petition of citizens of the State of Colorado, favoring old-age pensions; to the Committee on Pensions

By Mr. SMITH of New York: Petition of District Council No. 38, I. B. B., in favor of the passage of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. SPARKMAN: Petitions of citizens of the State of Florida, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. STEPHENS of Nebraska: Petition of Fred S. Martin and others, of Sioux, Nebr., in favor of old-age pensions; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Petition of Deutsch-Amerikanischer Central-Bund, of St. Paul, Minu., in favor of Esch bill to place a tax upon white-phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, resolutions of the Tri-State Grain-Stock Growers' Association of North Dakota, South Dakota, and Minnesota, favoring legislation to extend field demonstration work of the Agricultural Department; to the Committee on Agriculture.

Also, petition of the officers of the German-American Alliance, opposing the passage of the Sheppard bill, to prohibit shipment of liquors in certain cases; to the Committee on the

By Mr. SULZER: Memorial of the Chicago Bäcker Gesang Verein, of Chicago, Ill., in favor of House resolution 166, providing for an investigation of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization. Also, petitions in favor of the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post

Office and Post Roads.

Also, petition of R. H. Stockton, of Wilkinsburg, Pa., protesting against ratification of the proposed arbitration treaties; to the Committee on Foreign Affairs.

Also, petition of James N. Chalmers, of New York City, protesting against repeal of the anticanteen law; to the Committee on Military Affairs.

Also, resolution of the Assembly of the State of New York, for uniform divorce laws; to the Committee on the Judi-

Also, resolutions of the Assembly of the State of New York, for establishing an Army post at Albany, N. Y.; to the Committee on Military Affairs.

Also, petitions of Herbert Conine and R. C. Wilhelm, of New York City, in favor of reduction of duty on raw and refined sugars: to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Petition of the Raphael Semmes Camp of Confederate Veterans, urging an investigation of the national soldiers' homes; to the Committee on Military Affairs.

By Mr. WHITE: Petition of citizens of Noble County, Ohio, favoring enactment into law of the Postal Progressive League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Hockhocking Tribe, No. 58, Improved Order of Red Men, and of Neola Tribe, No. 120, Improved Order of Red Men, of Eyesville, Ohio, in support of Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. WILDER (by request): Petitions of the congregation of the Methodist Episcopal and Orthodox Congregational Churches and Congregational Church of Christ, of Leominster, Mass, for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary

By Mr. WOOD of New Jersey: Petitions of Woman's Christian Temperance Union and Methodist Episcopal Church, of Clinton; also Woman's Christian Temperance Union of Princein favor of the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions by the Somerville Printing Pressmen and Assistants' Union, No. 261, of Somerville, N. J., indorsing the proposition to change the Smoot printing bill so as to provide for an increase of 10 cents per hour for pressmen; to the Committee on Printing.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 2, 1912.

The House met at 12 o'clock m. The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and everliving God, our heavenly Father, to whom we are indebted for life and all things, quicken, we beseech Thee, all that is purest, noblest, best in us; that with clear conceptions, pure motives, and high ideals we may strive earnestly to measure up to the principles enunciated by the King of men, and follow His illustrious example in all the transactions and relationships of a complicated life; that Thy kingdom may come and Thy will be done. In the spirit of the

Lord Jesus Christ. Amen. The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation from a committee:

Hon. CHAMP CLARK, Speaker House of Representatives.

Mr. SPEAKER: I hereby tender my resignation as a member of the Committee on the Public Lands and request that it be accepted at once. All of my time is taken up performing the duties devolving upon me as chairman of the Committee on Reform in the Civil Service; therefore

I can not give proper attention to the business before the Committee on the Public Lands.
Yours, very truly,
H. L. GODWIN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted-

To Mr. Wilson of New York, to withdraw from the files of the House, without leaving copies, papers in the case of Albert V. Lawson, H. R. 30473, Sixty-first Congress, no adverse report having been made thereon.

To Mr. Faison, to withdraw from the files of the House, without leaving copies, papers in the case of Samuel Autlaw, H. R. 4489, Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THAYER, for two days, on account of illness.

PENSION APPROPRIATION BILL.

The SPEAKER. The pension appropriation bill (H. R. 18985) comes over as the unfinished business. The previous question has been ordered on the bill and amendment to final passage. separate vote has been demanded on the first amendment. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out lines 8, 9, 10, and 11.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the lines proposed to be stricken out may be read.

The SPEAKER. Without objection, the Clerk will report the

The Clerk read as follows:

From and after July 1, 1912, no pension shall be paid to a nonresident who is not a citizen of the United States except for actual disabilities incurred in the service.

The SPEAKER. The question is on agreeing to the amendment to strike out the section which has just been reported.

Mr. BURKE of South Dakota. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. Mr. Speaker, I understand that yesterday, just before adjournment, a demand was made for the yeas and nays, and I desire to inquire if that demand has been withdrawn.

The SPEAKER. The demand falls with the adjournment of the House. The question is on agreeing to the amendment.

The question was taken; and on a division (at the request

of the Chair) there were—ayes 73, noes 102.

Mr. GOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 132, answered "present" 6, not voting 94, as follows:

YEAS-160.

Adair	Farr	Lawrence	Porter
Akin, N. Y.	Fornes	Lee, Pa.	Powers
Anderson, Minn.	Foss	Lenroot	Pray
Anderson, Ohio	Foster, Ill.	Lindbergh	Prince
Ansberry	Foster, Vt.	Lobeck	Prouty
Anthony	Fowler	Longworth	Reyburn
Austin	French	Loud	Roberts, Nev.
Barnhart	Fuller	McCall	Rodenberg
Bartholdt	Gallagher	McCreary	Rothermel
Bates	Gardner, Mass.	McDermott	Scully
Berger	Good	McGillieuddy	Sharp
Bingham	Gould	McGuire, Okla.	Sloan
Booher	Gray	McKenzie	Smith, J. M. C.
Bowman	Green, Iowa	McKinley	Smith, Saml. W.
Bradley			Smith N V
Browning	Greene, Mass.	McKinney	Smith, N. Y.
	Guernsey	McLaughlin	Speer
Burke, Pa.	Hamill	McMorran	Stephens, Cal.
Burke, S. Dak.	Hamilton, Mich.	Maguire, Nebr.	Stephens, Nebr.
Burke, Wis.	Hamilton, W. Va.	Mann	Sterling
Butler	Haugen	Martin, Colo.	Stevens, Minn.
Calder	Hayes	Martin, S. Dak.	Stone
Campbell	Helgesen	Matthews	Sulloway
Catlin	Henry, Conn.	Miller	Switzer
Conry	Higgins	Mondell	Talcott, N. Y.
Crago	Hill	Morgan	Taylor, Ohio
Crumpacker	Howell	Morrison	Thistlewood
Cullop	Howland	Morse, Wis.	Tilson
Dalzell	Hubbard	Mott	Towner
Danforth	Hughes, W. Va.	Murdock	Underhill
Davenport	Humphrey, Wash.	Murray	Utter
Davidson	Jackson	Neeley	Volstead
De Forest	Kendall	Nelson	Vreeland
Dodds	Kennedy	Norris	Warburton
Donohoe	Kent	Nye	Wedemeyer
Doremus	Kinkaid, Nebr.	O'Shaunessy	Willis
Draper	Knowland	Parran	Wilson, Ill.
Driscoll, D. A.	Kopp	Patten, N. Y.	Wilson, Pa.
Driscoll, M. E.	Lafean	Patton, Pa.	Wood, N. J.
Dyer	La Follette	Payne	Woods, Iowa
Esch	Langham	Pickett	Young, Kans.
			Tomos, Trumpi

	NAY	S—132.	
Adamson	Dies	Holland	Redfield
Aiken, S. C.	Difenderfer	Howard	Richardson
Allen	Dixon, Ind.	Hull	Roddenbery
Bartlett	Doughton	Humphreys, Miss.	Rubey
Bathrick	Edwards	Jacoway	Rucker, Colo.
Beall, Tex.	Ellerbe	Johnson, Ky.	Rucker, Mo.
Bell, Ga.	Evans	Johnson, S. C.	Russell
Blackmon	Faison	Jones	Shackleford
Boehne	Fergusson	Kindred	Sheppard
Borland	Ferris	Konig	Sherwood
Brantley	Finley	Konop	Sims
Brown	Fitzgerald	Korbly	Sisson
Buchanan	Flood, Va.	Lamb	Slayden
Bulkley	Floyd, Ark.	Lee, Ga.	Small
Burgess	Francis	Legare	Smith, Tex.
Burleson	Garner	Lever	Sparkman
Burnett	Garrett	Lewis	Stedman
Byrnes, S. C.	Gillett	Linthieum	Stephens, Miss.
Byrns, Tenn.	Godwin, N. C.	Littlepage	Stephens, Tex.
Callaway	Goeke	McCoy	Sulzer
Candler	Goodwin, Ark.	Macon	Sweet
Carlin	Gregg, Tex.	Mays	Talbott, Md.
Carter	Gudger	Moon, Tenn.	Taylor, Ala.
Clayton	Hamlin	Moore, Tex.	Taylor, Colo.
Cline	Hammond	Oldfield	Thomas
Collier	Hardwick	Padgett	Tribble
Covington	Hardy	Peters	Turnbull
Cox, Ohio	Harrison, Miss.	Post	Underwood
Daugherty	Hay	Pou	Webb
Davis, W. Va.	Heflin	Rainey	White
Denver	Helm	Raker	Wickliffe
Dickinson	Henry, Tex.	Randell, Tex.	Witherspoon
Dickson, Miss.	Hensley	Rauch	Young, Tex.
	ANSWERED '	PRESENT "-6.	

Andrus Cannon Kitchin Sabath

Clark, Fla. Fairchild

NOT VOTING-94

	7107 11	JAIAN UA.	
Ainey Alexander	Focht Fordney	Langley Levy	Roberts, Mass. Robinson
Ames	Gardner, N. J.	Lindsay	Rouse
Ashbrook	George	Littleton	Saunders
Ayres Barchfeld	Glass	Lloyd	Sells
Broussard	Goldfogle Graham	McHenry McKellar	Sherley
Cantrill	Gregg, Pa.	Madden	Simmons Slemp
Cary	Griest	Maher	Smith, Cal.
Claypool	Hanna	Malby	Stack Stack
Connell	Harris	Moon, Pa.	Stanley
Cooper	Harrison, N. Y.	Moore, Pa.	Steenerson
Copley	Hartman	Moss, Ind.	Taggart
Cox, Ind.	Hawley	Needham	Thayer
Cravens	Heald	Olmsted	Townsend
Curley	Hinds	Page	Tuttle
Currier	Hobson	Palmer	Watkins
Curry	Houston	Pepper	Weeks
Davis, Minn.	Hughes, Ga.	Plumley	Whitacre
Dent	Hughes, N. J.	Pujo	Wilder
Dupre	James	Ransdell, La.	Wilson, N. Y.
Dwight	Kahn	Rees	Young, Mich.
Estopinal	Kinkead, N. J.	Reilly	
Fields	Lafferty	Riordan	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cooper (for the amendment) with Mr. Kitchin (against).

Until February 3, inclusive:

Mr. HARRISON of New York with Mr. MADDEN.

Until Monday:

Mr. SHERLEY with Mr. CANNON.

Mr. LEVY with Mr. COPLEY.

Until February 6:

Mr. CANTRILL with Mr. HARTMAN.

Until further notice:

Mr. DENT with Mr. KAHN.

Mr. CLARK of Florida with Mr. SIMMONS.

Mr. Cox of Indiana with Mr. Cary. Mr. Claypool with Mr. Ames.

Mr. Graham with Mr. Fordney.

Mr. Townsend with Mr. Wilder.

Mr. Ayres with Mr. Smith of California.
Mr. Alexander with Mr. Ainey.
Mr. Goldfogle with Mr. Plumley.
Mr. Rouse with Mr. Roberts of Massachusetts.
Mr. Littleton with Mr. Dwight.
Mr. Asherook with Mr. Olmsted.

Mr. Hughes of New Jersey with Mr. Griest. Mr. Connell with Mr. Currier. Mr. Hobson with Mr. Fairchild.

Mr. FIELDS with Mr. LANGLEY.

Mr. Houston with Mr. Moon of Pennsylvania.

Mr. McKellar with Mr. Malby.

Mr. Curley with Mr. Curry.

Mr. DUPRE with Mr. BARCHFELD.

Mr. George with Mr. Davis of Minnesota.

Mr. Gregg of Pennsylvania with Mr. Focht.

Mr. Hughes of Georgia with Mr. Gardner of New Jersey.

Mr. James with Mr. Hanna.

Mr. LLOYD with Mr. HARRIS.

Mr. McHenry with Mr. Hawley. Mr. Moss of Indiana with Mr. Heald.

Mr. Page with Mr. Hinds.
Mr. Palmer with Mr. Moon of Pennsylvania.
Mr. Reilly with Mr. Needham.

Mr. STANLEY with Mr. REES. Mr. THAYER with Mr. SELLS.

Mr. TUTTLE with Mr. STEENERSON. Mr. WATKINS with Mr. WEEKS.

Mr. WHITACRE with Mr. Young of Michigan. Mr. Wilson of New York with Mr. LAFFERTY.

For the session:

Mr. RIORDAN with Mr. ANDRUS. Mr. GLASS with Mr. SLEMP.

The result of the vote was announced as above recorded.

Mr. THOMAS. Mr. Speaker, I notice on page

Mr. BARTLETT. Let us get through with this bill first. The SPEAKER. The gentleman will suspend until we get through with this bill. Is a separate vote demanded on any other amendment?

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that

the vote on the other amendments be taken in gross.

The SPEAKER. If there is no demand for a separate vote on any amendment, the Chair will put the rest of them in gross. The question was taken, and the amendments were agreed to. The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a

third time; was read the third time.

The SPEAKER. The question is, Shall the amended bill pass?
Mr. LEGARE. Mr. Speaker, on that I demand the year and

The SPEAKER. The gentleman from South Carolina [Mr. LEGARE] demands the year and nays.

The yeas and nays were ordered.

RECEPTION TO COUNT FRANCIS LUETZOW, OF BOHEMIA.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a motion at this time that can not be agreed to, of course, except by unanimous consent. Count Francis Luetzow, a distinguished foreign representative, is here, and if there is no objection I desire that the House at this time take a recess for 15 minutes so that he may be presented to the membership and be heard.

The SPEAKER. Is there objection?
Mr. BERGER. Mr. Speaker, reserving the right to object, which I reserve for the first time since I came here, I should like to know the ground on which we invite this foreign nobleman to address the House. As far as I know, Mr. Speaker, the only claim that Count Luetzow has to fame is that he was the secretary of the Austrian Embassy in London once upon a time; that he keeps a stable in England; and that he fought a duel 20 years ago in which nobody was hurt-it was a sort of a scrub affair-and he is now a man of peace. Moreover, Mr. Speaker, the count was never, to my knowledge, a member of any parliament, and is not a famous statesman. We must not be too lavish with our honors. I should be willing to have any illustrious parliamentarian or scientist, whether he came from Russia, from Germany, from Austria, from Bohemia, or from France, address this House, but he must be more than a titled man.

I think a great deal of my membership in Congress, and I believe that with all its faults this is the greatest parliament in the world, because it represents the greatest Republic in existence. And I shall always remember with pride the honor of being the first Socialist Representative in this body.

But, Mr. Speaker, about two months ago we had a very distinguished Bohemian, a leader of the Czech working people, a former member of the Austrian Reichsrath, a gentleman by the name of Soukop, in Washington. He was a famous parliamentarian, but he did not have the honor of addressing this House. He is not a count, nor does he bear any other

Mr. UNDERWOOD. Will the gentleman permit me?

Mr. BERGER. With pleasure. Mr. UNDERWOOD. Did the gentleman suggest to any Member of this House that his friend be invited to address the House?

Mr. BERGER. Mr. Speaker, I did not. there would be much show for a foreign Socialist to address this House, though he be a prominent member of a parliament.

Mr. UNDERWOOD. The gentleman should not attempt, then, to put on his brother Members the charge of reflecting on his Socialist brother, when he himself did not attempt to bring the matter to their attention.

Mr. BERGER. Mr. Speaker, I shall remember this for the sture. And in consideration of the fact that the gentleman future. from Alabama is right in this particular observation, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the House will stand in recess for 15

minutes.

During the recess:

Count Luetzow was conducted to the Speaker's desk by Representative Sabath, of Illinois.

The SPEAKER. Gentlemen of the House of Representatives,

take pleasure in introducing to you Count Francis Luetzow, [Loud applause.

COUNT LUETZOW. Gentlemen of the House of Representatives, allow me to express to you my sincere and heart-felt thanks for the great and exceptional honor which you have conferred on me.

I have been, if I may quote the words of an English poet-Of world-wide liberty a lifelong lover.

I am very proud that your great and free country should have granted me such an exceptional distinction, the greatest,

I understand, which can be given one who is not of your country. I am here on a short visit to my countrymen, who have in this great and prosperous commonwealth found a new and

happy home.

My countrymen have always sympathized with the movement in favor of universal peace, that great and noble movement which has been so gloriously headed by the American people. I may be allowed to mention that King George of Podebrat, one of the greatest of our rulers, was the first European sovereign to attempt by means of treaty with neighboring powers to obtain universal peace in Europe. In later days, Komensky (Komensky) nius), the greatest writer of my country, endeavored, even in the troublous period of the Thirty Years' War, to obtain for Europe the peace so greatly needed.

In our own time, also, my countrymen have always opposed warfare and the bloated armaments of the present day. I may therefore hope that perhaps in a small way my visit to your great country may help this great and good cause. [Applause,]
I do not feel as if I had the right of trespassing longer upon

your very valuable time, and beg, therefore, again to thank you most heartly and cordially for the great kindness and distinction which you have conferred upon me. [Prolonged applause.]

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. The Clerk will call the roll on the passage of the bill.

The question was taken; and there were—yeas 243, nays 33, answered "present" 14, not voting 102, as follows:

YEAS-243.

	I Est
Adair	Davenport
Akin, N. Y.	Davidson
Allen	Davis, W. Va.
Anderson, Minn.	De Forest
Anderson, Ohio	Denver
Ansberry	Dickinson
Anthony	Difenderfer
Austin	Dixon, Ind.
Barnhart	
	Dodds
Bartholdt	Donohoe
Bates	Doremus
Bathrick	Doughton
Berger	Draper
Bingham	Driscoll, D. A.
Boehne	Dyer
Booher	Esch
Borland	Evans
Bowman	Farr
Bradley	Fergusson
Brantley	Fitzgerald
Brown	Flood, Va.
Browning	Floyd, Ark.
Buchanan	Fornes
Bulkley	Foss
Burke, Pa.	Foster, Ill.
Burke, S. Dak.	Foster, Vt.
Burke, Wis.	Fowler
Butler	Francis
Byrns, Tenn.	French
Calder	Fuller
Campbell	Gallagher
Cannon	Gardner, Mass.
Carter	Garrett
	Gillett
Catlin	Goeke
Cline	Good
Conry	
Cox, Ohio	Gould
Crago	Gray
Crumpacker	Green, Iowa
Cullop	Greene, Mass.
Curry	Gregg, Tex.
Dalzell	Gudger
Danforth	Guernsey
Daugherty	Hamill

Hamilton, Mich. Hamilton, W. Va. Hamlin Hammond Hammond
Hawley
Hay
Hayes
Heald
Helgesen
Henry, Conn.
Henry, Tex.
Hensley
Higgins
Hill
Holland
Howell
Howland
Hubbard Hubbard Hughes, W. Va. Hull Humphrey, Wash. Humphreys, Miss. Jackson Johnson, Ky.
Kendall
Kennedy
Kent
Kindred
Kinkaid, Nebr.
Knowland
Konig
Konop
Kopp
Kopp
Lafferty
La Follette
Lamb
Langham
Lawrence Johnson, Ky. Langham Lawrence Lee, Ga. Lee, Pa. Lenroot Lewis Lindbergh

Linthicum
Littlepage
Lobeck
Longworth
Loud
McCall
McCoy
McCreary
McDermott
McGillienddy
McKenzie
McKinley
McKinney
McLaughlin
McMorran
Macon McMorran
Macon
Maguire, Nebr.
Maher
Mann
Martin, Colo.
Martin, S. Dak,
Matthews
Mays
Miller
Moon, Tenn.
Morgan
Morrison
Morse, Wis.
Mott
Murdock
Murray
Neeley
Nelson
Norris
Nye
O'Shaunessy
Padgett
Parran Padgett Parran Patran Patten, N. Y. Patton, Pa. Payne Pepper Peters

Underhill Underwood Utter Volstead Vreeland Warburton Rucker, Colo. Rucker, Mo. Russell Stephens, Nebr. Sterling Porter Post Pou Powers Stone. Sulloway Sulzer Saunders Scully Shackleford Sulzer Sweet Switzer Talbott, Md. Talcott, N. Y. Taylor, Ala. Taylor, Colo. Taylor, Ohio Thistlewood Thomas Tilson Warburton Wedemeyer White Wickliffe Wilson, Ill. Wilson, Pa. Wood, N. J. Woods, Iowa Young, Kans. Young, Mich. Sharp Sherwood Sims Slayden Sloan Small Prince Rainey Raker Rauch Redfield Regherd Reyburn Richardson Roberts, Nev. Rodenberg Rothermel Smith, J. M. C. Smith, Saml. W. Sparkman Towner Turnbull Stephens, Cal. NAVS-33 Ellerbe Faison Finley Godwin, N. C. Goodwin, Ark. Hardy Helm Howard Beall, Tex. Bell, Ga. Byrnes, S. C. Callaway Legare Lever Oldfield Candler

Collier Dickson, Miss. Edwards Jacoway Prouty Roddenbery Sheppard Sisson Smith, Tex. Stedman

Stephens, Miss. Stephens, Tex. Tribble Webb Witherspoon Young, Tex.

ANSWERED "PRESENT"-14.

Aiken, S. C. Andrus Bartlett Carlin

Clark, Fla. Clayton Driscoll, M. E. Fairchild

Garner Harrison, Miss. Heffin Kitchin

Moore, Tex. Stevens, Minn.

NOT VOTING-102.

Kahn

Adamson Ainey Alexander Ames Ashbrook Ayres Barchfeld Blackmon Broussard Burgess Burleson Burnett Cantrill Cary Claypool Connell Cooper Copley Covington Cox, Ind. Cravens Curley Currier Davis, Minn.

Dwight Estopinal Ferris Fields Focht Fordney Gardner, N. J. Gardner, N George Glass Goldfogle Graham Gregg, Pa. Griest Hanna Hardwick Harris Harrison, N. Y. Hartman Haugen *Hinds

Hobson Houston Hughes, Ga. Hughes, N. J.

James Johnson, S. C.

Kinkead, N. J. Lafean Langley Levy Lindsay Littleton Littleton
Lloyd
McGulre, Okla.
McHenry
McKellar
Madden
Malby
Moon, Pa.
Moore, Pa.
Moss, Ind.
Needham
Olmsted
Page Page Palmer Plumley Pujo Randell, Tex. Ransdell, La.

Reilly Riordan Roberts, Mass. Robinson Rouse Sabath Sells Sherley Simmons Slemp Smith, Cal. Smith, N. Y. Stack Smith, N. Y Stack Stanley Steenerson Taggart Thayer Townsend Tuttle Watkins Weeks Whitacre Wilder Wilson, N. Y.

So the bill was passed.

The Clerk announced the following additional pairs:

For the session:

Mr. Aiken of South Carolina with Mr. Ames.

Mr. Adamson with Mr. Stevens of Minnesota.

Until further notice:

Mr. Ferris with Mr. McGuire of Oklahoma.

Mr. Johnson of South Carolina with Mr. Steenerson.

Mr. GARNER with Mr. LAFEAN.

For the vote:

Mr. SHERLEY with Mr. WEEKS.

Mr. Burleson with Mr. Hanna. Mr. Clayton with Mr. Focht.

Mr. CLAYTON WITH Mr. FOCHT.
Mr. BURNETT WITH Mr. AINEY.
Mr. Moss of Indiana With Mr. Davis of Minnesota.
Mr. Harrison of Mississippi with Mr. Rees.
Mr. BLACKMON WITH Mr. HAUGEN.
Mr. HARDWICK WITH Mr. MICHAEL E. DRISCOLL.

Mr. BARTLETT with Mr. HARRIS.

Mr. STEVENS of Minnesota. Mr. Speaker, is the gentleman

Mr. STEVENS of Minnesota. Mr. Speaker, is the gentleman from Georgia, Mr. Adamson, recorded as voting?
The SPEAKER. He is not.
Mr. STEVENS of Minnesota. I voted in the affirmative. I withdraw my vote and answer "present."
Mr. CANNON. I am paired with the gentleman from Kentleman from Kentle tucky, Mr. Sherley, until Monday next, but, after consultation with one of his friends, I will shift that pair to the gentleman from Massachusetts, Mr. Weeks. Having voted "present," I desire to have my name called and to answer "aye."

The result of the vote was announced as above recorded. On motion of Mr. Bartlett, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. BINGHAM. I ask unanimous consent to extend my

the RECORD on the pension appropriation bill. Is there objection?

There was no objection.

WORK OF THE INTERIOR DEPARTMENT AND OTHER MATTERS (H. DOC. NO. 504).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The message is as follows:

To the Senate and House of Representatives:

There is no branch of the Federal jurisdiction which calls more imperatively for immediate legislation than that which concerns the public domain, and especially the part of that domain which is in Alaska. The report of the Secretary of the Interior, which is transmitted herewith, and the report to him of the governor of Alaska, set out the public need in this regard with great force and in satisfactory detail.

The progress under the reclamation act has made clear the defects of its limitations, which should be remedied. The rules governing the acquisition of homesteads, of land that is not arid or semiarid, are not well adapted to the perfecting of title

to land made arable by Government reclamation work. I concur with the Secretary of the Interior in his recommendation that, after entry is made upon land being reclaimed, actual occupation as a homestead of the same be not required until two years after entry, but that cultivation of the same shall be required, and that the present provision under which the land is to be paid for in 10 annual installments shall be so modified as to allow a patent to issue for the land at the end of five years' cultivation and three years' occupation, with a reservation of a Government lien for the amount of the unpaid purchase money. This leniency to the reclamation homesteader will relieve him from occupation at a time when the condition of the land makes it most burdensome and difficult, and at the end of five years will furnish him with a title upon which he can borrow money and continue the improvement of his holding.

I also concur in the recommendation of the Secretary of the Interior that all of our public domain should be classified and that each class should be disposed of or administered in the

manner most appropriate to that particular class.

The chief change, however, which ought to be made, and which I have already recommended in previous messages and communications to Congress, is that by which Government coal land and phosphate and other mineral lands containing nonmetalliferous minerals shall be leased by the Government, restrictions as to size and time, resembling those which now obtain throughout the country between the owners in fee and the lessees who work the mines, and in leases like those which have been most successful in Australia, New Zealand, and Nova Scotia. The showing made by investigations into the successful working of the leasing system leaves no doubt as to its wisdom and practical utility. Requirements as to the working of the mine during the term may be so framed as to prevent any holding of large mining properties merely for speculation, while the royalties may be made sufficiently low not unduly to increase the cost of the coal mined and at the same time sufficient to furnish a reasonable income for the use of the public in the community where the mining goes on. In Alaska there is no reason why a substantial income should not thus be raised for such public works as may be deemed necessary or useful.

There is no difference between the reasons which call for the application of the leasing system to the coal lands still retained by the Government in the United States proper and those which exist in Alaska.

There are now in Alaska only two well-known high-grade coal fields of large extent-the Bering River coal field and the Matanuska coal field. The Bering River coal field, while it has varying qualities of coal from the bituminous to the anthracite, is very much lessened in value and usefulness by the grinding effect to which in geological ages past the coal measures have been subjected, so that the coal does not lie or can not be mined in large lumps. It must be taken out in almost a powdered condition. The same difficulty does not appear to the same extent in the Matanuska coal fields. The Bering River coal fields are only 25 miles from the coast. They are within easy distance of an existing railroad built by the Morgan-Guggenheim interests, and may also be reached through Controller Bay by the construction of other and competing railroads.

remarks in the Record on the pension appropriation bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. Bingham] asks unanimous consent to extend his remarks in The railroad of the Morgan-Guggenheim interests, running from

Cordova, could be made a coal-carrying road for the Bering River fields by the construction of a branch to those fields not exceeding 50 or 60 miles. It is practicable, and if the coal measures were to be opened up, doubtless the branch would be built. In the present condition of things there is no motive to build the road, because there is no title or opportunity to open and mine the coal.

The Matanuska coal fields are a longer distance from the coast. They are from 150 to 200 miles from the harbor of Seward, on Resurrection Bay. This is one of the finest harbors in the world, and a reservation has been made there for the use of the Navy of the United States. A road constructed from Seward to the Matanuska coal fields would form part of a system reaching from the coast into the heart of Alaska, and open the great interior valleys of the Yukon and the Tanana, which have agricultural as well as great mineral possibilities.

The Alaska Central road has been constructed some 71 miles of the distance from Seward north to the Matanuska coal fields, but the construction beyond this has been discouraged, first, by the fact that there has been no policy adopted of opening up the coal lands upon which investors could depend, and, second, because there seemed to be a lack of financial backing of those engaged in the enterprise. The Secretary of the Interior has ascertained that the bondholders, who are the real owners of the road, are willing to sell to the Government, and he recommends the purchase of the existing road, such reconstruction as may be necessary, its continuance to the Matanuska coal fields, and thence into the valleys of the Yukon and the Tanana. It would be a great trunk line, and would be an opening up of Alaska by Government capital.

I am not in favor of Government ownership where the same certainty and efficiency of service can be had by private enterprise, but I think the conditions presented in Alaska are of such a character as to warrant the Government, for the purpose of encouraging the development of that vast and remarkable territory, to build and own a trunk-line railroad, which it can lease on terms which may be varied and changed to meet the growing prosperity and development of the Territory.

There is nothing in the history of the United States which affords such just reason for criticism as the failure of the Federal Government to extend the benefit of its fostering care to the Territory of Alaska. There was a time, of course, when Alaska was regarded as so far removed into the Arctic Ocean as to make any development of it practically impossible, but for years the facts have been known to those who have been responsible for its government, and everyone who has given the subject the slightest consideration has been aware of the wonderful possibilities in its growth and development if only capital were invested there and a good government put over it. I think the United States owes it, therefore, to Alaska and to the people who have gone there to take an exceptional step and to build a railroad that shall open the treasures of Alaska to the Pacific and to the people who live along that ocean on our western coast. The construction of a railroad and ownership of the fee do not necessitate Government operation. Pursuant, however, to the recommendation of the Secretary of the Interior, I suggest to Congress the wisdom of providing that the President may appoint a commission of competent persons, including two Army engineers, to examine and report upon the available routes for a railroad from Seward to the Matanuska coal fields and into the Tanana and Yukon Valleys, with an estimate of the value of the existing partially constructed railroad and of the cost of continuing the railroad to the proper points in the valleys named. This proposal is further justified by the need that the Navy of the United States has for a secure coaling base in the North Pacific. The commission ought to make a full report also as to the character of the coal fields at Matanuska and the problem of furnishing coal from that source for mercantile purposes after reserving for Government mining a sufficient quantity for the Navy.

I have already recommended to Congress the establishment of a form of commission government for Alaska. The Territory is too extended, its needs are too varied, and its distance from Washington to remote to enable Congress to keep up with its necessities in the matter of legislation of a local character.

The governor of Alaska in his report, which accompanies that of the Secretary of the Interior, points out certain laws that ought to be adopted, and emphasizes what I have said as to the immediate need for a government of much wider powers than now exists there, if it can be said to have any government at all.

I do not stop to dwell upon the lack of provision for the health of the inhabitants and the absence or inadequacy of laws, the mere statement of which shows their crying need. I only press upon Congress the imperative necessity for taking action

not only to permit the beginning of the development of Alaska and the opening of her resources, but to provide laws which shall give to those who come under their jurisdiction decent protection.

LOWER COLORADO RIVER.

There is transmitted herewith a letter from the Secretary of the Interior setting out the work done under joint resolution approved June 25, 1910, authorizing the expenditure of \$1,000,000, or so much thereof as might be necessary, to be expended by the President for the purpose of protecting lands and property in the Imperial Valley and elsewhere along the Colorado River in Arizona. The money was expended and the protective works erected, but the disturbances in Mexico so delayed the work, and the floods in the Colorado River were so extensive that a part of the works have been carried away, and the need for further action and expenditure of money exists. I do not make a definite recommendation at present, for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. It is essential that we act promptly, and through the State Department the matter is being pressed upon the attention of the Mexican Government. Meantime, a report of the engineer in charge, together with a subsequent report upon his work by a body of experts appointed by the Secretary of the Interior, together with an offer by the Southern Pacific Railroad to do the work at a certain price, with a guaranty for a year, and a comment upon this offer by Brig. Gen. Marshall, late Chief of Engineers, United States Army, and now consulting engineer of the Reclamation Service, are all herewith transmitted.

WATER-POWER SITES.

In previous communications to Congress I have pointed out two methods by which the water-power sites on nonnavigable streams may be controlled as between the State and the National Government. It has seemed wise that the control should be concentrated in one government or the other as the active participant in supervising its use by private enterprise. most cases where the Government owns what are called waterpower sites along nonnavigable streams, which are really riparian lots, without which the power in the stream can not be used, we have a situation as to ownership that may be described as follows: The Federal Government has land without which the power in the stream can not be transmuted into electricity and applied at a distance, while it is claimed that the State, under the law of waters as it prevails in many of our Western States, controls the use of the water and gives the beneficial use to the first and continuous user. In order to secure proper care by the State governments over these sources of power, it has been proposed that the Government shall deed the water-power site to the State on condition that the site and all the plant upon it shall revert to the Government unless the State parts with the site only by a lease, the terms of which it enforces and which requires a revaluation of the rental every 10 years, the full term to last not more than 50 years. A failure of the State to make and enforce such leases would enable the Government by an action of forfeiture to recover the power sites and all plants that might be erected thereon, and this power of penalizing those who succeed to the control would furnish a motive to compel the observance of the policy of the Government.

The Secretary of the Interior has suggested another method by which the water-power site shall be leased directly by the Government to those who exercise a public franchise under provisions imposing a rental for the water power to create a fund to be expended by the General Government for the improvement of the stream and the benefit of the local community where the power site is, and permitting the State to regulate the rates at which the converted power is sold. The latter method suggested by the Secretary is a more direct method for Federal control, and in view of the probable union and systematic organization and welding together of the power derived from water within a radius of three or four hundred miles, I think it better that the power of control should remain in the National Government than that it should be turned over to the States. Under such a system the Federal Government would have such direct supervision of the whole matter that any honest administration could easily prevent the abuses which a monopoly of absolute ownership in private persons or companies would make possible.

BUREAU OF NATIONAL PARKS.

I earnestly recommend the establishment of a bureau of national parks. Such legislation is essential to the proper management of those wondrous manifestations of nature, so startling and so beautiful that everyone recognizes the obligations of the Government to preserve them for the edification and recreation of the people. The Yellowstone Park, the Yosemite, the Grand Canyon of the Colorado, the Glacier National Park, and the Mount Rainier National Park and others furnish appropriate instances. In only one case have we made anything like adequate preparation for the use of a park by the public. case is the Yellowstone National Park. Every consideration of patriotism and the love of nature and of beauty and of art requires us to expend money enough to bring all these natural wonders within easy reach of our people. The first step in that direction is the establishment of a responsible bureau which shall take upon itself the burden of supervising the parks and of making recommendations as to the best method of improving their accessibility and usefulness.

INTERNATIONAL COMMISSION ON THE COST OF LIVING.

There has been a strong movement among economists, business men, and others interested in economic investigation to secure the appointment of an international commission to look into the cause for the high prices of the necessities of life. There is no doubt but that a commission could be appointed of such unprejudiced and impartial persons, experts in investigation of economic facts, that a great deal of very valuable light could be shed upon the reasons for the high prices that have so distressed the people of the world, and information given upon which action might be taken to reduce the cost of living. The very satisfactory report of the Railway Stock and Bonds Commission indicates how useful an investigation of this kind can be when undertaken by men who have had adequate experience in economic inquiries and a levelheadedness and judgment correctly to apply sound principles to the facts found.

For some years past the high and steadily increasing cost of living has been a matter of such grave public concern that I deem it of great public interest that an international conference be proposed at this time for the purpose of preparing plans, to be submitted to the various Governments, for an international inquiry into the high cost of living, its extent, causes, effects, and possible remedies. I therefore recommend that, to enable the President to invite foreign Governments to such a conference, to be held at Washington or elsewhere, the Congress provide an appropriation, not to exceed \$20,000, to defray the expenses of preparation and of participation by the United States.

The numerous investigations on the subject, official or other, already made in various countries (such as Austria, Belgium, Canada, Denmark, France, Germany, Great Britain, Italy, the Netherlands, and the United States) have themselves strongly demonstrated the need of further study of world-wide scope. Those who have conducted these investigations have found that the phenomenon of rising prices is almost if not quite general throughout the world; but they are baffled in the attempt to trace the causes by the impossibility of making any accurate international comparisons. This is because, in spite of the number of investigations already made, we are still without adequate data and because as yet no two countries estimate their price levels on the same basis or by the same methods.

As already indicated, the preliminary conference itself would entail a comparatively small expense, and most of the subsequent investigations for which it would prepare the way could be carried out by existing bureaus in this and other Governments as part of their regular work and would require little, if any, additional appropriations for such bureaus.

COMMISSION ON INDUSTRIAL RELATIONS,

The extraordinary growth of industry in the past two decades and its revolutionary changes have raised new and vital questions as to the relations between employers and wage earners which have become matters of pressing public concern. These questions have been somewhat obscured by the profound changes in the relations between competing producers and producers as a class and consumers—in other words, by the changes which, among other results, have given rise to what is commonly called the trust problem. The large-scale production characteristic of modern industry, however, involves the one set of relations no less than the other. Any interruption to the normal and peaceful relations between employer and wage earner involves public discomfort and in many cases public disaster. Such interruptions become, therefore, quite as much a matter of public concern as restraint of trade or monopoly.

Industrial relations concern the public for a double reason. We are directly interested in the maintenance of peaceful and stable industrial conditions for the sake of our own comfort

and well-being; but society is equally interested, in its sovereign civic capacity, in seeing that our institutions are effectively maintaining justice and fair dealing between any classes of citizens whose economic interests may seem to clash. Railway strikes on such a scale as has recently been witnessed in France and in England, a strike of coal-mine workers such as we have more than once witnessed in this country, and such a wholesale relinquishing of a public service as that of the street cleaners recently in New York, illustrate the serious danger to public well-being and the inadequacy of the existing social machinery either to prevent such occurrences or to adjust them on any equitable and permanent basis after they have arisen.

In spite of the frequency with which we are exposed to these dangers and in spite of the absence of provision for dealing with them, we continue to assume with easy-going confidence that in each new case, somehow or other, the parties to the dispute will find some solution which will be agreeable to themselves and consistent with the public interest. grave objections to strikes and lockouts, however necessary they may be in extreme cases; and we are ready to criticize the more extreme phases of the industrial conflict such as boycotts and blacklists; but we leave the situation such that industrial disputes lead inevitably to a state of industrial war in which these are the only weapons left to the two combatants. No more clumsy or expensive method of determining the rate of wages and the hours and conditions of labor could well be devised. The successful operation of the Erdman Act as between interstate railroads and their employees shows how much good can be done by proper legislation.

At the moment when the discomforts and dangers incident to industrial strife are actually felt by the public there is usually an outcry for the establishment of some tribunal for the immediate settlement of the particular dispute. But what is needed is some system, devised by patient and deliberate study in advance, that will meet these constantly occurring and clearly foreseeable emergencies—not a makeshift to tide over an existing crisis. Not during the rainstorm but in fair weather should the leaking roof be examined and repaired.

The magnitude and complexity of modern industrial disputes have put upon some of our statutes and our present mechanism for adjusting such differences—where we can be said to have any mechanism at all—a strain they were never intended to bear and for which they are unsuited. What is urgently needed to-day is a reexamination of our laws bearing upon the relations of employer and employee, and a careful and discriminating scrutiny of the various plans which are being tried in several of our own States and in other countries. This would seem to be the first natural step in bringing about an adjustment of these relations better suited to the newer conditions of industry.

Numerous special investigations, official and unofficial, have revealed conditions in more than one industry which have immediately been recognized on all sides as entirely out of harmony with accepted American standards. It is probable that to a great extent the remedies for these conditions, so far as the remedies involve legislation, lie in the field of State action; but such a comprehensive inquiry as is necessary to furnish a basis for intelligent action must be undertaken on national initiative and must be nation-wide in its scope. In view of the results that have followed the activities of the Federal Government in education, in agriculture, and in other fields which do not lie primarily within the field of Federal legislation, there can be no serious argument against the propriety or the wisdom of an inquiry by the Federal Government into the general conditions of labor in the United States, notwithstanding the fact that some of the remedies will lie with the separate States, or even entirely outside the sphere of governmental activity, in the hands of private individuals and of voluntary agencies. One legitimate object of such an official investigation and report is to enlighten and inform public opinion, which of itself will often induce or compel the reform of unjust conditions or the abatement of unreasonable demands.

The special investigations that have been made of recent industrial conditions, whether private or official, have been fragmentary, incomplete, and at best only partially representative or typical. Their lessons, nevertheless, are important, and until something comprehensive and adequate is available they serve a useful purpose, and they will necessarily continue to be made. But unquestionably the time is now ripe for a searching inquiry into the subject of industrial relations which shall be official, authoritative, balanced, and well rounded, such as only the Federal Government can successfully undertake. The present widespread interest in the subject makes this an opportune time for an investigation, which in any event can not long be

postponed. It should be nonpartisan, comprehensive, thorough,

patient, and courageous.

There is already available much information on certain aspects of the subject in the reports of the Federal and State Bureaus of Labor and in other official and unofficial publications. One essential part of the proposed inquiry would naturally be to assemble, digest, and interpret this information so far as it bears upon our present industrial conditions. In addition to this, the commission should inquire into the general conditions of labor in our principal industries, into the existing relations between employers and employees in those industries, into the various methods which have been tried for maintaining mutually satisfactory relations between employees and employers and for avoiding or adjusting trade disputes, and into the scope, methods, and resources of Federal and State Bureaus of Labor and the methods by which they might more adequately meet the responsibilities which, through the work of the commission above recommended, would be more clearly brought to light and

MISBRANDING IMPORTED GOODS.

My attention has been called to the injustice which is done in this country by the sale of articles in the trade purporting to be made in Ireland when they are not so made, and it is suggested that the justice of the enactment of a law which, so far as the jurisdiction of the Federal Government can go, would prevent a continuance of this misrepresentation to the public and fraud upon those who are entitled to use the statement in the sale of their goods. I think it to be greatly in the interest of fair dealing, which ought always to be encouraged by law, for Congress to enact a law making it a misdementor, punishable by fine or imprisonment, to use the mails or to put into interstate commerce any articles of merchandise which bear upon their face a statement that they have been manufactured in some particular country when the fact is otherwise.

BUILDING FOR PUBLIC ARCHIVES.

I can not close this message without inviting the attention of Congress again to the necessity for the erection of a building to contain the public archives. The unsatisfactory distribution of records, the lack of any proper index or guide to their contents, is well known to those familiar with the needs of the Government in this Capital. The land has been purchased and nothing remains now but the erection of a proper building. I transmit a letter written by Prof. J. Franklin Jameson, director of the department of historical research of the Carnegie Institution of Washington, in which he speaks upon this subject as a member of a committee appointed by the executive council of the American Historical Association to bring the matter to the attention of the President and Congress.

WM. H. TAFT.

THE WHITE HOUSE, February 2, 1912.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 109. An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years;

S. 2654. An act providing for the appointment of an additional professor of mathematics in the Navy;
S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material; and

S. 4367. An act to provide for the establishment of aids to navigation in Atchafalaya Entrance Channel, La.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 109. An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota,

and making appropriation and provision to carry the same into effect; to the Committee on Indian Affairs.

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years; to the Committee on the Public Lands.

S. 2654. An act providing for the appointment of an additional professor of mathematics in the Navy; to the Committee

on Naval Affairs.

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material; to the Committee on Military Affairs.

S. 4367. An act to provide for the establishment of aids to navigation in Atchafalaya Entrance Channel, La.; to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 17, 1912:

H. R. 13196. An act to provide for the transfer of certain causes and proceedings to the southern division of the middle district of Alabama; and

H. R. 12737. An act to amend the Code of Law for the District

of Columbia regarding insurance. On January 22, 1912:

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

On January 25, 1912:

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

On January 26, 1912:

H. R. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo.

On January 27, 1912:

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across Tug Fork of Big Sandy River;

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake, in Louisiana;

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mis-

sissippi River in said city;

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H.R. 14125. An act to authorize the construction, mainte-nance, and operation of a bridge across the Little River at or

near Lepanto, Ark.; and
H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River.

On February 1, 1912: H. R. 2973. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3024. An act to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts.

PRIVATE CALENDAR.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar; and, pending that, I wish to have an agreement as to the general debate on the bill H. R. 19115, known as the omnibus bill. I will ask the gentleman from Wisconsin [Mr. Morse] how much time he desires on that side for general debate.

Mr. MORSE of Wisconsin. I have had no requests for any time. I suggest 30 minutes on a side.

Mr. SIMS. Unless the debate is concluded sooner.

Mr. MORSE of Wisconsin. Yes.

Then, I ask unanimous consent that general debate on House bill 19115 be limited to one hour, one-half to be controlled by the gentleman from Wisconsin [Mr. Morse] and one-

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House for the purpose of considering bills on the Private Calendar; and, pending that, he asks unanimous consent that general debate on the omnibus claims bill be limited to one hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Wisconsin [Mr. Morse]. Is there objection?

There was no objection. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar, with Mr. Shackle-FORD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the Private Calendar. Under the rule, the Committee

on War Claims has priority.

Mr. MANN. Mr. Chairman, I call the attention of the Chair to the fact that the Committee on War Claims has priority over the Committee on Claims, but the other bills are called in their regular order reported from the Pension Committee and War Claims. There is one bill ahead, from the Committee on the Public Lands. That has always been the ruling, otherwise they never would be called.

The CHAIRMAN. The Clerk will report the first bill on the

Private Calendar.

JOHN L. BAIRD.

The Clerk read as follows:

A bill (H. R. 8853) for the relief of John L. Baird.

A bill (II. R. 8853) for the relief of John L. Baird.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue a patent to John L. Baird for the lands covered by the Keene Stone Placer, mineral survey No. 1947, in Lawrence County, S. Dak., upon the transfer by the said John L. Baird to the United States of the east half of the southeast quarter and lot No. 1, in section 4, and lot No. 4, in section 3, all in township 1 south, range 1 east of Black Hills meridian, containing 155.96 acres, situate in the Black Hills National Forest: Provided, That patent shall not issue or the exchange be made until the same is approved by the Secretary of Agriculture.

With the following committee amendment:

In line 3, page 2, after the word "Agriculture," add: "Provided further, That the lands reconveyed shall thereby become a part of the Harney National Forest."

Mr. Chairman, I think a very brief statement will be all that is necessary in this case. The bill provides for the exchange of lands whereby one John L. Baird deeds 156 acres in the Harney National Forest to the Government and receives from the Government in lieu thereof a tract of 91 acres. The fact is that Mr. Baird has for years supposed himself the owner of both tracts, he having bought the tract which he now proposes to surrender from the original entryman under patent, and having, I understand, purchased the rights

of the stone placer locator in the other case.

After the purchase was made he discovered that the stone placer location was faulty and he was unable to secure title. The tract he proposes to surrender contains 156 acres and the tract he proposes to acquire title to contains 91 acres. The Secretary of Agriculture informs us that the larger tract is the better adapted for forest purposes, one-half of it being forested and the other being suitable for that purpose. It contains 150.000 feet board measure of pine timber. The tract the Gov-ernment proposes to surrender for this larger tract contains only about 10,000 feet board measure of scattering pine and spruce, but no other timber, and is mostly open land-land which Mr. Baird has broken up and sown to timothy.

Mr. Baird has stock in the vicinity, and bought both tracts to use for grazing purposes, but as he can not acquire title to the stone placer location, and that is more valuable for his uses, he is willing to surrender the other to the Agricultural Department, which is glad to make the exchange and take the larger tract, more valuable to them, and surrender the small

tract, which is more valuable to the ranchman.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MONDELL. Certainly. Mr. MARTIN of South Dakota. How far apart are these

Mr. MONDELL. I should say, as the crow flies, between 4 and 5 miles, but I am not entirely certain as to the distance.
Mr. MARTIN of South Dakota. Both in the same county?

Mr. MONDELL. They are both in the same locality, 4 or 5 miles apart. The stone placer is on the head of what is known as Cold Creek. The gentleman, I have no doubt, has been

there and may know the little piece of meadow land. The other tract lies a little to the south and west, up in the timber region, I believe.

Mr. MARTIN of South Dakota. Does the gentleman know whether the tract proposed to be confirmed in Mr. Baird is in any way valuable for mineral purposes?

Mr. MONDELL. No; there never was any claim of that. has been located as a stone placer. Nobody imagines that there is any mineral there. The agricultural part of it is broken up and sown to timothy. There are the remains of an old house there, now largely fallen down, I think, and perhaps a corral and some sheds.

Mr. MARTIN of South Dakota. Is it the land upon which the springs known as Cold Springs are situated?

Mr. MONDELL. My recollection is that the spring is above the tract, but the little stream runs through it.

Mr. MARTIN of South Dakota. Is the gentleman positive of the fact that the spring is above this and not located on the

Mr. MONDELL. There are several springs there, and it may be that the spring or springs are on this tract. My recollection

is they are above. I am not certain.

Mr. MARTIN of South Dakota. Of course the gentleman will realize that springs pass to the owner of the fee. These Cold Springs are the head of the water supply that is quite important in that section of the country. I would think that it would be bad policy to deed, under a stone and timber act or

any other law, these springs known as Cold Springs.

Mr. MONDELL. The gentleman, I think, is in error in the proposition that the title to water necessarily goes with the land, but in any event, as the gentleman knows, Cold Spring Creek only runs about 4 or 5 miles and then dries up, except in

the time of high water.

When the water is high Cold Spring Creek runs for a long distance, while during the summer season the creek runs only a short distance. I will say to the gentleman that the Department of Agriculture has gone all over the matter, and it was largely on their suggestion that the proposed change was made.

Mr. MANN. I think Cold Spring Creek is on the land that

we are to get.

Mr. MONDELL. No; Cold Spring Creek runs through the land we cede.

Mr. MANN. It is on the Keene stone placer claim.

Mr. MONDELL. Yes; it is on the Keene stone placer, and that is the tract that Mr. Baird is to receive. There are goodsized springs on the land that Mr. Baird cedes, but I do not suppose, altogether, they run as much water as Cold Spring Creek does. However, it is a very well-watered tract.

Mr. MARTIN of South Dakota. I was not aware the matter was coming up until a short time ago, as I was coming into

the Hall.

Mr. MONDELL. The gentleman knows, further, that, as a matter of fact, this tract could be entered under the homestead law, because the Secretary of Agriculture has declared stead law, because the Secretary of Agriculture has declared they have no public need for it as an administrative site, and it could be entered under the homestead law and thus the Government receive nothing, whereas we are receiving in exchange for it 160 acres of land, 50 per cent at least of which is well timbered with the kind of pine that there is in that country. The balance of it is very good ground.

Mr. MANN. The department very strongly recommends it. Mr. MARTIN of South Dakota. I notice from the reading of the bill that there seems to be a provision that it is made subject to the approval of the Department of Agriculture.

Mr. MONDELL. Certainly. We do not want the exchange

Mr. MONDELL. Certainly.

made unless it is satisfactory.

Mr. Chairman, if no other gentleman desires to be heard, I hope that the bill may be laid aside with a favorable recommendation, and that the committee amendment will be adopted.

The CHAIRMAN. The vote will be first taken on the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 3, after the word "agriculture" add the following: "Provided further, That the lands reconveyed shall thereby become a part of the Harney National Forest."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. RAKER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

OMNIBUS CLAIMS BILL.

The CHAIRMAN. The Clerk will report the next bill. The Clerk read as follows:

A bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts of March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Chair understands that it was agreed in the House that general debate upon this bill be limited to one hour, one half to be controlled by the gentleman from Tennessee [Mr. Sims] and the other half by the gentleman from Wisconsin [Mr. Morse]. The gentleman from Tennessee is recognized.

Mr. SIMS. Mr. Chairman, I shall not use the time allotted to me. I do not think it will be necessary, unless it is to answer questions that may be asked. This bill contains only findings of the Court of Claims-the determination of the Court of Claims on matters submitted to it. The claims are largely for commissary stores and supplies. No other class of claims is in the bill except those that are known as soldiers' claims. The amount carried in the bill is \$1,566,311.06. A typographical error in the report makes the bill carry \$1,551,583.56, but that The amount carried, classified, are for officers is a mistake. and soldiers, \$59,576.93; for churches, lodges, colleges, and so forth, \$456,386.21; for private claims—that is, individual claims—stores, and supplies, \$1,035,560.42. There are carried in this bill 1,058 claims, and the amount stated is the amount that the court finds due. I have personally gone over almost every one of these claims; did so during the extra session and since that time. The first finding of the court in all claims is that the claimant was loyal; second, that the property was taken and used by the military forces of the United States, and the value of it; and, third, that it has not been paid for.

Usually, Mr. Chairman, the Committee on War Claims of the House does not place in the bill any claims sent to the Court of Claims by the Senate, but in the Sixty-first Congress there was an omnibus bill passed by the House and also one by the Senate. The war claims part of the Senate bill was practically the same as the House bill. Therefore many Senate findings are included in the present bill. When I say Senate findings I mean those findings on bills referred to the Court of Claims by the Senate's action. We have included others upon request of Members of the House, but there are some Senate findings, not a great many of them, I think, that have not been The gentleman from Wisconsin [Mr. Morse], the ranking minority member of the committee, has also given these findings, each and every one of them, his personal examination and investigation. We have not placed any claims in this bill the findings of which are not as I have attempted to state. We have excluded all claims where property was de-stroyed or burned, and have tried to report only such claims as are strictly within the rules adopted for an omnibus war-claims bill. Now, the House rule—

Mr. MANN. The gentleman means the committee rule.
Mr. SIMS. Yes; I mean the committee—has been, with the exception of the Sixty-first Congress, for many years with reference to laches as follows:

Rule II, fifth clause: No claim growing out of the Civil War shall be considered unless the same shall, before January 1, 1900, have been presented for payment to some court or commission, Army board, or department of the Government, or to Congress.

For 10 years the Committee on War Claims acted under that rule and refused to send to the Court of Claims any claim barred by that rule, but during the last Congress—the Sixty-first—the Committee on War Claims, upon the motion and urgent request of the chairman of the committee, the distinguished gentleman from New York, Mr. Law, struck out that provision. But very few claims, even then, were referred to the Court of Claims by the House committee, to which that rule, if it had not been so amended, would have applied. The pres-ent Committee on War Claims has adopted the rule which I have just read, or restored clause 5 of Rule II. Now, this rule is to prevent stale claims from being referred to the court. It is to prevent persons being put to the expense of lawsuits or of a trial or of the employment of attorneys and incurring the expenses of ascertaining the facts before the court. The Senate has not either adopted such a rule or lived up to it, because it has continued to refer claims to the court without any reference to time; in other words, it has referred them since 1900. Now, we have included such claims as that in this bill impossible to sustain by proof an ordinary claim sent to the

for this reason: We would not have sent them to the court ourselves, but after they have been sent to the court and the claimants have been put to the trouble and the expense of litigation to ascertain the facts to be reported, and when the court finds that the claimant was loyal, that the property was taken from him and used by the Government, and the value of it, we have included such findings in this bill.

I do not believe, Mr. Chairman, in sending stale claims to the Court of Claims, but I believe the committee and the House should act on that matter themselves. But after send-ing private claimants or other claimants to the court, and they are put to the trouble and expense of following up the case, and if it is found that the Government of the United States does owe the claimant, and has owed him for 40 or 50 years, then for us to refuse to appropriate after having sent the claim there to be considered by a court of our own creation, it seems to me, is unjustifiable and unwarrantable; therefore some claims of that kind are in this bill. Now, there are in this bill the claims that were in it and acted on by the House in the Sixty-first Congress and such claims as have been certified to the House since that time by the Court of Claims. I do not care to make any extended remarks or any further explanation unless it is desired, and I will reserve the rest of my time and yield to the gentleman from Wisconsin [Mr. MORSE].

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman from Tennessee a question or two.

Mr. SIMS. I yield to the gentleman. Mr. AUSTIN. Practically all the items in this bill were carried in a similar bill in the Sixty-first Congress, and the only additional war claims added are those which have been certified since then by the Court of Claims.

Mr. SIMS. That is correct, substantially.

Mr. AUSTIN. Now, in reference to the limitation you propose to carry in this bill, I wish to know if there is a limitation upon the filing or prosecuting before the Court of Claims of French spoliation claims.

Mr. SIMS. Mr. Chairman, the French spoliation claims do not come within the jurisdiction of the Committee on War Claims, and therefore I have given absolutely no consideration to that matter.

Mr. AUSTIN. I understand that, but I wish to know if there is a limitation at present in the law on filing French spoliation claims.

Mr. SIMS. You mean on bringing them to the Court of Claims, or sending them to the Court of Claims?

Yes. Mr. AUSTIN.

Mr. SIMS. Mr. Chairman, I have not investigated that. I

could not answer that correctly.

Mr. AUSTIN. Is it not a fact, though, that in the last Congress we were confronted by the payment of the French spoliation claims that were certified by the Court of Claims or certified to Congress, and was not that the cause of the disagreement between the two Houses of Congress?

Mr. SIMS. That no doubt has largely to do with it. The gentleman was present and heard the debate at the time.

Mr. AUSTIN. Is it right and just to fix a limitation on Mr. AUSTIN. Is it right and just to fix a limitation on claims growing out of the Civil War, presented by people who were loyal to the Union, when you do not have a limitation for the filing of French spoliation claims originating over 100 years ago? Should there be a discrimination, and if there is a discrimination, should that discrimination not be in favor of those who have claims growing out of the Civil War, which was only 40 or 50 years ago?

Mr. SIMS. The French spoliation claimants were only al-

lowed two years in which to file their claims.

Mr. AUSTIN. You say they were allowed two years? Mr. SIMS. I have not the act by me. That was the limita-

tion put upon them according to my recollection.

Mr. MANN. If the gentleman will allow me, you can not file French spoliation claims for a number of years past. When the act was passed those claims were filed; they had not been adjudicated. We occasionally get a report from the Committee on Claims. I think there is no authority for filing a new claim there at all.

Mr. AUSTIN. Were the people who were interested in the French spoliation claims given a notice?

Mr. MANN. The act itself provided that.

Mr. AUSTIN. Why not put a notice in this bill and give those who failed to file claims during the Civil War two years' notice?

Mr. MANN. They have had a great deal more time than

Court of Claims at this day and time. I have, through the action of the committee, had a number of them sent there, and the claimants have been unable to establish their claims by proof, because of the death of witnesses. And it is now almost useless, unless you have documentary proof, to send the ordinary claim to the Court of Claims, because when it gets there it has to be tried de novo. The proof in support of the claim must be presented, and it must be proof such as is admissible and competent, and it is almost a charity to a person having a claim at this late day to refuse to send it to the Court of

The day for proving such claims is about over. Fifty years have passed since 1862; 47 years have passed since 1865, and to undertake to prove a fact as old as that by living witnesses is almost impossible. And nearly all claims have been proven. There is, as far as I am able to ascertain, not more than \$1,000,000 yet involved in claims pending before the House and Senate committees or in the Court of Claims that have not yet been adjudicated. I do not think it will take more than \$1,000,000 over what is carried in this bill to pay all this kind of claims which it is possible to prove, and the sending of claims to the Court of Claims just simply to be rejected, as they are in most cases now, is worth nothing to the parties who are entitled to reimbursement. Besides the people who suffered the loss at the time have nearly all passed over the river and are resting under the shade of the trees, as we all hope and believe.

Then you must prove loyalty in addition to the loss and in addition to the value of the property taken. And I think it is sound policy for this House and for the other body, instead of having the court report on laches, as it must under the law, to determine that fact for itself and not send it there to put people to the trouble of having to conduct a lawsuit in that court, as they will fail nine times out of ten to get anything; and when they do get anything they have to pay attorneys from one-third to one-half of it and then run the gantlet of an appropriation afterwards.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield to me?

Mr. SIMS. Certainly.

Mr. FLOYD of Arkansas. Is it proposed in this bill to change the existing law in any way?

Mr. SIMS. Not a particle. Mr. FLOYD of Arkansas. What was the discussion about? Mr. SIMS. As to the committee's rule applicable to stale claims. Mr. Chairman, I reserve the remainder of my time.

Mr. MORSE of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. Powers].

[Mr. POWERS addressed the committee. See Appendix.]

Mr. MORSE of Wisconsin. Mr. Chairman, I yield 10 minutes

to the gentleman from Tennessee [Mr. AUSTIN].
Mr. AUSTIN. Mr. Chairman, I have listened with a great deal of interest to the statement of the gentleman having this bill in charge my colleague from Tennessee [Mr. Sims], and if this Congress could bind all of its successors and give every loyal claimant in the United States an opportunity to come before the Committee on War Claims and present their cases and have a day in court that proposition would be entirely satis-But I do not agree to a proposition that the Government of the United States shall ever bar the prosecution of a just claim or practically place itself in the attitude of pleading a statute of limitations to the prosecution of a claim.

These French spoliation claims, affecting New England, are being paid more than 110 years after the date of origin, and if the statement made on the floor of the House as to when their presentation was barred—that is, 20 years ago—is correct, then those claimants had 90 years after the Government became liable in which to present their claims. Now, take the procedure in the last Congress, the Sixty-first

Congress. Why, during that Congress, in cases where we introduced war claims seeking to pay claimants, or to give claimants an opportunity under the laws created by Congress to go into a court and prosecute what they believed to be just claims against the Government, the Committee on War Claims had a rule that out of the bills presented they would permit each Member of Congress having bills to refer not to exceed five of these claims to the Court of Claims during a session of Congress. I had at least 50 claims from my constituents, men of good standing, men whom I believed were entitled to a day in court to submit their proof, and out of the 50 claims I was given an opportunity to select only 5 and send those 5 to the Court of Claims.

Now, if claimants are passing away and witnesses are dying, we must remember that some of the responsibility rests with I am not sure about the Fifty-eighth Congress.

Congress. It does not entirely rest with the claimants themselves, because from time to time, through their representatives on the floor of this House, they have been knocking and clamoring and petitioning for an opportunity to get into a court created by Congress to pass upon and determine upon the justness of their claims. And now, having pursued for a number of years a certain policy, either by Congress or by one of its committees, the committee having absolute jurisdiction over this matter determines that we will refer to the Court of Claims only a very limited number of these cases. That committee now comes in with this bill, after inflicting upon claimants this slow and unfair method of reaching that court, which meant a denial in hundreds of cases, and says thereby that "We are going to stop now; we are going to prevent you," without a day's notice, from even appealing to us to give the claimants an opportunity under a law created by Congress to test a case before the Court of Claims

Mr. MANN. Mr. Chairman, will the gentleman yield to a question?

Mr. AUSTIN. Certainly. Mr. MANN. Does the gentleman understand that the rule of the committee applies to any claim that was presented to Congress prior to the date named in it?

Mr. AUSTIN. Well, it will prevent, in my judgment, many claimants from having an opportunity to appear in court and put the United States on trial as to whether or not they have a

just claim against the Government. Mr. MANN. Yes; but if the claimant had a claim for 40 years and made no presentation of the claim to any officer or Member of Congress, or to Congress itself, does not the gentleman think that there ought to be some time at which it would be ended?

Mr. AUSTIN. If any man at any time has an honest claim, and can establish the validity of that claim, a great Government like ours, which will not permit its private citizens to plead the statute of limitations, ought not to take advantage of such

a limitation with respect to one of its citizens.

Mr. SIMS. Will my colleague allow me to suggest a matter to him? For 10 years prior to the last Congress this rule was enforced by the committee of which the gentleman's distinguished predecessor, Judge Gibson, was a member. During all that time the members of the committee notified claimants that they could not favorably consider claims which had not been presented before January 1, 1900. That rule prevented many persons who might have been able to prove their claims from presenting them who can not do so now. To open up to the general public now, after we have shut them out for 10 years, would be a great injustice to those who were deprived of that benefit. Remember, the Committee on War Claims was of the gentleman's party. There is no politics in this matter, and ought not to be, and I think the committee took a wise view of it. There ought to be an end some time to the presentation of these claims. To open this up again, according to the gentleman's idea, to hundreds of claimants, when others who were shut out for 10 years can not now establish their claims, seems to me not fair.

Mr. AUSTIN. The French spoliation claims are over 100 years old, and if it was right to permit those claimants to prosecute their claims and present them 90 years after the liability was incurred, why is it not absolutely fair to permit those who suffered losses during the Civil War to present their claims for 90 years? Mr. SIMS.

Congress only allowed them 2 years.

Mr. AUSTIN. If the Committee on War Claims in any previous Congress shut off claimants who had just claims against this Government, that does not relieve the gentleman or myself from doing the fair thing in opening up this question and permitting them to come here now and in the future.

Mr. SIMS. This rule of the committee is not law, but I am giving you the reasons for the rule. The House applies the

rule and the Senate does not.

Mr. MORSE of Wisconsin. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I hope that this omnibus claims

bill will not only pass the House, as it is very evident it will, but that it may succeed in becoming a law. I am not at all confident that that will be done, however.

In the Sixty-first Congress I had to make some little opposition to the final passage of the omnibus claims bill—Mr. AUSTIN. We have a distinct recollection of that.

Mr. MANN (continuing). After I had given full warning to the gentlemen who were interested as to what my course would In the Sixtieth Congress the same procedure happened. In the Fifty-ninth Congress the same procedure was followed.

My attention was called a few years ago, the first time I took any active interest in reference to claims, to an omnibus claims bill which had passed this House, to which there were a great many amendments inserted by the Senate. My attention was called to it by some gentlemen connected with the Senate of the United States. At that time I examined some of the amendments which had been sent to this House for concurrence. shall not express my real sentiments concerning those amendments, because the language would not be parliamentary. this bill can pass this House, where we have a committee known as the War Claims Committee, having jurisdiction over claims arising out of the Civil War, and it can go to the co-ordinate branch of the legislative body and receive consideration there in the spirit in which it is sent from here, there is no reason why the bill should not become a law. But in the Senate there is one Committee on Claims having jurisdiction both of war claims and other claims, and it is quite natural that in that body they should insert amendments providing for claims of all classes. If that bill is sent to conference, the House conferees, being appointed from the Committee on War Claims, do not know and can not know the merits of those claims which are not war claims. I think that if the Senate wishes to treat the House with that degree of courtesy which I am sure we would extend to the Senate, they will endeavor to confine their amendments in this bill to items over which the War Claims Committee in the House would have had jurisdiction.

If they wish to send to this body another omnibus claims bill relating to other claims, I am sure the Claims Committee of the House will give it fair and full consideration.

I never have expressed an opinion in the House, and do not intended to now, as to the merits of the French spoliation

If it were an original proposition I should be opposed to paying them. But I am not sure whether, after Congress provided for their adjudication and has already provided for the payment of a large number of those claims, we ought to pay the balance. But, personally, I am quite sure that the French spoliation claims ought not to be mixed up in conference with Civil War claims coming out of this committee.

Now, Mr. Chairman, in the minute which remains to me, I wish to compliment the gentlemen who are on this War Claims Committee. It fell to my lot, in a way at least, to name the minority members of the committee, and, believing that these claims ought to be disposed of, I named minority members of that committee in whom I had complete confidence, and said to them, and especially to the ranking minority member of the committee, that if he and they would assure me that they would examine these claims themselves, form an opinion in regard to them, as far as I was concerned, I would accept their opinion, whether it was in accord with my own or not. Now I stand with the committee. [Applause.]

Mr. MORSE of Wisconsin. Mr. Chairman, I want to call the attention of the House to some of the limitations that the committee has put upon this bill. I felt that in place of one million and a half dollars this bill should have been quite a little larger, but we hewed very close to the line. We cut out every claim against which a single objection could be made. do not believe that there is a claim in this bill that a single Member of this House can object to after he has examined that

Mr. MANN. There is one claim in the bill that I have fought for years, but I will abide by the judgment of the committee. Mr. MORSE of Wisconsin. The gentleman from Illinois fights

everything.

Mr. MANN. Oh, not at all. Mr. MORSE of Wisconsin. Take the matter of loyalty, for instance; there were a lot of findings, not of disloyalty, not of loyalty, but of neutrality. It frequently happened, particularly in Louisiana, that during the war people of French descent, or French subjects, would leave and return after the war. They were not disloyal to the Union; they were not loyal to the Union according to the findings of the court. We cut all of those out. There was another class of claims that appealed to me very strongly. They were churches and Masonic temples, Odd Fellows lodges, and such institutions. Now, where the Government occupied these buildings, we paid rent. Where these buildings were destroyed, as many of them were, we are not paying for the value of the buildings. I have in mind a Masonic temple in the State of Tennessee, I believe in the district of the chairman of the committee [Mr. Sims]. It was taken possession of by the Union forces. It was used by them for a smallpox hospital. When the Army moved on there was a feeling that it was dangerous, and so they wantonly or pur-

posely set fire to this magnificent temple and burned it in order to prevent the spread of smallpox. It seemed to me that that ought to go in the bill, but we have considered the matter carefully and decided not to put it in.

The same thing can be stated in regard to some churches. Some of them were used—I remember one according to the findings, from the district of the ranking member of the committee, Mr. GORDON LEE. The court found that the church was destroyed; it was used as a smallpox hospital, and that was left out. Another thing, where they tore down the church or school or city hall or whatever it might be, and used the material to build breastworks or fortifications or bridges, or any other purpose for which they might be used, the committee in that case thought that we ought not to pay the value of the church or the building, but simply the value of the material that was secured.

If they tore down a building, we paid for the value of the brick the same price we would have paid if we had bought them at a brickyard. If gentlemen will examine these claims they will find that the Court of Claims has been after them with a pruning knife. I think about 8 or 10 per cent of the amount of the claim has been paid. Many of them are cut down very low. I do not believe that there is a dollar in this bill that the Government does not honestly owe to the claimant.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. AUSTIN. What has been the rule in this House in paying the very class of claims that have been omitted from

Mr. MORSE of Wisconsin. Oh, they have sometimes gone through as special bills. I do not know what the rule was

Mr. AUSTIN. Have they ever been paid in an omnibus bill? Mr. MORSE of Wisconsin. I regret to say that I have not been a Member of this House since an omnibus bill has been It is six or seven years since one was passed.

Mr. AUSTIN. All of these claims that have been eliminated have been passed on by the Court of Claims, and that court has found that they were just claims against the Government.

Mr. MORSE of Wisconsin. There is a question as to whether they were just claims.

Mr. AUSTIN. The court so found.

Mr. MORSE of Wisconsin. Oh, the court does not find whether it is a just claim or not. I want to call the attention of the gentleman to this fact: We have not killed these bills. These bills are still before the committee.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

Mr. MORSE of Wisconsin. Yes.

Mr. CLARK of Florida. In the case which the gentleman instanced of the gentleman from Georgia [Mr. Lee], for instance, where a church was taken possession of and used and then destroyed, and the Court of Claims has found the amount, does not the gentleman believe that when this bill passes the House and goes to the other end of the Capitol that item will be put upon the bill?

Mr. MORSE of Wisconsin. O Mr. Chairman, ? can not answer for what will be done at the other end of the Capitol.

I wish I could.

Mr. CLARK of Florida. Is it not the gentleman's experience

that that sort of thing always does occur?

Mr. MORSE of Wisconsin. A great many bills have been put on at the other end of the Capitol, but the gentl-man must remember-

Mr. CLARK of Florida. Just one more question. Does not the gentleman remember that the Congress did pass a bill appropriating over \$400,000 to pay the Catholic Church in the Philippine Islands for property destroyed-not used, but destroyed-by the troops?

Mr. MORSE of Wisconsin. I remember very well. I thought it ought to be paid. I believe these ought to be paid, and I

hope they will be paid.

Mr. CLARK of Florida. I thought so and I voted for that bill, but does not the gentleman believe that we ought to be as eager to take care of church properties in our own country as we are to take care of church properties in the far-off Philippine Islands?

Mr. MORSE of Wisconsin. I do; but the gentleman must realize that we have got to cut down something. If we can not do it all, let us do as much as we can. There are over 1,000 claims in this bill. Let us not kill them by putting on something that may be doubtful.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman

Mr. MORSE of Wisconsin. Certainly.

Mr. FLOYD of Arkansas. Mr. Chairman, in answer to the question asked by the gentleman from Tennessee [Mr. Austin] a moment ago, as to whether or not it has been the policy of Congress to pay the class of claims not included in this bill, I do not think you will find a precedent where the Government has ever undertaken to pay for property that was not taken and used, but, on the contrary, was destroyed during the Civil War.

The line has been drawn on property that was destroyed as an incident of war, and the furthest extent to which Congress has gone in that class of cases is the case cited by the gentleman from Wisconsin [Mr. Morse] where the Government had torn down a building and used the material, and then simply allowed for value of the material and not for the value of the property as a whole. The gentleman from Tennessee was inquiring as to the property not included in this bill, and I think that he will find that has been the general rule. The Government has never undertaken the policy of paying for property which was incidentally destroyed in the war, even if the claimants were loyal subjects.

Mr. AUSTIN. What I was seeking to know was whether in the case of Masonic temples or Odd Fellows' halls or church

property the same rule applied?

Mr. FLOYD of Arkansas. The same rule applies to churches, Odd Fellows' halls, and Masonic temples, the only difference being this, that the courts have held that you can not impute disloyalty to these corporate organizations. Hence the question of loyalty and disloyalty does not arise, notwithstanding the fact that the officers and directors and managers of these institutions might have been disloyal. That is the only distinction between that class of cases and the cases of individuals.

Mr. CLARK of Florida. Just one moment in answer to the gentleman from Arkansas with reference to the statement that Congress had never paid for property that was destroyed or

Mr. FLOYD of Arkansas. I did not state that; I did not make that statement; I said it had not been the policy of Congress to pay for property destroyed during the Civil War.

Mr. CLARK of Florida. Let me show you it has. The Fifty-second Congress paid to William and Mary College, Virginia, \$64,000 to reimburse said college for the destruction of its buildings and other property destroyed without authority by soldiers of the United States Army during the Civil War, and there are numbers of cases-

Mr. FLOYD of Arkansas. That is a special case.

There was the Methodist Publishing Co., of Mr. AUSTIN. Nashville, Tenn.

Mr. CLARK of Florida. Yes; the Methodist Publishing Co. Mr. FLOYD of Arkansas. Those are special cases. I am speaking about an omnibus bill and the general policy of the

Government in regard to property destroyed.

Mr. CLARK of Florida. Here is one case to which I call the attention of the gentleman. Under an act of the Forty-fifth Congress we donated 46,080 acres of public land to the University of Alabama, to be applied to the erection of suitable buildings for said university which was destroyed by fire on April 4, 1865, during the military operations at Tuscaloosa, and the record is absolutely full of cases of that character, and it does seem to me that instead of loading the bill down you gentlemen would have vastly benefited it and would have in it just as meritorious cases as you have got in the present bill if you had included cases of that character.

Mr. MORSE of Wisconsin. I will state to the gentleman that we have not killed or reported adversely any of those bills. It is the policy of the committee to take them up later-that is, those falling without the line laid down in the preparation of

this bill.

Mr. CLARK of Florida. Now, will the gentleman permit one more question?

Mr. MORSE of Wisconsin. Certainly.
Mr. CLARK of Florida. The gentleman says it is the policy of the committee to take up later these bills during the present session of Congress.

Mr. MORSE of Wisconsin. During the present session. Mr. CLARK of Florida. Then what is the objection, if this

Congress is to take care of them, to incorporating them in this

Mr. MORSE of Wisconsin. The objection, of course, is apparent; we want to get this bill passed. If we load this bill too heavily we will not be able to get the bill through.

Mr. CLARK of Florida. One more question. Wherein are the equities in these particular cases superior to the equities in the class of cases I mentioned?

Mr. MORSE of Wisconsin. There is a difference. Mr. Chairman, I reserve the remainder of my time.

Mr. Chairman, what time have I remaining? Mr. SIMS. The CHAIRMAN (Mr. WITHERSPOON). Fifteen minutes.

Mr. SIMS. I wish to yield five minutes to the gentleman from West Virginia [Mr. HAMILTON].

Mr. HAMILTON of West Virginia. Mr. Chairman, I will state that there is but two or three small items in this bill that will be beneficial to the people of my district, in fact the claim I was more interested in has been excluded from this bill by the committee, therefore I can give my support to this measure without being accused of having any particular personal motive for favoring its passage. It seems to me that upon a broader ground I can heartily vote for this measure. But recently this House has passed a bill, which was reported from a committee of which I am a member, which carried many millions of dollars for the benefit of soldiers who fought upon one side during the Civil War. I think that measure was just; in fact, I could vote in no other manner upon that bill than in support thereof. But from the very circumstances of the case, we must see that the benefits of that bill were largely for the northern section of this country. Now, the same circumstance shows that this bill carries more for the people south of the so-called Mason and Dixon line than it does for those upon the north side thereof. The reason of that is because the South north side thereof. was the seat of the Civil War, and it is but natural that more claims should come from that section than from the northern section. We have now an opportunity to do for these southern people, in a small degree only, that which we have heretofore done for the northern people, and for that reason I will heartily support the bill and hope that it will pass this House. [Applause.

Mr. SIMS. Only a word, and I will ask for the reading of the bill. I want to say to my colleague from Tennessee [Mr. AUSTIN] that in cases referred heretofore under the Tucker Act the facts were reported by the court without the court expressing any opinion as to what those facts established. Under the law, as it has now been amended by the judiciary act, the court will report conclusions of law. Therefore, the fact that the court did report that a church was burned, or it was of certain value, must not be understood as an adjudication of the court that the Government is liable for that amount or under any obligation to pay the claim.

Mr. AUSTIN. The court would go further and state whether

the Government had actually used it?

Mr. SIMS. It states that fact, but the court does not say, as the gentleman did, that it was a just debt against the Govern-All the claims here were referred to the Court of Claims under the Tucker Act prior to the passage of the judiciary act. The court has reported no conclusions of law or its opinion, except as to the identical reference—that is, the church was used to the value of so much-but because it is a court reference under the Tucker Act does not mean that the court suggests that Congress pay the finding.

Mr. AUSTIN. I understand that the court examines simply the witnesses, takes the proof, and comes to a finding to this effect: This man was loyal; this man's property was dam-

Mr. SIMS. Or absolutely under the Tucker Act—
Mr. AUSTIN (continuing). And used by the Government,
and the value of this property was so and so?
Mr. SIMS. Yes.

Mr. AUSTIN. That is sufficient for an honest man.
Mr. SIMS. But the honest man, after all, must determine whether Congress ought to appropriate or not.

Mr. Chairman, I ask for a reading of the bill.

The Clerk read as follows:

To Richard Garner, administrator of Thomas Williams, deceased, of Colbert County, \$425.

Mr. SIMS. Mr. Chairman, there is a clerical error in that paragraph. The amount should be \$295, and I move to amend by striking out "four hundred and twenty-five" and inserting two hundred and ninety-five.'

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 15, amend by striking out the words "four hundred and twenty-five" and inserting in lieu thereof "two hundred and ninety-five"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. Sims].

The question was taken, and the amendment was agreed to. The Clerk read as follows:

To Joseph M. Clark, of San Jose County, \$184.12.

Mr. SIMS. Mr. Chairman, in the bill it says, "Joseph M. Clark, of San Jose County," when it ought to be "Santa Clara County." Therefore, I move to amend by striking out the words "San Jose" and inserting the words "Santa Clara."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows

Page 12, line 20, strike out the words "San Jose" and insert the ords "Santa Clara."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.
Mr. YOUNG of Kansas. Mr. Chairman, I would like to make
an inquiry from the gentleman who has charge of this bill for information. Is there any item anywhere in the bill covering attorney's fees in the adjudication or adjustment of these claims before the Court of Claims or anywhere else?

Mr. SIMS. No, Mr. Chairman; there is no item in here for

Mr. YOUNG of Kansas. None at all?

Mr. SIMS. These are the amounts found due the claimants. Mr. YOUNG of Kansas. By the Court of Claims?

Mr. SIMS. By the Court of Claims.

The Clerk read as follows:

To Ella L. Deweese; widow of John T. Deweese, deceased, of Washington City, \$155.09.

Mr. JACKSON. I would like to ask the gentleman if there would be any objection to incorporating a provision in the bill limiting the amount that might be paid to an attorney, or providing any amount to be paid to an attorney?

Mr. SIMS. The gentleman means limiting the percentage

paid to these attorneys?

Mr. JACKSON. That is what I mean.

Mr. SIMS. Of course, the gentleman is not offering such an amendment, but simply making an inquiry?

Mr. JACKSON. Yes.

Mr. SIMS. Such an amendment, I think, Mr. Chairman, ought to be opposed, especially as to the claims in the bill, because the attorney has already rendered his service under the contract made with the claimant. I do not think, while Congress has the power to change the terms of those contracts, it ought to be done in the bill. Congress might pass a law as to future contracts that might be made, limiting them as to any contracts hereafter made, but, so far as these claims are con-cerned, the service has already been rendered by the attorneys, under contracts made with the claimants, and I do not think

Congress ought now to disturb those contracts.

Mr. JACKSON. Has the gentleman from Tennessee any information as to the amount that will be paid to the attorneys and the amount that the real claimants will receive?

Mr. SIMS. I do not know as to the particular items in this bill. I can only state what has been customary, as I have been Simply where the attorney takes a conditional fee informed. and takes all the risk, in such cases he usually gets a third of the amount of the recovery, under a contract with the claimant. In such cases the attorney even advances the expenses. That has been the rule heretofore.

Mr. MACON. If the gentleman will allow me, Mr. Chairman, I may say that I personally know of some contracts that do not exceed 25 per cent. The gentleman from Kansas, as an attorney, knows what a contingent fee means. Whenever an attorney takes a case on a contingent basis he has to go out and hunt up all the proofs himself and do extraordinary work in order to make sure of getting any fee whatever, whereas the claimants do not have to turn their hands over unless they

Mr. JACKSON. I would like to ask another question. Can the gentleman in charge of the bill, or these other gentlemen, inform the House as to whether any considerable number of

these claims are controlled by any one firm of attorneys?

Mr. SIMS. Well, Mr. Chairman, I may say that as a general thing one firm of attorneys has a larger number of claims in one locality than in another. It has been the custom heretofore for an attorney to go to a particular locality and take deposi-tions and proofs. In my own service here as a Representative, when I am asked by a constituent to name an attorney, I usually name the attorney who has the largest number of claims in that particular locality, for the reason that he will in all probability go and secure the proof and thereby save the parties the expense of taking the proof themselves. It is better to do that than to pick up some attorney who is not acquainted with the rules of evidence laid down and the character of testimony required. In that way one attorney might have more claims in Kansas or in Virginia or in Tennessee than another, but I know of no claim trust among attorneys.

Mr. BYRNES of South Carolina. Mr. Chairman, may I ask

the gentleman a question?

Mr. JACKSON. Certainly. Mr. BYRNES of South Carolina. Does the gentleman think that one-third is an unreasonable fee where a lawyer advances money for expenses in a case against the United States Government, when he takes into consideration the fact that even in cases where a judgment may have been rendered six years ago he practically has not got his money back yet? Would the gentleman advance money in that way for an ordinary fee?

Mr. JACKSON. I will be glad to answer the question, if

the gentleman will permit me. I will say that if an attorney represented only one single claimant that rate of compensation would be quite reasonable. I am inclined to favor this legislation, because I realize what it means to have one's home despoiled and one's property destroyed as has been done in the case of these people. I understand how liberal we have been with the soldiers in the Union Army in granting pensions and recompense for injuries. I simply ask these questions, because I, as a Member of Congress, do not want in any case to be placed on record as voting a large sum of money to any one placed on record as voting a large sum of inearly to any firm of attorneys. If it means that some one single firm of at-torneys here in Washington, or elsewhere, is to receive a third or a quarter of a million dollars of the money that this House means shall go to the individual who suffered these damages, I should be inclined to oppose it.

Mr. SIMS. Mr. Chairman, in reply to what the gentleman

says, I do not know of any such firm.

Mr. MACON. Mr. Chairman, I would like to say in reply to the gentleman from Kansas that I do not represent a great many claims that have been placed in this bill, but I do know that four different attorneys represent claims of constituents whom I represent here.

Mr. YOUNG of Kansas. Mr. Chairman, then are we to understand from the statement of the gentleman from Tennessee [Mr. Sims] that about 33\frac{1}{2} per cent, and from the gentleman from Arkansas [Mr. Macon] about 25 per cent, of this \$1,556,-311.06 does not go to the parties named in the bill, but goes to the attorneys for attorneys' fees and expenses? Is that what is meant?

Mr. SIMS. It goes to the parties named in the bill, and those parties can pay their attorney fees out of this or out of any other fund. That is a matter resting entirely with the parties

Mr. POWERS. I want, Mr. Chairman, to suggest whether this is not true, that the committee has nothing to do with the employment of attorneys? That is a matter, as I understand, wholly resting with the parties prosecuting the claims, and whether or not they have made a good or a bad contract does not affect the merits of the individual claims.

Mr. SIMS. That is correct.

Mr. CANDLER. Mr. Chairman, the fact is that when this appropriation is made for these claims a warrant on the Treasury will be issued, payable to the claimant himself in each case, and the attorney can not collect it unless the claimant indorses that warrant. Out of that he pays whatsoever fee may have been agreed upon prior to that time.

Mr. SIMS. That is entirely correct, Mr. Chairman.

The Clerk read as follows:

To the First Baptist Church of Jacksonville, \$1,170.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report. The Clerk read as follows:

Amend by adding, after line 15, on page 15, the following: "To the rector, wardens, and vestry of St. John's Church, Jacksonville, Fla., \$12,000."

Mr. CLARK of Florida. Mr. Chairman, I desire the attention of the committee for a moment or two while I call atten-tion to this amendment. This is a claim which was referred to the Court of Claims in 1905. In 1906 the Court of Claims reported its finding, which, of course, is simply a finding of facts, and that finding is that in March, 1863, the United States forces took possession of Jacksonville, Fla., and on the night of March 28, 1863, the church edifice of St. John's Church was used by the Eighth Maine Volunteers, and on the following day—March 29, 1863—when the United States troops evacuated the said city of Jacksonville, the said soldiers set fire to, burned, and totally destroyed the said church building. The reasonable value of the said church building, including the organ and the fixtures of every other kind and description contained therein, was the sum of \$12,000, for which no payment appears to have

This is from the finding of the court. On two separate occasions the Senate of the United States has passed a bill appropriating the money to pay this claim. There are innumerable precedents

for the payment of claims of this character, and I can not for the life of me see the distinction between making the payment in an omnibus bill and making it in a separate, single bill.

I call the attention of the committee to a report on an omnibus claims bill made by Senator Teller in 1908. In this report he cites a number of cases exactly on all fours with this one, a

number of them not so strong as this case.

The first case, as I understand it, where Congress made a departure from that settled rule was that of the Presbyterian Church of Murfreesboro, Tenn. I read from the opinion of

Judge Nott, of the Court of Claims:

Judge Nott, of the Court of Claims:

The present case, in finding the value of the building, may seem a departure from the rule which has hitherto governed the court—the first and only exception out of the hundreds of cases of war claims which have been tried and disposed of in the course of the last 15 years. The reason for this departure from a well-settled rule is this: The proceeding in cases coming into this court under the Bowman Act is not to obtain a judgment fixing with finality the legal rights and liabilities of the parties, but simply a proceeding to procure for Congress authenticated information necessary for them to possess in matters coming before them for legislative action. It is consequently the duty of the court to ascertain and certify to Congress such facts as will be available and useful when the question of legislative relief shall come before the two Houses.

In cases of religious and charitable institutions and institutions of learning, Congress has in repeated instances laid down a different rule than that hereinbefore adverted to as the rule of this court for what may be termed the measure of damages. In other words, whenever Congress has given relief for the destruction of such a building, the legislative rule in repeated instances has invariably been to allow the value of the building as a building. The case before us is a case of that description. The court accordingly finds the value of the building as it stood when the military authorities took possession of it. Whether the owners are entitled or not entitled to that or to any relief is not a question before the court. It rests entirely within the legislative discretion.

Now, Mr. Chairman, I want to call the attention of the com-

Now, Mr. Chairman, I want to call the attention of the committee to a number of instances in which Congress has paid claims similar to this.

In the Forty-first Congress the Kentucky University, of Lexington, Ky., was paid \$25,000 for the use and occupation of its buildings by United States troops.

The Forty-third Congress paid the East Tennessee University

\$18,500 for the use of property.

The Forty-eighth Congress donated 46,800 acres of public lands to the University of Alabama to be applied to the erection of suitable buildings for said university, which was destroyed by fire on April 4, 1865, during the military operations at Tuscaloosa.

The CHAIRMAN (Mr. WITHERSPOON). The time of the

gentleman from Florida has expired.

Mr. CLARK of Florida. I ask unanimous consent for five

The CHAIRMAN. The gentleman from Florida asks unanimous consent for five minutes additional. Is there objection?

There was no objection.

The Fiftieth Congress paid the Mr. CLARK of Florida. Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., \$18,729.09 for stone and material taken and used by the military authorities of the United States during the Civil War (25 Stat. L., 1188); the Baptist Female College, Lexington, Mo., \$3,167.67 as compensation for rent of the college building while used by the United States Army for four years from 1861 (25 Stat. L., 1189).

The Fifty-second Congress paid to William and Mary College of Virginia \$64,000 to reimburse said college for the destruction of its buildings and other property destroyed without authority by soldiers of the United States Army during the Civil War.

(27 Stat. L., 744.)

The Fifty-third Congress paid to Washington College (now known as the Washington and Lee University), located at Lexington, Va., \$17,848 for injury to its buildings, apparatus, libraries, and other property injured or destroyed by troops of the

United States Army during the late war. (28 Stat. L., 1039.)
The Fifty-fifth Congress paid to the book agents of the Methodist Episcopal Church South \$288,000 as compensation for property of said corporation, including the buildings and grounds and all machinery and all material of every kind used, taken away, injured, consumed, or destroyed by the United States or its Army, or for its benefit in any way, during the years 1864 and 1865. (30 Stat. L., 1401.)

The Fifty-seventh Congress paid (32 Stat. L., 234, 235) the

following claims: To the trustees of the German Evangelical Church, at Martinsburg, W. Va., \$2,500 on account of the destruction of their church building and its furniture, on February 17, 1863, while they were in possession of a portion of the military forces of the United States; to the trustees of the Methodist Episcopal Church of Martinsburg, W. Va., \$1,850 for the use and occupation thereof by the Federal troops from March, 1862, to April, 1865; to the bishop and trustees of St. Joseph's

Catholic Church, at Martinsburg, W. Va., \$2,880 for use and occupancy of said church by the Army of the United States during the War of the Rebellion; to the Cumberland Female College, McMinnville, Tenn., \$5,000 for the use, occupancy, and consumption of its property for hospital and other Army purposes during the late war of 1861 to 1865 by the military authority of the United States; to the Richmond College, Rich-\$25,000 to reimburse said college for the occupation of its buildings and grounds by the United States troops and officers for 18 months commencing in April, 1865, and for injury and destruction of the buildings, apparatus, libraries, and other property of said college by said troops and officers; to the Stewart College (now the Southwestern Presbyterian University), at Clarksville, Tenn., \$25,019.96 for use and occupation of the buildings and grounds, for material used, and for injury to its buildings, apparatus, and other property by the United States troops during the Civil War; to the Catholic Church at Macon City, Mo., \$725 for use and occupation of said church during the Civil War; to the St. Charles College, Missouri, such amount, if any, found upon investigation by the Quartermaster's Department to be due for use of its buildings and grounds by the United States military authorities during the Civil War.

The Sixtieth Congress, first session, by private act 37, approved March 26, 1908, paid \$403,030.19 to the Archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in said islands, in full satisfaction of the claim for use and occupation of property of said church in said islands and for damage done thereto by the military forces of the United States prior to January 15,

Now, Mr. Chairman, I submit to this committee that these are ample precedents. The record is full of precedents for the incorporation of this amendment in this act. It is just as equitable, it is just as proper, to be paid as any item in this bill, I do not care what the item is. Now, I want to appeal to this committee. Here is a bill that has passed the Senate on two occasions. Undoubtedly it will be put in this bill by the Senate when it goes over there, but I appeal to my colleagues to do me and my constituents the justice to incorporate this small item in this bill, and thus pay this most just and equitable

claim of this church in the city of Jacksonville.

Mr. SIMS. Mr. Chairman, I am familiar with the precedents cited by the gentleman from Florida [Mr. CLARK] and he has cited them correctly. I do not remember of but four specific cases, and I think the gentleman has named them all. It is true that Congress has full power to appropriate the money to pay for these buildings. Now, all these cases, recollection is, went back to the seventies except one. Possibly the Virginia or Alabama case was in the nineties, but it seems to have been a case in each instance of pure favoritism. is no general rule. Since I have been on this committee we have turned down-I do not want to say hundreds, but a large number,—and refused to report claims for the destruction of property as an act of war. We have turned down similar claims from Pennsylvania, from Maryland, from Kentucky, from Tennessee, and from every quarter from which they have

Congress has the power to pay for property destroyed in war, but it has not been the rule of nations to do so when incident to war, but only to pay for the benefits received by the Government.

The very decision of the court from which the gentleman from Florida read uses this language with reference to the rule of law:

Now, the general principle which governs the court is that the amounts allowed are to be only to the extent of the benefit which the Government received by the taking, not for the injury which the owner suffered.

That is the general principle of law. In the use or occupation of St. John's Church, at Jacksonville, it was taken possion of on March 28, and on the 29th of same month it was vacated and burned. That is the court's finding, and we must presume that it was burned as an act of war; that there was nothing connected with it, only the destruction of the building. How innumerable would be the cases if we commenced to pay for the destruction of bridges, for the destruction of court-houses, for the destruction of churches, for the destruction of colleges and universities by fire or otherwise as an act of war? The liabilities of the Government would amount to hundreds of millions of dollars, and it would not all go to the South; a good deal of it would go to Maryland and Pennsylvania and other States.

A case was brought to us from Kentucky, in which the soldiers used the houses of private citizens for breastworks, and in the battle where the Confederates made the attack the buildings were shot to pieces and destroyed. Those buildings pro-

tected the Union soldiers from Confederate bullets. would be nothing immoral or wrong in paying those citizens for the buildings; they were loyal in that part of Kentucky, and Kentucky did not withdraw from the Union. They lost their property, and it was used in defense of their own soldiers, but we have refused to pay that claim or anything like it. There was a claim from up in Frederick, Md., or a claim that originated there, of the same character, and also one from Chambersburg, Pa. In the adjoining county to the one in which I live is a case where a church was used and burned in the use, not maliciously but incidentally, and while there are a few claims referred to by the gentleman from Florida where the Government has paid, there are hundreds of cases negative in character not before the House, and therefore can not be seen unless collated and brought together.

The committee in making up this bill followed the rule I have stated. We have included no claim for damages or use of property that was not for the benefit of the Government that received the use, and therefore an implied contract arising I would be as willing to pay for St. John's Church as any. There is a bill here from Virginia where a church at Spottsylvania Court House was shot to pieces in a battle by the Federals. The court finds the fact, but the court does not declare the law; the very decision the gentleman from Florida read, but did not quite read the whole of it:

The court accordingly finds the value of the building as it stood when the military authorities took possession of it.

The gentleman did not read the following, but of course not intentionally:

Whether the owners are entitled or not to have the relief is not a question before the court; it rests entirely within the legislative discretion.

And so it does.

This amendment can be put on here and hundreds of others just like it can be put on. I say "hundreds." I know a vast number of them. Can we pass the bill, however, with these amendments added? I think it will be impossible. And in view of the fact that here are 1,058 claims, about which there is no question at all as to the benefits received by the Government of the United States, I appeal to the Members of this House not to put this bill in jeopardy by including in it a single claim not in harmony with the general rule laid down. I shall be delighted to have the case from Florida presented to the committee. If the committee reports it favorably to the House, the House can pass upon it, and numerous cases just like it. .I was appealed to in the one case from Tennessee, another from Virginia, another from Georgia, and there are numerous cases, and if Congress decides to pay claims for burned property, then my State, perhaps, would be benefited to the extent of many millions of dollars, for it was a battle field from one end to the other. Nearly all of the bridges and the courthouses in the State were destroyed, as were many of the churches and colleges. I desire to call the attention of the gentleman from Florida [Mr. CLARK] to the Methodist Publishing House claim. The house was not destroyed.

The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. Mr. Chairman, I ask unaninous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. The publishing house and machinery were used by the Government for printing purposes. The destruction must have been of material that was simply consumed in its use, and is not a claim of the kind presented by the gentleman from Florida.

Mr. CALLAWAY. Will the gentleman yield?

Mr. SIMS. Certainly.
Mr. CALLAWAY. Does this committee allow these claims according to a fixed rule? Has it in this bill allowed every claim that came within that rule and excluded every claim that did not come within that rule?

Mr. SIMS. That was our purpose and intention.
Mr. MORSE of Wisconsin. Mr. Chairman, I move to strike
out the last word. I want to call the attention of this House to the fact that if this bill is amended in accordance with the desires of the gentleman from Florida, the fate of the bill will be the very same as the fate of the bills that have been passed in this House during the last six years. If you put on that amendment, you have got to put on a large number of amendments of the same character. We have a peculiar situation. The bill is always amended at the other end of the Capitol. A conference committee is appointed. Do not let our conferees go into that conference room with anything but clean hands. Let them go into that room and be able to say to the conferees from the other end of the Capitol, "We have hewed to the line, we

have not crossed it for the gentleman from Florida or the gentleman from Georgia; we have not played politics, we have excluded every one of those bills which came without the rule laid down by our committee, and we shall require you to do the same thing." If you send your conferees into that conference room with that kind of a bill to stand on, the probabilities are that you will get something through this House, but if you commence to load it down with amendments, no matter how meritorious they may be, it will include a vast body of others of the same kind, and you will kill the bill just as sure as the sun rises and sets. I am against the amendment, not because it should not go on the bill, but I am against the amendment because I want the claims in this omnibus bill passed.

Mr. BOOHER. Will the gentleman yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. BOOHER. Does the gentleman think adding a claim that is meritorious will kill this bill?

Mr. MORSE of Wisconsin. The trouble is if you add this claim you have got to add more.

Mr. BOOHER. Well, if a hundred claims are right and ought to be paid by the Government, why should they not be added to the bill? [Applause.]

Mr. MORSE of Wisconsin. The question of whether or not they are right is a question that has not yet been decided. This House has never decided in an omnibus bill that property destroyed in that way should be paid for. The question has been decided, it is true, and occasionally a bill has gotten through, but the question has never been presented to the House as it will be in this particular instance. If you want to go on and finish it up and kill it, adopt this amendment, and adopt the rest of the amendments. If you want to pass this bill and pay these million and a half of dollars to these claimants, let it go through as this committee has prepared it.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield? Mr. MORSE of Wisconsin. Certainly.

Mr. RUSSELL. I want to ask, if this bill passes, whether or not if these other claims mentioned are meritorious they can not be hereafter considered and included in an omnibus bill? Mr. MORSE of Wisconsin. Every one of them can.

Mr. RUSSELL. And would it not be better to pass this bill against which there seems to be no probable objection rather than to take the chance of defeating this bill by adding those other bills that may be considered doubtful?

Mr. MORSE of Wisconsin. I agree with the gentleman; cer-

tainly.

Mr. RUSSELL. And the fact that the committee may leave out this bill now does not militate against the possibility or probability of it hereafter being considered and passed.

Mr. MORSE of Wisconsin. Not at all.

Mr. RUSSELL. Then we want to stand by this bill. Mr. CALLAWAY. I asked the chairman of the committee awhile ago if this bill is in accordance with the given rule which the committee had laid down, and he said it was. I asked him whether it contained all the bills which were in accord with that rule, and he said it did. Now, I want to ask the gentleman what that rule is.

Mr. SIMS. I can tell you what the rule is. First, that the claimant has been found loyal to the Government to start on; second, that it has been found by the court that the property was taken and used by the United States Government for the armies, which is the same thing, and its value. Now—
Mr. CALLAWAY. Now, in regard to the question of value.

Is that the value-

Mr. SIMS. And that it has not been paid.

Mr. CALLAWAY. Is that the value to the party from whom it is taken, or is that the value to the Government in the use to which it put it?

Mr. SIMS. Well, the latter statement of the gentleman is substantially correct; the benefits received by the Government are intended to be paid for rather than the value to the owner of the property

f the property.

Mr. CALLAWAY. Now, is it the purpose of this committee to pay every claim of any person found to be loyal to the Government the value of that property taken to the forces that took it?

Mr. SIMS. That is the law.
Mr. CALLAWAY. Now, have you got all those claims in this bill?

Mr. SIMS. Why, we have got all that we have findings from the court of that sort. Of course we have not—
Mr. CALLAWAY. Then the claim presented by the gentle-

man from Florida does not come within that rule?

Mr. SIMS. No. It was destroyed as an act of war. It is not shown that the church is worth \$1,200 to the Army which used it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Tennessee be extended until he can finish an answer to my question.

Mr. Chairman, I would like to be recognized if the Chair will do so in order to reply to the gentleman from Texas to a question if it is a proper one.

Mr. CLARK of Florida. If the gentleman will permit. I did not understand a moment ago, but I understand that some said this claim I offered has not been to the Court of Claims.

Mr. SIMS. No; I said the court found the value of the church, but did not find its value to the Army.

Mr. CLARK of Florida. The court found the fact of loyalty

and found the value of it.

Mr. CALLAWAY, I understood the chairman of the committee, in answer to the gentleman from Missouri, to state that hereafter claims might be presented indefinitely and passed on by the committee and brought in here. Now, if all the claims have been passed on by this committee and they have brought them in here under the rule, I want to know how this committee is going to pass on those claims in the future and indefinitely bring them in?

Mr. SIMS. That is easily answered. We are only appropriating money here to pay for claims acted on by the Court of Claims, and this committee will continue to send claims for the court's action in the future and will pay in the future, no doubt, claims of this character when passed upon by that court

favorably.

Mr. CALLAWAY. I will ask the gentleman a further question there. I understand that the rule suggested, that you pay the amount of value to the Army, applies to individual claims, but that churches, Odd Fellows, Masonic halls, and organizations of that kind are paid in proportion to the value of the property to them and not to the Army.

Mr. SIMS. I could not state that, but I will read the de-

cision of the Supreme Court-

Mr. CALLAWAY. I am asking you what you draw your line on.

Mr. SIMS. This bill is to pay what the court has decided; what the court has found and fixed as the value.

Mr. CALLAWAY. I understand that the court has decided in reference to each of the claims in this bill, and therefore we are asked to pay it.

Certainly. The court has found on each of these claims, and upon that finding this committee has acted, and upon nothing else, and has not gone beyond that finding to

ascertain what evidence was before the court.

Mr. BYRNES of South Carolina. I would like to say to the gentleman that these items stand on a par with the judgment of the court, and in cases where the court has not acted and judgment has not been found no provision for payment has been made in this bill, but this bill includes all cases of this certain

Mr. CALLAWAY. That does not answer my question. have asked him whether or not there was one rule by which to pass on the claims of individuals and another rule by which to pass on the claims of lodges, churches, and other organizations.

Mr. FLOYD of Arkansas. If the gentleman from Texas [Mr. Callaway] will yield to me, I think I can explain the

Mr. CALLAWAY. I yield.

Mr. FLOYD of Arkansas. The first step in this proceeding is to introduce a bill or resolution referring the case to the Court of Claims.

Mr. CALLAWAY. I understand that.

Mr. FLOYD of Arkansas. And the Court of Claims determines whether the party is loyal or not.

Mr. CALLAWAY. I understand that.

Mr. FLOYD of Arkansas. It determines the value of the property, and the findings are certified back to the House. This committee allows in each case, when it comes to the item of value, what the Court of Claims adjudged the property to be worth.

Mr. CALLAWAY. To whom?
Mr. FLOYD of Arkansas. What the value of the property is worth to the Government according to the judgment of the Court of Claims.

Mr. CALLAWAY. You do not get my question.

Mr. FLOYD of Arkansas. Now, in the case of certain claims, where they are allowed for the use of property, the question is the value of the use. The court determines what the use of church, lodge, or school property was worth to the Government, and adjudges it in figures, and this committee simply follows the judgment of the court. It does not change the figures in any case. It is an adjudication of the claim. The committee follows the findings of the court as to value of the property or value of its use.

Mr. CALLAWAY. But I understand from the report here that when they allow claims of orders, as I have suggested, that they allow the value of the property to the order, and when they allow the claim of an individual they allow the value of that property to the Army. For instance, I see one illustration given here, where they took a milch cow, which had been imported, and they allowed the value of cow as beef, but had they taken that cow from an organization they would have allowed the value of the imported cow.

Mr. FLOYD of Arkansas. I do not understand that to be the

rule of this Congress.

Mr. CALLAWAY. I see another one, and I am asking the chairman if that is the rule of the committee. It says took the brick of a building and put it into bake ovens, a brick building that belonged to the order, and they allowed the value of the building as it stood to the order, but had it been an individual's property they would have allowed the value of second-hand brick?

Mr. FLOYD of Arkansas. I do not understand that to be the rule. I know of one case of that kind, and the claimants were allowed simply the value of the property as if they had bought the brick from the brickyard and not the value of the building. But in every case the Court of Claims determines the value, and this committee follows the findings and conclusions of the court in fixing the value. The committee does not change the figures or amounts in cases of churches or organizations or individuals. They take these findings of the court as to the value of the property and allow them in every case.

Mr. CALLAWAY. They exclude from before the court everybody except those who are loyal, except it be an Odd Fellows' hall, or Masonic temple, or a church. I want to know why they

have not applied the same rule in those cases?

Mr. FLOYD of Arkansas. They do not apply the question of disloyalty to charitable institutions like hospitals, churches, and

Mr. MANN. If the gentleman will permit, some very ingenious lawyer a few years ago happened overnight to strike an idea that an artificial entity could not be disloyal, and got

the court to sustain that opinion.

Mr. CALLAWAY. And Congress to sustain it. We can say whether we will allow it or will not allow it, but here we are following the track, as the gentleman from Illinois [Mr. MANN] says, of an ingenious lawyer, when overnight he devised this scheme whereby these organizations could get what the sufferers from the depredations of the Union Army could not get, though they stood exactly on the same footing.

Mr. SIMS. Let me make a remark right there. these institutions, but not always, who are the beneficiaries are a hospital or orphan asylum, or something of that sort, and

could not become loyal or disloyal, and we-

Mr. CALLAWAY. Neither can a corporation, Mr. Chairman, become loyal or disloyal, but every member of that corporation might be disloyal, and yet the corporations come in here under this devious scheme and claim themselves in, when an individual could not claim it.

Mr. SIMS. Well now, my friend, all I have got to say about it is this: We have included nothing but claims favorably reported on by the Court of Claims, and only those where loyalty has been found or where it has not been required to be found. I am in favor of paying every one of them, whether for colleges, lodges, churches, or hospitals. If the gentleman does not want to provide for them he can move to strike out the items covering them.

Mr. BYRNES of South Carolina. Mr. Chairman, in a number of cases that I hold in my hand I desire to say that the court does pass upon the question of the loyalty of the church.

Now, Mr. Chairman, I yield to the gentle-Mr. CALLAWAY.

man from South Carolina.

Mr. BYRNES of South Carolina. Mr. Chairman, I hold in my hands the items included in the bill from South Carolina. Of the 11 items 8 are for churches. I find here the case of the Ebenezer Methodist Church. It appears from the evidence that the church was loyal to the Government of the United States during the war. A similar finding is made in every case in every item of that kind.

Mr. CALLAWAY. Then, they have found that as a matter of fiction, have they not, as the gentleman from Illinois suggests? Mr. BYRNES of South Carolina. I am unable to say whether the gentleman is correct or not in saying that the

court found it as a matter of fiction or a matter of fact.

would dislike to say it was a matter of fiction. The court to which Congress sent the claim reported to Congress, as a matter of fact, that the church was loyal to the Government, and that finding is in every item in this bill where an appropriation is sought to be made, payable to a church for property

used by the Federal troops during the war.

Mr. CALLAWAY. Mr. Chairman, I am going to vote against this bill [laughter], not because I think these claims ought not to be paid, but I am going to vote against the bill because of its partiality, because it is a distribution of pie over 43 States. I am not going to follow the Court of Claims, Mr. Chairman, nor this committee. And, Mr. Chairman, I believe that the individuals in that country whose property was destroyed at home, on their private homes, their clothing destroyed, and their food taken, their sustenance by day and their covering by night, should be given the same ear by this House, whether they have been allowed that right before the Court of Claims, because of a law enacted by this House, or not, and they should have compensation for what the Union forces took and used for their own benefit and they should receive what it was worth to the Union Army. The law of civilized warfare is whatever of private property be taken from the individual not actually engaged in war at the time should either be paid for or a receipt given which will enable the individual to present his claim to the Government whose army destroys his private property after the war is terminated. This has been the rule of civilized warfare for a hundred years. In section 6, page 282, volume 7, Digest of International Law, an order was issued by the Duke of Wellington July 9, 1813, in which he said:

The rules, therefore, which have been observed hitherto in requiring, and taking, and giving receipts for supplies from the country are to be continued in the villages on the French frontier; and the commissaries attached to each of the armies of the several nations will receive the orders from the commander in chief of the army of their nations respecting the mode and period of paying for such supplies.

On October 26, 1846, Gen. Taylor, acknowledging receipt of instructions of Mr. Marcy, Secretary of War, stated that—

It had been impossible to sustain the Army by forced contributions. The country between the Rio Grande and the Sierra Madre was poor, furnishing only corn and beef. These articles have been obtained by paying for them. The prompt payment in cash had, besides, neutralized much of the unfriendly feeling with which the Americans were regarded, and have contributed greatly to facilitate their operation. Moreover, if their crops were so taken they would have no inducement to plant again.

So the rules of civilized warfare for a hundred years have been that when private property was taken for the use of the invading army it should be paid for. The property destroyed by that war then was either not destroyed by civilized warfare or the people of the South were considered on a different footing from ordinary beligerents. So far as I am concerned, I am opposed to taking crumbs and acquiescing. If we are not entitled as a matter of right—plain, candid, open, manly right—to these claims I do not want them. We have begged, trimmed, and fawned for these claims too much; have, as the gentleman from Illinois said, discovered sharp interpretations by which we secure small hand-outs, not even-handed justice. I believe we should have even-handed justice for all claimants or ask for nothing. My objection to this bill is that it lays down one rule for an organization and another rule for the individual, for in the law of nations all claimants of private property, as a matter of common justice, should have an equal standing before this House.

Mr. SIMS. Mr. Chairman, I want to state to the gentleman that the position that loyalty is not required of these institutions is in accordance with a decision of the Supreme Court of the United States, and not a decision of the Court of Claims.

They are artificial persons.

Mr. CALLAWAY. I am not talking about artificial persons. I am talking about simple justice. This House and not the court is to determine whether or not we shall allow these claims. If a bill is brought in here putting all just claims on an equal footing, where it is shown that we are doing justice to every person in the United States alike, then I will vote for it. But here in this bill some are included on one footing and others are excluded, on the ground that one is an artificial person and the other is not an artificial person. I believe that the widow whose husband died on the firing line, the widow who was at home with her little children, who had her house burned down from over her head, who had her horses taken, who had her mules taken, who had her hogs eaten, who had her corn bin robbed and her wheat bin stripped, should have a claim against this Government just the same as the lodge to which her husband and his fellows belonged.

Mr. SIMS. Mr. Chairman, I do not desire to restrict debate, but I ask that in five minutes debate be closed on this paragraph. Mr. AUSTIN. I will be glad if the gentleman would give me two minutes' time.

Mr. SIMS. Mr. Chairman, I ask that all debate on all amendments to this item be closed in 10 minutes, and that the gentleman from Florida [Mr. Mays] be granted 5 minutes, the gentleman from Tennessee [Mr. Austin] 3 minutes, and the gentleman from Florida [Mr. Clark] 2 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on this paragraph be closed in 10 minutes, 5 minutes to be given to the gentleman from Florida [Mr. Mays], 3 minutes to the gentleman from Tennessee [Mr. Austin], and 2 minutes to the gentleman from Florida [Mr. Clark]. Is there

objection?

Mr. TRIBBLE. Reserving the right to object, I should like to ask a question. In cases the Court of Claims did not pass upon the question of loyalty, but did pass upon the question of property and said the claim should be paid, and that it was a just claim—in such cases what right has this committee to cut out such claim?

.Mr. SIMS. Because the court does not make any such finding as that.

Mr. TRIBBLE. Let me read the one I have before me.

Mr. SIMS. They do not say it is a just claim and ought to be paid.

Mr. TRIBBLE. Let me read it to you.

Mr. SIMS. At least I have not seen it. The gentleman can take time and read it when the item is before us. It is not before us now.

Mr. TRIBBLE. It will be soon.

Mr. SIMS. Then the gentleman can do that.

The CHAIRMAN. Is there objection to the request for the extension of time?

There was no objection.

Mr. MAYS. Mr. Chairman, I should like to know the purpose of adjusting these war claims. If it is for the purpose of doing justice to the people who have made these losses, then why not treat them fairly? Why make a distinction in these claims? It is a fact that St. John's Church, in Jacksonville, was occupied and used by the Federal troops, and was destroyed by them upon leaving it. If that does not make a just claim, then there is no just claim in this bill. It has been adjudicated and found that such was the fact, and, using the phrase of the distinguished ex-Speaker on the other side of this House [Mr. Cannon], I want to say that if kissing is to go by favor, then the purpose for which this bill is brought before this House seems to me to be entirely lost sight of. When I read some of the immense claims that are being allowed in this bill to different States, and when, looking over these claims, I can see no difference between them and this claim coming from Florida, I can see no reason why this claim should not be paid, and every reason why it should. My friends, it makes no difference that it comes from a church. It is a just claim. We are told that we can not amend this bill for fear of killing it, although the claim presented as an amendment is a just one. If that is so, then I think this bill comes far short of what ought to be its purpose. I hope this House, in all fair play, and in justice to itself, will allow this amendment to be put upon the bill. [Applause.]

Mr. AUSTIN. Mr. Chairman, I wish to pay tribute to my colleague from Tennessee [Mr. Sims] who has reported this bill, and also to make my acknowledgments to the ranking Republican member, Mr. Morse, for their faithful and efficient service in preparing and reporting this bill. While I sit on the opposite side from my colleague [Mr. Sims], I wish to say that in his long and many years of service in this House he has been faithful and efficient in the discharge of his public duties; and not only is his district greatly indebted to him for his invaluable services, but the great State of Tennessee owes him a debt of gratitude and the entire South as well. [Applause.] It is my ardent hope that the Democratic Party of the district which he represents will have the wisdom to continue his distinguished services in this House so long as he may desire to sit here with us. [Applause.]

A word in reference to this amendment. No man on the floor of this House, hailing from a southern State, had in his district a larger number of men, women, and children who were loyal and devoted to the Union during that great civil strife than those who lived in the district I represent—the second Tennessee district. Both armies camped there and lived among and on the people. My father was a devoted Union man. The House in which I was born in Decatur, Ala., was destroyed by the Union forces in order to prevent its being used as a shelter for the Confederates who were surrounding that town. Yet under a decision of our Supreme Court, and under the laws of the land, a loyal man who suffered for his loyalty, a refugee

from home and family, has absolutely no claim against the Government to which he was loyal for tearing down every brick

in his home, and the only home that he had.

Here is a claim that the Court of Claims has passed upon, for a church in far-off Florida, where my genial colleague, Mr. Clark of Florida, often talks about the splendid oranges which they grow, some of which, I hope, one of these days will reach his colleagues in the House [laughter]; where the mocking birds sing all the year round and genial and perpetual sunshine prevails. Now, here was a splendid edifice, a Methodist church, and under its roof Union soldiers found comfort, shelter, and relief. After they passed out of that historic church, in which many of the local people were united in the holy bands of matrimony, and where funerals of loved ones were conducted, and where their children were baptized, these soldiers, filled, perhaps, with malice or rancor or the great passions of the strife of the Civil War, without cause ruthlessly burned it. Forty-nine years after this act, which no honest man can defend, the Representative from that district and that city asks Members of this House to do an act of justice that should have been performed half a century ago. My vote shall be for it, and I shall not be deterred by any threats of the loss of this bill. This bill was lost in the last Congress on account of the French spoliation claims being added to it. Let us do justice at all times, certainly to that far-off delightful land of Florida, and vote \$12,000 to a church of the lowly Nazarene. [Applause.]
Mr. CLARK of Florida. Mr. Chairman, I yield the two

minutes remaining to my colleague, Mr. Sparkman.

Mr. SPARKMAN. Mr. Chairman, I know but little about the various items in this bill and can not speak as to their merits. I have not had an opportunity of even reading the bill or of acquainting myself with its various provisions, but I do know that the claim for which this amendment has been offered is a just one. It is one that ought to be allowed if any item in this bill is to be passed. It should have been paid long ago.

I know nothing of the rule upon which this bill has been framed or the principle by which the committee was guided in the selection of the various items in the measure, but it appears from the findings of the Court of Claims that this claim has been passed upon favorably by that court. It appears also that the United States troops actually took possession of this building, if that is a consideration that is to have any weight here or had any weight with the committee in framing the bill; that they held possession for a night, or perhaps 24 hours, and as they were leaving set fire to the building and burned it to the ground. Now, in all fairness, it would seem that such a state of facts certainly presents a case that should receive favorable consideration at the hands of this committee. These are worthy people. That goes without saying, and the same is no doubt true of all the other claimants. Their claims are no doubt just and should be allowed. Certainly this is just and should be paid. Indeed, it should have been paid long ago. It has been allowed by the Court of Claims. It has been found just by that tribunal, and this finding should be indorsed by Congress and the claim paid without further delay. these people have waited half a century and should not be forced to wait longer. I hope the amendment may prevail.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Florida.

Mr. CLARK of Florida. Mr. Chairman, I ask to have the amendment again reported.

There being no objection, the Clerk again reported the amend-

The question was taken: and on a division (demanded by Mr. Sims) there were—ayes 30, nays 45.

So the amendment was lost.

The Clerk read as follows:

To Catherine Kelton, of Fulton County, \$500.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding at the end of line 18, page 17, of the pending bill, the following:
"To the administrators of Rosa M. Wyatt, late of Clark County, Ga., the sum of \$5,015."

Mr. TRIBBLE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. SIMS. I raise a point of order.

The CHAIRMAN. State your point.

Mr. SIMS. The gentleman from Georgia did not rise in me. The Clerk had begun reading another section. Mr. TRIBBLE. The gentleman is mistaken. I was address-

ing the Chair before the last word of the section was out of the Clerk's mouth. He has not read one word below "Illinois."

Mr. HOWARD. Mr. TRIBBLE is right, because I am interested in the last section read by the Clerk, and the truth is the Clerk did not get entirely through before Mr. TRIBBLE addressed the Chair.

Mr. SIMS. Well, then, the amendment calls for the wrong

line on the page.

Mr. TRIBBLE. Mr. Chairman, in the bill I had and prepared the amendment for, it was line 18, but in the bill I now have it should come in at the end of line 17. There are two prints of this bill, and I will ask to have the amendment changed to go in at the end of line 17.

Mr. SIMS. I withdraw the point of order.

Mr. TRIBBLE. Mr. Chairman, the party in question had a claim before the Court of Claims and that court rendered a decision. As a matter of fact, in this case the question of loyalty was not a question at issue. During the proceedings in this case a motion was made to dismiss the suit on the grounds of disloyalty, and the court refused to dismiss the case and rendered the decision, which I have and will now read.

The law provides that the court shall dismiss cases if the question of loyalty is an issue in the case without further finding. In this case it was raised and the court refused to dismiss the case and rendered a finding in favor of Mrs. Wyatt.

Is this a Tucker or a Bowman Act case? Mr. TRIBBLE. The name of the act is immaterial. the statute before me, with which the gentleman is familiar.

Mr. SIMS. I have got to know. Under the Tucker Act loyalty is not jurisdictional. Under the Bowman Act it is. They do not dismiss the Tucker Act cases by finding disloyalty.

Mr. TRIBBLE. I understand the gentleman; but what difference does it make to this House if the question of loyalty is not in the case and the court set up her property rights.

Mr. SIMS. Which is this reference—the Tucker or the Bowman Act?

Mr. TRIBBLE. The gentleman can take the names as he I am standing on my legal rights and not on names of I decline to be further interrupted on names of acts. I am presenting to this Congress on the finding of the court what I conceive to be a just claim, and I will read what the finding of the court was:

During the war for the suppression of the Rebellion the military forces of the United States, by proper authority, for the use of the Army, took from the claimant, in the county of Bryan, State of Georgia, property of the kind and character above described, which was then and there reasonably worth the sum of \$5,015, the same being the claimant's one-fifth interest therein. No payment appears to have been made therefor. The same was never presented to any officer or department of the Government prior to its presentation to Congress and reference to this court as aforesaid.

Mr. Chairman, in addition to the finding of the court, I have before me the affidavit of the claimant in this case that she lived in the city of New York, that she did not go to the Southern States during the war until a short while before the end of the war, when the Union Army was camped upon her farm. She went there then to protect her property, and that is the only time, as the evidence in this case disclosed, that she went there. The court finds that her property was taken and gives the value, and I am here calling on this Congress to appropriate for this woman what she is justly entitled to. I presented this matter to members of the committee. I went to the chairman of the committee and presented my claim, and he said, "You need not bring it in; we will not pass upon it; you need not bring it to us." But I am here now, Mr. Chairman, before Congress asking that this claim be paid, notwithstanding the rejection by the committee. It seems to me the finding of the court should largely control the action of the committee. The court was created for the purpose of relieving the committee and Congress of this detail work. In my limited time I can not make a thorough legal presentation of this claim. The question of loyalty is not an issue. The presumption of disloyalty does not attach to a citizen living in a loyal State. Living as she did in New York she was not required to show loyalty in the trial of her claim. There is denial of the fact that her property was taken and used by the United States, and this money should have been paid long years ago.

Mr. SIMS. Mr. Chairman, loyalty is not found, and it is a Tucker Act case, because if loyalty was not found they could not go any further. Therefore I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To the rector, wardens, and vestrymen of St. Philip's Episcopal Church, of Atlanta, \$800.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee what the peculiar facts are relating to this church case?

Mr. HOWARD. Mr. Chairman, I can say this to the gentleman from Florida that this is a claim that has been passed upon by the Court of Claims. That is the distinction between this claim and the amendment the gentleman offered awhile ago.

Mr. CLARK of Florida. Oh, I beg the gentleman's pardon.

The Court of Claims did pass upon the case that I offered.

Mr. HOWARD. This is not a burned church.

Mr. CLARK of Florida. What is it? I want to know what

Mr. HOWARD. This is for use and occupation, and not destruction.

Mr. CLARK of Florida. I want to get the facts about it.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Florida that apparently this is to reimburse the rector, wardens, and vestrymen of St. Philip's Episcopal Church, of Atlanta,

Mr. CLARK of Florida. For what?

Mr. MANN. Oh, it does not make any difference what the reimbursement is for.

Mr. CLARK of Florida. I think it does, and I want to find out.

Mr. MANN. We have a surplus of money in the Treasury, and this is a method of proper distribution. [Laughter.] This is one of those cases where they are seeking to pay some churches in the South some money out of the Treasury, to even up for some of the money that we pay to the old soldiers in the North.

Mr. CLARK of Florida. If that is true, then I want to say to the gentleman that I am not getting my share in my district.

Mr. MANN. I am very sure of one thing, that the gentleman from Florida has never failed since he has been a Member of this House to get not only his share but a part of mine.

Mr. SIMS. Mr. Chairman, I will state to the gentleman from Florida, by authority of the gentleman from Georgia [Mr. LEE], who has charge of the Georgia cases, that he says it was

for use and occupation. Mr. CLARK of Florida. How long was that church used?

Mr. SIMS. I yield to the gentleman from Georgia to make

Mr. LEE of Georgia. Mr. Chairman, I do not remember the exact time, but it was during the occupancy of Atlanta by the Federal Army-quite a while, two or three weeks, perhaps, or longer. The court found it to be a just claim, and it came within our rule.

Mr. CLARK of Florida. But can not the chairman of the committee or somebody tell me the exact time that this church was used and how much was allowed-a month, a week, or a

day-for the use of it?

Mr. SIMS. Mr. Chairman, we report the court finding, whether it be a day or one year, of its value for the time it was occupied. It is not material how much it was, but the court found the value to the Government after an examination in court and a trial.

Mr. CLARK of Florida. But did not the court find, as a matter of fact, the length of time it was used?

Mr. SIMS. Possibly it did.

Mr. CLARK of Florida. The gentleman does not know that? The gentleman from Georgia [Mr. Lee] is on the Mr. SIMS. committee, and the Georgia cases, as a matter of courtesy to him and to the committee, were turned over to him, and I personally did not examine them.

Mr. CLARK of Florida. I am asking the chairman of the

committee; the gentleman from Georgia is indefinite.

Mr. SIMS. Oh, he is a member of the subcommittee that

had charge of it.

Mr. SPARKMAN. Mr. Chairman, I desire to ask the gentleman a question. Does the gentleman mean to intimate that it was because of the fact that the gentleman from Georgia was on the committee; does it require a Member to be on the committee in order to have these claims put in the bill?

Mr. SIMS. Not at all; but he was on the subcommittee, and the Georgia cases were given to him because he was supposed

to know more about it.

Mr. LEE of Georgia. We took up the matter and found it came within this rule.

Mr. CLARK of Florida. What were the findings of the Court of Claims?

As soon as we can have the findings secured the information will be given. We have already passed this para-

Mr. CLARK of Florida. No, we have not. I moved to strike out the last word of this paragraph; so we have not passed it.

Mr. SIMS. I will ask that we pass this paragraph by unanimous consent until the findings of the court can be found. They are all scattered around here.

Mr. CLARK of Florida. All right; I am willing to do that

in order to get the information.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. I would like to know from some member of the committee what rule the committee adopted in putting claims in this bill? I have heard so much of the rule and now I would like to know what that rule was?

Mr. SIMS. I have stated to the committee several times

the rule which was followed.

Mr. BOOHER. I have not heard it.

Mr. SIMS. We report Court of Claims findings only in the bill and those where loyalty was found, where the value of the property was found and the fact that it had not been paid— Mr. BOOHER. May I ask the chairman of the commit-

Mr. SIMS. And whether the property was taken and used by the Government of the United States and the value of the property to the Government.

Mr. BOOHER. Have all of that class of claims been included in this bill?

Mr. SIMS. Very likely not.
Mr. BOOHER. What good reason then is there for others of that class not going in the bill?

Mr. SIMS. I will state that we have not got any claims of that sort offered just now. We do not as a rule put on claims referred by the Senate.

Mr. BOOHER. Why?

SIMS. Because the Senate refers it and a Senator usually wants credit, I suppose, for doing so, but we put them in this bill where they were incorporated in the bill passed a year ago, or where a Member of the House requested it

Mr. BOOHER. Suppose a Senator has died or is out of the Senate before the claim is passed upon and is no longer a Member of the Senate and has no longer any connection with the claim? Can not a Member of the House from the district in which the claim originates present it to the committee if it is a just claim and have it included in the bill?

Mr. SIMS. Oh, well—— Mr. BOOHER. You have got several of that kind right in this bill.

Mr. SIMS. Let me state to the gentleman. When a claim is reported by the House and acted upon by the Court of Claims the Court of Claims certifies it back to the House. Senate refers a claim to the court it certifies it back to the Senate and we are not presumed to know anything about it.

Mr. BOOHER. But the committee can know. Mr. SIMS. But they are not sent to the House nor referred

to this committee at all.

Mr. BOOHER. I want to give the committee all the credit I possibly can, but it does not make any difference, it seems to me, whether the court sends its reports to the Senate or to the House; we have the right to have them acted upon by this committee.

Mr. SIMS. Each branch of Congress is supposed to transact

its business peculiarly within its own province.

Mr. BOOHER. If a Member brings a bill here before this committee that has been reported to the Senate, do I understand the chairman to say they reject and refuse to put it in

the bill simply because it is reported to the Senate?

Mr. SIMS. Certainly. We do not know anything about it unless some Member calls my attention to it, because it is not

sent to my committee at all.

Mr. BOOHER. If a Member calls your attention to it and you take it, you reject it, do you not?

Mr. SIMS. Not at all.

Mr. SIMS. Not at all. Mr. BOOHER. Have you not done that with cases in this

Mr. SIMS. No. Mr. BOOHER. I will show you before you get through that the committee have rejected just such claims.

Mr. SIMS. Show them now.

Mr. BOOHER. We have not got to the proper place in the bill yet. It seems to me the committee has taken certain claims and determined they would put those claims in this bill, and that none others would go in. I, like the gentleman from Florida, feel that I have not been fairly treated by the com-

Mr. SIMS. Has the gentleman presented any claims?

Mr. BOOHER. Yes, sir.
Mr. SIMS. Within the rule?
Mr. BOOHER. Within the rule. It was passed by the Court. of Claims, and the use of the property that was taken by military authority was properly certified. The clerk of the court writes me that the only reason that the claim has not been paid is because Congress has not appropriated the money.

Mr. SIMS. Did the gentleman bring that claim to the com-

Mr. BOOHER. Yes, sir; and I have a letter from the chairman of the committee sending the claim back, with the statement that I have it put in the bill in the Senate. right to have it put on in the House. If the Senate has the right to put it on, then the committee of the House has the right to do so.

Mr. SIMS. If it is the same kind of a claim as these, I am

perfectly willing to put it in.

Mr. BOOHER. If the Senate can put it in, why can not this committee do so? When we reach the proper place in the bill I shall offer an amendment to include the claim to which I refer in the bill. There is not a more just claim in the bill, and I can not understand why the committee refused to consider it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To Andrew L. Carter, of Sangamon County, \$48.16.

Mr. MANN. Mr. Chairman, I move to strike out the last I had supposed until within the last moment or two that the committee in reporting this bill had gone over both the House and the Senate findings, so called, and had included in this bill those findings both of the Senate and the House which they thought were proper to be paid and had excluded those which they thought ought not to be paid, and thereby would be familiar with the findings if the same items should be added as Senate amendments. I learn now from the statement of the gentleman from Tennessee [Mr. Sims] that apparently the House committee has not been over the findings of the Court of Claims resulting from references by the Senate, and apparently will not be prepared, if this bill should be in conference in the closing days of Congress, to examine the Senate findings or to pass upon them as to whether they ought to be paid or not, because it is not a thing that can be done quickly.

There are always many more findings coming to the Senate than there are to the House. And I beg to ask for information from the distinguished gentleman from Tennessee if he is able to inform the House what proportion of the Senate findings under the Bowman and Tucker Acts have been examined by his

Mr. SIMS. Mr. Chairman, all the Senate claims that were in the bill that passed the House in the Sixty-first Congress and are in this bill were examined. All the Senate findings that accompany any item in this bill from the Senate have been examined, but such Senate findings, if there are such, of which the committee has no knowledge, have not been examined, of course. I am of the opinion that we have a majority of those findings—the great bulk of them, in fact. But inasmuch as those findings are not sent to the House Committee on War Claims, I would not say, and could not say, that we have all of them. I want to say this, that so far as I am concerned, the findings sent to the Senate will be included. I think we have nearly all of them. I think everything from Virginia was referred by the Senate, as well as a number of other cases of that sort. I am not sure there are findings on Senate references that were never sent to the War Claims Committee or given to it by any Member. I could not be positive about that, because I do not

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To Joseph D. Wyatt, a resident of the National Military Home in the State of Indiana, \$102.80.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding the following as a new paragraph, after line 15, page 23: "To pay Josiah Stanley, a citizen of Cass, Sullivan County, Ind., \$1,246."

Mr. CULLOP. Mr. Chairman, this claim was originally introduced as a bill in Congress and was referred to the Court of Claims under the Bowman Act. The court, in passing on it, found the value of the various items, the aggregate of which is the amount of the amendment which I have offered-\$1,246. One thousand dollars of this was cash. Fifty dollars of it belonged to a soldier in the company of Capt. Stanley, and after Capt. Stanley had been captured, after his money and property had been taken from him, including this \$50 deposited with him, after the war was over and he out of prison, he repaid the soldier the \$50.

Now, the court says in its findings, after the statement of the court that he was a citizen of the United States, residing at Cass, Sullivan County, Ind., and has always borne allegiance to the United States:

I. The claimant was, as alleged, second lieutenant and captain in the United States Army. In February, 1865, while on a foraging expedition in the State of South Carolina, he and 15 other United States soldiers were captured by a Confederate force, and after being captured there were taken from the claimant by the Confederates the above items of property and money enumerated in his petition. He remained in captivity until the close of the war, when he was discharged.

It does not appear that he has received any compensation from any source for any of the property or money taken from him, as alleged in his petition. During the time of his captivity he was kept as a prisoner of war in Libby Prison and discharged as aforesaid.

The articles claimed to have been lost by the soldier were

ELICOC .	
1 horse, of the value of	\$100
1 saddle and bridle, of the value of	15
1 sword, of the value of	- 20
1 watch, of the value of	
1 revolver, of the value of	
1 hat, of the value of	6
1 coat, of the value of	
1 vest, of the value of	0
1 pair pants, of the value of1 pair boots, of the value of	5
Greenback currency	1 000
Greenback currency	1, 000
	Contract Contract

Now, this claimant has lost \$1,246. He lost this money while in the service of the Government. It was taken from him, \$1,000 of it, as I have said, in money. There is no reason, it seems to me, why payment should longer be withheld from him. He is a very old man now and is in impoverished circumstances. He has nothing upon which to live, and he is unable to work.

I submit that this amendment ought to be adopted and that the money and the value of the property which this man actually lost should be refunded to him, although he has been

deprived of it ever since 1865.

Mr. SIMS. Mr. Chairman, the finding of the court shows that this property was taken from the claimant by Confederate soldiers. I will ask the gentleman from Indiana if my under-standing as to that is correct?

Mr. CULLOP. That is correct.
Mr. SIMS. As a matter of course, Mr. Chairman, it is unheard of to pay what soldiers lost when they were captured. If the money was taken from this claimant by Confederate soldiers, of course the United States Government is not liable for it.

Mr. CULLOP. Mr. Chairman, just one word before we have a vote. I submit that that in itself is the very best reason why the claim should be paid; that if property is taken from a man while engaged in the defense of the Government, while serving the Government under its orders and direction, if he sustains loss, that is the best reason why he should be reimbursed. submit the amendment should be adopted. [Cries of "Vote!"

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Cullor].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To Johannah H. Houps, widow of Michael Houps, deceased, of Dubuque County, \$442.74.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I have watched the course of the proceedings here this afternoon with a great deal of interest. I have seen what appeared to be perfectly proper claims rejected. I have seen-wonder of wonders-an attempt to carry some money from the Public Treasury to the State of Indiana defeated. [Laughter.] I have come to believe that this is not a good day on which to present amendments covering perfectly just claims for the consideration of this committee. one amendment which I intended to offer and which I shall offer if opportunity arises—an amendment embodying a claim which is so good that I thought it would appeal to everybody and be immediately inserted without a word of protest.

But the rule of reason appears not to apply to the insertion of these items in the bill; and I wondered how the bill had been constructed until I heard the beautiful and poetical oration of the Representative from east Tennessee [Mr. Austin] a few moments ago. You will remember how he first flattered the gentleman from Florida [Mr. Clark] by referring to the golden fruit that comes from that State, a fruit whose equal in flavor, size, and appearance it is difficult, if not impossible, to find; how he told us that the mocking birds sing always and the sun never ceases to shine upon the orange groves in Florida, and closed his beautiful oration by pronouncing a eulogy on the chairman of the committee, the gentleman from west Tennessee [Mr. Sims], whom he nominated for Congress for life and promised him the sympathetic support of Democratic east Tennessee.

I could not understand it, Mr. Chairman, until I remembered the voracious appetite of my friend from east Tennessee, and counted the items in this bill, and found that that Commonwealth had 192 items as against 4 for another Commonwealth several times larger. I then came to believe that the eulogy pronounced on my friend Mr. Sims, that beautiful picture of his usefulness to the country, that forecast of the disasters that would come if he ceased to be at the head of this committee, were all due to the fact that of these 192 claims which go to the State of Tennessee a large percentage at least must go into the district of the gentleman from east Tennessee [Mr. AUSTIN]. [Laughter.]

I hope that the gentleman will not persist in his efforts to pass this bill this afternoon or to go through all those items. hope that this congregation of misers, who are unwilling to pay to the citizens of this country sums justly due them, will be recruited by more generous-minded and fair-minded Members of the House, who will come in here and make some effort to pay just debts due by the Government.

Mr. MANN. Put it off until next winter.

Mr. SLAYDEN. No, Mr. Chairman, we will then have all preparations made for the inauguration of an absolutely economical administration in all of its branches, and I am afraid that we will never get another claims bill through. I want to do it while at least two-thirds of the Government is in the hands of people who are indifferent to expense. [Laughter.]

Mr. SIMS. Mr. Chairman, we passed an item to get the find-ing in the case of St. Phillip's Church, of Atlanta, Ga. I have got them now, and I will read them, so that the gentleman

from Florida will know what they are.

Mr. CLARK of Florida. I want to hear them. Mr. KINDRED. Mr. Chairman, I believe I have the floor. Mr. SIMS. I did not know the Chair had recognized the

gentleman.

Mr. KINDRED. Mr. Chairman, in no spirit of delay, but for my information, in order that I may intelligently vote on this important measure, I desire to ask the chairman of the committee, in good faith, what distinction he makes as a lawyer between the cases presented by the gentleman from Florida [Mr. Clark] and the gentleman from Georgia [Mr. Tribble], which cases the committee has seen fit, probably for just reasons, to reject, although those cases were passed upon favorably by the Court of Claims, and the cases which have been reported favorably by the committee under similar circumstances? I confess that I have not been able to follow the legal intricacies of the matter.

Mr. SIMS. In the Florida case the claim is for the destruction of a church by fire, and the policy of Congress has not been, and it is not the law, to pay for property destroyed by fire or otherwise. In the case presented by Mr. TRIBBLE, of Georgia, the finding of the court was that the loyalty of the

claimant was not to the satisfaction of the court.

Mr. KINDRED. Will the gentleman pardon me, that I may get at the facts; is it clear that in the case presented by the gentleman from Georgia [Mr. TRIBBLE] the claim was not sus-

tained by the court?

Mr. SIMS. We are not substituting our judgment for that of the court. We are not sitting here as a court of review; we do not go into the evidence that the court had. This bill is to pay the amount determined by the court, where loyalty is found and where the property was taken, the value of which has not

Mr. BYRNES of South Carolina. The court in the Tribble case decided that the claimant was not a loyal citizen.

Mr. CULLOP. V Will the gentleman yield?

Mr. CULLOP. Does the gentleman mean to say that the policy of the committee is simply to pay for the use of property which has been depreciated in value and not paid for and does not pay for property that has been wholly destroyed?

Mr. SIMS, The committee has no policy about it, it is an

absolute law.

Mr. CULLOP. The gentleman says the law provides that the Government will not pay for property wholly destroyed or

Mr. SIMS. Let me read the law to the gentleman, if he did not hear it when I read it before. I will read the decision of the Supreme Court of the United States. It begins on page 7 of the report:

of the report:

The invariable rule which has governed the court in this class of cases—that is, of cases for war damages—is this:

The court allows only for property taken to be used and only for the value to the Government of the thing taken. That is to say, the court has never allowed for property taken to be destroyed or for the damages which the owner suffered by reason of the taking. Where houses were torn down and trees felled for military reasons nothing has been allowed. Where fruit trees and shade trees and fences were taken for fuel the owner has been allowed only for so much cordwood. Where a building was torn down and the material used the allowance has been for so much old brick and secondhand lumber.

Mr. CULLOP. That does not say that there is no law against it; that has only been the policy of the court. Congress has a right to make law.

Mr. SIMS. This is the law, and from a decision of the

Supreme Court of the United States.

Mr. CULLOP. It has been the policy of the court in the past on these claims. But the court is not the law-making power of the Government. Congress is the law-making power, and Congress has the right to provide for the payment of any claim that it sees fit, because it has that power under the Constitution.

Mr. SIMS. The Bowman Act, under which these claims go to the court, provides on its face that they shall not pay for the destruction of property. That is an act of Congress and is

law until it is repealed.

Mr. CULLOP. I do not understand that it provides that Congress can not pay for the destruction or consumption of property. It has not been the policy of the committee to so do. illustration the case presented by the gentleman from Florida [Mr. Clark], where the property had been totally destroyed, and yet you say by law that they can not come in and recover for their property that had been used and totally destroyed.

Mr. CLARK of Florida. Will the gentleman permit me a

moment on that point?

Mr. MANN. Mr. Chairman, I make the point of order that all debate on this amendment has expired.

The CHAIRMAN. The point of order is sustained. The proforma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

To Abram Treadwell, of Clayton County, \$450.40.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out

Mr. MANN. I make the point of order that there is no

quorum present.

Mr. SIMS. Mr. Chairman, in view of the fact that the law of these cases seems to be so little understood, I ask unanimous consent to print in the RECORD the report of the committee.

Mr. CLARK of Florida. Mr. Chairman, I can not be taken

off my feet that way.

Mr. MANN. I took the gentleman off his feet.

Mr. CLARK of Florida. But the gentleman can not do it while I am on the floor. The Chair had recognized me and I while I am on the hoof. The chair had recognized he and I had offered an amendment. I do not believe that any Member can take me off my feet in that way.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Florida can not speak, nor can anything else be

done after the point of no quorum is made until that point is

determined.

Mr. CLARK of Florida. But can the point be made when I am on the floor addressing the committee?

Mr. MANN. That is the way the point is usually made. Mr. CLARK of Florida. But the gentleman could not be recognized to make that point.

The CHAIRMAN. The gentleman from Illinois was recognized and he made the point that there was no quorum.

Mr. CLARK of Florida. Mr. Chairman, a parliamentary

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. Mr. Chairman, I had risen and had addressed the Chair and offered an amendment, and was proceeding to discuss it. The parliamentary inquiry is, How any other man when I am on the floor, and I had not yielded it, get the attention of the Chair to make the point of no quorum, or to make any other point or motion?

Mr. MANN. Mr. Chairman, in deference to the parliamen-

tary school advocated by the gentleman, I withdraw the point

[Laughter.] of order.

Mr. CLARK of Florida. Mr. Chairman, I yield my five min-

utes to the gentleman from Indiana [Mr. CULLOP].

Mr. BARTLETT. Mr. Chairman, I make the point of order that a Member can not secure the floor under the five-minute rule and then yield his time to another Member.

The CHAIRMAN. The point of order is sustained.

Mr. CULLOP. Mr. Chairman, I move to strike out the last

Mr. Chairman, I move that the committee do now Mr. SIMS. rise, and I ask unanimous consent to print the report of the committee in the RECORD.

Mr. CULLOP. Mr. Chairman, I thought I had the floor and

had been recognized by the Chair.

The CHAIRMAN. The question before the committee is on the motion of the gentleman from Tennessee, that the committee do now rise.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Tennessee that he incorporate within his motion that the committee report the bill H. R. 8853, which was laid aside with a favorable recommendation.

Mr. SIMS. Mr. Chairman, I incorporate that within my motion.

The report of the committee is as follows:

[House Report No. 288, Sixty-second Congress, second session.]

PAYMENT OF CLAIMS IN ACCORDANCE WITH FINDINGS OF COURT OF CLAIMS REPORTED UNDER BOWMAN AND TUCKER ACTS.

The Committee on War Claims, to whom was referred the bill (H. R. 1915) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, submit the following report:

This bill, as indicated by the title thereof, has for its purpose the making of an appropriation necessary to pay various claims which have been referred by preceding Congresses to the Court of Claims under the provisions of the Bowman Act and the Tucker Act, which have been tried by the Court of Claims and reported back to Congress for final action. These acts are hereinafter set forth.

Owing to the fact that it has been nearly seven years since provision was made to honor these findings of the Court of Claims, the amount carried by this bill is \$1,551,583.56, covering 1,057 claims. Proper legislative regard for the decisions of the Court of Claims would dictate the making of necessary appropriation for payment of such findings at least once in each Congress; but that has not been done, and the result is the present Congress is confronted by a large number of adjudicated claims, some of which have been awaiting appropriation for about seven years past.

Most of the claims included in this bill have already received the anglusted of the claims included in this bill have already received the angluster of the claims included in this bill have already received the angluster of the claims to the claims and the received the angluster of the claims to the claims and the received the sum of the claims to the claims and the received the sum of the claims to the claims are constituted to the claims to the claims are constituted to the claims to the claims are constituted to the claims to the claims to the claims are constituted to the claims to the claims are constituted to the claims to t

cated claims, some of which have been awaiting appropriation for accuseven years past.

Most of the claims included in this bill have already received the approval of both Houses of Congress, in Senate bill No. 7971, Sixty-first Congress, which passed the Senate on December 20, 1910, and in H. R. 32767. Sixty-first Congress, which passed the House on the legislative day of February 17, 1911. So far as war claims were concerned, said bills were practically identical, but neither of them received the approval of both Houses of Congress.

PREVIOUS APPROPRIATIONS UNDER THE BOWMAN AND TUCKER ACTS. The first general appropriation for payment of findings of the Court of Claims under these acts was made in the Fifty-first Congress. Prior

to that time various individual appropriations had been made for payment of Bowman Act findings, aggregating \$128,158.73.

The total of appropriations heretofore made to pay claims allowed under these acts is as follows:

207)
Fifty-eighth Congress (act Feb. 24, 1906; 33 Stat., 743) 1, 197, 272, 60
Sixtleth Congress (individual act) 3, 390, 00

Total 4, 069, 723. 52

The claims covered by this bill may be divided, generally, into three different classes, as follows:

(1) Claims of officers and soldiers of the Union Army for the difference between the pay received by them and that which they should have received, arising, in most instances, from failure of the Government to pay them for the period between date of reporting for duty and date of actual formal muster in, amounting to \$59,576.93.

(2) Claims of churches, Masonic and Odd Fellows lodges, schools, hospitals, and a few municipal corporations (not at seat of war), for use and occupation of their buildings, with incidental damages thereto, and also, in some instances, for materials taken from buildings and used for military purposes, such as construction of quarters, etc., amounting to \$456,386.21.

(3) Claims of individuals for Army stores and supplies found by the Court of Claims to have been taken under proper authority for Army use, amounting to \$1,035,560.42.

ANALYSIS OF BILL BY STATES AND BY CLASSES OF CLAIMS.

ANALYSIS OF BILL BY STATES AND BY CLASSES OF CLAIMS.

While it is needless to say that the committee in the preparation of this bill has been guided solely by the merits of each claim, as set forth in the findings of the Court of Claims, without regard to the particular class to which it belongs or to the geographical point at which the claim arose or in which the claimants reside, it is thought proper to inform the House just how the appropriations are distributed, both by classes of claims and according to States, and below will be found a table giving this information.

Table showing amounts carried for each class of claims, amount for each State, and number of claims of each class.

States.	Officers and soldiers.		Churches, lodges, colleges, etc. ¹		Individual claims, stores, and supplies.		Total amount and num- ber of claims for each State.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
1. Alabama 2. Arkansas 3. California	5	\$1,842.69	17 9	\$26, 524. 00 10, 515. 00	41 32 1	\$48, 964, 34 57, 412, 67 480, 00	58 41 6	\$75, 488. 3 70, 923. 1 2, 322. 0
4. Colorado. 5. Connecticut.	3	825. 60 412. 19			1	675.00	5 3	1,500.6 412.1
6. District of Columbia	. 8	7,777.51			2 3	3, 675. 00. 5, 686. 21	10	11,452.51 5,686.21
8. Georgia. 9. Illinois. 10. Indiana. 11. Iowa.	17 19 13	6,047.90 4,712.35 3,569.54	9	5, 225. 00	27 3 1	27,757.00 5,682.00 1,200.00	36 20 20 13	32, 982, 00 11, 729, 90 5, 912, 30 3, 569, 50
2. Kansas 3. Kentueky 4. Louisiana	10 6	2,972.61 3,995.60	42 2	32,775.00 21,700.00	51 58	43, 812, 55 258, 021, 32	12 99 60	2,972.6 80,583.1 279,721.3
5. Maine 16. Maryland 17. Massachusetts	3 5	1,074.26 7,264.03	15	9,600.25	29	28, 187. 25	3 44 5	1,074.2 37,787.5 7,264.0
8. Michigan 9. Minnesota	13	2,870.03 756.10					13	2, 870. 0 756. 1
0. Mississippi. 1. Missouri. 2. Montana.		53, 23	18	4,763.00 38,490.75	50 42	90, 559, 90 56, 516, 54	54 60	95, 322. 9 95, 007. 2 53. 2
3. Nebraska. 4. New Hampshire	1	554. 07 40. 33					2	554. 0 40. 3
5. New Jersey S. New Mexico F. New York	1 1 11	427. 03 632. 18 5, 372. 92			2	2,525.00 10,520,66	2 3 12	427. 0 3, 157. 1 15, 893. 5
8. North Carolina	<u>1</u>	260. 35	6	5,586.00	14	13, 127. 00	20	18, 713. 0 260. 3
0. Ohio. 1. Oklahoma 2. Oregon	8 2 1 7	3,140.21 626.48 417.31	1	175.00			9 2 1	3, 315. 2 626. 4 417. 3
3. Pennsylvania. 4. Rhode Island	7	1,968.81 701.26	3	590. 00	2	2,891.00	12	5,449.8 701.2
5. South Carolina. 6. South Dakota. 7. Tennessee	1	391.31	59	15, 643. 33 138, 626. 88	130	3,005.00	11 1 159	19, 798. 3 391. 3 395, 137. 9
8. Texas 9. Vermont	1	124.06			3	3, 190. 00	3 1	3, 190. 0 124. 0
0. Virginia 1. Washington 2. West Virginia	····i	115. 41	116	115, 236. 00 30, 936. 00	43	100, 949, 39	159 1 56	216, 185. 3 115. 4
2. West virginia 3. Wisconsin.	3	661. 56		30,930.00	4	14, 211, 50	3	45,607.50 661.50
	154	59, 576. 93	341	456, 386. 21	563	1,035,560.42	1,058	1,566,311.06

Under the head of "Churches, lodges, colleges, etc.," are included a few claims of municipal corporations not at seat of war, such as cities and counties.

Referring to the above table, it may be remarked that it is almost self-evident that the actual distribution will be even wider than indicated, owing to the fact that many of the claims, while formerly presented in the names of administrators in the States wherein the decedents formerly lived, are actually prosecuted in the Interest of numerous heirs, who are now scattered over the entire United States. In one instance brought to the attention of the committee one-half of a claim listed as an Alabama claim will be actually paid to a resident of New York City. In another case the beneficiaries of a Virginia claim reside in the State of Washington. The table, however, is prepared from the findings of the Court of Claims.

Every claim included in this bill has been made the subject of favorable findings at the hands of the Court of Claims under either the Bowman Act or the Tucker Act, so that the facts of each case have been judicially determined.

These claims were referred to the Court of Claims either by resolu-tion of one of the Houses of Congress, under the terms of section 14 of the Tucker Act, or by your committee, under the terms of the Bowman

the Tucker Act, or by your committee, under the terms of Act.

After such reference the claimants have proceeded to establish the facts of their claims under the rules prescribed by the Court of Claims by adducing testimony of witnesses, as well as record proofs when pertinent. In some instances the taking of the property for which claim was made was established by production of original receipts given by Federal officers.

In connection with proceedings before the Court of Claims, concerning which there seems to have been at times some doubt and misunderstanding, it may be stated that the proof of a claim before that court is no mere formality. All witnesses are examined in the presence of counsel representing the Government, familiar with this

practice, and each witness is subjected to the test of cross-examination. In cases of considerable size separate investigations are also conducted by counsel for the Government, and if this field investigation discloses any facts adverse to the claim testimony is taken on behalf of the Government, also subject to cross-examination by counsel for the claimant. Owing to the fact that witnesses to material facts have become widely scattered, it not infrequently occurs that testimony is taken in several different places, and sometimes in several different States, the attendance of counsel for both the United States and the claimant being a necessary incident to the taking of depositions.

In short, the proceedings under the rules of the Court of Claims are practically such as are taken in ordinary courts, with both sides represented by counsel, the principal difference between the trial of such cases in the Court of Claims and the trial in ordinary civil courts being that the Court of Claims does not permit counsel representing the United States to admit any material fact, but in every instance holds the claimant to strict proof of all the basic facts of his case.

One fact the committee desires to emphasize, and that is, that this bill does not include by any means all of the claims which have been tried by the Court of Claims under the Bowman and Tucker Acts. Many such claims, in fact the great majority of them, have been made the subject of adverse findings which has caused them to be eliminated from consideration in connection with the preparation of this bill.

The reports of the Assistant Attorney General in charge of the defense of cases in the Court of Claims show that since the enact-

Many such claims, in fact the great majority of them, have been made the subject of adverse findings which has caused them to be eliminated from consideration in connection with the preparation of this bill.

The reports of the Assistant Attorney General in charge of the defense of cases in the Court of Claims show that since the enactment of the Bowman Act on March 3, 1883, and of the Tucker Act on March 3, 1887, practically two claims out of every three that have been referred to that court under these acts have been either dismissed or made the subject of adverse findings, and it further appears that even when allowances have been made by the Court of Claims the claims have been so scaled down or reduced by the court that the total of favorable findings during the long period mentioned, of about 28 years, has been only about 8 per cent of the total amounts claimed in all the cases referred.

It is thought by your committee that even this small percentage includes some claims wherein findings have been made favorable on property, but adverse on loyalty, and which under existing practice will therefore not be p. id.

In the natural court, of events, the proportion or percentage of favorable findings in war claims must be less in the cases still pending than in those already tried, owing to lapse of time and the impossibility of adducing the amount and character of proof demanded by the Court of Claims.

The records of your committee also show a decided diminution in the number of new claims presented for reference to the Court of Claims which have been made the subject of consideration by the committee in the perparation of this bill have been omitted from the bill by reason of the unusual facts or questions of law involved, even though the committee has been inclined to recommend payment. It was deemed advisable, however, to have such claims presented separately, by individual bills, in order that the House might any reasonable difference of opinion.

More detailed explanation of the various classes of claims

CLAIMS OF OFFICERS AND SOLDIERS OF THE UNION ARMY.

It would appear to have been a general rule of the War Department, doubtless proper in its ordinary application, to deny to an officer of the Volunteer forces pay of any rank in which he had not been formally mustered. In short, the muster rolls were made the sole criterion by which to determine whether or not the officer was entitled to the pay and allowances of a certain rank; if the rolls showed him to have been mustered in as of a certain rank, he was held entitled to that pay and those allowances appurtenant to that rank; otherwise not.

It was found, however, that often this rule worked a great hardship, in that officers were duly commissioned by the governors of their States and that they actually performed the duties and functions of the rank to which they had been commissioned, notwithstanding the fact that they had not been mustered in as of that rank.

In recognition of this hardship, Congress passed the joint resolution which was approved July 26, 1866 (14 Stat. L., p. 368), reading as follows:

Joint resolution for the relief of certain officers of the Army.

Joint resolution for the relief of certain officers of the Army,

Joint resolution for the relief of certain officers of the Army.

Be it resolved, etc., That in every case in which a commissioned officer actually entered on duty as such commissioned officer, but by reason of being killed in battle, capture by the enemy, or other cause beyond his control, and without fault or neglect of his own, was not mustered within a period of not less than 30 days, the Pay Department shall allow to such officer full pay and emoluments of his rank from the date on which such officer actually entered on such duty as aforesaid, deducting from the amount paid in accordance with this resolution all pay actually received by such officer for such period.

SEC. 2. And be it further resolved, That the heirs or legal representatives of any officer whose muster into service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer or the pension provided by law for the grade into which such officer is mustered under the provisions of the first section of this resolution.

Approved, July 26, 1866.

Approved, July 26, 1866.
Later legislation upon this subject is that of the act approved February 24, 1897 (29 Stat. L., p. 593), reading as follows:

An act to provide for the relief of certain officers and enlisted men of the volunteer forces.

the volunteer forces.

Be it enacted, etc., That any person who was duly appointed or commissioned to be an officer of the volunteer service during the War of the Rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: Provided, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number

required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: Provided further, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: Provided further, That this act shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: And provided further, That the pay and allowances actually received for the period covered by the recognition extended under this act shall be deducted from the sums otherwise to be paid thereunder.

Sec. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

Sec. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed.

Sec. 4. That all acts and parts of acts inconsistent wi

leutenant."

In that case the court also used the following language:

"The court is not unmindful of the learned argument addressed to it by the Assistant Attorney General, but it is also remembered that this suit affects not the claimant alone, but a class of citizens who deserve well of their country and who their country desires should receive the full measure of legal justice to which they may be entitled. For them there is no appeal to the Supreme Court; for the defendants there is. If this suit be decided adversely to the claimant by this court, the decision will be final against all of these soldiers. They are men who rose from the ranks by hard fighting and good conduct, earning their commissions before they got them and working for them after they came; and it seems a strange anomaly that six years after the war ended such men should be driven to seek the fruits of their promotion in a court of justice."

On appeal to the Supreme Court of the United States the decision of the Court of Claims was affirmed in favor of the claimant. (See U. S. v. Henry, 17 Wall., 405.)

INCOME TAX DEDUCTED FROM PAY OF OFFICERS.

INCOME TAX DEDUCTED FROM PAY OF OFFICERS.

The Comptroller of the Treasury rendered a decision on the income tax erroneously deducted from pay of officers, to wit:

"Where a right to pay and allowances accrued prior to August 1, 1870, the income tax authorized by laws enacted prior to that date is a proper stoppage against such pay and allowances, but where the right to collect pay and allowances for services rendered prior to August 1, 1870, did not exist until created by a law enacted after July 31, 1870, no part of the pay and allowances is taxable." (Decisions of the Comptroller of the Treasury, vol. 13, p. 387, Dec. 7, 1906; see also 39 C. Cls. R., case of Wellington Barry.)

CLAIMS OF CHURCHES, MASONIC AND ODD FELLOWS' LODGES, SCHOOLS, COLLEGES, HOSFITALS, AND MUNICIPAL CORPORATIONS NOT AT SEAT OF WAR.

COLLEGES, HOSPITALS, AND MUNICIPAL CORPORATIONS NOT AT SEAT OF WAR.

The greater number of these claims, which aggregate the sum of \$429,936.21, are for use and occupation of buildings, by proper military authority, for Army purposes, usually for use as hospitals.

These claims were referred to the Court of Claims under the terms of the Tucker Act, the exact provisions of which will be hereinafter stated. Where the claim is for use and occupation of buildings it usually includes the item of incidental damages, it being the obvious duty of the Government to leave the buildings in as good condition as they were in when taken into the possession of the military forces.

Others of the claims of this general class are for the demolition of the buildings, the materials from which were used in the construction of quarters, or, in case of brick buildings, for building chinneys and bake ovens in camps, etc. In these cases, following its uniform practice, the Court of Claims has found the value of the buildings as they stood at the time they were torn down.

In this regard the practice in claims of religious, educational, and eleemosynary institutions is different from that in the claims of individuals. If the house belonging to an individual be torn down and the materials converted to proper military use, the Court of Claims would require that it be shown how many feet of lumber or how many thousand bricks were secured from the building, and it would then make an allowance for so many thousand feet of second-hand lumber or for so many thousand second-hand bricks. Under this rule it might well happen that for a building worth \$5,000, when torn down, the allowance made by the court would be only a few hundred dollars.

This rule (and the distinction between claims of these institutions and those of private persons) is stated by the Court of Claims in its decision in case of the Presbyterian Church at Murfreesboro (33 C. Cls., 339). The opinion in that case reads as follows:

"The invariable rule which has governed the cou

court has never allowed for property taken to be destroyed or for the damages which the owner suffered by reason of the taking. Where houses were come down and trees felled for military as one nothing has been allowed. Where fruit trees and fences were taken for fuel the owner has been allowed only for so much cordwood. Where a building was torn down and the material used the allowance has been for so much old brick and second-hand lumber. Where a blooded stallion was taken for Army use the allowance has been simply for a Cavalry horse. Where an imported cow was killed and eaten by the troops the allowance has been only for so much beef. Where the property taken was of a kind which could not properly be regarded as quartermaster or commissary stores, or as hospital supplies, or engineers' material the taking has been allowed. In a word, the general principle which governs the court is that the amounts allowed are to be only to the extent of the court of the court of the court and the property taken was of a kind which could not properly be regarded as quartermaster or commissary stores, or as hospital supplies, or engineers' material the taking has been allowed. In a word, the general principle which governs the court is that the amounts allowed are to be only to the extent of the court of the property which the owner suffered.

"The present case, in finding the value of the building, may seem a departure from the rule which has hitherto governed the court—the first and only exception out of the hundreds of cases of war claims which have been tried and disposed of in the course of the last 15 years. The reason for this departure from a well-settled rule is this:

"The proceeding in cases coming into this court under the Bowman Act is not to obtain a judgment fixing with finality the legal rights and inbitities of the parties, but simply a proceeding to procure for Congress such facts as will be available and useful when the question of legislative relief shall come before the two Hunses.

"In the proceeding in

ORDINARY INDIVIDUAL CLAIMS FOR STORES AND SUPPLIES.

ordinary individual claims for stores and supplies.

Ordinary individual claims for stores and supplies.

Claims of this class are shown by the petitions forming a part of the statements of each case as certified by the Court of Claims to usually embrace such items as horses, mules, cattle, hogs, corn, meat, fodder, fencing used and considered as cordwood, and, in some instances, use and occupation of real estate at regular military posts, sometimes for considerable periods.

In this class of cases, covered by this bill, the Court of Claims has found the person from whom the property was taken in each case to have been continuously loyal throughout the Civil War, and that the property was taken by proper authority, for use of the Army, or, in claims for rent, that the reasonable rental value of premises occupied during the period of occupancy, with the damages incident to the occupation, amounts to a certain sum.

As set forth in the decision of the Court of Claims in the case of Presbyterian Church at Murfreesboro, no allowance is made for depredations, such as the taking of poultry, money, jewelry, etc.

The jurisdiction of the Southern Claims Commission, to which more extended reference will be hereinafter made, was a narrow one as prescribed by statute and was rendered still more so by the rulings of the commission.

That commission had no jurisdiction of a claim for rent; it held that a corporation was not a citizen and therefore that it could not prosecute a claim before the commission, as it had authority to inquire into the claims of those who during the war were aliens could not be presented to that commission, as it had authority to inquire into the claims of only persons who were citizens of insurrectionary States, and who were found loyal.

It was held by that commission that a claim presented by one who had passed through bankruptcy must be rejected.

On the subject of loyalty, it held that not only must loyalty be proven of the person from whom the property was taken, but, in event of his death, o

"First. Was the person from whom the property was taken, i. e., the owner of the property, loyal to the United States Government throughout the Civil War?
"Second. Was the property for which claim is made appropriated, by proper authority, to the use of the Army, and what was its value to the Government?"

In the cases embraced in this bill, the first question has been answered in the affirmative by the Court of Claims, and it has further found the property to have been taken by proper authority, for use of the Army, and has reported its value to the Government, according to the then current prices being paid by the quartermaster and commissary departments of the Government.

LACHES.

This is a question occurring only in cases referred to the Court of Claims under the Tucker Act. No case can be referred to the court under the Bowman Act which has become barred by nonrepresentation. In its actual application to war claims this means, in effect, that if a claim was properly presented to the Quartermaster General or to the Southern Claims Commission, and was rejected, it might be referred to the court for further judicial inquiry and the submission of additional evidence

Later the rule was amended by the commission so as to apply only in claims for \$5,000 or more. The hardship of even the amended rule was evidently recognized by Congress, and by act of May 11, 1872 (17 Stat. L., 97), it was provided that testimony must be submitted before the commissioners in person only in claims of \$10,000 or more.

It would seem from an examination of the index of claims filed before that commission that many claimants were unable to comply even with this requirement, as many claims for more than \$10,000 were reported as barred for nonprosecution.

While it would appear that in providing for the establishing of this

this requirement, as many claims for more than \$10,000 were reported as barred for nonprosecution.

While it would appear that in providing for the establishing of this commission Congress intended that claimants should be given opportunity to secure a fair hearing of their claims, the reports made by the commission show that proceedings before the commission were characterized by anything but fairness.

Special agents were appointed by the commission, who made investigation of claims after the claimants had adduced their evidence. This investigation was purely ex parte and secret. The reports of the commission show that even when a claimant desired to be present, either in person or by his counsel, at the examination of witnesses called by the special agent for the Government, this privilege was denied. In many instances claims are shown to have been rejected solely upon ex parte affidavits thus taken by special agents, and in some instances statements were submitted in opposition to the claim, which statements were not even verified.

It is small wonder that people in general had but slight confidence in the good faith and fair intention of a tribunal which adopted such star-chamber methods of procedure.

Finally, only 10 months after the enactment of the statute which permitted the taking of testimony locally in claims for less than \$10,000. Congress enacted the act approved March 3, 1873 (17 Stat. L., 577), which provided:

"That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the 3d day of March, 1873."

From the very terms of the statute, taken in connection with the date of its approval, it will be seen that it went into effect on the very day it was approved. In other words, the right of citizens to file their claims before that commission was abrogated without a day's notice.

Careful examination of the act establishing the claims commission shows that it contained no provision limiting the time within which claims might be filed before the commission, and no time limit for presentation of claims to the commission was ever fixed until the passage of the act of March 3, 1873, which cut off the right to file such

careful examination of the act establishing the claims commission shows that it contained no provision limiting the time within which claims might be filed before the commission, and no time limit for presentation of claims to the commission was ever fixed until the passage of the control of the right to file such that the commission was ever fixed until the passage of the control of the right to file such that the commission was ever fixed until the passage of the control of the right to file claims before said commission, acted without a proper and fair regard for the rights of cliziens, who had no reason to express the right to file claims before said commission, acted without a proper and fair regard for the rights of cliziens, who had no reason to express the claims before said commission should not be deemed an evidence of negligence or laches on their part, but such claimants should research the claims before said commission should not be deemed an evidence of negligence or laches on their part, but such claimants should research the claims to said commission was terminated without warning to them."

With the view expressed in that passage the present many the claims to said commission was terminated without warning to them."

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With the view expressed in the present passage to the said commission of the present passage to the control of the control of the control of the control of claims:

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"From the legislative history of the United States it must be appressed by the control of the control of

of section 14 of the Tucker Act and of the substituted section 151 of the codification, and so clear was the demand for the elimination of that provision that the two Houses of Congress agreed to an extraordinary manner of elimination by the adoption of a concurrent resolution to that effect, directing that the provision be stricken from the bill before final enrollment.

That action, taken by both Houses, would seem susceptible of no construction other than that of an express approval of what has been said by this committee, to the effect that when a claim has been found by the Court of Claims to possess merit, and it is a case of a class in which no real, complete, adequate, and legal remedy had been afforded, then no laches is imputable, but the claim should be paid regardless of delay in its presentation.

With relation to this matter of delay or laches, it is further the view of your committee that if a line is to be drawn against any claims by reason of delay in their presentation, and the drawing of which line would preclude their payment, then, as a matter of plain justice to the claimants, it should be drawn when the claim is presented to Congress, so that the claimant in such case could be apprised at the outset that his claim is not such a one as will receive favorable consideration.

When the claim has been entertained by Congress, however, and has been referred to the Court of Claims; when the claimant has secured services of counsel; has adduced his evidence in support of his claim, and has brought his case to trial before the Court of Claims; and when that court has actually heard the arguments and has tried the case, and has reported that the claimant remained loyal throughout the Civil War, and that property of a certain value was taken from him for the use of the United States; when all these steps have been heretofore paid by Congress, as constituting at least an equitable demand upon the United States; when all these steps have been taken, it is the judgment of your committee that it is then

THE BOWMAN ACT.

[22 Stat. L., p. 485.]

An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government.

An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government.

Be it enacted, etc., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the executive departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers; proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operation of said forces during the said war at the seat of war, nor shall the said court have jurisdiction of any claim against the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States

THE TUCKER ACT.

THE TUCKER ACT.

[24 Stat. L., p. 505.]

An act to provide for the bringing of suits against the Government of the United States.

(This is an act providing for the prosecution of general jurisdiction cases, except section 14, which relates to congressional cases, and is as follows:)

SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 8, 1883,

entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

Approved March 3, 1887.

REPEAL OF BOWMAN ACT AND AMENDMENT OF TUCKER ACT BY THE JUDICIAL CODE.

On March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary," was approved. (Public act No. 475, 61st Cong.,

lating to the judiciary, was appeared as a second and provision of the Revised Statutes and acts and parts of acts are hereby repealed:

"SEC. 297. The following sections of the Revised Statutes and acts and parts of acts are hereby repealed:

"An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government, approved March 3, 1883."

The provision quoted repeals absolutely the entire Bowman Act, under which many claims have been heretofore referred to the Court of Claims by order of the Committee on War Claims and of the Committee on Claims. That act presented a method of referring claims to the Court of Claims, provided the claims were not "barred" by any statute of the United States, which relieved the Houses of Congress of the necessity of formal action by the adoption of resolutions of reference, and its repeal is regretted by this committee.

This repeal leaves only one method for the reference of claims by Congress to the Court of Claims, which is provided by section 151 of said act of March 3, 1911, which reads as follows:

"SEC. 151. Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be calimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, o

said court."

The above-quoted provision in effect is a substitute for section 14 of the Tucker Act, under which claims have been referred to the Court of Claims since 1887. It means that each claim presented to Congress must be made the subject of an individual bill for relief of the claimant, and that such bill must be referred to the Court of Claims by resolution of the House in which such bill is pending, just as has been heretofore done under the Tucker Act.

Said act of March 3, 1911, went into effect on January 1, 1912.

Your committee recommend the passage of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that the committee do now rise and report the bill H. R. 8853 with an amendment, with a favorable recommendation, and that the committee had come to no resolution on the bill H. R. 19115.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WITHERSPOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8853) for the relief of John L. Baird and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass; and that the committee had also had under consideration the bill H. R. 19115, the omnibus claims bill, and had come to no resolution thereon.

The SPEAKER. The question is on agreeing to the amendment to the bill (H. R. 8853) for the relief of John L. Baird.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Saturday, February 3, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows

1. A letter from the president of the Washington & Old Dominion Railway, transmitting to Congress the report of said company for the year ended December 31, 1911 (H. Doc. No. 506); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the president of the Great Falls & Old Dominion Railway Co., transmitting to Congress the annual report of that company for the year ended October 31, 1911 (H. Doc. No. 507); to the Committee on the District of Columbia and

ordered to be printed.

3. A letter from the president of the Washington Gaslight Co., transmitting a detailed statement of the business of that company, with a list of its stockholders, for the year ended December 31, 1911 (H. Doc. No. 505); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of employment of civilian engineers on river and harbor work (H. Doc. No. 508); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XXII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant, reported the same without amendment, accompanied by a report (No. 292), which said bill and report were referred to the Committee of the Whole House on the

state of the Union.

Mr. O'SHAUNESSY, from the Committee on the District of Columbia, to which was referred the bill (S. 4109) to restore the name of Oregon Avenue in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 293), which said bill and report

were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (H. R. 51) to provide for the forfeiture of rights of way granted to railway com-panies across Indian lands, reported the same with amendment, accompanied by a report (No. 294), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas (by request): A bill (H. R. 19328) to amend paragraph 2 of section 2 of the act of July 1, 1902, entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes"; to the Committee on Indian Affairs.

By Mr. DICKINSON: A bill (H. R. 19329) to extend the pension laws of the United States to the soldiers engaged in the Utah expedition of 1857 and 1858 and to the widows and children of such soldiers; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 19330) to create an additional land district in the State of New Mexico, to be known as the Farmington land district; to the Committee on the Public

By Mr. KENT: A bill (H. R. 19331) to authorize the completion of the unfinished portion of the Government road from Rollerville to the Point Arena Lighthouse, Mendocino County,

Cal.; to the Committee on Interstate and Foreign Commerce.
Also, a bill (H. R. 19332) to authorize deepening and dredging a channel from the mouth of the Petaluma River across the flats so as to connect the deeper waters of the river with the deep water of San Pablo Bay, State of California; to the Com-

mittee on Rivers and Harbors.

Also, a bill (H. R. 19333) to authorize a survey of Corte Madera Channel, Marin County, Cal.; to the Committee on

Rivers and Harbors.

By Mr. WARBURTON: A bill (H. R. 19334) providing for the sale of ripe timber in the Fort Canby Military Reserve, and the expenditure of the proceeds therefrom for the improvement of Fort Canby military road; to the Committee on Military Affairs.

Also, a bill (H. R. 19335) to provide for the reconstruction of the Fort Canby military road, Pacific County, Wash.; to

the Committee on Military Affairs.

Also, a bill (H. R. 19336) making an appropriation of \$61,500 for the improvement of Lewis River, including the North Fork, up to Runyan and the East Fork up to La Center; to the Com-

mittee on Rivers and Harbors.

Also, a bill (H. R. 19337) making an appropriation for the improvement of the Cowlitz River, Wash.; to the Committee on Rivers and Harbors.

By Mr. HAUGEN: A bill (H. R. 19338) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to protect dealers and consumers of and dealers in dairy products and substitutes therefor against fraud; to make margarin and other imitations of dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal-Revenue Bureau means for the more efficient detection of fraud and collection of revenues; and to repeal parts of act defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, with amendments thereto; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 19339) granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public park purposes; to the Committee on the Public Lands.

By Mr. CURRY: A bill (H. R. 19340) to create an additional land district in the State of New Mexico, to be known as the Socorro land district; to the Committee on the Public Lands.

By Mr. MAHER: A bill (H. R. 19341) to provide for the retirement of employees in the classified civil service in post offices of the first and second class; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land; to the Committee on the Public Lands.

By Mr. RUSSELL: A bill (H. R. 19343) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River in Missouri; to the Committee on Rivers and Harbors.

By Mr. RAKER: A bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 19345) to authorize the Secretary of the Interior to use the proceeds from the sale of certain lands within the Coeur d'Alene Reservation for the benefit of the Coeur d'Alene Indians; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 19346) to dispose of certain lands for town-site purposes; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 19347) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907"; to the Committee on Indian Affairs.

By Mr. FAISON: A bill (H. R. 19348) directing the Secretary of War to cause a survey to be made of Thoroughfare Bay and connecting waters through Cedar Island Bay to Neuse River and Pamlico Sound, N. C.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 19349) granting a pen-

sion to Thomas F. Martin; to the Committee on Invalid Pen-

By Mr. CARLIN: A bill (H. R. 19350) granting an increase of pension to La Salle Corbell Pickett; to the Committee on Pensions.

By Mr. COX of Ohio: A bill (H. R. 19351) granting an increase of pension to Jacob Kinsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19352) granting an increase of pension to Isaiah J. Moore; to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 19353) granting an increase of pension to Ada M. Bruff; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 19354) granting an increase of pension to Inghram Pierson; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 19355) granting a pension to Michael Rahilly; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 19356) granting a pension to Catherine Haskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19357) granting an increase of pension to Samuel W. White; to the Committee on Invalid Pensions. By Mr. DODDS: A bill (H. R. 19358) granting an increase

of pension to Lewis Gross; to the Committee on Invalid Pen-

By Mr. DRAPER: A bill (H. R. 19359) granting an increase of pension to Harvey J. Tiffany; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 19360) granting an increase of pension to Marshall Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19361) granting a pension to Elvira H. Browning; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 19362) for the relief of James

Dodds; to the Committee on Military Affairs. By Mr. HAWLEY: A bill (H. R. 19363) granting an increase of pension to Nelson J. Cochran; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 19364) granting an increase of pension to H. C. Lynn; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 19365) granting a pension to Charles W. Friend; to the Committee on Pensions.

Also, a bill (H. R. 19366) granting a pension to George McC. Foster: to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 19367) granting an increase of pension to William P. Robbe; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 19368) granting a pension to Mary A. Patnode; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 19369) granting a pension to Sophia Albright; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 19370) granting an increase of pension to Matilda F. Healey; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 19371) granting a pension to Margaret E. Gately; to the Committee on Invalid Pensions. By Mr. POWERS: A bill (H. R. 19372) for the relief of the

estate of Green Fitzgerald; to the Committee on War Claims. Also, a bill (H. R. 19373) granting a pension to Sarah Scott;

to the Committee on Invalid Pensions. Also, a bill (H. R. 19374) granting a pension to Asa Harper;

to the Committee on Invalid Pensions. Also, a bill (H. R. 19375) granting a pension to Robert L.

Abston; to the Committee on Pensions.

Also, a bill (H. R. 19376) granting a pension to George Troutman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19377) granting an increase of pension to

Pollie W. Smith; to the Committee on Invalid Pensions. Also, a bill (H. R. 19378) granting an increase of pension to

Elizabeth Combs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19379) granting an increase of pension to J. E. Howard; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 19380) granting a pension to George Rochford; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 19381) granting pension to Manus J. Curran; to the Committee on Pensions. Also, a bill (H. R. 19382) for the relief of Samuel Charles Hampton; to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 19383) granting a pension

to Frank N. Foss; to the Committee on Invalid Pensions. By Mr. TILSON: A bill (H. R. 19384) granting an increase of pension to Julia E. Kenyon; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 19385) granting an increase of pension to William Cunnington; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 19386) granting an increase of pension to William D. Arter; to the Committee on Invalid

By Mr. WILDER: A bill (H. R. 19387) for the relief of Stephen S. Bennett; to the Committee on Military Affairs.

Also, a bill (H. R. 19388) granting a pension to Peter Peter-

son; to the Committee on Pensions.

Also, a bill (H. R. 19389) granting a pension to Michael J.

Flannery; to the Committee on Pensions.

Also, a bill (H. R. 19390) granting a pension to Abbott L. Poor, alias Alonzo L. Poor; to the Committee on Invalid Pen-

Also, a bill (H. R. 19391) granting a pension to Bridget M. Hanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19392) granting an increase of pension to George F. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19393) granting an increase of pension to Margaret W. Ide; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19394) granting an increase of pension to George S. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19395) granting an increase of pension to George L. Creighton; to the Committee on Invalid Pensions. Also, a bill (H. R. 19396) granting an increase of pension to

Frederic W. Houghton; to the Committee on Invalid Pensions. By Mr. WOOD of New Jersey: A bill (H. R. 19397) for the relief of Lieut. Richard Philip McCullough, United States Navy;

to the Committee on Naval Affairs.

By Mr. YOUNG of Michigan: A bill (H. R. 19398) granting a pension to William Turpin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Taberville, Mo. in favor of the passage of House bill 14, to extend the parcelpost system; to the Committee on the Post Office and Post

By Mr. ANDERSON of Minnesota: Petitions of H. Wadsworth and other business men of Glencoe, Minn., and of Nicholas Schuh and 13 others, of Rolling Stone, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Memorial of Antwerp (Ohio) Tribe, No. 202, Improved Order of Red Men, favoring Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.: to the Committee on Public Buildings and Grounds.

Also, petition of John Sullivan and others, of Payne, Ohio, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Petition of citizens of New York City, in

By Mr. Arress. rection of chizens of New York City, in favor of old-age pensions; to the Committee on Pensions.

By Mr. BATES: Petition of the Woman's Christian Temperance Unions of Atlantic and Titusville, Pa., and of the Men's Bible Class of Meadville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Sergeant Peiffer Post, No. 331, of Meadville, Pa., opposing incorporation of the Grand Army of the Republic;

to the Committee on Military Affairs.

Also, petition of Crawford County (Pa.) Pomona Grange, No. 26, favoring a general parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of John P. Clutter, of Charleroi, Pa., in favor of Langley bill (H. R. 17017); to the Committee on Expendi-

tures in the Treasury Department.

Also, petition of P. J. O'Connor and others and of R. E. Findley and others, of Erie, Pa., asking for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BROWNING: Petition of Eighth Street Methodist Episcopal Church, of Camden, N. J., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

By Mr. BUTLER: Petitions of Woman's Christian Temper-Union of Malvern, Pughtown, and Russellville, and citizens of Spring City, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 19, 63, 1141, 1299, 1329, and 1460, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. COVINGTON: Petitions of the Presbyterian congregation of Ocean City and Woman's Christian Temperance Union of Sharptown, Md., for passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petition of John N. Allaback and others, of Dayton, Ohio, indorsing House bill 16450; to the

Committee on the Judiciary.

By Mr. CRAGO: Petition of certain residents of Somerset County, Pa., in favor of the passage of House bill 14, Postal

Progress League parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. CRUMPACKER: Petitions of citizens of Benton County and Marshfield, Ind., urging the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DANFORTH: Petitions of citizens of Holley and Rochester, N. Y., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. DENVER: Petition of Snemening & Siekee and other business men of Lebanon, Ohio, protesting against an extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of numerous soldiers of Lynchburg, Ohio, for the passage of Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of citizens of Monroe County, Wis., in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FARR: Petition of Grange No. 1029, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Petition of citizens of Arkansas; asking for an amendment to the Constitution of the United States which will enable women to vote; to the Committee on the Indiciary

Also, petitions of citizens of Benton and Carroll Counties, Ark., in support of House bill 13114, to grant old-age pensions; to the Committee on Pensions,

By Mr. FOSS: Petitions of 389 citizens of the State of III. nois, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Illinois Institute of Accountants, of Chicago, Ill., in favor of the passage of House bill 14489, concerning proposed amendments to corporation-tax law: to the Committee on Ways and Means.

Also, petition of Miller & Hart, of Chicago, Ill., favoring the passage of House bill 16843, concerning the consolidation of the veterinary service in the United States Army; to the Committee on Military Affairs.

Also, petitions of citizens of Ottawa, Ill., for the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: Papers to accompany bill for the relief of W. T. Bunn; to the Committee on War Claims.

By Mr. GRAHAM: Petitions of St. Boniface Branch, W. C. U., and St. Peter's Court, C. O. F., of Springfield, Ill., favoring the enactment into law of the Esch bill; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of citizens of Jeffers, Minn., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Louis Halverson and others, of St. James, Minn., in favor of House bill 17253, exempting certain tobacco from internal-revenue taxes; to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Winnebago, Minn., for passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary

By Mr. HAUGEN: Petition of Woman's Christian Temperance Union of Fayette, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Mr. HIGGINS: Petitions of the Methodist Episcopal Church and Woman's Christian Temperance Union of Mystic, conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German-American Alliance of New Haven

and Hartford, Conn., protesting against the passage of an interstate liquor law; to the Committee on the Judiciary

By Mr. HUGHES of New Jersey: Petitions of citizens of the State of New Jersey, in favor of the passage of an effective

interstate liquor law; to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: Petitions of citizens of the State of West Virginia, in favor of old-age pensions; to the Committee on Pensions.

By Mr. JAMES: Petitions of Ballard Mercantile Co. and T. E. Lucy, of Wickliffe, Ky., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and

Also, petition of citizens of Clinton, Ky., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Richland, Iowa, protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of the Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, petition of committee of wholesale grocers, for reduction in the duties on raw and refined sugars; to the Committee

on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of Jersey City (N. J.) Council, United Commercial Travelers, protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KNOWLAND: Petition of Bible class of First Presbyterian Church of Alameda, Cal., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Ju-

By Mr. LAWRENCE: Petitions of citizens of the State of Massachusetts, protesting against the parcel post; to the Com-

mittee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of George H. Owen, of East Moline, Ill., in favor of the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Moline, Ill., against extension of the parcel-post system; to the Committee on the Post

Office and Post Roads.

By Mr. MORGAN: Petition of citizens of Long Township, Blaine County, Okla., in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Petitions of Grange No. 1057, Patrons of

Husbandry, of Ackermanville Pa., and of Grange No. 1433, Patrons of Husbandry, of East Stroudsburg, Pa., asking for certain changes in the oleomargarine law; to the Committee on Agriculture.

Also, petition of the Men's Bible Class of Presbyterian Church of Coolbaugh, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTON of Pennsylvania: Petitions of citizens of the

State of Pennsylvania, for old-age pensions; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bills for the relief of Asa Harper and Pollie W. Smith; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Robert L. Aleston; to the Committee on Pensions.

Also, papers to accompany bill for the relief of the estate of

Green Fitzgerald; to the Committee on War Claims.

By Mr. REILLY: Petitions of German-American Alliance, of Hartford and New Haven, Conn., against passage of an inter-state liquor law; to the Committee on the Judiciary.

By Mr. ROBERTS of Nevada: Petition of citizens of Millers, Nev., requesting the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SIMMONS: Petition of Niagara Printing Pressmen and Assistants' Union, No. 80, of Niagara Falls, N. Y., for amendment to the Smoot printing bill; to the Committee on

Also, petition of citizens of Batavia, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEDMAN: Petitions of citizens of Mount Airy, N. C. for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of El Paso, Ill., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. STONE: Petition of citizens of Mackinaw, Ill., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petitions of the Baptist Church of Brentwood; Congregational and Methodist Episcopal Churches, the Woman's Christian Temperance Union, and citizens of Epping, N. H., for passage of Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. SULZER: Petition of the Turnverein Helvetia of Chicago, Ill., in favor of House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petitions of citizens of New York and Union Course, N. Y., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Petitions of citizens of Faunsdale, Ala., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. THISTLEWOOD: Petitions of citizens of the twentyfifth congressional district of Illinois, in favor of parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Tamaroa, Ill., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Illinois Institute of Accountants, indorsing House bill 14489; to the Committee on Ways and Means.

By Mr. TOWNER: Petition of J. J. Smith and 48 other citizens of Clarinda, Iowa, in favor of old-age pensions; to the Committee on Pensions

By Mr. UNDERHILL: Petition of citizens of Bath, N. Y., in favor of passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union, of N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. VREELAND: Petition of citizens of Falconer and Jamestown, N. Y., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. WILDER (by request): Petition of the Independent Order of Good Templars of Leominster, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. WILLIS: Petition of M. J. Kelly and 1,892 other citizens of Findlay, Ohio, in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of the Farmers' Institute, Degraff, Ohio, in favor of extension of the parcel-post system; to the Committee

on the Post Office and Post Roads.

Also, petition of Mad River Council, No. 56, Junior Order United American Mechanics, of Urbana, Ohio, asking for the enactment of more stringent immigration laws on the basis of illiteracy test; to the Committee on Immigration and Natural-

HOUSE OF REPRESENTATIVES.

SATURDAY, February 3, 1912.

The House met at 12 o'clock noon. The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

We bless Thee infinite Spirit our heavenly Father for the widespread and growing interest in the world-wide peace, and we most fervently pray that it may continue to grow until it possesses the minds and hearts of all the peoples of all the earth, that the vast expenditure of means, energy, and life may be conserved for the higher and nobler pursuits of life. This we ask in the name of humanity, in the name of the Prince of Peace, in the name of God our Father. Amen.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to discharge the Committee on Interstate and Foreign Commerce from the further consideration of Senate bill 252, to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, and ask that the same be referred to the Committee on Labor.

Mr. ADAMSON. Mr. Speaker, is that motion in order at

The SPEAKER. The Chair would like to ask the gentleman from Pennsylvania if that motion is made by direction of the Committee.

Mr. WILSON of Pennsylvania. Mr. Speaker, it is not made by direction of the committee.

The SPEAKER. Then it is not in order. The Chair will read the rule:

By unanimous consent, or on motion of the committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

Mr. WILSON of Pennsylvania. Then, Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Labor.

Mr. ADAMSON. Mr. Speaker, reserving the right to object, I wish to say that as at present advised there has been a proper reference, and, therefore, until I can acquire other and different information on the subject, I shall be constrained to object.

The SPEAKER. The gentleman from Georgia objects.

AMENDMENT TO BULE XXVII, CLAUSE 4.

Mr. HENRY of Texas. Mr. Speaker, I present the following privileged report (No. 297) from the Committee on Rules.

The SPEAKER. The gentleman from Texas presents a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 407.

Resolved, That Rule XXVII, clause 4, be amended so as to read as

House resolution 407.

Resolved, That Rule XXVII, clause 4, be amended so as to read as follows:

"4. Any Member may present to the Clerk a motion in writing to discharge a committee from further consideration of any public bill or joint resolution which may have been referred to such committee 15 days prior thereto. All such motions shall be entered in the Journal and printed on a calendar to be known as a Calendar of Motions to Discharge Committees. After the Unanimous Consent Calendar shall have been called on any Monday, and motions to suspend the rules have been disposed of, it shall be in order to call up any such motion which shall have been entered at least 7 days prior thereto.

"Recognition for such motions shall be in the order in which they have been entered. When such motion shall be called up, the bill shall be read by title only prior to a second being ordered by tellers, and no such motion shall be entertained as to a bill or joint resolution the title of which contains more than 100 words; after the reading of the bill by title the motion shall not be submitted to the House unless seconded by a majority by tellers; if such motion falls of a second, it shall be immediately stricken from the calendar and shall not be thereafter placed thereon. If a second be ordered, debate on such motion shall be immediately stricken from the calendar and shall not be thereafter placed thereon. If a second be ordered, debate on such motion shall be immediately of a majority of the membership of the House. Whenever such a motion shall prevail, the bill so taken from the consideration of a committee shall thereupon be placed upon its appropriate calendar, and upon call of the committee from which any bill has been so taken it may be called up for consideration by any Member prior to any bill reported by said committee at a date subsequent to the discharge of said committee: Provided, No Member shall have upon such calendar more than two motions at the same time."

The SPEAKER. The question is on the adoption of th

The SPEAKER. The question is on the adoption of the

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman from Pennsylvania how much time that side would like?

Mr. DALZELL. How much would the gentleman suggest?
Mr. HENRY of Texas. Will 20 minutes on a side be enough?
Mr. DALZELL. Oh, this is a very important matter, and I think we ought to have more time than that.
Mr. HENRY of Texas. What is the suggestion of the gentle-

man from Pennsylvania?

Mr. DALZELL. I think we ought to have at least three-

quarters of an hour on a side.

Mr. HENRY of Texas. I think there will be no objection to that, and if that is satisfactory to the gentleman I make the request that the time be limited to 45 minutes on a side, one-half to be controlled by the gentleman from Pennsylvania and one-half by myself, and that at the end of the hour and a half the previous question shall be considered as ordered on the resolution.

Does the gentleman desire to cut off the right Mr. MANN.

of amendment?

Mr. HENRY of Texas. I do not believe it will be a good idea to have any amendment offered to it. I do not think we ought to consider an amendment offered in a hurried fashion. The rule has been worked out very carefully and probably we would better not take up the question of amending it further.

Mr. DALZELL. What was the suggestion of the gentleman

from Illinois?

Mr. MANN. I asked whether it was in order under the gen-

tleman's proposition to offer amendments.

Mr. LENROOT. I very much desire an opportunity to offer one amendment to this rule.

Mr. HENRY of Texas. I understand, and tried to confer with the gentleman this morning, but as this has been worked out so carefully I can hardly see how any amendment would be opportune at this time.

Mr. POU. I would like to ask the gentleman if he offered his amendment when this matter was pending before the com-

mittee?

Mr. LENROOT. I will say to the gentleman that I was not present at the meeting of the committee through no fault of the committee. I was not present at my office and did not receive the notice until after the committee had adjourned, so that I had no opportunity to offer the amendment which I would have offered had I been there.

Mr. MANN. I do not believe the gentleman would object to the amendment which the gentleman from Wisconsin has.

Mr. HENRY of Texas. He might not, but probably it had better go to the Committee on Rules and let them consider it

there first. I renew my request, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. Henry] asks unanimous consent that debate on this resolution be limited to one hour and a half, 45 minutes to be controlled by himself and 45 minutes by the gentleman from Pennsylvania [Mr. Dalzell], and that at the end of the time stated the previous question will be considered as ordered on the resolution. Is there objection?

Mr. LENROOT. Mr. Speaker, if the gentleman insists on the previous question being considered as ordered as a part of his motion, I think I shall have to object.

The SPEAKER. The gentleman from Wisconsin [Mr. LEN-ROOT] objects.

Mr. HENRY of Texas. I think I shall have to insist, and move the previous question on the resolution.

The SPEAKER. The gentleman from Texas moves the previous question on the resolution.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. MANN. The resolution having already had some debate, if the previous question is now ordered will there be 20 min-

Mr. HENRY of Texas. It was not intended as debate.

The SPEAKER. If the Chair would construe what has happened literally, there would be 40 minutes' debate, but the Chair will not do anything of the sort.

Mr. HENRY of Texas. I think the Chair is right.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker. The House divided; and there were—ayes 51, noes 37.

Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors. The Sergeant at Arms will notify absentees and the Clerk will call the roll.

The question was taken; and there were-yeas 157, nays 103, answered "present" 5, not voting 127, as follows:

YEAS-157.

Adair
Aiken, S. C.
Alexander
Allen
Anderson, Ohio
Ansberry
Ashbrook
Barnhart
Beall, Tex.
Bell, Ga.
Blackmon
Boehne Kindred Kitchin Dixon, Ind. Kitchin
Konop
Korbly
Lamb
Lee, Ga.
Legare
Lever
Lewis
Littlepage
Littlepage
Lloyd
Lobeck
McCoy
McDermott
McGillicuddy
Macon
Maguire, Nebr.
Maher
Martin, Colo. Doremus Doughton Edwards Ellerbe Faison Fergusson Ferris Finley Flood, Va. Floyd, Ark. Foster, Ill. Fowler Francis Gallagher Garnert Doremus Boehne Booher Borland Brantley Brown Buchanan Garrett Godwin, N. C. Garrett
Godwin, N. C.
Goeke
Goodwin, Ark.
Gould
Gregg, Tex.
Godger
Hamilton, W. Va.
Hamilin
Hardy
Harrison, Miss.
Hardy
Helm
Henry, Tex.
Hensley
Helm
Howard
Holland
Howard
Hull
Howard
Hull
Howard
Humphreys, Miss.
Jacoway
Johnson, S. C.

NAYS—103 Bulkley Burgess Burke, Wis. Burleson Burnett Byrnes, S. C. Byrns, Tenn. Callaway Candler Cardier Carter Clayton Cline Collier Covington Cullop Daugherty Daugnerty
Davenport
Davis, W. Va.
Denver
Dickinson
Dickson, Miss.
Dies

Roddenbery Rothermel Rubey Rucker, Colo. Rucker, Mo. Russell Sabath Saunders Saunders Shackleford Sharp Sheppard Sherwood Sims Sisson Slayden Small Smith Tox Smith. Tex. Smith, Tex.
Stedman
Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Stone
Sulzer
Sweet
Talcott, N. Y.
Taylor, Colo.
Thomas
Townsend
Tribble
Turnbull Tribble
Turnbull
Underhill
Underwood
White
Wickliffe
Wilson, Pa.
Witherspoon
Young, Tex.

NAYS-103.

Akin, N. Y. Ames Anderson, Minn. Anthony Austin Barchfeld Bartholdt Bates
Bowman
Burke, S. Dak.
Campbell
Catlin
Crago
Crumpacker Crumpacker Curry Dalzell Davis, Minn. De Forest Dodds Draper Driscoll, M. E. Dyer Farr Foss Foster, Vt. French

Fuller
Gardner, Mass.
Gardner, Mass.
Gillett
Good
Grean, Iowa
Greene, Mass.
Guernsey
Hamilton, Mich.
Haugen
Heald
Helgesen
Henry, Conn.
Higgins
Henry, Conn.
Hill
Howell
Horace
Horace
Willer
Howell
Horace
Horace
Murdock
Nelson
Norris
Kendall
Kenpedy
Knaaid, Nebr.
Nye
Rnowland
Kopp
Patton, Pa.
Payne
Patton, Pa.

Porter Powers Prince Prouty Roberts, Nev. Rodenberg Sloan Smith, J. M. C. Smith, Saml. W. Smith, Saml. V Speer Stephens, Cal. Sterling Sulloway Switzer Taylor, Ohio Thistlewood Tilson Towner Towner Volstead Vreeland Warburton Wedemeyer Willis Woods, Iowa Young, Kans.

ANSWERED "PRESENT"-5. Bartlett Cannon Andrus

Watkins NOT VOTING-127.

Ainey Ayres Bathrick Berger Bingham Bradley Broussard Browning Burke, Pa. Butler Fornes Calder Cantrill Cary Clark, Fla. Clark, Fla
Claypool
Connell
Conry
Cooper
Copley
Cox, Ind.
Cox, Ohio
Cravens
Currier
Currier
Danforth Hinds Hinds
Hobson
Houston
Hubbard
Hughes, Ga.
Hughes, N. J.
Hughes, W. Va.
James
Jones Danforth Davidson Dent Difenderfer

Esch Estopinal Evans Fairchild Fields Fitzgerald Focht Fordney Fornes
Gardner, N. J.
George
Glass
Goldfogle
Graham
Gregg, Pa.
Griest
Hamill
Hanna
Harrison, N. Y.
Hartman
Hawley
Heflin
Hinds

Kahn Kent Kinkead, N. J. Kinkead, N. J.
Konig
Lafean
Lafearty
Langley
Lee, Pa.
Levy
Lindsay
Linthicum
Littleton
McGuire, Okla.
McHenry
McKellar
Madden
Malby
Matthews
Mondell
Moon, Pa.
Moore, Pa.
Murray
Needham
Olmsted
Palmer Olmsted Palmer Parran Plumley Pray Pujo Ransdell, La. Rees Reilly

Reyburn Riordan Roberts, Mass. Robinson Rouse Scully Sells Sherley Simmons Slemp Smith, Cal. Smith, N. Y. Sparkman Stack Stack
Stanley
Steenerson
Stevens, Minn.
Taggart
Talbott, Md.
Taylor, Ala.
Thayer
Tuttle
Utter
Webb
Weeks
Whitacre
Wilder
Wilson, Ill.
Wilson, N. Y.
Wood, N. J.
Young, Mich.

Donohoe Driscoll, D. A. Dupre Dwight So the previous question was ordered. The Clerk announced the following pairs: From Thursday until Monday:

Mr. Sherley with Mr. Cannon, Commencing January 31, ending February 5: Mr. Levy with Mr. Copley.

Commencing January 30, ending February 6:

Mr. Cantrill with Mr. Hartman. Commencing January 29, ending February 3: Mr. Harrison of New York with Mr. Madden.

For the session:

Mr. Bartlett with Mr. Butler.
Mr. Glass with Mr. Slemp.
Mr. Riordan with Mr. Andrus.
Mr. Adamson with Mr. Stevens of Minnesota.

Mr. Fornes with Mr. BRADLEY.

Until further notice:

Mr. CRAVENS with Mr. Young of Michigan.

Mr. Wilson of New York with Mr. Wilson of Illincis.

Mr. TUTTLE with Mr. Wood of New Jersey. Mr. TAYLOR of Alabama with Mr. WILDER.

Mr. STANLEY with Mr. WEEKS.

Mr. SMITH of New York with Mr. UTTER.

Mr. Scully with Mr. Steenerson.

Mr. MURRAY with Mr. SMITH of California.

Mr. HAMILL with Mr. REYBURN.

Mr. GREGG of Pennsylvania with Mr. REES.

Mr. George with Mr. Pray.

Mr. Linthicum with Mr. Olmsted. Mr. Evans with Mr. Mondell,

Mr. Dupre with Mr. Matthews.

Mr. Daniel A. Driscoll with Mr. Harris.

Mr. DONOHOE with Mr. HANNA.
Mr. DIFENDERFER WITH Mr. GARDNER of New Jersey.
Mr. CURLEY with Mr. FOCHT.
Mr. Cox of Ohio with Mr. ESCH.
Mr. Cox of Indiana with Mr. DANFORTH,
Mr. CLAYPOOL with Mr. CARY.

Mr. Fitzgerald with Mr. Calder.
Mr. Bathrick with Mr. Burke of Pennsylvania.

Mr. AYRES with Mr. BROWNING.

Mr. Webb with Mr. Ainey. Mr. Goldfogle with Mr. Plumley.

Mr. WHITEACRE WITH Mr. SELLS.
Mr. McKellar with Mr. Malby.
Mr. Connell with Mr. Currier.
Mr. Palmer with Mr. Moore of Pennsylvania.

Mr. REILLY with Mr. NEEDHAM.

Mr. LITTLETON with Mr. DWIGHT. Mr. Hughes of New Jersey with Mr. Griest.

Mr. Hobson with Mr. FAIRCHILD.

Mr. Houston with Mr. Moon of Pennsylvania. Mr. Fields with Mr. Langley. Mr. Talbott of Maryland with Mr. Parban. Mr. Jones with Mr. Bingham.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. DENT with Mr. KAHN.

Mr. CLARK of Florida with Mr. SIMMONS.

Mr. GRAHAM with Mr. FORDNEY.

Mr. Rouse with Mr. Roberts of Massachusetts.

Mr. ADAMSON. Mr. Speaker, did the gentleman from Min-

nesota, Mr. Stevens, vote?

The SPEAKER. He is not recorded.

Mr. ADAMSON. Then I will have to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered. Further proceedings under the call will be dispensed with, and the Doorkeeper will open the doors.

LEAVE OF ABSENCE.

Mr. Sheppard, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

AMENDMENT TO BULE XXVII, CLAUSE 4.

The SPEAKER. The gentleman from Texas [Mr. HENRY] has 20 minutes, and the gentleman from Pennsylvania [Mr. DALZELL] 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, this is a proposition to amend the rule pertaining to what is commonly known as the Calendar to Discharge Committees. The proposed amendment simply contemplates putting suspensions of the rules second in the proposed of leaving these suspensions. the provisions of the calendar instead of leaving those suspensions to be third, as the rule now provides. In other words, instead of motions on the Discharge Calendar being called second on the day for calling the Unanimous Consent Calendar it shall hereafter be third. That is to say, the Discharge Cal-endar shall be called third, and the suspension shall be called second. It reverses the present order as to the suspension and discharge calendars. That is all there is in the proposition.

Mr. Speaker, I reserve the balance of my time.

Mr. DALZELL. I very much regret that the gentleman from Texas [Mr. Henry] insisted on calling for the previous question and thus shutting off debate on the amendment, for the reason that this resolution now presented affects one of the most important rules in the House. It is the rule that was passed on the 17th day of June, 1910, by the concurrence of all the various factions of this House. It was concurred in by those who are called "Regulars," and it was concurred in by those called "Insurgents" or "Progressives," and by the Democrats on the other side of the aisle, then in the minority, as a measure of reform.

In reporting the rule as chairman of the Committee on Rules I said it was a unanimous report from that committee. The gentleman who was then the leader of the Democratic Party on the floor of the House, now our honored Speaker, said:

When it became apparent that Members were anxious to have a rule on the subject reported before the end of this session, the Democratic members of the Committee on Rules day before yesterday spent four whole hours in cogitating about this rule, and the result of that cogitation was that I introduced this rule into the House myself.

And he says:

The gentleman from Tennessee [Mr. SIMs] inquired if this is the one of reform. No; it is not. It is, however, a long step in the right

The gentleman from Kansas, my friend Mr. Murdock, one of the high priests in the temple of reform, said:

I am for it for a third reason. It will take away from the Speaker, in large part, the right of arbitrary recognition on suspension days, for it will in a measure do away with all suspension business, as all motions under this rule will have precedence over motion to suspend

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from South Dakota?

Mr. DALZELL. Certainly. Mr. MARTIN of South Dakota. If this amendment should prevail, would the power reside in the Speaker to refuse to recognize one whom he could not refuse to recognize on a suspension day?

Mr. DALZELL. Absolutely. The intention of this rule is to clothe the Speaker of this House with the power that was taken away from him by the adoption of the original rule. The reason for the adoption of this original rule was that there did not reside in this House the power to discharge a committee having custody or jurisdiction of a bill that the House wanted to consider and which the committee did not wish to report.

The only legitimate way of discharging a committee from the consideration of any bill before it, that existed prior to the passage of this rule, was by a motion to suspend the rules and discharge the committee. The whole power rested in the hands of the Speaker, and the reason why this rule was passed was that that power should be taken out of the hands of the Speaker. Now, if you put the motion to suspend the rules in

advance of the motion to discharge the committee, it is in the power of the Speaker to dictate what committee shall be discharged and what committee shall not be discharged, or whether any; what bills shall be taken from the committee and brought into the House, or whether any. In other words, the passage of this amendment to the rule is simply to rescind the rule and absolutely to destroy its effect. It will take away from the individual Members of this House the power of initiative and place that power in the hands of the Speaker. Ah, gentlemen of the majority, you are on the back track. Your reforms are all sham reforms. You have transferred the power of appointing committees from the Speaker to the chairman of the Committee on Ways and Means. The chairman of the Committee on Ways and Means selects the Committee on Ways and Means, and the Ways and Means Committee ostensibly select the members of all the other committees of the House. You have simply changed names. Instead of Cannonism and Reedism and Crispism you have Underwoodism. [Applause on the Republican side.] My friend from Alabama [Mr. Underwood] wears his robe and carries his scepter as one to the manner born. You have practically taken from the Committee on Rules every function except that of ordering investigations. Under the old rules it required a majority vote, or a majority of a quorum in this House, to vitalize any resolution proposed by the Committee on Rules relative to the legislation of the House. Now, all you have to do is to have a majority of a majority; that is to say, the majority of a Democratic caucus, and now you propose to go one step further and reclothe the Speaker with the power that you took away from him. You propose to take away from the individual Members the power that under the rule you gave to them. [Applause on the Republican side.]

Mr. Speaker, how much time have I consumed? The SPEAKER. The gentleman has used five minutes. Mr. DALZELL. I yield five minutes to the gentleman from Kansas [Mr. Campbell].

Mr. CAMPBELL. Mr. Speaker, if this rule is adopted, you Democrats will undo in 40 minutes what it took a campaign of 2 years to do. That campaign was waged in the newspapers, in the magazines, on Chautauqua platforms, and on the stump, The country was fanned into a fury for a reform that would give power to the representatives of the people by taking that power away from the Speaker. Many rules were adopted, but those who wanted real power for the representatives of the people were not satisfied until the rule was adopted that enabled the House to discharge a reluctant committee from the consideration of a bill. When that was done, it was pro-claimed to the country that we had brought this House back to the people, and upon that boast and that issue the Speaker of this House and the leaders of the present majority went be-fore the country and made a campaign. They said, "We now have rules that were made by reformers. It is necessary that we shall retain these rules, and in order to do that we must have a Democratic majority, because the wicked Republicans will make an opportunity and inaugurate a reaction against these rules." The country believed it, and many of you gen-tlemen on that side are holding seats pro tempore made on that campaign. Your terms began 11 short months ago; you have conducted the business for general legislation 3 short Your terms began 11 short months ago; you months; and to-day you have inaugurated a reactionary move-ment. Are you not satisfied with the exercise of the power that was given you by clause 4 of Rule XXVII, giving you the power to take away from a reluctant committee a bill that it refused to report? Why are you giving this power so recently taken from him back to the Speaker of this House?

Mr. RUCKER of Missouri. Mr. Speaker—

Mr. CAMPBELL. No; I can not yield; my time is too short. Mr. Speaker, why has this reaction been inaugurated? Is the Speaker tired of occupying an easy chair; does he long for the old power, responsibility, and political leadership of the office in other days? Is it his desire for power, or is the gentleman from Alabama tired of the lash and the reins together? From this day on we shall have two sitting on the box, the Speaker of the House holding the reins and the gentleman from Alabama using the lash. [Laughter and applause on the Repub-Heretofore the gentleman from Alabama has done both. Is that the reason you have offered an amendment that will emasculate this rule, or is it because you are tired of being driven, like reluctant slaves, between tellers, voting down bills that you have declared that you were in favor of? You have already voted against many bills that you have declared for on every stump in the country and in your districts. against the following bills under the rule you to-day nullify:

A bill providing for the physical valuation of railroads, A bill to regulate the hours of work of post-office clerks employed in first and second class post offices.

A bill granting pensions to soldiers confined in so-called Confederate prisons

A bill providing that the statute of limitations shall not be interposed in any suit brought by any laborer, workman, or mechanic in the Court of Claims against the United States to recover wages claimed to be due him under the national eighthour law.

A bill to extend the penny-postage rate on local-delivery firstclass mail matter to post offices where the system of free delivery is established.

A bill to amend section 2 of an act entitled "An act to increase the pensions of widows."

A bill to create a tariff board (by Mr. PAYNE).

A bill to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

A bill to provide and pay additional compensation to the rural free-delivery carriers of mail in the United States and providing an appropriation therefor.

You voted all these bills down. Every Democrat voted against them while every Republican voted for them. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired. Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. Garrett].

Mr. GARRETT. Mr. Speaker, if the gentleman from Kansas [Mr. Campbell] were as accurate as he appears earnest he perhaps would contribute more to the value of this discussion. [Laughter on the Democratic side.] What have we here? A simple proposition, which in no way goes to the method of procedure under the discharge rule, but which simply declares that motions to suspend the rules shall have preference over the Discharge Calendar. That is to say, that the Speaker may recognize gentlemen to make motions to suspend the rules before he orders the Discharge Calendar called. Why? Because it is found to be necessary to make the change in order to do the business of the House. [Laughter on the Republican side.]

Why, that is a very candid statement about the matter. newed laughter. I realize gentlemen on that side laugh at candor. The reason it is found to be necessary is that upon the last discharge day—not in good faith but for purely fili-bustering purposes—that side of the House abused the discharge rule. [Applause on the Democratic side.]

It was then used to carry on a facetious filibuster by gentlemen on that side who did not desire to do the public business and who are not now, and will not be for many years, charged with the responsibility of carrying it on. [Laughter on the Democratic side.] Mr. Speaker, I yield back the balance of

The SPEAKER. The gentleman has occupied two minutes. Mr. HARDWICK. Mr. Speaker and gentlemen of the House, this is a very simple proposition, notwithstanding the mountain the Republican side seems disposed to try to make out of it. It was never intended by any sensible legislator that the Discharge Calendar rule should be anything but a piece of extraordinary legislative machinery. It was never intended to invest any Member of the House as a matter of ordinary right with the privilege of challenging any committee that was ordinarily and fairly responsive to the will of the majority of the House. It was only intended to fit an emergency like that which existed in this House in days gone by when the great committees in this House denied to the people of the United States of America the legislation to which they were entitled. When the committees of the House failed to meet such demand it was necessary to devise some sort of machinery by which we could grant the demands of the American people. Let me say frankly to both sides of this House that the rules of the House are intended to conduct business, and they are only distasteful to the American people when they put legislation on the people that the people do not want or do not approve, or deny to the people the legislation that they demand.

Mr. HAMILTON of Michigan rose.

Mr. HARDWICK. And if you gentlemen had heard the people in the years gone by, possibly your side would be in the majority this time, but the gentlemen would not hear.

Mr. HAMILTON of Michigan. I was about to suggest that

if the gentlemen on that side do not continue to hear they will

Mr. HARDWICK. Not on account of a lack of acuteness of

hearing. Our ears are to the ground.

Mr. HAMILTON of Michigan. Then, from a lack of percep-

Mr. HARDWICK. Possibly, in the gentleman's judgment, but to that suggestion we do not agree.

But, Mr. Speaker, the proposition is simple enough. We simply say this extraordinary piece of legislative machinery ought not to be used to block the ordinary and usual machinery of this House. I admit my good friend from Illinois [Mr. Mann] has demonstrated that it is quite possible to so block that machinery on every suspension Monday since this rule has been in force. Therefore, Mr. Speaker, the gentleman having demonstrated that expert filibustering can use the rule in its present shape to block the ordinary business of the House we present shape to block the ordinary business of the House we propose to so amend the rule that it can not be so used, and give the House the opportunity to transact business under ordinary conditions, leaving the rule in existence to meet an emergency, whenever that emergency arises. I hope such emergency never will arise, as it so often did when the other side was in power. I hope the time will never come when this side of the House will stand in the way of legislation demanded by the American people.

The argument made by the gentleman from Pennsylvania [Mr. Dalzell] is utterly unsound. The proposition that is presented here to-day does not change the suspension rule a single iota; it does not increase the present power of the Speaker in reference to suspensions.

Mr. DALZELL. Mr. Speaker, will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. DALZELL. Would it not be within the power of the Speaker to absolutely prevent reaching the Calendar of Motions to discharge committees?

Mr. HARDWICK. Not at all. Mr. DALZELL. Five recognitions by the Speaker of motions to suspend the rules would exhaust a legislative day, and he could prolong the legislative day beyond limit by multiplying his recognitions.

Mr. HARDWICK. Let me say to the gentleman that the Speaker now, as the rule is written, has exactly the power that the gentleman refers to in motions to suspend the rule. The power of recognition is still vested in the Speaker, as it has always been vested in the Speaker, and no man on either side of this Chamber has ever proposed to vest it in anyone else.

Mr. DALZELL. That is true, but the exercise of that power by the Speaker would prevent the operation of the rest of the

Mr. HARDWICK. Unless the gentleman stands by a proposition that he wants to repeal entirely motions to suspend the rules and pass a bill, unless the gentleman stands on this floor and advocates a proposition that he thinks the Speaker ought not to be intrusted with any power of recognition, then his argument is more meaningless than any I have heard him make since I have been a Member of this House. The truth is that this rule does nothing except say that we will put the ordinary, usual piece of legislative machinery ahead of the extraordinary and unusual piece of machinery, but that we will preserve the latter for an emergency, and for an emergency only, [Applause on the Democratic side.]
Mr. DALZELL. Mr. Speaker, I yield five minutes to the

gentleman from Nebraska [Mr. Norris].

Mr. NORRIS. Mr. Speaker, if we pass this rule which is now proposed, it would have the same effect as though you wrote across the rule now in the book the following words: "This rule shall have no effect and be of no validity except in cases where the Speaker wants it to be." [Applause on the Republican side.]

You clearly place it within the power of the Speaker to com-pletely nullify the Calendar of Motions to Discharge Committees, just as much as though it were not written in the rules The gentleman from Georgia [Mr. HARDWICK] of this House. says that rule was intended only to meet an emergency. Let us admit that. This change will cripple it so that it can never meet an emergency unless the Speaker wants it to. [Applause on the Republican side.]

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman

yield?

The SPEAKER. Does the gentleman from Nebraska yield to

the gentleman from Missouri.

Mr. NORRIS. Not at the present time. If I had the time I would be very glad to yield. Let us see exactly what the parliamentary situation is. Under this rule as it now exists, as it came originally last Congress from the Committee on Rules with a majority report, voted for practically by every Member of the House, on days when it is in order to move to suspend the rule we have a Calendar of Motions to Discharge Committees, which can be taken up for consideration. The rule provides that the motion to discharge committees shall have precedence over the motions to suspend the rules. This proposed rule now changes it and gives the motion to suspend the

rules precedence over motions to discharge committees. What will be the result? The Speaker, as the gentleman from Georgia says, has supreme power of recognition in motions to suspend the rules. He may recognize or not recognize. He may recognize one Member and decline to recognize another. He has that power now, if we can reach it. The way this rule will be nullified, if the Speaker wants to nullify it, will be for him to recognize some friend on that day to move to suspend the Then another friend can demand a second and 40 minutes of debate can be taken up. He can do that over again, and with roll calls coming in he can exhaust a week instead of a day if he wants to. Then what will become of your motion to discharge committees?

Mr. GARRETT. Will the gentleman yield? Mr. NORRIS. I will yield first to the gentleman from Missouri [Mr. Rucker], who first asked permission to ask a question.

Mr. RUCKER of Missouri. In connection with what the gentleman was saying awhile ago, I want to ask if we have any rule now by which it is possible to discharge a committee? In other words

Mr. NORRIS. I will take that question up. We do have——
Mr. RUCKER of Missouri. In other words, does not the rule now on the book make it impossible to discharge a committee because of the vote required to discharge it, and is it not very

Mr. NORRIS. I agree with the gentleman from Missouri that the rule ought to be more liberal than it is. I will be glad to vote for a proposition that would make it more liberal, but this proposition absolutely nullifies it.

Mr. RUCKER of Missouri. It is nullified now; it is not

worth a cent.

Mr. NORRIS. I hope the gentleman will not take up my time. I will agree to the proposition that I would like to make the rule more liberal than it is now. All the fight that has been going on in this House for the last three years could be put going on in this House for the last three years could be put down in a nutshell in one sentence. It was a fight to take power away from the Speaker. This is a proposition to take some of the power we have taken away from the Speaker and given to the House and give it back to the Speaker. [Applause on the Republican side.] Every Member who believes the Speaker has now too much power, as I think he has in some respect, ought to be opposed to this backward step absolutely. It is contrary to the great advance that has been made in this House in regard to the great advance that has been made in this House in regard to lessening the power of the Speaker and giving power to the It is a step backward. It is a surrender individual Member. of the rights of the individual Member and a wonderful increase of the Speaker's power. We fought hard, long, and bitterly to take away the tyrannical power of the Speaker. This is to surrender part of the gai. and make an absolute czar of the Speaker on suspension day, and to do even that by the application of the gag.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I understand there is to be but one speech on the other side in closing?

Mr. HENRY of Texas. That is right.

Mr. DALZELL. I yield the balance of my time to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman has five minutes. Mr. LENROOT. Mr. Speaker, as we have observed the action of the Democratic majority from time to time in reference to questions of procedure in the House, we are often led to exclaim that "It is hard to tell from the looks of its track whether it is going or coming back." But, in this particular instance, Mr. Speaker, there can be no doubt whatever as to which direction the Democratic majority is facing. It is backward. [Applause on the Republican side.] Mr. Speaker, the gentleman from Tennessee [Mr. Garrett] and the gentleman from Georgia [Mr. Hardwick] say that this is a simple proposition. It is; but I am sorry they have not frankly stated what the proposition is, for its effect is to repeal the rule so far as it relates to the Discharge Calendar, and nothing else. [Applause on the Republican side.] Mr. Speaker, if this rule is adopted so long as either the Speaker of the House desires to prevent the call of the Discharge Calendar, or so long as the Speaker of the House is impartial enough to recognize Members upon the floor without discrimination to move to suspend the rules, just so long will this Discharge Calendar fail of being called at any time in the future. It is said by the gentleman from Georgia that this is to prevent a filibuster. Why, the gentleman from Georgia must know that if the Speaker is willing to recognize Members for suspension, as I believe this Speaker would be, for he has shown himself to be impartial and fair; so long as he is willing to do that any little group of half a dozen Members might prevent the call of the Discharge Calendar although four-fifths of the House might desire the call of the Calendar to Discharge Committees.

Mr. GARRETT rose.

Mr. LENROOT. I can not yield to the gentleman; I have only

Again, it is said that this Discharge Calendar is an emergenc, proposition, and that suspension of the rules is the ordiroutine of the House. Mr. Speaker, it is my deliberate judgment that the suspension of the rules should be an emergency proposition quite as much as the Discharge Calendar, and no gentleman upon that side in this debate has referred to a single bill now pending for the passage of which public interest demanded a suspension of the rules. He can not do it; and the only purpose of asking for this rule now is not to expedite the public business, but in order that certain gentlemen—I will not make any charge as to who they are—may have some recognition for their own particular minor bills as against other measures of equal importance. Again, Mr. Speaker, I am opposed to any proposition that will restore suspension of the rules without opportunity for Members of the House to know before the motion is made what bill will be called up under suspension. The amendment that I desired to make, if afforded an opportunity, was simply that if this suspension of the rules is to be restored, that there should be a suspension calendar, and that no motion would be in order for suspension of the rules as to any particular bill unless that bill had first been placed upon that suspension calendar, so that the Members of this House might have notice as to what would be called up under suspension.

No man who has had any experience in this House can fail to realize that this matter of suspension has been abused in the past; that time after time bills have been called up and passed through this House without any opportunity for Members to investigate or study them. It is not necessary under the suspension for a bill to be placed even upon the ordinary calendar. It may be reported from the committee to-day, and if it is suspension day it may be immediately passed after 40

minutes' debate.

Mr. NORRIS. It is not necessary that it shall even be reported. They can move to suspend the rules and pass a bill that has never been introduced.

The SPEAKER. The gentleman from Texas [Mr. Henry] is recognized for 10 minutes.

Mr. HENRY of Texas. Mr. Speaker, I yield the remainder of my time to the gentleman from Alabama [Mr. Underwood]. Mr. Underwood]. Mr. Underwood. Mr. Speaker, the proposition offered by the Rules Committee to the House meets with my approval. The rules now provide that on every second Monday the Calendar for Unanimous Consent shall be called. After that is finished the Discharge Calendar shall be called, and when that

is disposed of the motion to suspend the rules shall be in order. Motions to suspend the rules have been a part of the procedure of this House from the beginning. It is one of the most important rules of the House and one of the rules that is most favorable to legislation here. The only reason that it is necessary to make this change proposed by the Rules Committee is that the gentlemen on that side of the House have filibustered against this Discharge Calendar, so that it has become impossible for the House to work under the rules of the House as they are now constituted. Let me call your attention to what that side of the House has done with this Discharge Calendar that it claims to be of so much value. I agree with them that it is a matter of value to this House if honestly, fairly, and

Mr. NORRIS. Will the gentleman yield?

properly administered.

Mr. UNDERWOOD. No; I decline to yield. Here is the calendar, which I hold in my hand. There are now on this calendar 67 motions to discharge committees of this House from the business before them. More than that, of these 67 motions to discharge committees 44 were placed on this calendar before this House had been in session 30 days in the extra session. We met on the 15th day of April, and you filled this calendar with over 44 motions-because some of them have already been disposed of-before the 15th day of April. A large percentage of them were to discharge the Committee on Invalid I'ensions from the consideration of bills before that committee. You knew it could not act at that extra session. You knew that the Democratic caucus had pledged itself not to go into general legislation, and also had pledged itself to report a pension bill to this House, and notwithstanding that you put these motions on the calendar to block the consideration of other business.

The House has acted, as it pledged itself to do, on a pension bill. And yet gentlemen on that side of the House still maintain motions on the Discharge Calendar of the House, calling on the House to discharge the Committee on Invalid Pensions from the consideration of bills.

Mr. MANN. There was no way to get them off under your rule.

Mr. UNDERWOOD. Oh, yes; there is. Unanimous consent can take them off in a minute.

Mr. MANN. It can not. There is no way to get them off under the rule.

Mr. UNDERWOOD. We can do anything in this House by unanimous consent.

Mr. MANN. We have to get the recognition of the Chair for that.

Mr. UNDERWOOD. Well, the Chair will give you recognition.

Mr. MANN. He has refused to do so and has stated so.

Mr. UNDERWOOD. You have blocked this calendar, not with matters of emergency, not with matters that were of such great importance as if you had found a committee of the House was blocking legislation. You fillbustered this Discharge Calendar and filled it full of motions so that nothing could be reached before the legislative committees in this House had had the opportunity to consider the bills that you proposed to discharge them from the consideration of.

Mr. NORRIS. Will the gentleman yield? The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. I do not care to be interrupted.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. UNDERWOOD. Now, that is the real situation here. The motion to suspend the rules and pass legislation is more important and more effective in this House than even a motion to discharge a committee and place a bill on the calendar. And why? In the first place it requires a two-thirds vote. It can not be taken advantage of by a party majority. Whenever we suspend the rules and pass a bill at least some of the Members on that side of the House must join with this side in order to do it. It can not be a partisan question. It must be a question of such vast importance and such far-reaching merit that men will lay aside partisanship and agree to its immediate Its effectiveness is far greater than the process of discharging a committee, because under the Discharge Calendar rule you merely discharge the committee and put the bill on the regular and proper calendar in the House to which it must belong, and after that it must have the opportunity to be reached on the calendar before effective legislation can be worked out. But when you come to the rule to suspend the rules you do not even have to have a report of a committee. If a bill is on the calendar, you can take it up from the calendar. question is of such moment and such vital importance that twothirds of this House are in favor of it you can, on suspension day, by merely getting the recognition of the Speaker, immedi-ately pass the bill or resolution and send it to the Senate.

Now, as to the proposition advanced by the gentleman from Pennsylvania [Mr. Dalzell], that we are trying to restore something to the Speaker that we have taken away from him, nobody has ever raised the question that the Speaker should not have the power of recognition in this House. He must have it in order that the House may conduct its business in an orderly manner. Nobody is willing to rise on this floor and charge the Speaker of this House with a desire improperly or unfairly to administer his office by intending to recognize men improperly to suspend the rules in order to filibuster and block the Discharge Calendar, as you gentlemen who sit on that side of the House have filibustered and blocked the calendar to suspend the rules of this House.

If it is necessary to pass this rule to make this amendment in the rules of the House, there is nobody responsible for the action that is necessary to be taken other than the gentleman who sits on the farther side of the center aisle from me. Look at the list of the men who report the motions on this Calendar to Discharge Committees before the committees had a chance to act. They are all from that side of the House. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that debate upon this resolution be extended for two hours, one hour to be controlled by the gentleman from Texas [Mr. Henry] and one hour by the gentleman from Pennsylvania [Mr. Dalzell].

Mr. HENRY of Texas. Mr. Speaker, I feel constrained to object.

Mr. MANN. I would like to have the request stated by the Chair.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time for debate on this resolution be extended

two hours, one hour to be controlled by the gentleman from Texas [Mr. Henry] and the other hour to be controlled by the gentleman from Pennsylvania [Mr. DALZELL]. Is there objection?

Mr. HENRY of Texas. I object. Mr. MANN. I am not surprised that you are afraid of discussion.

The SPEAKER. Objection is made. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. DALZELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the resolution will, when their names are called, answer "yea"; those opposed, "nay."

The question was taken; and there were-yeas 153, nays 102, answered "present" 6, not voting 131, as follows:

YEAS-153.

Adair	Doughton	Korbly	Rucker, Colo.
Alken, S. C.	Edwards	Lamb	Rucker, Mo.
	Ellerbe	Lee, Ga.	Russell
Alexander			Saunders
Allen	Faison	Legare Lever	Shackleford
Ansberry	Fergusson		
Ashbrook	Ferris	Lewis	Sharp
Barnhart	Finley	Linthicum	Sheppard
Bathrick	Flood, Va.	Littlepage	Sherwood
Beall, Tex.	Floyd, Ark.	Lloyd	Sims
Bell, Ga.	Foster, Ill.	Lobeck	Sisson
Blackmon	Fowler	McCoy	Slayden
Boehne	Francis	McDermott	Small
Booher	Gallagher	McGillicuddy	Smith, Tex.
Borland	Garner	Macon	Sparkman
Brantley	Garrett	Maguire, Nebr.	Stanley
Brown	Godwin, N. C.	Maher	Stedman
Buchanan	Goodwin, Ark.	Martin, Colo.	Stephens, Miss.
	Gould Gould	Mays	Stephens, Nebr.
Bulkley	Gregg, Tex.	Moon, Tenn.	Stephens, Tex.
Burgess	Gudger	Moore, Tex.	Stone
Burke, Wis.		Morrison	Sulzer
Burleson	Hamlin		Sweet
Burnett	Hammond	Moss, Ind.	Talcott, N. Y.
Byrnes, S. C.	Hardwick	Oldfield	Taylor, Colo.
Byrns, Tenn.	Hardy	O'Shaunessy	Thomas
Callaway	Harrison, Miss.	Padgett	
Candler	Hay	Page	Townsend
Carlin	Helm	Patten, N. Y.	Tribble
Clayton	Henry, Tex.	Pepper	Turnbull
Cline	Hensley	Post	Underhill
Collier	Holland	Pou	Underwood
Conry	Howard	Rainey	Watkins
Cullop	Hull	Raker	White
Daugherty	Humphreys, Miss.		Wickliffe
Davis, W. Va.	Jacoway	Rauch	Wilson, Pa.
Dickinson	Johnson, Ky.	Redfield	Witherspoon
Dickson, Miss.	Johnson, S. C.	Richardson	Young, Tex.
Dies	Kindred	Roddenbery	
	Kitchin	Rothermel	21 11 2
Dixon, Ind.			
Doremus	Konop	Rubey	

Akin, N. Y.
Ames
Anderson, Minn.
Anthony
Austin
Barchfeld
Berger
Bowman
Burke, S. Dak.
Campbell
Catlin
Crago
Crumpacker
Curry
Dalzell
Danforth
Davidson
Davis, Minn.
De Forest
Dodds
Draper -
Driscoll, M. E.

Dyer Fairchild Farr

Foss

Gray Green, Iowa Greene, Mass. Guernsey Hamilton, Mich. Hamilton, W. Va. Lindbergh
Loud
McCall
McCreary
McKenzie
McKinley
McKinney
McLaughlin
McMorran
Martin, S. Dak.
Miller
Mondell
Morgan
Morse, Wis.
Mott Hamilton, W.
Haugen
Hayes
Heald
Helgesen
Henry, Conn.
Higgins
Howell
Howland
Hubbard Hubbard Mott Murdock Nelson Norris Humphrey, Wash. Jackson Kendall Kennedy Kinkaid, Nebr. Knowland Kopp Nye Patton, Pa. ANSWERED "PRESENT"-6. Cannon

NAYS-102.

Foster, Vt. French Fuller Gardner, Mass.

La Foliette Langham Lawrence Lenroot Lindbergh

Bartholdt Adamson Andrus Bartlett

NOT VOTING-131.

Ainey Anderson, Ohio Ayres Bates Blates Bingham Bradley Broussard Browning Burke, Pa. Butler Calder Cantrill Carter Cary Clark, Fla. Claypool Connell	Cooper Copley Covingtc Cox, Ind Cox, Ohi Cravens Curley Currier Davenpo Dent Denver Diffendet Donchoe Driscoll, Dupre Dwight Esch
Connell	Esch

Estopinal Hanna Evans Fields Fitzgerald Harris Harrison, N. Y. Hartman Focht Fordney Fornes Gardner, N. J. George Gillett o Hawley Heffin Hill Hinds Hobson Houston ort Hughes, Ga. Hughes, N. J. Hughes, W. Va. James Jones Glass Goldfogle Good Graham Gregg, Pa. Griest rfer D. A. Kahn Hamill Kent

Porter

Porter Pray Prince Prouty Roberts, Nev. Rodenberg Sloan Smith, J. M. C. Smith, Saml. W. Speer Stephens, Cal. Sterling Sulloway Switzer Tilson Towner Volstead Warburton Warburton Wedemeyer Willis Wilson, Ill. Woods, Iowa Young, Kans. Young, Mich.

Goeke

Kinkead, N. J.	Matthews	Reyburn	Taggart
Konig	Moon, Pa.	Riordan	Talbott, Md.
Lafean	Moore, Pa.	Roberts, Mass.	Taylor, Ala.
Lafferty	Murray	Robinson	Taylor, Ohio
Langley	Needham	Rouse	Thayer
Lee, Pa.	Neeley	Sabath	Thistlewood
Levy	Olmsted	Scully	Tuttle
Lindsay	Palmer	Sells	Utter
Littleton	Parran	Sherley	Vreeland
Longworth	Peters	Simmons	Webb
McGuire, Okla.	Plumley	Slemp	Weeks
McHenry	Powers	Smith, Cal.	Whitacre
McKellar	Puio	Smith, N. Y.	Wilder
Madden	Ransdell, La.	Stack	Wilson, N. Y.
Malby	Rees	Steenerson	Wood, N. J.
Mann	Reilly	Stevens, Minn.	4

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Neeley with Mr. Ames. Mr. Peters with Mr. Weeks. Mr. McHenry with Mr. Vreeland. Mr. Lindsay with Mr. Powers.

Mr. James with Mr. Taylor of Ohio.

Mr. HEFLIN with Mr. McGuire of Oklahoma.

Mr. Konig with Mr. Lafferty. Mr. Hobson with Mr. LAFEAN.

Mr. Evans with Mr. Kent. Mr. Estopinal with Mr. Hughes of West Virginia.

Mr. DAVENPORT with Mr. HILL.

Mr. Cox of Indiana with Mr. HAWLEY.

Mr. COVINGTON with Mr. Good.

Mr. Broussard with Mr. Burke of Pennsylvania.

Mr. Anderson of Ohio with Mr. Bates.

For this day:

Mr. CARTER with Mr. THISTLEWOOD.

Mr. DENVER with Mr. LONGWORTH.

Until Monday:

Mr. Lee of Pennsylvania with Mr. GILLETT.
Mr. BARTLETT. Mr. Speaker, I desire to know whether
the gentleman from Pennsylvania, Mr. Butler, voted?

The SPEAKER. He is not recorded.

Mr. BARTLETT. I voted in the affirmative. I desire to change my vote and to answer "Present."

The result of the vote was announced as above recorded.
Mr. DALZELL. Mr. Speaker, I ask unanimous consent that
those who spoke on the resolution may be allowed to extend

their remarks in the Record.

The SPEAKER. The gentleman from Pennsylvania asks that those who spoke on the resolution have leave to extend their remarks in the RECORD. Is there objection?

Mr. GARRETT. Reserving the right to object, I should

like to inquire for how long a time?

Mr. DALZELL. I make the request at the instance of another Member. I should say five days.

The SPEAKER. Five legislative days? Mr. DALZELL. Yes. The SPEAKER. Is there objection?

There was no objection.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 18956, the Army appropriation bill, and pending that I will ask the gentleman from Illinois [Mr. Prince] whether we can agree upon time for general debate.

Mr. PRINCE. In answer to the chairman of the Committee on Military Affairs, I will say that I have a number of applications for time, and I wish the gentleman would let the debate run for a while until we can determine something as to the

desire for debate.

Mr. HAY. Very well.

The question being taken, the motion of Mr. HAY was

agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, with Mr. SAUNDERS in the

When Mr. SAUNDERS took the chair there was general applause on the floor of the House.

Mr. HAY. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

Mr. MANN. I ask to have the bill reported by title. The Clerk read as follows:

A bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913.

The CHAIRMAN. The gentleman from Virginia [Mr. Hay] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, this bill carries an appropriation of \$88,853,757 for the military establishment for the next fiscal This is a reduction of \$3,734,028.79 over last year's bill and a reduction of \$8,074,231 over the estimate made by the

War Department for the Army. [Applause.]

I desire to say, Mr. Chairman, that in arriving at this sum for the support of the Army the committee is very well assured that the amount appropriated in this bill will be amply sufficient to maintain and carry on with efficiency the military service of the Government. In the strictly appropriation items of the bill there are no items which are particularly new. There are some changes in verbiage and some new provisions which can better be explained when we come to consider the bill under the five-minute rule.

There are certain legislative provisions upon the bill which have been placed there for the purpose of economy, for the purpose of reducing annually and perpetually the expenses of maintaining the military establishment. It has been said that these provisions ought not to be placed on an appropriation bill; that it would be better to introduce them in a separate bill. Well, Mr. Chairman, if there were any likelihood of their being considered elsewhere and being passed upon at this session of Congress, or during this Congress, it might be that we would have reported them as a separate measure. But in order to have these provisions acted upon and considered we have thought it best in the interest of the country, in the interest of economy, to put these provisions upon this bill. Nor have they been hastily considered. They were contained in va-rious bills introduced during the extra session of Congress, They were considered by the committee at that time, hearings were had, and an opportunity was given to everyone to come before the committee and state his views. Since the beginning of this session of Congress the Secretary of War and Army, officers have been before the committee and have discussed these legislative provisions.

The first provision to which I will call the attention of the committee is one which provides that the term of enlistment in the Army shall be made five years instead of three years. Upon its face it will manifestly produce a large economy; as a matter of fact, we have the figures from the War Department which show that if this becomes a law the annual expense of the military establishment will be reduced \$2,230,000 a year. It is stated by those who oppose this provision that it will increase desertions; that it will make recruiting more difficult; and that it will impair the efficiency of the service. All these

propositions I deny.

The evidence before us is overwhelming that the service will not suffer in any way by increasing the term of the enlisted men; that there will be no more trouble in obtaining recruits than there is now; that there will be no more desertions than there are now; and that we will have a better Army, a betterseasoned soldiery, than we have to-day.

It has been said that it will increase the number of men on the retired list. There can be no foundation for a contention of that sort, because there will be no more men serving in the Army under the five-year enlistment than now serve under the

three-year enlistment.

It has been stated that it will increase the pension list. The mere statement of the proposition is to show to anybody that instead of increasing the pension list it will decrease the pension list, because under the five-year enlistment during a period of 15 years three men would enlist, while under the three-year period in 15 year's time five men would enlist. So there would be five men who would be more likely to be placed on the pension list than if there were only three men serving during that

So, without at this time going any further into the discussion of this question, we confidently affirm that this provision will not in any way impair the efficiency of the Army and that it will work out a great economy in the military establishment.
Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. SAMUEL W. SMITH. Section 2, page 48, of the bill has relation to the uniforms in the Army. I wish the gentleman

would explain the proposition in reference to that.

Mr. HAY. The provision to which the gentleman refers is one which provides that no change of uniform of officers and enlisted men shall be made by the War Department without the approval of Congress. That provision was put in the bill by the committee because of complaints of Army officers of the great expense to which they have been put by the constant change in uniform, and because it has caused a great deal of expense to the Government in the uniforms of enlisted men, because as fast as they adopted one uniform they changed it, and the old uniform became obsolete. That caused expense to the Government.

Mr. SAMUEL W. SMITH. I see that the bill provides that it shall be in accordance with the orders of the War Department made on the 25th of May, 1911. Is that the last order of the War Department with reference to uniforms?

Mr. HAY. No; I think it is not. The last order has been recently made, and at the proper time I shall offer an amendment which will conform to the last order, because under the last order, I assume, a great many officers have bought their uniforms and the enlisted men also have been furnished uniforms. Therefore I shall make it conform with the last order, so that no further change can be made without the consent of

Congress.

Mr. SAMUEL W. SMITH. So the uniforms will remain, then, practically as they are now.

Mr. HAY. Yes. Mr. Chairman, I now come to the third section of the bill, which provides that there shall hereafter be no per cent added to the salaries of officers and enlisted men for foreign service. Under the present law every officer who serves in the Philippine Islands gets 10 per cent additional and every collisted man gets 20 per cent. In 1908 Congress increased every enlisted man gets 20 per cent. In 1908 Congress increased the pay of the Army from 25 to 40 per cent for officers and enlisted men, and when that matter was before the Committee on Military Affairs it was stated by Army officers that if we would increase the pay to the amount which they then advocated it would not be necessary to continue this increased pay for foreign service. That pay was not increased in a separate bill. It was increased by an amendment placed upon the bill when it went over to the Senate and the matter of foreign-service pay in conference. This foreign-service pay was con-By cutting off this foreign-service pay we would save \$1,016,000 a year. The conditions under which that pay was first granted are very different from what they are now in the Philippine Islands. This pay applies only to the Philippine Philippine Islands. This pay applies only to the Philippine Islands. The conditions there are very much better from every standpoint, and the Surgeon General, in his report, shows that the health of the Army in the Philippines has in every way improved and continues to improve. I do not believe that there is any reason for continuing this foreign-service pay.

I want to call attention here to something with which per-haps some Members of the House are not familiar, and that is that every officer of the Army, including all officers up to and including the rank of captain, get for every 5 years of service 10 per cent added to their pay up to and including 20 years of service, when they get 40 per cent added to their salary. For instance, the pay of a captain is \$2,400 a year. After he has served 5 years 10 per cent is added to that, after he has served 10 years 20 per cent is added, after he has served 15 years 30 per cent is added, and after he has served 20 years 40 per cent is added, so that the pay of a captain who has served

20 years is \$3,360 a year.

Mr. SAMUEL W. SMITH. Does that apply to officers below the grade of captain?

Mr. HAY. Yes; it applies to lieutenants and captains. Mr. HUMPHREYS of Mississippi. Mr. Chairman, if an offi-

cer has served 10 years and is then commissioned as a captain, does he get \$2,400 plus 20 per cent?

Mr. HAY. Yes

Mr. HUMPHREYS of Mississippi. And if by the time he has reached the grade of colonel, when he will probably have served 20 years, will he receive the salary of a colonel plus 40 per cent?

Mr. HAY. No; the salary of a colonel is \$4,000 a year, and under the law he can not get more than \$5,000; so if he has served 20 years he gets \$5,000 a year as a colonel.

Mr. HUMPHREYS of Mississippi. The effect of that is that

colonels get \$5,000 a year? Mr. HAY. Always.

Mr. HUMPHREYS of Mississippi. No man ever reaches that rank in less than 20 years?

Mr. HAY. It would be a very rare case if he did. The pay of a lieutenant colonel is \$3,500 a year.

Mr. HUMPHREYS of Mississippi. There was one other question that I wanted to ask on a branch of the subject that the gentleman has just passed, and that was as to the health in the Philippine Islands. The gentleman says that the Surgeon General's report shows that the health of soldiers in the Philippines is very much better than it was a few years ago.

Mr. HAY. A great deal.

Mr. HUMPHREYS of Mississippi. How does it compare with the health of soldiers in other places than the Philippines, as in the Hawaiian Islands or in Alaska?

Mr. HAY. I do not recall that he has any statement or comparison as between different foreign possessions of the United

Mr. HUMPHREYS of Mississippi. How would it compare with the health of soldiers here on the mainland?

Mr. HAY. It is not quite as good as the health of the sol-diers within the confines of the United States, but it is constantly improving and the conditions under which they serve are a great deal better than when the foreign-service pay was

As I say, the foreign-service pay only applies to the Philippine Islands; it does not apply to troops serving in Alaska, in Hawaii, or in Porto Rico. And I might also state that an en-listed man serving in the Philippine Islands is credited with double time, so that after he has served there 15 years he is put on the retired list, and in this country he has to serve twice that time before he is put on the retired list.

Mr. HUMPHREYS of Mississippi. That does not mean 15

years continuously?

Mr. HAY. No; every year he serves there counts two years toward his retirement.

Mr. HUMPHREYS of Mississippi. Now, does that apply to

the commissioned officer also?

Mr. HAY. No; it does not apply to the commissioned officer. Mr. SAMUEL W. SMITH. Is this discontinuance of foreign pay recommended by the Secretary of War?

Mr. HAY. It is not. Mr. SAMUEL W. SMITH. Does he oppose it?

Mr. HAY. I think he does.

Mr. SAMUEL W. SMITH. On what grounds, please?

Mr. HAY. Well, I really can not state his position. If the gentleman will read these hearings—since the gentleman asked me the question, I do not believe the Secretary of War ex-

pressed any opinion upon that particular subject.

Mr. SAMUEL W. SMITH. I will say to the gentleman I will be glad to read the hearings, but it is only one of many things we have to read, and this is about the best way of obtaining information.

Mr. HAY. The gentleman seemed very much interested in the subject.

Mr. SAMUEL W. SMITH. I will be glad to read them if I

Mr. HAY. But I recall now the Secretary of War did not express any opinion upon this particular phase of the bill. As I was going to say, the pay of a lieutenant colonel is \$3,500, and he can get under the law \$4,500 after he has served 20

The pay of a major is \$3,000, and after he has served 20 years he gets \$4,000 a year; and not only do these officers get the pay and this additional per cent, but they have a great many emoluments in the way of allowances of various sorts and kinds, which it is not necessary for me to go into but which amount to a good deal, and I do not think that any people in any other walk of life are better taken care of than does the United States take care of the officers and men of our Army.
Mr. TILSON. May I ask the chairman a question?

Mr. HAY. Certainly.

Mr. TILSON. Is it not an undisputed fact that an officer who goes to the Philippines has additional expenses that he does not have in this country?

Mr. HAY. I suppose some of them have; yes. Mr. TILSON. They have to keep up two establishments, for instance-either do that or take their families to the Philippines.

Mr. HAY. If a man has a family, of course he has. If he has not, he does not. It depends upon whether he is married

Mr. TILSON. Does he not have additional expenses in the way of additional uniforms that he must have, in order to go to tropical countries, that he does not have to have here?

I suppose so; but I will say to the gentleman-

Mr. SLAYDEN. Will my colleague yield?

Mr. HAY. Certainly. Mr. SLAYDEN. Is it not true that when the pay of officers and enlisted men was increased in the year 1908, I think it

Mr. SLAYDEN (continuing). It was done to meet the argument advanced and the conditions referred to by the gentleman from Connecticut [Mr. TILSON], that in this service in the Philippine Islands they had some expenses which they did not have at home? That was an argument advanced for increasing the pay.

Mr. TILSON. But the fact remains that there is still an nequality if this is taken away from the men who go to the

Mr. SLAYDEN. Inequality between whom? Mr. TILSON. Between the men who go to the Philippines and those who do not.

Mr. HAY. All go to the Philippines. Mr. SLAYDEN. They all go; that is an incident of the service

Mr. TILSON. They do not all go at the same time?
Mr. SLAYDEN. Certainly not; one goes now and another to-morrow, and so on, and it equalizes itself.
Mr. TILSON. But their service in the Philippines is not of

equal length?

Mr. HAY. That is not the fault of Congress; that is the fault of those who order them there; but I will say, Mr. Chairman, that while I desire in every possible way to provide in a most generous manner for the officers and for the enlisted men of the Army, yet I think that we are not here altogether to legislate for their benefit, but that we must take into consideration in some degree the interest of the taxpayers of this

Mr. PRINCE. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Illinois. Mr. PRINCE. Does the gentleman recall that any officer or other person appeared before our committee in favor of taking away this foreign-service pay?

Mr. HAY. I do not-you mean before the present com-

mittee?

Mr. PRINCE. I do.

Mr. HAY. I do not.
Mr. PRINCE. Does the gentleman recollect of any officer appearing before the committee opposing the taking of it away? Mr. HAY. I do. I think all of them do, and I think it is

very natural. Mr. PRINCE. Well, I wanted to let the Committee of the Whole House on the state of the Union know that this provision was the act of the Committee on Military Affairs.

Mr. HAY. I stated that.
Mr. PRINCE. I was busy and did not hear the gentleman.
Mr. FOSTER of Illinois. I think it is a self-evident fact that

would need no inquiry.

Mr. SAMUEL W. SMITH. On page 61, line 9, of the bill, it reads:

That hereafter service as a cadet of the United States Military Academy or as a naval cadet or midshipman shall not be counted in computing for any purpose the length of service of any officer of the Army.

I would like to ask the gentleman if he regards that as retroactive?

Mr. HAY. I regard that as taking away from those who are now enjoying it the additional 10 per cent or 20 per cent, or whatever it may be, if this becomes a law. It will stop, and they will only get that per cent for actual service in the Army and not for service in the Military or Naval Academy.

Mr. SLAYDEN. It never was provided for by law. Mr. SAMUEL W. SMITH. As you construe it, would it be retroactive?

Mr. HAY. No; it is not retroactive in the sense that the word is used in applying it to the civil law.

Mr. SAMUEL W. SMITH. It would apply to those Mr. HAY. Who are on the active or retired list. I am com-

ing to that provision, but will discuss it now if the gentleman

desires me to do so.

Mr. SAMUEL W. SMITH. I would like to ask if the Secretary of War approves of that?

Mr. HAY. I do not know, but I believe that the gentleman from Illinois [Mr. PRINCE] or some other Member of the minority told me that he did. Did I understand the gentleman from Illinois [Mr. PRINCE] to say so?

Mr. PRINCE. Please put the question again.

Mr. HAY. I understood from some member of the minority the other morning, and I think it was the gentleman from Kansas [Mr. Anthony], that the Secretary of War had approved of that provision in the bill as to the service of the cadets at the Military Academy not being computed when you come to compute their pay. It is the last provision in the bill.

Mr. PRINCE. I do not recall having any conversation with you about it. Perhaps it was the gentleman from Kansas [Mr. Anthony] with whom you talked.

Mr. SLAYDEN. Will the gentleman from Virginia permit me a question?

Mr. HAY. Yes.
Mr. SLAYDEN. What statute is repealed by this proposed law taking from the cadets at the Military Academy an increase of pay because of length of service?
Mr. HAY. There is no statute whatever on the subject. It was the result of a decision of the Supreme Court of the United

States. Mr. MANN. Will the gentleman yield for a question? Mr. HAY. Certainly.

Mr. MANN. I take it from the reading of the bill that that would operate to reduce the pay of the officers who now receive it.

It would reduce the pay of the officer who gradu-Mr. HAY. ated at the Military Academy and now receives increase of pay because of four years at that institution.

Mr. MANN. If the House passes this, as I apprehend it will, if it is not subject to a point of order—which matter I have not investigated-will it put the House on record so that it will pass with the gentleman's approval those claims that have been hanging around for a long time to allow this longevity pay to officers who had-

Mr. HAY. To what claims does the gentleman refer? Mr. MANN. The gentleman knows that this was th The gentleman knows that this was the decision of the Supreme Court of the United States, including the length of service at the two academies?

Mr. HAY. Made years ago-in 1881, I believe.

Mr. MANN. I think not as long ago as that.
Mr. HAY. Well, in 1881 or 1882.
Mr. MANN. Of course, when that decision was made the officers filed their claims.

Mr. HAY. It was in 1884.
Mr. MANN. They filed their claims for their pay, so far as they could file their claims, with the Court of Claims, but the statute of limitation barred a lot of them. We have in the House here, as amendments to the omnibus claims bill, a whole stack of those amendments, running back to 50 or 60 years, and very insistently urged upon Congress. I know at one time I got myself very much disliked both in and out of the House by insisting that those claims had no moral standing, and as they had no moral standing they ought not to be paid.

Mr. HAY. Well, now, what is the gentleman's question? Mr. MANN. My question was whether the gentleman will agree with us, or with me, so far as I am concerned, that when we pass this that settles the claim business?

Mr. HAY. Certainly. It is not necessary for me to agree again with the gentleman. I had already agreed with the

gentleman on that proposition.

Mr. MANN. I just wanted to have a public expression from the gentleman, so that we would not be bothered with them

Mr. HAY. I have not heard of them at this session. Mr. MANN. They are hanging around still, I will say to the gentleman.

Mr. HAY. Now, Mr. Chairman, since the gentleman has called my attention to this provision of the bill, although it does not come in order, I might as well discuss it now. Under this decision of the Supreme Court every man who graduates at West Point is given this 10 per cent increase on his flat pay after he has served in the Army only one year.

Mr. MANN. And in the Navy it is still worse. The term of

instruction is six years at Annapolis?

Mr. HAY. Yes; but I am not discussing the nature of it These men are at West Point receiving instructions, receiving an education at the expense of the United States Government. They are paid a certain salary while they are there, and they count that term of four years spent at the academy as a part of their service in the Army. It is a fact that a majority of the officers of the Army are not graduates of West Point, but have been appointed from civil life. The man from civil life has to serve five years in the Army before he can get this additional 10 per cent, so that it is not only unjust to the United States for the Government to pay a man for a service that he has not performed, but it is an unjust discrimination against those officers of the Army who enter it from civil life.

Mr. AMES. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Massachusetts?

Mr. HAY. I do. Mr. AMES. I want to get the facts before the House, as I know the chairman also wishes, in their true light. When the gentleman says that the cadet at West Point is paid a salary, he simply means that the bare necessities of life are paid for by the Government?

Mr. HAY. He gets \$620 a year.

Mr. AMES. And out of that he gets nothing but his clothing, his heat, his light, his books, and the things he has to use clothing to wear and food to eat.

Mr. SLAYDEN. Does he not accumulate a surplus?

Mr. AMES. No. On the other hand, I understand he incurs a deficit.

Mr. HAY. How many young men throughout the country are there who would not be glad to receive \$620 a year to be ex-

pended for food and clothing and fuel and light and books, in

addition to receiving an education?

Mr. AMES. There are two classes of boys who go into the Army; one class which goes into the Army directly and the other which goes there through the Military Academy. The boy who is willing to take the oath of allegiance to the United States for eight years goes to the academy and serves four years there before he gets his commission in order that he can get an education and be a better soldier. The other boy is appointed from civil life, and he is not as good an officer because he has not had the same preliminary training. Why should not their longevity pay determine from the same date?

Mr. HAY. It should determine from the beginning of their service in the Army.

Mr. AMES. Under that it would take eight years.

Mr. HAY. That is an incident to the boy's getting into the

Military Academy.

Mr. AMES. Is he not a better officer?

Mr. HAY. Whether he is or not is a question. Some are and some are not.

Mr. MANN. Will the chairman of the committee in charge of the bill yield to me for a question?

Mr. HAY. Certainly. Mr. MANN. I understand the purpose of the gentleman is to place all these officers on the same basis?

Mr. HAY. Yes.

Mr. MANN. Is the gentleman able to inform us how an officer becomes a commissioned officer in going up from the

Mr. HAY. He gets his time because he has been serving the Government of the United States in the Army in the ranks. I think that is only fair.

Mr. MANN. They are not now all on the same basis?

Mr. HAY. No.

Mr. MANN. I asked the question for information. I did not know what the ruling was

Mr. HAY. Yes. I think that is such a clear proposition that

it is not necessary for me to dwell upon it.

Now, the third section of this bill is the most important section, and, in my judgment, it will bring about a great deal of economy as well as increase materially the efficiency of the Army. It provides for a consolidation of the Paymaster's, the Quartermaster's, and the Commissary Departments into one department, to be known as the supply corps.

This proposition has been recommended by many Secretaries of War. It has been recommended by all of the eminent mili-tary authorities of this country, and I believe that this is the first time that a measure of this sort has been brought before the Congress in such a way as will enable us to carry it out.

This section will save annually, in dollars and cents, \$538,000, and it is estimated that in the efficiency which will be brought about by the consolidation of these departments a great deal more will in time be saved. Under the present system the Paymaster General attends to one branch of the supplies for the Army, the Commissary General attends to subsisting the Army, and the Quartermaster General attends to all the other activities which go toward supplying the Army with what is necessary for its support. If all these departments are brought under one head, you will have a coordination and an efficiency which you have never had before. I have quoted in my report at length from the opinion of the Secretary of War, from the opinion of the Chief of Staff, and from the opinions of other officers, showing that they desire and believe that this consolidation ought to take place. They object to some—Mr. AMES. Will the gentleman yield?
Mr. HAY. Certainly.

Mr. AMES. While what the gentleman says is quite true, that the Secretary of War and Chief of Staff do approve of such consolidation, do they approve of the consolidation as you have laid it out?

Mr. HAY. If the gentleman had possessed his soul in patience, I was just going to point out the objections which these gentlemen have made to the provision which has been embodied in this bill by the committee. I was joing to say that they object in the first place to cutting off the officers that will be cut off from the Army under the provisions of this bill-40 in number-because they say that they have not enough officers in the Army now. When you consolidate a great business one of the purposes of that consolidation is to effect an economy in employees, and when we consolidate these three departments we want to effect, if we can, besides efficiency, an economy in officers. We have done that, not arbitrarily, but upon statements made by the heads of these three departments to the Secretary of War that it could be done. We have done it upon the statement of the Chief of Staff himself that an economy of personnel could be effected. We have done it upon the statement of the president of the War College, Gen. Wotherspoon, that an economy of personnel could be effected.

Mr. TILSON. May I interrupt the gentleman?

Certainly. Mr. HAY.

Mr. TILSON. Is it not a fact that at the present time a considerable share, at any rate, of the duties of these departments, especially of the Quartermaster's Department, are performed by officers of the line, who are for that purpose taken away from the troops which they ought to command?

Mr. HAY. It depends very much upon what the gentleman

calls the duties of the Quartermaster's Department.

Mr. TILSON. Are there not a number of these officers who are doing quartermaster's duty and taken away from their commands?

Mr. HAY.

No; not taken away from their commands.

N. They are not performing their duties with Mr. TILSON. their commands.

Mr. HAY. They are not detached from their commands.
Mr. TILSON. No; but they are not performing their duties
with their commands. They may not be detached in the technical sense of the word, but they are not performing their duties in the line.

Mr. HAY. The gentleman very well knows that there is in every regiment of Cavalry and Infantry a surplus of nine officers. Mr. TILSON. I should not agree to that at all. They have

their duties to perform.

Mr. HAY. The gentleman will not let me finish my statement. Every regiment of Infantry, for example, is composed of 12 companies, and it has 15 captains, 15 first lieutenants,

and 15 second lieutenants.

These nine extra officers were provided by Congress for the purpose of doing staff duty, and it has been the custom since we had an Army, that line officers stationed at posts or stationed in the field performed the duty of post quartermaster and post commissary, and there is no good reason why they should not do it now. As I said a moment ago, they have been doing it all the time.

Mr. TILSON. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. HAI. Certainly.

Mr. TILSON. While doing that some other officer of the line
is performing their duty with the command.

Mr. HAY. They can perform these duties in addition to the
line duty, and they do it constantly.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HAY. I will.

Mr. SLAYDEN. The gentleman's memory is probably more accurate than mine, but my recollection is that the act of re-organization of February 2, 1901, specifically provided an addi-tional supply of officers for the purpose of having them do quartermasters' work.

Mr. HAY. Quartermaster work and commissary work and

other work.

Mr. PRINCE. Will the gentleman from Virginia yield?

Mr. HAY. I will yield to the gentleman.

Mr. PRINCE. True it is, as our colleague on the committee says, but is it not also true that we have about 700 officers now doing work away from their commands—doing military duty and quasi military duty with the militia and at schools,

or any work other than purely military work?

Mr. HAY. Yes; and you may say that we have 258 officers in the city of Washington, outside of those at the Washington

Barracks.

Mr. PRINCE. That may be true, but are they not all properly at their places and discharging military duties?

They have all been ordered there; yes.

Mr. PRINCE. The question seems to be this: Provision has been made in the law for these extra officers to do the kind of work that they are doing, and the line has suffered by reason of taking officers away from the line to do work other than that which they ought to do, and yet the public demands it. would join with the gentleman in saying that every officer should be put at his place—send officers of the line to take their position-or that we should have enough officers to perform the requirement that the public demand of these officers, and I prefer the latter rather than the former; that is, to have the additional officers. I say to you that if you reduce the number of officers by 40 you will to that extent cripple the efficiency of the Army. I will not disagree with you on the consolidation. You will find no objection to that in our report, and you find no objection on the part of the Secretary of War to that, but to reduce the officers of the Army to that extent we do object.

Mr. HAY. I want to emphasize, in the first place, that the heads of the different departments have stated that this work

can be done by this consolidated corps with 40 less officers than are now in that corps. Now, the question arises, Where do we save those officers? We necessarily have to save them from the officers of the line, because the staff officers are by law in their positions and they can not be legislated out of office. This bill does not legislate anybody out of office; it only provides that when a vacancy occurs under certain circumstances that vacancy shall not be filled. So that nobody's commission is taken away from him.

Now, the gentleman says the efficiency of the Army will be impaired by losing these 40 officers. I do not understand that that is true. In the last session of Congress we passed two laws—one giving 200 officers to the Army and another under which 75 officers were added to the Army, making in all 275 officers which have been added to the Army in the last two

Will the gentleman yield?

Mr. KAHN. Will the Mr. HAY. Certainly, Mr. KAHN. Is it not Is it not a fact that the War Department requested 660 additional officers in order to properly carry on the work of the Army?
Mr. HAY. Oh, yes; they said "to properly carry it on."

Mr. KAHN. And the committee allowed 275? Mr. HAY. They allowed 200 officers on that, and the other 75 came from the passage of the bill adjusting rank.
Mr. KAHN. Of which 30 went to the Quartermaster's De-

partment?

Mr. HAY. Yes.

Mr. KAHN. Is the gentleman familiar with the fact that the Quartermaster General in his report stated that he required 216 officers to properly perform the duties of his department alone?

Mr. HAY. I am, and I am also familiar with the fact that the Quartermaster General stated that if this corps was consolidated with the others-that is, if the work of these three corps was consolidated-then all of the work of those corps could be done by the number of officers provided for in the bill.

Mr. KAHN. One hundred and eighty-three officers?

One hundred and eighty-three officers, or what-Mr. HAY. ever the number is.

Does the gentleman think that if one depart-Mr. KAHN. ment of the three to be consolidated requires 216 officers to perform the duty of that department alone, the work of the three departments can be performed by 183 officers?

Mr. HAY. I only know that the Quartermaster General of the Army is one of the most accomplished officers in the Army.

Mr. KAHN. I agree with the gentleman in that.

Mr. HAY. And I know this, that the Quartermaster General would never have made the statement that the work of these consolidated corps could be done by the officers provided for in this bill if he had not believed that it could be done; and I would rather take the opinion of the Quartermaster General on a proposition of that sort than the opinion of the gentleman from California or anybody else, because the Quartermaster General is fully informed about what work will have to be done and how it will have to be done. Mr. KAHN. Will the gentleman yield further?
Mr. HAY. Yes.
Mr. KAHN. Mr. Chairman I agree with the

Mr. Chairman, I agree with the gentleman as to the capabilities of the present Quartermaster General, but I simply desire to call to his attention, and to the attention of the House, the fact that in a report made a year ago he said he required 216 officers to do the work of his department alone. The gentleman now proposes to consolidate two other departments with that, and it is said that they can do all the work with 183 officers. I say that is an inconsistency, and it seems inconceivable that you can do the work of three departments with that number of officers when it has been stated that it requires 216 officers to do the work of one department alone.

Mr. HAY. It is not inconceivable at all. The very thing that we are trying to do is to bring about a consolidation and a coordination which makes it conceivable that 183 officers can perform these duties. Why? Because every officer in this corps can be used to perform all the duties which three officers are performing now. You have to have a paymaster to pay the troops, you have to have a commissary to issue subsistence stores, and you have to have a quartermaster to perform the duties of the quartermaster. Under this plan you can take one officer and he can perform the duty now being performed by

three officers. That is the way it is conceivable.

Mr. KAHN. The gentleman does not mean that statement in the way he makes it. The number of officers in the Pay Department is not the same number of officers as are in the Quartermaster's Department.

Mr. HAY. I know that.

Mr. KAHN. Nor is the number in the Commissary Department the same as in the Quartermaster General's Department. Therefore it does not take three officers to do the work of one.

Mr. HAY. Mr. Chairman, the gentleman from California seems to be singularly dense about this matter. I said it

takes one officer-

Mr. KAHN. I am dense about some things that have been stated with reference to this bill, and the gentleman will have

to "show me," even though I come from California. [Laughter.]
Mr. HAY. I will try to do so. I did not say it in the way
in which the gentleman from California said it. I said that
now you have to employ an officer to pay the troops, and you have to have a commissary officer to subsist the troops, and a quartermaster to attend to the duties of the Quartermaster Department; but under the provisions of this bill 1 officer could do what the 3 officers are now doing at a post, for in-

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.
Mr. BATES. Under the present regulations will the chairman of the committee inform us if the man denominated as paymaster performs any other duty than that of paymaster?

That is all.

Mr. BATES. Are they purchasing agents at present?

Mr. HAY. Not at all.

Mr. BATES. Is their time all taken to pay the officers and men, or does the gentleman's scheme intend to draft their idle moments into the duty of quartermaster and commissary, as For instance, in the Navy there is no officer to in the Navy. correspond with the quartermaster.

In other words, we have consolidated

Mr. BATES. Nor have they a commissary, but the paymaster in the Navy pays all three. He is the paymaster; he is the commissary; and he is the quartermaster, although part of the Navy are on shore and part afloat.

Mr. HAY. That is what we want to do with the Army

Mr. BATES. And the paymaster, so denominated in the Army, at present only performs the duty of paymaster.

Mr. HAY. That is all. Mr. BATES. And he is not the purchasing agent at all or the accounting agent?

Mr. HAY. He does nothing but pay the troops.
Mr. MANN. And draw his salary.
Mr. SAMUEL W. SMITH. In section 4 there are three establishments—quartermaster, commissary, and paymaster—and there is a total in the quartermaster's office of 216 officers. How many are there in the others?

Mr. HAY. There are not 216 officers in the Quartermaster

General's Department.

Mr. SAMUEL W. SMITH. How many are there in each of these departments?

Mr. HAY. There are 223 in all.

Mr. SAMUEL W. SMITH. Can the gentleman tell us how they are divided?

Yes; I can do that. Mr. HAY.

Mr. SAMUEL W. SMITH. Thank you.

Mr. HAY. I can tell the gentleman in a moment, if he will bear with me. I am taking too much of the time of the committee as it is. There are now in the Subsistence Department 44 officers; in the Pay Department, 53 officers; and in the Quartermaster's Department, 126 officers; making in all 223

Mr. SAMUEL W. SMITH. Thank you. Mr. KAHN. Will the gentleman yield further? Mr. HAY. Certainly.

Mr. KAHN. Is it not a fact that the Quartermaster General in recent years in his report has asked for 96 additional officers

in that department alone?

Mr. HAY. He has in recent years, but he has not done it with a view to a consolidation, and the gentleman from California, instead of discussing what may be the duty of these officers in this consolidated corps, continues to dwell upon the fact that the Quartermaster General a year ago, or two or three years ago, asked for more officers for his special corps.

Mr. KAHN. I will ask the gentleman whether he can do the work of the three corps, one of which requires 216 officers alone, with 183 men? Does the gentleman himself believe it can be

I believe so upon the statement made by the Quartermaster General, whose opinion on this matter is worth as much or more than the opinion of any man, I do not care who he is, in the Army or anywhere else. [Applause on the Democratic side.] Now, Mr. Chairman, continuing what I was about

to say in regard to the objections to this proposition, another objection is that this bill provides that the chief of the supply corps should be a major general. The reason for that is this: Under the provisions for this supply corps the man at the head of it will have the disbursement practically of all the money carried in this bill, certainly \$80,000,000 a year. He will be in command of 223 officers and about 9,000 men, and you ought to give to a man pay and station commensurate with the responsibilities which he has to bear. It has been asserted that if you do this you will make him the most important man in the Army. Well, that is not true, because he only has this rank while serving at the head of the supply corps. He is not a major general except when he is serving, and there is a provision in another section of the bill which provides that a man when he comes to the end of his detail at the head of this corps can be returned to the position from which he came.

Mr. AMES. Will the gentleman yield? Mr. HAY. Certainly.

Mr. AMES. Was not the testimony before the Committee on Military Affairs as to the rank of heads of supply corps or commissary department, which is the same thing, that the rank of major was what obtained in other armies, not that of major general?

Mr. HAY. Not at all; the evidence as I remember it was not anything of that sort. I understand that in the German Army the rank of the head of the supply corps is equal to that of a major general. Somebody may have testified that they only had a major at the head of a supply corps in some foreign army—I do not say they did not—but my recollection is that Gen. Sharp, the Commissary General, who had given this particular subject careful attention, testified that the rank, both in the French, in the German, and in the English Armies, was equal to that of a major general.

Mr. TILSON. Mr. Chairman, will the gentleman state what the rank of Gen. Meigs, the great Commissary General of the

Civil War, was?

Mr. HAY. His rank was that of a brigadier general, but he did not have the Commissary or Pay Department under him.

Mr. TILSON. But he had an immense army under him? Mr. HAY. Yes; he did.

Mr. TILSON. Of many times what our Army is?

Mr. HAY. That is true. The Commissary General was at that time a brigadier general, I think. I do not recall that. But I do not think that is a parallel case with this. It has been said that the Chief of Engineers is as important as the chief of the supply corps and Chief of Ordnance. I do not think that can be seriously contended, because I am sure, if anybody examine into the duty of the chief of this supply corps and the responsibilities which rest upon him, it will be found that he will have responsibilities which no other officer in the Army will have. Mr. TILSON.

Do you not think that it might be embarrassing and subversive of discipline if the head of this supply

corps should outrank the Chief of Staff?

Mr. HAY. I do not think the head of this supply corps could in any possible way outrank the Chief of Staff, because in this bill, in the last provision, it provides that the chief of the supply corps shall be under the supervision of the Chief of Staff.

Mr. TILSON. Yes; but could he not outrank him?

Mr. HAY. Well, he might have a senior rank, but he is only a major general while so serving, and I think it would be a very rare thing if it ever happened at all.

Mr. TILSON. But it might occur under this bill.

Mr. HAY. Oh, it might possibly occur. The moon might drop out of the heavens, too.

Mr. TILSON. Do you not think it would lead to friction by having the Chief of Staff junior to the head of the supply corps?

Mr. HAY. The bill provides that the head of the supply corps shall be subject to the supervision of the Chief of Staff. So I do not think there is anything in that contention. I do not remember now any other objection to this supply corps. I believe we are agreed, both the majority and minority, that the principle of this supply corps is a good thing and ought to be put into operation. We simply differ on details as to the major general and as to the cutting off of the 40 officers.

Mr. KAHN. And as to the advisability of enacting this legislation before the Army itself is reorganized, so that the supply corps should fit a proper reorganization of the Army.

Mr. HAY. I understand that is a general objection to all the provisions, but I want to say that I have been hearing about this general reorganization for some time, and we can not afford to wait to bring about efficiency and economy until these gentlemen get ready to bring in this reorganization plan.

Mr. AMES. For the purpose of putting into the RECORD a statement by Maj. Shelton, I will read from volume 3, page 155, as follows:

If we had an organized Army, and with that proviso, I should agree in principle with this section. I think that there is no doubt that the duties of the Inspector General's Department are purely General Staff duties.

The gentleman can read that in his own time.

Mr. AMES. It was a question of recollection.

Mr. HAY. I will admit, if you please, that Maj. Shelton believes that a man ought not to be any higher than a major, but if you will read it you will find that he said that about The Adjutant General's Department, and not about the supply

Mr. PRINCE. Mr. Chairman, I think it would be well if we can narrow the issue between the majority and minority as to this section. It seems to me this, that you want to dispose of and separate from the Army, by easy stages, 40 officers. We want to keep those 40 officers in the Army to do the work that officers are called upon to do, and we are opposed to the making of the head of this department a major general. On the economy sought there seems to be no dispute. So these are the only two issues in this section.

Mr. HAY. Yes; I understand that to be true.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. HAY] has expired.

Mr. PRINCE. Mr. Chairman, I ask unanimous consent that

the gentleman be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Virginia [Mr. Hay] be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. HAY] is recognized.

Mr. HAY. I want to say on this question of the necessity for officers in the Army, I am not advised that the Army is so much in need of this large number of officers. As I said a moment ago, there are 258 officers in Washington, outside of Washington Barracks, and they are sent to different parts of the country to do all sorts of work, a large part of it not military in its

character.

I do not believe that the Army is going to suffer one particle by cutting off the 68 officers which are provided to be cut off by the provisions of this bill. If I did, I would not advocate it. I am not in favor of and I will not advocate any measure which would look toward decreasing the efficiency of the Army. I have always been ready, and I am ready now, to do anything in my power to increase the efficiency of the Army of the United States; but while I am willing to do that I also desire, if I can do it without impairing the efficiency of the Army, to decrease in some measure the immense and enormous military appropriations which this Government is annually compelled to make. [Applause.]

Now I come to section 5 of the bill, which is designed to

create a service corps. This proposition is for the purpose of having enlisted men perform a large number of duties which are now performed by civilians. The provision has been so drawn that it does not interfere with the clerks in any way, and it is also so drawn that these men who have been in the service a long time will not be displaced. It rests in the dis-

cretion of the Secretary of War.

The people whom we propose to replace by enlisted men are teamsters, packers, wagon masters, and men of that sort. It is a matter which is not new at all. It has been advocated constantly by various Secretaries of War and by various Army officers, and the only reason why I should hesitate at all to advocate it would be the fact that we are enlisting under this bill 6,000 men in the Army, and before I would consent to doing that I had to be assured that these men whom we were enlisting would not cost as much as the civilians that we are now I want to call the attention of the committee to the fact that these men will not be fighting men. They will be noncombatants, just as the members of the Hospital Corps are.

Mr. KAHN. Mr. Mr. HAY. Yes. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Did I understand the gentleman to say that this does not interfere with the clerks in the department?

Mr. HAY. Yes, sir.
Mr. KAHN. It does not interfere, as I understand, with the clerks in the department here at Washington?

Mr. HAY. No. I mean to say there is no provision in this bill that authorizes the Secretary of War to remove a clerk from his position.

Mr. KAHN. Well, is there not a provision in this section which does provide for the retirement of the clerks and the putting in of a corps of enlisted men? Does not this section provide for that very thing?

Mr. HAY. It does; but it does not propose to get rid of them at once. I may say to my friend from California that when a clerk resigns or dies, if he fills a position which can be filled by an enlisted man, the purpose is to put an enlisted man in his place. That is all.

Mr. KAHN. But this section as it is drawn gives the Secre-

tary power to put in enlisted men immediately. Mr. HAY. Oh, no. This section provides:

That as soon as practicable after the creation of a supply corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than \$30 nor more than \$175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work.

They are exempted especially in terms, and they comprise 889

employees, among whom are the clerks, as I am informed.

Mr. KAHN. The language which the gentleman has read refers entirely to the men who would do technical work, or practically so. The only kind of clerks that are exempted are freight and passenger rate clerks. Those are the only ones.

Mr. HAY. It is not so intended, as the gentleman perhaps knows, if he has talked with the Secretary of War about this particular section. It says "as soon as practicable," which leaves it within the discretion of the Secretary of War.

Now, everybody knows that the Secretary of War is not going ruthlessly to turn people out of employment and put en-

listed men in their places.

Mr. MANN. Would he not be required to? Mr. HAY. Not at all, because it says "as soon as practicable."

Mr. MANN. "As soon as practicable" does not leave it in the discretion of the Secretary of War, except to determine

whether it is practicable or not.

It may not be practicable in his judgment. Mr. HAY. will state to the gentleman from California and the gentleman from Illinois that I am willing to accept any amendment that will cover these clerks who are in the civil service. If they are not covered now, I am willing to accept any amendment which will cover them.

Mr. KAHN. That is what we have been asking for all the

Mr. HAY. I never heard the request made before.

Mr. KAHN. It was spoken of by myself in the committee. Mr. MANN. What the gentleman wants to accomplish, as I understand, is that as these clerks go out of the service they shall not be replaced by civilian employees.

Mr. HAY. Yes, that is right; and I think that is all that is contemplated or intended.

Mr. MANN. That will put a responsibility upon the Secretary of War that I would not want to assume if I was Secretary of War.

Mr. HAY. I admit it will be in the discretion of the Sec-

retary of War.

Now, if this section is adopted it will save \$1,961,000 a year, and in computing that every possible cost which can attach to an enlisted man has been counted. His right to go on the retired list, his pension, if he should happen to get one, and everything has been taken into consideration, and, all those things considered, the amount of saving will be \$1,961,000 annually.

One of the evils of the present system is that under it there are now 2,400 soldiers detached from their commands, privates and enlisted men, doing extra-duty work which ought not to be done by soldiers, but the service can not get along without detaching these men for that purpose. One purpose of this bill is to replace those men with these noncombatants or service-corps men, sending these soldiers back to their companies to perform the duties for which they enlisted in the Army.

Mr. MANN. In that connection will the gentleman yield for

question?

Mr. HAY. Certainly. Mr. MANN. Does the

Does the gentleman think it will be practicable to obtain enlisted men to perform this service at the rate of pay which can be given to them under the law?

Mr. HAY. In the hearings before the Committee on Military Affairs both Gen. Sharpe and Gen. Aleshire stated that they would have no trouble in getting all the men they desired.

Mr. MANN. Would not these enlisted men of the service

corps have to go in at the ordinary pay of enlisted men?

Mr. HAY. No. The pay of this service corps is the pay of the Signal Corps. If you will look at the provision you will

find that there are provided 15 master electricians, and so on down. A master electrician gets \$75 a month besides his clothing and subsistence; a sergeant, first class, gets \$45 a month; a sergeant, \$36; a corporal, \$24; privates of the first class, \$18; privates, \$15; and cooks, \$30 a month.

Mr. MANN. These officers which the gentleman enumerates

Mr. HAY. All enlisted men?
Mr. HAY. All enlisted men.
Mr. MANN. And they now receive the salary or pay which he indicates, and also subsistence? Mr. HAY. Oh, yes; they receive subsistence and clothing.
Mr. MANN. How much does it amount to

Mr. HAY. There is a statement in the hearings showing how much they receive. I regret to take up so much of the time of

Mr. MANN. The gentleman is giving valuable information to the House.

Mr. HAY. There is a statement in the hearings showing what they would get, which I will find.

Mr. MANN. Does the gentleman think that in cities like Washington, San Francisco, or other large cities he can get the class of men to do the work performed by these clerks for the pay which enlisted men in the Signal Corps receive?

Mr. HAY. Yes; that is the information from gentlemen who ought to know.

Mr. MANN. I have great deference for the opinion of the gentleman from Virginia, if he has gone over it, but it seems to me rather a novel proposition.

Mr. HAY. I will say that the law provides in addition to the flat pay an increase of pay on reenlistment of \$4 to the master electrician, first sergeant, and sergeant; \$3 to corporals and privates; and \$3 during the second and third year of enlistment. So, if they continue in the service, their pay necessarily increases. They also get clothing amounting to \$44.84.

Mr. MANN. That is, uniform?

How much is the commutation for clothing?

increases. They also get clothing amounting to \$44.84.

Mr. MANN. That is, uniform?

Mr. HAY. Yes.

Mr. MANN. How much is the commutation for clothing:

Mr. HAY. Enlisted men do not get any commutation. enlisted man gets a certain clothing allowance, and if he has not used up all of his clothing during his term of service he gets pay for his clothing which he has not used.

Mr. MANN. Will all these men be in uniform?
Mr. HAY. I suppose they will—in the uniform of the supply

Mr. MANN. Clerks? Mr. HAY. I do not know about that; I would presume so. It is just like an enlisted man in the Hospital Corps; he does not fight, but he is in uniform.

Mr. MANN. He is not a clerk; I appreciate that. Mr. HAY. They do that kind of duty in the Hospital Corps. What is the objection? If a man has enlisted, what is the objection to having him clothed in uniform?

Mr. MANN. I have no objection; but the man might have an

objection. It makes him too conspicuous.

Mr. HAY. That is true; but I do not see any reason why any man should have a hesitation in serving his country in the country's uniform. I do not think it is any reflection on any man to be a private or a noncommissioned officer.

Mr. MANN. I agree with the gentleman about that. I think it is far from being a reflection; but I notice that few people in this world desire when working along with citizens to be in uniform

Mr. HAY. They would not be working along with citizens; they would be working in their own corps and not with citizens.

Mr. MANN. I take it that if they were working with the clerks they would work with citizens.

Mr. HAY Veg. for a while

Mr. HAY. Yes; for a while.

Mr. MANN. Will the gentleman incorporate in his remarks a statement showing the total amount that would be received by each of these classes, both pay and commutation or al-

Mr. HAY. I will read it to the gentleman now. Master electricians would receive \$1,143.81 a year; sergeants of the first class would receive \$1,113.81 a year; sergeants would receive \$1,010.81 a year; corporals would receive \$851.81 a year; privates of the first class would receive \$788.31 a year; privates would receive \$753.31 a year; and cooks, \$933.31 a year.

Mr. MANN. Does that include commutation or subsistence:
Mr. HAY. That includes everything—pay, commutation for quarters, food, clothing, and everything that the enlisted men

of the Signal Corps now receive. Mr. MANN. The gentleman, as I understand, means he would get this amount of money, but if he got the money he would not get the food?

Mr. HAY. No. That is what it is worth in money, and in other emoluments.

Mr. MANN. If he gets it all in money, he gets that much? Mr. HAY. Yes.

Mr. HAY. Yes, Mr. SLAYDEN. But he could not get it all in money?

Mr. KAHN. Mr. Chairman, will the gentleman yield?
Mr. HAY. Yes.
Mr. KAHN. The gentleman's figures which he has just read to the committee indicate what the man would get in pay plus rations, and so forth?

Mr. HAY. Yes. Mr. KAHN. Has the gentleman, in figuring out the savings to the country, taken into consideration the medical attendance that these men will get free?

Mr. HAY. I understood the Quartermaster General, when he testified before the committee on this subject, to say that he had taken everything into consideration, but I do not believe that the medical attendance has anything to do with it, because we have the surgeons in the Army anyway, and they have to go and visit these men in the Army if they are sick, and it does not cost us anything more.

Mr. KAHN. In some of the large centers, where they have large bodies of these men and only limited hospital accommoda-

tions, they will probably have to enlarge the hospitals. Mr. HAY. Where is there one of those centers where they have no hospital accommodations?

Mr. KAHN. Oh, they have, but the hospital accommodations are not too large for the enlisted men in the Army to-day.

Mr. HAY. These men would be scattered all over the country

and there would not be any very large number of them at any one post, because you must remember that of these 6,000 men 2,428 will replace the men who are already enlisted.

Mr. KAHN. Exactly, and many of the men who will take the places of clerks will go into the large cities, where there are now civil-service clerks, and large numbers of clerks at that. In addition to that, has the gentleman taken into consideration that if one of these enlisted clerks should desert, the authorities would have to go to the expense of capturing him, just as you do the enlisted man to-day? Has that been taken into consid-

Mr. HAY. I think so. I think Gen. Aleshire did that. I am not sure about that, however.

Mr. KAHN. Has the gentleman taken into consideration the additional cost for recruiting these people?

Mr. HAY. Yes; that has been taken into consideration. Mr. MANN. Does the gentleman think it would cos

Does the gentleman think it would cost any more to recruit them than it does now to get them through the Civil Service Commission?

Mr. HAY. Not a bit. I do not think it would cost as much. Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes. Mr. SLAYDEN. Can the gentleman tell me from whom came the suggestion of a service corps?

Mr. HAY. It was recommended by the Secretary of War in his annual report.

Mr. SLAYDEN. Has it been recommended more than once? Mr. HAY. It has been recommended again and again and again.

Mr. SLAYDEN. Then this is an administration feature in the bill?

Mr. HAY. Yes; a feature that has the approval of the administration, as I understand it.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield? Mr. HAY. Yes.

Mr. ANTHONY. Is it not a fact that in the creation of this service corps you create a retired list for 6,000 men?

No; because 6,000 men going into the service Mr. HAY. would not get on the retired list.

Mr. ANTHONY. They will ultimately, if they all stay in.
Mr. HAY. They would have to serve 30 years. I suppose
some of them might die and some might resign, just as in the Army to-day

Mr. SLAYDEN. In practice what percentage of the Army pursue to the end?

Mr. HAY. Only 4 per cent of the enlisted men of the Army

are on the retired list.

Mr. SLAYDEN. Has the gentleman any figures to show what the retired list would probably amount to?

Mr. HAY. As to those 6,000 men? Mr. SLAYDEN. Yes.

Mr. HAY. I have not, but in making this computation as to the cost of it the question of retirement was figured in.

Mr. ANTHONY. Now, there is another point I would like to have a little light on. A large number of these 6,000 men you propose to cover into the ranks from civil life will be skilled mechanics, carpenters, machinists, bricklayers, and men of that class who are now employed about military posts. What scale of wages do you propose to pay those men?

Mr. HAY. Well, it depends upon whether they are enlisted as sergeants, corporals, privates, or privates of the first class.

Mr. ANTHONY. The great bulk of them would be enlisted

Mr. HAY. You know they are not obliged to enlist unless

they want to; it is a voluntary matter entirely on their part.

Mr. ANTHONY. I would like to ask if, in your opinion, you could get competent skilled mechanics who are now receiving at least 30 or 40 per cent more than the price you name for that work in civil life to enlist in the Army?

Mr. HAY. No; I do not suppose you could, but we can get all we need; all we want. That is what those gentlemen say who have given this matter careful consideration, and they claim that it will be a very great increase of efficiency, as the gentleman knows.

I want to say I agree with the chairman in Mr. ANTHONY. the creation of this service corps for the class of men who go in the field, what we call the mobile Army, for the coarser class of labor, but I very much doubt the efficiency in regard to the higher grades of skilled labor.

I do not know of any skilled laborer getting \$3 or Mr. HAY. \$4 a day who can do much better than be assured of \$1,473 a year for life and at the end of his service be put on the retired list at three-fourths of that pay.

Mr. ANTHONY. But they all would not be rated as ser-

geants.

Mr. HAY. No; but you are talking about skilled mechanics who get a large wage now, and I am comparing that class with the master electricians and first sergeants who get very good wages under this bill.

Mr. ANTHONY. Where would the economy come in, I would like to ask, if they are all to receive this maximum wage?

Mr. HAY. Because, under the present system, a great num-

ber of these people receive a good deal more than the very highest that is paid under this bill. Some receive as much as \$1,800 a year, and if you take the pay of civilian employees through you will find that almost every one of them would receive more per year than is paid under this bill.

Mr. ANTHONY. I want to say that later on I have some

figures which I desire to introduce, which will show that a large number of the employees of this service corps will cost more to the Government as enlisted men than they would now

as civilian employees.

Mr. HAY. Of course the gentleman can put his figures in, but I think it has been demonstrated—certainly demonstrated to our entire satisfaction-that this service corps would be a great saving and would reduce the expense of the Army by one million nine hundred thousand and some odd dollars.

I would like to ask the gentleman a question. Mr. AMES. The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Massachusetts?

Mr. HAY. I yield to the gentleman.

Mr. AMES. Under the operation of this proposed bill, as some of the existing civil-service employees went out their places would be taken by enlisted men, and would not you have this anomaly, that unless you keep wages all at the same scale that the civil-service employees would be drawing more pay for the same labor than— Mr. HAY. That is true; but then, as I have said before, the

man is not compelled to enlist in this corps or in the Army, but the civil-service man does not go in to stay there, and I take it that this man is going in for the purpose of remaining in

the Army.

Mr. MANN. Will the gentleman yield there? Mr. HAY. Certainly. Mr. MANN. One inducement that would be One inducement that would be offered by this proposition to the man who goes into the service in the first place is to have a chance for promotion.

Mr. HAY. Yes. Mr. MANN. And, in the second place, he is sure that in the future he will be taken care of for life.

Mr. HAY. If he serves long enough. Mr. MANN. Taken care of for life, whether he serves long

Mr. HAY. No; he can not retire unless he serves 30 years.
Mr. MANN. If he does serve for 30 years, of course he is
taken care of for life.
Mr. HAY. Yes.

Mr. MANN. He has the opportunity of being taken care of

Mr. HAY. Undoubtedly.

Mr. MANN. If he gets too old to perform the service, then he would be on the retired list, or if he is disabled in the performance of his duties, he goes on the retired list.

Mr. HENRY of Connecticut. He gets a pension.

Mr. HAY. He gets a pension.

Mr. KAHN. Has the chairman figured on the possibility of an increase of the pension list in that event?

Mr. HAY. Yes; I have. I got the Commissioner of Pensions to make me a statement, showing how many soldiers in the Regular Army have been pensioned during the last 10 years. It is a remarkable showing in favor of the Regular Army. I want to say that the pensions of the 6,000 men under this showing would be very small. I asked the commissioner for this information, and he advised me as follows:

No data is available to show the number of applications filed or the number of claims allowed on account of service in the Regular Army and Navy prior to the year 1904. In 1903 a reclassification of the roll was made in order to determine the number of pensioners on account of service in the Regular Army and Navy since the close of the Civil War, and a separate classification was then inaugurated, under the title "Regular Establishment," all such pensioners then on the roll being transferred to that classification. The number of Regular Establishment claims filed since 1903 is as follows:

Invalids _______ Widows and dependents______ _ 22, 112 The number of claims allowed under this classification since 1903 is as follows: Invalids ________Widows and dependents_______ Total ____ _ 11. 173

Mr. MANN. I take it there is not supposed there would be as large a percentage of pensions allowed for a clerical force as

there is for a fighting force?

Mr. HAY. But I just wanted to cite this to show that the pensions granted to men who served in the Regular Army are appreciably small, and that what might be granted for those serving in the service corps is so small that it ought not to be taken into consideration to any great extent in computing the cost of this bill.

Mr. PRINCE. One question. What was the answer you gave to the gentleman from Tennessee [Mr. Sims] about 4 per cent?

Mr. HAY. I said there are only 4 per cent of the present force of the Army on the retired list.

Mr. PRINCE. That is under the three-year enlistment?

Mr. HAY. That is under the three-year enlistment. And in that connection, as it is a very good time to speak of it. I will say those people who are opposing the five-year enlistment are in favor of a five-year enlistment of three years in the colors and two in a reserve, and they are opposed to the reenlistment of privates, but they are in favor of the reenlistment of noncommissioned officers and privates who have certain technical information. And they claim that that would be very much cheaper.

Now, as to the retired list:

As to the retired list of the Army, it is a curious fact that of the enlisted men on the retired list there were 3,328 on January 1, 1912, and of these, 2,809 are noncommissioned offi-cers and only 519 include privates, cooks, and all other classes outside of noncommissioned officers. So that it would appear that the bulk of the men on the retired list of the Army are noncommissioned officers. Of course, the scheme to continue in the service the noncommissioned officers would increase the

expenses if you had an enlistment for three years. Now I come to section 6 of the bill, which is a section which consolidates the establishments of The Adjutant General and the Inspector General of the Army with the General Staff of the Army. I do not know that there is any difference of opinion between the minority and majority members of the committee on that subject, other than the fact that the consolidation cuts off 20 officers. When this bill was first introduced there were provisions in it which it does not now contain, which provided that the 13 permanent officers that are now in the Inspector General's and The Adjutant General's Departments should be transferred to the General Staff, and no provision was made to transfer those officers anywhere else or to permit them to perform duty anywhere else than in the General Staff. But as the bill is now, that feature, which seemed to be objectionable to the War Department, has been eliminated, and it is provided that these 13 permanent officers can be detached to any part of the service that the President may choose, and other men may be detailed from the line to fill their places. We have endeavored in this section to meet every reasonable objection that has been made by the War Department.

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.
Mr. PRINCE. Do I understand the gentleman to say that when this staff consolidation is made the President can assign the officers coming from these different staffs into the General Staff, and into the line, if he sees fit?

Mr. HAY. I did not say that.

Mr. PRINCE. I thought the gentleman said the President could assign them as he might see fit.

Mr. HAY. Not outside the General Staff.
Mr. PRINCE. Do not these officers remain permanent officers

of the staff? Mr. HAY. Mr. HAY. I think the gentleman is perfectly familiar with the proviso under which it is proposed, and I thought it was agreeable to the gentleman. I understand the Secretary of War says, in the hearings, it is agreeable to him. I will read the language in the bill, page 58, the second proviso, beginning on line 9:

On line 9:

Provided further, That officers now holding commissions as officers of either of the departments hereby consolidated with the General Staff Corps may at any time, in the discretion of the President, and shall, whenever they shall have served four years as members of said corps, be detached therefrom and assigned to duty with the line of the Army, or to such other duty not pertaining to the General Staff Corps as the President may direct, and they shall not be returned to duty in said corps until they shall have served for two years under detachment therefrom except in cases of emergency or in time of war, and during their detachment from said corps their places therein may be filled by the selection and detail, under such regulations as the President may prescribe, of line officers having the same rank, respectively, as the officers whose places said line officers are to fill.

If that does not meet every objection that has been made by

If that does not meet every objection that has been made by the Staff Corps and the Secretary of War, I do not know how their objections can be met. They are allowed to be detached from that Staff Corps duty and to be sent to perform line duty.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. TILSON. Will not this result in these staff officers who are detailed to the General Staff for four years and then to some other duty for two years and then brought back to the

General Staff for four years again—will it not result in— Mr. HAY. The gentleman should state the provision fairly. There is nothing in the bill that provides that after they have served two years they shall be brought back to the General

Mr. TILSON. They may remain permanent officers of the staff?

Mr. HAY. They can stay out of the General Staff for their life if they are not retired.

Mr. TILSON. They can be brought back?
Mr. HAY. Yes; they can be, and so can every other officer of the Army be brought back.

Mr. SLAYDEN. Would not the suggestion of the gentleman from Connecticut be to penalize certain distinguished officers because they happened to have commissions in the permanent corps of the Army?

Mr. HAY. Yes.

There are only 13 permanent officers in the two corps. There are 3 officers in the Inspector General's Corps who are permanent and 10 in The Adjutant General's Corps who are permanent. Under the act of 1901 all these staff corps were thrown open to detail, and by virtue of the operation of that act all the officers in those two corps have become detailed officers except these 13, and as they retire, or as they die, their places will be taken by detailed officers.

There are only 13 left, and it will be only a short time, relatively, when all the officers in these corps will become detailed officers; and under the provisions of this bill these 13 officers may, if the President desires it, be sent to perform any other duties rather than staff duties, or may be kept upon those duties until they die or retire. So that the objection which has been raised to this consolidation has been fully met, and I never understood from any officer of the Army that there was any objection to this consolidation except the objection of putting these 13 permanent officers in this General Staff Corps.

If the gentleman will permit me, it is true that the Secretary of War said he was opposed to having The Adjutant General's Department merged in the General Staff, but no Army officer has ever made that objection.

Mr. MANN. This provision does not apply to the Signal

Corps, does it?

Mr. HAY. Not at all. It applies only to the Inspector General's and The Adjutant General's Departments.

Mr. MANN. It would not apply to the officers who have to do with airships or aeroplanes?

Mr. HAY. Oh, not at all. That is a separate corps-the Signal Corps.

Mr. KAHN. If the gentleman will permit, a further objection that has been made against this section is that General Staff as now constituted has 20 officers of the rank of This section would decrease the number of those officers to 10. Was not the testimony before the committee to the effect that it was advantageous to retain in the General Staff the larger number of officers of the rank of captain?

I believe that was the testimony of probably Mr. HAY.

two officers, Col. Bullard and Maj. Shelton.

Mr. KAHN. Did anybody testify that it was not?

Mr. HAY. Nobody else was asked the question, as I now recall. But I do not think that the objection is well taken. The duties of the General Staff Corps are such that 10 captains are amply sufficient to perform that duty in the way of research and study. I understood that was the reason given by Col. Bullard and Maj. Shelton and, perhaps, Capt. Palmer. I do not remember now whether Capt. Palmer testified upon that question or not. He accompanied the Secretary of War, but whether he made any statement about that I do not now recall.

Mr. KAHN. As I recall the testimony before the committee, it was to the effect that by detailing the captains to the General Staff it enabled young, bright, active, energetic officers of the Army to study the details of planning campaigns, to secure the information necessary to make the plans, and to gather ma-terial with respect to the coordination of the various branches of the service, and that it was highly important that a large number of younger officers should be detailed to that work.

Mr. HAY. As I say, that was the testimony, in part, of Maj. Shelton and Col. Bullard, but they put it upon the ground that these younger officers could do research work-work in the Army War College. There is no reason on earth why a major or a lieutenant colonel would not be better for the work that the gentleman has just outlined. However, as I say, I do not know of any other reason.

Mr. PRINCE. Let us clear this up and see if we can agree.

Mr. HAY. Certainly.

Mr. PRINCE. You take the position that when the permanent officers in the Adjutant General's and Inspector General's Departments become a part of the General Staff Corps they are then subject to be sent by the President-

Mr. HAY. Detached therefrom. Mr. PRINCE. Detached therefrom and assigned to duty in the line of the Army?

Mr. HAY. Yes.

Mr. PRINCE. And to perform any duty other than General Staff duty?

Mr. HAY.

Mr. PRINCE. And after they have made their tour they are put upon a tour with the officers of the line, and may be put back or may not.

Mr. HAY. May be or may not, just as the President or Sec-

retary of War may direct.

Mr. PRINCE. Do you say that same provision holds good with reference to the supply department?

Mr. HAY. No; I do not. I am not talking about the supply

department.

Mr. PRINCE. Are there any permanent members in the supply department?

Mr. HAY. Yes; some of those already in are permanent, but their places are to be taken by detailed officers; when one is retired his place is taken by a detailed officer.

Mr. PRINCE. Of a lower rank? Mr. HAY. Yes. Now, Mr. Chairman, section 7 of the bill provides for the cutting off of certain general officers, and has a provision in it which has already been discussed about the pay of officers for length of service.

Mr. MANN. May I ask the gentleman, generally, in relation to the provision of the bill reducing the number of officers. I understand, it is not intended, as I gather from what the gentleman said and from a hasty examination of the bill, to make any present reduction of officers?

Mr. HAY. Well— Mr. MANN. Of course, I understand somebody may drop out right away.

It is not intended to take any man out of office. Mr. HAY. Mr. MANN. If it should develop in the future, as is possi-

ble, that the gentleman is mistaken in the number of officers necessary to carry out his duties, it is quite within the power of Congress to rectify that mistake at any time?

Mr. HAY. Undoubtedly so.

Mr. MANN. There is no likelihood of any great reduction in the number of officers immediately?

Mr. HAY. There will be a reduction in the next fiscal year of 21 in the supply corps and 4 in the consolidated General

Mr. MANN. Of course in the whole Army no one can tell

what the reduction will be.

Mr. HAY. As a matter of fact, there are 249 vacancies in the second lieutenancies. Now, there will be no reduction by cutting off any officer's head or taking away his commission. I will show the gentleman how it operates. For instance, there is a detail that ends in the consolidated supply corps, say, on the 1st of August, 1912. Now, when that officer's detail ends in that supply corps he goes back to the line. Instead of filling the vacancy, it is not filled, and the Army thereby loses an officer.

Mr. MANN. In the consolidation of the Quartermaster's, Subsistence, and Paymaster's Departments into one, the number of officers provided, the gentleman thinks, is sufficient?

Mr. HAY. I do. Mr. MANN. Suppose it should not prove to be sufficient;

is there any leeway granted at all?

Mr. HAY. No; if it is not sufficient it has to be increased by Congress. Mr. Chairman, I do not care to consume any more time unless some Member desires to ask me some ques-

[Applause.]

Mr. VREELAND. Mr. Chairman, I had intended to ask the committee for considerable time this afternoon for the purpose of discussing the monetary plan presented by the National Monetary Commission. It is a subject in which the country has been interested, and I assume that Members of the House are likewise greatly interested. When I present it to the House or the committee, I desire to have time enough to go into it somewhat fully and to have an opportunity of answering any questions which Members may desire to ask. It is now too late, Mr. Chairman, for me to undertake it this afternoon. I understand another gentleman is present who desires a shorter length of time, and I rise for the purpose of asking unanimous consent that at the next sitting of the committee I may have the first hour and a half for the purpose of discussing this subject.

Mr. GARRETT. Mr. Chairman, I have no objection whatever, but I wish to propound an inquiry to the gentleman.

that consent be given in committee?

Mr. MANN. Oh, yes; the committee has that authority. Of course if the House should cut off all general debate it would not be binding.

The CHAIRMAN. The gentleman from New York asks unanimous consent that at the next session of the committee he shall be allowed to proceed without interruption for the first hour and a half. Is there objection? [After a pause.]

Chair hears none. Mr. LEWIS. Mr. Chairman and gentlemen of the House, I feel that I owe some apology to the Members for detaining them here at this late hour, when the promise of release seemed to have come. I also owe something in the way of explanation to them for the attitude I may seem to take in discussing this subject, because, frankly, it will be the attitude of a school-teachernot under the assumption that I am a competent teacher, nor yet that the Members of this House require such treatmentbut because I shall be unable to present a subject as complex as the one with which I propose dealing in any other than a didactic way.

THE PROBLEM.

This subject, I may say, arises out of the very serious condition in which the country is placed with regard to the high cost of living, a condition becoming daily more aggravated. It has been declared, with how great degree of accuracy I do not know, that the farmers who raise our vital necessaries get about \$6,000,000,000 for what finally sells to the consumers at about thirteen billions.

Last year's agricultural products were worth \$9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid more than \$13,000,000,000 for what the producers received \$6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of \$7,000,000,000. The real problem to deal with is not high cost of living. It is high cost of selling.—B. F. Yoakum, chairman St. Louis & San Francisco Railroad.

The report of the Secretary of Agriculture for 1910 gives the following as the percentages, of the prices paid by the consumer, which the farmer received for the foodstuffs named:

	cent.
Poultry	55.1
Eggs, by dozen	69. 0
Celery, by bunch	60.0
Strawberries, by quart	48. 9
Oranges, by dozen	20. 3
Melons, by pound	50. 0
Potatoes, by bushel	59. 3
Watermelons, singly	33. 5
Turkeys	63. 4

Per	cent.
Cabbage, by head	48.1
Apples, by bushel	55. 6
Apples, by barrel	66. 0
Onlons, by peck	27.8
Green peas, by quart	60.0
Parsnips, by bunch	60.0
Turnips, by bunch	60.0

TRANSPORTATION DIRECT FROM FARM TO CONSUMER.

I believe it is generally admitted that the problem before the country is how to get these vital necessaries direct from the producer to the consumer at something like the price at which they are produced.

It is conceded that relief for this condition requires a direct from-producer-to-consumer conduit of transportation, one that articulates the farm with the kitchen. And in order to do this such transportation must carry the shipment in quantities to suit the consumer's needs, and not in wholesale lots. Sizes to suit the consumer would permit of transportation direct from the producer to the consumer. If that question can be satisfactorily and favorably answered, Members will find that the remedy for the high cost of living, especially with reference to the vital necessaries of the table, has been found.

The subject I respectfully submit is one of the most serious

before this House.

When we think of transportation, naturally we turn first to the railways of the country. I call the attention of the House to this circumstance in that connection. The railways are doing now, have always done, a wholesale business, as distinguished from a retail business. The ultimate unit of purchase rarely goes to a freight depot for his supplies. The railway minimum unit of shipment is a hundred pounds and its minimum charge 25 cents. But the consumer rarely requires a hundred pounds of anything, certainly not of meat, butter, eggs, or the other vital necessaries we use on our tables. So the railway can not handle the shipment in sizes small enough for him, and thus the shipment takes its way from the producer, not to the consumer, but by reason of its wholesale size it goes into the commerce of the country, ultimately, after many roundabout processes, to reach the consumer with a price multiplied perhaps by two.

It may seem to some that the railways are acting arbitrarily in thus drawing the line on a hundred-pound shipment and the 25-cent charge. Let me say that when you come to investigate railway practices you will find that the hundred-pound minimum and the 25-cent fee are reasonable enough, from their standpoint, When you come to consider the acts of attention which a railway must give a shipment, be it large or small, be the journey short or long, you will find there are 20, which all must bear I insert a list of them compiled by a railway traffic

expert:

The railway company employee—

(1) Unloads articles from consignor's vehicle.

(2) Loads article in car.

(3) Ascertains rate to be paid.

(4) Makes out bill of lading.

(5) Makes out waybill and sends copy to auditor and the train conductor.

(6) Receiving agent destination receipts to conductor—

conductor.

(6) Receiving agent, destination, receipts to conductor—

(7) Sends notice to consignee.

(8) Unloads package from car.

(9) Takes receipt of consignee.

(10) Loads it on consignee's wagon.

(11) Agent gets money for shipment—

(12) Copies bill of lading into record of freight forwarded.

(13) Copies bill of lading into record of freight received.

(14) Sends statement of freight sent to auditor.

(15) Sends statement of freight received to auditor.

(16) Auditor checks bill of lading against records of sending agent—

agent—

(17) Checks bill of lading against record of receiving agent.

(18) Advises treasurer of money due by each agent.

(19) Makes statistical report from bill of lading.

(20) Calculates, per bill of lading, amount payable the different railways.

Of those 20 acts of "transportation attention," 15 are at this moment replaced by the postage stamp in the carriage of the shipment by the postal system. On the large shipment their hindrance is not so great, and it can move; but their effect on the small shipment is simply to penalize it out of the transpor-

tation of the country.

When you think of the small shipment, particularly, you think of the express company. It ought to carry the shipment. It does not carry it on sufficiently economical terms, and for two reasons: First, it is burdened down with the same condition of "transportation accounting" that prevails with the railways. I insert a list of the express acts, 11 in number, which are replaced by the postage stamp in the postal carriage of the ship-

The express company—
(1) Ascertains the rate to be paid.
(2) Makes out waybill.
(3) Copies waybill into record of shipment "forwarded."

(4) Copies same into record of shipments "received."
(5) Makes statement of "shipment sent" to auditor.
(6) Makes same of shipments "received."
(7) Auditor checks waybills against record of "sending" agent.
(8) Auditor checks same against record of "receiving" agent.
(9) In case of "through" waybills previous items repeated.
(10) Auditor makes division of percentages going to express company and the rallway or railways.
(11) In cases of "through" waybills auditor makes like division of percentages between express companies and railways.

The above acts, alone, account for an immense proportion of the expenses of the express companies, and are fatal to the making of a rate proportioned to the small shipment.

EXPRESS RATE MAKING ABNORMAL.

But there is another condition which is equally burdensome and prohibitive in its effect on the small shipment. It is a condition entirely anomalous in the transportation of any country and comes from the presence of an intruder—the express company—in the field of transportation. Let us put an expressrate maker at work in order to illustrate its character. Let us say he is making a rate on a 5-pound package from here to Baltimore, about 41 miles. He puts down first 6 cents, let us say, to pay for this accounting and some overhead charges; he puts down 5 cents to pay for collect and delivery, and adds 2 cents for profits to the company, making 13 cents in all. But the railway has to be paid, and he must add enough to the 13 cents to pay it. How shall he compute its share—according to service standards? No; not at all. He must compute it according to the contract between the express company and the railway, and that contract, on the average, provides that the railway must get 47.50 per cent of the final rate. So he adds 12 cents for the railway, which makes a charge of 25 cents. But that 12 cents means \$1.42 per ton-mile on the 5-pound package, while at the same time under rates made by the same express-rate maker, traveling on the same train to the same point, the 100-pound package, carrying a rate of 50 cents, pays the railway only 14 cents a ton-mile. Because of the anomalous connection of the express company with the subject, its merely contractual right to be there at all, the package is overloaded 10 cents for railway transportation and the charge becomes 25 cents instead of 15 cents for about 2 cents for about 2 cents instead of 15 cents for about 2 cents instead of 15 cents for about 2 cents in the cents in 10 cents for railway transportation and the charge becomes 25 cents instead of 15 cents, for about 2 cents is what the package ought to bear for that purpose. Let me say at this point that, in my judgment, the railway would not, if it were making this rate, overload it in that way. I believe it would impose only the relative burden; but the express-rate maker has no alternative under the express railway contract.

Take the other horn of the matter. The express-rate maker is at work on a rate for a 100-pound package from New York to There manifestly the important thing is to the Pacific coast. pay the railway for its service, which is nearly the whole He sets down \$6.41 for the railway. But the railway can not receive under the contract more than 471 per cent of the rate imposed on the shipper, and so the rate maker must add \$7.09, making a total charge of \$13.50, in order that the railway can get what it ought to get. So in either instance the regulatory boards of the State or Nation can not reduce these rates without doing injustice to the express company on the short or the railway company on the long journey.

EXPRESS RATES PROHIBITIVE AND DESTRUCTIVE OF TRAFFIC.

I have described these two conditions as responsible for excessive express rates in the United States. I wonder how many understand how very excessive they are. The feeling obtains, has always obtained, that they are excessive, but a feeling is not enough to support legislative action. Unfortunately, as students of transportation economics well understand, you can not take any particular rate and allocate the services connected with it with sufficient precision to determine whether that particular rate is too high or just reasonable. But you can judge the average rate by methods of comparison, and that is the method I have applied. I found, first, that the average charge for carrying a ton of freight in this country was \$1.90 for 1909. I found, too, that the average charge for carrying a ton of express was \$31.20. You have then a ratio of 16.42 to 1 for the express charge as compared with the freight. With this ratio clearly determined I proceeded to the other countries of the world.

Mr. SHERWOOD. Does the gentleman say 161 to 1?

Mr. LEWIS. About 161 to 1, sir. Some 10 of these countries report express statistics separately from freight, and thus are susceptible of comparison. We should expect the express charge to be higher, per ton, here than abroad—as much higher as our freight charges. But there is no economic justification for a higher ratio of the express charge to the freight charge in our country. I am inserting a table which gives the data collected by me from the original reports, having first deducted from the American express charge 11.50 per cent, which

is the amount the collect and delivery service costs them, a service not rendered by some of the countries included in the table. Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina. Austria. Belgium Denmark France. Germany. Hungary. Netherlands. Norway. Prussia.	\$6.51 3.77 14.92 5.49 6.88 3.80 3.68 2.43 1.90 4.32	\$1.95 .74 .53 .87 .95 .76 .93 .67 .49	3.2 to 1 5.0 to 1 19.3 to 1 6.3 to 1 7.2 to 1 5.0 to 1 3.9 to 1 3.8 to 1 3.8 to 1 5.0 to 1
Average for 10 countries. United States.	27.61	1.90	5. 23 to 1 14. 53 to 1

¹ Belgium delivers parcels.

Ratio express tonnage, 10 countries, to freight tonnage	1.060 .517 5.890
Ratio express receipts in United States to freight receiptsNormal revenue ratio for United States as per express receipts	7. 776
above	2.460

Excess of American express receipts (216 per cent) ____ 5.316

The above instances represent matter carried by passenger train in all instances; and there is no circumstance to explain the grossly higher ratio of the express charge here except the presence of the express company. It is absent in all the countries above referred to.

The instances given in the above table represent matter carried by passenger train in all instances; and there is no circumstance to explain the grossly higher ratio of the express charge here except the presence of the express company. is absent in all the countries above referred to.

The ratio in other countries, then, is 5.23 to 1, instead of 14.53 to 1, as here. The result is, of course, the result that must follow prohibitive rates. Our express traffic amounts to must follow prohibitive rates. Our express traffic amounts to only one-half per cent of the freight, theirs to 1 per cent. Our express companies charge the public nearly 8 per cent of the gross freight charges. These other countries pay for their express less than 6 per cent of the gross freight charge.

Mr. MANN. Will the gentleman yield in that connection?

The CHAIRMAN. Will the gentleman from Maryland yield the charge from Missing from Maryland yield.

to the gentleman from Illinois?

Mr. LEWIS. I will, sir.
Mr. MANN. Where they have the parcel post is there still a considerable express business carried on by the companies, separate from the railways?

Mr. LEWIS. Yes; except that they have no express com-All the data I have given you comes from countries where they have parcel posts and applies to the express business carried on independently of the parcel post.

Mr. MANN. That is what I asked. Mr. LEWIS. But the express business in those countries is conducted by the railways, which are mostly operated by governments.

WHY REGULATION EXPRESS BATES ARE IMPRACTICABLE.

Mr. SLAYDEN. One other question. The gentleman complains, I think with perfect propriety, of the excessive rates charged by the express companies. But is it not true that we have provided by law that the Interstate Commerce Commission shall have power over these express companies, to regulate rates and to force them to a reasonable basis?

Mr. LEWIS. The gentleman has very logically anticipated the development of the subject. Relief requires two thingsarticulation of the service with the country and a normal express rate of about one-half the present rates, neither of which can be secured by regulation. Ordinarily one would say that if a transportation rate were two or three times as high as it ought to be, the Interstate Commerce Commission would be the appropriate tribunal for relief. I am obliged here to use an expression that may seem harsh, but I use it as a term of description and not as an epithet. The express company is a transportation parasite. It is not a normal transportation agency, as can be seen in all its relations to this subject. The question propounded by the gentleman from Texas brings up one of the very anomalous characteristics of the express company. For years they have been paying, as a whole, near to, if not more

than, 100 per cent profits on the real investment, and yet the proportion of the average rate which is profit was less than 7 per cent last year. A slight reduction in the rates would wipe out this margin and perhaps leave a deficit. Now, take a normal transportation agency and the facts are very different. In order for the railways to pay 6 per cent dividends 30 per cent of their average rates must be profit. If you wished to reduce their rates so as to produce dividends of only 5 per cent you would have this 30 per cent to play on, and a reduction of 5 per cent in the rate would produce the lowered dividend proposed and leave a profit margin of 25 per cent of the total rate. In the case of the express rates, one-half of 1 per cent profit in the rate would produce a 10 per cent dividend on the capital used in the business, but this margin would be so small that the slightest changes in business might convert it into a deficit. Of course, no Government tribunal would order such a margin, and I am not sure that it could safely reduce the present margin of less than 7 per cent, as a perturbation of the traffic might mean a deficit. Nearly all the efforts made by State regulatory tribunals have been struck down by the courts on this ground. Thoughtful men will recognize that you can not trifle with such a small margin. All this is true, because the parasitic character of the express company enables it to proceed with relatively no capital and yet capital enough to enforce the protections vouchsafed to proprietary rights. say to the gentleman from Texas that regulation seems entirely unfitted for this subject.

PARCEL-POST SCHEMES-OBJECTIONS.

Mr. GUERNSEY. Will the gentleman yield?

Mr. LEWIS. Yes, sir.

Mr. GUERNSEY. In speaking of postal express as distinguished from the parcel post, do I understand that the gentleman would favor charges according to the distance instead of

flat rates for packages?

Mr. LEWIS. I am coming now to that point. Regulation being impracticable the next proposal is one which is sometimes improperly confused with postal express, as designed in the measure of the gentleman from Ohio [Mr. Goeke]. I mean the parcel post. There is considerable objection to the parcel post in this country. It comes from men who make their objections with an earnestness and spirit that should cause one to halt and consider. I mean the local merchants. What is the "parcelproposition as exemplified in all the bills I have seen on the subject? It is that the post office receive packages up to 4 pounds or 11 pounds in weight for transportation at flat rates generally of 8 cents a pound. Eight cents a pound is \$160 a ton; while the average express rate, egregious as it is, is only \$31.20 a ton. Let us look at this subject momentarily from the standpoint of the local merchant. Why 4 pounds or 11 pounds for a limit? he asks. Is not this limit obviously designed to be just large enough to get his patron away from him to the mailorder house, and yet so small as to exclude the local merchant, since he commonly ships in larger weights? And why a flat rate of 8 cents a pound? Evidently to put his distant rival on terms of unjust and unnatural equality with him, give the distant rival the cash transactions and leave the burdensome and doubtful ones as they are.

Obviously the right of the merchant to relief from express conditions is as meritorious as that of other people. Parcelpost schemes seem to exclude him, even if they contained relief for anyone; which, on a flat rate, they can not be made to do. Whatever its motive, partiality is always likely to work injustice; and the partial remedy proposed in these parcel-post schemes is no exception. The truth is that the economist or statesman can not approach this subject without seeing that relief involves the whole express system. The high cost of living involves it. The principle of equal rights to all shippers, The high cost of

like equality before the law, involves it, too.

Mr. PEPPER. Will the gentleman yield to me?

Mr. LEWIS. With pleasure.

Mr. PEPPER. Is not the gist of the matter, from the gentleman's standpoint, whether postal express or parcel post, that there shall not be a flat rate for the transportation of merchandise?

Mr. LEWIS. I answer emphatically no; there should not be a flat rate, and the weight limit should be high enough to include all express shippers. I give up the man who would ignore distance in making these rates, the 4 or 8 cents a pound man and his 11-pound limit. The small shipment remedy must begin where the railway stops; that is at least the 100-pound minimum. The flat-rate man and the 11-pound man simply refuses to study the problem and see what the required relief demands. He refuses to consider the shipper's right on short journeys to pay simply for what he gets and get that for which he is willing to pay, while on long distances he threatens to mulct the Government in a transportation deficit. As it will cost to pay the railway, under postal law, 1 cent a pound for 250 miles and 12 cents for 3,000 miles, any flat rate, besides discriminating against the local merchant, must cheat the shipper on the short journey and cheat the Government on the long journey, saying nothing of its killing effect on the shortjourney traffic. And the general effect would be to rob Peter to pay Paul and make beggars of both.

Mr. PEPPER. Then the flat rate is wrong under any system? Mr. LEWIS. Under any system.

Mr. PEPPER. And under the system proposed by the Goeke

bill—that is, postal express—there would not be a flat rate? Mr. LEWIS. No. The rates would be adapted to the relative distance as well as to moving the traffic to its natural market; they should not create unnatural markets by ignoring distance. The flat-rate idea represents a misapplication of the "principle of negligible costs" in rate making. It is rightly applied to letters, because the element of transportation cost with them is less than one-fourth of the total cost. But where weight is involved to any extent the transportation cost is not negligible, and even in the smallest countries, like Switzerland and Belgium, the rates recognize distance. I may say that under the Goeke bill acquiring the express companies we should begin to-morrow morning, if the transition occurred to-night, under the same rates and conditions which obtain with the express companies to-day. Gradually the remedial changes would be introduced. The rate-making department of the post office, subject to appeal to the Interstate Commerce Commission. would, after proper study, simplify the rates that now number about 200,000,000,000, counting place-to-place rates, and which produce so much confusion in express-rate quotation as to have become a scandal. The entire express-rate system of the country might be put on a page not bigger than your hand. In fact, this is now done in Prussia and nearly everywhere else.

RELIEF REQUIRES UNIFICATION OF TRANSPORTATION FROM FARM TO KITCHEN.

But even if we had a normal express rate to move the small shipment on economical terms, another deficiency of the express company is fundamental in its character. It is this: Some 40,000,000 of our people, the producers of the vital necessaries, live in the country, off the railway lines. The express companies, of course, and the railways, too, have no means of reaching this country population. Any system at all adequate to directly connect the producer and consumer, especially with reference to the vital necessaries, will have to connect the farmer with the railways and the towns. Only the postal system possesses the agency for that purpose. It possesses it in the rural free-delivery structure now almost complete and ready for adaptation to the larger service. We are spending over \$40,000,000 on that service, and it is waiting, one might say, with empty wagons to receive and convey in retail quantities the necessaries of life from the farmer in the country to the hungry mouths that need them in the city. The express company, therefore, is excluded as the remedy to connect producer and consumer for two main reasons: First, its rates are prohibitive; second, its instrumentalities do not reach the farm.

It may be said that farm produce are now cheaply conveyed by wagonloads. This is true, but they are conveyed, not directly to the consumer, but to the commission men, and fall into the intricate processes of commerce only to emerge at last in the consumer's hands at a price which dumbfounds the producing farmer. Meanwhile the inevitable act of delivery to the consumer in quantities to suit him is even now performed, but with a doubling of economic cost because of not being done at first. The agencies of transportation are here, if they were connected, to take the foodstuffs by one act from the farm to the kitchen. But they are uncoupled and do not act in unison. Neither the railway nor express company can couple them. The postal system can, linking the farm with the railway by the rural delivery, and the kitchen with both through the express delivery system.
Mr. SLAYDEN. Will

Will it disturb my friend if I ask him a question or two?

Mr. LEWIS. I yield with pleasure.

Mr. SLAYDEN. The gentleman says that the express facilities are not such now as to reach this large population which lives distant from the railway, amounting to 40,000,000, and which is reached by rural delivery.

Mr. LEWIS. Reached to a large extent.

Mr. SLAYDEN. Is it contemplated that a post office, through its rural carriers, should deliver to the farmers all sorts of packages from the merchants and in return carry to the market also produce from the farms?

Mr. LEWIS. It is so contemplated.

Mr. SLAYDEN. Chickens, eggs, and everything of that sort? Mr. LEWIS. Yes, that is the object. It is contemplated that the postal express service shall be gradually extended, at least as far as rural delivery now extends.

Mr. SLAYDEN. Has the gentleman made or obtained any estimate as to how much of an outlay the Post Office Department in this country would have to make for special parapher-

nalia to perform that service?

Mr. LEWIS. No; the computation can only take place as the development of the traffic proceeds. The simplified and reliable motor truck is now in sight. I may say that the design of the bill introduced for postal express by Mr. Goeke, of Ohio, leaves this feature of the matter to the practical processes of administration. No abrupt change would take place, and the postal department would gradually adapt the rural delivery structure to meet the needs of the traffic as they become manifest.

Mr. SLAYDEN. Would the gentleman in his description tell us of the possible harm that would be done to the business of the country by enhancing the department-store business, the

mail-order business?

Mr. LEWIS. I will say that at a flat rate for all distances the parcel post might have this effect. But the Goeke bill is not a parcel-post proposition at all. It contemplates taking over the express companies and operating the business as a part of the postal function. I think that with the express rates cut in two, as a unification of the express companies with the postal system and postal economy of method would permit, not harm but great benefit would come to the business of the country. submit in an appendix a table of merchandise rates, under the proposed system, as compared with the express company "mer-chandise" rates. The bases for the tentative rates are stated rates. The bases for the tentative rates are stated in an economic study printed on the Senate side.

I should also say that in our days of wayward and shifting fashions the merchant's problem is to vary his stock enough to satisfy demands and yet keep his total investment down to a point that will permit some profit on his possible sales. leaders in mercantile affairs advise more frequent purchases, adapted to the specific demands of the trade as they arise, in small orders. This the prohibitive express rates largely prevent in the towns, and the nonarticulation of the express with the country wholly prevents for the country store. Surely no one stands to benefit more than the merchant by reasonable

express rates and a wider extension of the service.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Maryland yield

to the gentleman from Ohio?

Mr. LEWIS. With pleasure.

Mr. SHERWOOD. Does the gentleman favor an unlimited

parcel post or a parcel post regulated as to distance?

Mr. LEWIS. I do not favor a parcel post at all. I favor a system of postal express such as is contemplated in the Goeke bill. That means taking over the express companies, articulating the service with the country through rural delivery and with the consumer by the express delivery, and giving relief by getting the vital necessaries to them direct from the farmer, while giving express shippers and the public rates much lower than parcel post, and real relief from the onerous express charge.

ELASTIC RATES AND PROFICIENT RATE MAKERS.

In this connection I ought not to forget to say that any lawmade or fixed rate is utterly subversive of traffic necessities, and would probably kill more traffic than it would carry. Congress that ever convened would, to begin with, be competent to say exactly what the rate should be, and if it did happen to hit it right, traffic conditions change from year to year, and the rates would lose their adaptation to it. Members of this body will perhaps concur in the statement that it is only once in a generation that this slow-moving institution can reach a noncurrent subject, and if we once had ill-adapted rates the probability of their being reformed is not good within a quarter of a

century.

So I say that the rate ought to be elastic. It ought to be made by men proficient in rate making, as the subject is an administrative and not a legislative one. Any fixed rate would, I repeat, prevent more of the potential traffic moving than it would move. I may suggest that you have all frequently looked into a freight car and seen 20 or 30 different shipments, perhaps, going from the same point to the same point. Some of them paid 6 cents a hundred, others 10 cents and 15 or 20 and even 30 cents a hundred. dred, although all receiving the same service from the railway. Why, you ask, should different rates be applied by the railway to these different commodities? The reason is this: The object of a transportation rate is to move the utmost of traffic to its natural market with a profit to the producer, and an average or service rate, the same on all the commodities, would prevent a large part of the normal traffic from moving at all. Indeed, when we come to analyze the subject we find that rates do belong to the genus of taxation, possess the ethics and incidence of taxation, and that, applied with a proper public-service

motive, the maxim, "what the traffic will bear," is the method of rate making that will move the maximum of traffic in any

Mr. VREELAND. Will the gentleman yield?

Mr. LEWIS. Certainly. Mr. VREELAND. Has the gentleman yet indicated the maximum weight on packages to be carried through the mail or by

Mr. LEWIS. I have not, nor do I think it a legislative matter. Now, there is no maximum. The express company will carry a whole trainload for you if you are willing to pay the rate. The rate, by its costliness, determines the limitation of the express weights.

Now, a new problem would arise when the rural sections are articulated with the railway; we might not be able to deliver unusual weights at any time to the farmer, and a hundred pounds would likely represent the limit economically feasible when off the rails. The problem does not arise until the shipment is taken off the train; and as to larger weights the postal system might leave them to private delivery by the consignee. this is purely an administrative matter, too.

Mr. MARTIN of South Dakota. Will the gentleman yield? Mr. LEWIS. Certainly. Mr. MARTIN of South Dakota. The gentleman has indicated, as far as the rates are concerned, that he would have them elastic. Do I understand also that you would have the subject of the weights and size of the shipment by postal express elastic and under the direction of the administrative board?

Mr. LEWIS. Yes; it is clearly an administrative question. The German limit is 110 pounds; the Belgian 125, I think. It is natural to suggest the 100-pound limit here, because that is the bottom point at which the railway refuses to treat the shipment, and the shipment in sizes to suit the consumer would nearly always be less than 100 pounds. Yet the question of economical delivery and preparing the rural-delivery structure for such a weight ought to be left to administrative decision, as the traffic developed.

A PUBLIC-SERVICE MOTIVE NECESSARY.

Now, besides proficient rate makers and elastic rates to move the traffic, something else is required in order to get the best results out of this small-shipment traffic. I hope I shall not be misunderstood when I suggest that the private motive has shown itself to be inadequate. Suppose you go to an express company to-day and say, "You moved 4,000,000 tons of express last year and your gross receipts were \$132,000,000 and your profits were \$11,000,000. Cut your rates in two this year and the traffic will amount to 8,000,000 tons. Your profits may be less, but the service to the public will be doubled." What would an express company do?

It would do just what the average individual would do, act on the natural private motive, stick to the higher profits and the smaller business. But you go to a public-service institution like the Postal Department, and you find a wholly different motive. The postal system would say, "If cutting the rate in two will double the service, I will take my chances with the That is exemplified in the reduction of postal rates

throughout their history.

Even a small deficit for experimental purposes would be justified, especially if the rate were elastic and the postal department could protect itself by adjustments of the rate. you start out with the assurance that the service would be doubled and the deficit would be 1 per cent, to ultimately disappear with the development of the traffic, a public-service agency like the post office would be more than justified, because in that instance it is losing 1 per cent in one pocket but it is making 100 per cent in the other pocket-the people and the

postal system being identical terms.

Now, the express companies constitute the most irrefragible monopoly; and where monopoly obtains rates can be made relatively high or low, according as you wish to regard the dividend. An English railway some 60 years ago had the question presented to it as to how to graduate its passenger rates to securing the best dividend. Much as one adjusts his opera glass in the theater to obtain the clearest line of vision these railway officers adjusted the passenger rates. They tried rates all the way from 6 cents a mile to one-half a cent a mile, and found that as the rate was 31 cents a mile or one-half cent a mile, the higher charge produced 6 per cent and the lower charge only 5 per cent dividends; and acting on the private motive they rejected the rate which produced the greater public service. But in such a case any man of common sense would say that a system in which we are all stockholders, like the Postal Department, would be foolish to prefer the 3-cent rate and kill so much useful traffic. Like the attendant at the theater, proficient rate makers in postal transportation would

adjust their rates to move the greatest amount of traffic consistently with the cost of the service, and in order to reduce the average cost of each shipment the greatest possible amount of traffic should be moved. Our express traffic is now only about one-half what it is in other countries, and lower rates and articulation of the service with the farm and country store would likely greatly increase it—probably triple it—in a few years. While the railways alone can not articulate the farm with the kitchen without the postal agency adjunct for collecting and delivery in town and country, they would greatly profit by having a low-priced traffic converted into the highest class.

EFFICIENCY OF POSTAL ORGANIZATION:

Another thing we should need, and ought to have some assurance about, in the new system, is efficiency in the organization that is to conduct the service. I have shown you that one of the burdens which prevents the adequate movement of the small shipment is the appalling "transportation accounting" of the express companies, entirely eliminated by the postal method. Their character is such that the railways can not reasonably be expected to deal with the small shipment on sufficiently economical terms; and the express company, with its intercorporate and multitudinous relations to the small shipment can not eliminate them either. The postal system by its simplicity and singleness of relation now does eliminate them; and this circumstance means an economy equal to about half of the express

But outside of financial economies, I am happy to bring to your attention a circumstance that ought to make every Member of this body warm with pride. It is the fact that the postal system of the United States is certainly the most efficient agency of its kind throughout the world. [Applause.] It is generally conceded that in Germany governmental agencies have shown the element of efficiency, and this embraces its public utilities and other industrial organizations, The critic attributes its success in this respect to the fact that in Germany they have two classes-one accustomed to command and the other to obey-and attempt to distinguish our ability to discharge public work on this ground. Knowing this feeling to obtain, I have resorted to a comparison of the work done per employee per year in the different postals systems, and now insert a table giving the facts in the matter:

POSTAL EFFICIENCY TABLE.

Comparative table of the number of pieces of mail matter handled per employee in England, France, Germany, and the United States at different periods.

Countries.	Averag	e numbe	r of piece per empl			handled
	1890	1895	1900	1905	1908	1909
England. France. Germany. United States.	22, 230 34, 590 17, 287 24, 611	28,775 35,700 15,638 26,235	28, 646 38, 309 20, 552 32, 569	31, 945 41, 958 22, 160 42, 739	31, 117 38, 241 25, 901 51, 591	54, 239

In the cases of France and Great Britain the number of employees was diminished by one-fourth the estimated number employed in the telegraph and telephone service; in the German figures the same reduction for the telegraph and telephone employees is also made, but is raised to one-third in 1908. I have divided the number of postal employees in England, France, and Germany into the number of mail pieces handled each year, and then made a like division for the United States. The result shows for the year 1908 that the efficiency of the average employee in England was 31,117 pieces handled; in France, 38,241 pieces handled; in Germany, 25,901; and in the United States, 51,591. [Applause.]

I do not know the full explanation of the fact, but it is a fact none the less that the proficiency of the workingman in the United States far exceeds, quantitatively, that of the workman of any other country in the world; and this fact is particularly true of the American postal employees.

Mr. BERGER. Will the gentleman yield? Mr. LEWIS. I do.

Mr. BERGER. Mr. Chairman, I did not intend to interrupt the gentleman, but is he aware of the fact that the average American bricklayer has to lay twice as many bricks, three times as many bricks, as the average German bricklayer; that he lays almost four times as many bricks as the average English bricklayer; and this rule holds good all through the line? In other words, the exploitation in our country is more acute, much more general than in other countries in the world, and it also holds good for the postal employees. Is the gentleman aware of this fact?

Mr. LEWIS. I do not know the particulars, but I know it is the characteristic tendency of our country.

Mr. BERGER. Yes; and the same thing holds good for the coal miner, and the gentleman ought to be familiar with the coal miners.

Mr. LEWIS. Whatever the views of people may be about the relative efficiency of some public functions in this counwe certainly have the most efficient postal agency to handle the small shipments, and this is a function not alien to its character, as the naturally inefficient express company is to transportation, but a function that constitutionally belongs to the postal system, and which has only been permitted to drift away from it because of the existence of an intruder in the field, the express company of America.

EXPRESS-RAILWAY CONTRACTS NECESSARY TO MOVE SMALL SHIPMENT.

Outside of the express company being a mere intruder, there is another reason why it should be eliminated. It is in order that we secure a relatively practical rate for paying compensation to the railways for the act of transportation in the move-ment of this shipment, and that reason is this: The Government is paying the railways for postal transportation, on the letter basis, a distinct kind of service, about twice as much on long distances, say, above 200 miles, for the transportation of packages as the express companies. The historical reason for this is plain. One kind of pay is fixed by statute; the other has been worked out by the express companies to meet the necessity of getting traffic to move over longer distances. The inelastic method of postal railway pay, increasing arithmetically mile by mile with the journey, itself makes impossible an efficient parcel post. We ought to legislate with a view to a national order of things, and this requires the express rate of railway pay which declines to about 3 cents a ton-mile as the journey becomes prolonged. The postal railway pay would be not less than 8 cents a ton-mile, no matter how long the But this feature of the subject is so technical that I must ask Members to read a study I have prepared on the subject, if their interest is sufficient; a study which covers all the topics involved in acquiring the express companies and merging them in the postal system, with the verification material necessary for the student. It is enough to add that without the express railway contract and its pay advantage we could not economically move the small shipment.

Now, I am coming, gentlemen, to two topics which constitute the objective points of my address, and I find I have, perhaps,

not moments enough left in which to state them.

Mr. GARRETT. I am informed that the gentleman's time will expire in about 4 minutes and that he can complete his statement in about 15 minutes additional, and I ask unanimous consent that he have that much of additional time.

Mr. MANN. How much time has the gentleman remaining? The CHAIRMAN. Four minutés. The gentleman from Tennessee [Mr. Garrett] asks unanimous consent that the gentleman from Maryland [Mr. Lewis] have 15 additional minutes in which to complete his speech. Is there objection?

There was no objection.

A NEW INDUSTRY-SUBURBAN GARDENING.

Mr. LEWIS. What would the results of a system of postal express be? Well, the mere articulating of the farm and countryside with the town and railways by the postal van would, it seems to me, be of very great social importance. would lead to a new industry—the suburban gardener. the trucker must devote considerable time to transporting his produce, however little, to the market, and for this purpose he must provide himself a transportation system, however small his excess produce may be. This means a horse, wagon, a barn, and their expense and labor of maintenance even during the unproductive season, to the gardener much the largest part of the year. And yet in an economic sense his work of transportation is the smallest element of his service to the public, although it requires for the gardener the maximum of expense and upkeep. service of a horse he could hire as occasion required. this extra capital and expense keeps thousands of men tired of city employment, perhaps thrown on the scrap heap at 50 years of age, out of this field of industry. Take a coal miner at about 60 years of age. He is still an athlete, but his lungs become incapacitated to breathe the vitiated mine air. He is willing to work and could well go into this gardening to support himself, buying a few acres and a cottage near the mines where land is cheap. He could raise four or five hundred dollars for this purpose, but the purchase and maintenance of a transportation system make the whole proposition impractica-It comes back again to the transportation of the shipble. It comes back again to the transportation of the sup-ment in quantities to suit the consumer. If the postal van passed his place two or three times a week, he could send such shipments to his patrons direct, at cost of service, and the economic barrier of an individual transportation system is removed. "Four acres and independence" has been a dream of the poet. It is apparent that it may become a fact through the postal van. And what a fact. Shifting the unwholesome tendency of population to the nickelodeon civilization of the cities back to the country. Great good could be done, certainly, by opening this gate of opportunity.

EFFECT ON THE HIGH COST OF LIVING.

There is another objective point, and it is the great point, I earnestly submit, in the Goeke bill. By taking over the express companies and merging the service in the postal system we not only articulate the railways and towns and cities with the producing rural centers, but emancipate the small shipment, the shipment in sizes to suit the consumer, from the prohibitive express practices and enable it to move direct from the farm to the consumer through the postal van, supplemented by the railway when needed. And what would the effect of this be? As the President has stated, the high cost of living is bound up in this legislation. I insert here a table showing the price of 2 dozen eggs, a dressed fowl, 3 pounds of butter, a like amount of country sausage, a country-cured ham, and a half bushel of apples at the farm. They sold at a farm near this city at \$2.85, but when they got to the consumer the cost was \$5.55.

Table showing effect on high cost of living and prices of the vital necessaries of a system of transportation direct from the producer on the farm to the consumer in the towns and the cities.

	Present :	system o consumer		Systems of costs to cor sumer under posts express.				
Article sold and amount of shipment.	Sold to consumer at—	Whole-sale price.	Sold by pro- ducer at—	Direct price plus postal rural trans- porta- tion.	miles	Direct price plus 100 miles railway haul.		
Eggs (2 dozen) Dressed fowl (3½ pounds) Butter (3 pounds) Country sausage (3 pounds) Country - cured hams (10 pounds) Apples (half bushel)	\$0.66 .70 1.05 .54 1.80 .80-1.00	\$0.52 .42 .84 .33 1.10 .50	\$0.44 .35 .72 .24 .80 .30	\$0.49 .40 .77 .29	\$0.51 .42 .79 .31	\$0. 52 .43 .80 .32		
Total Reduction in transportation cost if all ordered together	5. 55-5. 75	3.71	2.85	3.24	3.49	3.59		

Note.—The last three columns represent the price of the shipment with the estimated cost of transportation added to the price at which the article sold in the country, as stated.

Now, with the postal van and the railway articulating the farm with the town and consumer there is absolutely no reason why a prudent housewife should not order the entire list directly from the farmer at the price at which he sold the articles, the postman collecting the price on delivery and remitting it back to the farm. The truth is that the entire problem with regard to nearly all the table necessaries has developed in consequence of the absence of direct-to-consumer transportation facilities for the shipment in quantities to suit the consumer. The above list practically covers the needs of an average family for a week, excepting sugar and bread and a few such things; and it is apparent that some 40 per cent of the consumer's table bill can be saved. Give the small shipment its transportation rights, and Members of this House will have provided the means by which the prudent and husbanding spirit of the workers of our country can give themselves a measure of relief.

We ought to do something on this subject, I will say to Members of the House. The inertia of the last 50 years in this country, the Tory's acts of omission and commission, have borne their consequences long enough. We are in a serious situation when a workingman, working full time at full pay, finds himself unable to make both ends meet at a time when wages are perhaps as high, or higher, than they have ever been before. I trust this Congress will take hold of this subject in the patriotic spirit of which it is capable on emergency occasions. It has been said that no crisis has arisen in our history so far that the statesmanship of our country was not there to meet it in an adequate way. In this crisis—for a crisis it is, let me say, a crisis that threatens the stability of our country within 10 years—I pray God that that statesmanship and patriotic spirit may not be absent upon this subject. [Prolonged applause.]

APPENDIX.

PROBABLE COST OF ACQUIRING EXPRESS COMPANIES.

An inspection of the balance sheet of the capital of the express companies shows that the items which are directly devoted to the service, and really function as express company assets, are as follows:

Real property	\$14, 932, 169 7, 381, 405 138, 210 5, 836, 666 10, 877, 369
Total invested capital	39, 165, 819

The balance sheet shows other assets of \$147,055,554 not devoted to the function and which are wholly separable from the express service per se, not necessary to be acquired, but which may be retained by the companies without impairment of their values.

Table giving average express merchandise rates and tentative postal-express rates.

	5 por	inds.	10 po	unds.	20 po	unds.	30 po	unds.	40 po	unds.	50 po	unds.	60 po	unds.	70 po	unds.	80 po	unds.	90 po	unds.	100 pc	ounds.	1 O 1
Miles.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Square root of tance, in miles
3 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	\$0.27 .34 .36 .41 .43 .47 .50 .62 .63 .68 .70 .72 .74 .78 .78 .79 .81 .85	\$0.08 .09 .09 .10 .10 .11 .12 .13 .13 .14 .14 .15 .15 .16 .17 .18 .19 .20 .28 .34	\$0. 32 .39 .42 .49 .51 .57 .63 .71 .79 .83 .92 .93 .97 1. 03 1. 07 1. 18 1. 21 1. 24 1. 40 1. 54 1. 65	\$0.14 .16 .17 .18 .19 .20 .21 .22 .23 .24 .25 .26 .27 .30 .32 .34 .37 .40 .55 .67 .76	\$0.32 .40 .46 .57 .60 .72 .79 .83 1.01 1.09 1.24 1.24 1.26 1.30 1.40 1.49 1.72 1.83 1.90 2.60 2.89 3.00	\$0. 20 .21 .23 .25 .27 .29 .31 .33 .35 .38 .40 .42 .44 .49 .53 .63 .63 .67 .105 1. 24 1. 42	\$0.41 .49 .56 .67 .73 .91 1.05 1.23 1.54 1.54 1.52 1.61 1.78 1.97 2.40 2.51 2.63 3.87 4.28 4.47	\$0. 23 .26 .29 .31 .35 .39 .42 .45 .47 .51 .55 .61 .68 .74 .82 .90 .98 .180 .2.08	\$0.44 .55 .64 .75 .82 .91 .99 I. 12 I. 35 I. 83 I. 80 I. 225 I. 30 I. 90 I. 12 I. 35 I. 83 I. 83 I. 83 I. 80 I. 90 I. 10 I. 10	\$0. 27 .31 .35 .40 .44 .48 .52 .56 .61 .65 .74 .80 .87 .96 .117 1. 27 1. 22 2. 37 2. 73	\$0. 48 .61 .74 .85 .95 1.01 1.05 1.15 1.40 1.59 1.86 1.79 1.99 2.35 2.60 3.25 3.46 3.74 5.58 7.44	\$0.31 .36 .42 .47 .52 .58 .63 .68 .74 .79 .84 .89 .95 1.06 1.17 1.30 1.49 1.57 2.37 2.94 3.39	\$0.53 .69 .82 .97 1.08 1.17 1.23 1.33 1.68 1.90 2.24 2.36 2.79 3.11 3.69 4.26 4.36 6.55 8.71 8.92	\$0.35 .41 .48 .54 .60 .67 .74 .80 .86 .99 1.05 1.11 1.28 1.38 1.54 1.71 1.88 2.82 3.50 4.05	\$0.53 .73 .89 1.09 1.22 1.35 1.43 1.61 1.96 2.22 2.61 2.75 3.26 3.69 4.53 4.82 5.18 7.76 9.58 10.44	.46 .54 .62 .69 .77 .84 .91 .99 1.06 1.14 1.21 1.28 1.45 1.60 1.78 2.15 2.15 4.07	\$0.54 .73 .89 1.14 1.28 1.45 1.58 1.82 2.24 2.53 2.98 3.14 3.72 4.14 5.17 5.52 5.90 8.87 10.95 11.90	\$0.44 .52 .60 .69 .77 .86 .95 1.03 1.12 1.28 1.36 1.45 1.64 1.81 2.02 2.24 2.44 3.73 4.64 5.36	\$0.54 .73 .89 1.16 1.30 1.61 1.80 1.91 2.52 2.85 3.35 3.54 4.19 4.66 6.82 6.21 6.69 9.98 12.32 13.39	\$0, 48 .57 .67 .77 .86 .96 1.05 1.14 1.24 1.33 1.43 1.52 1.62 1.84 2.03 2.25 2.50 2.74 4.19 5.20 6.02	\$0.54 .73 .89 1.19 1.36 1.68 1.77 2.18 2.78 3.12 3.70 3.73 3.93 4.65 5.18 6.46 6.90 7.40 11.08 13.69 14.87	\$0.52 .62 .73 .84 .94 1.05 1.16 1.26 1.37 1.47 1.58 1.79 2.03 2.24 2.50 2.78 3.03 4.64 5.77 6.68	6.6 7.1 10.6 12.6 14.6 15.5 17.3 20.6 22.6 24.6 28.6 30.6 33.6 36.6 38.6 39.6 56.6 60.6
& D		3 3		6 5		7 5		8 5		9 5		10 5		11 5		12 5		13 5		14 5		15 5	
Total		6		11		12		13	a.c.	14		15	Edward .	16		17		18		19		20	

[&]quot;C. & D." equals "collect and delivery," and "G. E." equals "general expense" loadings. The rates comprise the average raid the railways by the express companies, and also include the C. & D. and G. E. loadings.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18956) making appropriations for the support of the Army, and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Rivers and Harbors was discharged from the further consideration of the bill (H. R. 19343) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, in Missouri, and the same was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until Monday, February 5, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911, reported the same with amendment, accompanied by a report (No. 295), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TALBOTT of Maryland, from the Committee on Naval Affairs, to which was referred the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, reported the same with amendment, accompanied by a report (No. 296), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (S. 4651) to amend section 171 of the penal laws of the United States, approved March 4, 1909, reported the same without amendment, accompanied by a report (No. 298), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memo-

rials were introduced and severally referred as follows:

By Mr. MAHER: A bill (H. R. 19399) to provide for the retirement of employees in the classified civil service in post offices of the first and second class; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: A bill (H. R. 19400) authorizing the erection of a certain building by the Washington Railway & Electric Co.; to the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: A bill (H. R. 19401) for the erection of an equestrian statue to the Memory of Maj. Gen. Oliver O. Howard; to the Committee on the Library

By Mr. BELL of Georgia: A bill (H. R. 19402) for a survey of Tugalo River, near Toccoa, Ga.; to the Committee on Rivers

Also, a bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton; to the Committee on the Census.

By Mr. GOEKE: A bill (H. R. 19404) to increase pension for total deafness; to the Committee on Pensions.

By Mr. HOWLAND: A bill (H. R. 19405) to amend section 4402, title 52, of the Revised Statutes, relating to the qualification and appointment of the Supervising Inspector General; to

the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19406) to amend section 4414, title 52, of the Revised Statutes, relating to the number and salaries of local inspectors; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19407) to amend section 4404, title 52, of the Revised Statutes, relating to the qualification and ap-

pointment of supervising inspectors; to the Committee on the Merchant Marine and Fisheries

By Mr. STERLING: A bill (H. R. 19408) for the acquisition of a site and the erection of a building thereon at Paxton, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CAMERON: A bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz.; to the Committee on the Public Lands.

Also, a bill (H. R. 19410) to authorize the Secretary of the Interior to construct a bridge across the Colorado River connecting Fort Yuma, Cal., with the town of Yuma, Ariz.; to the Committee on Indian Affairs.

By Mr. LAFFERTY: A bill (H. R. 19411) to amend section 2291 of the Revised Statutes of the United States, relating to homesteads; to the Committee on the Public Lands.

By Mr. DICKSON of Mississippi: A bill (H. R. 19412) to create a commission to investigate and report the question of the liability of the United States Government for riparian damages on the east bank of the Mississippi River, between Vicksburg, Miss., and Bayou Sara, La.; to the Committee on the Judiciary.

By Mr. SHEPPARD: A bill (H. R. 19413) to establish a post office at Texarkana, Tex.; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 19414) authorizing any nation, tribe, or band of Indians to submit claims against the United States to the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

Also, a bill (H. R. 19415) to amend the act entitled "An act providing for the allotment and distribution of Indian tribal funds," approved March 2, 1907 (34 Stat. L., 1221); to the Committee on Indian Affairs.

By Mr. SHEPPARD: A bill (H. R. 19416) regulating jurisdiction of suits by and against corporations created by or under acts of Congress; to the Committee on the Judiciary

By Mr. TAYLOR of Colorado: A bill (H. R. 19417) to establish a mining experiment station at Silverton, San Juan County, Colo., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. CLAYTON: A bill (H. R. 19418) to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875; to the Committee on the Judiciary.

By Mr. HENRY of Texas: Resolution (H. Res. 405) to investigate the money trust; to the Committee on Rules.

By Mr. LAMB: Resolution (H. Res. 406) for a messenger to the official reporters of debates; to the Committee on Accounts. By Mr. GARDNER of Massachusetts: Resolution (H. Res. 408) amending paragraph 1 of Rule XXVII; to the Committee on Rules

By Mr. SHEPPARD: Joint resolution (H. J. Res. 236) empowering the President to appoint a commission of physicians to test the arsenization theory for the prevention of yellow fever; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19419) granting an increase of pension to Alexander Wood; to the Committee on Invalid Pen-

By Mr. ASHBROOK: A bill (H. R. 19420) granting a pen-

sion to Elizabeth R. Brown; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 19421) granting an increase of pension to De Witt Morris; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 19422) granting pension to Charlie Strassburg; to the Committee on Pensions.

Also, a bill (H. R. 19423) granting an increase of pension to Hubert Woltring; to the Committee on Invalid Pensions.

By Mr. CALLAWAY (by request): A bill (H. R. 19424) for the relief of Eliza A. Kemp, heir of John French, deceased; to

the Committee on War Claims.

Also (by request), a bill (H. R. 19425) for the relief of the widow and heirs of Martin Honea; to the Committee on War Claims.

Also (by request), a bill (H. R. 19426) for the relief of Seletha J. Powers, widow, and the heirs of John Powers, deceased; to the Committee on Claims.

Also (by request), a bill (H. R. 19427) for the relief of heirs

of Dr. James Hill, deceased; to the Committee on Claims.

Also (by request), a bill (H. R. 19428) for the relief of heirs of Osborne Scott; to the Committee on War Claims.

Also (by request), a bill (H. R. 19429) for the relief of John W. Carmack; to the Committee on Claims.

Also (by request), a bill (H. R. 19430) for the relief of heirs of Robert A. Benton, deceased; to the Committee on War

By Mr. CARTER: A bill (H. R. 19431) for the relief of

Samuel H. Butler; to the Committee on Claims, By Mr. CONRY: A bill (H. R. 19432) granting an increase of pension to Jacob Spanagel; to the Committee on Invalid

By Mr. COOPER: A bill (H. R. 19433) granting an increase of pension to James Hurd; to the Committee on Invalid Pensions,

By Mr. DWIGHT; A bill (H. R. 19434) granting an increase of pension to Anna Waters; to the Committee on Invalid Pen-

By Mr. EDWARDS: A bill (H. R. 19435) granting an increase of pension to Mary A. J. Harvey; to the Committee on Pensions.

Also, a bill (H. R. 19436) granting an increase of pension to John E. Zoucks; to the Committee on Pensions. By Mr. FINLEY: A bill (H. R. 19437) granting a pension to

Mary Laura Hicklin; to the Committee on Invalid Pensions. By Mr. FULLER: A bill (H. R. 19438) granting an increase

of pension to George H. Merrill; to the Committee on Invalid

By Mr. HAMILTON of West Virginia: A bill (H. R. 19439) for the relief of the Baptist Church of Sutton, W. Va.; to the Committee on War Claims.

Also, a bill (H. R. 19440) granting an increase of pension to William T. Marshall; to the Committee on Pensions.

Also, a bill (H. R. 19441) granting an increase of pension to John T. Ballentine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19442) granting an increase of pension to Obadiah Cales; to the Committee on Invalid Pensions

Also, a bill (H. R. 19443) granting an increase of pension to James Baccus; to the Committee on Invalid Pensions

By Mr. HILL: A bill (H. R. 19444) granting an increase of ension to Samuel L. Johnson; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 19445) for the relief of Edward William Bailey; to the Committee on Claims.

By Mr. HOWELL: A bill (H. R. 19446) granting an increase of pension to Mary Lois Wriston; to the Committee on

Also, a bill (H. R. 19447) granting an increase of pension to

. Z. Sims; to the Committee on Invalid Pensions. By Mr. HULL: A bill (H. R. 19448) granting an increase of ension to T. J. Edwards; to the Committee on Invalid Pen-

By Mr. HUMPHREY of Washington: A bill (H. R. 19449) granting an increase of pension to Theron E. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19450) to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Noble R. Wade; to the Com-

mittee on Naval Affairs.

By Mr. KONOP: A bill (H. R. 19451) for the relief of Nels A. Nelson: to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 19452) granting a pension to John A. Ditmore; to the Committee on Pensions.

Also, a bill (H. R. 19453) granting a pension to William E.

Watson; to the Committee on Pensions.

Also, a bill (H. R. 19454) granting an increase of pension to

Sarah A. Gray; to the Committee on Pensions.
Also, a bill (H. R. 19455) for the relief of Esther Emmart;
to the Committee on War Claims.

Also, a bill (H. R. 19456) for the relief of the heirs of George Small; to the Committee on War Claims.

Also, a bill (H. R. 19457) to correct the military record of Joseph R. (Riley) McVey; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 19458) granting an increase of pension to John Flanagan; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 19459) for the relief of Holly Prater, alias Plater; to the Committee on Military Af-

By Mr. RAKER: A bill (H. R. 19460) granting a pension to Jesse Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19461) to correct the military record of Francis M. Crow; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 19462) granting a pension to Maggie Depew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19463) granting an increase of pension to Robert Jolley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19464) granting an increase of pension to Joseph Odle; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 19465) granting an increase of pension to Oberon Payne; to the Committee on Invalid Pen-

By Mr. SCULLY: A bill (H. R. 19466) granting an increase of pension to Henry McKenna; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19467) for the relief of J. F. Short; to the Committee on War Claims.

Also, a bill (H. R. 19468) for the relief of the legal representatives of Mary W. Ridley, deceased; to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 19469) for the relief of Peter Trossell; to the Committee on Military Affairs.

Also, a bill (H. R. 19470) granting an increase of pension to Charles F. Cornell; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 19471) granting an increase of pension to William J. Howe; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Robert W. Cooper and others, against extension of the parcel-post system; to the

Committee on the Post Office and Post Roads.

Also (by request), resolutions of the Cigar Packers' Union,
No. 281, of St. Louis, Mo., remonstrating against the imposition of any tax on cigars furnished to employees by the manufac-

turers thereof; to the Committee on Ways and Means.

Also (by request), resolutions of the Tanana Valley Democratic Club, of Fairbanks, Alaska, for development of Alaska; to the Committee on the Territories.

By Mr. AINEY: Petitions of Meshoppen Grange, No. 926; Camptown Grange, No. 1436; Warren Center Grange, No. 1337; Meadow Grange, No. 1227; and Gibson Star Grange, No. 924, Patrons of Husbandry, all of the State of Pennsylvania, asking for certain changes in the oleomargarine law; to the Committee on Agriculture.

Also, petitions of Towanda Valley Grange, No. 204; Elk Lake Grange, No. 806; and Meadow Grange, No. 1227, Patrons of Husbandry, all in the State of Pennsylvania, protesting against the removal of special tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Woman's Christian Temperance Unions of Towanda, Powell, and East Smithfield; and of the Church of Christ, First Baptist, First Methodist, and Congregational Churches, of East Smithfield, all of the State of Pennsylvania, favoring the enactment of the Kenyon-Sheppard bill, regulating the interstate commerce of liquor; to the Committee on the Jediciary.

By Mr. ANSBERRY: Petition of John C. Collier and other business men of Van Wert, Ohio, protesting against parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Paper to accompany House bill 6411, granting a pension to William S. Johnson; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 18245, for the relief of Dayton P. Harrington; to the Committee on Pensions.

Also, petition of Thomas White and 140 other citizens of Tuscarawas County, Ohio, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. AYRES: Memorial of the Independence League of thirty-second assembly district of New York City, in favor of Esch bill; to the Committee on Ways and Means.

Also, petition of residents of the Bronx, New York City, favoring a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BARTLETT: Petition of the Copeland Turner Manufacturing Co. and others, of McDonough, Ga., against parcel post; to the Committee on the Post Office and Post Roads

Also, petition of J. F. Dick and others, of Locust Grove, Ga., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of R. A. Fincher and others, of Thomaston, Ga., for regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. F. Burden and other citizens of Macon, Ga., favoring legislation prohibiting shipping liquors from one

State to another; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of Stevens Woman's Christian Temperance Union, of Camden, N. J., and Woman's Christian Temperance Union of Elmer, N. J., for passage of Kenyon-

Sheppard interstate liquor bill; to the Committee on the Ju-

By Mr. BURKE of Wisconsin: Papers to accompany House bill 18859; to the Committee on Ways and Means.

Also, papers to accompany bill granting an increase of pension to Hubert Woltring; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Charlie

Strassburg; to the Committee on Pensions.

Also, resolutions of the Wisconsin Dairymen's Association, protesting against the passage of House bill 18493, to change the name of oleomargarine to margarin, to change the rate of tax on margarin, and providing for other purposes; to the Committee on Agriculture.

By Mr. CARY: Resolutions of the Wisconsin Cranberry Growers' Association, favoring House bill 12311, prohibiting the importation of fungus diseases through nursery stock; to the

Committee on Agriculture,
By Mr. CRAVENS: Petition of Trinity Episcopal Church, of Van Buren, Ark., for the passage of Kenyon-Sheppard interstate

liquor bill, etc.; to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union and the Broadway Christian Church, of Van Buren, Ark., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Arkansas, in favor of the Berger

old-age pension bill; to the Committee on Pensions.

By Mr. DALZELL: Petitions of Methodist Episcopal and First Presbyterian Churches, of Turtle Creek, Pa., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. DAVIS of West Virginia: Petition of members of the Improved Order of Red Men of first congressional district of West Virginia, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petition of the National German-American Alliance, Branch of Chicago, Ill., protesting against the enactment of interstate liquor measures, etc.; to the Committee on

Also, petition of the Decorators Supply Co., of Chicago, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of Confederated Canning Local Union No. 4942, in favor of parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Oakville and San Marcos, Tex., for improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GARRETT: Petition of Baptist Church of Trimble, Tenn., for the passage of an effective interstate liquor law; to

the Committee on the Judiciary.

Also, petition of citizens of Dyer, Tonn., for the passage of an effective interstate liquor law; to the Committee on the

Judiciary.

By Mr. GOEKE: Petition of Tribes Nos. 181 and 184, Improved Order of Red Men, of New Philadelphia, Ohio, asking for the passage of Senate bill 3953 and House bill 16313; to the Committee on Public Buildings and Grounds.

By Mr. GOLDFOGLE: Resolutions of the Republican Club of New York City, in favor of a bureau of national health; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Fairmount Park Art Association, for Lincoln memorial as recommended by the National Fine Arts Com-

mission; to the Committee on the Library.

By Mr. GOULD: Petitions of citizens of the State of Maine for passage of Kenyon-Sheppard interstate liquor bill; to the

Committee on the Judiciary.

By Mr. HAMIL/TON of West Virginia: Papers to accompany bill for the relief of Baptist Church of Sutton, W. Va.; to the

Committee on War Claims. Also, petition of citizens of the State of West Virginia, for the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of West Virginia, urg-

Committee on Ways and Means.

By Mr. HARTMAN: Petitions of Granges Nos. 607, 619, 664, 1104, 1126, and 1393, Patrons of Husbandry, for amending the

oleomargarine laws; to the Committee on Agriculture.

Also, petitions of Woman's Christian Temperance Union, and Zion Evangelical Lutheran, First Presbyterian, and Church of the Brethren Churches, of Everett, Pa., for passage of an effective interstate liquor law, also in favor of House joint resolution 163; to the Committee on the Judiciary.

By Mr. HAUGEN: Petitions of citizens of Castalia, Dougherty, and Joice, Iowa, protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Resolution of the San Mateo County Development Association, urging Congress to appropriate \$250,000 each year for the next four years in order that Yosemite Valley may not suffer from the lack of needed improvements; to the Committee on Appropriations.

Also, petition of citizens of California, in favor of the Berger

old-age pension bill; to the Committee on Pensions.

By Mr. HOUSTON: Petitions of citizens of Dekalb and Lincoln Counties, Tenn., favoring the enactment of an interstate liquor law; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of H. A. Ballard and others, of Thompsons, Utah, protesting against the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petitions of citizens of the State of New Jersey, in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of the Civic Club of the Oranges, urging that the machinery used in construction of the Panama Canal be used on river and harbor work; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Passaic, N. J., opposing ratification of arbitration treaties with England and France; to the

Committee on Foreign Affairs.

By Mr. HULL: Petition of citizens of Graysville, Tenn., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. JACOWAY: Petition of First State Bank, Dardanelle Bank & Trust Co., Post-Dispatch, and 25 citizens of Dardanelle, Yell County, Ark., protesting against passage of parcelpost legislation; to the Committee on the Post Office and Post Roads.

KENDALL: Memorial of Seventh-day Church of Sigourney, Iowa, protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of the mayors of Cleveland and Toledo, Ohio, favoring the coinage by the United States Government of 3-cent pieces; to the Committee on Coinage, Weights, and Measures

Also, petition of the Republican Club of New York City, in favor of a national health service; to the Committee on Inter-

state and Foreign Commerce.

Also, memorial of Marwick, Mitchell & Co., of New York City, relative to employment of chartered accountants by the United States Government; to the Committee on Expenditures in the Post Office Department.

Also, memorial of James W. Ward, of San Francisco, Cal., for a national bureau of public health and sanitary science; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Resolution of the Civics Club of the Oranges, urging Congress to provide suitable legis-lation for the preservation of the machinery and material at Panama suitable for doing the river and harbor work of the country; to the Committee on Interstate and Foreign Commerce.

By Mr. LA FOLLETTE: Petitions of sundry citizens of Byron, Prosser, Penawawa, College Place, and Walla Walla, all in the State of Washington, protesting against the passage of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Odessa, Irby, and Krupp, all in the State of Washington, and of Independent Grange, No. 428, Malott, Wash., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Klickitat Pomona Grange, No. 5, Goldendale, favoring reduction in duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Ephrata, Soap Lake, Wheeler, Warden, Othello, Winchester, Quincy, Wenatchee, Adrian, Morrison, Moses Lake, Bright, Meyers Falls, Colville, Harvey, Addy, Spokane, North Yakima, Millville, Orin, Arden, Kettle Falls, and Rice, favoring passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Memorial of St. German Catholic Knights Society, of Pennsylvania, in favor of Esch bill to provide for a tax upon white phosphorus matches and for other purposes; to the Committee on Ways and Means.

By Mr. LOUD: Petition of William Baulton and 7 other citizens of Alpena, Mich., for the passage of an act granting a pension of \$12 per month to every citizen over 70 years of age; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: Petitions of citizens of Burk, Bonesteel, Colome, Dallas, Fairfax, Gregory, Herrick, and Weiner, S. Dak., against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MORSE of Wisconsin: Memorial of the Wisconsin Dairymen's Association, protesting against the passage of House bill 10, reducing the tax on oleomargarine; to the Committee on

Also, memorial of Wisconsin State Cranberry Growers, favoring the passage of House bill 12311; to the Committee on Agriculture.

By Mr. PUJO: Petition of sundry citizens of Louisiana, in the matter of the disposition of public lands in the State of Louisiana to monopolies; to the Committee on the Public Lands.

By Mr. RAINEY: Petition of members of the Hamilton Club and of other citizens of Chicago, Ill., favoring the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. RAKER: Paper to accompany House bill 2509; to the

Committee on Invalid Pensions.

By Mr. SHARP: Petitions of citizens of New London, Ohio, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Dayton (Ohio) Branch of the United States Civil Service Retirement Association, for the retirement of superannuated and disabled employees of the civil service; to the Committee on Reform in the Civil Service.

Also, petition of Woman's Christian Temperance Union of Oberlin, Ohio, for passage of the Kenyon-Sheppard interstate

liquor bill; to the Committee on the Judiciary

Also, petition of citizens of the fourteenth Ohio congressional district, for the creation of a national highways commission, etc.; to the Committee on Agriculture.

Also, memorial of the Travelers' Club of Mansfield, Ohio, for investigation of diseases caused by dairy products; to the

Committee on Agriculture.

Also, petition of Tribe No. 176, Improved Order of Red Men, of Mansfield, Ohio, for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: Petition of citizens of Paris, Tenn., for parcelsystem; to the Committee on the Post Office and Post

Also, petition of physicians of Paris, Tenn., against restoration of the Army canteen; to the Committee on Military Affairs.

Also, petitions of citizens of the State of Tennessee, for passage of an interstate liquor law; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of residents of Buffalo, N. Y., in opposition to House bill 9433, for the observance of Sunday in the post offices of the United States; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Petition of citizens of Tionesta and Clarington, Pa., for the passage of Kenyon-Sheppard interstate liquor

bill; to the Committee on the Judiciary.

Also, petition of citizens of the borough of Emlenton, Pa., in favor of passage of bill for the construction of five slackwater dams in the Allegheny River, as recommended by the United States engineers; to the Committee on Rivers and

By Mr. STEVENS of Minnesota: Resolutions of the Swedish Lutheran Church of St. Paul, Minn., favoring the passage of bill to exclude intoxicating liquors from certain territory; to

the Committee on the Judiciary.

Also, petition of Arlington Hills Presbyterian Church, of St. Paul, Minn., for the passage of the Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary. By Mr. TAYLOR of Colorado: Memorial of the Mesa County

(Colo.) Bar Association, indorsing House bill 4179, for the removal of Federal court from Montrose to Grand Junction, Colo.; to the Committee on the Judiciary.

Also, petition of citizens of Mancos, Montezuma County, Colo., in support of the appropriation asked for by the Department of the Interior for construction of roads and improvements in the Mesa Verde National Park; to the Committee on Appropria-

Also, petition of citizens of Glenwood Springs, Colo., for the passage of House bill 18019; to the Committee on Pensions.

Also, petition of dry-farming homesteaders of Colorado, praying for relief from Congress in the liberalizing of the homestead laws; to the Committee on the Public Lands.

Also, memorial of the Commercial Club of Silverton, Colo., in support of House bill 11414, to establish a metallurgical mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

By Mr. TILSON: Petition of German-American Alliance of New Haven, Conn., opposing passage of an interstate liquor law; to the Committee on the Judiciary.

By Mr. VREELAND: Petition of Woman's Christian Temperance Union of Jamestown, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

WILSON of Pennsylvania: Petitions of Woman's Christian Temperance Union of Ulysses, and others, of Pennfor passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 817, 874, 281, 1088, 1195, 1204, 1216, 1254, 1267, and 1388, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. YOUNG of Kansas: Petition of citizens of the State of Kansas, for a general parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Burr Oak, Kans., protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

Monday, February 5, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. MURPHY J. FOSTER, a Senator from the State of Louisiana,

appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. Brandegee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the fiscal year 1911, as required by The same statute provides for the printing, so that no action on the part of the Senate is required. I ask that the report may lie on the table.

The VICE PRESIDENT. The report will lie on the table.

CUMBERLAND RIVER BRIDGE, TENNESSEE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4339) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee, which were, on page 1, in lines 4 and 5, to strike out "railroad" and to amend the title, so as to read: "An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a bridge across the Cumberland River in the State of Tennessee."

Mr. LEA. I move that the Senate concur in the amendments

of the House.

The motion was agreed to.

REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 131).

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1911, which was referred to the Committee on Patents and ordered to be printed.

REPORT OF WASHINGTON & OLD DOMINION BAILWAY (H. DOC. NO. 506).

The VICE PRESIDENT laid before the Senate the report of the Washington & Old Dominion Railway for the two months ending December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

GREAT FALLS & OLD DOMINION RAILROAD CO. (H. DOC. NO. 507).

The VICE PRESIDENT laid before the Senate the report of the Great Falls & Old Dominion Railroad Co. for the ten months ending October 31, 1911, which was referred to the Com-mittee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON GAS LIGHT CO. (H. DOC. NO. 505).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Gas Light Co., of the District of Columbia, for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

STREET CAR LINES IN THE DISTRICT.

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, acknowledging the receipt of a resolution adopted by the Senate on the 1st instant, directing the commissioners to communicate to the Senate their views as to the necessity of establishing

additional street car lines in the District of Columbia, etc., which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8853. An act for the relief of John L. Baird; and

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the Tanana Valley Democratic Club of Alaska, favoring the construction and operation of a Government-owned railroad in that Territory, which were referred to the Committee on Territories.

He also presented a joint memorial adopted by the Legislature of Idaho, relative to the donation of certain premises known as the abandoned Lemhi Indian Reservation School for educational institutions, etc., which was referred to the Committee on Public Lands.

He also presented a joint memorial of the Legislature of Idaho, relative to the amendment of the land laws so that the five years' residence now required of homestead settlers may be limited to a period of three years, which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Henry County, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of West Terre Haute, Ind., and a memorial of the United Commercial Travelers' Association, of Bemidji, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the United Mine Workers of America, favoring an investigation into certain acts of Judge A. V. Anderson, of the United States District Court of Indiana, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the memorial of Mrs. Albert S. Brown, of Washington, D. C., remonstrating against the proposed abandonment of the Columbia Hospital for Women in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented the petition of John W. R. Sumwalt, superintendent of the Washington District, Baltimore Conference, Methodist, Episcopal Church, praying that an appropriation be made for the purchase of Fort Davis and Fort Dupont, which was referred to the Committee on Appropriations.

which was referred to the Committee on Appropriations.

He also presented a memorial of the executive committee of the Medical Society of the District of Columbia, remonstrating against the separation of public and private hospital charities, which was referred to the Committee on Appropriations.

He also presented a memorial of the congregation of the Methodist Episcopal Church of Sunapee, N. H., remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Mothers' School Club of Northeast Washington and a petition of the Chevy Chase Public School and Home Association of the District of Columbia, praying for the enactment of legislation providing for the retirement of aged and infirm school teachers, which were referred to the Committee on the District of Columbia.

He also presented a petition of members of the Congregational Sunday School, of Henniker, N. H., and a petition of sundry citizens of Unity, Ashland, Farmington, Hampton Falls, Newport, Northumberland, and Peterboro, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Roberston, Millburne, and Fort Bridger, all in the State

of Wyoming, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Fifth Baptist Church, the Columbia Methodist Episcopal Church, and of the Union Methodist Episcopal Church, of Philadelphia, and of J. Craig Peacock, of Torresdale, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented a petition of sundry stockmen of Snake River, Colo., praying for the enactment of legislation providing for the improvement of grazing on the public lands, which was referred to the Committee on Public Lands.

Mr. WORKS presented petitions of sundry citizens of Los Angeles, Lawndale, Pasadena, Long Beach, and Oakland, all in the State of California, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented a petition of members of the City Federation of Woman's Clubs, of Fort Scott, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Custer Post, No. 39, Grand Army of the Republic, Department of Kansas, of Onaga, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Lewis, Kans., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a memorial of the Kansas State Woman's Christian Temperance Union, remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Kansas Retail Jewelers' Association, remonstrating against the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Plains, Kans., and a petition of sundry citizens of Randall, Kans., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Lindsborg, Emmett, Coats, Burr Oak, Junction City, and Devon, all in the State of Kansas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the First United Brethren Church of Parsons; of the Presbyterian Church, the First Baptist Church, the First Methodist Episcopal Church, and the First Congregational Church of Wellington; of the United Presbyterian Church and the Free Methodist Church, of Manhattan; of the Woman's Christian Temperance Union of Jetmore; of the Epworth League of the Methodist Church of Jetmore; and of sundry citizens of Manhattan and Vicksburg and of Grant County, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of the Austro-Hungarian Sharp-shooters' and Benevolent Association, of Kansas City; of the Hanover Turnverein, of Hanover; and of the Kruger Bund of Washington County, all in the State of Kansas, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of commissioners of Kansas City, Kans., praying that an appropriation be made for the improvement of the Missouri River up to Quindaro, Kans., which was referred to the Committee on Commerce.

Mr. WETMORE presented a memorial of the Thomas Davis Literary Association, of Valley Falls, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Woonsocket, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Web Pressmen's Union, No. 12, of Providence, R. I., praying for the enactment of legislation providing for an increase of 10 cents per hour in the wages

of pressmen in the Government Printing Office, which was referred to the Committee on Printing.

Mr. GRONNA presented petitions of the congregations of the First Congregational Church, the Church of the Brethren, the Methodist Episcopal Church, and of the First Presbyterian Church, and of members of the Fleur de Lis Club, all in the city of Cando, and of the Woman's Christian Temperance Union of Leal, all in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullifica-tion of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the German-American Alliance of North Dakota, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of sundry citizens of New Jersey, Connecticut, Massachusetts, and Delaware, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York and Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Peoria, Dale, Galena, El Paso, and Galesburg, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Wheaton, Aurora, and Robinson, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of sundry citizens of Culbertson and Norris, in the State of Nebraska, praying for

the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Post A, Travelers' Protective Association, of Omaha, Nebr., remonstrating against the establishment of a rural parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Nebraska National Guard, residents of Wymore, Nebr., and a petition of sundry members of the Nebraska National Guard, residents of Lincoln, Nebr., praying for the enactment of legislation to regulate the pay of the Organized Militia, which were referred to the Committee on Military Affairs.

Mr. TOWNSEND presented petitions of sundry citizens of Grayling, Allegan, Coldwater, Ishpeming, Kalamazoo County, Ogden, Ypsilanti, Fenton, Gaines, Marshall, Ceresco, Kalamazoo, Parma, and Jackson, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which

were referred to the Committee on the Judiciary.

He also presented memorials of sundry business firms of Pontiac, Detroit, and Muskegon, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Eduardsburg, Clare, Fayette, Irving, Fennville, and Ypsilanti, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Detroit, He also presented memorials of sundry citizens of Detroit, Springwells, Nashville, Flint, Saranac, Imlay City, St. Louis, Delton, McBrides, Hickory Corners, Alpena, Fenton, Memphis, Lenox, Mason, Gagetown, Lansing, Utica, Croswell, Travers City, Ionia, Copemish, Covert, Beal City, Port Huron, Milan, Portland, Kalamazoo, Birmingham, Evart, Rose City, Gladwin, Springwort, Parky, Cadillac, Mosloy, Harbor, Beach, Lovering, Springport, Perry Cadillac, Morley, Harbor Beach, Levering, Alpena, Vassar, Cassopolis, Dansville, Petersburg, Lake Odessa, Frankfort, Greenville, Petoskey, Rochester, Berrien Springs, Middleville, and Stanton, all in the State of Michigan, remonstrating against the extension of the parcel-post system be-yond its present limitations, which were referred to the Com-mittee on Post Offices and Post Roads.

Mr. OVERMAN presented petitions of sundry citizens of Millboro and Hickory, in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Mount Airy, Winston Salem, and Wilson, and of the Woman's Christian Temperance Union of Wilson, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

Mr. SMITH of Maryland presented a petition of the Woman's Christian Temperance Union of Sharptown, Md., and a petition of the congregation of the Presbyterian Church of Ocean City, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judi-

Mr. POMERENE presented petitions of local tribes No. 195, of Hilliard; No. 75, of Martins Ferry; No. 64, of Steubenville; No. 65, of Columbus; No. 91, of Mechanicsburg; No. 230, of Toronto; No. 197, of Camden; No. 120, of Byesville; No. 251, of Clayton; No. 130, of Bradyville; No. 180, of Haviland; No. 209, of Cincinnati; No. 53, of Lebanon; No. 201, of Middletown; No. 178, of Middlepoint; No. 163, of Columbus; No. 170, of Columbus; No. 16, of Basil; No. 144, of Paris; and No. 67, of Sidney, all of the Improved Order of Red Men, in the State of Ohio, praying that an appropriation be made for the erection of an American Indian memorial and museum building in the city of Washington, D. C., which were referred to the Committee on the District of Columbia.

He also presented petitions of the Chamber of Commerce of Dayton; the Young Men's Christian Association of Athens; the Harriet Stevens Club, of Dayton; of the Rio Grande Col-lege, of Rio Grande; of the Friday Afternoon Club, of Day-ton; of the Review Club, of Newark; of the Ministers' Association of Cincinnati; of the Business Men's Club, of Cincinnati; of the Victorian Club, of Mansfield; of the Magazine Club, of Peebles; of the Congregation of the Methodist Episcopal Church of Xenia; of the Evangelical Lutheran Church of Osborn; of the First Methodist Episcopal Church of Lockland; and of the First Congregational Church of Marietta, all in the State of Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians, of Cincinnati, Ohio, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

ordered to lie on the table.

He also presented a petition of the Business Men's Club Co., of Cincinnati, Ohio, and a petition of the Fairmount Park Art Association, of Philadelphia, Pa., praying for the erection of a memorial to Abraham Lincoln, in monumental form, on the site approved by the Washington Park Commission, which were referred to the Committee on the District of Columbia.

He also presented a petition of members of the Travelers' Club, of Mansfield, Ohio, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Post No. 133, Department of Ohio, Grand Army of the Republic, of Wooster, Ohio, praying for the passage of the so-called dollar-a-day pension

praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions. He also presented petitions of sundry citizens of Lebanon, Delaware, Ravenna, Bladen, Antwerp, Painesville, Dennison, Noble County, and Waterloo, all in the State of Ohio, pray-ing for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Dola and Prairie Depot, in the State of Ohio, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and

He also presented petitions of the congregations of the Lutheran Church of Urbana, of the First Methodist Episcopal Church of Urbana, of the Friends Church of Urbana, and of the First Methodist Episcopal Church of Fredericktown, of the Teachers' Association of Lebanon, and of the Woman's Christian Temperance Union of Chagrin Falls, all in the State of Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULBERSON. I present a memorial signed by citizens Yorktown, Tex., remonstrating against the extension of the

parcel-post service beyond its present limitations. I ask that the memorial be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

YORKTOWN, TEX., -

To the Senate of the United States:

To the Senate of the United States:

The undersigned respectfully protest against the enactment by Congress of any legislation for the extension of the parcel-post service beyond its present limitations, for the following reasons:

(1) That the law now on the statute books fully provides for a strictly rural parcel post (see R. S., 33 L., 40 ch., 1759, Apr. 28, 1904. Also, rules and regulations, Rural Delivery Service, sec. 98, p. 28, Mar., 1907).

(2) That it is a step in the wrong direction—paternalistic and dangerous in its tendencies.

(3) That it would create an enormous deficit in the Post Office Department.

(4) That it would revolutionize the commercial system in the United States.

(4)*That it would revolutionize the commercial system in the United States.

(5) That it would seriously delay the delivery of legitimate mail.

(6) That it would deplete or destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people.

(7) That it is class legislation in that it discriminates against the country merchant and favors the great retail mail-order houses.

(8) That it is in effect a subsidy to the retail mail-order houses—wrong in principle and unfair in practice.

(9) That a local rural parcel post other than now provided by statute is merely an "entering wedge" for a general parcel post, and for that reason must be regarded as the initial step toward all the evil consequences of a general parcel post, and subject to all the objections of such a system. such a system.

such a system.

M. Strieber & Sons, A. E. Eichholz, G. H. Sass, F. J. Kalodzil, Farias Bros., B. L. Hausmann, O. W. Thurk, J. Koehler, C. L. Strieber, F. Kraege, Meyer Bros., Yorktown Lumber Co., F. Notzou, Wm. Hausmann, J. R. Boldt, R. F. Tietz, F. Riedel, J. W. Neumeyer, M. G. Eckhardt, Jesse H. Kozelski, Smith Bros., August Jaeger, Her Mollenhauer, Gus Metz, M. H. Jacobs, J. G. Kerlick, E. T. Viereck, O. A. Bohmer & Co., L. F. Buergener, C. Eckhardt & Sons, First National Bank, C. L. Eckhardt (farmer), C. W. Fechner, H. R. Johnson, J. W. Hoff, H. F. Grosskopp.

(Above are all merchants of Yorktown, Tex.)

Mr. SHIVELY presented a petition of sundry veterans of the Civil War, residents of Fremont, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Local Council No. 246, United Commercial Travelers of America, of Vincennes, Ind., and a memorial of Post F, Travelers' Protective Association, of Logansport, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Woman's Club, of Winchester, Ind., and a petition of the Bay View Reading Circle Club, of Kendallville, Ind., praying for the rafification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie

He also presented a petition of members of the Bay View Reading Club, of Kendallville, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the

Committee on Agriculture and Forestry.

He also presented a petition of members of the Indiana Historical Society, of Indianapolis, Ind., praying that an appropriation of \$5,000 a year be made to enable the Bureau of Ethnology to continue its work of preserving the languages of the Indian tribes of the Mississippi Valley, which was referred to the Committee on Indian Affairs.

He also presented petitions of Local No. 192, Musicians' Protective Association, of Elkhart; of Local Union No. 1317, of Indiana Harbor; and of Local Union No. 565, of Elkhart, all of the United Brotherhood of Carpenters and Joiners of America, in the State of Indiana, praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of members of the Elkhart Central Labor Union, of Indiana, praying for the enactment of legislation providing for the removal of employees of the Government in the classified service as proposed by the American Federation of Labor at its convention held at Atlanta, Ga., which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Business Men's Association, of Jeffersonville, Ind., praying that an appropriation be made for the preservation of the force and material now in the Canal Zone for use in connection with the prosecution of the river and harbor work of the country, which was referred to the Committee on Interoceanic Canals.

Mr. HEYBURN presented a joint memorial of the Legislature of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

CERTIFICATE OF CERTIFIED COPY.

STATE OF IDAHO,
Department of State.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial 4, by Johnston and Hanmer, memorializing Congress to donate certain premises, known as the abandoned Lemhi Indian Reservation School, for education institutions, etc. Passed the house January 27, 1912. Passed the senate January 29, 1912. Which was filed in this office the 30th day of January A. D. 1912, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 30th day of January, in the year of our Lord 1912, and of the independence of the United States of America the one hundred and thirty-sixth.

[SEML]

WILFRED L. GIFFORD.

[SEAL.]

WILFRED L. GIFFORD, Secretary of State.

House joint memorial 4.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully

Your memorialists, the Legislature of the State of Idaho, respectfully represent: That—

Whereas the State of Idaho is desirous of using the site and buildings of the abandoned Lemhi Indian Reservation School for educational institutions and training and other institutional purposes, which said land is approximately described as follows: The NW. ½, the NW. ½ of SW. ½ of section 28, the NE. ½ of NE. ½, S. ½ of NE. ½, the SE. ½ and lot 5 in section 29, township 18 N., R. 24 E., B. M.: And

Whereas a bill is now pending in Congress having for its purpose the donation of said premises aforesaid by Congress to the State of Idaho for the purposes aforesaid;

Now therefore your memorialists urgently recommend that said bill be enacted into law, and the Legislature of the State of Idaho does hereby expressly agree to, and does hereby accept said donation aforesaid for the purposes aforesaid, as provided by said bill.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and to our Representatives in Congress.

This memorial passed the house of representatives on the 27th day of January, 1912.

CHARLES D. Storex.

Speaker of the House of Representatives.

CHARLES D. STOREY, Speaker of the House of Representatives.

This memorial passed the senate on the 29th day of January, 1912.

L. H. SWEETSER, President of the Senate.

I hereby certify that the within joint memorial 4 originated in the house of representatives during the special session of the eleventh session of the Legislature of the State of Idaho.

JAMES H. WALLIS, Chief Clerk of the House of Representatives. [SEAL.]

Mr. HEYBURN presented a joint memorial of the Legislature of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

CERTIFICATE OF CERTIFIED COPY.

STATE OF IDAHO,
Department of State.

I. Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial 2, by Taylor and Baldridge, memorializing Congress to amend the land laws of the United States so that the five-year residence now required of homestead settlers may be limited to a period of three years. Passed the house January 26, 1912. Passed the senate January 27, 1912. Which was filed in this office the 29th day of January, A. D. 1912, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 30th day of January, A. D. 1912, and of the independence of the United States of America the one hundred and thirty-sixth.

[SEAL.]

W. L. Gifford,
Secretary of State.

House joint memorial 2.

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—
Whereas the land laws of the United States were enacted at an early

Whereas the land laws of the United States were enacted at an early date in our history; and

Whereas there has been since such enactment a radical change in public-land conditions, in that a great majority of the untaken public lands of the United States lie in the arid and semiarid region, where homestead occupancy, by reason of the lack of water for purposes of irrigation and domestic use, is attended by great privation and suffering on the part of the settler; and

Whereas homestead settlers are for the most part men of family, with small means, who are unable for a period of five years to occupy their claims and live without an income from a soil nonproductive and non-sustaining by reason of lack of irrigation and rainfall; and

Whereas these settlers, by reason of said harsh conditions, have been and are greatly discouraged, many of whom have abandoned their claims and departed to other countries where the land laws are less rigorous and Governments are more hospitable and beneficent, to the great detriment of the State and the United States. Be it

Resolved, That the Legislature of the State of Idaho do hereby protest against the five-year residence requirement of public-land laws of the United States, and do hereby respectfully ask and petition that said residence requirement be reduced to a period of three years; be it further

Resolved, That we most heartly commend the work of the Idaho

residence requirement be reduced to a period further

Resolved, That we most heartily commend the work of the Idaho delegation in both branches of Congress who have enlisted their services in behalf of settlers upon public lands, and that we do most respectfully urge upon Congress the necessity of enacting remedial legislation along the lines recommended by Senator Borah, to the end that the present oppressive conditions may be relieved.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and to our Representatives in Congress.

This house joint memorial 2 passed the house of representatives on the 26th day of January, 1912.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 27th day of January, 1912.

L. H. SWEBTSER, President of the Senate.

I hereby certify that the within joint memorial 2 originated in the House of Representatives of the Legislature of the State of Idaho during the special session of the eleventh session.

[SEAL.]

| SEAL. | James H. Wallis, Chief Clerk of the House of Representatives.

Mr. HEYBURN presented a joint memorial of the Legislature of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

CERTIFICATE OF CERTIFIED COPY.

STATE OF IDAHO, Department of State.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial 1, by Holmberg, memorializing Congress to have the honorable Commissioner of the General Land Office approve certain scrip filings covering vast areas of land in the northern part of the State of Idaho, especially in Clearwater County. Passed the house, January 26, 1912. Passed the senate, January 27, 1912. Which was filed in this office the 29th day of January, A. D. 1912, and admitted to record.

nled in this office the 29th day of January, A. D. 1912, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 30th day of January, in the year of our Lord 1912, and of the Independence of the United States of America the one hundred and thirtysixth. [SEAL.]

WILFRED L. GIFFORD, Secretary of State.

House joint memorial 1.

To the honorable Secretary of the Interior and the honorable Commissioner of the General Land Office, Washington, D. C.:

Your memorialists, the Legislature of the State of Idaho, respectfully

Your memorialists, the Legislature of the State of Idaho, respectfully represent;

Whereas in the northern part of the State of Idaho, and especially in Clearwater County, there are vast areas of land which have been filed upon by scrip holders and owners, there being in said county alone land in this condition amounting to over 30,000 acres; and Whereas such scrip filings have been pending before the honorable Commissioner of the General Land Office for a great number of years without approval; and

Whereas the approval of said scrip filings by the honorable Commissioner of the General Land Office must be had before the land covered thereby may be taxed in the State of Idaho for State or county purposes; and

Whereas the inability of the State and county to tax such land and compel it to bear its just share of taxes levied for State and county purposes, works a great hardship on the State of Idaho, and especially upon the county wherein these large areas of land are located;

Now therefore your memorialists respectfully request that an approval be had of these selections at the earliest possible moment, and that every effort be made to expedite such approval to the end that the land in the situation above described may speedily be compelled to bear its just proportion of taxation; and be it

Resolved, That the secretary of state of the State of Idaho be, and he is hereby, instructed to forward this memorial to the honorable Secretary of the Interior and the honorable Commissioner of the General Land Office and coples thereof to the Representatives of the State in the Congress of the United States.

This house joint memorial No. 1 passed the house of representatives on the 26th day of January, 1912.

Charles D. Storex.

Speaker of the House of Representatives.

Speaker of the House of Representatives.

This house joint memorial passed the senate on the 27th day of January, 1912.

L. H. SWEETSER, President of the Senate.

I hereby certify that the within joint memorial No. 1 originated in the House of Representatives of the Legislature of the State of Idaho during the special session of the eleventh session.

[SEAL.]

Chief Clerk of the House of Representatives.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 4148) to provide for the acquiring of title to public

bill (S. 4148) to provide for the acquiring of the to public lands classified as and carrying phosphate deposits, which were referred to the Committee on Public Lands.

Mr. OLIVER presented petitions of Local Granges No. 664, of Bellwood; No. 619, of Bedford; No. 785, of Smithfield; No. 1337, of Warren Center; No. 1373, of Jefferson; No. 1393, of El Dorado; No. 1465, of Hickory; No. 1227, of Susquehanna County; No. 976, of Lincoln Falls; No. 1436, of Camptown; No. 924, of Gibson; No. 1339, of Hepburnville; and No. 1433, of Stroudsburg, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Liberty, Clarington, Lancaster, South Creek, and Avonmore, and of the Woman's Christian Temperance Unions of Waynesburg, Lan-caster, Alverton, and Crafton, all of the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Woman's Club of Butler, Pa., and a petition of sundry citizens of Jeannette, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Local Division No. 71, Ancient Order of Hibernians, of Philadelphia, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of the Woman's Christian Temperance Union of West Point, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of members of the Woman's Club of Nebraska City, Nebr., praying for the ratifica-tion of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of members of the Nebraska National Guard, residents of Wymore and Auburn, in the State of Nebraska, praying for the enactment of legislation to regulate the pay of the Organized Militia, which were referred to the Committee on Military Affairs.

Mr. KERN presented a memorial of sundry citizens of Logansport, Ind., remonstrating against the establishment of a rural parcel post, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Independence, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Indiana Retail Merchants' Association, of Gary, Ind., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Indiana Retail Mer-

chants' Association, praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Lebanon, Fairland, La Fayette, Albion, Anderson, Boggstown, Columbus, Tell City, and Boyd, all in the State of Indiana, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of members of the Bay View

Reading Circle Club, of Kendallville; the Woman's Club of Winchester; and of sundry citizens of Indianapolis, all in the State of Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Bright, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Indiana Historical Society, praying that an appropriation of \$5,000 a year be made to enable the Bureau of Ethnology to continue the work of preserving the languages of the Indian tribes of the Mississippi Valley, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Business Men's Association of Jeffersonville, Ind., praying for the enactment of legislation providing for the preservation of the Panama Canal machinery for use in improving the rivers and harbors of the country, which was referred to the Committee on Interoceanic

Mr. O'GORMAN presented memorials of sundry citizens of Brooklyn and New York City, in the State of New York, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Utica, Binghamton, and Goshen, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Brooklyn and Sherburne, in the State of New York, praying for the estab-

lishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Wellsville and Mount Sinai, in the State of New York, remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

He also presented a petition of the Northern New York De velopment League, praying that an appropriation be made for the development of the Long Sault Canal, lock, and dam at the foot of the Long Sault Rapids opposite Massena, N. Y.,

which was referred to the Committee on Commerce.

He also presented a petition of the Independence League of the third assembly district of Queens County, N. Y., and a petition of sundry citizens of Aurora, Ill., praying for the passage of the so-called service-pension bill, which were referred

to the Committee on Pensions.

He also presented petitions of Local Council No. 38, International Brotherhood of Blacksmiths, of Buffalo, of the Pattern Makers' Association, of Buffalo, and of Steamfitters' Local Union No. 395, all in the State of New York, praying for the enactment of legislation to better the condition of American seamen, which were referred to the Committee on Com-

He also presented petitions of sundry members of the New York National Guard, praying for the enactment of legislation to regulate the pay of the Organized Militia, which were

referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Schenectady and Rochester, in the State of New York, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of Watertown, N. Y., remonstrating against the discontinuance of the military post at the Madison Barracks, Sacket Harbor, N. Y., which was referred to the Committee on Military

He also presented a petition of the Union League Club of New York, praying that an appropriation be made for the erection of a memorial to Peletiah Webster, which was referred to

the Committee on the Library.

Mr. JOHNSON of Maine presented petitions of the congregation of the Bethany Church, of Skowhegan; of the Woman's Christian Temperance Union of West Falmouth; of the Woman's Christian Temperance Union of Fairfield; of the Woman's Christian Temperance Union of Island Falls; of the Woman's Christian Temperance Union of Calais; of the Woman's Christian Temperance Union of Amity; and of Rev. J. W. Farrell, of West Falmouth; of the Second Baptist Church, of Calais; of the Friends Church, of South China; of the Island Avenue Congregational Church, of Skowhegan; of the Methodist Episcopal Church of Greenville Junction; of the Local Union Woman's Christian Temperance Union of Westbrook; of the Helen B. Woman's Christian Temperance Union, of Bolsters Mills; and of China Grange, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of the congregation of the First Congregational Church of Madison, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was

referred to the Committee on the Judiciary.

He also presented a petition of sundry employees of pulp and paper mills of Stiles, Wis., praying for the repeal of the wood-pulp and print-paper clause of the reciprocity act with Canada, which was referred to the Committee on Finance.

He also presented a petition of the State Cranberry Growers of Wisconsin, praying that an investigation be made into the condition of all nursery stock imported into this country, which

was referred to the Committee on Agriculture and Forestry.

Mr. CLAPP presented a petition of sundry citizens of New Ulm, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and

France, which was ordered to lie on the table.

Mr. PERKINS presented a petition of coast chambers of commerce and members of the Pacific coast congressional delegation and of the Chamber of Commerce of San Francisco, all in the State of California, praying for the enactment of legislation to prohibit interstate railroads from owning or controlling ships engaged in travel through the Panama Cana which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Chamber of Commerce of Long Beach, Cal., praying for the enactment of legislation to permit American vessels engaged in the coastwise trade to pass

through the Panama Canal free of toll, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Woman's Christian Temperance Union, of San Jose, Cal., remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also-presented a petition of the Allied Forest Protective Associations of the Pacific Coast States, composing the Western Forestry and Conservation Association, praying for the enactment of legislation to increase the appropriations for the maintenance of the Forestry Service, which was referred to the Com-

mittee on Agriculture and Forestry.

He also presented petitions of the Chamber of Commerce and the Merchants' Association, of San Francisco: the Merchants' Exchange and the Real Estate Association, of Oakland; the Chamber of Commerce of Berkeley; the Real Estate Association of Richmond; of sundry citizens of Los Angeles, Oakland, Sacramento, and San Diego, all in the State of California; of sundry citizens of Kansas City, Mo.; Chicago, Ill.; and of Fort Worth, Tex., praying that an appropriation be made for the construction of a suspension bridge between San Francisco and Oakland, Cal., which were referred to the Committee on Com-

Mr. NELSON presented a memorial of sundry citizens of Jeffers, Minn., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of 29 citizens of Minneapolis, Minn., praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. LIPPITT presented a petition of the Rhode Island State Federation of Women's Clubs, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the

He also presented a memorial of the Thomas Davis Literary Association, of Valley Falls, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented petitions of the congregations of the Globe Congregational Church, of Woonsocket, and the Second Advent Church of Woonsocket, in the State of Rhode Island, and of the Woman's Christian Temperance Union of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Web Pressmen's Union No. 12, of Providence, R. I., praying for the enactment of legislation providing for an increase of 10 cents per hour in the wages of pressmen in the Government Printing Office, which was referred

to the Committee on Printing.

Mr. LODGE presented a petition of the Massachusetts Peace Society, signed by President A. Lawrence Lowell, of Harvard University; President Richard C. Maclaurin, of the Massachusetts Institute of Technology; President Frederick W. Hamilton, of Tufts College; by members of the faculty of Harvard University and the Massachusetts Institute of Technology; James Ford Rhodes; several members of the Supreme and Superior Courts of Massachusetts, and 500 citizens of the State of Massachusetts, praying the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 4260) granting an increase of pension to John S. Hughes, which

were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3812. A bill to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission (Rept. No. 300); and

S. 1345. A bill for the relief of Elizabeth L. W. Bailey, administratrix of the estate of David W. Bailey, deceased (Rept.

No. 301).

He also, from the same committee, to which was referred the bill (S. 4954) to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of the Barry farm, and for other purposes, reported it without amendment and submitted a report (No. 302) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 1366. A bill amending section 1608 of the act of Congress entitled "An act to amend chapter 55 of an act entitled 'An act to establish a Code of Law for the District of Columbia," ap-

proved February 23, 1905 (Rept. No. 303); and S. 2139. A bill to create a commission to be known as the public-utilities commission of the District of Columbia, and to

prescribe its powers and duties (Rept. No. 304)

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5041) to correct the military record of Matt McDonald, asked to be discharged from its further consideration and that it be referred to the Committee on

Naval Affairs, which was agreed to. He also, from the same committee, to which was referred the bill (S. 4997) establishing a national park to be known as Mammoth Cave National Park, and to appropriate money therefor, reported it back with a recommendation that the Committee on Military Affairs be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 4362) to provide for the construction and equipment of additional light vessels for general service, reported it without amendment and submitted a report (No.

305) thereon.

Mr. MARTIN of Virginia, from the Committee on the District of Columbia, to which was referred the bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force, reported it without amendment and submitted a report (No. 306) thereon.

He also, from the same committee, to which was referred the bill (S. 3561) amending paragraph 6 of the act relating to the Metropolitan police force, submitted an adverse report (No. 307) thereon, which was agreed to, and the bill was postponed

indefinitely.

He also, from the Committee on Commerce, to which was referred the bill (S. 4518) to provide for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., reported it without amendment and submitted a report (No. 308) thereon.

Mr. BRADLEY, from the Committee on Claims, to which were

referred the following bills, reported them each without amend-

ment and submitted reports thereon:

S. 104. A bill for the relief of Carl Krueger (Rept. No. 309); and S. 547. A bill for the relief of Sarah A. Waite (Rept. No. 310).

Mr. ROOT, from the Committee on Industrial Expositions, to which was referred the bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, reported it with amendments and submitted a report (No. 311) thereon.

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4471. A bill to provide for the establishment of aids to report the restablishment of the stablishment of the provide the restablishment of the provide the pr

navigation and for the improvement of existing aids in Puget Sound, Wash. (Rept. 312); and S. 4415, A bill to provide for making necessary improvements

at Point Pinos Light Station, Cal. (Rept. No. 313).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 5049) granting a pension to Martha Ann Harvey (with accompanying paper); to the Committee on Pensions.

By Mr. TAYLOR:
A bill (S. 5050) granting a pension to Lucy L. Bane;
A bill (S. 5051) granting an increase of pension to T. J.

Edwards; and A bill (S. 5052) to pension all totally blind soldiers of all wars in which the United States has been engaged; to the Committee on Pensions.

By Mr. MARTIN of Virginia:
A bill (S. 5053) providing for the construction of an iron picket fence around the monument at Jamestown, Va.; to the Committee on the Library.

A bill (S. 5054) to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va.; to the Committee on Claims.

By Mr. MARTINE of New Jersey: A bill (S. 5055) granting an increase of pension to John H. Mattison (with accompanying papers); to the Committee on Pensions.

A bill (S. 5056) to remove the charge of desertion from the military record of the late David S. Merwin; to the Committee on Military Affairs.

By Mr. POMERENE: A bill (S. 5057) for the relief of Caroline M. Clous; to the Committee on Claims.

By Mr. JOHNSON of Maine:

bill (S. 5058) granting an increase of pension to John F. Carll (with accompanying papers); to the Committee on Pen-

By Mr. THORNTON:

A bill (S. 5059) granting school lands to the State of Louisiana; to the Committee on Public Lands.

By Mr. BROWN:

A bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska (with accompanying papers); to the Committee on Indian Af-

A bill (S. 5061) to authorize the granting of patent after five years on homestead entries made under the reclamation act;

to the Committee on Public Lands.

A bill (S. 5062) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902; to the Committee on Irrigation and Reclamation of Arid Lands.

(By request.) A bill (S. 5063) to reorganize the municipal court of the District of Columbia, to increase the jurisdiction of said court, to provide a common-law trial by jury therein, and to regulate the appeal from the judgment of said court (with accompanying papers); to the Committee on the District

By Mr. WARREN:

A bill (S. 5064) granting a pension to Francis M. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5065) for the relief of the heirs of Lewis D. Brown; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 5066) granting an increase of pension to Carrie R. Sparklin; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 5067) to amend section 2 of an act entitled "An act to supplement 'An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with autoengaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' and other safety-appliance acts, and for other purposes," approved April 14, 1910; to the Committee on Interstate Commerce.

By Mr. PERKINS:

A bill (8, 5068) to authorize the Secretary of the Interior

to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes; to the Committee on Public Lands.

A bill (S. 5069) to promote the efficiency of the enlisted per-

sonnel of the United States Navy; and
A bill (S. 5070) to make certain unexpended balances of appropriations for the Navy available until used and applicable to past as well as future obligations; to the Committee on Naval Affairs

A bill (S. 5071) providing for improvements at the Santa Cruz Light Station, Cal.;

A bill (S. 5072) to establish a fog signal and additional quar-

ters at Point Loma Light Station, San Diego, Cal.;
A bill (S. 5073) to authorize the establishment of a light and fog-signal station on or near North Farallon Island, Cal .: and

A bill (S. 5074) to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling; to the Committee on Commerce.

By Mr. DIXON: A bill (S. 5075) for the establishment of a new land district in the State of Montana; and

A bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests; to the Committee on Public Lands.

By Mr. HEYBURN:

A bill (S. 5077) providing for the erection of a Federal building at Pocatello, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. BURNHAM: A bill (S. 5078) granting an increase of pension to George P. Doeg (with accompanying papers); to the Committee on Pensions. By Mr. LIPPITT.

A bill (S. 5079) granting an increase of pension to Mary M. Allen:

A bill (S. 5080) granting an increase of pension to Charles L. Dorr

A bill (S. 5081) granting an increase of pension to Ida M. Northup;

A bill (S. 5082) granting an increase of pension to Harriet N. Crowell;

A bill (S. 5083) granting an increase of pension to William L. Hines:

A bill (S. 5084) granting an increase of pension to Elisha M. Lyon ;

A bill (S. 5085) granting an increase of pension to Susan J. Alexander

A bill (S. 5086) granting an increase of pension to George R.

A bill (S. 5087) granting an increase of pension to Ellen M. Bellows

A bill (S. 5088) granting an increase of pension to Mary A. Phillins .

A bill (S. 5089) granting an increase of pension to Mary Waite:

A bill (S. 5090) granting an increase of pension to Alvira F. Mitchell:

A bill (S. 5091) granting an increase of pension to Catharina Knecht;

A bill (S. 5092) granting an increase of pension to Mary A.

A bill (S. 5093) granting an increase of pension to Nancy M.

Vinton ; A bill (S. 5094) granting an increase of pension to Amelia

Pearce;

A bill (S. 5095) granting an increase of pension to Margaret L. McDermott A bill (S. 5096) granting an increase of pension to Ann

Sullivan; A bill (S. 5097) granting an increase of pension to Elvira J.

Sweet;

A bill (S. 5098) granting an increase of pension to Irene A. Potter; and

A bill (S. 5099) granting an increase of pension to Josiah D. Hunt; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5100) granting a pension to Taylor Garrison (with accompanying paper);

A bill (S. 5101) granting an increase of pension to James P.

Burdett (with accompanying papers); and

A bill (S. 5102) granting an increase of pension to William H. H. Worley (with accompanying paper); to the Committee on Pensions.

By Mr. SMOOT

A bill (S. 5103) granting an increase of pension to Abel Grovenor (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

bill (S. 5104) granting a pension to George W. White (with accompanying papers); and

A bill (S. 5105) granting an increase of pension to James R. Helton (with accompanying paper); to the Committee on Pensions.

By Mr. CLAPP (by request):

A bill (S. 5106) for the relief of the estate of Israel Folsom; to the Committee on Indian Affairs.

By Mr. STONE:

A bill (S. 5107) for the relief of W. D. McLean, alias Donald

McLean; and A bill (S. 5108) for the relief of James W. Fitzmorris; to the Committee on Claims.

A bill (S. 5109) granting a pension to Mary A. Herrington; A bill (S. 5110) granting an increase of pension to Jesse C. Newell: and

A bill (S. 5111) granting an increase of pension to James W. Porter (with accompanying paper); to the Committee on Pensions.

By Mr. BAILEY (by request):

A bill (S. 5112) for the relief of heirs or estate of William Rupley, deceased; to the Committee on Claims.

ALLOWANCE OF CLAIMS.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts of March 3, 1883, and March 3, 1887, and commonly known as

the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

CLAIMS FOR INJURIES IN FOREST FIRES.

Mr. HEYBURN submitted the following resolution (S. Res. 205), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture is hereby directed to furnish the Senate information as to the names of employees injured fighting forest fires in the national forests in the summer and fall of 1910, the extent of such injuries, the amount of damage claimed by each, and the amount allowed on the respective claims under the act of March 4, 1911 (36 Stats., 1312); also whether or not further compensation should be made to the persons sustaining injuries.

LEASE OF POWER SITES.

Mr. HEYBURN submitted the following resolution (S. Res. 206), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is hereby directed to furnish the Senate information as to the number of power sites which have been leased within and without forest reserves, the quantity of power available in each, the length of time for which leases have been made, the amount of power sold, and the revenue derived therefrom.

DISTRICT EMPLOYEES.

Mr. BRISTOW submitted the following resolution (S. Res. 207), which was read and considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate the names of any employees connected with the District government who are engaged in political activity in the District of Columbia; and the commissioners are directed further to report to the Senate a statement of the compensation received by such employees, if any there be, together with any information respecting the character of the political activity in which such employees are engaged.

MESSENGER TO COMMITTEE ON CUBAN RELATIONS.

Mr. PAGE submitted the following resolution (S. Res. 208) which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Cuban Relations is hereby authorized to employ a messenger, at a salary of \$1,200 per annum, to be paid from the contingent fund of the Senate.

LIGHTHOUSE DEPOT, SAN JUAN, P. R.

Mr. NELSON. I ask that the bill (S. 4364) to provide for the use as a lighthouse depot of such part of the naval reservation at San Juan, P. R., as may be useful for such purpose, being Order of Business 237, which was reported favorably from the Committee on Commerce on the 1st instant, be taken from the calendar and recommitted to that committee.

The VICE PRESIDENT. Without objection, the bill is taken from the calendar and recommitted as requested.

W. M. STEVENS.

Mr. CRAWFORD. I desire to withdraw the adverse report made of the bill (S. 2334) for the relief of W. M. Stevens, and move to reconsider the vote by which the bill was indefinitely postponed.

The motion to reconsider was agreed to.

Mr. CRAWFORD. I move that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

ADDRESS OF PRESIDENT TAFT (S. DOC. NO. 292).

Mr. SMOOT. I move that the address by President Taft, delivered at the banquet of the Tippecanoe Club, Cleveland, Ohio, January 29, 1912, on the occasion of the celebration of ex-President William McKinley's birthday, be printed as a Senate document.

The motion was agreed to.

COMMISSION ON ECONOMY AND EFFICIENCY (S. DOC. NO. 294).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate:

In response to the resolution of the Senate dated January 25, 1912, I transmit herewith for the information of the Senate a letter from Mr. F. A. Cleveland, chairman of the President's Commission on Economy and Efficiency, giving the names of the members and officers of the commission, their ages, what official positions, if any, they have held, and the salaries they are receiving in their present positions. WM. H. TAFT.

THE WHITE HOUSE, February 5, 1912.

GOVERNMENT PUBLICATIONS (S. DOC. NO. 293).

The VICE PRESIDENT laid before the Senate the following message of the President of the United States, which was read

and, with the accompanying papers and illustrations, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith three reports from the Commission on Economy and Efficiency. They relate to the following subjects: 1. The centralization of the distribution of Government publications.

2. The use of window envelopes in the Government service.

3. The use of a photographic process for copying printed and

written documents, maps, drawings, etc.

The first report recommends that the work of distributing documents be centralized in the office of superintendent of public documents in the Government Printing Office as a sub-stitute for the present method of distribution by each of the departments, offices, and bureaus issuing such documents. plan does not contemplate any change in the authority which determines the persons to whom documents shall be sent, but only that the physical work of wrapping, addressing, and mailing the documents shall be done at one place, and that the

place of manufacture.

Documents are now printed and bound at the Printing Office and conveyed to the several departments and bureaus, where they are wrapped and addressed and sent to the post office, and afterwards from the post office to the railroad station, which is near the Printing Office. One result of the proposed plan will be to eliminate this unnecessary transportation of the large number of documents annually issued by the depart-Departments will be relieved of the trouble and expense of handling, storing, and accounting for documents; a better control can be exercised over the number of copies of a document to be printed at one time or, when printed, the number to be bound from time to time; and the accumulation of undistributed copies of the same documents in several offices will be avoided.

The centralization of the work of wrapping and addressing documents will permit the use of the most improved mechanical devices and a saving of labor that is not possible when the work is done in many offices.

I approve this recommendation of the commission and commend it to the favorable consideration of the Congress.

The report on the use of window envelopes is transmitted for the information of the Congress.

The report relative to the use of a photographic process for copying printed and written documents, maps, drawings, etc., is transmitted also for the information of the Congress. It does not require legislation. The attention of all departments has been called to this improved method of securing copies which heretofore have been made by hand at a cost of many times greater than is incurred by the photographic process. The report of the commission indicates that the adoption of this labor-saving device has resulted in a large direct saving in expense in the departments.

WM. H. TAFT.

THE WHITE HOUSE, February 5, 1912.

WORK OF INTERIOR DEPARTMENT AND OTHER MATTERS (H. DOC. NO. 504).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

There is no branch of the Federal jurisdiction which calls more imperatively for immediate legislation than that which concerns the public domain, and especially the part of that domain which is in Alaska. The report of the Secretary of the Interior, which is transmitted herewith, and the report to him of the governor of Alaska, set out the public need in this regard with great force and in satisfactory detail.

The progress under the reclamation act has made clear the defects of its limitations, which should be remedied. The rules governing the acquisition of homesteads, of land that is not arid or semiarid, are not well adapted to the perfecting of title to land made arable by Government reclamation work.

I concur with the Secretary of the Interior in his recommendation that, after entry is made upon land being reclaimed, actual occupation as a homestead of the same be not required until two years after entry, but that cultivation of the same shall be required, and that the present provision under which the land is to be paid for in 10 annual installments shall be so modified as to allow a patent to issue for the land at the end of five years' cultivation and three years' occupation, with a reservation of a Government lien for the amount of the unpaid purchase money. This leniency to the reclamation homesteader will relieve him from occupation at a time when the condition

of the land makes it most burdensome and difficult, and at the end of five years will furnish him with a title upon which he can borrow money and continue the improvement of his holding.

I also concur in the recommendation of the Secretary of the Interior that all of our public domain should be classified and that each class should be disposed of or administered in the manner most appropriate to that particular class.

The chief change, however, which ought to be made, and which I have already recommended in previous messages and communications to Congress, is that by which Government coal land and phosphate and other mineral lands containing nonmetalliferous minerals, shall be leased by the Government, with restrictions as to size and time, resembling those which now obtain throughout the country between the owners in fee and the lessees who work the mines, and in leases like those which have been most successful in Australia, New Zealand, and Nova Scotia. The showing made by investigations into the successful working of the leasing system leaves no doubt as to its wisdom and practical utility. Requirements as to the working of the mine during the term may be so framed as to prevent any holding of large mining properties merely for speculation, while the royalties may be made sufficiently low, not unduly to increase the cost of the coal mined, and at the same time sufficient to furnish a reasonable income for the use of the public in the community where the mining goes on. In Alaska there is no reason why a substantial income should not thus be raised for such public works as may be deemed necessary or useful.

There is no difference between the reasons which call for the application of the leasing system to the coal lands still retained by the Government in the United States proper and

those which exist in Alaska.

There are now in Alaska only two well-known high-grade coal fields of large extent-the Bering River coal field and the Matanuska coal field. The Bering River coal field, while it has varying qualities of coal from the bituminous to the anthracite, is very much lessened in value and usefulness by the grinding effect to which in geological ages past the coal measures have been subjected, so that the coal does not lie or can not be mined in large lumps. It must be taken out in almost a powdered condition. The same difficulty does not appear to the same extent in the Matanuska coal fields. The Bering River coal fields are only 25 miles from the coast. They are within easy distance of an existing railroad built by the Morgan-Guggenheim interests, and may also be reached through Controller Bay by the construction of other and competing railroads.

Controller Bay is not a good harbor, but could probably be made practical with the expenditure of considerable money. The railroad of the Morgan-Guggenheim interests, running from Cordova, could be made a coal-carrying road for the Bering River fields by the construction of a branch to those fields not exceeding 50 or 60 miles. It is practicable, and if the coal measures were to be opend up, doubtless the branch would be built. In the present condition of things there is no motive to build the road, because there is no title or opportunity to

open and mine the coal.

The Matanuska coal fields are a longer distance from the coast. They are from 150 to 200 miles from the harbor of Seward, on Resurrection Bay. This is one of the finest harbors in the world, and a reservation has been made there for the use of the Navy of the United States. A road constructed from Seward to the Matanuska coal fields would form part of a system reaching from the coast into the heart of Alaska, and open the great interior valleys of the Yukon and the Tanana, which have agricultural as well as great mineral possibilities.

The Alaska Central road has been constructed some 71 miles of the distance from Seward north to the Matanuska coal fields, but the construction beyond this has been discouraged, first, by the fact that there has been no policy adopted of opening up the coal lands upon which investors could depend, and, second, because there seemed to be a lack of financial backing of those engaged in the enterprise. The Secretary of the Interior has ascertained that the bondholders, who are the real owners of the road, are willing to sell to the Government, and he recommends the purchase of the existing road, such reconstruction as may be necessary, its continuance to the Matanuska coal fields, and thence into the valleys of the Yukon and the Tanana. It would be a great trunk line, and would be an opening up of Alaska by Government capital.

I am not in favor of Government ownership where the same certainty and efficiency of service can be had by private enterprise, but I think the conditions presented in Alaska are of such a character as to warrant the Government, for the purpose of encouraging the development of that vast and remarkable territory, to build and own a trunk line railroad, which it can lease on terms which may be varied and changed to meet the growing prosperity and development of the Territory.

There is nothing in the history of the United States which affords such just reason for criticism as the failure of the Federal Government to extend the benefit of its fostering care to the Territory of Alaska. There was a time, of course, when Alaska was regarded as so far removed into the Arctic Ocean as to make any development of it practically impossible, but for years the facts have been known to those who have been responsible for its government, and everyone who has given the subject the slightest consideration has been aware of the wonderful possibilities in its growth and development if only capital were invested there and a good government put over it. think the United States owes it, therefore, to Alaska, and to the people who have gone there, to take an exceptional step and to build a railroad that shall open the treasures of Alaska to the Pacific and to the people who live along that ocean on our west-The construction of a railroad and ownership of the fee do not necessitate Government operation. Pursuant, however, to the recommendation of the Secretary of the Interior, I suggest to Congress the wisdom of providing that the President may appoint a commission of competent persons, including two Army engineers, to examine and report upon the available routes for a railroad from Seward to the Matanuska coal fields and into the Tanana and Yukon Valleys, with an estimate of the value of the existing partially constructed railroad and of the cost of continuing the railroad to the proper points in the valleys named. This proposal is further justified by the need that the Navy of the United States has for a secure coaling base in the North Pacific. The commission ought to make a full report also as to the character of the coal fields at Matanuska, and the problem of furnishing coal from that source for mercantile purposes after reserving for Government mining a sufficient quantity for the Navy.

I have already recommended to Congress the establishment of a form of commission government for Alaska. The Territory is too extended, its needs are too varied, and its distance from Washington too remote to enable Congress to keep up with its necessities in the matter of legislation of a local character.

The governor of Alaska in his report, which accompanies that of the Secretary of the Interior, points out certain laws that ought to be adopted, and emphasizes what I have said as to the immediate need for a government of much wider powers than now exists there, if it can be said to have any government at all.

I do not stop to dwell upon the lack of provision for the health of the inhabitants and the absence or inadequacy of laws, the mere statement of which shows their crying need. I only press upon Congress the imperative necessity for taking action not only to permit the beginning of the development of Alaska and the opening of her resources, but to provide laws which shall give to those who come under their jurisdiction decent protection.

LOWER COLORADO RIVER.

There is transmitted herewith a letter from the Secretary of the Interior setting out the work done under joint resolution approved June 25, 1910, authorizing the expenditure of \$1,000, 000, or so much thereof as might be necessary, to be expended by the President for the purpose of protecting lands and property in the Imperial Valley and elsewhere along the Colorado River in Arizona. The money was expended and the protective works erected, but the disturbances in Mexico so delayed the work, and the floods in the Colorado River were so extensive that a part of the works have been carried away, and the need for further action and expenditure of money exists. I do not make a definie recommendation at present, for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. It is essential that we act promptly, and through the State Department the matter is being pressed upon the attention of the Mexican Government. Meantime, a report of the engineer in charge, together with a subsequent report upon his work by a body of experts appointed by the Secretary of the Interior, together with an offer by the Southern Pacific Railroad to do the work at a certain price, with a guaranty for a year, and a comment upon this offer by Brig. Gen. Marshall, late Chief of Engineers,

United States Army, and now consulting engineer of the Reclamation Service, are all herewith transmitted.

WATER POWER SITES.

In previous communications to Congress I have pointed out two methods by which the water-power sites on nonnavigable streams may be controlled as between the State and the National Government. It has seemed wise that the control should be concentrated in one government or the other as the active participant in supervising its use by private enterprise. In most cases where the Government owns what are called waterpower sites along nonnavigable streams, which are really riparian lots, without which the power in the stream can not be used, we have a situation as to ownership that may be described as follows: The Federal Government has land without which the power in the stream can not be transmuted into electricity and applied at a distance, while it is claimed that the State, under the law of waters as it prevails in many of our Western States, controls the use of the water and gives the beneficial use to the first and continuous user. In order to secure proper care by the State governments over these sources of power, it has been proposed that the Government shall deed the water-power site to the State on condition that the site and all the plant upon it shall revert to the Government unless the State parts with the site only by a lease, the terms of which it enforces and which requires a revaluation of the rental every 10 years, the full term to last not more than 50 years. A failure of the State to make and enforce such leases would enable the Government by an action of forfeiture to recover the power sites and all plants that might be erected thereon, and this power of penalizing those who succeed to the control would furnish a motive to compel the observance of the policy of the Government.

The Secretary of the Interior has suggested another method by which the water-power site shall be leased directly by the Government to those who exercise a public franchise under provisions imposing a rental for the water power to create a fund to be expended by the General Government for the improvement of the stream and the benefit of the local community where the power site is, and permitting the State to regulate the rates at which the converted power is sold. The latter method suggested by the Secretary is a more direct method for Federal control, and in view of the probable union and systematic organization and welding together of the power derived from water within a radius of 300 or 400 miles, I think it better that the power of control should remain in the National Government than that it should be turned over to the States. Under such a system the Federal Government would have such direct supervision of the whole matter that any honest administration could easily prevent the abuses which a monopoly of absolute ownership in private persons or companies would make

BUREAU OF NATIONAL PARKS.

I earnestly recommend the establishment of a Bureau of National Parks. Such legislation is essential to the proper management of those wondrous manifestations of nature, so startling and so beautiful that everyone recognizes the obligations of the Government to preserve them for the edification and recreation of the people. The Yellowstone Park, the Yosemite, the Grand Canyon of the Colorado, the Glacier National Park, and the Mount Rainier National Park and others furnish appropriate instances. In only one case have we made anything like adequate preparation for the use of a park by the public. case is the Yellowstone National Park. Every consideration of patriotism and the love of nature and of beauty and of art requires us to expend money enough to bring all these natural wonders within easy reach of our people. The first step in that direction is the establishment of a responsible bureau which shall take upon itself the burden of supervising the parks and of making recommendations as to the best method of improving their accessibility and usefulness.

INTERNATIONAL COMMISSION ON THE COST OF LIVING.

There has been a strong movement among economists, business men, and others interested in economic investigation to secure the appointment of an international commission to look into the cause for the high prices of the necessities of life. There is no doubt but that a commission could be appointed of such unprejudiced and impartial persons, experts in investigation of economic facts, that a great deal of very valuable light could be shed upon the reasons for the high prices that have so distressed the people of the world, and information given upon which action might be taken to reduce the cost of living. The very satisfactory report of the Railway Stock and Bonds Commission indicates how useful an investigation of this kind can be when undertaken by men who have had adequate experience in

economic inquiries and a level-headedness and judgment cor-

rectly to apply sound principles to the facts found.

For some years past the high and steadily increasing cost of living has been a matter of such grave public concern that I deem it of great public interest that an international conference be proposed at this time for the purpose of preparing plans, to be submitted to the various Governments, for an international inquiry into the high cost of living, its extent, causes, effects, and possible remedies. I therefore recommend that, to enable the President to invite foreign Governments to such a conference, to be held at Washington or elsewhere, the Congress provide an appropriation, not to exceed \$20,000, to defray the expenses of preparation and of participation by the United

The numerous investigations on the subject, official or other, already made in various countries (such as Austria, Belgium, Canada, Denmark, France, Germany, Great Britain, Italy, the Netherlands, and the United States) have themselves strongly demonstrated the need of further study of world-wide scope. Those who have conducted these investigations have found that the phenomenon of rising prices is almost if not quite general throughout the world; but they are baffled in the attempt to trace the causes by the impossibility of making any accurate international comparisons. This is because, in spite of the number of investigations already made, we are still without adequate data and because as yet no two countries estimate their price levels on the same basis or by the same methods.

As already indicated, the preliminary conference itself would entail a comparatively small expense, and most of the subsequent investigations for which it would prepare the way could be carried out by existing bureaus in this and other Governments as part of their regular work and would require little, if any, additional appropriations for such bureaus.

COMMISSION ON INDUSTRIAL RELATIONS.

The extraordinary growth of industry in the past two decades and its revolutionary changes have raised new and vital questions as to the relations between employers and wage earners which have become matters of pressing public concern. These questions have been somewhat obscured by the profound changes in the relations between competing producers and producers as a class and consumers—in other words, by the changes which, among other results, have given rise to what is commonly called the trust problem. The large-scale production characteristic of modern industry, however, involves the one set of relations no less than the other. Any interruption to the normal and peace-ful relations between employer and wage earner involves public discomfort and in many cases public disaster. Such interrup-tions become, therefore, quite as much a matter of public concern as restraint of trade or monopoly.

Industrial relations concern the public for a double reason. We are directly interested in the maintenance of peaceful and stable industrial conditions for the sake of our own comfort and well-being; but society is equally interested, in its sovereign civic capacity, in seeing that our institutions are effectively maintaining justice and fair dealing between any classes of citizens whose economic interests may seem to clash. Railway strikes on such a scale as has recently been witnessed in France and in England, a strike of coal-mine workers such as we have more than once witnessed in this country, and such a wholesale relinquishing of a public service as that of the street cleaners recently in New York, illustrate the serious danger to public well-being and the inadequacy of the existing social machinery either to prevent such occurrences or to adjust them on any equitable and permanent basis after they have arisen.

In spite of the frequency with which we are exposed to these dangers and in spite of the absence of provision for dealing with them, we continue to assume with easy-going confidence that in each new case, somehow or other, the parties to the dispute will find some solution which will be agreeable to themselves and consistent with the public interest. We all see the grave objections to strikes and lockouts, however necessary they may be in extreme cases; and we are ready to criticize the more extreme phases of the industrial conflict, such as boycotts and blacklists; but we leave the situation such that industrial disputes lead inevitably to a state of industrial war in which these are the only weapons left to the two combatants. No more clumsy or expensive method of determining the rate of wages and the hours and conditions of labor could well be devised. The successful operation of the Erdman Act as between interstate railroads and their employees shows how much good can be done by proper legislation.

At the moment when the discomforts and dangers incident to industrial strife are actually felt by the public there is usually an outcry for the establishment of some tribunal for the imme-

diate settlement of the particular dispute. But what is needed is some system, devised by patient and deliberate study in that will meet these constantly occurring and clearly foreseeable emergencies-not a makeshift to tide over an ex-Not during the rainstorm, but in fair weather should the leaking roof be examined and repaired.

The magnitude and complexity of modern industrial disputes have put upon some of our statutes and our present mechanism for adjusting such differences—where we can be said to have any mechanism at all-a strain they were never intended to bear and for which they are unsuited. What is urgently needed to-day is a reexamination of our laws bearing upon the relations of employer and employee and a careful and discriminating scrutiny of the various plans which are being tried in several of our own States and in other countries. This would seem to be the first natural step in bringing about an adjustment of these relations better suited to the newer

conditions of industry.

Numerous special investigations, official and unofficial, have revealed conditions in more than one industry which have immediately been recognized on all sides as entirely out of harmony with accepted American standards. It is probable that to a great extent the remedies for these conditions, so far as the remedies involve legislation, lie in the field of State action; but such a comprehensive inquiry as is necessary to furnish a basis for intelligent action must be undertaken on national initiative and must be nation-wide in its scope. In view of the results that have followed the activities of the Federal Government in education, in agriculture, and in other fields which do not lie primarily within the field of Federal legislation, there can be no serious argument against the propriety or the wisdom of an inquiry by the Federal Government into the general conditions of labor in the United States, notwithstanding the fact that some of the remedies will lie with the separate States, or even entirely outside the sphere of governmental activity, in the hands of private individuals and of voluntary agencies. One legitimate object of such an official investigation and report is to enlighten and inform public opinion, which of itself will often induce or compel the reform of unjust conditions or the abatement of unreasonable demands.

The special investigations that have been made of recent industrial conditions, whether private or official, have been fragmentary, incomplete, and at best only partially representative or typical. Their lessons, nevertheless, are important, and until something comprehensive and adequate is available they serve a useful purpose, and they will necessarily continue to be made. But, unquestionably, the time is now ripe for a searching inquiry into the subject of industrial relations which shall be official, authoritative, balanced, and well rounded, such as only the Federal Government can successfully undertake. The present widespread interest in the subject makes this an opportune time for an investigation, which in any event can not long be postponed. It should be nonpartisan, comprehensive, thor-

ough, patient, and courageous.

There is already available much information on certain aspects of the subject in the reports of the Federal and State bureaus of labor and in other official and unofficial publications. One essential part of the proposed inquiry would nat-urally be to assemble, digest, and interpret this information so far as it bear upon our present industrial conditions. In addition to this the commission should inquire into the general conditions of labor in our principal industries, into the existing relations between employers and employees in those industries. into the various methods which have been tried for maintaining mutually satisfactory relations between employees and employers and for avoiding or adjusting trade disputes, and into the scope, methods, and resources of Federal and State bu-reaus of labor and the methods by which they might more adequately meet the responsibilities which, through the work of the commission above recommended, would be more clearly brought to light and defined.

MISBRANDING IMPORTED GOODS.

My attention has been called to the injustice which is done in this country by the sale of articles in the trade purporting to be made in Ireland, when they are not so made, and it is suggested that the justice of the enactment of a law which, so far as the jurisdiction of the Federal Government can go, would prevent a continuance of this misrepresentation to the public and fraud upon those who are entitled to use the statement in the sale of their goods. I think it to be greatly in the interest of fair dealing, which ought always to be encouraged by law, for Congress to enact a law making it a misdemeanor, punishable by fine or imprisonment, to use the mails or to put into interstate commerce any articles of merchandise which bear upon their face a statement that they have been manufactured in some particular country when the fact is otherwise.

BUILDING FOR PUBLIC ARCHIVES.

I can not close this message without inviting the attention of Congress again to the necessity for the erection of a building to contain the public archives. The unsatisfactory distribution of records, the lack of any proper index or guide to their contents, is well known to those familiar with the needs of the Government in this Capital. The land has been purchased and nothing remains now but the erection of a proper building. I transmit a letter written by Prof. J. Franklin Jameson, director of the department of historical research of the Carnegie Institution of Washington, in which he speaks upon this subject as a member of a committee appointed by the executive council of the American Historical Association to bring the matter to the attention of the President and Congress.

WM. H. TAFT.

THE WHITE HOUSE, February 2, 1912.

The VICE PRESIDENT. The message will be printed, and, as it deals with various subjects, will lie upon the table, if there be no objection. The Chair hears none.

HOUSE BILLS REFERRED.

H. R. 8853. An act for the relief of John L. Baird was read twice by its title and referred to the Committee on Public Lands.

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

PERSONAL EXPLANATION.

Mr. LODGE. Mr. President-

The VICE PRESIDENT. If there be no further morning business, morning business is closed.

Mr. LODGE. Mr. President, I desire to submit a motion; but before making the motion I understand the Senator from Idaho [Mr. HEYBURN] desires to make a personal statement.

The VICE PRESIDENT. The Senator from Idaho.

Mr. HEYBURN. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Idaho rises to a question of personal privilege, which the Senator will state.

Mr. HEYBURN. Mr. President, some one has been guilty of bad manners. I notice in the North American, a paper published in Philadelphia, in the Issue of February 2, referring to the proceedings of the Senate on February 1, it is stated:

Senator Herburn, of Idaho, to-day effectually blocked the effort of Senator Lodge and other members of the Committee on Foreign Relations to have the Senate grant unanimous consent to the fixing of a day for the voting on the arbitration treaties with Great Britain and France. The Massachusetts Senator asked that voting begin February 29, but, declaring that he desired earlier action, Mr. Heyburn refused

his assent.

HEYBURN then made a long speech against the treaties as "appointing the monarchs of Europe as the guardians of this Republic."

All the Democratic Senators except Martine of New Jersey left the Chamber, as did most of the Republicans.

That article is subject to criticism in that it charges Members of the Senate with having been guilty of bad manners. That charge should not come from anyone purporting to report the proceedings of the Senate and sending such report out to be published in the newspapers. I am advised that this is an Associated Press dispatch. If it is, the representatives of the Associated Press have charged the Democrats of this body, except the Senator from New Jersey [Mr. MARTINE], with having been guilty of bad manners during the performance of the public duties in the Senate. I think it is proper to call attention to the fact. I say, if the fact charged was true, it would amount only to a charge of bad manners and should not be made by a representative of any newspaper which is allowed the privileges of the gallery or of the floor.

GENERAL ARBITRATION TREATIES.

Mr. WORKS. Mr. President, I desire to give notice that on next Thursday, immediately after the close of morning business. I shall submit some remarks on the pending arbitration treaties.

Mr. LODGE, I move that the Senate proceed to the consideration of the treaties with Great Britain and France in open executive session.

The VICE PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of the treaties named by him in open executive session.

The motion was agreed to.
The VICE PRESIDENT. The so-called arbitration treaties are before the Senate in open executive session.

Mr. LODGE. Mr. President, I renew the request I made last Thursday, which I believe will now be agreed to without objection. I ask that the treaties be taken up on February 29. the final vote on all amendments thereto to be had upon that legislative day, the vote to be taken upon all amendments to the resolutions on the legislative day of March 5, and that the vote be had upon the passage of the resolutions, as they shall then be amended, on the legislative day of March 6.

Mr. BACON. Mr. President—
The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I desire to ask the Senator from Massachusetts if that is the original proposition which he made?

Mr. LODGE. That is precisely the original proposition I

Mr. BACON. I understood the original proposition which was made by the Senator from Massachusetts to be that we would take up the treaties and would vote on all amendments and pending amendments and upon the resolutions on that legislative day. The other was a suggestion which was subsequently made.

Mr. LODGE. That was the second request I made. The first

request

Mr. BACON. That is the one I wanted to have submitted. Mr. LODGE. In the first request, which I very greatly preferred, I asked that the vote on the treaties be taken on Tuesday, the 5th of March, before the adjournment on that legislative day, and on all amendments pending or to be offered.

Mr. BACON. With the exception of the date, that is the proposition which I hope the Senator will now submit.

Mr. LODGE. That is the one which I first offered, and I prefer that form very much.

Mr. BACON. What date did it provide? Mr. LODGE. March 5. The Senator March 5. The Senator from Arkansas [Mr. CLARKE] asked that it be extended from February 29 to March 5, when I made it March 5.

Mr. BACON. I am perfectly willing to have that date fixed, and I hope the Senator will stand by that original proposition.

Mr. LODGE. Very well, Mr. President, then I make the request in that form-that the vote on the treaties be taken on Tuesday, the 5th of March, before adjournment on that legislative day, and on all amendments pending or to be offered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. BACON. Mr. President, I understand that that involves the proposition that the treaties will be taken up for action on that day.

Mr. LODGE. Certainly; I understand that the treaties will be taken up for action on that day.

Mr. CUMMINS. I desire to hear the request read once

Mr. LODGE. I asked unanimous consent that the treaties be taken up for action on the 5th of March, and that on that legislative day before adjournment a vote be taken on the treaties and on all amendments pending or to be offered.

Mr. BACON. That is, amendments to the treaty—

Mr. BACON. Mr. LODGE. Now pending or hereafter to be offered.

Mr. BACON. Either to the treaty or to the resolutions of ratification?

Mr. LODGE. Certainly; the treaties and the resolutions of ratification.

Mr. BACON. Very well.

Mr. CUMMINS. That includes, I take it, Mr. President, the amendments offered to the treaty as well as the amendments offered to the resolutions?

Mr. LODGE. Certainly; amendments to the treaties and the resolutions of ratification.

Mr. REED. Mr. President, there has been some colloquy over here, and we could not exactly hear. Will the Senator please state the proposition again?

Mr. LODGE. I ask unanimous consent that on the 5th of March next the treaties and the resolutions of ratification shall be taken up and that a vote be had upon the treaties and the resolutions of ratification before adjournment on that legislative day and upon all amendments to the treaties or the resolutions of ratification now pending or hereafter to be offered.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and the order is entered.

Mr. LODGE. Mr. President, if any Senator desires to speak to-day on the treaties, I shall be more than glad; but if there is no Senator who is desirous of now going on, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SHEPLER WARD FITZGERALD AND ALDEN GEORGE STRONG.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill (S. 5046) to authorize the appointment of Shepler Ward FitzGerald and of Alden George Strong to the grade of second lieutenant in the Army.

The VICE PRESIDENT. The Secretary will read the bill

for the information of the Senate. The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the request for the present consideration of the bill?

- Mr. GALLINGER. Mr. President, I do not object to this request, but I desire to say that after this bill has been acted upon I will ask for the regular order-that the calendar be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President, by and with the advice and consent of the Senate, to appoint Shepler Ward FitzGerald and Alden George Strong to the grade of second lieutenant in the Coast Artillery Corps, United States Army, with lineal rank in accordance with their respective ratings at the competitive examination held under the law by the War Department in September, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILL PASSED OVER.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war, was announced as first in order on the calendar.

Mr. BACON. I ask that the bill go over for the present. The VICE PRESIDENT. The bill will go over.

CONFEDERATE NAVAL MONUMENT IN VICKSBURG NATIONAL PARK.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced

Mr. HEYBURN. I ask that the bill go over. The VICE PRESIDENT. The bill will go over.

Mr. WILLIAMS. Mr. President, do I understand that a request is made that the bill go over?

The VICE PRESIDENT. There was a request made that it

Mr. WILLIAMS. I do not know whether it is in order or not, but I should like to make a proposition to the Senator from Idaho. So far as I can control the situation—and I think can control a good deal of it-the Senators from the South will not vote on this bill at all, if the Senator will allow it, without objection, to come up for consideration.

Mr. HEYBURN. Mr. President, I think the bill should be placed under Rule IX. The question involved, if discussed at all, can not be discussed under the five-minute rule. the Senator from Mississippi will agree to that proposition.

Mr. WILLIAMS. To what proposition? Mr. HEYBURN. That it can not be discussed under the fiveminute rule. Therefore it ought to be placed under Rule IX, where it would come up on motion, if the Senate voted to take it up. I do not think it would be seemly to enter into an agreement that a part of the Senate of the United States should not perform its constitutional duty. I think that would not be the

proper thing to do. Mr. WILLIAMS. Mr. President, I wish to say simply this: The impression seems to have somehow gone out that this is a request made by the South, or by the veterans of the Confederate service. This bill embodies a recommendation made by the Vicksburg National Park Commission, a majority of whom are ex-Federal soldiers. The bill was introduced by me upon the request of the ex-Federal officer who is chairman of that commission. It received the approbation of the War Department. It received the unanimous vote of those members of the Military Affairs Committee who were present on that day. Then the attempt was made to put it somewhat in the light of being—oh, I hardly know what; a "rebellion against the Government," or something of the sort. To free it of that suspicion, at any rate, and to free it of the character of being a request at the hands of the South, or what is left of whatever navy it ever had, I am perfectly willing, if the Senator from Idaho will not use obstructive and dilatory tactics against the bill, to agree that I and, so far as I can control events, others who are either Confederate soldiers or sons of Confederate soldiers shall not vote on the bill at all.

Mr. HEYBURN. Mr. President, I should not like to be a party to any agreement based upon the proposition that the expression of the will of the Senate should be given by less than

the entire Senate, or by any particular part of it.

The Senator from Mississippi is mistaken if he thinks that with me this is a question of personal bitterness. It is not. Whether it were supported by men from my own State—as it is, I believe—or from any other State in the Union would not affect my judgment as to the passage of a measure of

When I came to this body I hoped never to be called upon to discuss any question growing out of the unfortunate condition to which this measure refers. I have no bitterness in my heart against any man because of the side upon which he was engaged. My opposition to the bill is based upon my views as to the principle of government involved—the sentiment of government, if you please-but there is no personal bitterness in my heart. It would be immaterial to me whether this measure were supported by men from the North or by men from Were it introduced by a man from the North, I should feel toward it just as I do under existing circumstances.

After a former discussion of this matter the newspapers saw fit to select certain phrases or statements, or partial statements, upon which to base a great deal of very bitter criticism. I have remained silent under it, because I thought the good judgment of the Senator from Mississippi, and those who may be in accord with him as to the contemplated legislation, would

see the unwisdom of pressing questions of this kind.

I think if he realized how deeply the sentiments of those who participated in that conflict on the side of the North are stirred by legislation of this kind he would be somewhat appalled. The Senator represents an affirmative line of action in this measure. The people do not want that line of action to be established or entered upon by Congress. The discussion of it necessarily involves a strong expression of sentiment and of criticism. A bill of this kind could not be discussed without that kind of criticism which is most unfortunate in this body.

I hope the Senator will agree that the bill shall go over under Rule IX, and remain there until such time as the Senate of the United States may be more in sympathy with this kind of legislation. I ask that the bill go over under Rule IX.

Mr. WILLIAMS. Until when? Mr. HEYBURN. Under Rule

Under Rule IX.

Until when? The Senator said until some Mr. WILLIAMS. time.

Mr. HEYBURN. Until it is called up under Rule IX.

Mr. WILLIAMS. Yes; but I thought the Senator said until something else.

Mr. HEYBURN.

Mr. WILLIAMS. Mr. President, as Senator Foote is said once to have remarked to Senator Davis, "Speak for yourself, Senator." When the Senator from Idaho says that a little bill like this can not be discussed without bitterness-

Mr. HEYBURN. I think the Senator misunderstood me. I said that it necessitated criticism that engendered bitterness.

Mr. WILLIAMS. Ah! When the Senator from Idaho says that a little bill like this can not be discussed without necessitating sentiments that engender bitterness, he may speak for himself, but not for me. It can be discussed without engendering any bitterness from me, I am sure. I am glad there is no bitterness "in the heart" of the Senator from Idaho, and that if at any time his tongue has somewhat indicated a different situation it was because he spoke perhaps hurriedly, or did not mean all he said.

But, Mr. President, it seems to me there has been a great deal said about "bridging the bloody chasm," and a great deal more said about "bringing a great reunited country to the front," with all of its citizens actuated by the highest degree of a common patriotism. A great deal has been said about the "magnanimity" which the victors, constituting one section, showed to the defeated, constituting the other half, after the late war between the States. If that is to be mere lip service, and is not heart-intended, it is about time we knew it. Cerand is not heart-intended, it is about time we knew it. Certainly a bill of this kind could be discussed, by me at any rate, without any sort of bitterness, either of language or of feeling; and certainly no "sentiment" evoked by me would justify any "bitterness" coming from any other human being in the world.

When I reflect, Mr. President, that at the very door of the Parliament house in Great Britain there stands a magnificent statue to Oliver Cromwell; when I reflect that the great general of the Boers, Gen. Botha, was made secretary of war in the South African Colonial Government, with English sanction and initiative; when I reflect that this war has been over nearly half a century, it seems to me that we, Confederate soldiers and sons of Confederate soldiers, ought not to be placed in the attitude in which this sort of opposition places us.

Now, Mr. President, history is history and the past is the ast. No man could make it a part of the present except sentimentally. That much, I think, the Senator from Idaho will admit.

I think the Senator from Idaho will go further with me and confess that the memory of the courage, the constancy, the perseverance of American citizens anywhere is worthy of per-

During that war the people of one group of the United States were on one side. The people of another group were on another side. In the sense in which the words United States were used prior to 1861, in the sense in which they are used now, there was then no United States Government, but two groups of formerly united and then disunited States under two governments. People of these two States groups fought because they honestly differed upon subjects which have been settled by the greatest court in the world, the court of arms, and for the most part that settlement has been incorporated in the Constitution of the United States in its amendments.

Now, with all that behind us, there comes a time when a magnanimous and generous ex-Federal soldier, the chairman of the Vicksburg Military Park Commission, writes a letter to me, because that park happens to be in my State, and requests me to introduce a bill which is prepared not by me, but by the commission. I send it first to the committee; then it is sent to the War Department. The War Department suggests modification and indorses it. It is merely the expenditure of a few dollars in order to erect a monument to the valor of certain American citizens from certain States who happened at that time to be fighting against other American citizens from other States. Both of them were a little bit previous to that time citizens of the same Government; both of them a little bit after that time citizens of the same Government.

Now, it is a mere sentiment like this. I care nothing for the bill, though much for the spirit it represents. I would not have introduced the bill on my own motion. Some criticisms have been published in the South of me because I introduced it, seemingly upon the ground that I was begging something or asking something. That was not the case at all. This com-mission merely concluded that as the people's treasure had erected a monument to the memory of the Federal Navy en-gaged in the campaign in and around Vicksburg there ought to be, when the time came for the great reunion, the semicentennial of the Battle of Vicksburg in 1913, a monument also to the naval heroes of the Confederacy who participated in that campaign, the officers and the men who commanded the Arkansas and various other craft, which my friend the Senator from Louisiana [Mr. Thornton] will remember.

Now, in all coolness, in all "brotherly love," as far as the

sections are concerned, or we as Senators are here concerned, it strikes me that this it rather a small matter upon which to predicate a revival of past feelings or a relighting of the old fires that have virtually gone out everywhere.

I say to the Senator from Idaho, of course I can not accept the proposition to put it on the calendar under Rule IX. Of course, he understands that I understand that what he means by that is that the bill shall never come up. That would be by that is that the bill shall never come up. That would be the fate of it precisely. If I consented to that, that would be the result; and the Senator, I know, does not want to take that sort of an advantage of a new and an inexperienced Senator such as I confess myself to be, although he looked at me very frankly when he made the proposition. I shall not do that. I do think that the Senator might, in a spirit of willingness to recognize that sectional animosities have been buried, consent at any rate not to obstruct the passage of the bill. All I ask is that the Senate shall have the privilege of voting upon it. Nobody will cry if it is defeated. I shall not, certainly.

So I made the proposition in good faith that, if the Senator was afraid that "the Confederacy" was still running the Senate of the United States, those of us who even had fathers connected with that unfortunate though, in my opinion, somewhat glorious cause would not vote upon the bill at all. In other words, it is to be a pure act of magnanimity and of sentiment and brotherly love from you of the North. If it does not come from the major side in magnanimity and in affection, the bill is worth nothing. If it passed by a majority which our votes constituted, then it would be worth nothing for the purposes for which the brave and magnanimous and chivalrous ex-Federal soldier intended it to serve—the purpose of signalizing admiration and respect from victors to vanquished, and paid for out of the Treasury which both sides and their descendants as a reunited people have fed and built up by a common taxing

system. The money which will build it, like that which built the Federal naval monument in the same park, is as much ours-the survivors and descendants of one group of Statesas yours-the survivors and descendants of the other.

Mr. HEYBURN. Mr. President, I am not opposing this bill because the gentlemen on the other side of the Chamber are favoring it. I would oppose it as quickly and as strenuously if it came from a Senator on this side of the Chamber. It is the sentiment of the bill that meets with my disapproval.

The Senator from Mississippi has likened this to the case of Cromwell. Why, Cromwell won. Cromwell was at the head of the Government of England, as was his son. They represented, and demonstrated on the battle field that they represented, England. There is no comparison to be made between that case and this.

Now, Mr. President, one thing leads to another. Along the same lines and, perhaps, in the same spirit—I do not know—there was on January 18, 1912, introduced in the Senate a bill for the relief of certain Confederate officers for improper and illegal injuries inflicted. I call the careful attention of Senators to this measure as illustrating to some extent the spirit that meets with the opposition. I read it:

illegal injuries inflicted. I call the careful attention of Senators to this measure as illustrating to some extent the spirit that meets with the opposition. I read it:

Whereas upon the 18th day of June, 1864, upon the demand of Mai, Gen. I. G. Foster, commanding the Union forces of the Department of the South, 50 Confederate officers were sent to him by the order of Mai, Gen. Halleck, United States Army, for the purpose of retailation, the said Mai, Gen. Foster, assuming certain correspondence between him and Mai, Gen. Sam Jones, of the Confederate Army, that certain Union officers held as prisoners of war in the city of Charleston, S. C., were so located in said city that they were in danger of being injured from the explosion of shells fired from Batteries Waggoner, Gregg, and other land batteries, and from the United States fiet shelling the aforesaid city; and
Whereas, after mutual explanation between the aforesaid United States and Confederate generals, the said misunderstanding resulted in the exchange of the 50 Confederate officers sent to Maj, Gen. Foster, as aforesaid, for an equal number of United States officers; and
Whereas, notwithstanding after said explanation and mutual exchange, together with evidence that the facts charged were false, the said Gen. Foster again called for 600 other Confederate officers of different ranks, who were being held as prisoners of war at Fort Delaware, to be sent to Morris Island as subjects for special retailation, notwithstanding no charges were made against them other than prisoners of war captured in battle. By order of Maj, Gen. Halleck, United States Army, on the 20th day of August, 1864, the said 600 Confederate officers of different ranks, who were being held as prisoners of war at Fort Delaware, to be sent to Morris Island, S. C. The capacity of the steamer was inadequate for such a number and an advertise of the fire of the curs of the such states army, on the 20th day of August, 1864, the said 600 Confederate mercent of the sundancers of the sundancers

Therefore

Be it enacted, etc., That the Treasurer of the United States is hereby ordered and directed to pay to each survivor of the 600 aforesaid officers and to the legal heirs of the deceased officers the sum of \$5,000 each, as damages and reparation for the acts aforesaid.

The bill was referred January 18, 1912, to the Committee on

Mr. President, I am not going to discuss that measure now. I read it only for the purpose of showing that this alleged spirit of complacent submission is not at all times evidenced by Members of this body from those States that undertook to secede from the Union. There is a challenge in that Senate bill No. 4652 that will not go unanswered in the hearts of the people who believe that the war was conducted on the part of the Union within the laws of mercy and fairness. A challenge like that sent out to the great majority of the people of this country is not calculated to procure consideration for the bill introduced by the Senator from Mississippi, Senate bill No. 2925.

There are other bills pending elsewhere in the Congress of the United States as radical as the one that I have just read.

I will take the liberty to admonish those who dream that this country is ready for submission to such legislation that they are as mistaken as were those who sat in this body or elsewhere in 1860 and 1861.

The talk about waving the bloody flag has long since ceased to have any potency in the mind of the people. It is a senseless charge. Who brings out the bloody flag? That bill is as red with the bloody sentiment that actuated those men who now seek to dip their hands in the Treasury of the United States as though it had been under the bleeding, gaping wounds of the patriots of the North upon the battlefield.

What occasion is there for bringing into this body a reminder of that conflict? What occasion is there for doing that, with the hope of gaining a few dollars toward paying the expenses of building monuments or tablets in commemoration of those

unfortunate times?

There will be no bloody flag waved by me. I have never voluntarily since the close of that conflict brought the question up for consideration or discussion. Unless provoked to it in defense of the sacred memories that are in the hearts and the minds of the people of the North, I would never bring it up directly or indirectly. Can you not let that ghost lie dead in its grave and be content to think what you please of the issue or the sentiments surrounding it or of the men engaged in it? Can you not be content as a people, local to the South, who engaged in that struggle to pay tribute to those whom you deem Must you compel every other citizen to bow the knee to your sentiments? Do you think we have no graveyards crowded with the memories of our own people? Do you not think that the people of the North whose stalwart men went to the front and lost their lives have any sentiment that you are bound to respect? When the ground upon which the prison pen of Andersonville stood became a national cemetery, and the man who was guilty of the murders committed within it having been hanged under trial and conviction, do you not think that the building of his statue as a commemoration of his memory and his deeds sank deep in bitterness into the souls of the North?

I would not carry these memories or the mention of them further now, but if the question of the righteousness of paying out of the Treasury of the people of this loyal and united Nation money to build monuments for the avowed purpose of crowning with honor and glory the deeds of those who sought to destroy the Union, do you not think that is carrying it a good way? Do you think you are safe in doing it?

Let us drop this sectional question. Let there be no North and no South and no East and no West. You will find no Member of this body more ready than I to join with you. I did not force the consideration of this measure upon the Senate. It was forced upon the attention of the Senate through the proceedings providing for the introduction, reference, and report of

It is not now my intention to discuss this measure, except as I have replied in my own way to the suggestions of the Senator from Mississippi [Mr. Williams] upon this occasion. measure is not before the Senate, except upon my suggestion or request that it go over under Rule IX.

Let us bar out from this body the boast or the blame of either side for their participation in that unfortunate struggle.

will meet you more than halfway.

Mr. President, I object to the present consideration of the

Mr. WILLIAMS. Mr. President, the Senator from Idaho says: "Let us bar out from this body the boast or the blame of either Does he mean that? Does he mean to bar out from the body the boasts of both sides?

Mr. HEYBURN.

Mr. WILLIAMS. And of the major side as well as the minor

Mr. HEYBURN. Yes; the boasts of both sides.

Mr. WILLIAMS. Then, Mr. President, you will bear me witness, and every Senator will bear me witness, that the statement embodies itself a boast and is a boast hitherto unful-I am not asking that the Senate of the United States shall furnish me an arena to boast about the courage or the constancy of those who lost out in that great struggle. The Senator from Idaho can not deflect from the consideration of the real question which will be before this Senate when this bill comes up, the attention of Senators or of the country, by that sort of talk. Nobody is proposing to fight the war over. not proposing to make this the subject matter of a lecture upon the glories of the Confederacy. I might be tempted to defend quite sympathetically and glowingly some things concerning its

soldiers and sailors and even its cause if a little innocent bill like this were taken as a pretext to attack them, but certainly

in no other way.

Why, the Senator might just as well have read a public buildings bill or a rivers and harbors bill as the bill which he read-No. 4652. He might just as well, so far as its relevancy is concerned, have read some account of the suffering American soldiers in British prison hulks during the Revolutionary War written on our side, or some account of the sufferings of the British soldiers in American prisons as written from the British side, as to have undertaken to have made such a mountain out of this little molehill of a bill by reading another bill.

I do not believe that there are 10,000 men in America who agree with the Senator from Idaho; I do not believe there are 2,000 or 200 that ever wore the blue and fought under the Stars and Stripes against their fellow citizens, temporarily dissevered from them, who agree with the Senator from Idaho. I do not mean by that that there might not be men who would be willing to vote against the bill. Let it come up and let it be voted against if Senators want to do so, but why pick it out for

obstructive tactics?

Then the Senator has pretty amply illustrated his ability to make rhetoric out of nothing. He refers to "treading on the sacred memories in the minds of the North." Now, who, in the name of common sense, has been treading or trying to tread upon any sacred memories in the minds of the people of the North? Surely I am too innocent and inoffensive looking a creature to be charged with that sort of offense. I do not think I have even looked hostile toward "the North" or toward "memories" or toward anything else. I have trod on nothing that I know of. In fact, if the Senator from Idaho knew me better, he would know that I frequently step out of my way upon the sidewalk to keep from treading upon an ant. I certainly would not tread upon "sacred memories." If he knew me better, he would know that I have such a modest opinion of myself that I would not imagine that I could tread out the memory which 2,000,000 Union soldiers have made for -the memory on one side of the victory in a war themselvesthat side considered a just and glorious one, and a memory everywhere of magnificent courage and constancy and heroism displayed by them. I have no idea of "treading" out anything. I would not want to tread out even the public service of the Senator from Idaho, if I could. [Laughter.]

He says that we want for this monument to take money out of "the Treasury of the people of the United States." In the name of God, Mr. President, are we down South not a part of the people of the United States? Have we not been ever since this country was colonized, except for four short years, when we were not? Was there in any sense in which we use the term now any United States during that four years' time under one Government? There were two sets or congeries, of formerly United States, but then temporarily disunited States, and then for four years under different governments. For this four years we were not these United States, but these "disunited States." Then we came together again.

Our forefathers built this Union together. The South furnished its share. I am not boasting. When American liberty wanted a pen, Thomas Jefferson furnished it; when it wanted a tongue, Patrick Henry gave it; when it wanted a sword, George Washington wielded it. When the American Union had been consolidated under the new Constitution and it wanted somebody with a grand legal intellect to stableize it by legal decisions, John Marshall was the man who did it. And when later on we struck enemies-foreign enemies this time-upon stricken battle fields, the heroes of that war, as leaders, were Scott and Taylor, who were southerners. The only two victories won during the war of 1812 on land were by Winfield Scott at Lundy's Lane and Andrew Jackson at New Orleans.

I am not boasting at all; I am merely answering the blind assumption—the arrogant assumption, if you please—that a man can refer to "the people of the United States" now in the year 1912 and forget that the people of the South were and are now part and parcel of the people of the United States. Whose money is this in the Treasury if it is not proportionately ours as well as yours? Who placed it there? The people who bore the taxes placed it there. It is no more your Treasury than mine; it is no more your Government than mine. I never fired a shot during the war between the States; I never smelt gunpowder. I was not 11 years old until after Johnston's sur-render. I have no doubt that if I had been born in time there might have been a different result [laughter]; the Union might have been dismembered and African slavery perpetuated upon the American continent. As Brig. Girard said in writing his memoirs, "It is a curious coincidence that the Emperor Napoleon never lost a battle when I was present and fighting." [Laughter.]

It may be merely a coincidence. Why should the Senator from Idaho begin to read me lectures at this late day? served in the "infantry" in arms, and so did he, unless I am mistaken, for he does not look like he is much older than I am, though he may be a great deal older. It may be true that if he had been born in time, too, the Confederacy would have gone down quicker. [Laughter.] I feel sometimes that the last surviving man who wants to "render treason odious" has been sent by the State of Idaho to the United States Senate; but do not make it odious on this little bit of a piece of granite that is to cost \$50,000 and to be placed where? In a military park. Were the military parks intended to commemorate nothing except one side of the War between the States? Why, every military park in the country answers the Senator with marble shafts that have been erected to both. A military park is a map. Here is a monument showing where this command stood and another monument showing where that one stood, regardless of which side they served upon. Here is a road running along a certain parapet or a line of fortifications to outline it all. It is American history; it is not merely Northern Why, you are stultifying yourself. When we said we had a right, or when our forefathers said it—for I hardly said it; I could hardly be charged with it—if I said it, I merely repeated what I heard about that time. I surrendered very early, when Grierson's brigade came by on the road, great big men and great big horses, and I had had an idea up to that time-I was then about 9 years old-that a Yankee was a little fellow and that I could whip three of them. I surrendered very early. [Laughter.] When we said we had a right to set up for ourselves you denied it. Now you spend the common money collected from all of us and deny that we have parcel or lot in it.

I am not fighting any war now. I do not know whether I would have fought any then or not if I had been big enough, though, as I said a moment ago, I sometimes dream that with this eagle eye of mine and strong and stalwart right arm, if I had been turned loose upon the battle field a different story might have been recorded in history. [Laughter.] And doubt-less, upon the other side, had the Senator from Idaho been turned loose a different story would have been recorded. genius and Stonewall Jackson's valor would doubtless have gone down in very short order. I am sure if they had consented to debate the matter according to Senate rules and placed the cause on the calendar, it would have taken them a long time at any rate to overcome the Senator from Idaho. [Laughter.]

Mr. President, it strikes me that some things are said very unthoughtedly. The Senator "does not want any North or any South or any East or any West." Do not you? I do. I would not take out of the history of this country, if I could, the part that the Yankee did in building it. I would not take out of the history of this country the part that the southern country gentleman took in building it—Washington and Jefferson and Madison and Monroe and Marshall and all the balance of them. The only sort of unity that I believe in is not a unity of uniformity; but it is a unity like the unity of the ocean, infinite in seeming monotony of space as you look over it, but infinite also in the variety of its ripples and in the multitudinous laughter of its waves.

Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. In one moment I will yield. I do not think there is a single section of this country—the enterprise, the courage of the western pioneer, the conservative stalwartism of the southerner, the ingenious mind cultivation of the Yankeethat has not contributed something to make it what it is. It is one, but one in variety; one out of many, e pluribus unum, and the only unum I care anything about is the unum e pluribus. I now yield to the Senator from Idaho.

Mr. HEYBURN. I merely wanted to make a suggestion, because I do not desire to speak further upon this question I want to ask the Senator from Mississippi if he really thinks there is anything in the suggestion that we were not old enough to fight in the ranks? Does not the principle come to us as an inheritance and devolve upon us the duty of standing by it regardless of whether we happened to be old enough?

Mr. WILLIAMS. Mr. President-

Mr. HEYBURN. Just a word more and I am through. Would not the same argument apply to the Revolutionary War? Could any man be deprived of credit because of the fact that he was too old or not old enough?

Mr. WILLIAMS. Mr. President, when a man inherits more than his father feels, he is inheriting too much. [Laughter and manifestations of applause in the galleries.]

Mr. HEYBURN. Mr. President, I did not-

Mr. WILLIAMS. When a man inherits more than his ancestors are willing to confess that they believe, he is inheriting too much.

The VICE PRESIDENT. Visitors in the gallery will refrain from manifestations of approval or disapproval.

Mr. HEYBURN. I do not think the Senator intended to say

Mr. WILLIAMS. What I mean to say is this: That those who fought the war—that is what I mean, if the Senator has misunderstood me-have buried the bitterness; they have held every year reunions of the blue and the gray, and each man is telling the other how he honors his courage and his valor; and I say that when we of the new generation talk about "inheritmore than they of the old fighting generation feel, we are inheriting too much.

Mr. HEYBURN. Well, Mr. President, does it occur to the Senator that if he were to apply the rule and carry it out, that patriotism would cease when the last soldier who participated

in that war had died?

Mr. WILLIAMS. Oh, no; patriotism would not cease, Mr. President.

Mr. HEYBURN. No; nor patriotic views nor sentiments. Mr. WILLIAMS. Patriotism would not cease, Mr. President; but patriotism, defined to be a state of character requiring that the other side should not receive a due accord for whatever they merited because of valor and constancy and courage and sincerity-if that be patriotism, that would cease, of course; and it ought to.

What is a national park? It has monuments all around it commemorating all those that had anything to do with the battle or campaign which the national park was laid out to commemorate. Why should the Federal Government not build this monument to the Confederate Navy for \$50,000, when it has built another monument to the Federal Navy engaged in the seige of Vicksburg for, I think, \$200,000? I see before me an old soldier who wore the blue, the Senator from Minnesota [Mr. Nelson], who was in those campaigns down there, who knew just what happened with the land forces and with the naval forces; who went to a Confederate prison hospital, and who laid side by side with a sick Confederate boy—a boy who had his body servant take care of his Federal companion while he took care of himself. The men who fought that struggle with one another-and that is what I mean-learned to respect one another, and, in the course of time, though of course it took time, to love one another.

In the name of common sense, if they have buried it all; if an ex-Federal soldier who engaged in this very siege and all these battles has made this recommendation; if an ex-Federal soldier, as chairman of the Military Affairs Committee of the Senate, has indorsed it and voted for it; then why can not the Senator from Idaho and I, who were merely "infantry in Senator from Idaho and I, who were merely "infantry in arms," let the bill come to a vote, at least? I am not asking

him to vote for it.

Mr. HEYBURN. Mr. President, the Senator speaks of the occurrence of the Senator from Minnesota and the young soldier from the South lying in prison together. Why, one of the dearest friends I ever had in my life, who was associated with me personally, and in a business way as well, throughout many, many long years, perhaps more closely than anyone else, car ried the message that sent Pickett into the charge. He went from the University of Virginia into the army of the South, and served throughout the war; he was a gentleman worthy of any man's acquaintance; we lived in the same cabin, we shared the same life, and we loved each other.

Mr. WILLIAMS. Ah! Then I conjure the Senator from

Idaho, by the sacred memory of that sweet love, to let this bill at least come to a vote. I do not conjure him to vote for the bill-I conjure nobody to do that-but to let it come to a vote. and to let it be decided by the votes of those who represent northern constituencies alone. I am willing to do that unless there should be in this body some one from the South who was

born and raised in the North; then let him vote.

I simply want to see how far the talk about a "reunited and the "bridging of the bloody chasm" and how far the constant talk about "the Spanish-American War having buried" all these things is lip service and how far it is heart religion. So far as I am concerned it is heart religion.

Mr. President, I ask for the regular order. The VICE PRESIDENT. The regular order is demanded.

The bill goes over on objection.

Mr. SWANSON. Mr. President—— The VICE PRESIDENT. The regular order has been demanded.

Mr. SWANSON. I hope the Senator will withdraw that demand for a few minutes.

Mr. GALLINGER. With pleasure. Mr. SWANSON. I do not wish to intrude myself in this I see no necessity for doing so. The Senator from Mississippi has well stated the position of the southern men in reference to this monument. It came as a gracious, magnani-mous request from a Federal soldier. It would be a poor return on the part of the South not to accept that gracious request from a Federal soldier. My only purpose in speaking at this time is because the Senator from Idaho has seen fit to allude to a bill introduced by myself as a reason why this measure introduced by the Senator from Mississippi should not

Mr. HEYBURN. Mr. President, I refrained from connecting the Senator's name with the bill in any way.

Mr. SWANSON. I am not ashamed of the bill. I introduce

nothing of which I am ashamed.

I wish to say in this connection that the bill to which I refer was introduced by me at the request of a gallant, warm-hearted, brave, splendid soldier, who stated the facts recited in it. I do not know them personally. If the Senator had read the bill carefully, he would have ascertained that it contains no reflection upon the manner in which the war between the two sections was conducted.

The bill refers to a special incident of hardship suffered by 600 officers. It states that the Federal Government, laboring under the impression that there was a necessity for retaliation, on the supposition that the Confederate Government was improperly treating some Federal officers, took 600 Confederate officers and subjected them to certain treatment, as the bill states, for the purpose of retaliation, not in the ordinary course of waging war. It was ascertained that this was a mistake; that there was no occasion for it; that the Federal authorities did not approve it.

After the war was over, when these were ascertained to be the facts, as Maj. Murray states to me, he thought it proper that the Government should consider any claim for compensation that might be presented for these hardships endured—this sickness, this loss, the various uncalled-for incidents, and the

unnecessary retaliation,

Mr. GALLINGER. Mr. President—
The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. SWANSON. I do.

Mr. GALLINGER. As I withdrew my demand for the regular order, I feel at liberty to take a moment to ask the Senator if he does not think there are in the recital of the bill very serious accusations against Maj. Gen. Foster and Maj. Gen. Halleck? Does not the Senator think it is an unfortunate recital?

Mr. SWANSON. The recital possibly may be unfortunate. I can not vouch for the facts contained in the recital. Maj. Murray tells me they are true. If they are true, the conduct of Maj. Gen. Foster was more unfortunate, as it appears there.

Mr. GALLINGER. If those 600 Confederate officers sustained an injury, the North feels that tens of thousands of Union soldiers sustained an injury by way of retaliation in the prisons of the South, where they were literally starved to death. I think it is unfortunate, and I entirely agree with the Senator from Idaho, that it is unfortunate, to revive these memories by way of discussion in the Senate.

Mr. SWANSON. Mr. President, I do not purpose to discuss the war between the two sections. I do not wish to enter into it, or how it was conducted. I simply have been requested to introduce this bill by two or three hundred officers who think they have a special case that is isolated from the others; that they were subjected to retaliation which was not necessary. The mistakes were corrected by the Federal Government as soon as they were ascertained. The Federal Government itself corrected them. But they have no other remedy than as provided in this bill.

The Federal Government was generous enough to correct these mistakes as soon as they were called to its attention. This bill is simply presented for the consideration of the Government to correct mistakes which, if these recitals are true-and I can not youch for them-the Government itself corrected and should

be glad to make amends for.

If that is reviving the embers of the war I am not aware of it. If these men suffered, and the Federal Government subsequently ascertained that they were improperly retaliated upon, I know no other place, no other tribunal, in which the matter could be presented for consideration than the Congress of the United States. I can not vouch for the facts. I have no idea, no purpose, no desire, no wish, to revive the embers of the late

Some of these gentlemen are constituents of mine. They think they have a claim. They think it ought to be presented to the Government. If they were retaliated against while help-

less prisoners, and that course was afterwards ascertained to be wrong, they feel their claims should be considered and paid by the Government. I am frank to say, if the facts are as it is stated that they are, for which I can not vouch, I am satisfied that any Government would be glad to make reparation and correction.

The VICE PRESIDENT. The Secretary will announce the next business on the calendar.

STANDARD OIL AND AMERICAN TOBACCO COMPANIES.

Senate concurrent resolution 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as the next business in order

Mr. POMERENE. Mr. President, I ask that the resolution

may go over.
The VICE PRESIDENT. The resolution will go over.

DENTAL SURGEONS IN THE NAVY.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in

I think it due the Senator from Kansas [Mr. Bristow] that he be notified that the bill is up for consideration; or else I feel it my duty to object to its consideration to-day, because I know he is deeply interested in it. I ask, therefore, that it may go over.

The VICE PRESIDENT. The bill goes over.

PENSION BILLS ON THE CALENDAR.

The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

There are four of those special pension Mr. McCUMBER. bills upon the calendar. The junior Senator from Georgia [Mr. SMITH] has already indicated his desire to have them passed over from day to day until he can submit some remarks, I understand, concerning them. I have watched the calendar each day, as has the Senator from Georgia, and we have passed them over from day to day. If it is agreeable to the Senator, I wish he would indicate some day on which we may take them up and dispose of them. Then they can go over until that day. I am not disposed to press the bills until he is entirely ready to

Mr. SMITH of Georgia. If the Senator will allow them to be passed over, I will endeavor to-morrow to indicate a time.

Mr. McCUMBER. Very well, Mr. President. I will ask, then, that calendar Nos. 141, 186, 187, and 253, being Senate bills 4314, 4623, 4624, and House bill 17671, go over.

The VICE PRESIDENT. All the bills indicated will go over. Mr. SMITH of Georgia. There are also two additional bills. The VICE PRESIDENT. The understanding is that all bills of the property shall go over at the request of the Senator form. of like nature shall go over at the request of the Senator from North Dakota.

PORT OF HOLEB, ME.

The bill (S. 3160) to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes, was considered as in Committee of the Whole.

Mr. JOHNSON of Maine. There is an amendment reported by the Committee on Commerce to the bill.

The VICE PRESIDENT. The amendment will be read.

The bill was reported from the Committee on Commerce with an amendment to strike out section 2 in the following words: SEC. 2. That Lowelltown, Me., is hereby abolished as a subport of entry in the customs collection district of Bangor, Me.

And to insert:

Sec. 2. That the Secretary of the Treasury is hereby authorized to discontinue Lowelltown as a subport of entry whenever he may be satisfied that the maintenance of such subport is no longer necessary to the transaction of the public business.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI STATE CLAIMS.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let the bill go over. The VICE PRESIDENT. It will go over.

CATHERINE RATCHFORD.

The bill (S. 4050) for the relief of Catherine Ratchford was considered as in Committee of the Whole. It proposes to pay \$900 for the relief of Catherine Ratchford because of the death of her son, James Ratchford, on or about the 7th day of August,

A. D. 1895, caused by the injuries received by him on or about the 24th day of July, 1895, while an employee of the United States Government, riprapping on the Missouri River, near Leavenworth, Kans., because of the negligent and careless acts of omission of his foreman in using a rotten and defective rope after he had notice of the same and after they had promised to replace the same.

Mr. OLIVER. The bill has been read heretofore.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARBITRATION OF JUSTICIABLE CONTROVERSIES.

Senate resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiciable controversies or disputes was announced as next in order.

Mr. GALLINGER. Let the resolution go over.
The VICE PRESIDENT. It will go over.
The next two bills on the calendar, Senate bill 4623 and Senate bill 4624, being pension bills, will go over.

CLAIMS OF OTTAWA INDIANS.

The bill (S. 1014) for the relief of the Ottawa Indian Tribe of Blanchard Fork and Rouch de Boeuf was considered as in Committee of the Whole.

The VICE PRESIDENT. The amendment of the Committee on Indian Affairs striking out all after the enacting clause was read on a former occasion. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced

Mr. GALLINGER. At the request of the senior Senator from Massachusetts [Mr. Lodge] I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

SUPPRESSION OF BUBONIC PLAGUE IN HONOLULU.

The bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was considered as in Committee of the Whole. It proposes to appropriate \$82,225 dollars, to pay to the Trans-Atlantic Fire Insurance Co., \$9,500; Prussian National Fire Insurance Co., \$2,850; North German Fire Insurance Co., \$8,000; Hamburg-Bremen Fire Insurance Fire Insurance Co., \$8,000; Hamburg-Bremen Fire Insurance Co., \$10,450; Royal Insurance Co., \$25,100; Liverpool & London & Globe Insurance Co., \$6,900; New Zealand Fire Insurance Co., \$6,025; Firemen's Fund Insurance Co., \$9,250; National Fire Insurance Co., of Hartford, Conn., \$4,150; the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The bill was reported to the Senate without amendment.

Mr. REED. I should like to ask the author of the bill to make some explanation in regard to it. It appropriates a con-

make some explanation in regard siderable sum of money.

Mr. CRAWFORD. A similar bill has been reported favorably from the Committee on Claims several times. If the Senator will refer to the report attached to the bill, he will see

that it is quite full and goes into all the details.

It seems that in 1899 and 1900, to stop the spread of the bubonic plague in Honolulu, the Government of the United States destroyed a very large amount of property. It created a tribunal there to appraise the value of the property and make settlement, and, with the exception of the particular claims covered by the policies of fire insurance, the claims were adjusted and paid. There was a question as to the liability of the insurance companies for the losses sustained by the destruction of the property covered by their policies, and until that question was determined the Government withheld pay-The companies were compelled to go into the courts to have the matter determined as to whether or not they were liable. In each of these cases in the suits between the property owner and the company it was held that the company was liable.

They presented before the committee satisfactory evidence showing that they had paid the amounts appropriated by the

bill in satisfaction of the judgments. The committee allowed them no costs and no interest, but simply reported in favor of the payment of the actual sums which they disbursed, the Government having destroyed the property. There is a recomendation from the State Department in the different administrations since the fire occurred.

Mr. REED. Mr. President, I desire to ask the Senator how

these buildings were destroyed. What was the method?

Mr. CRAWFORD. They were destroyed by fire.

Mr. REED. By the Government?

Mr. CRAWFORD. Fire was set by the agents of the Government in the infected districts to remove the danger connected with the spread of the plague. Some of the buildings were blown up with dynamite.

Mr. REED. Were the owners of the property reimbursed by

the Government?

Mr. CRAWFORD. Not in these cases. They recovered the amount from the companies. The Government withheld payment because of a question as to whether the owners of the property could recover from the companies.

Mr. REED. As I understand the Senator, the owner of a house which was burned and upon which there was insurance did not receive pay from the Government for his house?

Mr. CRAWFORD. He did not.

Mr. REED. But he afterwards recovered payment from the insurance company for the amount?

Mr. CRAWFORD. Under the policy; and under the subrogation clause and the assignment made and the settlement the

companies claim reimbursement from the Government. Mr. REED. So the owner of the property will not get his

insurance and also get money from the Government?

Mr. CRAWFORD. Oh, no; that is utterly impossible.

Mr. REED. It is only paid for once?

Mr. CRAWFORD. Yes, sir.

Mr. REED. It amounts to no more than if we had paid for

uninsured property in the first instance?

Mr. CRAWFORD. That is exactly true; and there are no costs and no accumulated interest allowed.

Mr. REED. One question further. Were the premiums deducted, or are they allowed the companies?

Mr. CRAWFORD. I am not so sure about that. There are quite a number of claims; and in going over them my recollection is that the premium is not included in the amount allowed here.

Mr. SMOOT. All were deducted.
Mr. CRAWFORD. All were deducted; I am quite sure that is the fact.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF MINES AND FORESTRY SERVICE.

The bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, was considered as in Committee of the Whole.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). This bill has been heretofore considered as in Committee of the Whole and amended.

Mr. REED. Mr. President——
Mr. SMOOT. I should like to ask the Senator reporting the bill if the title is to be changed, or did he intend that it should include Forestry Service employees?

Mr. TOWNSEND. The amendment that was adopted the other day included the United States employees in the Forestry Service. I do not think the title needs to be amended.

Mr. SMOOT. As I understand the bill, it simply extends the provisions of the act of 1908 to the Bureau of Mines and the employees of the Forestry Service.

Mr. TOWNSEND. Yes; that is all.

Mr. REED. I do not want to oppose the bill by any means, but it is manifest that certain employees would be omitted from the bill, men who were injured on the Panama Canal, who were referred to in the message of the President. I should like to ask the Senator if the bill can not be so amended as to

cover those cases.

Mr. TOWNSEND. I think the act of 1908 covers the employees on the Panama Canal. The original act which we seek to amend was passed for the purpose of granting relief to the employees on the Panama Canal, at Government arsenals, in the Reclamation Service, and at navy yards. The bill proposes to add these other classes to that law.

Mr. REED. If the Senator will pardon me, I am sorry to say I have not the details perfectly in mind; it was called to my attention, and I laid it on my desk intending to take it up; but, as I understand it, there are some half dozen or more

men who were injured on the Panama Canal and who are not included within the terms of the bill.

Will the Senator permit me? Mr. CRAWFORD.

Mr. REED. Certainly.

Mr. CRAWFORD. This is a general statute under which specific appropriations are made to relieve the individuals who from time to time receive injuries and are entitled to the protection of the general act.

Mr. SMOOT. Mr. President— Mr. REED. I did not conclude my statement. My understanding is that the President in a message has recommended taking care of those particular cases, and it seems to me that this might be an opportune time to include them in this bill.

Mr. SMOOT. In answer to the Senator from Missouri I will state that I remember very well the cases he has referred to. The accident occurred before May 30, 1908, when the law was passed, and the President recommended that special relief be given to those who were injured. That, I believe, has been undertaken to be accomplished by special bills for their relief, which no doubt will be considered by the Committee on Claims.

Mr. CRAWFORD. Mr. President, special bills are necessary in each case, anyway. The particular cases were named by the President; he simply called the attention of Congress to them; but provision will have to be made for all such cases by specific

bills

This is an amendment of a general statute, and simply en-larges the general statute so as to bring in the Bureau of Mines

and the Forestry Service.

Mr. REED. I have no desire to do anything to delay the passage of the bill; and if those other matters can not be properly included I certainly do not propose to make any objection to its

The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEMALE NURSE CORPS.

The bill (S. 4749) relative to members of the female Nurse Corps serving in Alaska or at places without the limits of the United States was considered as in Committee of the Whole. It provides that the superintendent and members of the female Nurse Corps, when serving in Alaska or at places without the limits of the United States, may be allowed the same privileges in regard to cumulative leaves of absence and method of computation of same as are now allowed by law to Army officers so serving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

LOAN OF TENTS AND COTS.

The joint resolution (H. J. Res. 184) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912, was considered as in Committee of the Whole.

Mr. BACON. I offer an amendment which I send to the desk. I will state that I have conferred with the chairman of the committee and it is acceptable to the committee, and furthermore that the War Department has been communicated with and it has indicated that the provisions of the amendment could be complied with without any inconvenience or injury to the service. In the eighth line, after the word "reunion," I move to insert the words "and also such number of cots as the War Department may conveniently furnish."

Mr. DU PONT. Mr. President, there is no objection to that

amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed. The title was amended so as to read: "A joint resolution

authorizing the Secretary of War to loan certain tents and cots for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912."

PEARL HARBOR, HAWAII.

The bill (S. 4360) to provide for the establishment of aids to navigation in Pearl Harbor, Hawail, was considered as in Committee of the Whole. It proposes that the Secretary of Commerce and Labor be authorized to establish aids to navigation in Pearl Harbor, Hawaii, at a cost not to exceed \$80,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 875) for the relief of the Mission Farm Co., Peter Volondra, and others was considered as in Committee of the Whole. It proposes to pay out of any money in the Treasury not otherwise appropriated belonging to the Rosebud Tribe of Indians-in the State of South Dakota, to the following-named corporation and persons the respective amounts as follows: The Mission Farm Co., \$1,835; Peter Volondra, \$187.50; M. E. Robertson, \$62.50; E. E. Bead, \$187.50; James V. Satra, \$75; Cash Rogers, \$255; Ed Neiness, \$87.50; Jacob Hempel, \$22.50; Isaiah Davis, \$187.50; Alvin Hoffman, \$50; Louis Bordeaux, \$1,385; Charley Pavlik, \$50; George W. Coleman, \$875; W. S. Hatten, \$200; Frank Rothleutner and George W. Coleman, \$750; Hugh Coleman, \$54.50; Charles Kolkofen, \$62.50; for damages caused to each of said parties by a certain fire set by the carelessness of the employees of the Government in the regular line of their duty and as incident thereto, in the Indian Service, on the Rose-bud Indian Reservation, in South Dakota, and across the State line in Nebraska, on the 20th day of October, 1909.

The bill was reported to the Senate without amendment, or-

MISSION FARM CO. AND OTHERS.

dered to be engrossed for a third reading, read the third time,

and passed.

CROW CREEK INDIAN RESERVATION LANDS.

The bill (S. 1624) to authorize the sale and disposition of the surplus and unallotted lands in the Crow Creek Indian Reserva-tion in the State of South Dakota, and making appropriation to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line-4, to strike out all the remainder of the bill after the word "authorized" and to insert "to cause allotments of the surplus unallotted and unreserved lands of the Crow Creek Indian Reservation in South Dakota to be allotted pro rata among the women of the Crow Creek Reservation, now living, who are not entitled to and have not received allotments under existing law by reason of having been married women at the date of the order of the President authorizing allotments on the Crow Creek Reservation: Provided, That such allotments shall not exceed 160 acres of agricultural or 320 acres of grazing land: Provided further, That the allotments as made hereunder shall be subject to the provisions of the act of March 2, 1889, entitled 'An act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' and the amendments thereto," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause allotments of the surplus unallotted and unreserved lands of the Crow Creek Indian Reservation in South Dakota, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. O'MARA.

The bill (S. 2243) to correct the military record of John L. O'Mara and grant him an honorable discharge was announced as next in order.

Mr. SMOOT. I ask that the bill may go over. The PRESIDING OFFICER. The bill will go over.

PUBLIC-LAND ENTRIES.

The bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to home-steads, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 2, line 12, after the word "lie," to insert the following proviso:

Provided, That the absence of said entryman or of his family from the land for a period not exceeding six months in any one calendar year shall not be held or construed as interrupting the continuity of the three years' residence required by this section, but in case of commutation the 14 months' actual residence as now required by law must be

The amendment was agreed to.

The next amendment was, on page 3, line 3, after the word *Provided*," to strike out the following words:

"Provided," to strike out the following words:

That no entryman shall be required to establish residence on the land so entered within 6 months: And provided further. That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land, under such rules and regulations as he may prescribe: And provided further.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 21, after the word "apply," to insert the words "except that the pro-vision allowing a six months' residence during any calendar year shall apply to all homesteads," so as to make the section

Sec. 2. That all existing pending entries shall be perfected under and according to the terms of this act, except entries under section 6 of an act passed and approved February 19, 1909, and section 6 of an act passed and approved June 17, 1910, providing for an enlarged homestead, and that as to entries under said sections this act shall not in any wise apply, except that the provision allowing a six months' residence during any calendar year shall apply to all homesteads.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE TENDER "MANZANITA."

The bill (S. 837) to reimburse the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender October 6, 1905, was considered as in Committee of the Whole. It proposes to pay \$1,642.55 to the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender on October 6, 1905, as set forth in the letter of April 25, 1906, from the Department of Commerce and Labor to the Treasury Department.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

ALMON P. FREDERICK.

The bill (S. 2733) for the relief of the estate of Almon P. Frederick was considered as in Committee of the Whole. It proposes to pay to the estate of Almon P. Frederick, late an inspector of the Post Office Department, who was killed while in the discharge of his duties as an officer of the United States, and because of the faithful discharge of those duties, the sum of \$1,600, being one year's salary.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time,

and passed.

STEAMER "WILLIAM A. HAWGOOD."

The bill (S. 4521) to authorize the change of the name of the steamer William A. Hawgood was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES ON OIL LANDS.

The bill (S. 3045) to provide for agricultural entries on oil lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in section 3, page 3, line 9, after the word "sane," to strike out:

the word "sane," to strike out:

The oil deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of law applicable thereto at the time of such disposal. Any person qualified to acquire oil deposits or the right to mine and remove the oil under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by this act, for the purpose of prospecting for oil thereon, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the oil deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the oil therefrom, and mine and remove the oil, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages.

And in lieu thereof to insert:

And in lieu thereof to insert:

The reserved oil deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, I see by the report that this bill will apply to between three and four million acres of land.

Mr. SMOOT. It will apply to 3,800,000 acres as the department reports, Mr. President.

Mr. SHIVELY. It seems to me that at least we ought to

have some explanation of the bill by the Senator.

Mr. SMOOT. Mr. President, all that the bill does is to allow lands that have been withdrawn as oil lands by proclamation of the President to be entered by an entryman who secures only the surface rights, as is the case in coal lands. The entryman secures no right whatever to the oil under the land; the Government reserves that. The bill is recommended by the

department, and applies to lands located in California, Utah, Wyoming, and a number of other Western States. Those lands have been withdrawn on the supposition that there is oil under the lands, but this bill allows an entryman to enter the lands as agricultural lands, but to get title to the surface only, and the oil that may be found, if it is ever found, is reserved to the Government of the United States.

Mr. SHIVELY. Is there any statute under which the exploitation of the oil on the land may be regulated?

Mr. SMOOT. Yes; the statute which applies to coal lands.
Mr. SHIVELY. Mr. President, I think I will object to the bill.

The PRESIDING OFFICER. The bill goes over.

ALBERT S. HENDERER.

The bill (S. 4751) for the relief of Albert S. Henderer was considered as in Committee of the Whole. It proposes to pay to Albert S. Henderer \$1,572.04 for damages arising out of an injury sustained by him while employed in the east gun shop, United States Navy Yard, Washington, D. C., on the 11th of August, 1903.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ENROLLMENTS AND LICENSES OF VESSELS.

The bill (S. 4475) to amend an act entitled "An act to simplify the issue of eurollments and licenses of vessels of the United States" was considered as in Committee of the Whole. It proposes to amend section 1 of the act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States," approved April 24, 1906, by striking out the words "of 20 net register tons or over," so that it will read as follows:

That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States the form of enrollment prescribed by section 4319 of the Revised Statutes and the form of license prescribed by section 4321 of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL AT CAPE ST. ELIAS, ALASKA,

The bill (S. 4363) to provide for the establishment of a light and fog signal at or near Cape St. Elias, Alaska, was considered as in Committee of the Whole. It proposes to establish a light and fog signal at or near Cape St. Elias, Alaska, at a cost not to exceed \$115,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

LIGHT STATION AT KAUHOLA POINT, HAWAII,

The bill (S. 4359) to provide for improving the light station at Kauhola Point, Hawaii, was considered as in Committee of the Whole. It proposes to improve the light station at Kauhola Point, Hawaii, at a cost not to exceed \$15,000.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "SALT LAKE CITY."

The bill (S. 4728) to authorize the change of name of the steamer Salt Lake City was considered as in Committee of the Whole. It directs the Commissioner of Navigation, upon application of the owner, the Continental Steamship Co., of Duluth, Minn., to change the name of the steamer Salt Lake City, official No. 204526.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPERINTENDENTS OF NATIONAL CEMETERIES.

The bill (S. 3622) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of na-tional cemeteries, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, after line 4, to strike out:

SEC. 4875. The superintendents of the national cemeteries shall receive for their compensation from \$80 to \$100 a month each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, except the superintendent of the Arlington (Va.) Cemetery, whose compensation may be \$125 per month, at the discretion of the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries.

And to insert:

SEC. 4875. The superintendents of the national cemeteries shall receive compensation as follows: Twenty-six superintendents, class 1, \$95 per month; 20 superintendents, class 2, \$90 per month; 10 superintendents, class 3, \$85 per month; 14 superintendents, class 4, \$80 per month; and the compensation of the superintendent of the Arlington (Va.) Cemetery shall be \$125 per month; and they shall also be furnished with quarters and fuel at the several cemeteries.

So as to make the bill read:

Be it enacted, etc., That section 4875 of the Revised Statutes be amended to read as follows:

"SEC. 4875. The superintendents of the national cemeteries shall receive compensation as follows: Twenty-six superintendents, class 1, \$95 per month; 20 superintendents, class 2, \$90 per month; 16 superintendents, class 3, \$85 per month; 14 superintendents, class 4, \$80 per month; and the compensation of the superintendent of the Arlington (Va.) Cemetery shall be \$125 per month; and they shall also be furnished with quarters and fuel at the several cemeteries."

The amendment was agreed to.
Mr. SMOOT. Mr. President, I should like to ask the Senator from Kansas if the last provision of the bill is usual? I refer to the provision which says that the superintendents "shall also be furnished with quarters and fuel at the several ceme-

Mr. BRISTOW. That is the same as the provision in the

Mr. SMOOT. Then it simply means only an advance in salary

Mr. BRISTOW. An advance in salary and a segregation of the superintendents into various classes.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTTO NEUMANN SVERDRUP.

The joint resolution (S. J. Res. 69) authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States was considered as in Committee of the Whole. It proposes to grant to Otto Neumann Sverdrup the right and privilege to be licensed and to serve as master of vessels of the United States conferred by law upon citizens of

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PRACTICE IN FEDERAL COURTS.

The bill (S. 4029) to amend chapter 11 of the Judicial Code was considered as in Committee of the Whole. It proposes to amend chapter 11 of the Judicial Code, entitled "Provisions common to more than one court," by adding at the end thereof new sections, to be known as section 274A and 274B, to read as follows:

Sec. 274A. In case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form.

Sec. 274B. In all actions at law equitable defenses may be interposed by answer, plea, or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had a bill embodying the defense or seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea the plaintix shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal, the appellate court shall have full power to render such judgment upon the record as law and justice shall require.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL LANDS IN ALABAMA.

The bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama was considered as in Committee of the Whole. It proposes that all the public lands containing coal deposits in the State of Alabama which are now being withheld from homestead entry under the provisions of the act entitled "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands," approved March 3, 1883, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in the act entitled "An act to provide for agricultural entries on coal lands," approved June 10, 1910.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. A. EMBRY.

The bill (S. 183) for the relief of G. A. Embry was considered as in Committee of the Whole. It proposes to pay to G. A. Embry, of Estill County, Ky., \$200 in full compensation for services rendered the United States during the War with Spain.

Mr. BACON. I should like to inquire what was the character of the services rendered? Is there a report with the bill? Mr. BRADLEY. The service rendered by Dr. Embry was the

examination of recruits during the Spanish War. To prevent the expense of recruits going to Lexington, they were examined by Dr. Embry in Irvine, Ky., and only such men were sent to the general muster place as could pass the examination. It was a saving to the Government.

Mr. BACON. It was done by authority, was it?

Mr. BRADLEY. It was done under my order as governor of Kentucky.

Mr. BACON. It must have been properly done, then.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVIGATION AIDS IN CAPE FEAR RIVER, N. C.

The bill (S. 4446) to provide for completing the lighting and marking with aids to navigation of Cape Fear River, N. C., was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to complete the lighting and marking with aids to navigation of Cape Fear River, N. C., at a cost not to exceed \$30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

SAVANNAH RIVER DAM, AT MOUTH OF STEVENS CREEK.

The bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909, was considered as in Committee of the Whole.

It proposes to extend until August 5, 1915, the time in which to complete the actual construction of the dam authorized by the act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia,

Ga.," approved August 5, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (S. 548) retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes, was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order, and the Secretary read the bill.

Mr. WARREN Mr. President I do not be seen to be seen

Mr. WARREN. Mr. President, I do not know whether I heard the bill aright, but I understand it proposes to allow two advancements on the retired list. I inquire if the Senator who reported the bill is present?

The VICE PRESIDENT. The Chair is informed he is not.
Mr. WARREN. I ask that the bill go over, then.
The VICE PRESIDENT. The bill will go over.

O. C. F. DODGE.

The bill (S. 2335) authorizing the President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on the retired list, a lieutenant on the retired list, was considered as in Committee of the Whole.

Mr. BACON. I should like to have the report read in that

The VICE PRESIDENT. The Secretary will read the re-

Mr. CURTIS. Mr. President, if the Senator will allow me, I can make a brief statement which, I think, will satisfy him.

The bill is a very meritorious one, and was unanimously reported from the committee. Mr. Dodge was in the Navy. He became sick and had to undergo a surgical operation. He was ordered to Massachusetts, I think, and while there and before he recovered—and, by the way, he consulted physicians outside of the Navy—he was ordered to sea, although he was in no

condition to perform such service. He was sent on a trip around the world. When he arrived at San Francisco he was in such physical condition that he had to be relieved; and for over 11 months, although he had passed the mental examination for promotion, he was prevented from taking the physical examination and was finally obliged to retire because of his physical condition. He is a young man and entitled to the next higher rank, but he was retired without that advancement. Other bills similar to this have been passed, and I hope this bill will also be passed.

Mr. GALLINGER. It seems that he finished his four years'

academic course at the Naval Academy.

Mr. CURTIS. He finished his four years' course at the academy, and if he had not been ordered to sea he probably would have recovered and been still in the service.

Mr. GALLINGER. And during the trip, or shortly afterwards, he contracted tuberculosis.

Mr. BACON. I think the explanation is a good one. I only asked for the reading of the report because there was no information before the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INSANE CIVILIAN EMPLOYEES OF MILITARY ESTABLISHMENT.

The bill (S. 316) to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900, with reference to insane civilian employees of the Military Establishment, was considered as in Committee of the Whole. It proposes to amend the act of Congress approved February 9, 1900, entitled "An act to amend section 4843 of the Revised Statutes," so as to read as follows:

That section 4843 of the Revised Statutes be, and the same hereby is, amended by striking out the paragraph which reads: "Second. Civilians employed in the Quartermaster's and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment," and inserting in lieu thereof the following: "Second. Civilians employed by the several Staff Departments of the Army who may be, or may hereafter become, insane in such employment, and who have no legal residence at any place within the territorial limits of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

Mr. WARREN. Mr. President, the matter is, of course, of no importance, but the bill which has just been passed appears on the calendar as having been reported by me from the Committee on Naval Affairs. It was reported from the Committee on Military Affairs.

ARMY, NAVY, AND MARINE CORPS JOINT OPERATIONS.

The bill (S. 310) relative to joint operations of the Army, Navy, and Marine Corps was announced as next in order. Mr. LODGE. I ask that that bill go over. It is a very im-

portant measure.

The VICE PRESIDENT. The bill will go over at the request of the Senator from Massachusetts.

LIGHTHOUSE TENDERS.

The bill (S. 4361) to provide for the construction of lighthouse tenders for general service was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to use the appropriation of \$60,000 for a lighthouse tender for the fifteenth (now the thirteenth) lighthouse district, made by the act of March 4, 1907 (34 Stat., p. 1319), for constructing a lighthouse tender for general service. It also authorizes the Secretary of Commerce and Labor, in his disretion, to use the appropriation of \$200,000 for a lighthouse tender for the first lighthouse district and elsewhere, made by the acts of May 27, 1908 (35 Stat., p. 331), and March 4, 1909 (35 Stat., p. 970), for the construction of two lighthouse tenders for general service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPRAISAL OF UNALLOTTED INDIAN LANDS.

The bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs The bill was reported from the Committee on Indian Anairs with amendments, on page 1, line 4, after the word "classified," to insert "or reclassified"; in line 5, after the word "appraised," to insert "or reappraised"; in line 7, after the word "reservation," to strike out "heretofore"; in line 8, after the word "entry," to strike out "which were" and insert "but";

and on page 2, line 1, after the word "entry," to insert "or where the existing classification or appraisement is, in the opinion of the Secretary of the Interior, erroneous," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry, but not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification or appraisement is, in the opinion of the Secretary of the Interior, erroneous.

Mr. BACON. I hope the Senator in charge of the bill will

explain it. I do not understand it from the reading.

Mr. DIXON. This bill, I will say, has been recommended by the Department of the Interior.

Mr. BACON. That is the last statement I want to hear. I want something about the reasons for the bill, not what somebody else thinks.

Mr. DIXON. If the Senator from Georgia will allow me to guide my own opening remarks, I will get down to what the bill really means. I again say that two Secretaries of the Interior have asked for the enactment of the bill. It has already passed the House of Representatives. It is to cover a certain mistake-

Mr. GALLINGER. It is a Senate bill. Mr. DIXON. Yes; but a similar bill or a bill in the same wording has passed the other House. It is to cover a condition which arises when any Indian reservation is opened to settlement. The board of appraisers appraise the land, but in every case certain Indians received allotments which afterwards may not suit them. They will then take other allotments; but the land which they first selected has never been appraised, the board of appraisers having gone out of existence. On nearly every reservation you will find from five to six or seven thousand acres of such unappraised lands. The board has died; it has become functus officio. In other cases where mistakes have been made—for instance, clerical errors—the department is powerless to afford any relief, because the classification is stratified, and there is no changing it unless the Secretary of the Interior has express authority to do so. The committee was unanimous in asking that the bill be reported; and I assure the Senator from Georgia that no more meritorious small piece of legislation is on the calendar to-day to relieve such situations

that arise from the very necessity of the case.

Mr. BACON. Mr. President, I think the explanation is very clear. The Senator will recognize the importance that we

should have that information.

Mr. DIXON. I am very glad the Senator from Georgia has informed himself.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GREAT SALT POND LIGHT STATION, R. I.

The bill (S. 4576) to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I., was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to improve the light station, move the fog signal, and build a keeper's dwelling at Great Salt Pond Light Station, R. I., at a cost not to exceed \$25,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PUBLIC PROPERTY.

The bill (S. 4607) to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property, was considered as in Committee of the Whole. It proposes to amend section 3618 of the Revised Statutes by adding at the end thereof a proviso as follows:

Provided, That this restriction shall not apply to proceeds received from contractors for bags, reels, barrels, drums, carboys, or other containers used in the delivery of material and returned to them at a price agreed on in the contract, but such proceeds shall be deposited to the credit of the appropriation from which the purchase of the material was made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 6, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

Monday, February 5, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

O Thou great Architect of the universe, Father of all souls, Dispenser of all good, in whose all-encircling love we live and move and have our being, draw us by Thy holy influence close to Thee, enlarge our spiritual vision that we may understand Thy purposes more clearly and work together with Thee for the betterment of mankind in all forms and conditions of life, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 3, 1912,

was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

Mr. HENRY of Texas. Mr. Speaker, I offer—
The SPEAKER. This is Unanimous Consent Calendar day primarily.

Mr. HENRY of Texas. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Texas offers a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 366.

Resolved, That the Committee on Expenditures in the War Department be authorized to sit during the sessions of the House, and at such place or places as it may deem necessary.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. MANN. Is it in order to offer any resolution prior to the calling of the Unanimous Consent Calendar?

The SPEAKER. Not if anybody objects.

Mr. HENRY of Texas. I should like to be heard on that

The SPEAKER. The Chair has no objection to hearing the

Mr. HENRY of Texas. I want to call the Speaker's attention to the rule which authorizes the Committee on Rules to report at any time. Calendar Wednesday is the only day on which the Committee on Rules could not make a privileged report. It stands on a different footing from any other com-

The SPEAKER. What rule does the gentleman refer to?
Mr. HENRY of Texas. In a moment I will cite the Speaker to it.

Mr. MANN. The gentleman has reference to paragraph 56 of Rule XI, I think.

Mr. HENRY of Texas. That is the rule I refer to. Mr.

Speaker that rule reads:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made, as provided in paragraph 4 of Rule XVI.

Mr. Speaker, there are only two limitations on that power of the Committee on Rules to report, and they are set out in the latter part of that clause. With the exception of those two limitations, the Committee on Rules has the right to call up for consideration a report at any time. The rule is just as plain as the English language can make it, and I insist that the

gentleman's point of order is not well taken.

Mr. MANN. Mr. Speaker, it is true that the rule provides that it shall always be in order to call up for consideration a report from the Committee on Rules. It is also true that while the language of the rule reads that way, it is held, as the Chair will find in the manual, on the same page, that although highly privileged a report from the Committee on Rules is not in order after the House has voted to go into the Committee of the Whole. Also a conference report has precedence of it, even when the yeas and nays and previous question have been ordered. So that under the rules it is not always in order to call up a report from the Committee on Rules.

Since that rule was put in the rules the rule in regard to the Unanimous Consent Calendar has gone in, paragraph 3 of Rule

XIII, which provides:

On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.

The unanimous-consent rule provides, as I have said, that immediately after the reading of the Journal the Speaker shall

direct the Unanimous Consent Calendar to be called. The two rules are apparently in conflict in their wording, but, having already been held that a report from the Committee on Rules was not always in order to be called up, not in order where the House has voted to resolve itself into Committee of the Whole House on the state of the Union, and not in order against a conference report, it is for the Speaker to construe which of the two rules has priority; and the meaning of the rule that it is not always in order to call up a report of Committee on Rules, whether it does not mean that it is always in order unless under the rules something else has priority. In this case, under the unanimous-consent rule, the Unanimous Consent Calendar has priority.

Mr. GARDNER of Massachusetts. Mr. Speaker, a point of

order.

The SPEAKER. The gentleman from Massachusetts will state his point of order.

Mr. GARDNER of Massachusetts. There is no quorum present.

The SPEAKER. The point of order is well taken.

Mr. GARDNER of Massachusetts. I move a call of the House.

The SPEAKER. The gentleman from Massachusetts moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fairchild	Lenroot	Rothermel
Ames	Fields	Levy	Rouse
Anderson, Minn.	Focht	Lewis	Scully
Anthony	Fornes	Lindsay	Sells
Ayres	Gardner, N. J.	McDermott	Simmons
Barchfeld	George	McHenry	Slemp
Berger	Goldfogle	Madden	Smith, Cal.
Bingham	Graham	Malby	Smith, N. Y.
Bradley	Griest	Martin, S. Dak.	Sparkman
Burke, Pa.	Guernsey	Matthews	Speer
Burke, S. Dak.	Hamill	Mondell	Stack
Butler	Hanna	Moon, Pa.	Stanley
Calder	Haugen	Moore, Pa.	Stedman
Cantrill	Hawley	Mott	Sulzer
Cary	Heald	Murray	Talbott, Md.
Clark, Fla.	Hill	Needham	Taylor, Ala.
Claypool	Hobson	Neeley	Taylor, Colo.
Connell	Holland	O'Shaunessy	Taylor, Ohio
Covington	Houston	Plumley	Thayer
Cox, Ind.	Howell	Pray	Underhill
Cravens	Hughes, Ga.	Ransdell, La.	Volstead
De Forest	Hughes, W. Va.	Rees	Warburton
Dent	Kent	Reilly	Weeks
Denver	Kinkead, N. J.	Revburn	Wilson, N. Y.
Draper	Kitchin	Richardson	Wood, N. J.
Driscoll, D. A.	Konig	Riordan	11004, 11101
Estopinal	Lafferty	Roberts, Mass.	
Evans	Langley	Robinson	

The SPEAKER. Two hundred and eighty-three Members have answered to their names; a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. HENRY of Texas. Mr. Speaker, in view of the importance of the question raised by the gentleman from Illinois [Mr. Mann], and desiring full time to discuss and consider it, in order that we might arrive at a conclusion, I withdraw the resolution this morning.

The SPEAKER. The gentleman from Texas withdraws his resolution, and the Clerk will report the first bill on the Calendar for Unanimous Consent.

MUNICIPAL BRIDGE, ST. LOUIS, MO.

The first business on the Calendar for Unanimous Consent was the bill H. R. 16693, to extend the time for the completion of the municipal bridge at St. Louis, Mo.

The Clerk read as follows:

Be it enacted, etc., That the time for the completion of the bridge authorized by an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, be, and the same is hereby, extended for the period of two years from the date of the passage of this act.

The SPEAKER. Is there objection. [After a pause.] The

Chair hears none.

Mr. ADAMSON. Mr. Speaker, the author of the bill desires to move an amendment to which I have no objection, and that is to strike out in line 8 the word "two" and insert the word three.'

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 8, strike out the word "two" and insert in lieu thereof the word "three."

The SPEAKER. The question is on agreeing to the amend-

Mr. MANN. Mr. Speaker, I would like to ask the reason for the amendment.

Mr. ADAMSON. Mr. Speaker, I will yield to the author of the bill, the gentleman from Missouri [Mr. Bartholdt]

Mr. BARTHOLDT. Mr. Speaker, the city authorities of St. Louis have requested me to offer this amendment. Under the present act the time to complete the bridge will run until the 7th of January, 1913. If the bill is passed as it is, it will be an extension of only one year. An extension of two years beyond the time which they now have is desired. I am acting at the wishes of the mayor and the council and city authorities of St.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

On motion of Mr. Bartholdt, a motion to reconsider the last vote was laid on the table.

COTTON REPORTS.

The next business was the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture be directed to cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Monday in July of each year hereafter, showing by States and in total the number of acres of cotton then in cultivation in the United States.

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Mondays in August, September, and October of each year hereafter, showing the condition of the cotton crop of the United States on these respective dates.

SEC. 3. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year hereafter, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

SEC. 4. That all acts or parts of acts inconsistent with the foregoing provisions be, and the same are hereby, repealed.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice that the bill provides for the publication of reports in each year hereafter. Does the gentleman from South Carolina intend to omit the publication of the reports in these months for

Mr. LEVER. Mr. Speaker, I presume not. I am glad that the gentleman has suggested that, and I will try to correct that by an amendment to the bill.

Mr. MANN. Mr. Speaker, I suggest that we strike out the word "hereafter" in the bill wherever it occurs. It occurs three different times.

Mr. LEVER. Mr. Speaker, I offer that as an amendment. The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 6, page 1, strike out the word "hereafter"; line 11, page 1 strike out the word "hereafter"; page 2, line 5, strike out the word "hereafter."

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from South Carolina.

The question was taken, and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Lever, a motion to reconsider the last vote was laid on the table.

PERMANENT MANEUVERING GROUNDS.

The next business was House joint resolution 178, creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and Artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of five officers of the Army of the United States to make a full and complete investigation and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection, rifle and Artillery ranges for United States troops at or near the city of Anniston, county of Calhoun, State of Alabama. Said commission shall fully consider the advantages and disadvantages of

the lands contiguous to or near the city of Anniston, Ala., for the purpose herein stated, and report fully as to probable number of acres of land necessary to purchase and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The report shall be filed in the War Department by March 1, 1912, and communicated to Congress as soon as practicable by the President.

Sec. 2. That said board or commission shall also examine carefully all lands in and around the city of Anniston, Ala., that may be proposed to be donated to the United States for the establishment and maintenance thereon of a maneuvering encampment and rifle and Artillery ranges for the assembling of troops from the group of States composed of Tennessee, Kentucky, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina and report on the advisability of establishing such camps, rifle and Artillery ranges on such lands proposed to be donated, and whether the lands proposed to be donated are sufficient in quantity for the purpose proposed and conveniently located for use by troops from said States, and the facilities for transportation of troops and supplies to and from said lands, and such other facts as may be material to be considered in the premises.

Sec. 3. That the said board or commission shall serve without com-

premises.

SEC. 3. That the said board or commission shall serve without compensation, but shall be paid actual necessary expenses.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make an inquiry of the author of the bill as to how much this is likely to cost?

Mr. BLACKMON. I did not understand the question.

Mr. MANN. If this commission be authorized, what will be the expense?

Mr. BLACKMON. You mean for the investigation?

Mr. MANN. Of the investigation.

Mr. BLACKMON. Perhaps \$125. Mr. MANN. Well, how is it possible to make a full and complete investigation and consider carefully whether or not it is advisable to make, establish, and maintain this maneuvering ground at an expense of \$125?

Mr. BLACKMON. It will be merely the expense of the railroad fare from here to Anniston, Ala., and incidental expenses of five men, and I suppose they can do it in a day, perhaps.

Mr. MANN. In a day? Mr. BLACKMON. I believe they can make the investigation

in a day or, perhaps, in a day and a half.

Mr. MANN. I would like to ask the gentleman, who is well informed, the report on the resolution seems to indicate that the Inspector General of the Army has already been over these grounds and made a report.

Mr. BLACKMON. I will state to the gentleman that I asked for a preliminary investigation before I would ask for an official commission to make the investigation and if the proposition was not feasible I did not want to put the committee or Congress to the trouble of dealing with the question.

Mr. MANN. May I ask the gentleman in reference to the

statement in the report of Inspector General Mills?

Mr. BLACKMON. Certainly.

Mr. MANN. In which he says concerning this proposed maneuvering ground:

The gentlemen who are desirous of attracting the attention of the War Department to this situation are prepared to donate to the Government 4,000 acres of land, and say that lands up to, say, £5,000 to 30,000 acres can be purchased at an average price of \$15 per acre. They, or various land companies which they represent, own a good deal of the land, and have options on a considerable portion not owned by them.

Is it the expectation that the Government will purchase the

land on which these gentlemen now have options?

Mr. BLACKMON. I will state to the gentleman that that was for the purpose of getting options on this land in order that if the Government should undertake to locate this camp they would have the lands in such shape as they could be sold to the Government at a price not exceeding perhaps \$15 an acre, and it is for the purpose of a saving to the Government in the event that location is made that these options have been taken.

Mr. MANN. Now, as I understand from this report, the Inspector General thinks if these maneuver grounds or camp is established it will require 25,000 to 35,000 acres of land.

Mr. BLACKMON. No; he says this, that that amount of land suitable for this purpose could be obtained, but he does not say that is necessary. This board is to determine how many acres ought to be procured.

Mr. MANN. Oh, he does say this as to what the extent of

the maneuvering grounds ought to be, that this tract is approximately 9 miles from south to north and 3½ to 5½ miles from east to west, which would indicate it would take in that amount of acreage.

Mr. BLACKMON. I would state to the gentleman he says that much land is available and suitable for maneuvering purposes and could be obtained if the Government wants it. does not say it would require that much, but that that much land is available; that a strip of land from north to south 9 miles long is available for this purpose.

Mr. MANN. Well, he refers to this tract of land as being suitable for maneuvering purposes-

Mr. BLACKMON. There are many thousands of acres suit-

able, but he does not say that much is required.

Mr. MANN. The gentleman has given a good deal of attention to this subject and I would like to ask him this: We are now engaged in purchasing forest reservations in the Appalachian Range at a very large expense. Why is it not perfectly practicable, if it is necessary to have maneuvering grounds in that section of the country, as very likely it is, to use a portion of these Appalachian forest reserves which we propose to purchase?

Mr. BLACKMON. Well, I am not prepared to say about that.

I do know this, that the group of States

Mr. YOUNG of Kansas. Will the gentleman yield for a question?

Mr. BLACKMON. I will.

Mr. YOUNG of Kansas. Why put the Government to this expense of buying this maneuvering ground when she has already ample grounds, and has heretofore used them for maneuvering purposes? I refer to the maneuvering ground-not in my district, but at Fort Riley, Kans.—where they have 30,000 or 40,000 acres that they have used for many years for that purpose.

Mr. BLACKMON. The gentleman will have to ask the War Department. They say they will have to have a location situated in this group of States.

Mr. YOUNG of Kansas. In further explanation, I will say those grounds in Kansas have been used almost year after year for that very purpose.

Mr. BLACKMON. The War Department say they need a

maneuvering ground in this group of States.

Mr. MANN. If it be a fact that maneuvering grounds are necessary in the States referred to in the report, is it not desirable, if the commission be appointed, that that commission have authority to select a maneuvering ground wherever it pleases and not confine it to the examination of grounds at a particular place?

Mr. BLACKMON. While I offered that resolution for this particular place, I would have no objection, I will say to the gentleman, to the commission making an examination of grounds in any part of this group of States that the War Department says is essential for such grounds, because I am

willing to risk the report of this commission.

Mr. MANN. Does not the gentleman think it would be better to bring a resolution like this up on Calendar Wednes-day, so that we could properly amend it in that the committee should have power to select a maneuvering ground in any of

these States?

Mr. BLACKMON. I will say to the gentleman that a similar resolution to this has been passed by the House, authorizing the inspection of grounds in the State of Tennessee, and it does not follow that this commission is going to select this place. But I think we ought to have an opportunity to make the inspection and have a report made to the House.

Mr. MANN. Will the gentleman yield for one other question? Mr. BYRNS of Tennessee. The gentleman states that that resolution authorized the investigation of grounds in Tennessee.

I want to say that it also included grounds in Georgia.

Mr. BLACKMON. This is a copy of your resolution.

Mr. MANN. Is the gentleman able to inform the House on what authority of law Inspector General Mills, or anybody else in the War Department, at the expense of the Government. made an examination of these grounds and made a report on them?

Mr. BLACKMON. I suppose he was acting under the authority of the War Department. I know he was designated and performed the work, but I did not examine the statute to see whether he had the right to do it or not. He made a favorable report, too.

Mr. TILSON. Does the gentleman think he has allowed sufficient time to this commission to make a full report by the 1st of March, 1912?

Mr. BLACKMON. The Inspector General went there and spent two days, and made his report in about four or five days.

Mr. TILSON. The gentleman must allow some time for the resolution to go through the Senate and be approved by the President, and it seems to me that we allow very little time

for a thorough investigation and report.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman a question. Will the gentleman yield?

Mr. BLACKMON. I yield to the gentleman from Kentucky.
Mr. SHERLEY. I want to ask him what he thinks about
the advisability of Congress authorizing an examination of
these various sites before it determines whether it wants any tracts or not. What we are trying to do now is to get the

War Department to dispense with the use of property which it has maintained at great expense. Does not the gentleman think that before we authorize any survey of any place we ought to determine something of the policy that is to conrol the War Department?

Mr. BLACKMON. I would answer the gentleman by saying if I thought it involved any tremendous amount of expense to the Federal Government I might think there was something

in that contention.

Mr. SHERLEY. I realize the gentleman's position, because I had the same thing put up to me a few years ago as to a similar site in the State of Kentucky. This resolution does not involve the Congress at all, but if you get a favorable report as to locality-and you can easily get it as to dozens of localities-the effect of it will be to bring a pressure on Congress so that the people in that particular vicinity may have the benefit of a Government establishment there.

Mr. BLACKMON. I am not aware, I will state to the gentleman from Kentucky, that a favorable report could be obtained on any number of sites. I did not understand that to be

the rule.

Mr. SHERLEY. My experience has been such that I know that when you ask a war officer not to pass upon the broad project, but simply upon the question whether a particular piece of ground is suitable for a particular purpose, he usually goes on the assumption that the Congress is favorable to the general purpose, and if he finds the topography suitable he says so, and in that way you get a favorable report.

Mr. BLACKMON. I will state to the gentleman from Kentucky that I think there are very few points in the United

States that are suitable for this particular purpose.

Mr. SHERLEY. I can find you a dozen in my State, with the same price of land and the same kind of topography, and I am confident that that is true also with respect to half a dozen States similar to Alabama and Kentucky. What I am pointing out is that just by such little innocent-looking bills as this we embark on a policy that involves the Government eventually in an expenditure of millions of dollars. We now have Army posts galore, and we must get rid of some of the land we own, instead of getting more land for such purposes.

Mr. BLACKMON. I will ask the gentleman from Kentucky

if he did not introduce a resolution similar to this one?

Mr. SHERLEY. I did not; but if I had it would have been

subject to the same considerations that I am suggesting now. It should not be understood that I am blaming the gentleman. I am simply asking this House to consider the advisability of going slow in these matters. Instead of proceeding indirectly in this manner toward the acquisition of further tracts of land for military purposes, we ought to devise means for disposing of some of the tracts that we already have.

Mr. BLACKMON. This resolution does not call for the disposal or acquisition of the land. It is simply to determine

whether it is a suitable place.

Mr. YOUNG of Kansas. Mr. Speaker, will the gentleman

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Kansas? Mr. BLACKMON. I do.

Mr. YOUNG of Kansas. Mr. Speaker, for the reason that I have already suggested-and for the further reason that the gentleman in whose district the maneuvering grounds are located that I referred to a while ago is sick and can not be here, and ought to be here when this is considered—I object.
The SPEAKER. The gentleman from Kansas objects.

Clerk will report the next bill.

BRIDGE ACROSS ST. FRANCIS RIVER, HODGES FERRY, MO.

The Clerk read as follows:

A bill (H. R. 16677) to authorize Butler and Stoddard Counties, of Misseuri, to construct a bridge acress the St. Francis River at Hodges Missouri, to Ferry, Mo.

Be it enacted, etc., That the counties of Butler and Stoddard, in the State of Missouri, corporations organized under the laws of the State of Missouri, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Hodges Ferry, Mo., in the county of Stoddard, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. There is no amendment, Mr. Speaker.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. Adamson, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

DAM ON JAMES RIVER, MO.

The Clerk read as follows:

A bill (H. R. 14484) to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power.

Be it enacted, etc., That S. 574 of the Sixty-first Congress, entitled "An act to authorize J. W. Vance and others to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the river again, to create electric power, approved February 24, 1911," is hereby amended so as to read as follows:

waters through a tunnel into the river again, to create electric power, approved February 24, 1911," is hereby amended so as to read as follows:

"That J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; L. B. Durnill (styled A. B. Durnill in the former act), D. H. Kemp, Sig Solomon, J. J. Davis, S. A. Chappell, and W. M. West, of Monett. Mo.; M. L. Coleman, M. T. Davis, I. W. Jarrett (a son of the late J. H. Jarrett, deceased), of Aurora, Mo.; and William H. Standish, formerly of Aurora, Mo., now of Reeds Spring, Stone County, Mo.; L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., their heirs and assigns, be, and they are thereby, authorized to construct, maintain, and operate a dam on the Big Bend of the James River at or near section 10 or 14 in township 23 north, range 24 west, in the county of Stone and State of Missouri, across the said James River, and to impound thereat such portion of its waters and by canal and tunnel to conduct the same across the Narrows from said point of said Big Bend to the said river again, as may be necessary for electric-power purposes.

"The construction, maintenance, and operation of the dam herein authorized, as well as the determination of the rights and obligations under the permission granted hereby, shall be, in all respects, in accordance with and subject to the provisions of the act approved June 23, 1910, entitled 'An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906."

And the said act shall apply to this as of the date of the approval

And the said act shall apply to this as of the date of the approval of this act.

SEC. 2. That the right to alter, amend, or repeal this act in whole or in part is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN rose.

The SPEAKER. Does the gentleman from Illinois wish to

Mr. MANN. Oh, no; I do not wish to object. The SPEAKER. The Clerk will report the committee amend-

The Clerk read as follows:

On page 1, line 3, strike out the words "S. 574 of the Sixty-first" and insert in lieu thereof the words "section 1 of the act of."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Speaker, I move to strike out the last word. The Public Printer seems to have gotten pretty badly mixed up on the punctuation marks in this bill, and I think they ought to be properly corrected.

Mr. RUSSELL. What is that?

Mr. MANN. I say the Public Printer has gotten pretty badly mixed up on the punctuation marks in different parts of the bill. In the first place, the title is supposed to be in quotation marks. It is not a quoted title, by the way, nor are the quotation marks in the correct place, if it were. I suggest that we strike out those quotation marks in line 4, page 1, and in line 1, page 2. The marks are not where they belong. The title is not a quoted title.

Mr. ADAMSON. I will ask the gentleman from Missouri [Mr. Russell], the author of the bill, who is an authority on punctuation, if he has any objection to the suggested amend-

ment?

Mr. RUSSELL. I have no objection to the punctuation being corrected.

Mr. MANN. I move to strike out the quotation mark in line 4, page 1, before the word "An," and strike out the quotation marks on page 2, line 1, after the word "eleven."

Mr. ADAMSON. I yield to the gentleman from Illinois [Mr.

Mr. MANN. On page 3, at the end of section 1, the Public Printer has inserted outside quotation marks where inside quotation marks should be and has inserted inside quotation marks where outside quotation marks should be. I ask that that may be corrected by the Clerk, and submit that as a part of my

request.

The SPEAKER. If there be no objection, these amendments

will be agreed to.

There was no objection.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, strike out lines 8 and 9 and in lieu thereof insert the following:
"SEC. 2. That the privilege granted shall cease and be determined unless the actual construction of the aforesaid dam is commenced within one year and completed within three years from the date of approval of this act."

The amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amend, line 14, page 3, by striking out the figure "2" and inserting the figure "3."

The amendment was agreed to.

Mr. FOSTER of Illinois. I want to ask the chairman of the committee a question.

Mr. ADAMSON. I yield for that purpose.

Mr. FOSTER of Illinois. This permission to build a dam across this river provides for the creation of electrical power. As I understand, we have passed what is called the general dam bill.

Mr. ADAMSON. Yes. Mr. FOSTER of Illinois. And this has reference to that, What I am getting at is this: A few weeks ago we had a discussion here in reference to the permission to take water from a Government dam.

Mr. ADAMSON. This is not a Government dam.
Mr. FOSTER of Illinois. I understand that. I am coming
to that. We made a good many amendments to that bill in reference to the selling of electrical power. In this case we permit, under the general law governing these subjects, the building of a dam for the creation of electrical power, but say nothing about any charge that may be made to people who buy this electrical power. I want to ask the gentleman, Is there any more reason why a grant of this kind should be made in this case than in the other case?

Mr. ADAMSON. Our idea is that this is no grant at all. This is a proposition to build a dam by private parties on privately owned land with private money. The Government, having the easement of the right to navigate the navigable rivers of the country, simply consents. That is all the Government does. It consents that these parties may obstruct the river, provided they do it in a way that will enable the Secretary of War to preserve the interests of navigation.

The Government has no participation in building this dam at all. It is not a riparian owner. It has no proprietary interests in any of the constructions. The only figure it cuts is to consent that a navigable stream may be obstructed by a dam, and it couples with that consent the condition that it shall be built in accordance with the general dam act, so that the Secretary of War may protect the interests of navigation.

Mr. FOSTER of Illinois. I understand the gentleman that this only permits these parties to build a dam across the river. Mr. ADAMSON. I will further answer the gentleman that

this is not an original proposition. The consent of Congress was given by an act passed several years ago. The object of the present bill is to correct an error. The names of the in-corporators were erroneously printed in the other bill. The only purpose of this bill is to correct the names of those incorporators, without affecting the grant or the purposes of the other act in any way at all.

Mr. FOSTER of Illinois. But does it not occur to the gen-

tleman that the same principle is involved, so far as the people of that community are concerned, in the granting of permission to build this dam that is involved in the building of the dam

on the Black Warrior River in Alabama?

Mr. ADAMSON. The dam on Black Warrior River was built with Government money with a contract with private parties to lease the water power or to take the power that was furnished. There is no element of governmental expenditure in this dam at all. Sometimes it is insisted in these privately constructed dams that there should be reserved in the Secretary of War the right to regulate the rates. I do not know whether that is in the original act or not—probably not.
Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MANN. I think there is an easy differentiation between two principles. The original act, to which this was amendated two principles. the two principles. tory, was passed following the passage by Congress of a general dam law. After the original general dam law was passed we passed an amendatory general dam law and included in it everything that Congress was willing to put into that law. it did not go quite as far as I was personally in favor of, I think it went to the limit of what Congress was willing to do.

Mr. ADAMSON. Did it go to the extent of providing that
the Secretary of War might fix the rates?

Mr. MANN. I think not. The Alabama proposition was quite a different thing. We set out the conditions. Of course, the State of Missouri under this act has full power to regulate the charges of this corporation if it is a semipublic corporation; but under the Alabama act they probably would not have had that authority. There they were given the use of something the Government was partly creating, and we set out in that act the provision under which these people were given the power. But here everything under this act is subject to the provisions of the general dam law, which are as stringent as Congress, I think, was willing to make.

Mr. FOSTER of Illinois. Will the gentleman yield? I do not understand that there was anything in the general dam act further than to provide that the Secretary of War has the power to have this dam removed whenever, in his judgment, it

becomes necessary.

Mr. MANN. Oh, yes; there is a great deal more in it. Mr. ADAMSON. It provides every specification.

Mr. MANN. I would not say that he has the power to fix

Mr. ADAMSON. But, at any rate, this is simply to amend one part of the bill, which is already the law. That is the sole purpose of this bill—to correct the name of the incorporators.

Mr. MANN. I think it does more than that; it provides a different method of constructing the dam and conveying the water, but nothing that would injure navigation.

Mr. ADAMSON. It corrects an error in the location.
Mr. FOSTER of Illinois. It has occurred to me that the
principle of providing rates for water power to these people in Missouri is not much different from what it was in the Alabama case. Of course I realize that in the Alabama case they were taking water from the Government dam, but they were spending a great deal of money for the purpose of securing that

Mr. ADAMSON. The difference is that in the Alabama case the Government was the owner as well as the governor; it owned the property as well as governed it. In this case the people own the property and are going to spend the money, and the Government has no interest in it except to protect navigation.

Mr. FOSTER of Illinois. It grants the right to build the

Mr. ADAMSON. It can not grant the right to build the dam; it simply consents for it to be built.

Mr. FOSTER of Illinois. If it was not necessary for the Government to grant the permit to build the dam, I think these people would not come here asking for it.

Mr. ADAMSON. As a condition of the Government's consent it says we are going to examine your specifications and see

if we can not put a lock in the dam and use it when constructed.

Mr. COOPER. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. COOPER. I am not familiar with this bill, but I see the name of James River in the title, and I am led to inquire if this is not a bill somewhat similar to a bill enacted into law and then vetoed by President Roosevelt?

Mr. ADAMSON. T Mr. COOPER. Yes. That was the Rainy River bill.

Mr. MANN. Mr. Chairman, if the gentleman from Georgia will permit, the James River bill was one that passed the House and was vetoed by President Roosevelt. Afterwards an arrangement was entered into in relation to the Rainy River Dam, under which the President vetoed it, and it was passed by Congress with his consent under a sort of agreement entered into by the gentleman from Minnesota [Mr. Stevens], representing the Committee on Interstate and Foreign Commerce, that certain amendments would be made to the general dam act. Those amendments were afterwards made in the general dam law and agreed to by Congress and became a law. After that the James River bill was again passed, subject to the provisions of the newly amended general dam law, and was signed by the President.

Mr. COOPER. Which President? Mr. MANN. President Taft. The new general dam act was signed by President Taft, but it covered the provisions which President Roosevelt insisted should be in the general dam law. Mr. COOPER. Did it meet fully his objections in his veto?

Mr. MANN. It did.

Mr. COOPER. What is the amendment which is made to section 1 of the act that passed the Sixty-first Congress? want to say right here that in my judgment there should be a law or a rule of this House requiring to be printed in every bill which proposes to amend an act, first, the amendment itself, and, following this, the act as it will be when amended.

Mr. MANN. The gentleman will readily see that that would

make statutes very cumbersome.

Mr. COOPER. It would make them very clear.

Mr. MANN. I can tell the gentleman exactly what the changes are in this bill.

Mr. COOPER. The point is that no one upon reading this bill can tell what the amendment is. There is nothing to indicate its character. Mr. MANN.

I can tell the gentleman.

Mr. COOPER. I presume the gentleman can, because he is familiar with the first act, but no casual reader can. are some States that require an absolutely specific statement of the amendment itself.

Mr. DALZELL. They do in the State of Pennsylvania.
Mr. COOPER. There are in the State of Pennsylvania, the gentleman from Pennsylvania [Mr. Dalzell] says, requirements that every bill to amend an act shall specify, first, the amendment, and then give in detail the act as it will be when amended.

Mr. MANN. Personally, I do not think it desirable that that should go into the statutes in that shape. In making reports on important bills I used to report the bill showing by italics, capitals, and roman letters what the changes proposed were.

Mr. COOPER. That ought to be in every report and bill.

Mr. MANN. It is a very desirable thing to do.
Mr. COOPER. Because no Member of the House picking up this bill now and reading it would have the remotest idea of how the act is to be amended.

Mr. MANN. The only amendment of any importance here, first, is the change in some of the names, and, second, a change in the place where the canal and tunnel are to be constructed.

Mr. COOPER. I should think that a change in the place where the tunnel and canal are to be constructed might be of

much importance. What is the change in the place?

Mr. MANN. The old law provided that the water should be impounded in what is known as the Lower Narrows of the Big Bend of the said James River, and by canal and tunnel to divert and conduct across that narrows such portion of the waters of said river through said tunnel to the river again, while this bill provides that they shall impound thereat such portions of its waters and by canal and tunnel conduct the same across the narrows from said point of said Big Bend to said river again. The War Department has reported that it is of no material difference.

Mr. COOPER. That is not very clear to a listener-I mean the proposal to carry it by tunnel across the Big Bend and back again. Mr. MANN. When the bill was originally passed we had

maps of the entire region across which they propose to conduct this water to get a fall of absolutely no materiality as far as navigation was concerned, just like the construction of a dam across a river elsewhere,

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

On motion of Mr. Adamson, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS WHITE RIVER, BRANSON, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17232) to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.

The Clerk read as follows:

Be it enacted etc., That the county of Taney, in the State of Missouri, a corporation organized under the laws of the State of Missouri, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Branson, in the county of Taney, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none. The bill was ordered to be engrossed and read a third time,

was read the third time, and passed. On motion of Mr. Adamson a motion to reconsider the vote

by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On February 5, 1912:

H. R. 11321. An act to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION CO.

The next business on the Calendar for Unanimous Consent was H. J. Res. 194, granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co.

The Clerk read as follows:

Exposition Co.

The Clerk read as follows:

Whereas the Panama-Pacific International Exposition Co., a corporation existing under the laws of California, has applied for the use of certain portions of the lands of the United States military reservations at the Presidio of San Francisco and Fort Mason, Cal.; and Whereas it appears that said International Exposition Co. desires the use of said lands for temporary use for exposition purposes, and that said portions of said military reservations that are not occupied by buildings are available for such temporary use; and

Whereas it also appears that said International Exposition Co. agrees that at the expiration of the exposition, and not later than December 31, 1916, it will vacate the said lands and deliver over the same to the United States Government for the use of the War Department:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to grant to the said Panama-Pacific International Exposition Co. permission to occupy and utilize for exposition purposes, and until December 31, 1916, such portion or portions of the United States military reservations of the Presidio of San Francisco and Fort Mason, State of California, as may be designated by the Secretary of War for such purposes and subject to such conditions, provisions, restrictions, and regulations as the Secretary of War may from time to time prescribe: Provided, That all improvements, alterations, and additions made necessary on said Government land by its use for exposition purposes shall, on expiration of the grant hereby made, be delivered over to the United States Government by said Panama-Pacific International Exposition Co. for the use of the War Department: And provided further. That all work necessary to be done to effect the removal of all buildings or improvements on said lands not desired by the War Department shall be done by the said exposition company without cost to the United States.

The permission of Congress is hereby given unto said Panama-Pacific Internation

The committee amendment was read, as follows:

Page 2, line 13, after the word "additions," add the words "except buildings of a temporary character."

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to inquire how much expense will be involved in

Mr. KAHN. No expense whatever. The ground which is referred to in this bill and which is to be turned over to the exposition company is not used by the Government at all at the present time. At certain seasons of the year it is practically under water. For many years, as the gentleman knows by reason of his having been on the Appropriations Committee so long, efforts have been made to secure an appropriation from Congress to fill in a goodly portion of this land and make it available for Government purposes. As a matter of fact, the exposition company is going to do that very work and improve this land for the benefit of the Government if this resolution is adopted. It will not cost the Government of the United States a single cent, and the Government will not only have the improvement, but all buildings of a permanent character that may be erected on this land will be turned over for the use of the War Department.

Mr. FITZGERALD. What work will be required on the part of the Government as a result of the passage of this resolution that otherwise would not be required?

No work whatever. Mr. KAHN.

Mr. FITZGERALD. I do not think the gentleman is informed on this subject, is he?

Mr. KAHN. I am fully informed on the subject.

Mr. FITZGERALD. Let me read him a letter which I have received from the Secretary of War, giving some information about the matter. He calls my attention to two items for military posts-\$160,000, barracks and quarters, seacoast defenses. \$30,000-

Mr. KAHN. That does not refer to improvements on this

Mr. FITZGERALD. Just pardon me; I shall read what the Secretary says:

The military reservations at Fort Mason, the Presidio of San Francisco and Fort Miley, and the Army supply depot of San Francisco are not only contiguous to but to all intents and purposes form an integral part of the Panama-Pacific Exposition grounds, as it is planned by the exposition authorities to connect all of them with a great ocean highway to follow the shore line from Fort Mason to beyond Fort Miley. The present unfinished condition of these military reservations, due entirely to lack of funds, would mar the effect of the exposition, and it is therefore most desirable that these reservations be placed as soon as possible in a condition that will be a credit to the Government when the exposition is opened in 1915.

I therefore urgently recommend that the amounts asked for in these supplemental estimates be included in the bill making appropriations for the sundry civil expenses of the Government for the year ending for t 1913.

That letter is dated January 24, 1912.

In the estimate which has been transmitted to Congress the Secretary of War makes this statement:

These items were included in the regular annual estimates for 1913, as originally submitted by the Quartermaster General, but owing to the direction of the President that estimates should be kept as low as possible and to the fact that the imperative necessity for the early undertaking of the work contemplated was not understood at the time the regular estimates were under consideration, they were stricken from the estimates submitted to Congress.

Very respectfully,

H. L. STIMSON,

H. L. STIMSON, Secretary of War.

It is quite apparent to me—it may not be to the gentleman from California—that if this joint resolution be passed an effort will be made to obtain an appropriation of \$190,000 in order to make presentable the place which the Government places at the disposal of the exposition company.

Mr. KAHN. The gentleman is entirely mistaken. The estimates referred to do not relate to anything near the grounds affected by this resolution. The ground contemplated by the resolution is the northern limit of the Presidio of San Fran-

cisco. There are no buildings on it whatever.

Mr. FITZGERALD. I know that. The gentleman should not undertake to play on my apparent ignorance of the situation

and say it is not near it at all.

Mr. KAHN. Fort Mason is a mile away from this land. Mr. FITZGERALD. I understand that; and, as the Secre-

tary of War says, it affects not only Fort Mason, but the Presidio and Fort Miley. The entire scheme, in fact, is an integral part of the exposition grounds. The gentleman should not assume too much innocence on my part.

Mr. KAHN. I understood the gentleman— Mr. FITZGERALD. And the War Department is now urging an appropriation of \$190,000, which was not believed to be im-peratively necessary for the conduct of the public service, and it was stricken from the estimate submitted to Congress under pressure of the Executive to reduce estimates. It is now transmitted to Congress because the work upon the buildings con-templated should be finished in order to have the place presentable and creditable to the United States in connection with the conduct of this show.

Mr. MANN. Does not the gentleman think it might be easier and the gentleman would be inclined to make an appropriation for him on another part of the grounds, if the Government had consented to the use of this ground?

Mr. FITZGERALD. I am coming to that proposition in a moment.

Mr. KAHN. As far as that estimate is concerned, I think it was made on the representation of Maj. Gen. Murray, who went to San Francisco recently to take command of the Western Di-Some months ago, when he arrived there, he found that vision. certain improvements at Fort Mason and at the Presidio ought to be made. They were in line with certain improvements that had been recommended even long before the site of the exposition was selected. Now, those matters are before the gentleman's committee, and I think when he hears the evidence in regard to those improvements he himself will agree they ought to be made at Fort Mason and the Presidio.

Mr. FITZGERALD. I have listened to the statements with regard to those improvements for several years, and the Secretary of War says they are not necessary at this time, because it was not understood in the War Department when these estimates were made

Mr. KAHN. I suppose Gen. Murray has explained the neces-

sity for the improvement-

Mr. FITZGERALD (continuing). That the exposition would be affected. So far as the recommendation of Gen. Murray is concerned, let me call the gentleman's attention to the way these things happen to fit in. This joint resolution was introduced on December 20. It was reported to the House on January 18, and on January 24 the estimate and the letter which I have read were sent here from the War Department. It was due to the fact that upon investigation it was disclosed that they decided to have these grounds as a part of the exposition grounds that it was deemed desirable to have the money for completing these improvements. At the outset of this Congress, in the effort to make somewhat of a showing on reduced estimates, these estimates were eliminated. The administration did not think that there was any great necessity for these appropriations at all, but it now finds inside of a month or two that this work ought to be done in order to make the military reservations appear in such a way as would be in accordance with the dignity of the United States. I was going to suggest to the gentleman from California that we might make some agree-

ment by which whatever money is required to do this work will be paid by the exposition company. It is only \$190,000.

Mr. KAHN. I will say to the gentleman that, so far as the ground covered by this resolution is concerned, there will be some \$300,000, as I understand it, expended by the exposi-tion company, and the Government will get the full benefit of that. Now, regarding the improvements at Fort Mason, those improvements are absolutely necessary, and if they be not made now they must be made at some time in the future. I sincerely hope that the gentleman from New York will see his way clear in the proper appropriation bill to provide for those

Mr. FITZGERALD. I shall not, I will say to the gentleman from California. We are not going to appropriate \$190,000 to

make this show a success, if I can prevent it.

Mr. KAHN. It is not for the purpose of making the show a

Mr. FITZGERALD. It is.

Mr. KAHN. Let me call the gentleman's attention to this: The exposition grounds are flanked on either side by a military reservation of the United States. There will be thousands of people to visit that exposition who will get their first impressions of the United States by coming through the Golden Gate. They will come by way of the Orient. They will also come from Australia. It is but proper, in my judgment, that the Government of the United States should have its own fortifications and buildings for Army purposes in proper shape when these people come there,

Mr. FITZGERALD. It would make a much better impression upon those people if they were enabled to see the method adopted by the United States Government in doing work of that

character

Mr. KAHN. The gentleman will find that the people of an Francisco and of the State of California have raised \$20,000,000 among themselves, and have not requested any money for exposition purposes from the Government of the United States. Surely there is no other city in the Union that has ever done so much for itself as has the city of San

Mr. FITZGERALD. The gentleman should not boast about it until the exposition is over. I have heard similar tales before,

and I know what followed.

Mr. KAHN. There is no indication at present that anything in the way of financial aid will be asked of Congress.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield? The SPEAKER. Does the gentleman from California yield to the gentleman from New Jersey?

Mr. KAHN. With pleasure.

Mr. TOWNSEND. I am thoroughly in sympathy with all the efforts of the exposition company out there at San Francisco, but I want to ask a question, merely in order that the record might be made correct, as to who would benefit from this \$300,000 worth of filling, which the gentleman said would redound to the benefit of the United States. Would it not rather redound to the benefit of the James G. Fair estate from the filling in of what is known as Washerwomans Bay?

Mr. KAHN. No; the gentleman is mistaken as to that. The gentleman is mistaken as to the ground affected by this reso-The land provided for in this bill lies within the Presidio Reservation. It is away down beyond the General Hospital toward the Bay of San Francisco. In the wintertime, during the rainy season, it is almost entirely under water.

Mr. TOWNSEND. I was referring to the land that the gentleman spoke of as being benefited by this suction filling that they are going to do there. That is not on Government land.

It is the Fair estate that will be benefited by that,

Mr. KAHN. The gentleman is mistaken.

Mr. TOWNSEND. Within the past two or three minutes I was told by a gentleman connected with the association that the Fair estate leased this land to the exposition management on very reasonable terms because they were to be benefited by the \$300,000 worth of filling in what is known as Washerwomans Bay.

Mr. KAHN. The exposition company will fill that, it is true, but-

Mr. TOWNSEND. I simply wanted to have the record

straight as to that.

Mr. KAHN. The record is straight. But they also want to fill this land on Government property-not on the Fair estate This resolution provides for the use of certain Government property within the Presidio of San Francisco. It is not private property, if the gentleman will permit me to say so. He is familiar with that section of the city, just as I am. Both the property of the Fair estate and the Government property in the Presidio will have to be filled in.

Mr. FOSTER of Illinois. Is \$300,000 to be expended on each

of these properties?

Mr. KAHN. I am told that the estimate is about \$300,000 on the Presidio land. It may be more or it may be less. At any rate, the purpose is to fill that land.

Mr. FOSTER of Illinois. There are two properties?

There are two altogether.

Mr. FOSTER of Illinois. Is \$300,000 to be expended on the

Mr. KAHN. I can not say as to that. Of course they propose to fill in a great deal of land that is now partially submerged. The Fair estate property that the gentleman from New Jersey refers to is private property that has been leased by the exposition company as a part of its grounds. Now, the exposition company wants also to get use of the Government's property, and the War Department has no objection to that. The exposition company will also have to fill in the Government's land. There have been estimates before Congress repeatedly urging the appropriation of large sums for this very specific work that, up to the present, has never been done. Here is a chance now to have it done without expense to the Government.

Mr. MANN. Three hundred thousand dollars did not go very far toward filling in Jackson Park when the World's Fair was

held at Chicago.

Mr. KAHN. The filling that will be done here will be by the suction dredge, which puts the sand from the bottom of the bay onto the land. It is rather less expensive than the usual method of filling in land.

Mr. MANN. May I ask the gentleman from California, is it determined that there is really to be an exposition held at

San Francisco? [Laughter.]
Mr. KAHN. I think the gentleman helped San Francisco in Mr. MANN. I have had a good deal of doubt about it.
Mr. KAHN. There is to be one. I can be about it. that particular.

Mr. KAHN. There is to be one, I can assure the gentleman, that will be a credit to the entire Nation, and a splendid Chicago citizen is now at the head of one of the important branches of the exposition. That is Mr. Skiff, who had a good deal to do with the Chicago Exposition and also with the Louisiana Purchase Exposition at St. Louis.

Mr. MANN. He is a good man. Mr. KAHN. Yes; and he has s Yes; and he has suggested some splendid plans. Mr. FITZGERALD. Mr. Speaker, I simply wish the gentle-man to know that the passage of this resolution is not to be taken as an assent on the part of this House that these appropriations that they are trying to obtain now are to be made as a result of the adoption of this resolution. If he desires these improvements made, he might make the use of the grounds conditional upon the expenditure of the amount of money desired by the exposition company.

Mr. KAHN. I want to say frankly to the gentleman that this

proposition was entirely separate and distinct.

Mr. FITZGERALD. If the exposition company did not desire to use these grounds, the War Department would not submit its estimates for these expenses in the next year, so they are not entirely separate. They are combined and dependent.

Mr. KAHN. I want to say to the gentleman in all fairness and frankness that, so far as these grounds are concerned, I am satisfied that the Government will receive fully a million dollars in benefits, for the reason that every building of a permanent character that is put on these grounds will revert to the Government, and I am told that there will be quite a number of very important buildings put there.

Mr. FITZGERALD. Most of the buildings erected for these expositions are a menace to a place like the military reservation at San Francisco if they are permitted to remain there long. The more quickly they are removed the better.

Mr. KAHN. Those of a temporary character will be absolutely removed.

Mr. FITZGERALD. The gentleman will find out that any valuable building of a permanent character will not be located on Government land.

Mr. KAHN. Does not the gentleman think that the filling in

Mr. FITZGERALD. I mean we should not be led into the belief that we are going to get something of value.

Mr. KAHN. I never want to mislead the gentleman.

Mr. CANNON. I have been listening to the debate between the two gentlemen. It seems to me that the gentleman from New York [Mr. FITZGERALD] has gone far enough to show that whatever is done is to be done at the expense of the exposition, and the Government can not be called upon, by virtue of the passage of this bill, to make appropriations in the premises. It seems to me that the gentleman has got the exposition upon the hip to that extent. I think it could be pleaded in estoppel,

Mr. FITZGERALD. I am trying to reconcile the gentleman from California to the situation.

The SPEAKER. Is there objection?
There was no objection.
Mr. KAHN. There is a committee amendment, Mr. Chairman, The Clerk read as follows:

Amend line 14 by inserting after the word "additions," at the end of line 13, the words "except buildings of a temporary character."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

TOWN SITE OF MIDVALE, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 4246) to authorize the sale of lands within or near the town site of Midvale, Mont., for hotel purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FOSTER of Illinois. We have not had the bill read, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and convey to Louis W. Hill, his heirs, executors, or administrators, for hotel purposes, at not less than \$25 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, not to exceed 160 acres of land, not heretofore sold or allotted, within or near the town site of Midvale, Mont., within the Blackfeet Indian Reservation, the proceeds from the sale of said lands to be deposited in the United States Treasury to the credit of the Blackfeet Tribe of Indians, and used for their benefit in the discretion of the Secretary of the Interior: Provided, however, That any hotel erected on said lands shall be operated by the said Louis W. Hill, his executors, administrators, heirs, or assigns, under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the "Glacier National Park": And provided also, That the Secretary of the Interior may, in his discretion, add to the said town site of Midvale from the unallotted tribal lands not to exceed 40 acres of land to be disposed of for town-site purposes in accordance with the provisions of the act of March 1, 1907 (34 Stat. L., p. 1039).

Sec. 2. That the Secretary of the Interior is hereby authorized and directed, at his discretion, to withdraw from entry and sale not to exceed 5 acres of the lands embraced within the said town site of Midvale, or any addition thereto, for use in administrative purposes of the said Glacier National Park.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask if this bill has ever been referred to the Department of the Interior and a report had from that department?

Mr. STEPHENS of Texas. I will say that it has been referred to that department and has been favorably reported.

Mr. MANN. Why do we not have the report of the department printed in the report of the House committee?

Mr. RUSSELL. That was an oversight that it was not embraced in the House report. It is in the Senate report.

Mr. MANN. That oversight ought to have been discovered and the report of the Interior Department printed. I shall not object to the consideration of this bill, but unless committees can furnish information to the House when they ask for information from the departments I think hereafter I shall have to object to unanimous consent to the consideration of those bills, because we are entitled to that information.

Mr. STEPHENS of Texas. I will say to the gentleman that I know that is the best practice, but the report of the Interior Department having been included in the Senate report, and that report being before the committee, it was not printed

in the House report.

Mr. MANN. It is customary in these cases to insert the Senate report as part of the House report. Members of the House ought not to be required, when they have a House report on a bill, to go over to the Senate and get the Senate report. I understand how these things happen. I do not desire to criticize the committee, but I simply call attention to the fact.

Mr. STEPHENS of Texas. I know it was a mistake, and an

oversight on the part of the person who drafted the report.

Mr. MANN. Usually the clerk of the committee makes up

the report, and the clerk of the committee ought to be instructed

Mr. STEPHENS of Texas. There was no objection to the bill from any source. It passed the Senate and was unanimously reported by the House committee with certain amendments.

But there is nobody here that has any informa-Mr. MANN.

tion on the subject.

Mr. STEPHENS of Texas. We are able and willing to give it to the gentleman.

Mr. FOSTER of Illinois. I would like to ask the gentleman from Texas a question.

Mr. STEPHENS of Texas. I will yield to the gentleman.
Mr. FOSTER of Illinois. I want to ask about the price of land; it proposes that this shall be sold at not less than \$25 an

Mr. STEPHENS of Texas. We have an amendment to offer, that it shall be appraised. It is a desert country, and we understand that there are only two houses at this place called Midvale. Two or three years ago a town site was laid off at this point, and under the instructions of the Secretary of the Interior it was offered for sale. No sales were made, and the land has neither timber nor water nor mineral. It is on a high mesa and is undesirable. It adjoins Glacier Park, and the value of the place is due to the fact that people leave the railroad at this point in order to go and see this beautiful Glacier Park.

Mr. FOSTER of Illinois. Is the land such that it may be

sometimes irrigated?

Mr. STEPHENS of Texas. From no known source. have sunk wells, but got no water. There is no river near there and no source from which water can be derived.

Mr. FOSTER of Illinois. Why is it that they want 160 acres? Mr. STEPHENS of Texas. That is subject to the discretion of the Secretary of the Interior. It was thought better for the Indians to sell a block of 160 acres, and the Secretary of the Interior can do so or he can sell only land enough for a hotel.

Mr. FOSTER of Illinois. They may sell, then, only an acre

or two?

Mr. STEPHENS of Texas. Yes; but my information is that people will not now get off to go to this Glacier Park because there is nothing there but a depot and a section house, and it is impossible to do anything until some man builds a hotel.

The SPEAKER. Is there objection? [After a pause.]

Chair hears none. The Clerk will read the first committee

amendment.

The Clerk read as follows:

Amend, page 1, line 5, by inserting after the word "purposes" the words "at a price to be fixed by appraisement."

Mr. MANN. I ask unanimous consent that the word "fixed" may be properly spelled in the amendment. It is misspelled in the bill

The SPEAKER. Is there objection?

There was no objection.

The amendment was considered and agreed to.

The Clerk read as follows:

Page 2, line 1, strike out the words "United States."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 2, after the word "Indians," strike out the comma and insert a colon.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 2, after the word "Indians," strike out all down to and including the word "Interior," in line 3.

The amendment was agreed to.

The bill as amended was ordered to be read a third time. was read the third time, and passed.

On motion of Mr. Stephens of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

STEAMER "ARTHUR H. HAWGOOD."

The next bill on the Calendar for Unanimous Consent was the bill (S. 3870) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer Arthur H. Hawgood to Joseph Block.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application to the owner, the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer Arthur H. Hawgood, official No. 204631, to Joseph Block.

The SPEAKER. Is there objection to the present considera-tion of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Alexander, a motion to reconsider the vote whereby the bill was passed was laid on the table.

STEAMER "W. R. WOODFORD."

The next bill on the Calendar for Unanimous Consent was the bill (S. 3869) to grant authority to the Inland Steamship Co., of Indiana Harbor, to change the name of the steamer W. R. Woodford to N. F. Leopold.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application by the owner, the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer W. R. Woodford, official No. 205250, to N. F. Leopold.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

STEAMER "HENRY A. HAWGOOD."

The next bill on the Private Calendar was the bill S. 3580, an act to authorize the change of name of the steamer Henry A.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Hubbard Steamship Co., of Mentor, Ohio, to change the name of the steamer Henry A. Hawgood, official No. 203582.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, reserving the right to object, Members will observe that in the two bills already passed just prior to this, where the names of certain steamers are changed, that one name is taken away and another name is given. This bill provides for a change; that is, it proposes to take the present name of the vessel away, but does not give the steamer any new name. The gentleman from Ohio [Mr. Howland] introduced in the House a bill of like character. I propose that this steamer should have a name, and I propose to offer an amendment that it shall be named "Paul Howland." [Applause.] This is a most excellent name, a euphoneous name, a popular name

Mr. KENDALL. And the name of an excellent man.

Mr. MICHAEL E. DRISCOLL. He is a very excellent man, and the giving of such a name to the vessel would add to the popularity of the vessel and to its receipts. And I shall at the proper time offer that as an amendment.

Mr. ALEXANDER. Mr. Speaker, I want to state to the gentleman from New York that the gentleman from Ohio is here, and if that is agreeable to the steamship company I shall have

no objection. The SPEAKER. Is there objection to the present considera-

tion of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I will inquire of the gentleman how the bondholders will know the new name of the vessel? In the two previous bills which were passed the new name is placed in the bill. There are bonds out on this vessel. How will the bondholders know the new name of the vessel?

Mr. ALEXANDER. I suppose they will certify the new name to the Secretary of Commerce and Labor before he will authorize the change, according to the provisions of the bill. There will be no trouble about that.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the period after the last word and add the words "to Paul Howland."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HOWLAND. Mr. Speaker, I appreciate the honor intended to be conferred upon me by this amendment, but I understand that this is a fairly good ship, and I should hate to have its safety imperiled by compelling it to carry the name suggested in the amendment of the gentleman from New York. I am not entirely satisfied that the name would be satisfactory to the owners of the vessel, and I trust that the House, on my urgent request, will vote down the amendment suggested by the

gentleman from New York.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I have no doubt that this is a high-class steamer, and a good one. If she were not a good steamer, I should not think of christening her "Paul Howland." It is because she is a good steamer that I think she ought to have a good name and an excellent name. The gentleman is overmodest, and I trust the House will over-

rule his modesty and accept the amendment.

Mr. MANN. Mr. Speaker, I have not been able to determine yet whether this is facetiousness or seriousness, but it occurs to me that if the gentleman from Ohio [Mr. Howland] has introduced a bill similar to this in behalf of a constituent of his and then goes back home and the constituent finds that he has inserted his own name into the bill, contrary to the wishes of the constituent, he will not receive that warm reception from the constituent that he hoped to receive when he introduced the bill.

Mr. MICHAEL E. DRISCOLL. But it would not be done

with the gentleman's consent.

Mr. MANN. Oh, it would be impossible to make the constituent believe, if the name of the honorable gentleman was inserted in the bill, that it is not done at his suggestion or connivance. It may not be the case, but "out home" they would think it was. The gentleman from Ohio would be charged with having brought in a bill, leaving the new name of the steamer blank, and with having suggested to the gentleman from New York [Mr. MICHAEL E. DRISCOLL] that the name of the author of the bill be inserted in the bill.

Mr. MICHAEL E. DRISCOLL. But why does the gentleman

from Illinois worry about it?

Mr. MANN. Because I am a friend of the gentleman from

Mr. MICHAEL E. DRISCOLL. So am I.

Mr. MANN. Certainly; and to protect him I do this. I am afraid the gentleman from New York is trying to involve him in trouble at home.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was rejected. The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS CALUMET BIVER AT NINETY-SECOND STREET, CHICAGO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16675) to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninetysecond Street, in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Chicago, in the county of Cook and State of Illinois, a municipal corporation organized under the laws of the State of Illinois, be, and it is hereby, authorized to construct, maintain, and operate a bascule bridge and approaches thereto across the Calumet River, at a point suitable to the interests of navigation, at Ninety-second Street, in said city, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Adamson a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CALUMET RIVER, SOUTH CHICAGO, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16676) to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill.

The Clerk read as follows:

Be it enacted, etc., That the Lake Shore & Michigan Southern Railway Co., a corporation doing business under the laws of the State of Illinois, be, and it is hereby, authorized to construct, maintain, and operate a bascule bridge and approaches thereto across the Calumet River, at a point suitable to the interests of navigation, at South Chicago, Ill., to take the place of the existing bridge now being operated by said company across said river along its present right of way, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter annual

SEC. 2. That the right to alter, amend, or repeal this act is hereby

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Adamson, a motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN FURNITURE, ETC., TO THE STATE OF NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18794) to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver to the governor of the State of New Mexico, for and in behalf of said State, all the furniture and furnishings now the property of the United States and at the present in the capitol building at Santa Fe, in the State of New Mexico, and which have been purchased from time to time under the authority of an act (H. R. 18166) entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the governor of the State of New Mexico, for and in behalf of said State, all of the furniture and furnishings in the capitol building at Santa Fe, State of New Mexico, and now the property of the United States, and which have been purchased under the authority of the several congressional acts which have had for their purpose the direction and control of the affairs of the Territory of New Mexico.

SEC. 3. That the Attorney General be, and he is hereby, authorized and directed, in so far as the property hereinafter described is, in his judgment, not needed for the present use of the officials of the United States within the State of New Mexico, to deliver to the governor of the State of New Mexico, for and in behalf of said State, all law books, typewriters, typewriter desks, letter presses, and other furniture and furnishings now the property of the United States, and, on January 6, 1912, in possession of the judges and clerks of court in the several judicial districts of the then Territory of New Mexico.

The SPEAKER. Is there objection? [After a pause.] The

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Speaker, I desire to offer the following committee amendment.

The SPEAKER. The Clerk will report the committee amend-

The Clerk read as follows:

On page 2, line 21, strike out the words "the officials of the" and insert therein in lieu thereof, after the words "United States," the words "courts and judicial officers," so line 21 will read "present use of United States courts and official officers within the."

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Floor of Virginia, a motion to reconsider

the vote by which the bill was passed was laid on the table.

CERTAIN FURNITURE, ETC., TO THE STATE OF ARIZONA

The next business on the Calendar for Unanimous Consent was the bill (S. 4351) to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver to the governor of the State of Arizona, upon the admission as a State into the Union of the Territory of Arizona, for and in behalf of said State, all of the furniture and furnishings now the property of the United States and at present in the capitol building at Phoenix, Ariz., and which have been purchased from time to time under the authority of an act (H. R. 18166) entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910.

into the Union on an equal footing with the original States," approved June 20, 1910.

Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the governor of the State of Arizona, for and in behalf of said State, upon the admission as a State into the Union of the Territory of Arizona, all of the furniture and furnishings in the capitol building at Phoenix, Ariz., now the property of the United States, and which have been purchased under the authority of the several congressional acts which have had for their purposes the direction and control of the affairs of the Territory of Arizona.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

On page 2, after line 14, add as a new section as follows:

"Sec. 3. That the Attorney General be, and he is hereby, authorized and directed, in so far as the property hereinafter described is, in his judgment, not needed for the present use of the officials of the United States within the State of Arizona, to deliver to the governor of the State of Arizona, for and in behalf of said State, all law books, typewriters, typewriter desks, letter presses, and other furniture and furnishings now the property of the United States, and now in possession of the judges and clerks of court in the several judicial districts of the Territory of Arizona."

Mr. FLOOD of Virginia. Now, Mr. Speaker, I desire to offer the same amendment I offered to the other bill.

Mr. MANN. What is the meaning of the amendment, may I ask the gentleman? It is not printed—

Mr. FLOOD of Virginia. The meaning of the amendment that is printed?

No; what is the purport of the amendment Mr. MANN.

which the gentleman offered before and now offers to this bill?

Mr. FLOOD of Virginia. It just makes this language a
little clearer. The change in the phraseology was upon the suggestion of the Attorney General.

The SPEAKER. The Clerk will report the amendment to

the amendment.

The Clerk read as follows:

Page 2, in line 21, strike out the words "the officials of the" and insert therein in lieu thereof after the words "United States" the words "courts and judicial officers," so line 21 would read: "present use of United States courts and official officers within the."

The question was taken, and the amendment to the amendment was agreed to.

The question was taken, and the committee amendment as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Flood of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

TENURE OF THE OFFICE OF THE PRESIDENT.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules, to discharge the Committee on Election of President, Vice President, and Representatives in Congress from the further consideration of House resolution 394 and to agree to the same.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN]

moves to suspend the rules, to discharge the Committee on Election of President, Vice President, and Representatives in Congress from the further consideration of House resolution 394 and pass the same.

Mr. MANN. Mr. Speaker, I ask that the resolution be re-

ported.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

House resolution 394.

Resolved. That, in the opinion of this House, the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

A second was demanded by Mr. Norris, Mr. Gardner of

Massachusetts, and Mr. Mann.

Mr. CRUMPACKER. Mr. Speaker, I make a point of order that there is no quorum present. A resolution of this importance ought not to be considered unless there is a quorum of the House here.

The SPEAKER. The gentleman from Nebraska [Mr. Norris] demanded a second, as did the gentleman from Illinois [Mr. Mann] and the gentleman from Massachusetts [Mr. Gardner].

Mr. MANN. I do not care about demanding a second as long

as somebody has control of the time.

Mr. NORRIS. Neither do I.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] was first on his feet. Without objection the second will be considered as ordered.

The gentleman from Indiana [Mr. CRUMPACKER] raises the point of no quorum. It is evident that there is not a quorum present.

Mr. CRUMPACKER. Mr. Speaker, I move a call of the House.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

eir names:
Fairchild
Ferris
Fields
Fitzgerald
Focht
Fornes
George
Goldfogle
Graham
Griest
Hamili
Hanna
Hawley
Heald
Henry, Conn.
Hill
Hobson
Houston
Howell
Hubbard
Hughes, Ga. Ainey Levy Lewis Lindbergh Rothermel Rouse Rucker, Colo. Sabath Saunders Ames Ames
Ayres
Barchfeld
Bartholdt
Bates
Beall, Tex.
Bradley
Broussard
Burke, Pa.
Burke, Wis.
Butler
Calder Lindsay Littleton Littleton
Longworth
McCreary
McDermott
McGuire, Okla.
McHenry
Maher
Malby
Matthews
Moon, Pa.
Moore, Pa.
Moore, Tex.
Mott
Murray
O'Shaunessy
Payne
Plumley Saunders
Scully
Sells
Shackleford
Sheppard
Sherley
Simmons
Slemp
Small
Smith, Cal.
Smith, N. Y.
Snarkman Calder Cantrill Carter Carv Claypool Connell Covington Cox, Ind. Sparkman Speer Stack Stack Stanley Steenerson Sulzer Taggart Talbott, Md. Taylor, Ala. Towner Underhill Warburton Weeks Whitacre Wilson, N. Y. Wood, N. J. Hughes, Ga. Hughes, W. Va. Humphrey, Wash. Johnson, Ky. Kahn Plumley Cravens Cravens
Currier
Dalzell
Davenport
Davidson
Davis, Minn.
De Forest Post Post
Powers
Prouty
Pujo
Randell, Tex.
Ransdell, La.
Rees
Reilly
Reyburn
Richardson
Riordan Kann Kindred Kinkead, N. J. Kitchin Korbly Lafean Lafferty Denver Draper Driscoll, D. A. Dwight Wilson, N. J. Wood, N. J. Estopinal Evans Langley Lenroot Riordan Roberts, Mass.

The SPEAKER. Two hundred and fifty-five gentlemen have responded to their names-a quorum.

Mr. SLAYDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent that second be considered as ordered. Mr. SIMS. I object, Mr. Speaker.

The SPEAKER. The Chair will appoint the gentleman from Texas, Mr. Slayden, and the gentleman from Nebraska, Mr. NORRIS, as tellers. Those in favor of seconding the motion will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 51, noes 90.

So a second was refused.

Mr. SLAYDEN. No quorum, Mr. Speaker. The SPEAKER. The gentleman from Texas makes the point of no quorum.

Mr. SLAYDEN. I will withdraw the point of no quorum, Mr.

Speaker.

Mr. BURKE of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 51) to provide for the forfeiture of rights of way granted to railway companies across Indian lands, with committee amendments, and another amendment which I send to the Clerk's desk.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do

now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House adjourn. Pending that, the Chair lays before the House the following personal requests:

LEAVE OF ABSENCE.

The Clerk read as follows:

Mr. Hughes of Georgia requests leave of absence indefinitely, on account of illness.

Mr. Kitchin requests leave of absence indefinitely, on account of illness in his family.

The SPEAKER. Without objection, the requests will be

There was no objection.

SUGAR IN FOREIGN COUNTRIES (H. DOC. NO. 510).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was referred to the Committee on Ways and Means and ordered to be printed:

To the House of Representatives:

I transmit herewith a report by the Secretary of State in regard to information collected by the department concerning sugar in foreign countries.

WM. H. TAFT.

THE WHITE HOUSE, February 5, 1912.

GOVERNMENT PUBLICATIONS (S. DOC. NO. 293).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was referred to the Committee on Printing and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith three reports from the Commission on Economy and Efficiency. They relate to the following subjects:

1. The centralization of the distribution of Government publications.

The use of window envelopes in the Government service.

3. The use of a photographic process for copying printed and

written documents, maps, drawings, etc.

The first report recommends that the work of distributing documents be centralized in the office of superintendent of public documents in the Government Printing Office as a substitute for the present method of distribution by each of the departments, offices, and bureaus issuing such documents. The plan does not contemplate any change in the authority which determines the persons to whom documents shall be sent, but only that the physical work of wrapping, addressing, and mail-ing the documents shall be done at one place, and that the place of manufacture.

Documents are now printed and bound at the Printing Office and conveyed to the several departments and bureaus, where they are wrapped and addressed and sent to the post office, and afterwards from the post office to the railroad station, which is near the Printing Office. One result of the proposed plan will be to eliminate this unnecessary transportation of the large number of documents annually issued by the departments. Departments will be relieved of the trouble and expense of handling, storing, and accounting for documents; a better con-trol can be exercised over the number of copies of a document to be printed at one time, or, when printed, the number to be bound from time to time; and the accumulation of undis-tributed copies of the same documents in several offices will

The centralization of the work of wrapping and addressing documents will permit the use of the most improved mechanical devices and a saving of labor that is not possible when the work is done in many offices.

I approve this recommendation of the commission and commend it to the favorable consideration of the Congress.

The report on the use of the window envelopes is transmitted

for the information of the Congress.

The report relative to the use of a photographic process for copying printed and written documents, maps, drawings, etc., is transmitted also for the information of the Congress. It does not require legislation. The attention of all departments has been called to this improved method of securing copies, which heretofore have been made by hand, at a cost many times greater than is incurred by the photographic process. The report of the commission indicates that the adoption of this labor-saving device has resulted in a large direct saving in expense in the departments.

WM. H. TAFT.

THE WHITE HOUSE, February 5, 1912.

RIGHTS OF WAY ACROSS INDIAN LANDS.

Mr. UNDERWOOD. Mr. Speaker, I understand that gentlemen are very anxious to pass the bill which was just a moment ago before the House and that there is a unanimous report from both sides. I will withhold the motion to adjourn for the

The SPEAKER. The gentleman from South Dakota will make his motion again.

Mr. BURKE of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 51) to provide for the forfeiture of rights of way granted to railway companies across Indian lands, with the amendments of the committee and with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] moves to suspend the rules and pass the bill which the

Clerk will report.

The Clerk read the amended bill, as follows:

A bill (H. R. 51) to provide for the forfeiture of rights of way granted to railway companies across Indian lands.

A bill (H. R. 51) to provide for the forfeiture of rights of way granted to railway companies across Indian lands.

Be it enacted, etc., That each and every grant of right of way or of grounds for station buildings, depots, machine shops, side tracks, turnouts, and water stations, hereinafter referred to as station grounds, heretofore made by any railway company under the act of Congress approved March 2, 1899 (30 Stat. L., p. 990), entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," as amended by the act of June 21, 1906 (34 Stat. L., p. 225), or under the act of Congress approved February 28, 1902 (32 Stat. L., p. 43), entitled "An act to grant the right of way through Oklahoma Territory and Indian Territory to the Enid & Anadarko Railroad Co., and for other purposes," or any other act of Congress granting a right of way for railroad purposes across any Indian lands or Indian allotments, where such railroad has not been constructed, or such station grounds have not been utilized for the purposes named in said acts, and the period of five years next following the approval by the Secretary of the Interior, as required by said act of March 2, 1899, or the filing in the Department of the Interior, as required by said act of way and station grounds granted under any other act of Congress as definitely fixed and determined in the manner provided in the particular act granting the right of way and station grounds, has now expired, shall be, and hereby is, declared forfeited to the United States to the extent of any part of such located line now remaining unconstructed, or of any part of such located line now remaining unconstructed, or of any part of such located line now remaining unconstructed, or of any part of such located line now remaining unconstructed, or of any yation grounds not utilized as provided for in said acts; and the United States hereby resumes, on behalf of the tribe or nati

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second. Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, the purpose of this bill is fully expressed in the report which accompanies it. Briefly, I may say it is simply to extend the law applicable to the forfeiture of railway rights of way across the public domain to the Indian reservations, Indian lands, and Indian allotments. I think that expresses substantially what the bill does. It is unanimously reported by the Committee on Indian Affairs, and manifestly it is a measure that ought to be enacted into

With that statement, Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn. The question is on agreeing to that

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.
The House divided; and there were—ayes 97, noes 63.
Mr. MANN. Mr. Speaker, I ask for the yeas and nays.
The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 96, answered "present" 11, not voting 141, as follows:

YEAS-

	11111)	
Adamson	Edwards	Hughes, N. J.	Peters
Aiken, S. C.	Ellerbe	Hull	Pou
Allen	Faison	Humphreys, Miss.	Rainey
Anderson, Ohio	Fergusson	Jacoway	Raker
Ansberry	Ferris	James	Randell, Tex.
Ashbrook	Finley	Johnson, S. C.	Rauch
Barnhart	Fitzgerald	Jones	Redfield
Bathrick	Flood, Va.	Kindred	Roddenbery
Bell, Ga.	Floyd, Ark.	Konig	Rubey
Blackmon	Foster, Ill.	Konop	Rucker, Mo.
Brantley	Fowler	Korbly	Russell
Brown	Gallagher	Lee, Ga.	Sherley
Buchanan	Garner	Lee, Pa.	Sherwood
Bulkley	Garrett	Legare	Sims
Burleson	Godwin, N. C.	Lever	Sisson
Burnett	Goeke	Lewis	Small
Byrnes, S. C.	Goodwin, Ark.	Linthicum	Smith, Tex.
Byrns, Tenn.	Gould Gould	Littlepage	Stedman
Callaway	Gray	Lloyd	Stephens, Miss.
Candler	Gray Do	McCoy	Stephens, Tex.
	Gregg, Pa. Gregg, Tex.	McGillicuddy	
Clayton Cline	Gregg, Tex.	McKellar	Stone
	Gudger W Vo		Sweet
Collier	Hamilton, W. Va.		Talcott, N. Y.
Conry	Hamlin	Maguire, Nebr.	Taylor, Colo.
Cox, Ohio	Hammond	Maher Colo	Thayer
Cullop	Hardwick	Martin, Colo.	Thomas
Curley	Hardy	Mays	Tribble
Daugherty	Harrison, Miss.	Moon, Tenn.	Turnbull
Davis, W. Va.	Harrison, N. Y.	Moore, Tex.	Underhill
Dickinson	Hay	Morrison	Underwood
Dickson, Miss.	Heflin	Moss, Ind.	Watkins
Dies	Helm	Neeley	Webb
Dixon, Ind.	Henry, Tex.	Oldfield	White
Donohoe	Hensley	Page	Wilson, Pa.
Doremus	Holland	Palmer	Witherspoon
Doughton	Howard	Pepper	Young, Tex.

NAYS-96.

Anderson, Minn.	Foss	Langham	Prince
Anthony	Foster, Vt.	Lawrence	Prouty
Austin	French	Lindbergh	Rodenberg
Bartholdt	Fuller	Longworth	Sloan
Bingham	Gardner, Mass.	McCall	Smith, J. M. C
Bowman	Gillett	McCreary	Steenerson
Browning	Good	McKenzie	Stephens, Cal.
Burke, S. Dak.	Green, Iowa	McKinley	Sterling Sterling
	Guernsey	McKinney	Stevens, Minn,
Campbell	Hamilton, Mich.	McLaughlin	Sulloway
Cannon		Madden	Switzer
Catlin	Harris		
Cooper	Hartman	Mann	Taylor, Ohio
Copley	Hayes	Martin, S. Dak.	Tilson
Crago	Henry, Conn.	Miller	Towner
Crumpacker	Higgins	Morgan	Utter
Curry	Hinds	Murdock	Volstead
Dalzell	Howland	Nelson	Warburton
Danforth	Hubbard	Norris	Wedemeyer
	Jackson	Nye	Wilder
Davis, Minn			
Dodds	Kendall	Olmsted	Willis
Driscoll, M. E.	Kennedy	Patton, Pa.	Wilson, Ill.
Dyer	Kinkaid, Nebr.	Payne	Woods, Iowa
Esch	Knowland	Pickett	Young, Kans.
	La Follette	Pray	Young, Mich.
Farr			Young, Mich

ANSWERED "PRESENT"-11.

Parran Shackleford

kin, N. Y.	Berger	Fairchild	
ndrus	Clark, Fla.	Glass	
artlett	Dwight	Needham	
	NOT T	OMITAL ALL	

	NOT V	OTING-141.	
Adair Ainey Alexander Ames Ayres Barchfeld Bates Beall, Tex. Boehne Booher Borland Bradley Broussard Burgess Burke, Pa. Burke, Wis. Butler Calder	Cantrill Carlin Carter Carty Claypool Connell Covington Cox, Ind. Cravens Currier Davenport Davidson De Forest Dent Dent Denter Draper Driscoll, D. A.	Dupre Estopinal Evans Fields Focht Fordney Fornes Francis Gardner, N. J. George Goldfogle Graham Greene, Mass. Griest Hamili Hanna Haugen Hawley	Heald Helgesen Hill Hobson Houston Howell Hughes, Ga. Hughes, W. Va. Humphrey, Wash Johnson, Ky. Kahn Kent Kinkead, N. J. Kitchin Kopp Lafean Lafferty Lamb
Carner	are southly are say	man it and	

Langley	Murray
Lenroot	O'Shaunessy
Levy	Padgett
Lindsay	Patten, N. Y.
Littleton	Plumley
Lobeck	Porter
Loud	Post
McDermott	Powers
McGuire, Okla.	Pujo
McHenry	Ransdell, La.
McMorran	Rees
Malby	Reilly
Matthews	Reyburn
Mondell	Richardson
Moon, Pa.	Riordan
Moore, Pa.	Roberts, Mass.
Morse, Wis.	Roberts, Nev.
Mott	Robinson

Rothermel	Stanley
Rouse	Stepher
Rucker, Colo.	Sulzer
Sabath	Taggar
Saunders	Talbott
Scully	Taylor.
Sells	Thistle
Sharp	Townse
Sheppard	Tuttle
	Vreelan
Simmons	
Slayden	Weeks
Slemp	Whitac
Smith, Saml. W.	Wicklif
Smith, Cal.	Wilson.
Smith, N. Y.	Wood, 1
Sparkman	
Speer	
Stack	
Duck	

Stanley Stephens, Nebr Sulzer
Taggart
Talbott, Md.
Taylor, Ala. Thistlewood
Townsend
Tuttle
Vreeland
Weeks
Whitacre
Wickliffe
Wilson, N. Y.
Wood, N. J.

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER. Mr. GLASS with Mr. SLEMP. Mr. RIORDAN with Mr. ANDRUS. Mr. Fornes with Mr. Bradley.

Until further notice:

Mr. Wilson of New York with Mr. Wood of New Jersey. Mr. Wickliffe with Mr. Weeks.

Mr. TUTTLE with Mr. VREELAND. Mr. TOWNSEND with Mr. THISTLEWOOD.

Mr. Sulzer with Mr. Speer.
Mr. Stanley with Mr. Smith of California.
Mr. Sheppard with Mr. Samuel W. Smith.
Mr. Saunders with Mr. Roberts of Nevada. Mr. RUCKER of Colorado with Mr. REYBURN.

Mr. Rouse with Mr. Rees. Mr. SHARP with Mr. Powers. Mr. Post with Mr. Porter.

Mr. PATTEN of New York with Mr. Mott. Mr. Padgett with Mr. Morse of Wisconsin.

Mr. O'SHAUNESSY with Mr. Moore of Pennsylvania.

Mr. McHenry with Mr. Mondell.

Mr. LOBECK with Mr. MALBY. Mr. LAMB with Mr. McGuire of Oklahoma. Mr. KINKEAD of New Jersey with Mr. LOUD. Mr. Johnson of Kentucky with Mr. Lenroot.

Mr. HAMILL with Mr. LAFFERTY. Mr. Graham with Mr. Kopp. Mr. Evans with Mr. Kent.

Mr. DANIEL A. DRISCOLL with Mr. HUGHES of West Virginia.

Mr. DENVER with Mr. HOWELL. Mr. DAVENPORT with Mr. HILL. Mr. Cravens with Mr. Helgesen. Mr. Covington with Mr. Heald. Mr. Claypool with Mr. Hawley. Mr. Carter with Mr. Haugen. Mr. Carlin with Mr. Hanna.

Mr. Cantrill with Mr. Greene of Massachusetts. Mr. Burke of Wisconsin with Mr. Gardner of New Jersey.

Mr. Burgess with Mr. Fordney. Mr. Borland with Mr. Cary.

Mr. Boehne with Mr. Burke of Pennsylvania. Mr. Beall of Texas with Mr. Bates.

Mr. Ayres with Mr. BARCHFELD.

Mr. ADAIR with Mr. AMES.

Mr. LITTLETON with Mr. DWIGHT. Mr. RICHARDSON with Mr. CALDER.

Mr. CLARK of Florida with Mr. SIMMONS.

Mr. DENT with Mr. KAHN.

Mr. Talbott of Maryland with Mr. Parran.

Mr. Fields with Mr. Langley. Mr. Houston with Mr. Moon of Pennsylvania.

Mr. Hobson with Mr. Fairchild. Mr. Reilly with Mr. Needham. Mr. CONNELL with Mr. CURRIER. Mr. WHITACRE WITH Mr. SELLS. Mr. GOLDFOGLE WITH Mr. PLUMLEY.

Mr. MURRAY with Mr. FOCHT. Mr. Cox of Indiana with Mr. LAFEAN.

Mr. George with Mr. Griest.

Mr. KITCHIN with Mr. DE FOREST.

Mr. Hughes of Georgia with Mr. Matthews. Mr. ALEXANDER with Mr. HUMPHREY of Washington.

Mr. SPARKMAN with Mr. DAVIDSON.

From February 3 until February 10, inclusive:

Mr. McDermott with Mr. Draper.

The result of the vote was announced as above recorded. Accordingly (at 3 o'clock and 46 minutes p. m.) the House adjourned until Tuesday, February 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting letter from the Chief of Engineers submitting abstracts of proposals received during the fiscal year ended June 30, 1911, for material and labor in connection with work under the Engineer Department (H. Doc. No. 511); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting report of the Baltimore & Washington Transit Co. of Maryland for the year 1911 (H. Doc. No. 509); to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the Commissioner of Patents, transmitting to Congress his annual report for the year 1911 (H. Doc. No. 131); to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BELL of Georgia, from the Committee on the Census, to which was referred the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, reported the same without amendment, accompanied by a report (No. 299), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. GOOD: A bill (H. R. 19472) providing for the erection of a public building at Marion, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Nebraska: A bill (H. R. 19473) for the relief of the Medawakanton and Wahpakoota Bands of In-dians, otherwise known as the Santee Sioux Indians, and for

other purposes; to the Committee on Indian Affairs.

By Mr. AUSTIN: A bill (H. R. 19474) to authorize the Commissioners of the District of Columbia to make and enforce regulations governing the installation of gas appliances in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PARRAN: A bill (H. R. 19475) for enlargement and improvement of the harbor and basin and extension of the channel at Leonardtown, on Breton Bay, in the State of Maryland; to the Committee on Rivers and Harbors.

By Mr. HAYES: A bill (H. R. 19476) granting certain lands to the State of California to form a part of Redwood Park in

said State; to the Committee on the Public Lands.

By Mr. CURRY: A bill (H. R. 19477) to fix the times and places of holding court for the district of New Mexico and creating divisions therefor; to the Committee on the Judiciary.

By Mr. CAMERON: A bill (H. R. 19478) to provide for the irrigation and settlement of lands included in the Colorado River

Indian Reservation and other lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. BERGER: A bill (H. R. 19479) to repeal the act of June 11, 1878, and to provide self-government for the District

of Columbia; to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 19480) providing that questions of negligence and contributory negligence shall be submitted to the jury; to the Committee on the Judiciary.

Also, a bill (H. R. 19481) to constitute Dothan, in the State of Alabama, a port of delivery; to the Committee on Ways and

Means.

By Mr. ADAIR: A bill (H. R. 19482) fixing the mileage of Delagates in Congress: to the Senators, Representatives, and Delegates in Congress; to the Committee on Mileage.

By Mr. LEVER: A bill (H. R. 19483) authorizing the Secretary of War to cause a resurvey of the Congaree River; to the Committee on Rivers and Harbors.

By Mr. HUGHES of New Jersey: A bill (H. R. 19484) relating to the Internal-Revenue Service; to the Committee on Reform in the Civil Service.

By Mr. HIGGINS: Joint resolution (H. J. Res. 237) proposing an amendment to the Constitution of the United States fixing the term of office of the President and Vice President six years and making the President ineligible for reelection; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 19485) granting a pension to Martha J. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19486) granting an increase of pension to William H. Fenton; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 19487) granting an increase of pension to Thomas Coyne; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19488) granting a pension to Albert McMichaels; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 19489) for the relief of George B. Hunter; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 19490) granting an increase of pension to C. W. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19491) granting an increase of pension to

Also, a bill (H. R. 19491) granting an increase of pension to Benjamin F. Jennings; to the Committee on Invalid Pensions.
Also, a bill (H. R. 19492) granting an increase of pension to Finley Branstetter; to the Committee on Invalid Pensions.
By Mr. COPLEY: A bill (H. R. 19493) granting an increase of pension to William H. Nevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19494) granting an increase of pension to George W. Russell; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 19495) granting a pen-

sion to Silas L. Brown; to the Committee on Pensions.

Also, a bill (H. R. 19496) granting a pension to Willis S. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19497) granting an increase of pension to Edward T. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19498) granting an increase of pension to

Joseph McCoouse; to the Committee on Pensions. Also, a bill (H. R. 19499) granting an increase of pension to Edward P. Champlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19500) granting an increase of pension to Milan G. Cook; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 19501) granting an increase of pension to Christopher T. Pearce; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 19502) to correct the military record of Abraham H. Onstott; to the Committee

on Military Affairs.

By Mr. FOWLER: A bill (H. R. 19503) granting a pension to Mary A, Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19504) granting an increase of pension to

John L. Bryan; to the Committee on Invalid Pensions. By Mr. FRENCH: A bill (H. R. 19505) granting an increase

of pension to Jethro J. T. Garde; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19506) granting a pension to Alice Carleton; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 19507) for the relief of the widow and the heirs of Samuel A. Bishop; to the Committee on War Claims.

By Mr. JACOWAY: A bill (H. R. 19508) granting a pension to Mrs. A. M. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19509) granting a pension to Willie Belle Schneller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19510) granting an increase of pension to Samuel R. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19511) for the relief of the heirs of Simon Kirkpatrick; to the Committee on War Claims.

By Mr. KENT: A bill (H. R. 19512) granting a pension to

Norman Devol; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19513) granting a pension to Erminia
Thayer Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19514) to remove the charge of desertion against George H. Rushton and grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 19515) to authorize the payment of the

claim of Cynthia R. Ball; to the Committee on Claims.

By Mr. KNOWLAND: A bill (H. R. 19516) granting an increase of pension to Frank H. Fetherolf; to the Committee on Pensions.

Also, a bill (H. R. 19517) granting an increase of pension to Isaac A. Buker; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 19518) for the relief of Asst. Paymaster P. M. Lathrop, United States Navy; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 19519) for the relief of James H. Gambrell; to the Committee on Naval Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 19520) granting an increase of pension to Charles L. Burgess; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 19521) granting a pension to Johan Mohr; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 19522) granting an increase of pension to James F. Blackman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19523) granting an increase of pension to Laban H. Johnson; to the Committee on Invalid Pensions

Also, a bill (H. R. 19524) granting an increase of pension to James W. Wilmot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19525) granting an increase of pension to B. T. Sawrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19526) granting an increase of pension to Jesse B. Berry; to the Committee on Invalid Pensions

By Mr. PETERS: A bill (H. R. 19527) for the relief of the heirs of James A. Chamberlain; to the Committee on Claims.

Also, a bill (H. R. 19528) to place William F. Greeley on the retired list of the Army; to the Committee on Military Affairs. By Mr. POWERS: A bill (H. R. 19529) granting an increase

of pension to Arvin Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19530) to remove the charge of desertion from the military record of Francis Williams; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 19531) for the relief of Joseph D. Campbell; to the Committee on Military Affairs

By Mr. RUSSELL: A bill (H. R. 19532) granting an increase of pension to Solomon Kessinger; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19533) granting an increase of pension to Samuel Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19534) granting an increase of pension to Samuel M. Zartman; to the Committee on Invalid Pensions. By Mr. SMITH of Texas: A bill (H. R. 19535) for the relief

of the heirs of Cresencio Roybal; to the Committee on Claims. Also, a bill (H. R. 19536) granting an increase of pension to Catharine Pugh; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 19537) granting an increase of pension to William D. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19538) granting an increase of pension to A. W. Hendry; to the Committee on Pensions.

By Mr. TURNBULL: A bill (H. R. 19539) granting an increase of pension to Joseph A. Brinton; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 19540) granting an increase of pension to Andrew Downer; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 19541) granting an increase of pension to William Locust; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19542) for the relief of Charles E. Malm; to the Committee on Claims.

By Mr. YOUNG of Kansas: A bill (H. R. 19543) granting a

pension to John Carner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of Hart & Beagle and 19 others, of Spring Valley, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of the Union League Club of New York City, for erection of a memorial to Peletiah Webster;

to the Committee on the Library.

Also, petition of Tribe No. 172, Improved Order of Red Men, for the passage of Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BOEHNE: Petition of Tribe No. 45, Improved Order of Red Men, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

of Camden, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary. By Mr. BUCHANAN: Resolution of the common council of the

By Mr. BROWNING: Petition of Emmanuel Baptist Church,

town of Valdez, Alaska, praying for an appropriation of \$75,000 for the protection of the town from glacier streams; to the Committee on the Territories.

Also, resolution of Illinois Institute of Accountants, praying

for passage of House bill 14489; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of George B. Hunter; to the Committee on War Claims.

Also (by request), petitions of various towns in Tennessee for interstate liquor legislation; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of citizens of the State of Kansas, in favor of old-age pensions; to the Committee on Pensions.

By Mr. COOPER: Petition of E. J. Roesling and other citizens of Janesville, Wis., protesting against the enactment of parcelpost legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Petition of the Woman's Christian Temperance Union of Aurora, Ill.; of the Swedish Lutheran, Free Methodist, and Marion Avenue Baptist Churches, of Aurora, Ill.; of the First Methodist Episcopal Church of Batavia, Ill.; of the First Baptist Church of Wheaton, Ill.; and of the business men of the city of Wheaton, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of H. W. Fitzsimmons, of Virgil, Ill., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Petition of citizens of New Mexico, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DE FOREST: Petition of citizens of New York, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DIXON of Indiana: Petition of citizens of Madison, Ind., for erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DODDS: Petitions of citizens of Breckenridge and Wheeler, Mich., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. FOSS: Petition of citizens of Illinois, in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petitions of citizens of Gooding, Idaho, for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of the Woman's Christian Temperance Union of Fruitland and Methodist Episcopal Church of Lewiston, Idaho, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of the State of Idaho, in favor of

House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bellevue, Idaho, against parcelpost legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Idaho, for old-age pensions; to the Committee on Pensions.

By Mr. FULLER: Petition of the Union League Club of New York, in favor of the Ayres bill, to erect a suitable memorial to

Peletiah Webster; to the Committee on the Library.

Also, petition of Illinois State Board of Agriculture, in favor passage of House bill 18005, for the encouragement of agriculture, horticulture, and industrial exhibits in the various States; to the Committee on Agriculture.

Also, petition of Committee on Industrial Relations, etc., favoring the creation of a Federal commission on industrial relations; to the Committee on Labor.

Also, petition of Burson Knitting Co., of Rockford, Ill., favoring a suitable building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

By Mr. GALLAGHER: Petition of C. A. Gorndt and 6 other citizens of Chicago, Ill., in favor of a reduction of duty on raw

and refined sugars; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Resolutions of the Gloucester (Mass.) Board of Trade, protesting against the abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of 150 citizens of Amesbury and Salisbury, Mass., in favor of the Berger old-age pension bill; to the Com-

mittee on Pensions.

Also, petition of 25 members of the Improved Order of Red Men of Gloucester, Mass., favoring the passage of Senate bill 3953 and House bill 16313, providing for a suitable memorial to the American Indian; to the Committee on Public Buildings and

By Mr. GOOD: Petition of O. B. Olsen and others, of Marshalltown, Iowa, for old-age pensions; to the Committee on Pensions.

By Mr. GOULD: Petition of the Woman's Christian Temperance Union of Fairfield, Me., for the passage of Kenyon-Shep-pard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Springfield (Ill.) Grocers' Association, for reduction of the duties on raw and refined

sugars; to the Committee on Ways and Means.

Also, petition of St. Boniface's Society, of Springfield, Ill., favoring the enactment into law of the Esch bill; to the Committee on Ways and Means.

By Mr. GREGG of Pennsylvania: Petitions of T. S. Snyder, of Idle Park, Pa., and of C. D. Hendrick, of Bolivar, Pa., protesting against establishment of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Christian Temperance Union of Mount Pleasant, Pa., for the passage of Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of citizens of Centerville, Mich., protesting against enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Hope, Lacoto, Watervliet, and Woodland, Mich., for passage of Kenyon-Sheppard interstate

liquor bill; to the Committee on the Judiciary.

By Mr. HAUGEN: Petition of citizens of Edgewood, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. HOWELL: Petition of the German-American Alliance Association of Salt Lake City, Utah, against prohibition and any measure restricting interstate commerce shipment of liquors as an infringement of personal liberty; to the Committee on the Judiciary

HUGHES of New Jersey: Petition of the Union League Club, of New York City, in favor of erection of a me-morial to Peletiah Webster; to the Committee on the Library.

By Mr. HULL: Petition of citizens of Putnam County, Tenn., for an effective interstate liquor law; to the Committee on the

By Mr. JACOWAY: Petition of R. A. Browning and 26 other citizens of Faulkner County, Ark., in favor of the Berger oldage pension bill; to the Committee on Pensions.

By Mr. KAHN: Petition of Martha B. Stearns and 60 others, favoring legislation providing for high tax on phosphorus used in the manufacture of matches; to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., indorsing Senate bill 122; to the Committee on In-

terstate and Foreign Commerce.

By Mr. KENDALL: Memorial of Sedgwick Post, No. Grand Army of the Republic, protesting against the erection of a Confederate monument out of the Federal Treasury; to the Committee on Appropriations.

Also, petitions of citizens of Malcom and Tioga, Iowa, against extension of the parcel-post system; to the Committee on the

Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Petition of Summit Avenue Baptist Church, of Jersey City, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on

Also, resolutions of the Union League Club, of New York, in yor of erection of a memorial to Peletiah Webster; to the

Committee on the Library.

Also, resolutions of the Common Council of the town of Valdez,

Alaska, urging an appropriation of \$75,000 for the protection
of the town from glacier streams; to the Committee on the Territories.

By Mr. LINDSAY: Memorial of the Common Council of Valdez, Alaska, for protection of the town from glacier streams; to the Committee on the Territories.

Also, petition of the Union League Club of New York City, for the erection of a memorial to Peletiah Webster; to the Committee on the Library.

Also, petition of the Chamber of Commerce of the State of New York, for the exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of the State of New York, for the establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCREARY: Memorial of the Hathaway Shakespeare Club, of Philadelphia, Pa., praying for the repeal of the oleomargarine laws other than the regulations of the pure-food

laws; to the Committee on Agriculture.

By Mr. McGILLICUDDY: Petition of Leavitt H. Hallock and others, favoring the passage of House bill 16214, known as the Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for

illegal use; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of citizens of Prairie City, Ill., against extension of the parcel-post system; to the Committee

on the Post Office and Post Roads.

By Mr. McLAUGHLIN: Petition of White Lake Unity Club, of Montague and Whitehall, Mich., for the passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of citizens and residents of Cass County, Nebr., protesting against parcelpost legislation; to the Committee on the Post Office and Post

By Mr. MARTIN of South Dakota: Petition of citizens of the State of Nebraska, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MAHER: Resolutions of the Union League Club of New York, in favor of erection of a memorial to Peletiah Webster; to the Committee on the Library.

Also, petition of Committee on Industrial Relations, urging the appointment of a Federal commission on industrial rela-

tions; to the Committee on Labor.

Also, resolutions of the Central Council of the American Continental League of Kings County, N. Y., protesting against any celebration by National, State, and Municipal Governments of 100 years of peace with England, etc.; to the Committee on Foreign Affairs.

Also, resolution of the Chamber of Commerce of the State of New York, for the exclusion of feeble-minded immigrants; to

the Committee on Immigration and Naturalization.

Also, petition of the Medical Society of the County of Kings, in favor of Senate bill 1, establishing a national department of health; to the Committee on Interstate and Foreign Commerce. Also, petition of D. D. Williamson & Co., in favor of House

bill 17678; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of the State of New York, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of New

urging an appropriation by Congress of \$25,000 under the act for the establishment of marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Common Council of the town of Valdez, Alaska, urging an appropriation of \$75,000 for the protection of the town from glacier streams; to the Committee on the Territories.

By Mr. MORSE of Wisconsin: Petitions of sundry residents of Bethel, Wis., and the surrounding country, protesting against the passage of the Mann Sunday observance bill (H. R. 9433); to the Committee on the Post Office and Post Roads.

By Mr. MORRISON: An address and memorial by Nathan Hiatt, Cicero, Ind., to be read before the House of Representatives; to the Committee on Banking and Currency.

By Mr. MOTT: Petition of George P. Saunders, of Fulton, for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Pittsburgh (Pa.) Chamber of Commerce, for establishment of an additional district of the Railway Mail Service with headquarters in Pittsburgh, Pa.; to the Committee

on the Post Office and Post Roads.

Also, petition of Chamber of Commerce of Watertown, N. Y., against abolishment of Madison Barracks at Sackett Harbor,

N. Y.; to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of the State of New York, for the establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. OLDFIELD: Petition of citizens of Jamestown, Ark., in favor of House bill 14; to the Committee on the Post Office

and Post Roads. By Mr. POWERS: Petition of citizens of the eleventh congressional district of Kentucky, for legislation extending the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the eleventh congressional district of Kentucky, protesting against further extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Resolution of the Union League Club of New York, in favor of the erection of a memorial to Peletiah

Webster; to the Committee on the Library.

Also, resolutions of the common council of the town of Valdez, Alaska, praying for an appropriation of \$75,000 to protect the town from glacier streams; to the Committee on the Territories.

By Mr. SIMMONS: Petition of the Woman's Christian Temperance Union of Warsaw, N. Y., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Ju-

By Mr. SIMS: Petition of citizens of Jackson, Tenn., for the passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Tennessee, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SAMUEL W. SMITH: Petition of citizens of Gaines, Mich., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., favoring House bill 14, for parcel post; to the Committee

on the Post Office and Post Roads.

By Mr. SPARKMAN: Petition of citizens of the third congressional district of Florida, for passage of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Dunedin, Fla., for the passage of House bill 14; to the Committee on the Post Office and Post

Also, petitions of citizens of the State of Florida, protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of A. A. Pollock and 73 others, of Tingley, Iowa, for the passage of House bill 16214; to the

Committee on the Judiciary,

By Mr. TURNBULL: Petition of W. T. Bracey, of Bracey, Va., and 14 other citizens of the fourth district of Virginia, askfor the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TUTTLE: Petition of the Woman's Christian Temperance Unions of Delaware, Elizabeth, Morristown, Plainfield, and Union, N. J., and of Park Methodist Episcopal Church, of Elizabeth, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Petition of the Providence (R. I.) Web Pressmen's Union, No. 12, for amending the Smoot printing bill; to the Committee on Printing.

Also, petitions of German-American Alliance of Rhode Island, against passage of laws prohibiting the interstate transportation of intoxicating liquors; to the Committee on the Judiciary

Also, petitions of the Woman's Christian Temperance Union of Rhode Island, the Woman's Christian Temperance Union of East Greenwich, and the Globe Congregational and Second Advent Churches of Woonsocket, R. I., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of Caldwell, Ohio, favoring parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of N. P. Gilliland and 25 other citizens of Unionville Center, Ohio, asking for the passage of a bill (H. R. 4405) to correct the military record of William

Loar; to the Committee on Military Affairs. Also, resolutions of the First Baptist Church of Urbana, Ohio,

in favor of the Kenyon-Sheppard bill, for regulation of interstate commerce in intoxicating liquors and for protection of territory where the sale of intoxicating liquors is prohibited by State laws; to the Committee on the Judiciary.

By Mr. YOUNG of Kansas: Petitions of citizens of Jewell County, Kans., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of citizens of Kaufman

County, Tex., in favor of the parcel post; to the Committee on

the Post Office and Post Roads.

Also, petition of citizens of Henderson County, Tex., for legislation to prevent gambling in futures, etc.; to the Committee on Agriculture.

SENATE.

Tuesday, February 6, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 3869. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer

W. R. Woodford to N. F. Leopold;

S. 3870. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer Arthur H. Hawgood to Joseph Block; and

S. 3580. An act to authorize the change of name of the steamer Henry A. Hawgood.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 4246. An act to authorize the sale of land within or near

the town site of Midvale, Mont., for hotel purposes; and S. 4351. An act to authorize and direct the Secretary of the Treasury to deliver to the governor of the State of Arizona, for use of the State, certain furniture and fixtures

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 51. An act to provide for the forfeiture of rights of

granted to railway companies across Indian lands:

H. R. 14052. An act authorizing the Secretary of Agriculture

to issue certain reports relating to cotton;

H. R. 14484. An act to amend an act approved February 24. 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power;

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-

second Street in said city;

H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill.;

H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis River

at Hodges Ferry, Mo.; H. R. 16693. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.;

H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo .:

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters; and

H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason Military Reservations to the Panama-Pacific Interna-

tional Exposition Co.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Brookton, N. Y., and a petition of sundry citizens of Daisy, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lawrenceville, Va., and Breckinridge, Okla., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices

and Post Roads.

Mr. CRAWFORD presented a memorial of sundry citizens of Stratford, S. Dak., and a memorial of sundry citizens of Madison, S. Dak., remonstrating against the extension of the parcelpost system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temerance Union of Northville, S. Dak., and a petition of sundry citizens of Grant County, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary. He also presented a memorial of sundry citizens of Aberdeen, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was ordered to lie on the table.

Mr. BURNHAM presented a petition of members of the Union League Club of New York City, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of members of the John Boyle O'Reilly Club, of Nashua; of Local Division No. 1, Ancient Order of Hibernians, of Dover; and of members of the William Orr Club, of Dover, all in the State of New Hampshire, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

Mr. McLean presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Ansonia, Conn., and a memorial of the Fourth Ward Progressive Club, of New Haven, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the

Mr. BRISTOW presented a petition of sundry citizens of Kansas, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Yates Center, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry veterans of the Civil War, residents of Oakley, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. BURTON presented a petition of the Woman's Christian Temperance Union of Madisonville, Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Marietta, Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRIGGS presented petitions of the congregation of Wesley Methodist Episcopal Church, of Camden; the Bethel Methodist Episcopal Church, of Camden; the Chester Preparation Meeting of Friends, of Moorestown; the First Baptist Church of Vineland; the Rosedale Baptist Church, the Wiley Methodist Episcopal Church, the congregation of the Tabernacle Methodist Episcopal Church, the Wynn Memorial Baptist Church, all of Camden; of the Woman's Christian Temperance Unions of the First Presbyterian Church and the Trinity Methodist Episcopal Church, of Merchantville; of the Willard Woman's Christian Temperance Union, of Glassboro; the Woman's Christian Temperance Union, of Glassboro; the Woman's Christian Temperance Union, of Camden, the Woman's Christian Temperance Union, of Camden, the Woman's Christian Temperance Unions of Silver Lake, Elmer, and Prince-ton; of Local Grange, No. 58, Patrons of Husbandry, of Columbus; of the South Jersey Baptist Ministers' Association, of Canden; and of the Charlotte Emerson Brown Club, of East Orange, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of the Board of Education of Harrison, the Board of Education of Bayonne, and the New Jersey Society of Newark, all in the State of New Jersey, praying that an appropriation be made for the preservation of captured flags and banners in the possession of the United States Naval Academy, Annapolis, Md., which were referred to the Committee on Naval Affairs.

He also presented petitions of members of the Second Battalion, Twenty-fifth Regiment, Veteran Association New Jersey Volunteers, of Bridgeton; of the Veteran Zouaves of Elizabeth; of Henry Wilson Post, No. 13, of Jersey City; of James B. Morris Post, No. 46, of Long Branch; and of Boggs-Janeway Post, No. 67, of Trenton, all of the Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented petitions of John Boyd Avis, of Woodbury; Eli H. Chandler, of Atlantic City; and O. D. McConnell, of Philippsburg, all in the State of New Jersey, praying for the enactment of legislation providing for the extension of the right of execution throughout the United States, which were referred to the Committee on the Judiciary

right of execution throughout the United States, which were referred to the Committee on the Judiciary.

Mr. CULBERSON presented memorials of sundry citizens of Manning and Valley Mills, in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. MYERS presented memorials of sundry citizens of Florence, Trout Creek, and Thompson, all in the State of Montana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. NIXON presented a petition of Local Lodge No. 792, Brotherhood of Locomotive Firemen and Engineers, of Elko, Nev., praying for the enactment of legislation prescribing a maximum limitation of 12 hours for enginemen in the railroad service, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Reno, Nev., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. O'GORMAN presented a petition of members of the Progress Club, of Delmar, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the official board of the Methodist Episcopal Church of Alexandria, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

referred to the Committee on the Judiciary.

He also presented a memorial of the South Dakota Woman's Christian Temperance Union, remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Thunder Hawk, S. Dak., and a memorial of sundry citizens of Spearfish, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented petitions of members of the Hathaway Shakespeare Club, of Philadelphia, Pa., and of sundry granges, Patrons of Husbandry, all in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Woman's Club of Butler, Pa., and a petition of sundry citizens of Jeannette, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. SHIVELY presented a petition of Chaplain Brown Post, No. 106, Department of Indiana, Grand Army of the Republic, of Valparaiso, Ind., praying for the passage of the dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Subordinate Lodge, No. 360, International Brotherhood of Boiler Makers, Iron-Ship Builders and Helpers of America, of La Fayette, Ind., and a petition of Local Union No. 51, International Molders' Union of North America, of Evansville, Ind., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of Chaplain Brown Post, No.

He also presented a memorial of Chaplain Brown Post, No. 106, Department of Indiana, Grand Army of the Republic, of Valparaiso, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Trades and Labor Assembly of Logansport, Ind., praying for the enactment of legislation providing for the removal of employees of the Government in the classified service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Indiana Retail Merchants' Association, praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and For-

He also presented a hemorial of the Indiana Retail Merchants' Association, remonstrating against the establishment

of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented petitions of Local Granges No. 199, of Upperco; No. 249, of Kent County; and of No. 7, of Olney, all of the Patrons of Husbandry; of the Sandy Spring Monthly Meeting of Friends and of the Home Interest Society, of Sandy Spring, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of Sunny Side Grange, Patrons of Husbandry, of Bridgeville, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred

to the Committee on the Judiciary.

He also presented a petition of the North American Gymnastic Union, of Wilmington, Del., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table. the table.

Mr. STEPHENSON presented a memorial of sundry citizens of Janesville, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Marinette, Wis., praying that an appropriation be made for the improvement of the portion of the Menominee River above the Ogden and Main Street Bridge, which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of members of the Rhode Island Woman's Club, of Providence, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of council of administration, Department of Rhode Island, Grand Army of the Republic, remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic until such measure is officially requested by the national encampment, which was referred to the Committee on the District of Columbia.

Mr. HEYBURN presented a joint memorial of the Legislature of Idaho, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

CERTIFICATE OF CERTIFIED COPY.

STATE OF IDAHO, Department of State.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial 6, by Featherstone (by request), memorializing Congress to enact into law the bill providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C., now pending before your honorable body. Passed the House January 31, 1912. Passed the Senate January 31, 1912. Which was filed in this office the 31st day of January, A. D. 1912, and admitted to record.

In testimony whereof I have heretofore set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this ist day of February, in the year of our Lord 1912 and of the independence of the United States of America the one hundred and thirty-sixth.

penusixth. [SEAL.]

WILFRED L. GIFFORD, Secretary of State.

House joint memorial 6.

Your memorialists, the Legislature of the State of Idaho, respect-

House joint memorial 6.

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas there is now pending before your honorable body a bill entitled "A bill providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.:

"Be it enacted, etc., That the sum of \$500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of an American Indian memorial and museum building in the city of Washington, D. C., in which to safely keep such relics of husbandry, art, literature, handiwork, warfare, and the chase as may be contributed by the Improved Order of Red Men of the United States and such other kindly disposed associations and persons. Said building shall be erected under the direction of the Secretary of the Interior and be under his supervision and control."

And whereas the said memorial is intended for and will keep in perpetual memory the thousands of relics of husbandry, art, literature, handiwork, warfare, and the chase of the original owners and rulers of our great country; and

Whereas these said relics of husbandry, art, literature, handiwork, warfare, etc., are largely in the hands of private persons and societies, and would be deposited in a public museum if opportunity were offered, so that all people visiting our National Capital may have the opportunity and privilege of seeing and enjoying the same: Therefore be it Resolved, That the Legislature of the State of Idaho hereby respectfully urge that the said bill be enacted into law; and the secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and to our Representatives in Congress.

This memorial passed the house of representative on the 31st day of January, 1912.

This memorial passed the Senate on the 31st day of January, 1912.

L. H. Sweetser,

President of the Senate.

I hereby certify that the within joint memorial 6 originated in the house of representatives during the special session of the eleventh session of the Legislature of the State of Idaho.

[SEAL.]

JAMES H. WALLIS,

Chief Clerk of the House of Representatives.

Mr. HEYBURN presented a joint memorial of the Legislature of Idaho, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CERTIFICATE OF CERTIFIED COPY.

STATE OF IDAHO, Department of State.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of Senate joint memorial I. By Day and Whitcomb. Memorializing Congress: Protesting against the passage of a bill known as the Underwood bill, now pending in Congress of the United States. Passed the senate January 30, 1912. Passed the house January 30, 1912. Which was filed in this office the 31st day of January, A. D. 1912, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 1st day of February, A. D. 1912, and of the independence of the United States of America the one hundred and thirty-sixth.

[SEAL.]

WILFRED L. GIFFORD,

Sceretary of State.

Senate joint memorial 1.

To the honorable Senate of the United States of America in Congress assembled:

To the honorable Senate of the United States of America in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas a bill known as the Underwood bill is now pending in Congress of the United States, which said bill provides for a reduction of the tariff on lead and zinc ores; and

Whereas the State of Idaho ranks second in the States of the Union in the matter of lerd production, with a gross output during 1911 approximating 270,000,000 pounds, and in addition thereto has a large resource of zinc ore, representing for the year 1911 a gross metal content of approximately 10,000,000 pounds speiter; and

Whereas the mining and development of these ores and metals, next to agriculture, forms the most important industrial resources of the State, employing large amounts of capital and labor, and is susceptible of continued expansion; and

Whereas said Underwood bill, if passed, would result in great detriment to the State of Idaho by reason of the fact that the great mines of this State can not successfully operate if said bill becomes a law, and by reason of the fact that such law, if passed, will prove disastrous and a ruinous blow to the mining operations in this State by resulting in the closing of practically all of its lead and zinc mines, and will prove a blow to American labor through the reduction of wage scales and the employment of cheap peon labor of Mexico and Spain to the great degradation of the American laborer and his proper standard of living, and to the great economic and social loss to the State by reason of the consequent impairment of its development and citizenship: Therefore be it

Resolved by the Legislature of the State of Idaho, That we most respectfully urge upon the Senate of the United States that the tariff schedule upon lead and zinc be not changed, but that the same be allowed to remain as it now exists.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate of the United States and to

in Congress.

This senate joint memorial passed the senate the 30th day of January, 1912.

L. H. SWEETSER, President of the Senate. This senate joint memorial passed the house of representatives the 30th day of January, 1912.

Speaker of the House of Representatives.

I hereby certify that senate joint memorial No. 1 originated in the senate of the special session of the eleventh session of the legislature.

[SEAL.]

Chas. W. Dempster,

Chief Clerk of the Senate.

Mr. HITCHCOCK presented a petition of the Brotherhood of the First Congregational Church of Red Cloud, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was

referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of sundry citizens of Stonington, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Fourth Ward Progressive Club. of New Haven, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., living in the vicinity of Seventeenth Street and Rhode Island Avenue NE., praying that an appropriation be made for the extension of Seventeenth Street NE., in the city of Washington, which was referred to the Committee on Appropriations.

He also presented a memorial of members of the John Boyle O'Reilly Club, of Nashua, N. H., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented the petition of George W. Russell, of Atkinson, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Nashua Saddlery Hardware Co., of New Hampshire, remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity, school, and educational lands, reported it with amendments and submitted a report (No. 314) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 4860) to satisfy certain claims against the Government arising under the Navy Department, reported it without amendment and submitted a report (No. 315)

Mr. BRISTOW, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon, which were agreed to and the bills were postponed in-

S. 299. A bill making appropriation for expenses incurred under the treaty of Washington (Rept. No. 316); and S. 3220. A bill for the relief of the heirs of Waldo M. Potter,

deceased (Rept. No. 317).

Mr. BRISTOW, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2199. A bill to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M.

Campbell (Rept. No. 321); and S. 4180. A bill for the relief of the estate of Johanna S.

Stoeckle (Rept. No. 322).

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 4459) to provide for repairs and improvements to aids to navigation in the St. Marys River, Mich., reported it without amendment and submitted a report (No.

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them each without amend-

ment and submitted reports thereon:

S. 412. A bill to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah (Rept. 319); and

S. 2151. A bill to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States (Rept. No. 320).

HEARINGS BEFORE COMMITTEE ON IRRIGATION.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 183, submitted by Mr. Nixon January 15, 1912, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittee thereof may sit during the sessions of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America; to the Committee on the Library.

A bill (S. 5114) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War; to the Committee on Military Affairs.

By Mr. TOWNSEND (by request) :

A bill (S. 5115) appropriating \$850,000 for the erection of a modern office building on property now owned by the United States Government on the northeast corner of Pennsylvania Avenue and Madison Place, in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. McLEAN: A bill (S. 5116) for the relief of Rose B. Armour; to the Committee on Claims, By Mr. NIXON:

A bill (S. 5117) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance: to the Committee on Post Offices and Post Roads.

By Mr. LODGE:

A bill (S. 5118) for the relief of the estate of the late John H. Calef; to the Committee on Claims.

By Mr. JONES:

bill (S. 5119) for the relief of Alexander MacKenzie,

United States Army, retired; and A bill (S. 5120) for the relief of Henry L. Abbot, United States Army, retired; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 5121) to provide for the irrigation and settlement of lands included in the Colorado River Indian Reservation and other lands, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 5122) granting an increase of pension to Mary C. Jackson; to the Committee on Pensions.

By Mr. PENROSE:

bill (S. 5123) to classify the salaries of railway postal clerks so as to provide a system of annual promotions based on efficiency of service and to permit the transfer of post-office clerks to the Railway Mail Service and the transfer of railway postal clerks to the post-office service; to the Committee on Post Offices and Post Roads.

A bill (S. 5124) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes to all public dues (with accompanying paper); to the Committee on Finance.

A bill (S. 5125) to correct the military record of Adolph F. Hitchler

A bill (S. 5126) to correct the military record of James Boyd: and

A bill (S. 5127) to grant an honorable discharge to Samuel Bequeath; to the Committee on Military Affairs.

A bill (S. 5128) granting an increase of pension to Charles Funkhouser;

A bill (S. 5129) granting a pension to Mary A. Dunkle; and A bill (S. 5130) granting an increase of pension to Henry Grady (with accompanying paper); to the Committee on Pen-

A bill (S. 5131) to renew and extend certain letters patent granted to Richard B. Painton; to the Committee on Patents.

By Mr. RAYNER (by request):
A bill (S. 5132) for the relief of Edmund M. Talcott (with accompanying paper); to the Committee on Claims.

By Mr. ROOT:
A bill (S. 5133) to provide for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people; to the Committee on the Library.

By Mr. McCUMBER:

A bill (S. 5134) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907; and

bill (S. 5135) granting a pension to Elizabeth L. Keepers (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5136) granting an increase of pension to John E. Woodward; to the Committee on Pensions.

INTERNATIONAL CONFERENCE ON MARITIME LAW.

Mr. BURTON submitted an amendment proposing to appropriate \$5,000 for participation by the United States, by officially appointed delegates, at the International Conference on Maritime Law, at Brussels, Belgium, in September, 1912, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

RECIPROCITY WITH CANADA.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, which was referred to the Committee on Foreign Relations and ordered to be printed.

WITHDRAWAL OF PAPERS-DORA A. BARNER.

On motion of Mr. SHIVELY, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Dora A. Barner, guardian of Ben R. Barner, insane, accompanying Senate bill 7122, Sixty-first Congress, second session, no adverse report having been made thereon.

BANKING AND CURRENCY REFORM (S. DOC. NO. 295).

Mr. SUTHERLAND. I send to the desk a copy of an address delivered by former Congressman James Thompson Mc-Cleary on banking and currency reform before a joint session of the American Civic Alliance and the American Association for the Advancement of Science, at Washington, D. C., December 29, 1911. I move that it be printed as a Senate document.

The motion was agreed to.

RECEIPTS FROM SALE OF PUBLIC LANDS FOR IRRIGATION WORKS.

Mr. SMOOT. Mr. President, the bill (S. 5062) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, introduced yesterday by the Senator from Nebraska [Mr. Brown], seems to have been referred to the Committee on Public Lands. It should have been referred to the Committee on Irrigation and Reclamation of Arid Lands.
The VICE PRESIDENT.

Without objection, the order changing the reference will be entered.

GENERAL ARBITRATION TREATIES.

Mr. ROOT. I present a large amount of literature on the arbitration treaties, being articles, addresses, newspaper comments, and so forth. I ask that the papers be printed as a document, and, owing to their bulk, it is proper that the request be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, the papers will be referred to the Committee on Printing for future action.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles

and referred to the Committee on Commerce:

H. R. 14484. An act to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power;

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-

second Street in said city;

H. R. 16676. An act to authorize the Lake Shore and Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill.;

H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis River at Hodges Ferry, Mo.;

H. R. 16693. An act to extend the time for the completion of

the municipal bridge at St. Louis, Mo.; and H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.

H. R. 51. An act to provide for the forfeiture of rights of way granted to railway companies across Indian lands was read twice by its title and referred to the Committee on Indian

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton was read twice by its title and referred to the Committee on Agriculture and

Forestry.

93×15= 1

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co. was read twice by its title and referred to the Committee on Military Affairs.

GOVERNMENT FURNITURE FOR USE OF STATE OF ARIZONA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4351) to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings, which was to add a new section, as follows:

SEC. 3. That the Attorney General be, and he is hereby, authorized and directed, in so far as the property hereinafter described is, in his judgment, not needed for the present use of the United States courts

and judicial officers within the State of Arizona, to deliver to the governor of the State of Arizona, for and in behalf of said State, all law books, typewriters, typewriter desks, letterpresses, and other furniture and furnishings now the property of the United States, and now in possession of the judges and clerks of court in the several judicial districts of the Territory of Arizona.

Mr. MYERS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LAND AT MIDVALE, MONT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4246) to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes, which were, on page 1, line 5, after "hotel purposes," to insert "at a price to be fixed by appraisement"; on page 2, line 1, to strike out "United States"; and on page 2, line 2, after "Indians," to strike out "and used for their benefit in the discretion of the Secretary of the In-

Mr. DIXON. I move that the Senate concur in the House amendments.

The motion was agreed to.

GENERAL ARBITRATION TREATIES.

The VICE PRESIDENT. Is there other morning business? If not, the morning business is closed.

Mr. BURTON rose.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McLean	Root
Bankhead	Dixon	Martin, Va.	Shively
Borah	Foster	Martine, N. J.	Simmons
Bourne	Gallinger	Myers	Smith, Ga.
Bradley	Gamble	Nelson	Smith, Md.
Briggs	Gronna	Nixon	Smith, Mich.
Bristow	Guggenheim	O'Gorman	Smoot
Brown	Heyburn	Oliver	Stephenson
Bryan	Hitchcock	Overman	Sutherland
Burnham	Johnson, Me.	Page	Swanson
Burton	Kenyon	Paynter	Taylor
Clapp	Kern	Penrose	Townsend
Clark, Wyo.	Lea	Perkins	Warren
Crane	Lippitt	Pomerene	Watson
Crawford	Lodge	Rayner	Williams
Culberson	McCumber	Richardson	Works

Mr. BRYAN. My colleague [Mr. Fletcher] is absent on business of the Senate.

Mr. PAGE. I wish to announce that my colleague [Mr. Dillingham] is detained on account of official business.

The VICE PRESIDENT. Sixty-four Senators have answered

to the roll call. A quorum of the Senate is present.

Mr. LODGE. I move that the Senate proceed to the consideration of the pending arbitration treaties as in open executive

The motion was agreed to.

Mr. BURTON. Mr. President, it is not my intention to-day to enter upon any elaborate analysis of the pending arbitration It is rather my object to give a general survey of the growth of arbitration and its applicability to present conditions, together with some statement of the exceptional importance which this subject has recently assumed. It is my conviction that among questions of foreign or domestic policy now pending before the Congress these treaties assume the foremost importance.

In different eras in the world's history progress has been very marked in particular lines. At one time, as in the fifteenth century, it was in the direction of the discovery or exploration of portions of the earth. At another time inventions and the great forces of nature have been utilized for the satisfaction of human wants and the improvement of conditions. In other instances there has been a great advance in knowledge or in a more general appreciation of human rights and an increased measure of personal liberty. At still other times there has been progress in popular government or in the better organization of industry and commerce.

It was the distinctive feature of the nineteeth century that progress was very plainly in evidence in all directions which make for human betterment, and this magnificent development is all the more marked in the first 11 years of the twentieh century. Popular government is gaining ground all over the world. In the last 10 years, even in remote portions of the earth where despotism had prevailed from time immemorial, the people have been asserting their right to rule. Everywhere there is prevalent a disposition to give greater equality of opportunity and to establish a higher standard of peace and

That to which I wish to call especial attention is the fact that there has been more progress in the peaceful settlement of disputes by arbitration during the last 12 or 13 years than during any entire century preceding. It perhaps is not an exaggeration to say that in practical results more has been accomplished during the period beginning with 1898, than in all the centuries preceding. Undoubtedly wars may occur, there may still be slaughter and destruction, but the movement toward mutual good will among rival nations and the promotion of greater equality of rights as between the strong and the weak is becoming irresistible. No sovereign and no nation can afford to stand in its way or stay its progress.

Many of the former occasions for war have disappeared. Save in isolated instances, wars on account of religion have There is no longer an attempt on the part of one civilized country to subdue and annex the territory of another, because a balance of power is insisted upon by the whole concert of nations. While there are still uprisings and wars for a greater degree of popular rights, greater liberty is now more generally sought by agitation and by education. There are no incursions of barbarians upon civilized peoples, such as those of the Goths, the Huns, and the Vandals in the olden time. No uncivilized people would make the attempt unless actuated by despair. The kind of aggression which seems to find the greatest degree of extenuation among civilized nations is that of wresting territory from the uncivilized or partially civilized peoples. Unfortunately, this year, 1912, is witnessing a war of that character. The excuse for the attack of more advanced nations on those still living in a condition of semibarbarity, is that, with the pressure of population upon the earth's surface a people who do not utilize its treasures and resources, who do not keep pace with the march of human progress, must yield their territory to those more advanced in civilization.

Possibly, if we were to engage in arguments on that subject, the fact would be brought to our attention that we drove the American Indian from his ancient habitation and that for similar reasons and under like conditions it is justifiable to go into the equatorial and other regions of the earth and there appropriate valuable lands and territories which have thus far been kept out of use. It is to be hoped that not by conquest but by the spread of knowledge and the better understanding of their own destinies those peoples will raise themselves out of bar-There has been of late most notable progress among less developed peoples. The case of Japan is a most remarkable illustration. Sixty years ago her people were isolated from the rest of the world; there was only a partial civilization; but that country has now brought herself into the very forefront among industrial and commercial people, and her prowess in war is universally recognized. The lover of peace must hope that not by the subjugation or conquest of these less advanced peoples, but by more pacific means civilization may be spread throughout the remotest regions of the earth.

I desire briefly to survey some of the reasons why over such widespread areas and for so many centuries war has been so prevalent. We can look back to crude conditions when, without means of communication or association, it was impossible for people to understand each other. A spirit of antagonism and repulsion existed between races and countries. Added to that there was no appreciation of the advantages of cooperation in society; there was an entire absence of any authoritative tribunal for the settlement of disputes, not only between nations, but even between individuals. Besides, for long centuries war was the easiest means of obtaining spoil, and perhaps we may even say the means of subsistence. Oftentimes the people of the plains, devoted to the pursuits of agriculture, lacked prowess and ability in war, which made them the prey of those living on the mountains or in countries less advanced in cultivation.

The triumphs of science have partly remedied this situation. Better equipment for war, the abundance of supplies and resources, and the development of staying qualities have become the requisites for successful warfare. The most striking feature of this long-continued development is that with each invention the industrial classes have assumed a greater degree of prominence. They have demanded a greater share in the government, a larger degree of individual liberty, until their influence has become exceedingly potent in the affairs of nations. Kings and sovereigns have come to realize that prosperity depends not upon mere prowess in war, but in the development of national resources and the promotion of peaceful pursuits, Thus, men have ceased to be warlike in order to become industrial; they have left their barbarity that they may secure the rewards of civilization.

Perhaps the most potent factor in all those developments which make for international good will, for the mitigation of asperities and the removal of misunderstandings, has been improved means of communication by the steamship, the railway, and the telegraph; and here, at the beginning of this twentieth century, all these great improvements are promoting a more peaceful disposition among nations. The feature, however, which is discouraging is that of an armed peace, a pre-paredness for war, as the result of which year by year improved methods of equipment for warfare require the discarding of the old and constructing anew on a more colossal scale. This factor has shown its increasing effect in the last 20 years, and now millions of men are withdrawn from peaceful employment to be numbered among armies. Compulsory service prevails in many nations, and there is an annual burden of expense resting upon the nations of Europe and the United States amounting to approximately \$2,000,000,000.

It is impossible for us to exaggerate the extent to which measures to avoid increased taxation have been associated with the advance of human liberty and a greater degree of progress among the nations. Sordid though it may seem, John Hampden gave his adherence to new principles of liberty because he was unwilling to pay a few shillings of ship money. Our Revolutionary fathers refused to pay a stamp tax or a tax on tea. Among the motives which prompt human activity we must admit that the pressure upon the purse is a most important one; and as it is sometimes darkest before dawn, so we may be sure that the present enormous taxation for maintaining military establishments is sure to have its effect in stimulating the movement for arbitration and for peace.

We may also rely upon other influences which should commend themselves to us more forcefully-the growth of knowledge, so that men are now ruled rather by ideas than by the sword; the realization that all men have a common destiny, which more and more is dawning on all peoples; and the mighty influence of the Christian religion to draw men away from bloodshed into the paths of peace.

It is my desire, Mr. President, to review briefly the progress of arbitration from the beginning. There are three standpoints from which we must view this subject. First, are the arbitrations national or international? Second, do they provide for specific difficulties or establish a method for the settlement of all differences? Third, do they refer to past or future controversies? Arbitration was not unknown in the ancient world. Even Cyrus left the settlement of a dispute between Persia and Assyria to a prince of India. Pericles was commended because of his willingness to leave the contentions of Athens to arbitration. Philip of Macedon on one occasion signified his willingness to submit a dispute to impartial judges. Thucydides quotes the king of Sparta as saying: "It is wicked to proceed against him as a wrongdoer who is ready to refer the question to an arbitration."

It will be noted, however, in examining into the cases in which arbitration was tried in Greece, that it was rather inter-Hellenic than international. In his handbook upon Grecian Political Antiquities Mr. Gustave Gilbert, a German publicist, gives the following brief description of the practice of arbitration among Greek States:

When between two States there arose difficulties which could not be adjusted through friendly negotiations, then, in order to avert war, a decision was sought from an international arbitration court; and not infrequently such recourse for the settlement of disputes that might arise was stipulated for in the peace treaties between the contracting parties.

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This arbitral decision, the refusal to accept which prejudiced the claim of the party so refusing, and which refusal was inadmissible in law, was intrusted either to a private individual of eminent distinction, or even to the Delphian Oracle, or to one or several States. When one or several States were intrusted with the decision, the State or the respective States to the controversy laid the matter before a commission especially appointed for the purpose, or before either a court already in existence or one to be organized for that purpose. And before this court the contending States presented their case through advocates, according to whose evidence the arbitral court rendered its judgment.

The contending States sometimes guaranteed compliance with this judgment by depositing a sum of money, which was forfeited in case of noncompliance with the judgment. In general, however, compliance with the judgment depended on the good will of the States concerned, since manifest prejudice in the decision of the umpire must certainly have been unusual.

There has been recently unearthed in some old monuments an instrument of arbitration between Samos and Priene in regard to the possession of a fort named Karion and the land surrounding it.

Direct negotiations failed to adjust the controversy, and Samos and Prienè submitted it to a Rhodian commission, consisting of five judges, which visited the disputed localities, listened to the claims of either party on the spot, and finally decided the controversy in the Artemision at Ephesus.

The inscriptions setting forth the arbitration are unfortunately imperfect, but enough is preserved to show the origin and nature of the controversy, the proceedings, and the award.

"The question at issue," says Mr. Hicks, "was the ownership of Karion and its neighborhood."

The heading of the Rhodian award is happily preserved and is very explicit. After giving the names of the five arbitrators and of the delegates from Samos and Priene, respectively, and having stated the circumstances under which the award was delivered, the Rhodians proceed to affirm in brief that they hold the claim of Priene to Karion and its environs to be fully proved (lines -27). They add that they have made two copies of the award and have delivered one to the authorities at Samos and the other to the authorities at Priene (lines 27-Then there follows a recital at length of the arguments that had been employed on either side (lines 45-154). the arbitrators sum up and pronounce judgment in favor of Prienè (lines 154-157). Appended was a specification of the exact boundaries between the Samian and Prienian lands.

So it will appear, Mr. President, that at this early time, some three or four hundred years before the Christian era, means for arbitration, leaving the question to a State or city, to judges selected beforehand, or those selected by the States or cities. were in vogue in the Grecian world, although never practiced

between a Hellenic and a non-Hellenic State.

There were not lacking instances of arbitration among the early peoples of Italy, sometimes under compulsion. There were similar agreements entered into in the Middle Ages among the dismembered nations and communities of the Roman world. Here the possibility of judicial adjustment rested on the prevalence of similar systems of jurisprudence and upon a degree of similarity in language and customs. There has been no epoch so remote or so lacking in civilization but that some statesman could be found who entertained views upon this subject as humane as those of this modern day.

Cromwell, while lord protector, soon after the year 1650, took a very advanced step by entering into arbitration treaties with five countries—with the Netherlands, Denmark, Portugal, France, and Sweden. All these treaties, however, related especially to the seizure of property at sea in time of war, and all referred only to past disputes. There were not lacking philanthropists and publicists, some of them even before the time of Cromwell, who were blazing the way, sometimes as idealists, sometimes with an element of the visionary, not only for the settlement of disputes by arbitration, but for an international

parliament.

A plan ascribed to King Henry IV of France, though perhaps framed by some of his ministers, proposed a division of the whole of Europe among 15 Powers, these Powers to have a general council, representing the States of all Europe, which should pacify quarrels and oversee the civil, political, or re-

ligious affairs in Europe, whether internal or foreign.
Hugo Grotius advocated a system of arbitration. de St. Pierre advocated a permanent or perpetual union be-tween certain Christian sovereigns, each of whom should be contented with the territory he actually possessed, and who should be represented by deputies in a perpetual congress or Our own William Penn proposed a European diet or parliament, which was to meet yearly, or once in every two or three years at the furthest. A sovereign who refused submission should be compelled to submit his contentions to the diet. The plan for the diet and its deliberations was worked out in great detail. "To avoid quarrels for precedency"—that is, among the representatives—"the room for assemblage might be round and have several doors to come in and go out at." More recently, elaborate plans for the settlement of international disputes and for meetings in furtherance of the common interest were devised by the philosopher, Immanuel Kant, by Jeremy Bentham, and by Profs. Bluntschli, of Germany, and Seeley, of England. I am giving only a very imperfect list of those who proposed more or less elaborate plans for the peaceful settlement of disputes, coupled in many instances with propositions for an international legislative body.

From the time of Cromwell for about 140 years all movements for arbitration seem to have been suspended. In the year 1794, however, a very advanced step was taken, which may be called the classic example for modern arbitration treaties. I refer to the Jay treaty with England in 1794, which brought so much obloquy upon its author and caused so much opposition to Washington. This treaty, in three articles, provided for the settlement of boundary disputes, claims preferred by British creditors, and particularly claims based upon irregular or illegal captures or condemnations of vessels and other property. Outstanding difficulties were to be settled by means of mixed commissions. The provisions of this treaty were carried out, and led to the settlement of many perplexing questions, all of them, however, relating to past disputes.

A great impetus was given to arbitration at the close of the Napoleonic wars. It would seem that in this titanic struggle a

final effort was made to obtain the mastery of Europe by force of arms; and at its close the nations, softened by calamity and exhausted by years of constant strife, concluded it was better

to dwell together in amity.

From the treaty of Vienna we may date the more effective adoption of the idea of the balance of power in Europe. Since that time no nation has been justified in going to war except upon grave provocation. In some instances where territory has been annexed as the result of war, as in the case of the annexation of Alsace and Lorraine by Prussia, or Germany, in the war of 1870-71, and in the case of the annexation of Lombardy and Venice to Italy, there existed a prior claim to the territory. There have been other instances in which, although one nation had netably triumphed, it was allowed to gain no considerable territorial or other advantage. As examples of this, I may mention the war between Russia and Turkey in 1878-79 and the war of 1894-95 between Japan and China, after which three nations-Germany, France, and Russia-intervened and forbade the acquisition of territory conceded to Japan by China.

This period is rich in instances in which the most irritating questions have been settled by arbitration. Probably disputes about boundaries have furnished the basis for the largest number of arbitrations. Next come indignities to citizens, pecuniary claims, seizures at sea, unlawful harboring of privateers, or their construction or sale. The treaty of Washington, in 1871, provided for the settlement of the so-called Alabama claims and claims for depredations committed by other vessels which had been harbored in English ports or which had been fitted out therein. The result was the payment to the United

States of an indemnity award of \$15,500,000.

Contemporaneously with these arbitrations, which pertained either to specific difficulties or to past disputes, there was a potent movement for a larger scope in the peaceful settlement of controversies between Nations. Mr. William Jay, president of the American Peace Society, a worthy son and successor of John Jay, in the year 1842, in a pamphlet which had very wide circulation at home and abroad advocated a comprehensive plan to include every species of quarrel. The title of this pamphlet was "War and Peace, the Evils of the First, and a Plan for Preserving the Last." Propositions were made in 1840 by Richard Cobden, in the House of Commons, for the future settlement of all disputes. These propositions were not adopted. There was, however, one treaty in which our own country had part, which stands out prominently as a beacon light in the cause of arbitration. That was the treaty of Guadaloupe-Hidalgo, in 1848, on the occasion of peace with Mexico. I desire to read Article XXI because it is a very proper basis for arbitral agreements.

If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the

It will be noted that the language is very broad; it includes

not only commercial but political relations-

not only commercial but political relations—

The said Governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using for this end mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

The only implication whatever of any exception is in the very Otherwise, it is as broad as any arbitration treaty

In the year 1883 a treaty was proposed between the United States and Switzerland which left all disputes to arbitration. This treaty was framed, but was not ratified or proclaimed. It may be said: "Switzerland is an inferior nation, which does not engage in wars with any of the nations of Europe, that this small republic is a kind of favored ward of all the nations.' Nevertheless, the proposed treaty marked one step in the right direction, as showing that the subject was under consideration.

The next step in this direction was the Olney-Pauncefote Treaty of 1897, in which the high contracting parties agreed to submit to arbitration all questions of differences between them which may fail to adjust themselves by diplomatic negotiations. There was a specific enumeration of three classes of controversies, viz, for pecuniary claims not exceeding £100,000 in amount, for those exceeding that limit, and territorial claims. It failed of ratification by the Senate by three votes. There was an elaborate provision for the selection of arbitrators and umpires, and for the degree of unanimity with which their decisions must be rendered, in some cases requiring a unanimous award.

The next arbitration treaty which provided for the future and comprehended all disputes was that between Italy and the Argentine Republic, signed at Rome on the 23d of July, 1898, whereby the high contracting parties bound themselves to submit to arbitration all disputes which might arise and which could not be adjusted by diplomacy.

Finally came the greatest step of modern times—the Hague Conference of 1899.

It is true this great gathering of 26 nations failed in that which was probably the leading motive for its convening—a limitation of armaments. But in other respects it succeeded in a degree little short of marvelous. A general provision was agreed upon for the peaceful settlement of international controversies. The right of nations to offer their good offices and mediation to combatants without giving offense was established. An agreement was made for choosing a commission of inquiry to determine the facts at issue in any international dispute, and for a report upon those facts. The importance of the declaration of this policy by 26 nations can hardly be overrated. In this connection I may state that in all controversies, whether between nations or individuals, nothing is so essential as that the real facts and conditions shall be made clear by intelligent and impartial judges. When that is done, whether it be a private dispute or a dispute between mighty nations, the desirability of amicable settlement will be made apparent.

To digress, I may say, that in some of the States of this Union conciliation boards for the voluntary adjustment of labor disputes have met with the greatest degree of success when no power belonged to them beyond that of simply ascertaining the facts.

The Hague Conference of 1898 also provided a plan for the formation of a court of international arbitration by which each of the different countries was to designate not more than four judges to serve for a term of six years, thereby creating a panel from which judges could be selected at any time. Methods of procedure were carefully and specifically defined. There were separate conventions for the amelioration of warfare on land and for the adaptation of the Red Cross to maritime warfare. It is true, as I say, that this conference failed in that which was its main object—a limitation of armaments. It also failed in securing the adoption of a proposed agreement for compulsory arbitration of certain categories of subjects. Nevertheless, it stands forth prominently as inaugurating a new era in the history of the world's peace.

The second Hague Conference, that of 1907, was attended by 44 nations. This conference revived and added to the convention of 1898, and changed its provisions somewhat, but all in the direction of greater readiness in resorting to means for the peaceful settlement of controversies and to greater perfection in the machinery of the court. It also forbade war as a means of collecting contractual debts, and made provision for the establishment of a prize court. It clearly established as a principle of international law that a naval force may not bombard undefended harbors or cities.

At both these conferences the desirability of delaying the date of arbitrating a dispute until excitement and passion have subsided was emphasized. As a result of these suggestions some of the more recent treaties have contained a provision for such an interval for deliberation. I think, if we were to study the history of wars, we should agree that if in each case a year's time had been given for deliberation the number of bloody conflicts would have been very much diminished.

In saying this, I am not ignoring the fact that irresistible causes for conflict have existed even in comparatively recent years, and that they may exist in the future; but the whole tendency is to furnish adequate means for the peaceful settlement of controversies. Nations not involved in the conflict whose interests are best served by universal peace exert a powerful influence against the beginning or continuance of war.

Eight cases have been settled under the provisions of The Hague convention. The first was the so-called Pious Fund case, relating to a controversy between citizens of the United States and Mexico. By a unanimous decision of judges an award was made in favor of the United States. An amount of about \$1,450,000 in Mexican money was awarded to citizens of the United States, together with an annual stipend or annuity somewhat in excess of \$40,000. Certainly a dispute about this amount of money was not a sufficient reason to disturb the peaceful relations of the countries, but it was a cause of irritation and a subject eminently suited for arbitration. When The Hague court was established a convenient means was afforded

to both nations to submit this question to impartial arbitration, and it was settled, it is to be hoped, to the satisfaction of both.

But whether the judgment in that case was satisfactory or not, the advantage of peaceful settlement as opposed to war is so incalculable that the common sense of mankind will eventually realize that it is far better to submit cheerfully to a decision not wholly satisfactory rather than resort to arms. A great many litigants are not altogether satisfied when a judgment is rendered against them; but for that reason, he who goes to court would not wish to go back to the old method of trial by battle. He would not wish to destroy the organized forms of society and return to a condition in which each man was the judge in his own cause and the strongest prevailed. So, when these arbitral methods are tried among nations, the same degree of satisfaction and the same benefits are sure to result.

Again, there was submitted to this court the so-called Dogger Bank case. Russian ships had fired upon English fishermen in the North Sea, off Dogger Bank, not far from the city of Hull. This was a locality where fishing had been carried on for centuries, and the act of opening fire upon defenseless seamen appeared to be utterly inexcusable. On another occasion I expressed the fear that if an act of this sort had been perpetrated against American fishermen while fishing off the coast of this country it would have involved even this Nation in war. The incident caused great excitement. The offended nation was vastly superior in naval strength to the one that had committed the offense, which might have easily tempted it to acts of reprisal. Many of the wars in the world's history have been fought on a pretext of much less importance. Yet because of the more generous feeling that exists between nations and the greater capacity for self-control, passion subsided, and a commission was created for the settlement of the question. It was found by this commission that the Russian ships were not justified in opening fire and had committed a serious offense, but that there were some extenuating circumstances which indicated that the act had not been committed wantonly. Apologies were offered and accepted, and a suitable indemnity was agreed upon for the injury done. Thus an exceedingly aggravating incident, which might easily have led to war, was amicably settled, to the lasting honor of the nations involved.

Other arbitration treaties negotiated contemporaneously with, or subsequently to, the The Hague conferences provide for the settlement of all disputes, future as well as past. The first in this century was that between Chile and Argentina in the year 1902, in commemoration of which a bronze statue of the Prince of Peace was erected on a high point of the Andes, where the road crosses the mountains between the two countries. The terms of this treaty gave assurance that there would be 10 years absolute peace between the two countries. There was a provision that within 6 months prior to its termination, I believe on the 27th or 28th of May, 1912, either party might denounce the treaty, but otherwise it should continue in force for another 10 years. It is to be hoped that there may be no occasion for denunciation and that it will continue in force.

A treaty was also ratified between the Netherlands and Denmark in the year 1904, which provided that, for all time, all disputes, future as well as past, should be settled by arbitration. Those countries have certainly set a conspicuous example to the nations of the earth. It may be said they are among the less important nations, but it should not be forgotten that England has been compelled to lower her flag before each of them in turn, before the Danes somewhat more than a thousand years ago, and before the Netherlands less than 300 years ago. They have an exceptional prestige among the nations of the earth, notwithstanding their comparatively small size and limited population. They are an aggressive and virile people, but, nevertheless, are leading the way for the universal settlement of all difficulties by the agencies of peace.

A later treaty has been concluded between Sweden and Norway, which is somewhat similar to the treaties now pending before the Senate, though the question whether a subject is justiciable is left to the arbiters.

One of the most notable of all these recent treaties is the one in effect among five Central American States by which they agreed to the selection of a judge from each who should constitute a court to meet in Costa Rica, to which any disputes between those countries may be submitted, or a foreign nation, if it chooses so to do, may present any question between itself and any one of the five States. This treaty or convention has not been without its very beneficial results, for in two instances it has averted war between members of that Central American group.

The cause of arbitration was powerfully promoted in the years 1903 and 1904 by the treaties between Great Britain and France in a form which excluded only questions of honor and vital interest. Not only was the treaty concluded between

these two leading countries, but each entered into a considerable number of similar agreements with other nations of western Europe. The United States made a similar treaty with France and one with Great Britain in the year 1908, in which the questions excepted were vital interests, independence, honor, and matters concerning third parties.

It is to the lasting credit of the United States that in 21 treaties which we have ratified, in the same general form as the treaties of 1908 with Great Britain and France, weak nations as well as strong have been included. I think it may not be a waste of time to give a list of the countries with which these treaties have been made: Austria-Hungary, Brazil, China, Costa Rica, Denmark, Ecuador, France, Great Britain, Haiti, Italy, Japan, Mexico, Netherlands, Norway, Paraguay, Peru, Portugal, Salvador, Spain, Sweden, and Switzerland. Countries without navies and without standing armies are included in the list of those with which we have chosen to make conven-tions, as well as some of the most powerful nations on the face of the earth.

It is to be regretted that it was found necessary in each of these treaties to except questions of honor and vital interest, but they, nevertheless, marked a distinct advance and established guaranties of peace quite in advance of preceding conditions. The difficulty of giving any exact definition to the phraseology "honor and vital interests" has seriously detracted from the value of these treaties as a guaranty of international peace. The question of honor was regarded by many as involved in the Newfoundland fisheries dispute, which might have prevented the amicable settlement of that question. At the time the United States was pressing its claims for damages against the British Government as a result of the depredations of privateers which had been fitted out in English ports, so prominent a man in the English Government as Lord Russell declared that the Alabama claims could not in honor be submitted to arbitration. I state this to show the unfortunate latitude in construction which may be given to the words "honor and vital interests" and the difficulty of securing the best results from any treaty which contains terms of such

The treaty which is pending before us substitutes another rule, viz, that the subject matter shall be "justiciable," the exact language of the proposed treaty being:

By virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

The important advantage of such a provision is that it contemplates a gradual growth, an advance in amicable settlement of international disputes increasing in momentum year by year. It is in line with the rules for the settlement of private disputes and gives most hopeful promise that just as law has grown up within nations between individuals so a system of international law may be established which will be effective among all peoples.

In this connection, Mr. President, I may say that I should regret to see added to these treaties, either by the ratifying resolution or in the treaties themselves, an enumeration of specific exceptions such as the Monroe doctrine, immigration, or payment of State debts. It is perfectly clear that under any possible interpretation of international law at this time those would not be questions justiciable either under the principles of law or equity.
Mr. CUMMINS.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER (Mr. OLIVER in the chair). Will the Senator from Ohio yield to the Senator from Iowa?
Mr. BURTON. I will.
Mr. CUMMINS. I do not know whether the Senator from

Ohio is willing to submit to an interruption or not.

Mr. BURTON. I said at the beginning that I did not expect to enter at any considerable length or with any elaboration on an interpretation of the specific terms of this treaty. I may do that at a later time, but I desire now to dwell upon the general progress in the amicable solution of international controversies, the conditions that have led up to the demand for arbitration, and the possibilities for it at the present time. I yield to the Senator from Iowa.

Mr. CUMMINS. It is quite probable at some later time I may make some remarks upon the pending treaties, and inasmuch as the Senator from Ohio has referred to a comparison between the treaty of 1908 with Great Britain, for instance, and the proposed treaty with Great Britain, I should like very much to know his opinion with respect to the effect of the words in the pending treaties, and which are not in the treaty of 1908, "by virtue of a claim of right." What is meant by limiting the controversies to be submitted to arbitration in the treaty now

before us to a claim of right? What is a claim of right as applied to the relations between nations?

Mr. BURTON. I regard it as a general term. The treaty provision reads "by virtue of a claim of right made by one against the other, under treaty or otherwise." That language would seem to me to include every possible justiciable question which could arise between the two countries, whether under the treaty or because of the general relations existing between

Mr. CUMMINS. Mr. President, I have been constrained to reach the conclusion that Article I of the treaty now before us is much narrower in its scope and will be more limited in its application than Article I of the treaty of 1908; and that is the reason, it is because I desire to at least make no backward step in the matter, that I call the attention of the Senator from Ohio to what I regard as a very significant and unnecessary change in the phraseology used in the present case as compared with a similar article in the treaty of 1908.

Mr. BURTON. May I ask the Senator from Iowa a question? If you were to select a word comprehensive and clear, to include the greatest variety of subjects, what better word could you select or what better phraseology could you select than that used in Article I.

Mr. CUMMINS. Well, looking back over my experience as a lawyer, I would certainly not select the phrase that is found Mr. CUMMINS. in the present treaty. I would not select any phrase. I prefer the language used in the treaty of 1903, which I do not recall exactly, but it is substantially this? That differences of a legal nature or differences arising under a treaty shall be submitted to arbitration, with the exception at the close of the treaty that the Senator has named. I think that when with apparent design we substitute the word "justiciable" for "legal" and I do not claim that there is any substantial difference between "legal" and "justiciable" as used in this connection—when

we limit the controversies that are to be submitted to those which arise by virtue of a claim of right, we have attempted to describe a class of controversies which is somewhat inconceivable to me, and certainly must be of narrower interpretation than the language of the treaty of 1908. Mr. BURTON. Mr. President, I do not think so. The lan-

guage of the treaty of 1908 is:

Differences which may arise of a legal nature or relating to the inter-pretation of treaties existing between the two contracting parties-It seems to me that the language employed in the pending

treaties is much more general in its nature.

Mr. CUMMINS. May I say just one word more there and I will not interrupt the Senator from Ohio again?

Mr. BURTON. Certainly; I yield to the Senator.
Mr. CUMMINS. Those who prepared the present treaties evidently considered the word "justiciable" as a synonym for "legal," and I think properly so. I do not now perceive any difference between the word "legal" and the word "justiciable." In whatever sense used they are both limitations upon the scheme of arbitration. The two treaties are alike in this respect, because neither of them will permit a controversy to be submitted unless it be either of a legal nature or of a justiciable nature. I repeat, there is no difference between those two words; but the present treaty puts another limitation upon the plan of arbitration, namely, that the claim must be "a claim of right." Now, I should like the Senator from Ohio to explain of right." Now, I should like the Senator from Ohio to explain under what circumstances "a claim of right" could arise in favor of Great Britain against the United States, unless it were

in the violation or the alleged violation of a treaty?

Mr. BURTON. In the case of indignity to her citizens, in the case of the illegal detention of property of a British citizen—these are cases where there is no adequate assurance of redress in an appeal to courts. You may even go further and include subjects involving only a moral right. It is a very broad term. There is the limitation, of course, that the ques-tion must be justiclable in its nature.

Mr. CUMMINS. Mr. President, that is just what I wanted to get from the Senator from Ohio, namely, an expression of opinion as to whether the phrase "by virtue of a claim of right" is intended to embrace merely right-that is, to embrace any right that may be insisted upon under the civilization of the age in which we live—or whether it is confined to "a claim of right" as generally understood in the law in cases

in which that phrase is used.

Mr. BURTON. I would say the expression "a claim of right" is very comprehensive. Of course this expression must be read in connection with that which follows in which the term "justiciable" is used. The questions that may possibly be at issue between the two countries and the methods of settlement are more comprehensively defined in the treaty of 1911-12 than

in that of 1908. "A claim of right" would certainly include any

subject arising under international law.

Mr. CUMMINS. Mr. President, I only suggest to the Senator from Ohio that if the treaty had said "every justiciable claim" it could not possibly be narrower than the language of the present treaty; and if the addition of the phrase "by virtue of a claim of right" has made any change whatever in the interpretation or meaning of the article, it must be a narrowing change.

Mr. BURTON. I do not think so because it is so inclusive. Of course, any claim of right can be made, and then the ques-

tion arises whether it is justiciable in its nature.

What I wished to set forth at the moment of interruption was this: International law, even more than domestic law, is a matter of growth. Controversies between individuals which 300 years ago would have been thought impossible of settlement in the courts are now settled there every day. New principles are becoming established in international law; and I think it desirable here to give the largest possible degree of

latitude for future growth.

I do not say that the time is coming when questions relating to the Monroe doctrine or to immigration or to State debts, which I have mentioned, could be submitted to arbitration; but other questions which are now regarded as entirely outside the purview of international law, not justiciable according to principles of law and equity, may, by a natural growth, by better relations, by more thorough study or better understanding of the subject, in five or ten years from now be regarded as capable of ready decision by a court of arbitration. There should be the amplest opportunity for the development of friendly relations and the settlement of an increasing number of controversies.

Mr. President, in the interpretation that I place upon these treaties, whether an agreement for arbitration is submitted under Article I or Article III, they come to the Senate for its approval. At a future time I may say something more on the question of their language and scope of application. I must confess that I would prefer to see them ratified in the exact words in which they were transmitted to the Senate, but placing the interpretation upon them which I do, I can not object to the so-called Lodge amendment. Agreements for arbitration may be submitted in one of two ways: First, a controversy may be made up and submitted for arbitration by the executive departments of two countries, and, second, if one or the other of the executive departments does not agree that it is justiciable, it must be submitted to a commission of inquiry, and if five of them, or the whole six, decide that it is justiciable, that decision merely brings the controversy as regards its justiciability to the same position that it would have occupied if the executive departments had decided in the first place that it was justiciable.

Mr. President, I trust that these treaties may be ratified at the time fixed for a vote. It will be but part of a great world movement which has been at work with tremendous force, beginning about the year 1898-99. You can no longer regard a man who looks for eventual disarmament as a dreamer or a visionary. Those who have advocated the successive steps which have led toward an era of peace and good will can now claim that they have been altogether practical.

The advance is marked as yet by only partial success, but the strength of the movement against the evils and burdens of armed camps and possible war promises a certain triumph, in which we trust our country may have a leading part.

Mr. LODGE. Mr. President, I intended to make a motion to proceed to the consideration of legislative business, unless some other Senator desires to speak, and I will do so presently. But as the question of the phrase "a claim of right" has been raised by the Senator from Iowa [Mr. Cummins], I desire to refer briefly to it. The Senator's suggestion interested me very much. It seems that that phrase "a claim of right" covers pretty much everything, but I sent for a law dictionary to see how far it was defined. I find that under "Right," it says:

Right, A well founded claim-

There seems to be no precise definition of "a claim of right" or what is meant by "a claim of right." It may be anything. It savs-

Rights are claims of moral beings upon one another-

In other words, "a claim of right," taking this definition, is a well-founded claim, and it would cover pretty much everything.

Bouvier's Law Dictionary further says:

The ideas of claim and that the claim must be well founded always constitute the idea of right.

Mr. President, I now move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CROSSING POLICEMEN IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend paragraph 6 of the act approved February 28, 1901, entitled "An act relating to the Metropolitan police force of the District of Columbia," amending an act entitled "An act to define the rights of purchase of the belt railway, and for other purposes," approved June 24, 1898, and relating to the posting of special policemen at street railway crossings and intersections. special policemen at street railway crossings and intersections in the city of Washington, so as to read as follows:

And the special policemen aforesaid, from and after the passage of this act, shall receive as compensation for their services a sum equal to the salary received by regular members of the Metropolitan police force of the District of Columbia (who have served the same length of time), payable in equal monthly installments, as heretofore provided. They shall be allowed 30 days' sick leave and 20 days' annual leave; and in fixing said salaries credit shall be given said special policemen for the time they have served in such capacity in the same manner as is now or may hereafter be given to regular members of said Metropolitan police force.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF BILLS ON THE CALENDAR,

Mr. NELSON. Mr. President, is the Senate now considering bills on the calendar under Rule VIII?

The VICE PRESIDENT. It is not.

Mr. NELSON. I ask unanimous consent that we take up the bills on the calendar under Rule VIII for consideration.

Mr. LODGE. Unobjected cases? Mr. NELSON. That means unob That means unobjected cases.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order.

Mr. SMOOT and Mr. WARREN. Let that bill go over. The VICE PRESIDENT. The bill will go over. The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. GALLINGER. Mr. GALLINGER. I ask that the bill go over. The VICE PRESIDENT. The bill will go over. The concurrent resolution (S. Con. Res. 4) instructing the

Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. GALLINGER. I ask that the concurrent resolution go

The VICE PRESIDENT. The concurrent resolution will be passed over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. SMOOT. I understand that bill has been heretofore read. The VICE PRESIDENT. It has been,

Mr. SMOOT. I have not seen the Senator from Kansas, but will offer no objection to the bill if no other Senator objects. Mr. McCUMBER. I ask that the bill may go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

was announced as next in order.

Mr. GALLINGER. Let that bill go over.

Mr. McCUMBER. I ask that calendar Nos. 141, 186, 187, and 253, being Senate bills 4314, 4623, and 4624, and House bill 17671, be passed from day to day when we reach them on the calendar until further notice, or until they are especially asked to be called up.

Mr. GALLINGER. Why not have them put on the calendar under Rule IX

Mr. McCUMBER. I would prefer that they should remain under Rule VIII.

The VICE PRESIDENT. The Senator from North Dakota asks that whenever the calendar is taken up the pension bills referred to by him be passed over until specifically called up. Is there objection? The Chair hears none.

The bill (S. 2493) authorizing the Secretary of the Treasury

to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let the bill go over. The VICE PRESIDENT. The bill will go over.

Senate resolution 176, requesting the President to make certain inquiries of the Governments of Great Britain and France, touching the arbitration of justiciable controversies or disputes, was announced as next in order.

Mr. GALLINGER. Let the resolution go over. The VICE PRESIDENT. The resolution will go over.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President. The VICE PRESIDENT. The bill will go over.

The bill (S. 2243) to correct the military record of John L. O'Mara and grant him an honorable discharge was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President. The VICE PRESIDENT. The bill will go over.

AGRICULTURAL ENTRIES ON OIL LANDS.

The bill (S. 3045) to provide for agricultural entries on oil lands was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has been read and the

amendment reported by the committee agreed to.

Mr. SHIVELY. Mr. President, I wish to ask the Senator in charge of the bill whether there is any legislation at present prescribing the manner in which there shall be asserted the right to oil on lands which may be settled under this bill.

Mr. SMOOT. Mr. President, I will call to the Senator's attention the provisions of the bill. He will note that on page 1

it reads:

To selection under section 4 of the act approved August 18, 1894, known as the Carey Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the oil in such lands and of the right to prospect for, mine, and remove the same.

That reservation is made to the United States. I wish to explain to the Senator that the lands are all poor lands, impossible of cultivation to-day without the aid of irrigation. In some parts of Utah and Wyoming a number of applications have been made to store water. By storage in reservoirs water can be brought upon the lands and they can be cultivated. They have been withdrawn as oil lands for a number of years. There has been no development of oil, and a great many people believe there never will be oil found in many of the lands withdrawn. But the entrymen are perfectly willing to go on with the irrigation projects and cultivate the lands with the reservation provided herein, that the United States shall have the right, which we have reserved to it, of prospecting for, mining, and removing the oil.

Mr. SHIVELY. The bill is not confined to the present entrymen, however—to persons now in possession of the lands.

Mr. SMOOT. There is nobody in possession of the lands. They belong to the United States.

Mr. SHIVELY. I observe that the bill, on page 4, provides: The reserved oil deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

Mr. SMOOT. Yes.

Mr. SHIVELY. That answers the question I asked the Senator some time ago. But the question in my mind is whether it is wise policy to provide for the entry of these lands as agricultural lands, without at the same time providing the manner in which the oil is to be thereafter taken or removed. The entryman will take possession of the soil; he will put in his crops; he may have out a crop of wheat or corn; and he may plant his orchard. He is not on notice of any rule or regulation or statute that may be enacted by which his in-

terests may be very much affected.

Mr. SMOOT. Mr. President, all of the entrymen that have entered lands of an agricultural nature that have been withdrawn as coal lands have done so under the same provision. This is nothing more nor less than extending the right of entry to oil lands that have been withdrawn from entry, reserving certain rights to the Government of the United

The Senator will notice in the letter from the department the reason for the amendment made. It was upon the recom-mendation of the Department that this amendment was made,

striking out from line 9, page 3, to line 4, page 4, and inserting:

The reserved oil deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

In other words, I understand the department to be in favor of a leasing law for the development of oil lands. If such a law were passed in the future it would apply to land entered under this bill if it becomes a law. But if such a law is not passed the lands entered under the provisions of this bill will remain as they are to-day as far as the mining of oil is concerned.

Mr. SHIVELY. Do you mean that the law governing coal lands would apply in these cases?

Mr. SMOOT. No; not in these cases. Mr. SHIVELY. These are expressly reserved for future leg-

islation and regulation by the department.

It seems to me that when we are entering on the policy of permitting an entry of these lands on which oil may be discovered, or that are oil lands, there should be legislation fixing the manner in which the right to take the oil is to be exercised in the future. Of course, the Senator says the entrymen are perfectly willing to take the land under these conditions and all of that, but it does not seem to me that is the shape in which to leave the matter. Men who go on and enter it as agricultural land ought to be on notice in advance as to what is going to happen afterwards in the assertion of an oil right, even if it is to be asserted by the United States Government.

Mr. SMOOT. Mr. President, if the Senator will refer to the

report, he will notice that the department, in recommending it, calls specific attention to the fact that the bill is in conformity with the bill that was passed by Congress June 22, 1910, I think, providing for agricultural entries on withdrawn coal lands, but the entrymen only secured the surface right to the land and not to the coal. The word "oil" is used in this bill instead of "coal," as provided in the act of June 22, 1910, as the report will show. And, Mr. President, a great deal of agricultural lands in the Western States is tied up with these oilland withdrawals. The lands can not be used unless a bill of this nature is passed.

Mr. SMITH of Georgia. What right do you leave, under the

proposed bill, to prospectors for oil?

Mr. SMOOT. The right that may be granted them under the

Mr. SMITH of Georgia. Then you do not leave any at all. Mr. GRONNA. I am not sure that I am opposed to this particular bill, but I do know that it is very important legislation. I should like to inquire of the Senator from Utah if the settlers who have entered lands that have been declared or classified as oil lands are protected under this bill the same as they are under what we call the coal-land law?

Mr. SMOOT. Under the surface right that was granted to an entryman to enter on coal lands that have been withdrawn?

Mr. GRONNA. Yes.
Mr. SMOOT. This is virtually the same bill, with the exception that the word "oil" is used instead of the word "coal," as the Senator will see in the report from the Secretary of the Interior.

Mr. GRONNA. I have not had an opportunity to examine the bill, Mr. President.

Mr. SMOOT. If the Senator wishes it to go over, I have no objection to its going over.

Mr. GRONNA. I do. The VICE PRESIDENT. The bill will go over.

Mr. HEYBURN. Mr. President, the Senator had agreed to withhold his request for a moment. I desire before it goes over, in order that the Senators may have the question under consideration, to suggest that there is no provision in the bill under which mining locations can be made.

Mr. SMOOT. Mr. President, under the withdrawal act, min-

ing locations can be made upon all withdrawn lands.

bill applies only to withdrawn oil lands.
Mr. HEYBURN. Mr. President, tl Mr. HEYBURN. Mr. President, there is some question about that, because this bill undertakes to deal with the question completely; and there are many instances and many more will be developed where both placer and lode claims exist within the area that is included under the provisions of the bill. We do not want any uncertainty about it; and I propose to offer an amendment that will leave no doubt upon that question. The oil lands are found under lands containing placer gold and other precious metals, so that the right of the prospector should be preserved.

Mr. SMOOT. I asked the Senator to look up the withdrawal

act authorizing the President to make certain withdrawals. He no doubt will remember that that act specifically provides that withdrawn lands shall at all times be opened to explora-

tion under the mining laws of the United States.

Mr. HEYBURN. Mr. President, that would be a question of contention in applying this law, which professes to deal with the whole subject, except by reference to a class of lands. I shall propose an amendment, on line 6 of the bill, inserting after the words "entry under" the words "the mining laws of

the United States.

I do that for the reason that the oil claims are now held to be locatable under the placer land laws of the United States. oil lands in California are located as placer claims, and that has been the source of more contention in the courts and before the departments than almost any other question. So I shall ask that this bill be so specific as to exclude that class of lands. I merely offer the amendment now and it can await the further

consideration of the bill.

Mr. SMOOT. Let the bill go over for to-day.

The VICE PRESIDENT. The bill goes over.

THOMAS HARRISON.

The bill (S. 548) retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over. The VICE PRESIDENT. The bill will go over.

CERTAIN RETIRED NAVAL OFFICERS.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. OVERMAN. I should like to have the bill explained. Mr. WARREN. Is the Senator present who reported the bill?

Mr. GALLINGER. He is not.

Mr. WARREN. I ask that it may go over. The VICE PRESIDENT. The bill will go over.

ARMY, NAVY, AND MARINE CORPS.

The bill (S. 310) relative to joint operations of the Army, Navy, and Marine Corps was announced as next in order.

Mr. LODGE. The bill relates both to the Army and Navy. It came in from the Secretary of War, and was very properly referred to the Committee on Military Affairs. I never saw the bill myself nor heard of it until it appeared on the calendar. concerns a very important branch of the Navy. I have no desire to discuss the merits of the bill now. It seems to me that the bill ought to have the consideration of the Naval Committee also, and I desire to make a motion to commit it to the Com-

mittee on Naval Affairs.

Mr. PENROSE. I second the motion, Mr. President.

Mr. WARREN. Mr. President, I ask permission to say that
I do not know that I shall oppose the motion. The bill appeared, as a great many bills do, with a recommendation from the head of the department to the chairman of a committee. A similar bill was introduced in the last Congress. A large part of the report upon it was an extended review and report from the joint Army and Navy board. The bill passed the Senate and was favorably reported in the House, but failed for lack of time to reach consideration upon the calendar.

It seems from the report that this matter was under consideration for quite a lengthy time and at different times by the joint board, and that the Navy, through its Secretary and also through Admiral Dewey, who is the chairman of the joint board, concluded that the way in which the matter should be handled, where the Army and Navy and Marine Corps meet, would be as proposed by this bill, I assume, because the Army is the land force and is the force that must supply in a man-

ner Government maneuvers.

If it goes to the Committee on Naval Affairs, and I assume it will, I suggest that it ought to go back for a further consideration by the joint board of control, the board consisting of the head of the Army and the head of the Navy, and of old and tried officers, men who ought to know just a little more about conducting matters in the field, matters of supply and control, than either the Military Committee or the Naval Committee.

I should be glad to have the bill fully considered. I have myself no desire as to whether it shall pass or not pass, except that to-day if we found ourselves in a condition somewhere where the Army and the Navy and the Marine Corps would be represented, to attack or repel attack, no officer of either branch would have legal or authorized command, unless by specific order of the President issued for that specific case. There would be three different forces fighting or acting, each on their own hook, with no one commander to control. Therefore I suggest that the matter ought to be in some way remedied and protected.

The VICE PRESIDENT. Without objection, the bill will be taken from the calendar and referred to the Committee on

Naval Affairs.

AIDS TO NAVIGATION AT ASHLAND, WIS. The bill (S. 4455) to provide for the establishment of additional aids to navigation at Ashland, Wis., was considered as

in Committee of the Whole. It directs the Secretary of Commerce and Labor to establish additional aids to navigation at Ashland, Wis., at a cost not to exceed \$25,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OCONTO HARBOR, WIS.

The bill (S. 4242) to authorize the establishment of aids to navigation at Oconto Harbor, Wis., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to establish a pierhead light and a lighted buoy at

Oconto Harbor, Wis., at a cost not to exceed \$5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

LORAIN HARBOR, OHIO.

The bill (S. 4432) to provide for the construction of a light and fog-signal station and for improving the aids to navigation at Lorain Harbor, Ohio, was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to construct a light and fog-signal station and to improve the aids to navigation at Lorain Harbor, Ohio, at a cost not to exceed \$45,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

FOG-SIGNAL STATION AT CLEVELAND, OHIO,

The bill (S. 4434) to provide for removing, reconstructing, and improving the fog-signal station at Cleveland, Ohio, was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to remove, reconstruct, and improve the fog-signal station at Cleveland, Ohio, at a cost not to exceed \$17,600.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

ASHTABULA HARBOR, OHIO.

The bill (S. 4433) to provide for rearranging, rebuilding, and improving the aids to navigation at Ashtabula Harbor, Ohio, was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to rearrange, rebuild, and improve the aids to navigation at Ashtabula Harbor, Ohio, at

a cost not to exceed \$45,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

PENSIONS OF INMATES OF NAVAL HOME.

The bill (S. 4306) to provide for the disposition of pensions due inmates of the Naval Home was considered as in Committee of the Whole. The bill was read, as follows:

tee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the pension to which any inmate of the Naval Home at Philadelphia may be entitled during his residence therein shall be paid to the Secretary of the Navy, except as hereinafter provided. The money thus derived shall not become a part of the funds of the home, but shall be held by the Secretary in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution.

Sec. 2. That the Secretary of the Navy may, from time to time, pay over to any inmate such part of his pension money as may be deemed best for his interest and consistent with the discipline and good order of the home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the home. In case of the death of any pensioner any pension money due him and remaining in the hands of the Secretary shall be paid to his personal representatives if demand is made within three years; otherwise the same shall escheat to the Secretary of the Navy for the benefit of the fund from which such home is maintained.

Sec. 3. That any such inmate of the Naval Home who has a child, wife, or parent living shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension or any part of it paid to such child, wife, or parent: Provided, That one-half of the pension drawn in behalf of such inmate of the Naval Home or to which he may become entitled during his residence therein shall, on the recommendation of the Commissioner of Pensions, be paid by the Secretary of the Navy to such pensioner's wife, she being in necessitous circumstances and a woman of good moral character; or, if there be no wife, to the legal guardian of the minor child or children or the permanently dependent and helpless child or children of such pensioner.

Mr. HEYBURN. I should like to inquire

Mr. HEYBURN. I should like to inquire of the Senator in charge of the bill why the wife, if living and compelled to live separate and apart from the husband who is in the institution, should not receive all the pension?

Mr. PERKINS. It is the same regulation that applies to

the Soldiers' Home.

Mr. HEYBURN. I understand that it is the same regulation that applies to the Soldiers' Home, but I have always had doubt as to the reasonableness of that restriction. The pension is never a large sum; the man is being taken care of at the expense of the Government; but if he has a wife or dependent children they can only get the benefit of one-half of that pension.

Mr. ROOT. He can get all of it.

Mr. HEYBURN. The proviso says one-half. Mr. LODGE. No; it gives the whole. She can have his

pension or any part of it.

Mr. HEYBURN. That is another provision. Let us see.
I was listening only to the reading of it. If we have made a mistake in one case it is no reason why we should continue it. I want to refer to that provision. This is the proviso:

Provided, That one-half of the pension drawn in behalf of such inmate of the Naval Home or to which he may become entitled during his residence therein shall, on the recommendation of the Commissioner of Pensions, be paid by the Secretary of the Navy to such pensioner's

That is the provision which caught my attention.

Mr. ROOT. That is, without his consent.
Mr. LODGE. It is without his consent.

Mr. ROOT. Let the Senator read the preceding paragraph. Mr. LODGE. That is a provision that he may keep at least half from his wife.

Mr. HEYBURN. Let us pause for a moment and see that there is no mistake about it.

SEC. 3. That any such inmate of the Naval Home who has a child, wife, or parent living shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension or any part of it paid to such child, wife, or recent.

Mr. LODGE. Suppose he does not file a written direction. Then it comes under the proviso to enable the Secretary to pay half of it.

Mr. HEYBURN. Does he get the other half?

Mr. LODGE. Yes; he gets the other half if the Secretary chooses to give it. That is the provision in regard to all of the soldiers; and, moreover, the naval pension fund, as the Senator knows, is formed largely from the money of the sailors them-

Mr. HEYBURN. I know it is. The proviso reads:

That one-half of the pension drawn in behalf of such inmate of the naval home or to which he may become entitled during his residence therein shall, on the recommendation of the Commissioner of Pensions, be paid by the Secretary of the Navy to such pensioner's wife.

It seems to me that that provision is a further limitation on the right to the use of the pension by the family of the pen-sioner. It is made subject to the order of the Commissioner of Pensions.

Mr. ROOT. I think it is a limitation upon the pensioner's power of disposition.

Mr. LODGE. It is. Mr. ROOT. The first sentence of the third section standing alone gives absolute power of disposition to the pensioner as to his family. He can direct the payment to the child, wife, or

parent of the whole pension.

Mr. HEYBURN. Now, where does the proviso fit in?

Mr. ROOT. The proviso saves the right of the wife so that he can not direct away from her more than one-half if the Commissioner of Pensions considers that it is unjust and inequitable to direct it away from her.

Mr. LODGE. It is for the protection of the wife.

Mr. HEYBURN. Suppose he has only collateral relatives, where is the power of the pensioner to direct the payment of any part of the pension to one of his family not a wife or child?

Mr. CRAWFORD. It is in the last clause. Mr. HEYBURN. Suppose he has a father or mother. Mr. LODGE. It is covered by the clause "child, wife, or parent living."

Mr. HEYBURN. Suppose he has none of the class enumerated, has he no right to provide for the payment of that money to any other of his relatives who may be in necessitous circumstances? I know it is the existing law as applied to the soldiers' home, but I thought this a proper and appropriate occasion to suggest the wisdom or unwisdom of it.

Mr. LODGE. It seems to me unwise to maintain a distinction between soldiers and sailors. Why discriminate against

Mr. HEYBURN. I would not discriminate against them, but I might look forward to the correction of what seems to be an existing evil in the law.

Mr. LODGE. I think it is a wise law. If we are going to change the law we can change both just as well as one. I think now it discriminates against the sailors.

Mr. HEYBURN. It does now, and there should be some adequate provision covering it.

Mr. LODGE. It seems to me that this is quite adequate.

Mr. HEYBURN. I was merely impelled to make a suggestion, because I think a soldier residing in a home, whether it be a naval home or a home for ex-soldiers of the Army, should have a right to direct that his pension should be paid to any of his family outside of the immediate members, in case they need it. I think there should be a provision so that he might exercise his charitable will or disposition in disposing of his pension. It is his pension.

Mr. LODGE. He has the power to do that under section 2, because the Secretary of the Navy is given a wise discretion to pay over such part of the pension money as may be deemed best for his interest. If he pays it over to him he can make

any disposition of it he pleases.

Mr. HEYBURN. The quest The question is whether we should provide guardianship for a soldier merely because of his misfor-

Mr. LODGE. It is only to be withheld for the purpose of the discipline and good order of the home, and it may be found

to be a very necessary provision.

Mr. HEYBURN. I am not disposed to carp at legislation

merely because there is an inequity in existing law.

Mr. ROOT. I think it works very well. The old fellows who go into a home where they are supported are sometimes quite improvident. The scheme of the law is that primarily when they go into a home the pension instead of being paid is kept for them until they come out. That is the primary dis-position. Then that is modified by the fact that the Secretary of the Navy may at any time, when it is deemed for the interest of the man who goes into a home, pay over any part of the pension instead of keeping it. Then there is the further provision that he may direct the payment of all of it, without having it held until the pensioner comes out.

Mr. HEYBURN. He may direct the payment to certain per-

SOUS.

Mr. ROOT. He may direct the payment of all of it to the person to whom he is under natural obligations to support; that is, the child, wife, or parent. Then the further provision is for the protection of the wife; that in any event he can not divert more than half from her so long as the Commissioner of Pensions considers that it is right and just that she should have it.

Mr. HEYBURN. But the commissioner is invested with the power to pass upon her condition as to whether it is necessitous or not. The pensioner himself might desire to maintain his wife outside upon a little better or higher scale of living, but the commissioner must pass upon it.

Mr. ROOT. No; he can not give it all to her. Mr. HEYBURN. Under the first provision.

Mr. ROOT. Yes; and notwithstanding anything that the Commissioner of Pensions may do, the Secretary of the Navy can not take more than half of it away from her so long as the

Commissioner of Pensions thinks he should not. Mr. HEYBURN. This thought occurred to me. The person then his wife might have little or no sympathy with his children, perhaps by a former marriage, and he might feel that those children needed this money. He might be disposed to devote it to their education and maintenance, despite the fact that a subsequent wife would demand that she have it. I merely point out these objections to it. I am not going to object further to the passage of the bill. I merely took occasion

to point out those conditions. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATURALIZATION OF ALIENS.

The bill (S. 2235) to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps or for four years in the naval auxiliary service was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments.

The first amendment was, on page 1, line 8, after the word "service," to insert "or who has served or may hereafter serve four years in the Revenue-Cutter Service, and who has received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment," so as to read:

That any alien of the age of 21 years and upward who has served or may hereafter serve for one collstment of four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service, or who has served or may hereafter serve four years in the Revenue-Cutter Service, and who has received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, shall, etc.

Mr. HEYBURN. I wish to inquire as to whether we are sufficiently protecting ourselves against naturalizing persons who would not be naturalized had they not enlisted in the We have certain restrictions now under which certain nationalities may not be naturalized. I am not accurately advised as to whether or not any such persons are included within the enlistment and might come within the provisions of the bill.

Mr. LODGE. Mr. President, the Committee on Immigration, which in 1906 reported the naturalization law now upon the statute books, had no intention of changing the existing law in regard to soldiers and sailors. There seems to be, how-ever, some uncertainty on that point. They did not repeal spe-cifically section 2166 of the Révised Statutes, which provides that-

Any alien of the age of 21 years and upward who has enlisted or may enlist in the Armies of the United States, either the Regular or the Volunteer force, etc.

And also the act of July 26, 1894, which provides that-

Any alien of the age of 21 years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such.

There was no intention in the naturalization law to change

either of those sections in regard to the Army and Navy.

Mr. WARREN. May I ask what is the number of years given there?

Mr. LODGE. In the Army, three; in the Marine Corps, four;

and in the Navy, five.

Mr. WARREN. Then what you attempt to do is to make one

term of enlistment entitle an alien to citizenship? Mr. LODGE. We mean to make the naval enlistment uni-

form with the Marine Corps—four years.

Mr. WARREN. The same enlistment period?

Mr. LODGE. The same enlistment period, four years, which is longer than is allowed in the Army. It does not, of course, overrule the specific exclusion of the naturalization law.

Mr. HEYBURN. That is the point that was troubling me. Mr. LODGE. If it had, it would have been done a great many years ago, because the law is an old one, admitting all soldiers and sailors. This is only to equalize it, and to get rid of what is an extreme injustice to the sailor and to the man in the Revenue-Cutter Service. The courts require one year's continuous residence. It is often impossible for the sailor it. his enlistment to give one year's continuous residence in order to get naturalization.

Mr. HEYBURN. I am not inclined to differ with the Senator from Massachusetts in regard to that provision or that purpose, but my mind was put on inquiry as to whether or not certain

restricted classes or nationalities might not enlist.

Mr. LODGE. The Senator means that it admits the China-

men to citizenship?

Mr. HEYBURN. Yes.

Mr. LODGE. That is impossible. The bill does not change the existing law. They never have been admitted under the law, and they never could be, because the other exclusion was The bill does not change the existing law, except so far as it admits the Revenue-Cutter Service, in which there are no Chinamen.

Mr. HEYBURN. The language is "any alien" without restriction or classification.

Mr. LODGE. That is the exact phrase of the law to-day.

Mr. HEYBURN. But there is a proviso in it.

Mr. LODGE. There is no proviso that I am aware of.

Mr. HEYBURN. The Mongolian races are excepted from the provisions of our naturalization law.

Mr. LODGE. Of course they are, and that is a specific exclusion. It forbids anything being done under those acts. What I want to call the Senator's attention to is that the bill does not alter the existing law in that respect at all.

Mr. HEYBURN. That is the question.
Mr. LODGE. If there is a question, then I am at a loss to

Mr. HEYBURN. I regret that such is the case.

Mr. LODGE. I have no doubt it is the fault of my under-

Mr. HEYBURN. But we all must understand a measure we vote upon.

Mr. LODGE. That is important.

Mr. HEYBURN. That is quite important. It is possible that the language used in this act might remove the class of that the language used in this act might remove the class of persons who have enlisted in the service from the restrictions of the general naturalization law, because there is no exception been in the law for 70 years.

here. If a Chinaman or a Japanese were to be enlisted in the Army, then he would come in under the express terms of the bill, and it being special in its nature it is very probable that the general law would not cover it.

Mr. LODGE. He could no more come in under the express terms of this bill than he could come in under the statutes now on the statute books, which have been there for many years, and it has been held that he can not come in under those statutes.

atutes. He never has come in.
Mr. HEYBURN. There are exceptions under those statutes from the operation of its provisions.

Mr. LODGE. It does not appear, upon reading those statutes,

that they are excepted from them.

Mr. HEYBURN. I think when the Senator comes to ex-

Mr. LODGE. I have examined. That is where I have the advantage of the Senator.

Mr. BACON. Will the Senator permit me to call attention to

fact? I have before me the general naturalization law. Mr. LODGE. Of 1906? Mr. BACON. No; dating back to 1862.

No; dating back to 1862. The revised naturalization law is the act of Mr. LODGE.

Mr. BACON. The point I want to call attention to is that we have two sections in the Revised Statutes which have been upon the statute books, one of them, it seems, since the year 1824, and the other since 1862, in which this same language is used.

Mr. LODGE. That is the general provision as to naturalization.

Mr. BACON. That is the general provision under the title of "Naturalization," in which the various provisions are added.

Mr. LODGE. Mr. President— Mr. BACON. If the Senator will pardon me a minute, I am not taking issue with him; I am simply calling attention to what I think fortifies him in his position, and that is, that this identical language has been on the statute books, if the reference

on the margin is correct, ever since 1824.

Mr. LODGE. That is absolutely correct.

Mr. BACON. Then there was another statute passed in 1862.

Mr. LODGE. Certainly.
Mr. BACON. It is section 2166, which the marginal reference says was passed the 27th of July, 1862, which says:

Any alien of the age of 21 years and upward, who has enlisted or may enlist in the armies of the United States, either the Regular or the Volunter forces, and has been or may be hereafter honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such, etc.

That has been the language used for 50 years.

Mr. LODGE. Certainly; and as the Senator sees from the reading that which is in the present naturalization act, it simply exempts him from the residence; that is all.

Mr. HEYBURN. That was the purpose of the act.

Mr. LODGE. It does not exempt him from exclusions as to race, and so forth.

BACON. The next succeeding section, section 2167, which the marginal reference says is the act of May 26, 1824, uses practically the same language. It says:

SEC. 2167. Any alien, being under the age of 21 years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of 21 years, and after he has resided five years within the United States, etc.

In other words, there is no exclusion of any particular race, because, I suppose, it is understood that that has reference to the other sections of the same title.

Mr. LODGE. These old acts are all embodied in the act of 1906, which was a revision and codification of the naturalization laws, which embodied the old regulations and provided some new terms of admission. One was that aliens were obliged to speak the English language before they could be naturalized. That was a new regulation, a new restriction. This act only exempts them, as they have always been exempted, from the necessity of residence and a declaration of intention. It does not exempt them from anything else, any more than do these old acts, which are reembodied here, exempt them from the other provisions about naturalization. In other words, this does not enlarge it at all.

Mr. HEYBURN. It might have been reached by simply de-claring in this legislation that the question of residence should not apply in that language. It is only the general language that

Mr. HEYBURN. That is true; but the acts prior to the last act-the act of 1862 and the act of 1834, I think it waswere enacted when the conditions of to-day did not exist and when we were not excluding any particular race from our citizenship

Mr. LODGE. Well, Mr. President, if there is the slightest danger of anything of that sort I want it guarded against just as much as does the Senator.

Mr. HEYBURN. I am sure the Senator does.

Mr. LODGE. I agree with him entirely. It had not occurred to me that there was any danger, because the giving of this right of naturalization to soldiers and sailors is of such long standing, and it seemed to me this bill simply remedied some inequalities in the existing law.

Mr. HEYBURN. I would simply say "not otherwise dis-qualified under existing law." Then the Senator would accomplish the purpose. A person who is now disqualified from becoming a citizen ought not to be admitted merely because of

his service.

Mr. NELSON. Will the Senator from Idaho allow me to interrupt him a moment?

Mr. HEYBURN. Certainly. Mr. NELSON. It seems to me the only change the bill makes in the law is, first of all, to get rid of that one year's residence in respect to men in the Army; in the next place, to make residence on the ship as though it were residence on the land; in the third place, to take in the Revenue-Cutter Service, which is not now included; and, in the fourth place, to equalize the time between the Marine Corps and the Navy.

Mr. LODGE. That is the whole thing.

Mr. HEYBURN. Those are all commendable provisions.
Mr. NELSON. Those are all the provisions of existing law

that the bill proposes to change.

Mr. HEYBURN. I am inclined to think-and I think, perhaps, the Senator from Massachusetts will agree with methat we ought not to admit any class of citizens under this proposed relaxation that could not be otherwise admitted. If we simply amend it by inserting the words "not otherwise dis-qualified from admission as citizens" we would avoid all controversy

Mr. LODGE. Then you would put that in in the proviso

in line 19?

Mr. HEYBURN. You could put it there or in line

Mr. LODGE. I think it would be better to put it in line 19. Mr. NELSON. I want to say, if the Senators will allow me, that I believe under this proposed law an applicant for citizenship must still meet the other general requirements of the naturalization laws, of not being a nihilist, an anarchist, or any of those things.

Mr. LODGE. I have not the slightest doubt of it, but I think it can do no harm to this bill to put in the words "not

otherwise disqualified."

Mr. BACON. That would meet my objections, Mr. LODGE. So that it would read:

That any alien of the age of 21 years and upward not otherwise disqualified—

Mr. BACON. Mr. President, I ask the Senator this question: If that language were inserted in this bill, what effect would it have upon the construction given to other similar sections which do not have that language inserted in them? Of course, the Senator will recognize that if all these sections were passed in the same act and this language was used in one section and omitted in the others, the court would say that it was not intended that that language should apply to the others.

Mr. LODGE. That is the danger of putting it in. Mr. BACON. Of course.

Mr. President, I think that would take Mr. HEYBURN. care of itself. The court when it was passing upon this measure or questions arising under it, would look to the provisions of this bill, and would not be called upon to give a general interpretation of the naturalization laws. I can see no possible embarrassment. We know how naturalization is brought about in the courts.

Mr. BACON. I would like to ask the Senator from Idaho this question: He has been recently engaged in the very laborious work of a revision of the laws, and the Senator has revised sections—if he has finished that part of the Revised Statutes—numbered 2166 and 2167 which I have just read. When the Senator revised those laws, did he find it necessary to insert those words in the section?

Mr. HEYBURN. Mr. President, I regret that I am not in a position to tell the Senate what the committee has concluded in regard to it. Those sections are all ready for presentation to the Senate, but, unfortunately, the instrumentality through

whom they must be presented has been crippled for the time being

Mr. GALLINGER. I ask that the bill may go over.

The VICE PRESIDENT. The bill goes over. As the Chair understood, there was no objection to agreeing to the first amendment, and that amendment will be regarded as agreed to.

Mr. LODGE subsequently said: Mr. President, I understand the Senator from New Hampshire [Mr. Gallinger] is now willing to withdraw his objection, and I think we can dispose of the bill.

Mr. GALLINGER. I withdraw my objection.

The VICE PRESIDENT. The Senator withdraws his ob-

jection.

Mr. LODGE. I call the attention of the Senator from Georgia to the fact that this bill contains this proviso, which is not in the old laws:

Provided further, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions.

That is not in the old law, I am very sure.

Mr. BACON. I inquire of the Senator whether this bill proposes to be an amendment of existing law?

Mr. LODGE. Oh, no; this is a new act.

Mr. BACON. Very well.

Mr. LODGE. And therefore, I think, if we insert in line 19 the words "not otherwise disqualified

Mr. HEYBURN. That will answer the purpose.
Mr. LODGE. Or, what is better, "otherwise qualified," I think we would perfect it, and I do not see how we would interfere with the general rule at all.

Mr. BACON. I am very frank to say that I entirely agree with the Senator in his contention throughout that the words are not necessary.

Mr. LODGE. I think so, too.
Mr. BACON. The only question in my mind was whether or not the insertion of them might not do some harm.

Mr. LODGE. The Senator from New York [Mr. Root] has called my attention to this new proviso, which I see introduces a new element, containing, as it does, a direction to the court. Therefore I move, Mr. President, to insert, after the word "alien," in line 19, the words "otherwise qualified."

The VICE PRESIDENT. If the Senator from Massachusetts will withhold his amendment for a moment, the committee amendments will be first disposed of. The Secretary will state the next amendment of the committee.

The Secretary. On page 2, line 2, after the word "shall," it is proposed to insert "at any time within three years from the date of such discharge or completion of honorable service."

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "sources," to insert "or, in the case of an alien who has served in the Revenue-Cutter Service, by competent proof from the Revenue-Cutter Service," so as to read:

Shall, at any time within three years from the date of such discharge or completion of honorable service, be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval sources, or in the case of an alien who has served in the Revenue-Cutter Service by competent proof from the Revenue-Cutter Service, of such service

The amendment was agreed to.

The next amendment was, on page 2, line 13, after the word "service," to insert "or the Revenue-Cutter Service," so as to make the proviso read:

Provided, That an honorable discharge from the Navy, Marine Corps, or the naval auxiliary service, or the Revenue-Cutter Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: Provided further. That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions.

The amendment was agreed to.
The VICE PRESIDENT. That completes the committee amendments.

Mr. LODGE. I now offer the amendment to insert the words otherwise qualified," in line 19, on page 2.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 2, line 19, after the word "alien,"

it is proposed to insert the words "otherwise qualified."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as read: "A bill to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps, or for four years in the naval auxiliary service or in the Revenue-Cutter Service."

Mr. PERKINS. I ask that the report on that bill may be

printed in the RECORD.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD, as requested.

The report submitted by Mr. Perkins February 1, 1912, is as

The Committee on Naval Affairs, to whom was referred the bill (S. 2235) to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps or four years in the naval auxiliary service, having considered the same, report thereon with a recommendation that it pass, with the following amendments:

After the word "service," in the last line of the title, add the words "or in the Revenue-Cutter Service."

After the word "service," in line 9, page 1, of the bill, insert the words "or who has served or may hereafter serve four years in the Revenue-Cutter Service and who has received therefrom an honorable discharge, or an ordinary discharge with recommendation for reenlistment."

discharge, or an ordinary discharge with recommendation for reenistment."

After the word "shall," in line 9, page 1, insert a comma and the words "at any time within three years from the date of such discharge or completion of honorable service."

After the word "sources," in line 2 of page 2 of the bill, insert the words "or in the case of an alien who has served in the Revenue-Cutter Service by competent proof from the Revenue-Cutter Service," In line 4 of page 2 of the bill, after the word "service," insert the words "or the Revenue-Cutter Service."

The object of this bill is to facilitate the naturalization of aliens serving in the Navy, Marine Corps, the naval auxiliary service, and Revenue-Cutter Service of the United States, and the proposed legislation is desired and urged by the Navy Department, as will appear from the following communication:

DEPARTMENT OF THE NAVY,

Washington May 16, 1911

DEPARTMENT OF THE NAVY, Washington, May 16, 1911.

Intion is desired and urged by the Navy Department, as will appear from the following communication:

DEPARTMENT OF THE NAVY, Washington, May 18, 1911.

MY DEAR SENATOR: Referring to the committee's letter dated May 12, 1911, inclosing a copy of the bill (S. 2235) to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps or for four years in the naval auxiliary service, and requesting the department's opinion thereon, I have the honor to invite your attention and that of the committee to the department's letters dated December 6 and 7, 1909, relative to similar bills on the same subject. In order, however, that the committee may conveniently consider the question, the contents of these communications may be recapitulated as follows:

The act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of allens throughout the United States, approved June 29, 1906 (34 Stat., 596), provides that "an alien may be admitted to become a citizen of the United States in the following manner and not otherwise," but thereinafter makes no provision for the naturalization of persons in the Army, Navy, or Marine Corp he naturalization of these spine of the contrary, it is noted that section 26 of the act, while specifically repealing sections 2165, 2167, 2168, and 2173 of the Revised Statutes, and section 39 of chapter 1012 of the Statutes at Large of the United States for the year 1903, significantly omits section 2166, Revised Statutes, and the act of July 26, 1894, which provide for the naturalization of persons in these branches of the public service.

The omitted section of the Revised Statutes above referred to reads as follows:

"Sec. 2166. Any alien of the age of 21 years and upward who has enlisted or may enlist in the united States previous to his application, without any previous declaration of his Intention, of the provide of the provide states of the United St

of one year in the State in which the application is made, must have served five years honorably in the Navy, must submit, in addition to his honorable discharge, proof of good moral character, and then wait 90 days before the papers can be issued. The present law discriminates against these enlisted men, as it requires five years' honorable service in the Navy, whereas one enlistment (which is four years) is required in the Marine Corps, and in the Army it is only necessary to have an honorable discharge from an enlistment of three years.

In this connection attention is further invited to the fact that by regulations the enlistment in the Navy of persons not citizens of the United States is forbidden, although the recalistment of honorably discharged aliens is still permitted. The enactment of the legislation herein recommended would perfect the endeavor to have only citizens serving on board our vessels of war by making possible the naturalization of practically all the aliens among the enlisted personnel.

It may be stated further that the variation in the wording of the bill with reference to the Navy and Marine Corps and to the naval auxiliary service is made necessary by reason of the fact that enlistments in the last-named service are for three years only.

With reference to the proof of good moral character, the enlisted man by reason of his duties is generally not in a position to furnish affidavits of two witnesses who can state therein that they have personally known the applicant for five years and can testify to his good moral character during that time, as is required in other cases of petitions for naturalization, and it is believed that the presentation of an honorable discharge, or an ordinary discharge containing a recommendation for reenlistment, would be better evidence, in that it would show that the commissioned officers of the Navy or Marine Corps under whom the man has been serving during four years' time considered him a man of good moral character.

In connection with a hearing on Jan moral character.

moral character.

In connection with a hearing on January 20, 1910, before the House Committee on Immigration and Naturalization, concerning a similar measure, it was suggested by a member of the committee that a limit of time be set during which an enlisted man might be admitted to citizenship upon his petition and without previous declaration of intention. In answer to that suggestion it was stated that such a modification would be agreeable to this department, and a limit of three years was suggested as a length of time that would conserve both the interests of the Government and of the persons intended to be benefited by the proposed measure; it was added, however, that if the committee in its discretion believed a shorter period desirable there would be no objection to reducing it, because of the importance that some action be had in the matter. This suggested modification, should your committee deem it of importance, might be made by the insertion in the bill, on page 1, line 9, after the word "shall," of a comma and the words "at any time within three years from the date of such discharge or completion of honorable service."

In view of the foregoing considerations, those of public policy and in the interests of the naval service, the bill (S. 2235) is commended to the committee's favorable consideration.

Faithfully, yours,

G. v. L. Meyer.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS, United States Senate.

The bill seems to provide all necessary safeguards and to put the men in the naval auxiliary service (where the term of enlistment is three years) on an equal basis with other branches of the service.

The same reasons apply with somewhat greater force to the Revenue-Cutter Service.

The same reasons apply with somewhat greater force to the Revenue-Cutter Service.

Section 2174, Revised Statutes, provides for the naturalization of seamen who are aliens serving on merchant ships of the United States without a residence on shore; but no provision whatever exists for the naturalization of aliens enlisted in the Revenue-Cutter Service, however long and faithful the service, except by acquiring a residence on shore in the manner provided in the act of June 29, 1906, for the naturalization of aliens generally.

The acquisition of such a residence with the continuous discharge of duty in the Revenue-Cutter Service is of course impossible.

The Treasury Department desires that all the enlisted men in the Revenue-Cutter Service be citizens of the United States. The regulations are that warrant officers shall be full citizens, petty officers must be citizens, and an alien in the service can not be reenlisted unless he has in the meanwhile legally declared his intention to become a citizen.

These men, having declared their intention, can rarely do more on account of the nature of their duties.

Enlisted men in the Navy, Marine Corps, or Revenue-Cutter Service by reason of their duties are rarely able to furnish the affidavits, etc., necessary under existing law, and to secure the presence of witnesses who have known them five years, etc., and who can testify to their moral character. It would seem that the best evidence (certainly sufficient evidence) of their moral character is found in the record of the men in the Government service, as shown by the nature of their discharge. If they have throughout four years' service so conducted themselves as to receive from their superiors "honorable discharge" or an ordinary discharge with a recommendation for reenlistment, it would seem that every reasonable measure of proof of good character had been fairly met.

Your committee, having given the bill careful consideration, recommend that it do pass as amended.

Your committee, having given the bill careful consideration, recommend that it do pass as amended.

MONUMENT ON BATTLE FIELD OF GETTYSBURG.

The bill (S. 2037) to provide for the erection of a monument on the battle field of Gettysburg to commemorate the services of the United States Signal Corps during the War of the Rebellion was considered as in Committee of the Whole. It provides for the erection on Little Round Top, on the battle field of Gettysburg, a monument to commemorate the services of the United States Signal Corps during the War of the Rebellion; for a commission, consisting of the Committee on Gettysburg Memorial of the United States Veteran Signal Corps Association and the Commissioners of the Gettysburg National Park, with full authority to select suitable design, contract for, and superintend the construction of the monument; and for the purpose of carrying out the provisions of the act it appropriates \$7,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT PUBLIC UTILITIES COMMISSION.

The bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission was announced as next in order.

Mr. GALLINGER. Mr. President, that is a very important bill, in which I feel a great interest, but it is a very long bill, and I ask that it go over for to-day, giving notice that at the earliest opportunity, at an earlier hour in the day, I shall ask for its consideration.

The VICE PRESIDENT. The bill will go over.

Mr. POMERENE. Mr. President, in that connection, if I may be permitted to say so, because of another committee engagement I was not able to be present at the meeting of the committee at the time the bill was reported to the full committee by the subcommittee. I have had in mind, however, the fact that, in view of the multitudinous duties which are already imposed upon the Commissioners of the District of Columbia, it might be wise to have a separate commission to take special charge of the duties imposed by this bill. It is a very important matter, and it seems to me that in the early history of its operation, if enacted, the duties to be performed will occupy a very great part of the commissioners' time.

Mr. GALLINGER. Possibly the Senator from Ohio did not hear me when I asked that the bill should go over and not be considered to-day. The Senator, of course, will have an opportunity when the bill comes up to move any amendment to it.

Mr. POMERENE. Very well. The VICE PRESIDENT. The bill will go over.

ELIZABETH L. W. BAILEY.

The bill (S. 1345) for the relief of Elizabeth L. W. Bailey, administratrix of the estate of David W. Bailey, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of

Columbia with amendments on page 1, line 6, after the words "estate of," to strike out "David" and insert "Davis"; in line 9, before the initial "W.," to strike out "David" and insert "Davis"; and on page 2, line 6, before the initial "W.," to strike out "David" and insert "Davis," so as to make the bill read :

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Elizabeth L. W. Bailey, of Washington, D. C., administratrix of the estate of Davis W. Bailey, deceased, the sum of \$3,127.85, in settlement of the claim of the late Davis W. Bailey against the District of Columbia under his contract for laying asphalt pavements in said District: Provided, That the sum as aforesaid, when paid, shall be accepted as a full and final settlement both of principal and interest of the award made July 18, 1892, in favor of the said Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased, and filed in the Supreme Court of the District of Columbia by J. J. Johnson in the case then pending and untried in said court between said administratrix, as plaintiff, and the District of Columbia, as defendant, known and designated upon the calendar of said court as No. 24279, instituted therein for the recovery of damages by the plaintiff from the said defendant for laying asphalt pavements in said District of Columbia. And for the purpose of paying the aforesaid claim the sum of \$3,127,85 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased."

EXTENSION OF HIGHWAYS, BARRY FARM SUBDIVISION.

The bill (S. 4854) to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of the Barry farm, and for other purposes, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to open and widen, with a width of not less than 40 feet, upon such lines as they may deem most advantageous, all the highways shown or indicated on a subdivision of the Barry farm recorded in book levy court No. 2 at folio 1, a record book in the office of the surveyor of

the District of Columbia, except a street shown on the subdivision lying west of Nichols Avenue, and extending from Sumner Road to Howard Road; also the land that may be necessary to open a street with a width of not less than 40 feet through lot No. 9 in square No. 5875 and adjacent to the northwesterly boundary of the lot; also the land that may be necessary to extend Bowen Road and Pomeroy Road, with a width of not less than 40 feet, to the northeasterly boundary of the of not less than 40 feet, to the hormeasterly boundary subdivision of the Barry farm, and to extend an unnamed street across lots Nos. 12, 13, 14, and 15 in square No. 5876, with a width of not less than 40 feet, to the southeasterly boundary of the subdivision of the Barry farm; and also the land either within or adjacent to the subdivision of the Barry farm that the Commissioners of the District of Columbia may deem necessary to provide desirable connections between the highways provided for and Erie Street, Gainesville Street, Hartford Street, Sixteenth Street, and Seventeenth Street SE. The entire amount found to be due and awarded by the jury in the proceedings as damages for and in respect of the land to be condemned for the opening, widening, and extension of highways, plus the costs and expenses of the proceeding hereunder and the costs and expenses of the necessary surveys and preparation of plans, shall be assessed by the jury as benefits. Any land owned by the District of Columbia that the Commissioners of the District of Columbia may deem necessary for the opening, widening, or extension of the highways provided for, if designated as public highways on the plan filed as part of the petition in the proceeding provided for herein, shall become such when the court shall have finally ratified and confirmed the verdict of the jury. It also authorizes the Commissioners of the District of Columbia, in such cases as they may deem desirable in the interest of economy, to permit buildings, which exist and which project beyond the highway lines to be established at the time that the petition is filed for the condemnation provided for herein, to remain until such time as the owners of the buildings desire to reconstruct or substantially alter them; but the commissioners shall designate such buildings in the petition.

It also annuls the plan for the permanent system of highways for the District of Columbia so far as it affects the subdivision of the Barry farm.

It also appropriates out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding, the costs and penses of the necessary surveys and preparation of plans, and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits, and covered into the Treasury to the credit of the revenues of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES ON COAL LANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. I ask the Senator to withhold the motion for a moment

Mr. LODGE. I withhold the motion, Mr. President.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands. The bill was reported by me this morning from the Committee on Public Lands, and I should like to have it placed on its passage, if there is no objection.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. Mr. President, I ask that the bill go over. The VICE PRESIDENT. Objection is made, and the bill

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 13 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 7, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 6, 1912. CONSULS.

Walter C. Hamm, of Pennsylvania, now consul at Hull, to be

Cruz, to be consul of the United States of America at Newcastle-on-Tyne, England, vice Horace W. Metcalf, resigned.

Lewis W. Haskell, of South Carolina, now consul at Salina Cruz, to be consul of the United States of America at Hull, England, vice Walter C. Hamm, nominated to be consul at Newcastle on Tyne. Newcastle-on-Tyne.

COLLECTORS OF CUSTOMS.

George F. Roth, of New York, to be collector of customs for the district of Genesee, in the State of New York. (Reap-

Chester W. Hill, of Pennsylvania, to be collector of customs for the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

ASSISTANT SURGEON IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Nelson Duval Brecht, of the District of Columbia, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to take effect from date of oath. This is an additional appointment pending the creation of a vacancy caused by promotion in succession to Surg. Eugene Wasdin, deceased.

UNITED STATES ATTORNEY.

John P. Nields, of Delaware, to be United States attorney, district of Delaware. (A reappointment, his term having ex-

APPOINTMENTS IN THE ARMY.

PAY DEPARTMENT.

Col. George R. Smith, Assistant Paymaster General, to be Paymaster General, with the rank of brigadier general, for the period of four years, beginning February 16, 1912, with rank from that date, vice Brig. Gen. Charles H. Whipple, Paymaster General, to be retired from active service February 15, 1912.

COAST ARTILLERY CORPS.

Philip Guilloù Blackmore, of Virginia, to be second lieutenant in the Coast Artillery Corps, with rank from December

Note.-The person above named was nominated to the Senate December 21, 1911, and confirmed by that body January 8, 1912, under the name of Philip Guillon Blackmore. This message is submitted for the purpose of correcting an error in the name of the nominee.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. Henry C. Cabell, First Infantry, to be lieutenant colonel from January 31, 1912, vice Lieut. Col. James A. Goodin, Seventh Infantry, retired from active service January 30, 1912. Capt. Joseph Frazier, Fourteenth Infantry, to be major from

January 31, 1912, vice Maj. Henry C. Cabell, First Infantry, promoted.

First Lieut. Frank B. Davis, Sixth Infantry, to be captain from January 31, 1912, vice Capt. Joseph Frazier, Fourteenth

Infantry, promoted.

Second Lieut. Charles H. Rice, Seventh Infantry, to be first lieutenant from January 31, 1912, vice First Lieut. Frank B. Davis, Sixth Infantry, promoted.

PROMOTIONS IN THE NAVY.

The following-named citizens to be assistant surgeons in the Navy from the 26th day of January, 1912, to fill vacancies: Cecil F. Charlton, a citizen of Illinois. Robert G. Davis, a citizen of Iowa.

The following-named machinists to be chief machinists in the Navy from the 1st day of January, 1912, upon the completion of six years' service as machinists: Ole P. Oraker.

Francis G. Randall.

RECEIVER OF PUBLIC MONEYS.

Frank A. Boyle, of Idaho, to be receiver of public moneys at Juneau, Alaska, vice Patrick M. Mullen, resigned.

POSTMASTERS.

ALABAMA.

Noah S. Daniel to be postmaster at Dora, Ala., in place of Noah S. Daniel. Incumbent's commission expires February 27,

ARIZONA.

Julia Mahoney to be postmaster at Winslow, Ariz., in place of Julia Mahoney. Incumbent's commission expired December 11, 1911.

Webster H. Knight to be postmaster at Humboldt, Ariz. Office became presidential January 1, 1912.

Ardella F. Brown to be postmaster at Walnut Grove, Cal. Office became presidential October 1, 1910.

Ebenezer E. Cunningham to be postmaster at South San Francisco, Cal., in place of Ebenezer E. Cunningham. Incum-

bent's commission expired December 10, 1911.
Otto Jensen to be postmaster at Rio Vista, Cal., in place of Otto Jensen. Incumbent's commission expired December 10,

Evelyn Stokes to be postmaster at Guadaloupe, Cal., in place of Albert R. Grisingher, resigned.

Rose Wilder to be postmaster at Alamosa, Colo., in place of James A. McDonald. Incumbent's commission expired December 18, 1911.

CONNECTICUT.

Sanford E. Chaffee to be postmaster at Derby, Conn., in place of Sanford E. Chaffee. Incumbent's commission expired January 22, 1912.

FLORIDA.

William A. Allen, to be postmaster at De Land, Fia., in place of William A. Allen. Incumbent's commission expired Jan-

Charles F. Haskins to be postmaster at Sanford, Fla., in place of Charles F. Haskins. Incumbent's commission expired January 16, 1912.

Charles J. Schoonmaker to be postmaster at Cocoa, Fla., in place of Charles J. Schoonmaker. Incumbent's commission expires February 11, 1912.

John F. Stunkel to be postmaster at Leesburg, Fla., in place of John F. Stunkel. Incumbent's commission expires February 21, 1912.

HAWAII.

David C. Lindsay to be postmaster at Paia, Hawaii. Office became presidential January 1, 1912.

IDAHO.

Alonzo S. Yorgensen to be postmaster at Shelley, Idaho, in place of Cecil E. Mason, resigned.

ILLINOIS.

William D. Abbaduska to be postmaster at Odell, Ill., in place of Nelson A. Bemis, deceased.

Rollo N. Givler to be postmaster at Naperville, Ill., in place of Horace H. Peaslee. Incumbent's commission expired January 29, 1912.
Milton T. Hunt to be postmaster at Warsaw, Ill., in place of

Milton T. Hunt. Incumbent's commission expires February 26, 1912.

INDIANA.

Cadmus E. Crabill to be postmaster at South Bend, Ind., in place of Cadmus E. Crabill. Incumbent's commission expired December 11, 1911.

Donald McCallum to be postmaster at Batesville, Ind., in place of Frank Walsman. Incumbent's commission expired December 11, 1911.

KANSAS.

Edward C. Hill to be postmaster at Burr Oak, Kans., in place of Edward C. Hill. Incumbent's commission expired January 16, 1912.

Frank A. Jewell to be postmaster at Arcadia, Kans., in place of Frank A. Jewell. Incumbent's commission expired February 4, 1912.

LOUISIANA. .

Charlton Fort to be postmaster at Minden, La., in place of Charlton Fort. Incumbent's commission expires February 10,

MARYLAND.

Walton C. Orrell to be postmaster at Centerville, Md., in place of Walton C. Orrell. Incumbent's commission expires February 10, 1912.

Alonzo R. Spitzer to be postmaster at Brunswick, Md., in place of Alonzo R. Spitzer. Incumbent's commission expired December 10, 1911.

Harry K. Startzman to be postmaster at Hagerstown, Md., in place of Harry K. Startzman. Incumbent's commission expired December 10, 1911.

MASSACHUSETTS.

Benjamiu W. Brown to be postmaster at Northbridge, Mass. Office became presidential October 1, 1911.

Ada E. Campbell to be postmaster at Beaverton, Mich. Office

became presidential January 1, 1912.

Archibald K. Dougherty to be postmaster at Elk Rapids, Mich., in place of Archibald K. Dougherty. Incumbent's commission expired January 20, 1912.

Samuel Falls to be postmaster at Spring Lake, Mich., in place of Samuel Falls. Incumbent's commission expired December 11, 1911.

Samuel H. Wilson to be postmaster at South Haven, Mich., in place of George H. Myhan. Incumbent's commission expired December 11, 1911.

MINNESOTA.

Manley S. Elliott to be postmaster at Paynesville, Minn., in place of Manley S. Elliott. Incumbent's commission expired December 10, 1910.

Ole J. Flaa to be postmaster at Boyd, Minn. Office became

presidential January 1, 1912.

T. V. Knatvold to be postmaster at Albert Lea, Minn., in place of Emil Nelson. Incumbent's commission expired January 29, 1912.

MONTANA.

Thomas Nicholson to be postmaster at Hobson (late Philbrook), Mont., in place of Thomas Nicholson; to change name

NEBRASKA.

Henry C. Hooker to be postmaster at Leigh, Nebr., in place of Henry C. Hooker. Incumbent's commission expires February

19, 1912.
William C. Johns to be postmaster at Burwell, Nebr., in place

of David S. Beynon, resigned.

Richard H. McKinney to be postmaster at Mullen, Nebr.

Office became presidential January 1, 1912.

NEVADA.

Thomas Defenbaugh to be postmaster at National, Nev. Office became presidential January 1, 1912.

NEW HAMPSHIRE.

Daniel Gilman to be postmaster at Exeter, N. H., in place of George L. Stokell, jr. Incumbent's commission expired January 13, 1912.

NEW JERSEY.

Frank A. Esty to be postmaster at Clinton, N. J., in place of Frank A. Esty. Incumbent's commission expired February 4,

Lovick P. Taffinder to be postmaster at Texico, N. Mex., in place of Leroy P. Loomis, resigned.

David Bothwell to be postmaster at Hannibal, N. Y. Office became presidential January 1, 1912.

Myatt E. Goring to be postmaster at Wappingers Falls, N. Y. in place of Myatt E. Goring. Incumbent's commission expired

January 14, 1912.

Warren J. Martin to be postmaster at Port Chester, N. Y., in place of Warren J. Martin. Incumbent's commission expired January 14, 1912.

Wesley Mulford to be postmaster at Unadilla, N. Y., in place of Wesley Mulford. Incumbent's commission expires February

John T. Rodger to be postmaster at Hammond, N. Y., in place of Daniel D. Moyer. Incumbent's commission expired February 3, 1912.

NORTH CAROLINA.

Estella Cameron to be postmaster at Rockingham, N. C., in place of Estella Cameron. Incumbent's commission expired February 13, 1911.

John R. Joyce to be postmaster at Reidsville, N. C., in place of John R. Joyce. Incumbent's commission expired January

Lonnie E. Pickard to be postmaster at West Durham, N. C., in place of Lonnie E. Pickard. Incumbent's commission ex-

pires February 19, 1912.
William S. Saunders to be postmaster at Roanoke Rapids,
N. C. Office became presidential January 1, 1912.

Henry J. Whitt to be postmaster at Roxboro, N. C., in place of Henry J. Whitt. Incumbent's commission expired December

OKLAHOMA.

John W. Ricketts to be postmaster at Perkins, Okla., in place of John W. Ricketts. Incumbent's commission expires February 13, 1912.

OREGON.

Sarah L. Keezel to be postmaster at Philomath, Oreg. Office became presidential October 1, 1911.

Olive E. Parsons to be postmaster at Creswell, Oreg. Office became presidential January 1, 1912.

PENNSYLVANIA.

John W. Beers to be postmaster at Marysville, Pa., in place of John W. Beers. Incumbent's commission expires February 10, 1912,

SOUTH CAROLINA.

Amra E. Ramseur to be postmaster at Central, S. C. Office became presidential January 1, 1912.

SOUTH DAKOTA.

John D. Fargo to be postmaster at Redfield, S. Dak., in place of John D. Fargo. Incumbent's commission expired January 16, 1912.

TENNESSEE.

Atlas M. Lee to be postmaster at Huntingdon, Tenn., in place of Atlas M. Lee. Incumbent's commission expired January 30, 1910

William T. H. Thorn to be postmaster at Rutherford, Tenn. Office became presidential January 1, 1908.

James P. Whited to be postmaster at Eastlake, Tenn. Office became presidential January 1, 1912.

WASHINGTON.

John W. Blackburn to be postmaster at Ridgefield, Wash. Office became presidential January 1, 1912.

William P. Ward to be postmaster at Rosalia, Wash., in place of William P. Ward. Incumbent's commission expires February 10, 1912.

WEST VIRGINIA.

M. F. Kiger to be postmaster at Williamstown, W. Va., in place of Paul H. Metcalf, removed.

WISCONSIN.

Ralph E. Arnold to be postmaster at Fairchild, Wis., in place of Ralph E. Arnold. Incumbent's commission expires February 21, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1912. PENSION AGENTS.

Frederick H. Magdeburg to be pension agent a Milwaukee,

Jesse B. Fuller to be pension agent at San Francisco, Cal.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Ralph C. Harrison to be first lieutenant.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Harold De Forest Burdick, ensign, United States Navy, to be second lieutenant.

POSTMASTERS.

Harry C. Linkhart, Hobart.

NEW HAMPSHIRE.

Daniel Gilman, Exeter.

WEST VIRGINIA.

R. G. Yoak, Gassaway.

WISCONSIN.

William H. Berray, Wautoma. Buck Williams, Iola.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from a convention signed at Washington on June 2, 1911, by the plenipotentiaries of the Governments forming the International Union for the Protection of Industrial Property, revising the Paris convention of March 20, 1883, as modified by the additional act signed at Brussels on December 14, 1900. (Ex. A, 62d Cong., 2d sess.)

HOUSE OF REPRESENTATIVES.

Tuesday, February 6, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Lord our God and our Father teach us we beseech Thee, as individuals and as a people, the art of self-respect; for if we covet the respect of others and dare to hope for Thy clemency we must respect ourselves. We welcome every just and wholesome criticism touching our individual and our national life. But we thank Thee for the larger faith in human nature which warrants the belief that the vast majority of our people, in private and in public, are honest and sincere; that the vast majority of our homes are pure and sweet. We acknowledge our imperfections, our shortcomings, our sins, and pray most fervently for the Christ spirit that it may possess and control our life. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and

approved

Mr. HENRY of Texas. Mr. Speaker, I present a privileged

report-

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union,

Mr. RUCKER of Missouri. Mr. Speaker

The SPEAKER. The Chair will state to gentlemen that he promised to recognize the gentleman from Missouri [Mr. RUCKER] for two minutes. Is there objection? [After a pause.] The Chair hears none.

THE AMERICAN ECONOMIST.

Mr. RUCKER of Missouri. Mr. Speaker, I send to the Clerk's desk a paper, called the American Economist, of February 2, 1912, and ask the Clerk to read the paragraph which I have marked.

The Clerk read as follows:

Representative Rucker of Missouri, after the Democratic House caucus on the metal schedule was over Tuesday night, declared that he would not abide by the Underwood plan to reduce the duties on metals, as he wanted an increased duty on zinc. Missouri produces much zinc.

Mr. RUCKER of Missouri. Mr. Speaker, the article just read contains one statement of fact; that is the last sentence—"Missouri produces much zinc." I am proud to say this is true. I think Missouri produces more zinc than any other State. There is nothing else in the article that is true. Every other suggestion contained in it is untrue-except the one that I attended the Democratic caucus. I did attend that caucus, participated in its deliberations, heartly agreed with the Democratic leader and all other Democrats, and indorsed the steel bill. My only objection to it was that it did not reduce the rates quite low enough.

I unhesitatingly voted for that provision which removed all the duty from lead and zinc, products of my State. I never uttered a word to any mortal man that I was dissatisfied with the action of the caucus, and this article is gratuitous and

untrue.

Has any other Democrat an apology to make. Mr. RUCKER of Missouri. I offer no apology. I challenge an untrue report.

The SPEAKER. The gentleman from Illinois is out of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5046. An act to authorize the appointment of Shepler Ward FitzGerald and of Alden George Strong to the grade of

second lieutenant in the Army; S. 3160. An act to establish Holeb, Me., a subport of entry in the customs-collection district of Bangor, Me., and for other purposes;

S. 4050. An act for the relief of Catherine Ratchford;

S. 1014. An act for the relief of the Ottawa Indian Tribe, of

Blanchard Fork and Rouch de Boeuf;

S. 2819. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900; S. 4749. An act relative to members of the Female Nurse

Corps serving in Alaska or at places without the limits of the

United States;

S. 4360. An act to provide for the establishment of aids to navigation in Pearl Harbor, Hawaii;

S. 875. An act for the relief of the Mission Farm Co., Peter Volondra, and others;

S. 1624. An act to authorize the sale and disposition of the surplus and unallotted lands in the Crow Indian Reservation, in the State of South Dakota;

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads;

S. 837. An act to reimburse the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender, October 6, 1905;

S. 2733. An act for the relief of the estate of Almon P.

Frederick;

S. 4521. An act to authorize the change of the name of the steamer William A. Haurgood;

S. 4751. An act for the relief of Albert S. Henderer; S. 4475. An act to amend an act entitled "An act to simplify the issue of enrollments and license of vessels of the United

S. 4363. An act to provide for the establishment of a light

and fog signal at or near Cape St. Elias, Alaska; S. 4359. An act to provide for the improving of the light station at Kauhola Point, Hawaii;

S. 4728. An act to authorize the change of name of the

steamer Salt Lake City; S. 3622. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national ceme-

S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States;

S. 4029. An act to amend chapter 11 of the Judicial Code; S. 244. An act extending the operation of the act of June 10,

1910, to coal lands in Alabama; S. 183. An act for the relief of G. A. Embry;

S. 4446. An act to provide for the completing of the lighting

and marking with aids to navigation of Cape Fear River, N. C.; S. 4551. An act to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edge-field, S. C., and Columbia, Ga.," approved August 5, 1909;

S. 2335. An act authorizing the President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on

the retired list, a lieutenant on the retired list;

S. 316. An act to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900, with reference to insane civilian employees of the Military Establishment;

S. 4361. An act to provide for the construction of lighthouse

tenders for general service;

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands;

8.4607. An act to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property; and S. 4576. An act to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.

The message also announced that the Senate had passed with

amendments bill and joint resolution of the following title, in which the concurrence of the House of Representatives was

requested:

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908;
H. J. Res. 184. Joint resolution authorizing the Secretary of

War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912; and
The message also announced that the Senate had agreed to

the amendments of the House of Representatives to the bill (S. 4339) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River, in the State of Tennessee.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5046. An act to authorize the appointment of Shepler Ward FitzGerald and of Alden George Strong to the grade of second lieutenant in the Army; to the Committee on Military Affairs. S. 3160. An act to establish Holeb, Me., a subport of entry in

the customs collection district of Bangor, Me., and for other purposes; to the Committee on Ways and Means.

S. 4050. An act for the relief of Catherine Ratchford; to the

Committee on Claims.

S. 1014. An act for the relief of the Ottawa Indian Tribe, of Blanchard Fork and Rouch de Boeuf; to the Committee on Indian Affairs.

S. 2819. An act to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

S.4749. An act relative to members of the female corps serving in Alaska or at places without the limits of the United

States; to the Committee on Military Affairs.

S. 4360. An act to provide for the establishment of aids to navigation in Pearl Harbor, Hawaii; to the Committee on Interstate and Foreign Commerce.

S. 875. An act for the relief of the Mission Farm Co., Peter Volondra, and others; to the Committee on Indian Affairs.

S. 1624. An act to authorize the sale and disposition of the surplus and unallotted lands in the Crow Indian Reservation, in the State of South Dakota; to the Committee on Indian Affairs.

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to home-

steads; to the Committee on the Public Lands.

S. 837. An act to reimburse the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender October 6, 1905; to the Committee on Claims. S. 2733. An act for the relief of the estate of Almon P.

Frederick; to the Committee on Claims.

S. 4521. An act to authorize the change of the name of the steamer William A. Hawgood; to the Committee on Merchant Marine and Fisheries.

S. 4751. An act for the relief of Albert S. Henderer; to the

Committee on Claims.

S. 4475. An act to amend an act entitled "An act to simplify the issue of enrollments and license of vessels of the United States"; to the Committee on the Merchant Marine and Fisheries.

S. 4363. An act to provide for the establishment of a light and fog signal at or near Cape St. Elias, Alaska; to the Committee on Interstate and Foreign Commerce.

S. 4359. An act to provide for improving the light station at Kauhola Point, Hawaii; to the Committee on Interstate

and Foreign Commerce. S. 4728. An act to authorize the change of name of the steamer Salt Lake City; to the Committee on Interstate and Foreign Commerce.

S. 3622. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national

cemeteries; to the Committee on Military Affairs.

S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

S. 4029. An act to amend chapter 11 of the Judicial Code;

to the Committee on the Judiciary.

S. 244. An act extending the operation of the act of June 10, 1910, to coal lands in Alabama; to the Committee on the Public Lands.

S. 4446. An act to provide for completing the lighting and marking with aids to navigation of Cape Fear River, N. C.; to the Committee on Interstate and Foreign Commerce. S. 183. An act for the relief of G. A. Embry; to the Committee

on Claims.

S. 4551. An act to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909; to the Committee on Interstate and Foreign Commerce.

S. 2335. An act authorizing the President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on the retired list, a lieutenant on the retired list; to the

Committee on Naval Affairs.

S. 316. An act to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900, with reference to insane civilian employees of the Military Establishment; to the Committee on Military Affairs.

S. 4361. An act to provide for the construction of lighthouse tenders for general service; to the Committee on Interstate and

Foreign Commerce.

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands; to the Committee on Indian Affairs.

S. 4607. An act to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property; to the Committee on Public Buildings and Grounds.

S. 4576. An act to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4339. An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a bridge across the Cumberland River in the State of Tennessee.

ORDER OF BUSINESS.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The SPEAKER. The gentleman from Texas calls up a privileged report from the Committee on Rules, but the gentleman from Virginia makes a privileged motion to go into Committee of the Whole House on the state of the Union to consider the Army appropriation bill.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. MANN. Both gentlemen can not make motions unless recognized.

Mr. HENRY of Texas. Mr. Speaker, on yesterday I had a privileged report, which was presented and was withheld until to-day; and certainly the Committee on Rules must have the right to present a privileged resolution about the procedure in this House under the rules at the proper time, and this is

The SPEAKER. The Chair wishes to state his idea about these conflicting motions. These two motions are of equal dignity. The rule provides that the Committee on Rules shall always be permitted to report a rule. Another rule provides that the motion to go into Committee of the Whole House on the state of the Union to consider either revenue or appropriation bills is always in order. They are on the same footing exactly, and in this instance it devolves upon the Chair to recognize the gentleman from Texas, because we will get through with that matter in a short time.

If I thought that, Mr. Speaker, I would give way. Mr. HAY.

The SPEAKER. It will not last very long. Mr. HAY. I do not know about that.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 366.

Resolved, That the Committee on Expenditures in the War Department be authorized to sit during the sessions of the House, and at such place or places at it may deem necessary.

Mr. MANN. To that, Mr. Speaker, I raise the question of consideration.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the

point of order that no quorum is present.

Mr. FITZGERALD. I make the point of order that the gentleman from Illinois can not raise the question of consideration on this resolution.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Chair count to ascertain if there is a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-three Members present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the

The SPEAKER. The question is on the motion of the gentleman from Alabama that there be a call of the House.

Mr. MANN. Mr. Speaker, I raised the question of consideration on the resolution of the gentleman from Texas [Mr. HENRY]

The SPEAKER. The Chair sustains the point of order made by the gentleman from New York. The authorities are plain that the question of consideration can not be raised against a report from the Committee on Rules.

Mr. MANN.

Mr. MANN. Mr. Speaker, there is no point of order. Mr. FITZGERALD. Mr. Speaker, I made the point of order that the question of consideration can not be raised on a privileged report from the Committee on Rules.

Mr. HENRY of Texas. Upon the report of the Committee on Rules the question of consideration can not be raised, Mr. Speaker.

The SPEAKER. The point of order is sustained. The Chair is clear the question of consideration can not be raised on a resolution of this character. The question is on the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to. The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ayres Barchfeld Bartholdt Bradley Broussard Estopinal Kinkead, N. J. Evans Fields Gallagher George Good Graham Hamill Hanna Kitchin Konig Lafferty Langley Riordan Roberts, Mass. Robinson Rouse Sabath Burke, Pa. Butler Lenroot Levy Lindsay McDermott Saunders Calder Cantrill Carter Sells Sherley Simmons McHenry Malby Matthews Moon, Pa. Murray O'Shaunessy Carter
Cary
Claypool
Connell
Cox, Ind.
Cravens
De Forest
Dent
Denver
Dickson, Miss.
Draper
Driscoll, D. A.
The SPEA Hartman Hawley Hill Hobson Houston Slemp Smith, Cal. Smith, N. Y. Speer Houston Hughes, Ga. Hughes, N. J. Hughes, W. Va. Johnson, Ky. Johnson, S. C. Parran Plumley Ransdell, La. Stanley Taylor, Ohio Whitacre Wickliffe Rauch Reilly Reyburn Kindred

The SPEAKER. The call of the roll discloses 312 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The Chair will ask the gentleman from Texas if there is a

Mr. HENRY of Texas. There is a written report, which I sent up to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution and the report.

The Clerk read as follows:

House resolution 366.

Resolved, That the Committee on Expenditures in the War Department be authorized to sit during the sessions of the House, and at such place or places as it may deem necessary.

With the following amendment:

Provided, That the expenses incurred under this resolution shall not exceed \$250.

The Clerk read the report (H. Rept. 302), as follows:

The Committee on Rules, to whom was referred the resolution (H. Res. 366) authorizing the Committee on Expenditures in the War Department to sit during the sessions of the House at such place or pieces as may be deemed necessary, having considered the same, report it to the House with the following amendment:

"Provided, That the expenses incurred under this resolution shall not exceed \$250, and recommend that it do pass."

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman from Pennsylvania [Mr. DALZELL] how much time his side desires for discussion of this resolution?

Mr. DALZELL. How much times does the gentleman suggest?

Mr. HENRY of Texas. I should suggest 30 minutes on a side.

Mr. DALZELL. We ought to have a little more than that, I

think; say 40 minutes.

Mr. HENRY of Texas. I have no objection to 40 minutes on a side, and, therefore, I ask unanimous consent, Mr. Speaker, that general debate be limited to 40 minutes to each side; that I be allowed to control the 40 minutes on this side and the gentleman from Pennsylvania [Mr. Dalzell] 40 minutes, and at the end of that time the previous question be considered as ordered on the resolution and amendment.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this resolution be limited to 40 minutes a side-

Mr. MILLER. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. MILLER. Reserving the right to object, I would like to ask the gentleman from Texas a question.

Mr. HENRY of Texas. I yield for a question.
Mr. MILLER. I think more likely it should be asked of the
gentleman from Pennsylvania [Mr. Dalzell]. I beg to inquire if the minority members of the Committee on Rules favor this resolution?

Mr. DALZELL. They do not.
Mr. MILLER. And it is intended to oppose it?

Mr. DALZELL. Yes.
Mr. MILLER. That is all.
The SPEAKER. The gentleman from Texas asks unanimous consent that debate be limited to 40 minutes to a side, 40 minutes to be controlled by himself and 40 minutes by the gentleman from Pennsylvania [Mr. DALZELL], and at the end of that time the previous question be considered as ordered. Is [After a pause.] The Chair hears none, and there objection? it is so ordered.

Mr. HENRY of Texas. Mr. Speaker, the resolution speaks for itself and I shall not undertake to discuss the details of the has expired.

proposition, but shall yield, first, 10 minutes to the gentleman

from Pennsylvania [Mr. DIFENDERFER]. Mr. DIFENDERFER. Mr. Speaker, I was the author of the resolution requesting an investigation of the shoe contracts entered into by this Government with certain contractors. In a colloquy on the floor of this House I made the statement that certain men were favored, certain contractors were favored, and also made the statement that bribe money had been paid by these contractors. I was challenged by the gentleman from Massachusetts [Mr. GARDNER], on the other side, to produce the evidence of my statement, and this resolution of mine as presented to the House asks that I may have an opportunity of presenting to the gentlemen of this House and the country at large the facts in my possession. It has been asserted that I am not competent to appear as a member of this committee during this investigation for the reason wholly that I am prejudiced. I have no quarrel with any single individual, but I do recognize this fact, that the people of this country have a right to know whether the officials of our Government are properly conducting the affairs of this country. [Applause on the Democratic side.] Mr. Speaker, I find by consulting the figures presented by the Secretary of War—they say, however, that figures may lie and that liars may figure—and I desire to say incidentally that I have not compiled these figures. The report from the Secretary of War is to this effect:

WAR DEPARTMENT, Washington, June 5, 1911,

SIR: In response to House resolution 133, dated 19th ultimo, directing the Secretary of War "to send to the House of Representatives full information with regard to certain statements made by Hon. ROBERT E. DIFENDERFER, of Pennsylvania, in the House on April 25, 1911," etc., the said information to cover certain facts concerning contracts for Army shoes as set forth in the resolution, I beg to transmit herewith a memorandum report of the Quartermaster General, dated 2d instant, furnishing the desired information.

Very respectfuly,

On the second page of this report I discovered these facts and figures. The first question is, What proportion of the contract for Army shoes during the fiscal years 1901 to 1911, inclusive, were awarded to the firm of Herman & Co.?

I would just state incidentally that Herman & Co. are a shoe firm at Millis, Mass., very close to the city of Boston. The gentleman from Massachusetts [Mr. GARDNER], in his statement during the colloquy, said that he had never heard of such a firm in Boston or closubore. Note that the statement during the colloque is a firm in Boston or closubore. a firm in Boston or elsewhere. Now it occurs that he has heard of such a firm.

The answer submitted is as follows. It is hardly necessary to read all of it. I will begin with 1903, at the time when there were 17 competitors for the manufacture of shoes for the Army and Navy:

In 1903 Herman & Co. received the contract for 33 per cent of all the shoes made for the Army; in 1904 they received 96 per cent of all the shoes made for the Army; in 1905 they received 100 per cent; in 1906 they received 100 per cent; in 1907 they received 100 per cent; in 1908 they received 64 per cent. And I presume that they would have received another 100 per cent had it not been for the fact that they entered into an agreement with another competitor that they should make the shoes in the event of the contract being divided. I also discover this fact from the report of the quartermaster, that during the period from 1906 to the present time this statement, showing charges and specifications for clothing and equipage made since 1898, shows an apparent loss to the department. But when we come to the matter of shoes, this statement dates from 1906, and is as follows, without giving each item:

The number of shoes sold by the United States Government in that time was 308,729. Now, that was for the reason that the style has changed. It does not take into account one single pair of shoes that was condemned because they were worthless or because they were shopworn. That also must be added, and that is the reason why we desire to proceed with this investigation. The loss to the Government as between the price paid and the price received under the auctioneer's hammer was \$276,325.54. We find that many of these shoes cost the Government from \$3.50 to \$4 per pair, but when we ascertain the price that the Government received we find that these shoes sold for barely a dollar a pair, that they were sold in quantities so large that few individuals were able to purchase them, and we also find during this investigation that a combination was formed, and that these shoes sold for 95 cents and \$1.02, and that the same shoes were sold back to the State Militia of Pennsylvania for \$2.54.

The SPEAKER pro tempore (Mr. Floop of Virginia). The time of the gentleman from Pennsylvania [Mr. DIFENDERFEB]

Mr. DIFENDERFER. I would like to have a few minutes

Mr. HENRY of Texas. I yield five minutes more to the gentleman.

The SPEAKER pro tempore. The gentleman is recognized

for five minutes additional

Mr. DIFENDERFER. The purpose of this request is that we of the committee propose to appoint a subcommittee to investigate the books of the Schuylkill Arsenal in the city of Philadelphia. To bring the books here would entail a great deal of loss, not only of money but of time, and our proposition is that we spend this money—not \$250, as I am absolutely convinced in my own mind that it will not take \$100to investigate this matter, so far as we are concerned, in Phila-It would require our expenses there, car fare, and delphia. hotel bills, and possibly a stenographer. Our committee has so far developed a great deal of information without one single dollar of expense to the Government other than the publishing of the report. And it would cost considerably less for this committee to go to the city of Philadelphia than it would to have all their books and accounts brought here, with the witnesses that would necessarily have to be here to testify in this matter. And we thought, as a matter of economy, that the proper thing to do would be to come before this House and ask that this resolution be passed, that this money be granted. And I am going to say voluntarily that if the House is so picayunish that it does not propose to give us the money as individuals, will pay our own expenses to the city of Philadelphia and take this testimony, if you will grant us the privilege of taking it outside of the District of Columbia. [Applause on the Democratic side.]

Mr. Speaker, I yield back the balance of my time.
Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania [Mr. Dalzell] to consume some of his time

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. Gardner].

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Gardner] is recognized for five minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that the following amendment be held to be pending:

Provided, That in lieu of the Committee on Expenditures in the War Department, the Committee on Military Affairs be instructed to inquire into the charges made by the Hon. Robert E. Diffenderfer in the House of Representatives on April 27, 1911, and before the Committee on Military Affairs on May 11, 1911: Provided also, That the Committee on Military Affairs shall, for this purpose, have the same powers as those accorded to the Committee on Expenditures in the War Department by this resolution, as well as the power to send for persons and papers and administer oaths, and shall report its findings to the House before May 1, 1912.

Mr. HENRY of Texas. Mr. Speaker, in view of the agreement that has already been made I shall, of course, have to object.

The SPEAKER pro tempore. Objection is heard.

Mr. GARDNER of Massachusetts. I expected an objection would be heard.

I have had a resolution to that effect lying in the Committee on Rules since June 21, 1911, and it had no attention whatever.

Now, the purpose of this resolution is to investigate certain inspections of shoes made by Army officers. In consequence of these inspections some inspectors were discharged, and John Mc-Brearty, now or formerly of Rosemont, Pa., in the district of Mr. Difenderfee, was disqualified for fraud as a bidder for

Army and Navy supplies.

I shall endeavor to show you that this matter ought not to be investigated by the Committee on Expenditures in the War Department, of which Mr. Difenderfer is a member, but should be investigated rather by the Committee on Military Affairs. Mr. Difenderfer introduced this rule. He has been before the Committee on Rules asking that this resolution be reported, and if it is passed in its present form he will be charged with the judicial function of investigating these shoe contracts.

Mr. MARTIN of Colorado. Mr. Speaker, I would like to

interrupt the gentleman with a question.

The SPEAKER pro tempore. Does the gentleman from

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield to the gentleman from Colorado?

Mr. GARDNER of Massachusetts. Yes.

Mr. MARTIN of Colorado. The gentleman objects to this resolution, among other things, because the gentleman from Pennsylvania, by virtue of having introduced this resolution, will be a member of the investigating committee?

Mr. GARDNER of Massachusetts. Among other things.

Mr. GARDNER of Massachusetts. Among other things. Mr. MARTIN of Colorado. I want to ask the gentleman if that is not the condition obtaining with reference to all of these other investigations-that the mover of the resolution is made chairman of the committee conducting the investigation?

Mr. GARDNER of Massachusetts. I think when the gentleman from Colorado has heard the whole story he will agree that I am right.

Mr. MARTIN of Colorado. I hope the gentleman will answer that specific question. If that is not the usual rule and

the usual practice?

Mr. GARDNER of Massachusetts. No; I shall not answer that specific question. I shall endeavor to show, Mr. Speaker, that Mr. DIFENDERFER himself is the accuser in this matter; that he is directly interested in its outcome; and that he deliberately sought a place on the Committee on Expenditures in the War Department with this very circumstance in mind. shall show you that this matter has been partially investigated already by the Committee on Military Affairs, and that as long ago as last June I introduced a resolution asking for a thorough investigation by that same committee.

Now, on April 25, 1911, I made a speech in the House of Representatives on the boot and shoe trade. During the progress of that debate a colloquy occurred, and you already have had given to you on your desks a printed copy of that colloquy. Here for the first time Mr. DIFENDERFER appeared as the accuser,

and he states his charges:

Mr. DIFENDERFER. Is it not a fact that Herman & Co. absolutely control, after freezing out every competitor in the United States, the manufacture of shoes for the Army and Navy of the United States?

Mr. GARDNER of Massachusetts. I have never heard of Herman & Co. in my life, and I am probably somewhat familiar with the boot and the Army and I am probably somewhat familiar with the boot and

in my life, and I am probably somewhat familiar with the boot and shoe trade.

Mr. Diffenderfer. Why, they are the gentlemen engaged in the business in the city of Boston, Mass.

Mr. Gardner of Massachusetts. I say to the gentleman that I have never heard of such a manufacturer or dealer in my life, in Boston or elsewhere. I do not, of course, say that he does not exist, but—

Mr. Diffenderfer. I shall be at liberty, then, in the near future to show to the gentleman that they have had absolute control of the shoes manufactured in this country for the Army and Navy, and that they have frozen out competitors that I know of, who have lost out and to-day are bankrupt owing to the fact that this firm of Herman & Co. have used their influence with the Government representatives of the United States, or those in control of the Government of the United States have used their influence to freeze out competitors and have placed them on the blacklist, so to speak, and have even gone so far as to give money so that other firms may not be competitors after freezing them out.

The word "had" materially changes the meaning of this sentence. It did not appear in the original reporter's notes, but was inserted with a pen before the publication of this debate in the Congressional Record.

Mr. Difenderfer. * * * But, in connection with what the gentleman from Massachusetts [Mr. Gardner] has said, I would like to add this question: Whether it is not a fact that when specifications are issued for a certain grade of Army shoes Shrewsbury leather is indicated in the specifications?

Mr. Gardner of Massachusetts. I have not the slightest knowledge

of that

Mr. DIFENDERFER. I will say to the gentleman that that is the case, and in a case like that they can certainly make their prices, because they control the Shrewsbury output of leather.

Thus you see that Mr. DIFENDERFER on April 25, 1911, first

appeared as an accuser of fraud in this matter.

The sum and substance of the accusation is this: That Herman & Co. have captured all Army and Navy shoe contracts; that this has been done by the connivance of the authorities, who included in these specifications a clause requiring the use of "Shrewsbury" leather in certain kinds of Army and Navy shoes.

The second appearance of Mr. Difenderfer as an accuser was in an interview which appeared in the Philadelphia Inquirer on April 30, 1911. I hold that interview in my hand. His next appearance as an accuser was before the Committee on Military Affairs on June 16, 1911. Subsequently, toward the end of June, after he had been elected to the Committee on Expenditures in the War Department, he again gave out an interview making the same accusations and announcing that the committee of which he is a member would give a hearing.

To revert to the chronological development of the matter.

Two days after the original accusations were made by Mr. DIFENDERFER, I introduced resolutions of inquiry addressed to the Secretary of War and the Secretary of the Navy asking for full particulars as to the truth of Mr. Diffenderfer's allegations. A little later Mr. DIFENDERFER followed suit with similar resolutions of inquiry.

His resolutions were substantially the same as my own except that he asked for information covering a longer period, which was proper, and except that he omitted all mention of "Shrewsbury" leather by name from his questions as to specifications. He covered it in a general way, however.

The Committee on Naval Affairs responded promptly, and

the resolutions were passed and answered by Secretary Meyer. The Secretary's replies showed that "Shrewsbury" leather had never appeared in Navy specifications, and that the only shoe manufacturer ever disqualified by the Navy Department was one John McBrearty, of Rosemont, Pa., in the district of Mr. Diffenderfer. McBrearty, it appeared, had been disqualified for fraud on the findings of a board of officers of the United States Army. This reply of Secretary Meyer also showed that in the 11 years, from 1901 to 1911 inclusive, outside of openmarket purchases, the Navy Department had awarded contracts as follows:

\$672, 325 538, 350 168, 750 100, 000 11, 400 To Herman ______
To McBrearty _____
To Gimbel _____ To McCarthy _____

Total_

Now, as to the resolutions of inquiry addressed to the Secretary of War. Before reporting either Mr. Diffenderfer's resolution or my own, a subcommittee on Military Affairs gave two hearings, one of them to Mr. DIFENDERFER and the other to me. On May 16 came a hearing before the full Committee on Mili-

tary Affairs, and those proceedings are a matter of record. I called the attention of the Committee on Military Affairs to the fact that Members of Congress are safe from libel suits, no matter how libelous their utterances on the floor of the House may be. I clearly indicated the impropriety of permitting this immunity to be abused, and asked whether a Member of Congress should be allowed, unpunished by the House, to make libelous statements not susceptible of proof. I announced my intention of following the matter up.

Mr. DIFENDERFER rose.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield?

Mr. GARDNER of Massachusetts. I do.

Mr. DIFENDERFER. Mr. Speaker, does not the gentleman think it would be in order, then, for him to permit me to

Mr. GARDNER of Massachusetts. Absolutely, before an ourself. [Applause on impartial committee, but not before yourself. [Applause on the Republican side.] That is why I introduced my resolution.

Capt. Hannay, a young officer of the War Department, without personal knowledge of the matter, presented the views of Humphrey, Col. Pond, Col. Pullman, and Maj. Littell, exposing the practices of John McBrearty and calling for the discharge of certain inspectors.

Mr. Difenderfer reiterated his charges and finally intimated that a fraudulent substitution of shoes was made when the

Army officers submitted the exhibits for examination.

During the course of this hearing on May 16, 1911, I mentioned that I should press this matter further and that the investigation would probably come either to the Judiciary Committee or to the Committee on Military Affairs. Mr. WATKINS, of Louisiana, suggested the Committee on Expenditures in the War Department. This was the first intimation which I had received that the Committee on Expenditures in the War Department would be given jurisdiction, except that in the Philadelphia Inquirer of April 30 had appeared an interview from Mr. Difenderfer announcing the fact that he was confident that he could establish a prime facie case before Congressman Helm's committee, which happens to be the committee in

Soon came the answer of Secretary of War Stimson to the resolutions of inquiry. From this it appeared that "Shrewsleather never was required in Army specifications, but that the specifications in 1903 alone, some two years before McBrearty was disqualified, called for "Shrewsbury" leather, or its equal. The reasons for this item in the specifications of 1903 were fully explained by Capt. Hannay to the Committee on 1903 were fully explained by Capt. Hannay to the Committee on Military Affairs. It also appeared that in the 11 years covered by Mr. Diffenderfer's resolutions Herman had received 57 per cent of the contracts. It also appeared that during that same period 76 per cent of the contracts were awarded to the lowest bidder, and full explanation was given when such was not the

Meanwhile, Mr. DIFENDERFER was making efforts to get on the Committee on Expenditures in the War Department, but there was no vacancy for him. It was necessary to make a vacancy. A member of the committee, Mr. Booher, was approached, not by Mr. Difenderfer, but by some one avowedly acting in his behalf. This member consented to a transfer to another committee, and on June 2, 1911, he was transferred to the Committee on Expenditures in the Navy Department and Mr. Difenderfer was chosen in his place. When the member in question consented to the transfer he had no knowledge of Mr. Difenderfer's purpose, but afterwards Mr. Difenderfer thanked him for his courtesy and told him that a matter was to come before the Committee on Expenditures in the War Department in which he was personally interested.

Not being minded without a struggle to allow Mr. DIFEN-DERFER to investigate his own allegations, on June 21, 1911, I introduced a resolution for the investigation of the whole matter by the Committee on Military Affairs.

And right here I wish to answer the gentleman from Colorado. I totally disagree with the practice prevailing in this House of allowing the introducer of a resolution to serve on the special committee of investigation which he asks for. plause.] I think it a bad practice from beginning to end. know that on a special committee on which I serve there happens to be the gentleman from Kentucky [Mr. Stanley], but I wish to cast no reflections upon the gentleman from Kentucky, because I wish here and now to testify to my admiration of him.

This is the resolution that I introduced on June 21, 1911:

House resolution 219.

House resolution 219.

Whereas on April 25, 1911, in the House of Representatives, the Hon. Robert E. Diffenderfer, of Pennsylvania, made certain charges to the effect that fraudulent practices exist in the War and Navy Departments relative to the contracts for Army and Navy shoes, and that certain contractors are favored by means of a blacklist excluding other competitors and by a requirement in the specifications prescribing the use of "Shrewsbury" leather; and

Whereas it appears by the evidence taken before the Committee on Military Affairs on May 16, 1911, and by a letter from the Secretary of War dated June 5, 1911, and by a letter from the Secretary of the Navy dated May 20, 1911, that no such fraudulent practices exist or have existed; that only one competitor, to wit, John McBrearty, has ever been punished by exclusion, and then only for a period of four years, in consequence of frauds; and that Shrewsbury leather has not been mentioned in the specifications except on a single date, to wit, February 27, 1903, and then only to indicate a certain standard by the words "Shrewsbury or equal": Therefore be it

Resolved, That the Committee on Military Affairs be instructed to inquire into the charges made by the Hon. Robert E. Diffenderfer and report to the House what action ought to be taken. For this purpose the committee snall have power to send for persons and appers and administer oaths, and shall have the right to report that resolu-

All the Committee on Rules has to do is to report that resolution, which has laid with them over seven months, if they want this thing investigated by an impartial committee. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. Floop of Virginia). The

gentleman has consumed 20 minutes.

Mr. GARDNER of Massachusetts. A few days later a Philadelphia paper appeared with a double-column article, headed as follows: "Difenderfer says United States maintains shoe-contract blacklist."

The article quotes my resolution of June 21, and comments on it in this way:

This resolution was not passed. Instead the House named a comittee on Army and Navy expenditures, consisting of seven members. r. DIFENDERFER is one of the seven, four being Democrats and three Republicans.

Next follows an interview with Mr. DIFENDERFER in this article, in which he says:

The Gardner resolution was intended to make me disclose what I new in advance of a hearing by the committee of which I am a

He then explains that the Army shoe-contract question is to be taken up by his committee, and tells this newspaper that I intimated that such a report would be made as would bring him before the bar of the House for censure.

Mr. DIFENDERFER. Mr. Speaker, I would like to ask the gentleman the name of the paper.

Mr. GARDNER of Massachusetts. Mr. Speaker, I will ask Member to take this clipping over and show the gentleman. Mr. HAMILTON of Michigan. All he wants is the name of

Mr. GARDNER of Massachusetts. I will give it to him for inspection. I have not the name of the paper. The clipping

was sent to me. The name was cut off.

Mr. DIFENDERFER. I want to say that I never made any such statement.

Mr. GARDNER of Massachusetts. The gentleman can see it in that clipping which I have sent to him. I will ask that that be returned to me, please. Does the gentleman wish to read it?

Mr. DIFENDERFER. No; I never made any such statement as the gentleman has stated the contents to be. I want to say now that I never made any such statement.

Mr. GARDNER of Massachusetts. Has the gentleman examined this article?

Mr. DIFENDERFER. Inasmuch as the gentleman stated its contents, I need not examine it.

Mr. GARDNER of Massachusetts. Then the gentleman denies the fact that he ever made it. There is a long interview which purports to come from Mr. Diffenderfer. I will read some more of it:

I began the investigation which led to the charges made last November and have gone pretty deeply into the subject. I have startling

facts in my possession, most of them in the shape of documentary evidence.

He has testified before the Committee on Military Affairs that he had anonymous letters by way of documentary evidence. He is quoted further:

There has been rank favoritism in the handling of the shoe contract.

I want to emphasize the fact that nothing can turn me from the course I have marked out. I am going to the bottom of this condition and expose the whole vile practice to the light of day. Already those who will be involved are apparently taking alarm. My secretary has been approached by a man named Cox, who offered her a bribe if she would turn over to him certain documents in the case.

Mr. Speaker, that is the lady who discovered there were Italians waiting in the corridors of the Office Building to search the gentleman's room. [Laughter.]

According to this paper he says that I have intimated that such a report would be made as would bring him before the bar of the House for censure. That is not exactly true, but it is mighty near the truth; so he need not have denied it. I did say before the Committee on Military Affairs that if he can not prove the charges I have felt that either he should be censured by the House, or, if that seems too severe for a new Member, that his remarks should be stricken from the RECORD.

A word now as to my own interest in this matter. beginning I had none, except that I dislike loose statements and loose accusations made on the floor of the House against undefended individuals. Mr. Herman is not a constituent of mine, but he is a constituent of Mr. WEEKS. So far as I know I never heard of him before Mr. DIFENDERFER mentioned his name. I never met him but once in my life, and that was last autumn, long after Mr. DIFENDERFER's accusation, at a dinner of the Boot and Shoe Club of Massachusetts.

In the Pocket Directory of Shoe Manufacturers for 1912 he is rated as a class C manufacturer, which means that his factory's capacity is from 1,000 to 5,000 pairs per day. His counsel testified before the Committee on Military Affairs that Mr. Herman's output is from 1,000 to 1,200 pairs per day. In this same Pocket Directory of Shoe Manufacturers I have counted about 40 factories in one city of my district alone—the city of Haverhill—which are rated in the same or in a higher class than Mr. Herman's establishment. It is scarcely to be class than Mr. Herman's establishment. It is scarcely to be wondered at that I never heard of him.

The gentleman before the Committee on Military Affairs asked if Herman was not rated in Dun or Bradstreet at \$300,000. I looked it up. I find that the gentleman was right as far as 1911 was concerned, but at the time that this man ousted McBrearty, by the connivance of our Army officers, out of existence, according to Mr. Difference, this gigantic overpowering Herman was rated in Dun, 1903, at \$125,000 to \$200,000 and in Bradstreets at \$75,000 to \$100,000. In 1905 he remained the same in Dun, but had grown in Bradstreet to \$100,000 to \$150,000.

As this matter has progressed I confess that I have become eager in the chase. The wording of some of Mr. Difenderfer's interviews has distinctly irritated me, especially when he indicates a disbelief in my statement on the floor of the House that I had never heard of Mr. Herman.

Which one of my fellow Members has ever considered the pain to an Army officer, or to a faithful Government official, of having his good name loosely called in question? I recall to mind the investigation before the Rules Committee last summer of the commissioner of immigration at the port of New York, a most honorable, conscientious, high-minded official. For the first two days the newspapers were filled with the mouthings of his opponents. Think of the pain to a sensitive man. Think of the pain inflicted on his family. On the third day his accusers literally tumbled over themselves to exonerate him, explaining that it was really the immigration law which was cruel, not the commissioner. Mr. Burnett, of Alabama, and I appeared together as witnesses in the commissioner's behalf. We had served many years on the Committee on Immigration and knew his work. Personally, I implored the Rules Com-mittee to report one way or the other, not to leave the man in suspense with this smirch on his name. The chairman assured us that the matter would be promptly taken up and finally

Did the newspapers publish all this? If they did so, the testimony was so condensed or so hidden that it escaped my observation. So far as I know, the Rules Committee has taken no action. It has neither exonerated the commissioner nor has it ordered the investigation. This inaction is not justice. We ought not to be content to let this smirch remain, even if it only gives pain to one unfortunate official and to his family. [Applause on the Republican side.]

Mr. Speaker, I have no patience with a policy of investigation which pursues with a blare of trumpets a matter like the "Dick to Dick" letter, and then lapses into timid silence when

the accusers are dumbfounded. [Applause on the Republican side.] I hope that this proposed investigation will be conducted on different lines by the Committee on Military Affairs.

Painful as it must be to certain Army officers and to Mr. Herman and to their families, I hope that it will be pursued to the bitter end. If those parties are guilty, let them suffer the penalty. If they are innocent, let us not relapse into profound silence.

Out with our verdict one way or the other. If the facts show it say frankly to the country that our colleague is the man who deserves censure. [Applause on the Republican side.] If it appears that his charges are untrue, let the committee show by its report and by its recommendations that the privi-leges of the House of Representatives are not to be abused with impunity and are not to be permitted to serve as licenses for libelous tongues. [Applause on the Republican side.]

Mr. DIFENDERFER. Mr. Speaker, I desire to ask the gentleman from Massachusetts whether that statement is true or false, that to-day Mr. Herman is quoted in Bradstreet and Dun as worth \$300,000?

Mr. GARDNER of Massachusetts. In my speech I just said so. Mr. DIFENDERFER. Then it is very true that he has grown in wealth considerably since 1903, has he not?

Mr. GARDNER of Massachusetts. Like all shoemakers. Mr. DIFENDERFER. I desire to say this in respect to the proposition-

Mr. POU. Mr. Speaker—
The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. POU. I have charge of the time, Mr. Speaker.
The SPEAKER pro tempore. The Chair will state that the Chair did not recognize the gentleman from North Carolina when the gentleman from Pennsylvania rose.

Mr. POU. How much time does the gentleman from Penn-

sylvania desire?

Mr. DIFENDERFER. Three minutes.

Mr. POU. I will yield three minutes to the gentleman from Pennsylvania.

Mr. DIFENDERFER. Mr. Speaker, the gentleman from Massachusetts [Mr. GARDNER] has seen proper to bring in the name of John McBrearty, a former contractor of this Government, a man who made more than a million and a half pairs of shoes for the Government, and but 11 pairs in all the time he furnished those shoes were returned as imperfect; and when the Argentine Government wanted a man to furnish shoes they asked the Quartermaster's Department to recommend a man, and they recommended John McBrearty, a man they afterwards blacklisted. Now, I want to be placed in the position where I can show why these things occurred. It is not for John McBrearty alone, but I want to show to the people of this country that their interests must be guarded and that no man can stand upon the floor and threaten the liberties of a colleague. I want to say to the gentleman from Massachusetts that I have no personal interest in John McBrearty. John McBrearty is a constituent, true enough, but he is a Republican, who, no doubt, voted against me. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Speaker-

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. Difenderfer] yield to the gentleman from Massachusetts [Mr. GARDNER]? Mr. DIFENDERFER. Yes.

Mr. GARDNER of Massachusetts. I will ask the gentleman if it is not true that Mr. John McBrearty went around your district stating things to the discredit of the Hon. Irving P. Wanger?

Mr. DIFENDERFER. Not to my knowledge. He never said a word that I know. Is that the animus in this thing? [Applause on the Democratic side.] Is that the sting?
Mr. GARDNER of Massachusetts. No, sir; it is not.

Mr. DIFENDERFER. Is it the investigation of the American Woolen Co.?

Mr. GARDNER of Massachusetts. No; it is the investigation of Robert E. Difenderfer.

Mr. DIFENDERFER. I appeal to the Members of this House whether I had the right or not to bring in that resolution and ask its consideration on the floor of this House. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Speaker-

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Massachusetts? Mr. DIFENDERFER. I do.

Mr. GARDNER of Massachusetts. Can you any less well present your facts before the Committee on Military Affairs than you can to your own committee?

Mr. DIFENDERFER. Well, that is a question. [Laughter on the Republican side.] I do not want to impugn any committee, and I do not say that the Committee on Military Affairs would not go into the investigation. But this is within the jurisdiction of the Committee on Expenditures in the War Department, where it was placed by this House on June 6, 1911. Now, the gentleman's proposition is to take it out of the hands of the Committee on Expenditures in the War Department and place it with another committee, when the House has already granted the privilege to the Committee on Expenditures in the War Department.

Mr. GARDNER of Massachusetts. Mr. Speaker-

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. Difenderfer] has expired.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield from my own time one minute to the gentleman from Pennsylvania [Mr. Diffenderfer] to answer the question.

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. HELM].

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. DIFENDERFER] desire to take the one minute of time? If not, the gentleman from Kentucky [Mr. Helm] is

Mr. HELM. Mr. Speaker, as the chairman of the committee to which this matter has been referred, I want to give to this House the complete assurance that the committee shall under no circumstances be controlled by any personal matter existing between the gentleman from Massachusetts and the gentleman from Pennsylvania. The gentleman from Massachusetts has somewhat indirectly reflected upon the committee to which, under the regular orders of this House, this investigation has been referred. This committee has jurisdiction to investigate this charge. Disavowing any participation in any feeling that may have arisen between the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Pennsylvania [Mr. DIFENDERFER] the committee of which I have the honor to be chairman will proceed, not with any brass band or pyrotechnic or noisy display, in the investigation of this matter. And I submit to this House, whether during all the time that the committee has been investigating matters relating to the War Department, if a single fact has been developed here to show that it has in the least proceeded along lines that the gentleman from Massachusetts [Mr. GARDNER] has insinuated it is the intention of the committee to follow: intention of the committee to follow.

I submit to the gentleman from Massachusetts the statement made before the committee by the Chief of Staff to the effect that the work this committee has done in its investigations in the War Department has been beneficial and that he welcomes it as improving the service and resulting in economy in the War Department. Not a single thing has been done, so far as my knowledge goes, that has not met the fullest approbation and approval of the department. I could instance here on this floor matters that this committee has had in charge, a score of them, and out of that number virtually all that this committee has dealt with has resulted in economy to the Government. And when you come to consider the military bill you will see the result of the work of this committee bearing fruit and giving evidence of its good faith and its work in the investigation of this department. I want to say that this committee will feel no concern in this investigation as to the personal matters that have arisen beween the gentleman from Pennsylvania [Mr. DIFFENDERFER] and the gentleman from Massachusetts [Mr. GARDNER]. I understand from the gentleman from Massachusetts that Mr. Herman is not a constituent of his. With this assurance to the House that this investigation shall proceed with the utmost fairness, I wish to say, further, if in the course of the investigation anything to the discredit of the constituent of the gentleman from Pennsylvania, Mr. McBrearty, be developed the House will have the full benefit and knowledge of it. The issue here is simply this: The committee having jurisdiction of the subject matter, will it be cheaper for the committee or a subcommittee to go where the proof is to be had or to require all the witnesses, books, and papers to be brought here? It would seem apparent and obvious that there are matters that require investigation. Certainly, such investigation can do no barm. It calls for a paltry sum of \$250, a mere bagatelle, mere pin money. The proposition presented to this House solely for consideration is not what exists between the gentleman from Massachusetts and the gentleman from Pennsylvania, but are there, in fact, matters in vogue in the War Department that require investigation, and are certain favorites being benefited. or are they not? Are certain favors being granted, or are they

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from South Dakota?

Mr. HELM. With pleasure.

Mr. MARTIN of South Dakota. If in these charges that have been made a considerable spirit has developed pro and con upon the subject, does the gentleman consider that there is any impropriety in the maker of the charges sitting in judgment as one member of the committee upon their thorough investigation and trying conclusions therefrom?

Mr. HELM. I am glad the gentleman has asked that question. For my part, and speaking solely for myself, these committees on expenditures in the several departments are in a measure inquisitorial in their scope. The nearest approach to a comparison that I can find is that they act in the capacity somewhat of a grand jury. The mere fact that the gentleman from Pennsylvania happens to be in possession of facts, which by peculiar conditions have been brought immediately to his knowledge, of abuses—if they are abuses, and I am not prepared to say that they are abuses; but his contention is that he is in possession of certain facts that certain conditions do exist the foot I say that he is in possession of certain facts that certain conditions do exist—the fact, I say, that he is in possession of this information, to my way of thinking, does not disqualify him from developing, as a member of the committee, those facts to their fullest extent before the committee.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gen-

tleman yield?

Mr. GARRETT. Will the gentleman yield to me?
The SPEAKER. To whom does the gentleman yield?
Mr. HELM. One moment. As I understand, this resolution Mr. HELM. One moment. As I understand, this resolution was originally referred to the Committee on Military Affairs, and, after a short, unsatisfactory, and limited investigation, it was by that committee referred back to the House and was by the House referred to this committee which has jurisdiction.

Mr. GARDNER of Massachusetts. The gentleman is mistaken as to that. Will the gentleman yield a moment?

Mr. HELM. In just a moment.

Mr. GARDNER of Massachusetts. I want to correct the mistaken.

Mr. HELM. The fact that the gentleman from Pennsylvania may or may not have sought membership on this committee is not a matter that this committee could take any knowledge of, and I disavow any knowledge of his having sought any posttion on the committee.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gen-

tleman yield?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from South Dakota?

Mr. HELM. Certainly.

Mr. MARTIN of South Dakota. The question I would like to ask the gentleman is whether that fact would not have some bearing on the action or proceedings of the committee if that gentleman sat as a member of that committee?

Mr. GARRETT. Mr. Speaker, will the gentleman permit a

suggestion there?

The SPEAKER. Does the gentleman from Kentucky yield

to the gentleman from Tennessee?

Mr. HELM, With pleasure.

Mr. GARRETT. The practical thing before this House now is simply the question where this committee shall sit. If the committee has jurisdiction of this subject matter, they can send to Philadelphia and bring the witnesses and books here, and this resolution does not add to or detract from the power already possessed by the Committee on Expenditures in the War Department.

Mr. HELM. That, to my way of thinking, is a very apt statement of the issue. It simply resolves itself into a proposition as to whether it would be more economical to send to Philadelphia and have these witnesses brought here, or that a limited number of this committee should go there and ascertain what

are the facts.

Mr. MARTIN of South Dakota. Will the gentleman permit one more question?

The SPEAKER. Does the gentleman from Kentucky yield to

the gentleman from South Dakota?
Mr. HELM. With great pleasure
Mr. MARTIN of South Dakota. Mr. MARTIN of South Dakota. The gentleman from Kentucky has cited as a supposed analogy the work of a grand jury. Does the gentleman consider that a citizen who was the complaining witness, who would be the complaining witness before a grand jury concerning matters of a criminal nature to be inquired into, would not thereby be disqualified under the rules and practice in any court?

Mr. HELM. In the jurisdiction in which I have practiced law I have invariably found—

The SPEAKER. The time of the gentleman from Kentucky has sayingd.

has expired.

Mr. HELM. I ask for one minute longer.

Mr. POU. I yield one minute to the gentleman.

Mr. HELM. In the jurisdiction in which I have practiced the court invariably instructs the members of the grand jury that they should disclose to the grand jury all information within their knowledge touching any matter that comes before it within the jurisdiction of the grand jury.

Mr. MARTIN of South Dakota. Will the gentleman yield?
The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from South Dakota?

Mr. HELM. Certainly.

Mr. MARTIN of South Dakota. That fact being disclosed would, under the laws of most of the States, disqualify a complaining witness from being one of the prosecutors before the grand jury sitting in judgment upon the case, would it not?

Mr. HELM. Will the gentleman kindly repeat his question? Mr. MARTIN of South Dakota. It is a little involved. I say, if a grand jury were investigating certain matters, if a matter were up for consideration before the judge, before empaneling of the grand jury, it would be an objection to his member-ship in the grand jury that he was a complaining witness in the matter to be investigated, would it not?

Mr. HELM. In the jurisdictions in which I have practiced I have never yet found that the possession of knowledge by a grand juror of an act for investigation disqualified him for

service as a grand juror.

The SPEAKER. The time of the gentleman has again The gentleman from Pennsylvania has six minutes left and the gentleman from Texas fourteen.

Mr. DALZELL. I yield to the gentleman from Massachusetts

[Mr. GARDNER]

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] is recognized for six minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to ask the gentleman from Tennessee [Mr. Garrett], who says that the whole question is to decide the place at which the Committee on Expenditures in the War Department shall sit, whether he thinks that these charges ought to be investigated by a committee of which the gentleman from Pennsylvania

[Mr. Difenderfer] is a member?
Mr. GARRETT. If the gentleman will pardon me, I decline to be catechised by the gentleman along that line. what was the practical question before the House. Let me say to the gentleman this, which the gentleman knows is true: If this committee has jurisdiction of the matter now, under the rules of the House, then that committee, with the gentleman from Pennsylvania [Mr. Difenderfer] on it, may to-day or tomorrow or at any time send to Philadelphia, summon those witnesses, with their books and papers, and hear this case; and if they have jurisdiction they might do that even if a resolution were passed authorizing the Committee on Military Affairs

Mr. GARDNER of Massachusetts. What would be the objection to passing my resolution instructing the Committee on

Military Affairs to make the investigation?

Mr. GARRETT. Under the regular rules of the House, as

I understand it, this committee has jurisdiction.
Mr. GARDNER of Massachusetts. Does the gentleman think if everything was smooth sailing that the Committee on Expenditures in the War Department would be asking for this right to go to Philadelphia and get that which they can get from Philadelphia under a subpœna duces tecum?

Mr. GARRETT. I understand the only purpose on earth in asking for it is as a matter of economy and as a matter of

convenience.

Mr. GARDNER of Massachusetts. I should like to ask the gentleman from Kentucky [Mr. Helm] a question. Will the gentleman from Kentucky [Mr. Helm] assure the House that the gentleman from Pennsylvania [Mr. DIFENDERFER] will not be on the subcommittee which investigates this matter?

Mr. HELM. I will answer that question by saying we will take the matter up. I do not control this committee. no brief or authority to say what the committee shall do. is a matter to be taken up before the committee, and if the committee decides that Mr. Diffenderfer shall go, he will go. I am not going to say to this House that I am the master or the dictator or the controller of this committee. It is a matter that is solely in the province of the committee to determine and

Mr. GARDNER of Massachusetts. The gentleman appoints

the subcommittees of his committee, does he not?

Mr. HELM. I may or I may not. The subcommittees may be appointed by the chairman, and sometimes are elected by

Mr. DIFENDERFER rose.

The SPEAKER. Does the gentleman from Massachusetts rield to the gentleman from Pennsylvania?

Mr. GARDNER of Massachusetts. I will in a few minutes. The SPEAKER. The gentleman declines to yield.

Mr. GARDNER of Massachusetts. I decline to yield until I have completed my statement.

Mr. DIFENDERFER. I desired to ask my question of the gentleman from Kentucky [Mr. HELM].

The SPEAKER. The gentleman from Massachusetts declines

Mr. GARDNER of Massachusetts. I will say to the gentleman from Kentucky [Mr. Helm] that if he will assure the House that the gentleman from Pennsylvania [Mr. Difen-DERFER] will not be on the subcommittee, and if he will assure the House that he will use his best effort to that purpose, and that he will use his best effort to see that the Committee on Expenditures in the War Department reports to the House its findings on this question, and reports its judgment on the question whether or not the gentleman from Pennsylvania [Mr. Difenderfee] was justified in his charges, then I will withdraw my opposition to the resolution.

Mr. HELM. I will say to the gentleman that my course in this matter shall be governed as it has in the past. I shall give no pledge, and I do not feel called upon to give any pledge. I am responsible to the majority, who have commissioned me as the chairman of this committee, and I feel that responsibility to its utmost, and I shall take these matters into full consideration and protect and guard the interests which have been entrusted to me and the committee. Further than that I do not feel called upon to make any pledge or promise to anyone, or to do anything other than discharge my duties as I see them honestly and fairly, and as justly as my ability will permit me to do. [Applause on the Democratic side.]

Mr. DIFENDERFER rose.

The SPEAKER. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. GARDNER of Massachusetts. I now yield to the gentle-

man from Pennsylvania.

Mr. DIFENDERFER. The gentleman has made certain charges in his remarks before this House, many of which I consider untrue. He has built up a straw man and has been knocking it down from the time he started until he finished.

Mr. GARDNER of Massachusetts. Is this a question?

Mr. DIFENDERFER. This is the question: Whether the gentleman himself has not gone to the chairman of our committee and solicited him to appoint a man whom he desired on that subcommittee?

Mr. GARDNER of Massachusetts. I never spoke to the gentleman from Kentucky [Mr. Helm] on the subject in my life.

Did I?

Mr. HELM. The gentleman has not. [Applause on the Republican side.] But in full justice and full fairness I do desire to say that a minority member did come to me and request, or suggest, that the gentleman from Massachusetts had said that if there was a subcommittee appointed he should be on the subcommittee.

Mr. GARDNER of Massachusetts. That was Mr. HINDS. and that was the suggestion of the gentleman from Georgia [Mr. HARDWICK], of the Committee on Rules. Is not that correct?

Mr. HARDWICK. I said that Mr. HINDS was on the committee, and one of the most capable men I ever saw in the House for investigations.

Mr. GARDNER of Massachusetts. And absolutely competent

to take care of our side of the case?

Mr. HARDWICK. Certainly; I did.
The SPEAKER. The Chair desires to say to Members that the rule requires that if a Member wishes to interrupt a Member who has the floor he must first address the Chair and get permission. The rule is a very sensible one, tends to prevent confusion, and is in the interest of orderly procedure.

Mr. POU. Mr. Speaker, I yield six minutes to the gentleman

from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I want to say that the only question involved here is whether or not this committee, the jurisdiction of which has already been fixed by the rules and within whose jurisdiction this matter comes, shall be allowed to sit outside of the District of Columbia. Neither its power, its jurisdiction, nor its personnel is properly or fairly involved in this proposition.

Now, the further proposition of the gentleman from Massachusetts [Mr. Gardner] that because a man has expressed on this floor, whether he sits on that side of the aisle or on this, his belief or disbelief in certain things—that for that reason the gentleman from Massachusetts can put him in the attitude of a defendant before the bar of this House and this country, is absurd, unwarranted, and impudent. No less a word ex-

The gentleman from Massachusetts also has said that because the gentleman from Pennsylvania said certain things he had abused his privilege as a Member of this House. I deny it. That is no way to make an argument on this floor. The gentleman has characterized the gentleman from Pennsylvania as a man with a libelous tongue. The criticism was unworthy of the gentleman from Massachusetts and does him little credit in this [Applause on the Democratic side.] Mr. Speaker, I yield back the balance of my time.

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes. Mr. POU. Mr. Speaker, I only want to allude to one or two charges brought by the gentleman from Massachusetts [Mr. Gardner]. I do not think there is any reason for anybody to lose his temper about this matter. I think it is to be regretted that any personalities have been indulged in, but the logic of the gentleman from Massachusetts can hardly be sustained. He attacks the gentleman from Pennsylvania, because it appears from the statement of the gentleman from Massachusetts that one McBrearty lives in Mr. Difenderfer's district in Pennsylvania and at some time or other has been adjudged guilty of fraud. Surely the gentleman from Pennsylvania is not responsible for the fact that McBrearty, a Republican, lives in his district, or that he may have been found guilty of fraud. Certainly no criticism should be heaped upon the gentleman from Pennsylvania because of that fact.

The second charge which has been brought by the gentleman from Massachusetts is against the Committee on Rules. throws up his hands in horror because the Committee on Rules has not made a report respecting the condition of the immigration office in New York City, yet in the very next breath he acquits the Committee on Rules by himself making the statement that on the last day of the investigation accusers fell over themselves in order to vindicate gentlemen who had been I submit that there was no occasion for the Commit-

tee on Rules to take any action in this matter.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. POU. I will.

Mr. GARDNER of Massachusetts. I read from the chairman's statement at the end of the hearings when I had asked that one thing or another should be decided.

I hope the gentleman will make his question brief. Mr. GARDNER of Massachusetts. The chairman of the committee said that we had spent almost three days in the consideration of this resolution, and so forth, and then he said:

I wish to say that the Committee on Rules, as soon as practicable, ill take up the resolution and will make final disposition of the me. The hearing is now concluded.

Mr. POU. The resolution was finally disposed of without ordering any investigation, and the gentleman from Massachusetts himself has proven that there was no necessity for the investigation by alleging on the floor that on the following day the accusers of the New York official fell over each other in order to vindicate him.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the

gentleman yield?

The SPEAKER. Does the gentleman yield? Mr. POU. Is not what I have said a fact?

Mr. GARDNER of Massachusetts. Does not the gentleman think that that implies on the part of the chairman, in con-nection with the questions that have been asked him, that he would report the resolution either favorably or adversely instead of letting it sleep?

Mr. POU. There was no necessity for any action on the resolution after the very men who had come before the committee had fallen over themselves to vindicate the party under fire.

Mr. GARDNER of Massachusetts. Does not the gentleman think that that ought to have been brought out to the country

and to the newspapers and to this House?

Mr. POU. The failure to act was equivalent to an adverse report. The resolution has been acted upon finally, and I submit to the gentleman there was no occasion to make a report upon it, when he himself says that the gentleman who was on trial before the committee was vindicated by the very men who brought charges against him and that they fell over one another in doing so.

Mr. Speaker, it would appear from the charges brought by the gentleman from Massachusetts that this whole matter is to be tried by the gentleman from Pennsylvania [Mr. DIFENDERFER]. There are other gentlemen who are on the Committee on Expenditures in the War Department. There are seven gentlemen on this committee. I read on the Republican side, Asher

C. HINDS, PETER M. SPEER, STANTON WARBURTON. The committee is composed of four Democrats and three Republicans. There has been no sufficient reason shown why this investigation should not be concluded by these gentlemen. They already have jurisdiction. It is not proposed to enlarge their jurisdiction. It is not proposed to confer upon them any powers they have not now, except that they be permitted to sit outside of the city of Washington, and the sum of \$250 must limit their This limitation is in the interest of economy. So I respectfully submit that this resolution is in line with the precedents of this House, whatever may be the gentleman's opinion, or whatever may be mine. I have very firm convictions as to the proper procedure in matters of this character. but the gentleman from Massachusetts knows, and we all know, that it has been the custom from time immemorial to put upon the committee usually as chairman the man who has been most active in bringing about the investigation. So in this case the gentleman from Pennsylvania [Mr. Diffender-FER] says he believes he has evidence which will show wrongdoing, and all that he asks is that his colleagues on this committee, with the assistance he will give them, shall have opportunity to look into this matter. If the gentleman is wrong, then he will fall down before his colleagues on this committee. Let the gentleman from Massachusetts have no fear upon that point. There are no more competent men in this House than the names which appear on the Democratic side of this committee and the Republican side as well. [Applause on the Democratic

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. POU. Certainly.

Mr. MANN. Would the gentleman himself be in favor of permitting seven judges to try a case, with one of the judges

a man who is being tried?

Mr. POU. Why, that is not the question in this case. I want to say to the gentleman that as a matter of course I would not be in favor of having any judge who was partial, who had expressed an opinion, try any case; but does not the gentleman know that it has been the custom from time immemorial to put upon the committee the man who has been most active in bringing charges? Has not that been the custom?

Mr. MANN. It never has been the custom anywhere. It has been the custom to put on the committee as chairman the man who proposed a resolution for the appointment of the committee when the man himself was not proposing the charges, but only proposing an investigation of the charges. The gentleman can find no case, since I have been a Member of this House, where a man preferring charges was put upon a committee to investigate those charges.

Mr. POU. There have been no charges preferred here, Mr. Speaker. The gentleman from Pennsylvania has suggested that certain things existed that ought to be investigated. That is as far as he has gone.

Mr. MANN. I heard the gentleman's statement before the

Mr. POU. I know that gentlemen upon that side have sought to put the gentleman from Pennsylvania in that position, but they can not properly do so upon the statement that he has made here, to wit, that he believed certain things exist that ought to be investigated. He himself has expressed no opinion, as far as I understand, as a member of this com-

Mr. MANN. If the gentleman will yield, I heard the gentleman from Pennsylvania make the original statement on the floor at the time, and he asserted the fact.

Mr. POU. I read it. Bossibly he went further than I have stated, but I submit that he has not disqualified himself to act on this committee, that the investigation asked here is in line with the precedents, notwithstanding the statements of gentlemen on the opposite side of this Chamber; and I say in conclusion that no sufficient reason is shown why the gentleman from Pennsylvania is not qualified to serve as a member of this committee.

The SPEAKER. The time of the gentleman from North Carolina has expired. All time has expired. The question is on agreeing to the committee amendment to this resolution.

The question was taken, and the amendment was agreed to. The SPEAKER. The question is on agreeing to the amended House resolution.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division. Mr. HARDWICK. Mr. Speaker, I demand the yeas and nays. Mr. HARDWICK. Mr. Speaker, I demand the yeas and nays. The SPEAKER. Does the gentleman from Georgia insist upon that motion?

Mr. HARDWICK. Yes; I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 105, answered "present" 12, not voting 107, as follows:

	YEAS			
Adair Adamson Aiken, S. C. Ainey Akin, N. Y. Alexander Anderson, Ohio Barnhart Bathrick Beall, Tex. Bell, Ga. Blackmon Boehne Borland Brown Buchanan Bukley Burgess Burke, Wis. Burleson Burnett Byrnes, S. C. Callaway Candler Carter Cliyton Collier Conry Cox, Ohio Cullop Curley Curry Davis, Minn. Davis, W. Va. Dickinson Diekson, Miss. Difenderfer Dixon, Ind Donohoe	Dupre Edwards Ellerbe Faison Fergusson Ferris Finley Fitzgerald Flood, Va. Floyd, Ark. Focht Foster, Ill. Fowler Francis Garner Garrett Godwin, N. C. Gocke Goldfogle Goodwin, Ark. Gray Gregg, Pa. Gudger Hamilton, W. Va. Hamlin Hammond Hardwick Hardy Harrison, Miss. Harrison, N. Y. Hay Heffin Helm Henry, Tex. Hensley Holland Howard Hughes, N. J. Hull, Humpbreys, Miss.	Mays Moon, Tenn. Morrison Moss, Ind. Murray Neeley Oldfield Padgett Page Palmer Patten, N. Y. Pepper Peters Post Pou	Rauch Redfield Roddenbery Rothermel Rubey Rucker, Colo. Rucker, Mo. Russell Saunders Shackleford Sharp Sherwood Sims Sisson Slayden Small Smith, N. Y. Smith, Tex. Stedman Stephens, Nebr. Stephens, Nebr. Stephens, Tex. Stoze Sulzer Sweet Taggart Talcott, N. Y. Thayer Thomas Tribble Turnbull Underwood Warburton Watkins Webb White Wickliffe Wilson, N. Y. Wilson, Pa.	
Doremus	Jacoway	Raker	Witherspoon	
Doughton	James	Randell, Tex.	Young, Tex.	
		3—105.		
1203523	Cantana Mina	*	n	

	ATELAN	100.
Ames Anderson, Minn. Anthony Ashbrook Austin Bingham Bowman Browning Burke, S. Dak. Campbell Cannon Cooper Copley Crago Crago Crumpacker Dalzell Danforth Davidson Dodds Driscoll, M. E. Esch Fairchild Fordney Foss	Gardner, Mass. Gillett Green, Iowa Greene, Mass. Griest Guernsey Hamilton, Mich. Harris Hayes Helgesen Henry, Conn. Higgins Hill Hinds Howell Howland Hubbard Humphrey, Wash. Kendall Kennedy Kent Knowland Kopp La Follette	Loud McCall McKenzie McKinley McKinney McKinney McLaughlin McMorran Madden Mann Martin, S. Dak Miller Mondell Moore, Pa. Morgan Morse, Wis. Needham Nelson Norris Nye Olmsted Patton, Pa. Payne Pickett Powers
Foster, Vt.	Langham	Pray Prince
French Fuller	Lenroot Longworth	Prince
	ANSWERED "	PRESENT "1

Fuller	Longworth	Prince
	ANSWERED	"PRESENT"-12
Andrus	Berger	Glass

Ansberry Bartlett	Clark, Fla. Fornes	Good Kahn
	NOT	VOTING-1
	122	

Allen	Denver
Ayres	Dies
Barchfeld	Draper
Bartholdt	Driscoll, D. A.
Bates	Dwight
Booher	Dyer
Bradley	Estopinal
Brantley	Evans
Broussard	Farr
Burke, Pa.	Fields
Butler	Gallagher
Byrns, Tenn.	Gardner, N. J.
Calder	George
Cantrill	Gould
Carlin	Graham
Cary	Gregg, Tex.
Catlin	Hamill
Claypool	Hanna
Cline	Hartman
Connell	Haugen
Covington	Hawley
Cox, Ind.	Heald
Cravens	Hobson
Currier	Houston
Davenport	Hughes, Ga.
De Forest	Hughes, W. Va
Dent	Jackson

So the resolution was agreed to.

107. Johnson, S. C. Richardson Kindred Kinkeld, Nebr. Kinkead, N. J. Kitchin Lafferty Lamb'
Langley
Lawrence
Levy
Lewis
Lindsay
McDermott
McGuire, Okla.
McHenry
Malby
Matthews
Moore, Tex.
Mott
Murdock Lamb Scully Sells Sheppard Smith, Cal.
Sparkman
Speer
Stack
Stanley
Taylor, Ala.
Taylor, Colo.
Townsend
Tuttle
Weeks
Whitacre
Wilder
Woods, Iowa Murdock O'Shaunessy Parran Plumley Porter Pujo Rangdall Ya Ransdell, La. Woods, Iowa Reilly

Reyburn Rodenberg Smith, Saml. W. Steenerson Stephens, Cal. Stephens, Cal.
Sterling
Stevens, Minn.
Sulloway
Switzer
Taylor, Ohio
Thistlewood
Tilson Tilson Towner Utter Volstead Vreeland Vreeland Wedemeyer Willis Wilson, Ill. Wood, N. J. Young, Kans. Young, Mich.

Moon, Pa. Sherley Talbott, Md.

Riordan Roberts, Mass. Roberts, Nev. Robinson Rouse Sabath Simmons Slemp Smith, J. M. C. Smith, Cal. The Clerk announced the following pairs:

Until further notice: Mr. Evans with Mr. Woods of Iowa. Mr. RICHARDSON with Mr. CALDER.

Mr. DENT with Mr. KAHN.
Mr. CLARK of Florida with Mr. SIMMONS.
Mr. KINDRED with Mr. BARCHFELD.

Mr. Hobson with Mr. Smith of California. Mr. Whitacre with Mr. Sells.

Mr. Sabath with Mr. Matthews.
Mr. Gallagher with Mr. Wilson of Illinois.
Mr. Sheppard with Mr. Bates.
Mr. Booher with Mr. Burke of Pennsylvania.

Mr. Sparkman with Mr. Currier. Mr. Hughes of Georgia with Mr. Hughes of West Virginia.

Mr. STACK with Mr. GARDNER of New Jersey.

Mr. George with Mr. Malby. Mr. Houston with Mr. Moon of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. BARTLETT with Mr. BUTLER. Mr. ALLEN with Mr. FARR.

Mr. BROUSSARD with Mr. BARTHOLDT.

Mr. Brantley with Mr. Cary.

Mr. Byrns of Tennessee with Mr. CATLIN.

Mr. CANTRILL with Mr. DWIGHT. Mr. CARLIN with Mr. DYER. Mr. CLAYPOOL with Mr. HANNA. Mr. CONNELL with Mr. HARTMAN.

Mr. Covington with Mr. Haugen.

Mr. Cox of Indiana with Mr. HAWLEY. Mr. Cravens with Mr. Heald.

Mr. DAVENPORT with Mr. JACKSON.

Mr. Denver with Mr. Kinkaid of Nebraska. Mr. Daniel A. Driscoll with Mr. Lafferty.

Mr. Graham with Mr. Lawrence.

Mr. Gregg of Texas with Mr. McGuire of Oklahoms,

Mr. Johnson of South Carolina with Mr. Mott.

Mr. KITCHIN WITH Mr. PLUMLEY. Mr. LAMB WITH Mr. MURDOCK. Mr. LEVY WITH Mr. PORTER.

Mr. Levy with Mr. Pobles.
Mr. Moon of Tennessee with Mr. Roberts of Nevada.
Mr. O'Shaunessy with Mr. Roberts of Massachusetts,
Mr. Rouse with Mr. J. M. C. Smith.

Mr. TAYLOR of Alabama with Mr. SPEER,

Mr. TUTTLE with Mr. WEEKS. Mr. STANLEY with Mr. WILDER.

For balance of day:

Mr. SHERLEY with Mr. Good.

Until February 10:

Mr. McDermott with Mr. Draper.

Until February 12:

Mr. REILLY with Mr. DE FOREST.

For the session:

Mr. Fornes with Mr. Bradley. Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. FARR. Mr. Speaker, I would like to vote. The SPEAKER. Was the gentleman in the House and listen-

ing to his name?

Mr. FARR. I was in the lobby listening, and was coming into the House.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded. On motion of Mr. Pou, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

TENTS FOR CONFEDERATE VETERANS' REUNION.

The SPEAKER laid before the House the resolution (H. J. Res. 184) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912, with a Senate amendment.

The Senate amendment was read.

Mr. BARTLETT. · I move to concur in the Senate amendment.

The amendment was agreed to.

The title was amended to read as follows: "Joint resolution authorizing the Secretary of War to loan certain tents and cots for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912."

CHANGES OF REFERENCE.

By unanimous consent, the Committee on the Public Lands was discharged from further consideration of H. R. 16689, a bill legalizing certain conveyance heretofore made by the Union

Pacific Railway Co., and the same was referred to the Com-

mittee on the Judiciary.

Also, by unanimous consent, the Committee on Appropriations vas discharged from the consideration of Document No. 305, a letter from the Secretary of the Treasury transmitting copy of a letter from the Secretary of War submitting supplemental estimates of an appropriation required by the War Department for the fiscal year ending June 30, 1913, for the Coast Artillery Reserves of the Organized Militian and the same was referred to the Committee on Military Affairs.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army

appropriation bill.

The SPEAKER. The gentleman from Virginia [Mr. Hav] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18956, making appropriation for the support of the Army.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SAUNDERS

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union to consider House bill 18956, making appropriation for the Army. The Clerk will report

The Clerk read as follows:

A bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913.

The CHAIRMAN. The gentleman from New York [Mr.

VREELAND] is recognized.

Mr. VREELAND. Mr. Chairman, through the courtesy of the House I have been given an hour and a half in which to discuss the banking and currency legislation recently proposed by the

National Monetary Commission.

Three and a half years ago Congress appointed a National Monetary Commission for the purpose of investigating the monetary systems of our country and of the other great nations of the earth, with directions to report back to Congress such changes as may be needed in our banking and currency system. In pursuance of that command the Monetary Commission has reported a bill in detail, which it recommends should be placed on the statute books. That commission was composed of 9 Members of the House and 9 Members of the Senate. There are 16 remaining Members at the conclusion of three and one-half years of investigation. The report of the commission and the recommendations are signed by every man on that commission. They have made a unanimous report. That means, Mr. Chairman, that in the opinion of all the members of the Monetary Commission the bill which they propose and recommend is for the advantage of all parts of this great country, because the 16 members signing the report represent not only both of the great political parties, but they represent every section of our country.

I want to say, Mr. Chairman, that this bill is not the work any one man. It is not the work of any ten men nor of any of any one man. hundred men. It is the result of the discussion and study that has gone on among thousands of people competent to discuss the subject during the past three years. It is the composite opinion of all those who have taken part in the discussion.

Mr. Chairman, this plan has been approved by practically all of the bankers of the United States. It has been approved by practically all of the political economists and professors of political economy in the colleges of the United States. That is, we have both the practical men who conduct the business, and the theoretical men who study principles and experiences, agreed in the main upon the principles which we embody in this legislation.

Mr. Chairman, those who approve of this legislation and those who disapprove of it alike agree that our banking and currency system is antiquated and dangerous. While nearly every other great nation, during the last 50 years, has revolutionized its banking and currency system, the United States still retains the system adopted in 1863, while in the throes of civil war.

There is another thing which intelligent people generally agree upon, and that is that this is the most important legislation that is pending before the American people for settlement. The President of the United States during the past summer declared it as his opinion that it is more important than the tariff, more important than conservation, more important than the question of trusts, and more important than any political

currency system of the country rests every other great business. When the banking and currency system breaks down, as it has often done, every other business in the country necessarily breaks down with it. It is the most important, because once in about every 10 years during the past half century this great country has been visited by devastating money panics, sweeping over the land, leaving enormous losses and widespread suffering in their wake.

I need not describe panics. We are only too familiar with them. The American people have come to consider them as a sort of dispensation of Providence, as they do earthquakes and cyclones, which are unavoidable. We are all familiar with them. Something starts to frighten the people in some part of the country; credit may already be strained too much by lack of a system that will restrain business from going too fast through rising rates of interest, and a panic starts in New York or Chicago or some other great center; and then the closing of banks, the falling away of confidence, the suspension of cash payments, the breaking down of domestic exchange, followed by shutting down of factories, railroads in receivers' hands, business men unable to carry on their business; finally, hundreds of thousands and sometimes millions of men thrown out of employment.

This is a familiar story to us all, and yet we can not guard against them. No banker can be so conservative and conduct his business upon such lines that he may be sure that he is protected. He may keep the best bonds the country affords in his vaults; they are useless in time of panic. He may keep great quantities of cash in the vaults of his corresponding banks; he is unable to get them after panic sets in. Suppose he keeps every dollar of reserve in his own safe. What good will that do if lack of confidence affects the community in which he lives? What does it matter whether he has 10 per cent or 20 per cent of cash in his safe to pay off 100 per cent of deposits if his depositors are alarmed and panicstricken? It means that it will only take a day or two longer to pay it out.

The bankers of our country have no way to protect themselves, because there is no place where their sound assets can be turned into either cash or credit. It is this fact more than any other which makes our banking and currency system so likely to break down and which makes it so dangerous to the

business of the whole country.

PANICS ARE PREVENTABLE.

Mr. Chairman, I stand here to say that, in the opinion of all intelligent men who have studied the question, both here and abroad, these money panics are entirely due to a defective banking and currency system and to nothing else. so, is it not almost a crime for the Congress of the United States to wait a moment longer than necessary before putting upon the statute books a system which will safely carry the business of this great country? I believe these panics have caused greater losses and suffering to the people of the United States than all the wars in which we have been engaged, barring alone the loss of life and limb.

NO MONEY PANICS ABROAD,

What right have I to say that these money panics are due to a defective banking and currency system? I say it, Mr. Chairman, because when we turn to every other great nation on the face of the earth, our competitors for the trade and commerce of the world, with their longer experience and, as I believe, with the sounder principles upon which their banking and currency systems rest, we find that no one of them has had a money panic for more than 50 years.

Am I not justified, then, in saying than when we, the greatest and richest in our resources of all the nations of earth, when we alone have these disastrous and devastating money panics on an average once every 10 years, am I not right in saying it is due to a defective banking and currency system?

We have had money panics in 1873, 1884, 1893, and 1907. We

have had semipanics at the commencement of the crop-moving season in many other years, when credit was strained almost to the breaking point, ruinous rates of interest prevailed, and it only needed an incident like the closing of some great bank or business house to start a panic throughout the country.

It remained for the panic of 1907 to convince the American people that panics are due to a bad banking and currency system. There was no possible excuse for it, except the breaking down of our system. It came in the midst of peace and plenty. It came when there was nothing within the country or without to alarm our people. At no time in our history had business of legislation that has been presented.

Why is it the most important question presented to the American people? It is because, Mr. Chairman, upon the banking and ries were running more than full time, wage earners were all

employed at high wages. It came like a bolt out of a clear sky to most of our people.

Gentlemen may say that the panic occurred because adventurous business men got possession of some of the great banks of New York City. But so long as the world lasts speculative business men will obtain important positions in the business world. Why should the whole country suffer therefrom? Why should it not be limited to the institutions

which permit these men to get control of them?

It may be said that credit was strained almost to the breaking point, and it was the knowledge of this condition which permitted panic to spread so rapidly, and that the business of the country had grown too fast for its capital. This, quite likely, is true, but that is one of the prime defects in our system which we wish to cure. We should have a banking and currency system which gives warning, through rising rates of interest, that we are going too fast. The American people are quite likely to go too fast. They are optimistic and energetic. Under any proper banking and currency system the business people and the bankers of the country would receive notice of too great business expansion through rising rates of interest, instead of going ahead at full speed until they run into a smash up like an express train running off the track.

I have said, Mr. Chairman, that we are the only great country in the world that has money panics. I want you to understand clearly what I mean. Of course, I do not mean that we can escape business depressions arising from natural causes. If we should have a failure, or a partial failure, of crops in the United States, it would mean a depression in business which would affect the whole country. would have less money to spend and could, therefore, buy less of the necessities and luxuries of life. If there was an alarm of war, or actual war, it would, of course, depress many

The point I wish to make clear is that business depressions in our country too often run into money panics. There are runs upon solvent banks in all parts of the country. Finally there is the disgrace of suspension of cash payments throughout the country and the breaking down of domestic exchange. The banks are among the first to become frightened, because they know from experience the weakness of our system. Ten thousand bankers all at once endeavor to draw their money from the money centers where it is deposited. They commence calling loans. They refuse credit to solvent parties. They do the very things which bring on the panic which they fear, They do it, prompted by the instinct of self-preservation. Our system compels every bank to try to protect itself, regardless of the interests of the country, of other banks, or even of its own customers.

The great countries abroad have failure of crops much more often than do we. They have wars and rumors of wars more often than do we. But their business depressions are not followed by runs upon banks, the suspension of cash payments, and the breaking down of their credit systems. It is the money panic in the United States and the loss of confidence resulting therefrom from which it takes the country so long to recover.

NOT LEGISLATION FOR BANKERS.

Mr. Chairman, I want to impress upon the House that this legislation is not a bankers' proposition. It is far beyond that. It is much wider than that. It is a bankers' proposition only in the sense that remedial legislation must be applied to the banking and currency system. I go further than that. I maintain that among all the great businesses of our country the bankers themselves are least concerned and interested in this reform from the standpoint of losses incurred during panic. The bankers are best able to take care of themselves.

The banker often can see the storm coming afar off. That is The bank is a close organization. his business. can quickly take in sail. . He can stop loaning. He can call in his loans, especially those that are out of town. He can even suspend payment behind the walls of a clearing house and refuse to pay his depositors the money which belongs to them, and he escapes insolvency proceedings for so doing, because people know he has no place to procure either cash or credit in time of general panic. The most that happens to all except an insignificant percentage of our banks in time of panic is that their earnings are decreased.

It is different with business men and manufacturers. failure to obtain cash or credit by them may mean the stopping of their factories or of their business. It may, and frequently does, mean their financial ruin. The manufacturer may have to purchase his raw material, carry along his pay rolls, and make up his finished stock for six months or a year before he puts it

upon the market. He must depend absolutely upon having a market for it six months or a year away.

Mr. Chairman, suppose that every 10 years the railroads of this country should stop running, or partially stop running, leaving the products of the farm to rot in the field and threatening the cities with starvation. It is evident that legislation would have to be applied to the railroads, but the railroads would not be more interested than all the rest of our people. Not only that, but in regulating railroads as we have we continue to leave the conduct of the railroad business in the hands of railroad men, merely protecting the general public against oppressive charges and providing by statute that all of the people shall receive equitable treatment under like circumstances.

So, in providing for the reform of our banking and currency system, we need to consider bankers only to the extent of proiding that they shall not be able to make undue profits, and that we shall not give to them privileges except those which

are to be exercised for the benefit of all the people.

When we remember the losses to farmers during and after panics we can readily see that they are more interested than bankers. When we remember the hundreds of thousands and sometimes millions of wage earners who are thrown out of employment by panics, and that they have no opportunity to foresee or to protect themselves if they could; that when they lose a day's work it is gone forever, we can understand their vital interest in banking and currency reform.

While bankers dread panic as sailors dread shipwreck, yet it has happened in the past that an exceedingly small percentage

of our banks failed to pay their usual dividends. Mr. PALMER. Will the gentleman yield?

Mr. VREELAND. Certainly.
Mr. PALMER. The gentleman has said that bankers were not interested in this matter. I ask this for information: Is it not true, as alleged, that the bankers of the country have raised an enormous fund for the purpose of educating public opinion in this matter?

Mr. VREELAND. I do not understand so. I understand that the National Citizens' League, with branches in many of the States, composed entirely of business and professional men of high standing, have asked for contributions for the purpose of circulating literature and have formed an organization in the different States in favor of banking and currency reform.

Mr. PALMER. Is it not true that, by the committee or some other organization, various banks in the cities of the country have been assessed a certain figure and have donated large

sums for this purpose?

Mr. VREELAND. I understand that anyone can become a member of the National Citizens' League by paying \$1, and will then receive the literature published by them. Without will then receive the literature published by them. knowing much about it, I have also understood that contributions have been asked in various cities, one-half to be made by business men generally and one-half by bankers. I do not know to what extent the banks are responding. My information is that the banks of New York have declined to pay. I do not know to what extent they have responded elsewhere.

Mr. PALMER. What I am trying to find out is whether or not the banks of the country are not behind this proposition.

Mr. VREELAND. I hope so; they ought to be. We have been trying for years to get the banks behind some proposition. It took the panic of 1907 to convince the bankers as well as other people that we had a system antiquated and dangerous and liable to inflict enormous losses upon the country at any

Mr. PALMER. My information is received from a Philadelphia banker, that the banks all over the country had been as-sessed, that the city of Philadelphia had been assessed in the sum of \$50,000, and that the banks had actually contributed that amount, and that a large fund, running into several million dollars, had been contributed, intended to educate public opinion

Mr. VREELAND. I hope the gentleman from Pennsylvania is correct, but I am afraid the story has been greatly exaggerated. I have understood that the league has been very insufficiently supplied with money to carry on this purpose. I hope the bankers will be willing to contribute with the other business interests of the country in trying to educate the people along scientific lines of banking and currency reform. Certainly the country needs it badly enough. In the great countries beyond the sea legislatures make economic laws, guided by the advice of experts. In our country legislatures are guided by the voice of public opinion, and we all understand that in so great and complicated a matter as a banking and that in so great and complicated a matter as a banking and currency system for a Nation like ours a tremendous amount of organized and systematic effort must be made in order to get an intelligent public opinion in favor of such legislation.

In endeavoring to procure such legislation the bankers should take the lead, because it is their business or profession. They ought to feel the disgrace of suspending payment, of putting themselves in shape where they may be proceeded against for insolvency under the law of the land, because they are obliged to inflict enormous losses upon their customers through their inability to perform their proper functions as banks.

Mr. PRINCE. Will the gentleman yield?

Mr. VREELAND. Certainly.
Mr. PRINCE. Do I understand that in this free banking system in the United States the banks are political organizations?
Mr. VREELAND. No; I understand just the contrary. I

will say to the gentleman from Illinois that the national banks are not political organizations. They are owned by men of all political parties and they do not take part in politics. I think we have a statute on the books forbidding national banks to make contributions for political purposes.

PRESENT BANKING AND CURRENCY SYSTEM.

Now, Mr. Chairman, what is our present system? In order to correct it we must first find out what is the matter with it. Why does it shut up every 8 or 10 years, while the country sits down and waits for confidence to come back to the people? I can not go into this deeply. I can only touch on two or three of the principal defects of our system. I refer gentlement to the report of the Monetary Commission for a fuller enumeration of the details of the trouble.

A few days ago Andrew Carnegie told a special committee of this House that he thought our system was the worst in the world. In some respects he is right. It is a system which compels panic. It is inefficient and costly during normal times. But in some respects, I believe, it is the best system in the world to meet the needs of the people of the United States. We have 25,000 or 26,000 banks of all kinds-7,200 national banks and over 18,000 State institutions. We have a free banking system in both State and Nation; that is, we do not have to go to a legislative body and obtain a charter before starting a bank. We simply apply for a charter under conditions which the law lays down. Our banks are local and home owned. The people of any city or town can get together; they can associate their capital; they can start a bank in that city or town, which exists primarily for the benefit of that community. as their officers men in whom the community has confidence. We have more individual banking units than all the rest of the world put together. This has been one of the great reasons for the upbuilding of this country. We have nearly 40 per cent of the banking resources of the world. We have more gold than any other two great countries in the world.

In contrast to our system, all the other great countries have

branch banking. Their systems consist of a few great banks, located largely in some financial center, covering the country with their branches. Canada has 20 banks, not one of them owned west of the longitude of Buffalo. England has 40 or 50 great joint-stock banks, all but two of them in London. France has only three great commercial banks besides the Bank of France, covering the country with their branches. Much may be said in favor of branch banking from an economic standpoint, but our people would never accept it. Under branch banking in 20 years a few great banks in a few of our great cities would own the banking system of the country. Our people are satisfied with our system of home-owned banks. We do not desire

to change it in that respect.

But the great trouble with our system is that with our 25,000 banking units there is nothing to bind them together. With 40 per cent of the banking resources of the world, we are unable to unite the strength of our resources in time of need. The trouble with our system is that it falls apart in time of severe stress and strain. There is no cohesion in our system. We have no system under which our banks can cooperate in warding off panic and disaster. We have no keystone to our bank-Our system is all right when the sun shines and skies are clear, but when trouble looms up on the horizon it is unable to protect itself or its customers. Every bank com-The instinct of selfmences looking after its own interests. preservation impels every individual banker to try to protect himself regardless of anyone else, even his customers.

The keynote of banking reform is cooperation among the banks, so that their united resources may be used to ward off distrust and lack of confidence among the people. Give them the power of cooperation under a law which tells them exactly when and how they may cooperate.

LEADERSHIP UNDER THE LAW.

In order to enable 25,000 banks, scattered over a continent, to cooperate for the general good we must have leadership leadership under the regulation of law, leadership under the searchlight of publicity.

Let me give you an example of what I mean. In 1892 one of the great banks of the world, the Baring Bros., of London, was in financial trouble, and the news spread about London that this great bank, whose business reached into every civilized country, was about to close its doors. But they have leadership under the law in Great Britain. The Bank of England came to the assistance of Baring Bros.; they borrowed fifteen millions of gold from the Bank of France; they gathered around them the great joint-stock banks of London; they made a plan for taking over and assuming the liabilities of Baring Bros., and a great panic was averted. The great bank was saved and is doing business to-day.

In 1907, during our money panic in the United States, we lacked leadership under the law, leadership that would be recognized and responsible to the people, and in the midst of that crisis in the city of New York, where the panic raged, Mr. Morgan, a great financier and business man, was called by common consent to assume the leadership and endeavor to stay the It was said to the American people that in order to stay the panic, in order to relieve one of the great banks of and prevent its failure, it was necessary that the United States Steel Co. should absorb one of its great rivals. I am not here to say that it was necessary or that it was not necessary, because I have no knowledge upon the subject, but I do say that in the course of the action said to be necessary to stay the panic it was a great misfortune that this competitor of the United States Steel Co. was absorbed by that institution, because millions of our countrymen have been led to believe the statement, made by prominent men, that that panic and the distress of the people were made the excuse for absorbing the Tennessee Coal & Iron Co. by the United States Steel Co.

We should have leadership that the people know is disinterested, that is disassociated from money making, that is responsible under the law for the performance of its duties. When the Bank of England or the Bank of France raises its rate of discount, it gives notice of conditions in business which all the people can heed and accept.

LACK OF ELASTICITY.

Nearly every man who takes up the study of banking and currency legislation in this country starts out with the idea that elasticity in our cash is the main proposition. That results from our experience with money panics. But under a scientific system we never should reach the point of having a money panic. In fact, the better banking and currency system a country has the less of actual cash they use and the more they use different forms of credit representing cash.

Elasticity of cash is important in our country, but elasticity of credit is of vastly greater importance. Ninety-five per cent of our business transactions are done with instruments other than currency. The banking part of our problem is vastly more important than the currency part of it, and yet they are closely

bound together.

Elasticity of currency is important in a country which produces eight and a half billion dollars' worth of crops annually. It is stated that we need from one hundred and fifty to two hundred and fifty millions of actual cash to move our crops, and that we do not need cash to that amount during the winter and spring. Everyone knows that there is no classification tem. First, we have a shortage of money, and then we have a redundancy, and one is about as bad as the other.

Where should we get this extension of cash needed to move our crops? We should get it from the expansion of our banknote issues, with gold and short-time commercial paper as a basis. That is where every other great nation gets it, but, unfortunately, the expansion of our bank-note issues in this country bears no relation whatever to the needs of business. We all know that our bank-note issues are increased or decreased solely as a matter of profit to the national banks, that profit depending largely upon the price of Government bonds.

What is our money made up of in this country? And I use the word "money" in its broadest sense. First, we have gold about one thousand seven hundred millions. But gold is not a money which we can import and export to supply elasticity to our system and to move our crops. It is rather the basis of bank-note circulation to supply our needs. Next we have silver-about \$740,000,000. That amount is fixed and unchangeable. We have greenbacks and Treasury notes amounting to about \$350,000,000. That is absolutely fixed. Then it is evident that if we have elasticity in our currency it must come and should come from our bank-note circulation safely anchored to gold. Our bank-note circulation should increase when business increases and decrease in the same way.

Suppose the First National Bank of Washington is consider-

ing the question of issuing \$100,000 of additional bank notes, will the officers say to the directors of the bank that the cropmoving season is coming on and the country is going to need more money for the purpose of moving the crops, and therefore the bank should buy more bonds and put out \$100,000 more of circulation against them? Do they say that? Not at all. They are not charged with the responsibility of moving the crops. They are running their private business for the benefit of their stockholders. What do they say? They say, "At the present price of Government bonds will it be profitable to this bank to buy \$100,000 worth of bonds and issue bank-note circulation against them? Will it pay the bank? If it does, we will do it. If not, we will not do it."

The mere statement shows that this is a vicious system, one that depends not upon the business of the country, but absolutely upon the profits of the banks which have the right to issue these bank notes. We never can have elasticity so long

as we have a system resting upon bonds.

Our bank-note circulation should rest upon gold and upon the consumable products of the country—products of the farm and of the factory on their way to market—and when they have been marketed and paid for the bank notes have performed their function and go out of existence until needed again.

EXAMPLE OF JAPAN.

Mr. Chairman, there is no other nation in the world that bases its bank-note circulation upon bonds. The Japanese, because of their great admiration and liking for the United States, adopted our national-bank system along about 1882. But the Japanese are a shrewd and practical people, and they soon saw it was a poor system, unsuited to the needs of business. They appointed a royal commission, and as a result of their report they abolished our banking system and adopted the system which every other great country on earth uses except our own.

Let me give you some examples of the movement of our banknote circulation in years gone by. You remember that after the resumption of specie payments in 1879 the United States started out on a magnificent career of expanding business. From 1881 to 1893 business advanced by leaps and bounds, increasing more than 100 per cent in many lines. That was the time when our bank-note issue should have expanded, securely anchored to gold, to meet the rising needs of business. Did our bank-note issues increase? Far from it. did happen? You will find that it actually decreased during those years nearly \$300,000,000. What an eccentric system this is. In 1893 we had a money panic, followed by a period of hard times. The banks were stuffed with money for which there was no need; they did not know what to do with it. During the period from 1893 to 1897, when business was prostrate and the country was full of idle money, this eccentric system of ours increased our bank-note circulation nearly \$100,000,000.

We must divorce our bank-note circulation from United States bonds or any other kind of bonds. Its volume must depend upon the needs of the country, resting upon and safeguarded by from 33½ per cent to 50 per cent of actual gold, and the balance of commercial paper made by individuals and corporations of undoubted credit and guaranteed by solvent banks

RESERVES OF BANKS AGAINST DEPOSITS.

The United States has no reserve system worthy of the name. As a method of safeguarding our bank deposits in time of stress it is a total failure. Our reserve system has proved to be the greatest defect in our monetary system, permitting and even inviting money panics. Instead of providing for our safety, our present system of reserves is a standing menace to the banks and to the country. As I have before stated, no bank in the country is able to protect itself against its deposit liabilities unless it locks up its money in its safe, and then it would not be a bank, but a safety deposit storage vault.

What is our reserve system? We have more than 15 billions of deposits in the banks of the United States, largely payable For the purpose of supplying depositors with cash when called for, the national banks are required by law to keep reserves of from 15 per cent to 25 per cent of their deposits on hand, and cash reserves of from 6 per cent to 25 per cent actual cash in their vaults. The laws of various States differ, and, on the whole, State institutions keep somewhat less reserves than the national banks. I suppose we have in cash altogether in all of our banks something like 9 per cent or 10 per cent-let us say nearly a billion and a half dollars, that the banks carry as reserves against this enormous deposit liability. A billion and a half dollars is an enormous A billion and a half dollars in reserves, sum of money. properly placed where it could be used in unlimited quantities wherever and whenever actually needed, would be much more than sufficient to meet any emergency that could possibly

Turn again to the experience of the other great countries of the world. There is no one of them where the law requires that any cash reserve at all shall be kept in the banks. Go to England, Austria, France, Germany-any great country abroad—not one of them by law requires a bank to keep a dollar of reserve on hand. What do they do with their cash reserves—which, of course, any good banker would maintain, whether the law requires it or not? Aside from mere till money—the actual cash needed from day to day—they keep their money in what they call their central bank. They make a reservoir of their reserves. They put them literally into one mass, where they can be used here, there, anywhere, whereever needed and in any amount. We are the only country in the world where the law requires the banks to keep great cash reserves in their vaults, and we are the only country in the world where the system breaks down every time the strain becomes severe enough. What do practical, intelligent icans want any more than the mere statement of that fact to convince them that our reserve system is a delusion and a snare? The effect of our reserve system is almost to compel panic. Warned by previous experience, every banker in the United States to-day has his eye on every point of the financial horizon, trying to scan the future and trying to protect himself.

Suppose to-morrow there should be danger of war, due, perhaps, to some racial disturbance on the Pacific coast. Then it is likely that 10,000 bankers from here to the Pacific coast would all at once and in the same mail draw on New York and Chicago for their funds there. Every one of them, regardless of the interests of the country as a whole and driven by the instinct of self-preservation—every one of them would try to get hold of every dollar that he could and put it in his vaults, not because he would need it, but because he fears that he may need it; and when the time comes that he actually does need it he may not be able to get a dollar from any place on earth.

The great banks in the centers can not meet such enormous demands for cash any more than a single bank could pay if a large proportion of its depositors appeared unexpectedly and demanded their money. No system can stand such a strain as that.

We have less than three and a half billion dollars of money of all kinds in the United States with which to pay deposits of \$16,000,000,000, besides the billions of dollars of debts of other kinds, and yet we have more money of all kinds and more money per capita than any other nation. It would be impossible to devise a system under which we could suddenly brush aside the 95 per cent of credit instruments used in the place of cash in doing our business and attempt to go upon a basis where cash only could be used. Under the systems abroad, no matter what the trouble may be, no banker would draw from the central reservoir for funds until he actually needed them, resting secure in the certainty that in case of need a solvent bank with liquid assets could obtain all the funds needed. For 50 years or more this system has worked in the countries abroad and they have been free from money panics.

Our reserves are scattered around in 25,000 piles throughout the country, differing in size, of course, but every bank in the country having a portion of them. Let me illustrate the weakness of our system. Suppose we should become engaged in war with Great Britain—an almost unthinkable supposition, and I use it merely for the purpose of argument—and suppose that under the cover of its great fleet Great Britain should land 200,000 regulars in Canada for the invasion of the United

The United States, with its 90,000,000 people, would issue a call for a million volunteers to add to its Regular Army of less than 100,000 men. But suppose that instead of concentrating our strength in the best position for defense or attack, presumably upon or near the border, each one of our 48 States should say, "We will put our quota of troops on our State border, and when the British Army approaches our State line we will fight them and endeavor to beat them back." And so New York would put its quota of 100,000 men on her northern border, and South Carolina would put her quota upon her border, and Texas and California and Colorado and Georgia would put their quota each upon the frontier of the State, and so we would have our 1,000,000 volunteers divided into 48 groups scattered across a continent. What sort of defense would we be able to make? The British would advance and overcome the troops of New York because they would outnumber them and the troops of no other State would come to their support. And then they would march on and destroy the next quota, and the next, and the next, and in the end our Army of a million men, strong enough to take the invaders by the nape of the neck and throw them into the sea, would be overcome and destroyed through lack of

cooperation and concentration of their strength. You say that would be an idiotic proposition. It is, and yet I say to you, Mr. Chairman, in all seriousness that that is the system which prevails to-day as to the reserves of the banks of the United States against their enormous deposit liabilities. That has been their history in every panic which we have had

history in every panic which we have had.

Whenever panic has broken out in any part of the country, instead of being able to mass our reserves and stop the panic before it has a chance to spread, we not only do not go to its relief, but actually try to draw away every dollar that we can from the city so attacked by lack of confidence and mistrust. Our reserve system compels panic whenever any clouds are in the finantical sky. It compels every banker to turn his hand against his neighbor and to fight for self-preservation.

When the United States Treasury has been full to overflowing, as in some years gone by, that has helped us out; and many a year we have been saved from a money panic by money from the United States Treasury deposited with the banks at the commencement of the crop-moving season. To-day the Treasury is not in condition to meet these demands; and the Treasury ought never to be in condition where it is so overflowing that it can take money and deposit it with favored banks throughout the United States. We ought never to depend upon conditions which may happen to exist in the National Treasury to supply us with money to avert panic.

NEW YORK ACTS AS CENTRAL BANK.

To-day the banks of New York City act as a central bank for the country, and five or six of the great banks of New York hold three-fourths of the reserves of banks deposited in that city. Under existing conditions the banks of New York are charged with the responsibility of maintaining credit and of maintaining cash payment in the United States. New York holds the ultimate reserves of the country. The surplus money of banks may be deposited in San Francisco or New Orleans or St. Louis or Chicago, but ultimately those not needed at home find their way to the banks of New York. This is true because New York has the only real call market in the United Stafes. It is a real call market 9 years out of 10, but in the tenth year they often call in vain.

The banks of New York City are not equipped by law to perform the duties of holding the reserves of the banks of the United States, nor of maintaining the credit of the country. I say this with every assurance, because it does not depend upon my statement. It is a matter of history; whenever in the past great financial strain and stress have been put upon them they have broken down under the burden and have been obliged to suspend cash payments and take refuge behind the walls of the clearing house, and that means the suspension of cash pay-

ment practically throughout the United States.

They are not fitted to perform the duties of a central bank, and it is a legislative impossibility to give them powers which

and it is a legislative impossibility to give them powers which would enable them to perform this great function. The banks of New York are great money-making machines. That is what they are organized for—to make as much money for their stockholders as possible. The president of a great New York bank is successful if he can pile up great deposits and earn great dividends for his stockholders. Expenses in New York are large and competition is keen, and a New York banker can not afford to keep more than 25 per cent of his deposits on hand in cash, which the law requires. Indeed, it rarely happens that all of the New York banks have on hand the requisite 25 per cent. I will guarantee that, year in and year out, you will rarely find that they will average 1 per cent above the 25 per cent they are obliged to keep on hand in cash in their vaults. In 1909, at the commencement of the crop-moving season, the

In 1909, at the commencement of the crop-moving season, the three central reserve cities—New York, Chicago, and St. Louis—had 25.4 per cent reserves on hand. That is, they had fourtenths of 1 per cent above the legal requirement at the commencement of the crop-moving season. If a sudden call had come upon them for \$50,000,000 in money, it probably would have meant suspension of cash payment and the issuance of clearing-house certificates.

I have no criticism to make against the banks of New York. They are great institutions, admittedly well managed from the money-making standpoint. They have doubtless performed their duties in caring for the ultimate reserves of the country as well as they could under existing law. But I insist and experience has shown that they are not equipped and we can not equip them by law for safely carrying the reserves of the United States. They can not afford to carry great reserves of from 40 to 60 per cent when business is good, in order to release them when business is bad. We can not equip them by law with the power of additional note issue based on gold and commercial paper. It is a legislative impossibility.

For these reasons, under our present system we are constantly

For these reasons, under our present system we are constantly exposed to having our system break down, as it has so many times in the past. Every time it breaks down it is more likely to break down in the future.

The lesson from all this is that we must have an institution to hold our reserves which is not a money-making institution. The idea of profit must be eliminated from its management. We must have an institution which can carry 45, 50, or 60 per cent of reserves. We must have an institution which we can endow for the benefit of the whole business of the country with the function of issuing bank notes in any amount needed, provided they are based upon from 33\frac{1}{3} to 50 per cent or even a greater percentage of gold and the balance upon commercial paper indorsed by solvent banks.

Let me give you an example: During the panic of 1907 our banks, at great expense, imported over \$100,000,000 of gold from abroad. That is a small sum compared with \$15,000,000,000 of deposits, but it helped a great deal in working upon the imaginations of the people and helping to restore confidence. When that \$100,000,000 of gold reached our shores it was not worth a penny more to pay off the debts of the banks than greenbacks or national-bank notes. But suppose that \$100,000,000 in gold had gone to Germany. Immediately, with that \$100,000,000 in gold as a basis for one-third and the remaining two-thirds commercial paper indorsed by banks, the great German Reichsbank would have been able to create \$300,000,000 in cash or credit for the relief of that country. Even upon a basis of 40 per cent gold the National Reserve Association, which we are proposing to create, would have been able to turn that \$100,000,000 of gold into \$250,000,000 to pay the debts of the country. That is the reason the banks of New York City are not equipped with the proper function to enable them to perform the duties of carrying the ultimate reserves of our banks.

CONFIDENCE IN BANKING.

Any banking and currency system in the world worthy of the name rests upon confidence. I do not mean blind confidence, but I mean intelligent confidence which is familiar with every detail of the system and knows that it will stand up in time of need.

I have shown that we have less than three and a half billions of money of all kinds against sixteen billions of deposits, and yet we have more than sufficient money to meet the necessary wants of the people. It is only when a multitude of people demand a great amount of money against their deposits for which they have no need that our system breaks down.

We must inspire confidence in the individual depositor and in the banker that we have a system which will furnish them money in any amount whenever they actually need it. Then they will not break down our system by demanding money in great quantities for which they have no need, but only fear that if they wait they may not be able to secure it when they do actually need it.

The trouble with our present system is that the bankers themselves have no confidence in it. The bankers themselves are the great hoarders. The bankers themselves constitute the greatest menace to our system. I do not blame them for it; it is the fault of the system. It is because we have no system of cooperation through which our bankers can mass together their mighty resources for common defense.

We have all heard of the old lady who goes to the bank window in time of financial excitement and says to the teller, "If they have her money all safe she don't want it, but if they have not got it she wants it right off."

Mr. Chairman, that illustrates the principle upon which the whole banking fabric in every country in the world resis. The bankers in the United States or elsewhere are just like the old lady. If they know they can get their money in New York or Chicago or New Orleans, then they do not want it; they go on about their business and keep the wheels of business turning. But instill in their minds the slightest fear that they can not get jt and they all commence trying to get it home.

EXAMPLES OF CONFIDENCE.

Mr. Chairman, I want to give you two or three instances of what confidence in a banking system means, confidence on the part of the banks and of the people.

part of the banks and of the people.

A subcommittee of the National Monetary Commission visited France during our investigation. We went into a great bank there called the Credit Lyonnaise. It was then, I believe, the greatest bank in the world. It had something like 14,000 employees on its pay roll at its head office and at its branches. It had \$75,000,000 or \$80,000,000 of capital and surplus and over \$300,000,000 of deposits. It covers France with a network of branches; the governor of this great institution was very affable and considerate in giving us all information desired. I asked him: "How much cash do you carry in your vaults and in the Bank of France against these great deposits?" He called in his bookkeeper, and told us that on that morning they had in actual cash in their vaults and in the Bank of France about 5½

per cent of their deposits, the greater portion of it in the vaults of the Bank of France. I said to him: "Do you ever have runs upon banks in France, and do your people ever become excited about money matters?" He answered: "We have not had a run in a good many years; but the French people are the most excitable people on the face of the earth in relation to money matters. No other people compare with them in that respect." We said to him: "With the most excitable people on earth, how do you feel safe in carrying this small reserve of 5½ per cent against these great deposits of \$300,000,000?" The governor said: "Gentlemen, to-morrow morning, in case of need of cash, we can take out of our vaults \$20,000,000 worth of such paper as the Bank of France accepts, as decreed by the great Napoleon more than a century ago; that is, paper having upon it three solvent names. We can take twenty millions of that paper, we can take one hundred and fifty millions of that paper from our vaults over to the Bank of France and bring back the notes of the Bank of France, good as gold from one end of this country to the other. If I could not do that I could not sleep nights; if I could not do that I would not be governor of this institution."

That illustrates the confidence of a great French banker in their system and of the French people in their system—that it will supply them money in any amount whenever legitimately needed. The result is that France has not had a money panic in a century. Perhaps our bankers and our people are braver than they are, or else we have become accustomed to the disgrace of a great country suspending cash payments because our bankers and our people seem to be able to sleep nights, although they know we have no place on earth to turn our credits into cash in time of need.

Mr. FORNES. In France they hold in their vaults 1½ per cent and about 4 per cent in the Government bank, or call it 6 per cent in all. In our central reserve cities they must keep 25 per cent in cash. Then 19 per cent more of their money than ours is in use, or, in other words, the public has the benefit of using that money by borrowing it from the bank. In this country we are at a disadvantage, then, of 19 per cent in keeping idle money on hand according to our system. Is that not true?

Mr. VREELAND. The gentleman is absolutely correct. I have been trying to illustrate the point, that with the enormous cash reserves we carry, the extravagant and needlessly great reserves, which are a loss to the people of the country and to the business of the country, in spite of that we are unable to prevent our credit system from breaking down and precipitating the country into panic whenever a great strain comes upon it.

Mr. ADAIR. Our national-bank system requires a reserve of

only 15 per cent. Is that not true?

Mr. VREELAND. That applies to what we call country banks. The three central reserve cities—New York, Chicago, and St. Louis—must at all times have 25 per cent of their deposits in cash in their vaults. The reserve cities must keep 25 per cent reserve, but may keep one-half of it in deposits with central reserve cities. The country banks must keep 15 per cent reserve, but may keep 9 per cent with reserve cities.

Mr. Chairman, let me give you another example of what confidence in a banking system means. I have already referred to the fact that during the panic of 1907 this great country of ours, with its enormous banking and commercial resources, was obliged to turn to a little island across the sea for help, and we commenced importing gold from England to relieve our great When we commenced to import gold the Bank of necessities. England had in its vaults altogether about \$165,000,000 in gold. That was all they had. What did it stand for? What was it? It stood first for the accounts of corporations and individuals which keep their accounts with the Bank of England. It stood next for the gold against which the bank notes of England are circulated among the people. Besides this, it stood for the reserves of all the great joint stock banks of England, because the banks there keep only till money in their own vaults and keep the great bulk of their reserves with the Bank of England. -Driven by our necessities, we commenced to draw upon that gold. We drew away \$5,000,000 a week, \$10,000,000 a week, \$15,000,000 a week, until we had drawn from the vaults of the Bank of England more than \$100,000,000 in gold. What did they do? What happened over there? They had \$165,000,000 in gold, and we had drawn away more than \$100,000,000 of it. Could there be a greater example of the confidence of the peo-ple and of the bankers in their system of banking and currency? Nothing happened. Did the holders of their bank notes, seeing the gold against which they were issued disappear, rush in and demand payment? Not at all. Did the business people demand

payment of their accounts? Not at all. Did the people and the bankers of England become alarmed when they saw the gold reserves against their deposits disappear in a yellow stream across the Atlantic? Did they rush in and try to draw out the reserves? Not at all.

The great bank simply commenced to raise the rate of interest—raise the discount rate—3 per cent, 3½ per cent, 4, 5, 6, 7 per cent, 7½ per cent, I think, and they drew gold from 23 different countries of the world to take the place of that which we had drawn away from them; and at the very moment when we were drawing away from this little hoard of the Bank of England we had in the Treasury alone of our great country more than a billion dollars in shining gold, more than England and France together possessed. It has been truly called the greatest and most useless hoard of gold in the world.

Under any modern and scientific use of that great golden treasure the United States could sustain itself against any

possible financial contingency which could arise.

Let me give you one more, and a more recent, example of what a modern banking and currency system can do under great We all remember that last fall for many months war was supposed to be imminent between France and Germany. We know that we would not have been surprised any morning to read that troops were already on their way toward the borders. Germany is a country not to be compared with the United States in accumulated wealth or strength of banking capital and resources. At that time when war seemed imminent Germany owed to France and England, mostly to France, about one hundred and fifty millions of money, payable on demand, and payment of this money was demanded, relentlessly and remorse-lessly. "Nearly \$150,000,000 demand money was called within six days, and, Mr. Chairman, within six days, with their modern banking system, that great country paid more than \$145,000,000 to Paris and London, and the bank-note issue of Reichsbank during those six days increased \$154,000,000. their modern system they paid this great demand made upon them and war supposed to be imminent with every day that

What would have happened to us, gentlemen, in like circumstances? How would we meet a sudden demand for \$150,000,000 or \$100,000,000 or \$50,000,000, if such a demand were made upon us, with the danger of war lurking in the background? When President Cleveland sent his famous Venezuela message to Congress a panic ensued on the stock exchange and it required a great effort to prevent it spreading over the country, because of the mere possibility that war might grow out of it.

Other examples could be given. They show the confidence of the people of those countries and of the bankers of those countries in their banking system. They show why those countries have ceased to have money panics. They illustrate how the liquid assets of the solvent banks can be turned into cash or credit to meet any demands made upon them. The knowledge of the banks and of the people that they can always get money or credit at some rate of interest prevents them from asking it until they actually need it in the ordinary course of business; and the weekly rates of discount published by the central banks abroad are great business barometers which all may read and believe, knowing that they are not based on selfish or moneymaking interests.

I will not stop to talk longer about the defects of our system. There are many others, and they are important. There is a lack of a discount market and any form of standardized commercial paper. There is our antiquated and expensive subtreasury system. There is the lack of power of our banks to finance the cotton and the wheat which we send abroad. The coffee which we purchase from Brazil is financed through London or German banks. The report of the Monetary Commission enumerates a large number of these existing faults in our system. The country is generally agreed upon that point.

system. The country is generally agreed upon that point.

Then, how shall we correct it? The National Monetary Commission has proceeded upon the theory that we will disturb as little as possible the business of the existing banks, that the work shall be one of evolution and not of revolution.

VALUE OF EXPERIENCE.

Mr. Chairman, there is no field of human endeavor in which experience is of so much value as in the financial field. Here it is especially true that an ounce of experience is worth a good many pounds of theory. Why should we not turn to the experience of the world? The great countries across the sea have had hundreds of years of experience in trying out financial theories. Suppose the steel mills of Europe were able to make steel of much better quality than the mills of our country. If that were true, every greyhound that crosses the sea would be crowded with experts going over to learn the secrets of their manufacture. Why should we not profit by their financial ex-

perience? When we learn that the great countries of Europe have not had a money panic in from 50 to 100 years why should we not endeavor to understand the principles upon which their

systems rest and profit by them?

Is it not a remarkable fact, Mr. Chairman, that all of the other great independent countries of the earth, as a result of their longer experience, have adopted practically the same system of banking and currency? I mean by that the principles upon which their systems rest are the same, although their methods of applying those principles may widely differ.

ONLY TWO SYSTEMS OF BANKING AND CURRENCY.

Sometimes we hear people talk as if there were a great variety of banking and currency systems in the world, and that

we have only to pick out the best.

Why, Mr. Chairman, in all the history of this world since civilization commenced there have been but two systems of currency found that have stood the test of experience and are in existence to-day. Of course, I mean outside the United States, where, as has been well said, we have a series of banks

but no banking system.

One is the system which prevails in Canada and Scotland, and the other is the system which prevails in every other great civilized nation on earth except the United States. Under the system prevailing in Canada and Scotland they have a comparatively small number of large banks—Canada has 29, Scotland 8—which are given the right to issue bank-note circulation against their assets and the right to establish an unlimited against their assets and the right to establish an unlimited number of branches throughout the country. Each one of these large banks endeavors to put out all of its notes possible, on ac-count of the profit there is in it for them. In order to keep out as many of its own notes as possible, it sends in the notes of all other banks for redemption, the same as we, in our banks, re-turn checks to the banks upon which they are drawn. This competition between the banks trying to put out their own notes and to retire the notes of the other banks prevents their volume of bank notes from becoming either redundant or deficient. The banks collectively can keep out whatever volume of bank notes the business of the country requires. The Scotch-Canadian system rests upon the element of profit to the banks and can only be used successfully under the branch-bank system.

In every other civilized country they use the central system; that is, their bank-note issue is centralized in one institution, under Government regulation, and the element of profit is largely taken out of it, where the business of the country automatically decides how much currency is needed in business.

Business indicates its need by presenting its commercial paper and asking in exchange for it bank notes or credit.

We can not adopt the Scotch-Canadian system. Why? We can not adopt it because it is based upon branch banking, and because our present system of individual banks, owned in each community, is too firmly established in the regard of our people to admit of change. An attempt to establish that system with us would simply mean a great inflation of the currency and little more elasticity than we have at the present time, provided the notes issued were considered as good as our present bond-secured notes by the bankers and by the people. Under our system of banking it would fail in its redemption features. What interest would 18,000 State banks have in selecting out and sorting and doing up into bundles and shipping away by express for redemption bank notes issued under the Canadian system by our thousands of individual banks, provided our banks had entire confidence that the notes were good? We can not adopt the Scotch-Canadian system unless we adopt branch banking with it, and even if we could it would afford no relief to 18,000 State banks.

Then, as a result of the examination of the experience of all then, as a result of the examination of the experience of an history, we find ourselves reduced by a process of elimination to the other method, of having notes issued by one central authority under regulation of law. Commencing with England in 1844, every other great independent country in the world has taken away from individual banks the right of note issue and given it to a central institution under government regulation. France took the same action in 1848, Belgium in 1850, the Netherlands in 1860, Spain in 1874, Germany in 1875, Austria in 1878, the Balkan States in 1877, Russia in 1879, Japan in 1882, Portugal in 1891, Norway and Sweden in 1897, and Switzerland in 1907; and, Mr. Chairman, in considering these historical facts, we must remember this: Most of these countries have banking systems consisting of a few large, well-managed banks, great joint stock banks like those of England, Germany, and Austria, that are able to employ the best talent that can be had and pay large salaries to men of the greatest ability in financial affairs. Under these circumstances the issue of asset currency by individual banks would be infinitely safer than in the United States, where we have 25,000 large and small banks scattered over a continent,

As a result, then, of the experience of the whole world, extending over a great many years, tested in countries doing a great volume of business, meeting the different conditions in different countries, we find two great financial principles which

every independent country on earth except ours has adopted.

First. The centralization of bank-note issue in one institution under government regulation and control, such bank notes resting upon gold and commercial paper indorsed by banks, and automatically increasing and decreasing according to the

needs of business.

Second. The mobilization in part of the cash reserves of banks against their deposits in one institution, such institution carrying large reserves and having the right, under regulation of law, to expand its note issue and credit liability based upon

gold and commercial paper.

At the commencement of the panic of 1907 in New York City. the Secretary of the Treasury fortunately had about \$30,000,000 which he could deposit in banks, largely in the city of New York. Had it not been for this cash, immediately available, aided by the work of some of the great bankers of New York

City, this country would have had such a financial smash up as never before happened in history.

I have said that the banks of this country carry nearly a billion and a half dollars in cash reserves. Suppose when the Knickerbocker Trust Co. closed its doors, or when the surging mass of excited depositors was clamoring for its money, we had been able to take one hundred millions or two hundred millions of this great cash reserve and throw it into that panic-stricken city; it would have put out the panic like throwing a bucket of water on a match. It never would have passed outside the city limits. I am not sure but that even the knowledge that such a great cash reserve existed, and which could be used, would have been sufficient to stay the panic without actually using a dollar of it.

Mr. Chairman, I am going to venture to say that I do not believe that any intelligent man can take up the study of banking and currency, study it thoroughly, examine the experience of our own and of the other great countries of earth, and arrive at any other conclusion than that we must have a mobilization of our reserves and centralization of our note issues under some

form of organization.

NOT A CENTRAL BANK.

Mr. Chairman, what do we learn from all of these experiences which I have cited in the countries beyond the sea? Do I mean that we must set up a central bank here fashioned after the central banks abroad? Do I mean that we should bring to life the central bank of Andrew Jackson's time? Do I mean that we should set up here a bank like the Bank of France or the Reichsbank of Germany? I mean none of those things. The lesson that we should learn from experience is that we should adopt these financial principles, which have stood the test of experience for a century among great populations, in carrying on great business. We should adopt these principles and build around them the machinery to adapt them to American conditions.

Mr. Chairman, principles know no State lines; they know This great body of ours can pass a thousand no National lines. resolutions and not change a single law of health, nor can it change one single law of economics. We are proposing to take principles that have been found safe and practicable and adapt them to the different conditions and needs which we have here in the United States. The Bank of France or of Germany would not be suitable for this country. They are perfectly adapted to the countries where they are. People over there are accustomed to being governed both financially and politically

from one center.

The people of England and the people of France are perfectly content that there shall be a financial concentration of banking content that there shall be a inhancial concentration of banking capital and a concentration of management in London and Paris. We are not accustomed to that here, and it would not suit the genius of our people. Many of our people believe that there is already too great a concentration of financial power in one or two great centers. We believe that the control of our banking resources should to a greater extent be decentralized. Our country covers a continent. Some of our States are larger than England or France. Different parts of the country are uncountry developed. For all of these reasons no central book. equally developed. For all of these reasons no central bank which ever has existed or which is in existence to-day would be suitable for the needs of the United States.

NATIONAL RESERVE ASSOCIATION AN AMERICAN INSTITUTION.

What we want is an American institution. We want to adopt financial principles tested by experience, and upon them erect an institution adapted to the needs of the United States. And I want to say to you, Mr. Chairman, that it is the belief of thousands of our countrymen, who have reached that opinion after disinterested study, regardless of the party to which they belong or the section of the country in which they live, that the plan proposed by the National Monetary Commission would create an American institution which is not only economically sound, but one in which all sections of the country would have their proper and equal say as to the management of our finan-

We have built up an institution, using the framework of our country as its model, building from the bottom up, the town, the count, the State, and the Nation. The individual local bank corresponds to the town, the local association of banks which we create corresponds to the county, the 15 branches or districts into which we would divide the country correspond to the States, and the National Reserve Association at Washington corresponds to the National Government.

NATIONAL RESERVE ASSOCIATION.

I must hurry along, and I want to go over briefly the main features of the National Reserve Association which we are proposing to establish. I can only stop to give you a general idea of it without going too much into detail.

Mr. ADAIR. Before the gentleman takes up that feature of the question I would like to ask him how many panics we have had during the last 50 years which he believes to have been money panics, or which he places in the class of money panics. Does the gentleman believe that more than one panic could

properly be termed a money panic—that of 1907?

Mr. VREELAND. What I want to impress upon the minds of everyone is that in our country, no matter what the cause of a business or industrial depression may be, no matter what the scare is produced by, it frequently ends in a money panic. The panic of 1873 is said to have been caused by excessive railroad building-tying up too much of our available capital in railroads—and because we were getting down from the inflated values of war times toward a gold basis. This would naturally result in depressed business and what we call "hard Houses like Jay Cook & Co., whose credit was too much extended, would have to fail; but why should the failure of Jay Cook & Co. produce runs all over the country upon banks which were not concerned in railroad building and which were solvent and safe? That, as I have endeavored to show, was the fault of our defective banking and currency system.

It is the same with the panic of 1893. Republicans generally would say that the industrial panic was caused by the election of Mr. Cleveland in 1892 with both branches of Congress, which meant changing our tariff system to one of tariff for revenue only. Others would say it was caused by the silver-purchasing Anyone would concede that a change from one tariff system to a lower one would mean a slackening of business throughout the country until it could be found what the results of that change would be. Merchants would buy less goods, factories would run on shorter time, and people would economize until they could find out the effect of the change. That would mean for a time a depression in business-less goods manufactured and bought and sold.

With a sound banking system it should mean nothing more

than that. But with us this state of depression was rapidly followed by runs upon solvent banks throughout the United States, the closing of hundreds of banks which could not immediately respond with cash, general suspension of cash payment throughout the country and the issuance of clearing-house certificates, and an absolute destruction of confidence in the minds of business men and of the people. This is what I mean by a money panic. This is where we differ from all of the other great countries. I am not claiming that we can prevent business depressions when reasons for them exist, but a sound banking and currency system will greatly mitigate their severity and will absolutely prevent the money panics which, too frequently, follow our business depressions. I speak confidently because this has been the effect in every other great

LOCATION.

It is proposed that the National Reserve Association shall e located at Washington. This is to avoid a Kilkenny fight be located at Washington. between New York and Chicago. If that should get started we would never be able to proceed any further with the proposition. [Laughter.] In as much as the country is divided into 15 districts, and a branch is located in some city in each district where the business for that district is actually done, it matters little where the head office is located.

CAPITAL.

Its capital shall be 10 per cent of the capital of national and State banks which are eligible for membership in the association. Its capital must be \$100,000,000, paid in when it commences business, and within a year it ought to be \$150,000,000. We provide that banks shall subscribe 20 per cent of the capital, but the purpose of the second 10 per cent is really to provide a double liability, the same as with national banks.

The second 10 per cent is to be called only to meet obligations of the association.

The stock held by each subscribing bank shall equal 10 per cent of its own capital, with, as I have stated, a double liability. That is, a bank having a capital of \$100,000 would take \$10,000 stock of the reserve association.

MEMBERSHIP.

Both National and State banks may have membership in this organization. It is proposed that stockholders of the institution shall be banks only; that it shall be a bank of banks; that it shall be the keystone of our banking arch. No bank may join with a smaller capital than \$25,000. Its stock is nontransferable by statute. It can not be sold. If a bank goes out of business it can turn its stock in to the reserve association and receive its book value. It can not be voted by proxy. A principal officer of every bank must vote its stock or it must go

BUSINESS.

We confine its business to the banks which are its stockholders, to the Government of the United States, and to the purchase of foreign exchange. The principal business of the association will be the purchase of short-time commercial paper maturing within 28 days, made by solvent parties and indorsed by banks which are is stockholders. It can discount paper having a longer time to run when indorsed by the local association to which the bank offering it belongs. It is permitted to purchase no stocks or bonds, except bonds of the United States, and of the several States maturing within one year; nor may it loan money upon the stocks or bonds of railroads or other corporations. For the first time in our history commercial business, commercial paper representing the consumable products of the country-the cotton, the corn, the wheat, the cattle, the products of the factory—will take precedence over the stock exchanges in the power to borrow the surplus reserves of the country.

Mr. NORRIS. I should like to ask the gentleman why the

time of these notes was fixed at 28 days?

Mr. VREELAND. That is a banking question about which I am unable to stop and go into detail. It is evident that the assets of this great institution must be kept as nearly liquid as possible. It is evident that they want no notes which represent investments of a permanent character; they should represent the products of the farm and of the factory on their way to market. The bankers have thoroughly discussed this proposition at great length and have agreed that the acceptance of notes maturing within 28 days, together with the provision for discounting notes of longer time through the local associations will be ample for the purposes of banks as well as being a great check upon the undue inflation of credits.

Mr. PRINCE. Is it not based upon the experience of the

banks abroad?

Mr. VREELAND. It is. Twenty-eight days is somewhat longer than the average time that paper runs which is discounted by the Bank of England or the Bank of France or the Bank of Germany.

Mr. FORNES. Is 28 days the limit, or does it permit an ex-

tension of the loaning time?

Mr. VREELAND. That is for the board of directors of each district to determine. I should say as a matter of practice that banks would send in other paper to replace that maturing in case of need.

Mr. FORNES. Is it intended by this system to loan upon

commercial paper at a fixed rate of interest?

Mr. VREELAND. It is proposed that the reserve association shall loan at a rate which shall be published weekly with its statement of condition. That statement will be the great business barometer, not only for the banks but for all the people of the United States, showing the condition and tendencies of business. If its weekly statement should show that the reserves of the reserve association were steadily diminishing, if there were indications of overexpansion or of overspeculation, they would advance the rate, and the reason for it would be apparent to everybody in their weekly statement of condition.

Mr. FORNES. Is this system the same as that of England

or France?

Mr. VREELAND. All of the State banks abroad issue weekly

statements and publish their discount rate.

Mr. MADDEN. If this system is adopted, does it contemplate taking all the banks in the United States, State and National? Is it obligatory on the part of the banks to become members of the association?

Mr. VREELAND. There is nothing obligatory in this system touching the banks. The banks do not join unless they choose. Mr. MADDEN. What effect would it have on a bank not in the association if it chose to remain outside?

Mr. VREELAND. That would be a question of judgment with the bank itself. My opinion is that a bank which was a stockholder in the association would have an advantage over banks which were not members, because the depositors of that bank would know without fail, in any emergency which could arise, their bank could turn to the reserve association and receive advances upon its commercial paper. This would give it an advantage, in my opinion, over a bank which could not avail itself of that privilege.

If any considerable part of the banking Mr. MADDEN. capital of the United States thought it proper to remain outside the reserve association would that mean that we would

have two banking systems or would it remain one?

Mr. VREELAND. If we enact this proposed legislation we provide the banks of the United States with a sound and safe banking system, which will free them from the danger of money panics and will enable them at all times to extend credit to solvent customers at some rate of discount. We are taking away nothing that we have at present. We do not oblige the banks to join it. We merely authorize the banks to put in a reasonable amount of capital and create another institution, under limitation of law, for the safety of themselves and the benefit of the people. If they refuse to put in the capital and avail themselves of the means of safety which we provide, I should then say that the next time they suspend payment and refuse the money due their depositors public opinion would compel the Comptroller of the Currency to say to them that they must fulfill their obligations or shut up their doors.

Mr. BULKLEY. Will it not be possible for banks, under the proposed reserve association, to borrow of the reserve association on stocks of the stock exchange or investment securities

under the provisions of section 28?

Mr. VREELAND. I have already alluded to that. In no case can a bank borrow of the reserve association on corporation stocks or bonds. Under section 28 the direct obligation of a bank, if indorsed and guaranteed by the local association, may be accepted by the reserve association. In that case the local association is required to take of such bank ample security for its indorsement and guaranty. The security taken might consist of any assets of the bank satisfactory to the officers of the

Mr. BULKLEY. Some of those assets might be investment

Mr. VREELAND. Yes. Mr. BORLAND. I do not want to take up the gentleman's time, but I desire to inquire as to the right of new banks to enter into this reserve association.

Mr. VREELAND. New banks or any banks, old or new, have the right to join the reserve association at any time, provided

such bank comes up to the standard fixed.

Mr. LITTLETON. I desire to ask the gentleman one question for information. Do I understand the gentleman to say you could not borrow upon bonds or stocks if you want to do so, but rather upon commercial paper? Does that mean that you can not borrow from any member of the association upon stocks or bonds?

Mr. VREELAND. It means that you can do anything with stocks and bonds which you can do now. But it also means that, so far as the reserve association is concerned, it can only purchase from banks short-time commercial paper.

NO INTEREST ON DEPOSITS.

The reserve association shall pay no interest on deposits. DIVIDENDS.

The dividends which the reserve association may pay are limited to 5 per cent, and the balance of its earnings are to be paid into the Treasury of the United States. This is a vital part of this plan. We do not intend to create a money-making We must make the dividends which it may pay to institution. its stockholders so small that they will be earned automatically without effort on the part of its management. We do not wish the control of this institution to be influenced in the slightest degree by desire or power of its directors to increase its divi-We want the management of this great organization to be guided entirely by the welfare and the needs of the business of the United States.

I have stated that we must let the bankers run the banking business of the country. We can not turn it over to the butcher or the baker, but we should provide by law that the banker may make no undue profits and receive no privileges detrimental to the public welfare in the creation of the reserve association. The rate of interest which we provide would be considered by everyone, I think, as a small return upon bank capital. It should also be noted that the national banks are losing the profit upon bank circulation, which at the present time probably amounts in the aggregate to \$10,000,000 a year.

This will go to the reserve association and with its other profits above 5 per cent into the United States Treasury.

Mr. BULKLEY. Will the gentleman state to whom the 20 per cent, which it is proposed to accumulate, would go upon the dissolution of the association. If it will go to the banks, then it would be 20 per cent profit in addition to the 5 per cent.

Mr. VREELAND. It would be an additional profit, rather a limited kind. A bank could only realize upon that if it should go into liquidation and turn in its stock to the reserve association. It is rather a safety fund for the benefit of the association than a profit to the banks.

Mr. BULKLEY. Will the gentleman say whether that will prevent the reserve association toward the end of the 50-year period calling the other 10 per cent as payment on the capital

stock and adding a 20 per cent surplus to that?

Mr. VREELAND. The additional 10 per cent of stock can not be called except to meet obligations. That, at the very least, would mean that the reserve association would have dissipated its surplus and impaired its capital. Nothing less than this would justify a call for the additional 10 per cent of stock.

RATE OF DISCOUNT.

We provide that the rate of discount of the National Reserve Association shall be uniform throughout the United States. This provision will be of enormous benefit to the South and West, where great development will take place in the years to come, and where capital at reasonable rates of interest is greatly needed. The effect of this provision undoubtedly will be lower rates of interest in the undeveloped portions of the country and more uniform rates in all parts of the country.

While farmers and business men will receive the benefits of

lower discount rates, it does not mean that the earnings of the banks need to decrease. Our commission found last fall that the banks of Denver were carrying from 40 per cent to 50 per cent cash reserves. That means that millions of dollars were lying idle which might be used in the development of that section of the country. With a branch of the reserve associa-tion at Denver, where a bank could instantly obtain cash or credit in case of need, the banks would be able to loan a much larger percentage of their deposits at lower rates of interest than now obtained without decreasing their net earnings.

Under the workings of the reserve association, I am confident that it will be found in a few years that the reserves of national banks will be needlessly large and may be safely reduced. Under our present system they are not large enough and can not

be made large enough to insure safety.

Mr. ADAIR. Does this plan fix any given amount of deposit which a stockholding bank in the reserve association must carry with the reserve association?

Mr. VREELAND. It does not; no, sir.

NOTE ISSUE.

It is proposed that national banks may turn over to the reserve association the 2 per cent United States bonds, amounting to about \$740,000,000, against which the bank notes of national banks are now issued. Let us assume that all of these bonds are sold to the reserve association at not less than par. The reserve association would then issue its own notes in place of the present national-bank notes against these bonds. There would be behind these notes the same security which they have at the present time, besides much additional security.

It goes without saying that no one can bring forward any proposition which will receive the slightest consideration from the people, unless the safety of the bank notes proposed to be issued shall be absolutely beyond question. That is the one and only virtue of our present bank-note circulation-it is good from one end of the country to the other. Any note which we put

in its place must be equally good.

Those who remember the "wildcat" and "red dog" State bank circulation before the war appreciate a bank-note circulation good without discount in any part of the country, and even abroad. But they have not always been entirely good as compared with gold. During nearly one-third of the life of our national-bank system national-bank notes have been below par. From 1863, when they were first issued, until the resumption of specie payment in 1879, they were below par as compared with gold. During the Civil War they were worth less than 50 cents on the dollar as compared with gold.

Those who think this element of safety in our bank-note circulation should cover a multitude of shortcomings should study the bank-note circulation of other countries. They will find that where the bank notes are secured by gold and commercial paper they are equally as good as ours, and yet they are entirely elastic to meet the varying needs of business. The notes issued by the Bank of France have been good for more than 100 years. They have been good in war and good in peace. Our notes were far below par, as compared with gold,

at the close of the Civil War, when the future of the country was assured. The notes of the Bank of France were not to exceed 4 per cent below par when Prussian armies were marching through the streets of Paris, the Government in the

hands of the Commune, and its future uncertain.

The notes issued by the reserve association will have much more security behind them than the Government bonds which are behind our present note issue, although we consider that We provide that the reserve association must at all times keep at least 50 per cent of gold or legal tender against all demand liabilities, deposits as well as bank-note circulation. If it falls below that we provide for a tax until it is restored. We permit the reserve association, however, to subtract onehalf the Government bonds owned by it from its demand lia-The effect of that would be that it would have 50 bilities. per cent or more of gold against all demand liabilities, bank notes and deposits, except the bank notes issued against the Government bonds. These notes would be secured by Government bonds of equal amount and 25 per cent of gold in addition. The security of the note issue under this plan is unquestioned by bankers here or abroad.

ORGANIZATION AND MANAGEMENT.

The supreme test of the reserve association in the minds of people generally will be its plan of management and control. Is it possible for a few able and ambitious financiers to get control of it, or is its organization such that it will be managed equitably for people from all parts of the United States? This is the crux of the whole proposition. The people will be content to let experts pass upon the banking questions, but they will want to be sure that it can not fall under the control of some great financial interest to be used for its own benefit.

Mr. FORNES. Just one more question before going into that. I understood the gentleman to say, in answer to a previous question, that the reserve association can only buy commercial paper. Suppose in time of financial stringency an institution like a savings bank, which has no commercial paper, should offer its investments, say railroad bonds or municipal

stock, will it be able to obtain currency?

Mr. VREELAND. Mutual savings banks in the East have no capital stock, and would not, therefore, be able to become stockholders in the reserve association.

Mr. FORNES. Could they get any relief?

VREELAND. They would get relief, but not directly. Mutual savings banks do not have commercial customers to take care of. They simply invest, according to law, deposits that are made with them. They usually have no trouble except in time of general panic. I think they easily take care of themselves at other times.

Now, Mr. Chairman, we provide that the United States shall be divided into 15 districts. We provide that these districts shall be formed around cities which are existing commercial centers. You understand that the business of this institution is to be done at these branches in each one of the 15 districts. No money is loaned at the main office in Washington. All the money that is loaned is loaned through one of these branches and under the direction and control of the directors of each district or branch. The main office at Washington merely exercises a general supervisory and advisory power—as, for example, to indicate the rate of discount each week, based upon the condition of the reserve association.

Mr. GLASS. May I ask my colleague if the plan proposed by the National Monetary Commission is not the same plan presented by ex-Representative Fowler, of New Jersey?

Mr. VREELAND. I should say that it is far different. The plan presented by Mr. Fowler was to give the right of issuing asset currency to the 7,000 national banks of the United States.

Mr. GLASS. Did he not propose, just as you propose, to divide the country into districts and create a national reserve

bank here in Washington?

Mr. VREELAND. Mr. Fowler divided the country into some number of zones, but I do not understand that he created a bank at all. I refer to the bill known as the Fowler bill, reported by the Banking and Currency Committee of the Sixtleth Congress. If Mr. Fowler introduced a later bill, I do not remember ever to have read it.

Mr. GLASS. I think in a later bill you will find that he created a reserve bank at Washington.

Mr. VREELAND. We have named in the law the number of these branches to be placed in the different geographical divisions of the country. We have provided that one branch shall be located in the New England States, which shall constitute one district. We have provided that the Eastern States, comprising New York, New Jersey, Pennsylvania, and Delaware, shall have two cities designated as branches. We have provided that the States of the South, counting Maryland as a Southern State, shall have four branches and four districts. We have provided that the

States of the Middle West shall be constituted into four districts with four branches. We have provided that the Pacific Coast States and the Western States together shall make four

districts and have four branches.

We have been criticized, by some of the New York papers particularly, for dividing the country in the way we have. These papers seem to assume that the banking capital and resources of the different sections of the country should have been used as a basis for making these districts. I noticed recently in the Wall Street Journal—by the way, a very excellent and con-servative paper and a frequent critic of Wall Street—an article severely criticizing the Monetary Commission upon its division of the country into districts. I will read briefly from their

Heretofore the Monetary Commission has adhered rather closely to sound propositions having to do with the main purpose of its arduous task, and it has consistently refrained from doing things that would appeal to this or that party or faction in politics. Accordingly, it is the more surprising to see that body make a sheer change of front and appeal to the foes of capital for support. Who could have suggested a more drastic or commercially lawless proceeding than that the New York banks—call it "Wall Street" if you like—which possess fully 30 per cent of the banking capital of the United States, shall be shorn of their fair representation in the central association, which at most is less than one-third of the total banking capital, so that their natural and regular share of control or voice will be less than 10 per cent? In other words, a dollar of New York capital would count for but 30 cents, while a dollar of southern capital would count for but 30 cents, while a dollar of southern capital would count for but 30 cents, while a dollar of surthern capital would count for \$2.30 or thereabouts. That this scheme of hamstringing New York capital is a concession to popular prejudice is virtually openly avowed in the explanation that is offered to the effect that by providing for such a method of organization it is expected to safeguard the proposed institution "against Wall Street control."

I want to say that the writer of that article evidently misapprehended the theory upon which these districts are formed. according to the idea of the National Monetary Commission. Our action was not an appeal to the foes of capital, nor was the division of the country into districts the result of any compromises among members of the commission. No one speaking for the commission has ever indicated that banking capital or banking resources should be the basis upon which the country should be divided into districts. These districts, formed around natural commercial centers, are made for the convenience of carrying on the business and commerce of the United States. The population, the terrritory covered, the natural lines of trade and commerce, probability of future growth-all of these things are to be taken into consideration as well as the banking capital and banking resources. It was our desire that there should be no bank in the United States more than 24 hours by mail from the nearest branch. The members of the commission were unanimous in fixing these districts and the number of branches in each geographical division.

Let me point out these districts and the cities where branches would probably be located. Of course, this is only my individual opinion and in some cases might change after a study of the situation. Let me say at this point that the plan provides for a commission, consisting of three Cabinet officers and the Comptroller of the Currency, to lay out these districts and locate the

branches. [Showing map.]

We provide one branch for New England, and it would be located at Boston. There would be, I suppose, no dispute over that. What necessity would there be for another branch in New England? Boston is within 10 or 12 hours of every bank in New England. Then there is New York, 240 miles from Boston; Philadelphia, 90 miles from New York; and Baltimore, which would probably be selected, 95 miles from Philadelphia. What need would there be for having more branches in this part of the country? Certainly the needs of business would not require it. The plan directs that there shall be four in the Southern States, including Maryland; Baltimore would probably be selected; New Orleans, quite likely; and some city in Texas; the fourth branch would seem to fall to the Middle Atlantic section, perhaps Atlanta. Four branches would be needed in this large and growing portion of the United States. We provide that the great Middle West shall have four branches. Chicago would pass without challenge, and Minneapolis-St. Paul There might be some chance for difference of opinion between St. Louis and Kansas City. My personal opinion would be that St. Louis would be entitled to be selected and that Kansas City would be the center of the next district created, because we give to the directors of the reserve association the power to create new districts when needed by the development of the country. Cincinnati, Cleveland, Detroit, and Buffalo might be considered for the fourth branch, with the chances favoring Cincinnati on account of its central location and the fact that it already has a subtreasury. In the West and Pacific States Denver would doubtless pass without question. Portland or Seattle should be designated—probably San Francisco—and Los Angeles or Salt Lake City; or it might be decided upon study by the commission that one of the branches should go to

the rapidly growing section around Oklahoma or to the territory of which Omaha is the center.

Mr. MARTIN of Colorado. Did the New York banking interests make any objection to this distribution plan?

Mr. VREELAND. There was no chance for objection to the

Mr. VREELAND. There was no chance for objection to the plan by anybody, because it was adopted in the closing days of our sitting and not given to the public.

Mr. MARTIN of Colorado. I would like to ask a question for information. While there might be a nominal distribution of control by means of your district plan, it would not alter the real control, which would be where the money is; that is, in New York; so that New York would exercise just as much actual control in this apparent distribution as though it was

centered there in the plan itself.

Mr. VREELAND. I should venture to disagree with the gentleman on that proposition. Of course, New York City is a great financial center. It was not made so by law any more than New Orleans was made a cotton center by law. Every country has its financial center. In making a banking and currency law we can not take away from New York the advantage of the billions of dollars of banking capital which are owned in New York and, therefore, controlled there. Its influence we can not take away nor do we seek to take it away; but we seek to take away from the great banks of New York City the responsibility of maintaining credit and cash payment. We seek to transfer this great power to an institution under strict regulation and limitation by law and with every part of the country having an equitable voice in its management. I maintain that under this plan we disassociate the commercial business of the country from the stock exchanges. I maintain that under this plan the bank reserves of the country will be no longer dependent upon the fluctuations of the stock market.

Mr. Chairman, it seems to me that any dozen gentlemen who will take a map of the United States and locate the cities where these branches of the reserve association should be placed for the convenience of the business of the United States will agree upon probably 13 out of the 15 cities. To locate them strictly according to the distribution of banking capital and resources of the country would mean a huddle of branches located in cities in the eastern part of the United States, within an hour or two by rail from each other, while the branches in the West and South would be so few and far between as to make it extremely inconvenient for the business and banks of those sec-

tions of the country.

Our theory of creating the National Reserve Association, with the limitations of law with which we have hedged it about, is that there is no advantage in having the control of it to any section of the country nor to any financial interest. I am a business man and a country banker in the State of New York. Now, in New York State there are 30 per cent of the banking resources of the country. As we have arranged the districts, New York has 8 per cent of representation in the board of directors of this institution. I have no objection to make to that, because, in my belief and in my judgment, it would make no difference if all of its directors were selected from the district of which Minneapolis-St. Paul would be the branch, provided the men selected were men of ability and integrity and high standing in the business life of that district. I maintain that the character and integrity and ability of the men chosen as directors to manage this great institution, as the law directs that it shall be managed, are of vastly more importance than the sections of the country in which they may happen to live.

the sections of the country in which they may happen to live. I shall endeavor to show that the control of the reserve association by selfish financial interests would be useless and profitless under the restrictions which we have placed in the statute. Under this plan New England, with 12 per cent of the banking resources, would have 8 per cent representation in the association; the Eastern States, with 41 per cent of the resources, would have 15 per cent representation; the Middle Western States, with 24 per cent of resources, would have 31 per cent of representation; the Southern States, with 11 per cent of the resources, would have 23 per cent of representation; and the Western and Pacific States, with 12 per cent of resources,

would have 23 per cent of representation.

As I have said, the placing of branches in the different geographical sections of the country was made entirely with a view to convenience and efficiency in doing the business of the country, around natural existing centers, and the representation of different geographical sections according to banking capital and resources is merely incidental to such a division.

Mr. FORNES. I am much interested in the distribution of power in the system, and I may say that I favor it, and that I introduced in 1907 a bill for a bank having the same fundamental principles as in this one. After the thorough investiga-

tions made by the Monetary Commission, it has simply strengthened in my mind the system of banking I advocated in 1907.

The CHAIRMAN. The time of the gentleman has expired.
Mr. MANN. I ask unanimous consent that the gentleman
may proceed for 30 minutes.

There was no objection.

Mr. VREELAND. Now, Mr. Chairman, let us turn our attention to the building up of this reserve association. We do not commence at the top and build down, but we commence at the bottom in every locality and build up.

Mr. TILSON. Before the gentleman passes along from the districts, I would like to ask if the districts are fixed by hard and fast geographical lines, or if a bank in a certain community

can go to its natural business center?

Mr. VREELAND. There are no geographical lines in forming these districts. The idea of the commission is that these districts will be built around branches which are natural, existing business centers. For example, if a portion of the State of Connecticut or all of the State of Connecticut is now doing business with New York and prefers to continue doing its business there, it would probably be put into the district of which New York is the branch. This refers, of course, only to the business which they do with the reserve association. The banks of Connecticut probably do business with both Boston and New York, and would continue to do so. But so far as their business with the reserve association is concerned, I should expect existing lines of business and the preferences of communities to be followed.

As I have stated, it is built up like our Government. The local bank is the unit with which we commence to build. The local bank corresponds to the township; the local association, which is a group of local banks, corresponds to the county; these groups of local associations united into the district correspond to the States, and the reserve association, consisting of the 15 united districts, corresponds to the National Gov-

ernment.

Let me refer for a moment to a local bank, one of the 25,000 or 26,000 banking units scattered throughout the country. I want to say that, in my opinion, nothing is more representative of the community than a local bank situated therein. Ninetynine per cent of the ownership of these banks is in the communities where they exist. Their stockholders and directors and officers live there. All their interests are there; their deposits come from the communities where they are located; they loan their money there so far as they are able to; there is no outside interest of any description which compares for a moment in importance with their local interests.

The idea sometimes expressed that local banks are controlled in the conduct of their business by larger banks in distant cities is entirely unfounded. Local banks keep deposits in financial centers for the convenience of their customers. They also keep a portion of their reserves in financial centers. There is keen competition among the banks of the financial centers to obtain the accounts and deposits of local banks. Whatever obligation there is rests with the banks in the financial centers toward the local banks which are its customers and depositors. Of course, I am not describing the great banks in a city like New York, which draw their deposits and business from all over the United States, but the business of the hundred banks even in New York City is largely local and only a few of the great banks there draw as much as half of their deposits from outside the city.

We are building, then, upon institutions which are rooted in the soil of every town, village, and city throughout the United States. No outside interest of any description can compare in importance to them with their local interests. In every town and city of the country they are competing sharply with each other. It would be destruction to a local bank to desert or

betray the interest of the people where it is located.

These local banking units in every district in the United States will control in the framing of this institution. Let us take a concrete example, if you please. The State of New York would probably form one of the 15 districts, with New York City as its branch. New York State has over 800 banks eligible for membership. Let us assume that New York State would be divided into 10 local associations. That would average 80 banks in each association. These local associations would be formed around some natural business center. Let us take the local association formed in western New York, where my home is, and of which Buffalo is the largest city. These local associations have important duties to perform, but I can only stop to speak of them in connection with building up the institution. Each local association has its own officers and board of directors.

Let us assume that this local association decides in its bylaws to have 10 directors. Our plan provides that three-fifths of these directors shall be elected by the banks voting as units;

that would be 6 out of the 10. Two-fifths, or 4, of the directors are elected by the banks voting according to stock. Of the 80 banks in this local association, probably three-quarters are outside the city of Buffalo. In electing a majority of the directors, then, the banks voting as units control; that is, a bank having \$25,000 capital in a village has the same vote as a bank with \$1,000,000 capital in a city.

Each one of the 10 local associations in the State would elect its officers and board of directors in the same way.

Mr. ADAIR. Will the gentleman yield? Mr. VREELAND. Yes.

Mr. ADAIR. If it is a good idea to elect 6 of the directors by the unit vote, would it not be a good idea to elect 10 in the same way?

Mr. VREELAND. Ordinarily in the formation of corporations the directors are elected entirely by the stock. This institution is created for special purposes, and we concede it to be a happy solution to provide that the directors shall be elected in part by stock and in part by banking units. The same idea prevails in our Government, where the States, regardless of size, have an equal vote in the Senate, but are represented ac-Mr. COOPER. Will the gentleman yield for a question?
Mr. COOPER. Will the gentleman yield for a question?
Mr. COOPER. What is to prevent the large stockholders of

Mr. COOPER. What is to prevent the large stockholders of the large banks from owning all of these 25,000 little banks?

Mr. VREELAND. In the first place, I think they would find it difficult to buy up the local banks. They would have to pay a good deal more than they are worth; next we have a very stringent provision in the law providing that banks which own 40 per cent or more of stock in another bank have only one vote.

Mr. COOPER. I know it will prevent banks, but what will prevent the individual, the bank stockholder?

Mr. VREELAND. The gentleman has in mind the chain of banks?

Mr. COOPER.

Mr. COOPER. Yes. Mr. VREELAND. We provide in the law that whenever 40 per cent or more of the stock of two or more banks is owned by any individual, trustee, or any form of holding company, that it shall count as one unit and have but one vote, so that 100 banks under such circumstances would be entitled to one

Mr. Chairman, I have shown how the 10 local associations in New York would be formed and how their boards of directors would be elected. Then each of the 10 local boards elects a voting proxy or representative. These voting proxies elect the board of directors of the district or branch comprising the whole State. Let us suppose that the branch has 12 directors, It could have a larger number if it desired. One-half of these directors, or six, would be elected by these voting proxies or representatives from each branch, voting as units; one-third, or four, directors would be elected by the same proxies voting according to the stock owned in each local association; one-sixth, or two, of the directors would be business men, not bankers. That makes up the 12 directors of the district. A deputy manager of the district or branch is added to the board ex officio. He is appointed by the governor of the National Reserve Association, and his selection must be approved by the board of directors of the district and he must be a resident thereof.

You will remember, Mr. Chairman, that this board of directors in each directors in each directors.

tors in each district does the actual business of the reserve association. All discounts made for local banks in each district are passed upon by this board. They are the ones to whom complaint would first be made if some bank did not receive the "equitable treatment" which the proposed law requires that every bank shall receive. The banks in the New Orleans district would have nothing to do with Washington, but would do their business in New Orleans, passed upon by a board of directors elected in their own section of the country, familiar with their needs and familiar with the character and reputation of every bank. Here we have local self-government in the highest degree conducive to safety.

Let us now elect the 46 directors of the National Reserve Association. The board of directors of each of the 15 districts elects a voting proxy or representative. These voting proxies elect 15 directors, 1 from each district, who is a banker; they then elect 15 directors who are not bankers and shall have no connection with banks during their term of office, representing the agricultural, industrial, and commercial interests of the country. Not more than 1 of these can come from one district. The same voting proxies then elect 9 additional directors, each voting proxy voting according to the total amount of stock held in the district which he represents. Not more than 1 of these can come from one district. We then provide for 7 directors

ex officio, consisting of the Secretaries of Agriculture, Commerce and Labor, the Treasury, and the Comptroller of the Currency, the governor and two deputy governors. This comprises the 46 directors of the association.

The governor is appointed by the President of the United States from a list of names furnished by the national board of directors. The two deputy governors are elected by the national board of directors.

It was considered proper that the United States should be represented to this degree on the board of directors, not only because we are creating it a fiscal agent of the Government, and the Government will be, perhaps, the largest single depositor in the association, but because the United States should have representatives upon its board to see that the laws controlling it are faithfully carried into effect.

Mr. Chairman, can any man fairly say that this institution, so built up, will not fairly represent all the business interests of all parts of the United States? Probably 15,000 banks, located in every part of the country, would own the stock of the National Reserve Association. Outside of two or three financial centers these banks are local institutions, owned and managed in all the cities and towns of the country. Their interests are identical with those of the communities in which they exist. This institution has been organized, so far as human ingenuity can provide, along lines which make it secure against either political control or the control of any financial interest. We have made its earnings so small as to be automatic, and no effort on the part of the management can increase the profits of its stockholders. It is an institution in which the success of those who manage it must depend upon serving the business interests of all of the people of the United States.

We may fairly assume that the very best men obtainable would be selected as directors in the various boards of this institution, just as men of high standing are selected as officers

in the clearing houses of the country.

A position as governor or director of the National Reserve Association will carry with it great honor and great responsibility. It is natural for all men to desire to achieve success in the eyes of their countrymen. They can only achieve success as officers of this institution by conducting its affairs for the benefit of all the people of the country.

When a subcommittee of the National Monetary Commission was abroad we interviewed the governor of the Bank of France, one of the most able and eminent financiers in Europe.

asked him:

What do you consider the province of the Bank of France, and what do you consider your duty as its governor?

He replied:

Gentlemen, the Bank of France was created by the great Napoleon more than 100 years ago to serve all of the business interests of France. It has existed under Emperor, under King, and under Republic; it continued to fulfill its mission when Prussian armies were marching in the streets of Paris. It has been the leader not only of the banking, but of all of the great business interests of this country. It has never been controlled by politics nor by the great financial interests of France. My duty is to continue the business of the bank as it has existed for more than a century. I could not achieve success by pilling up great deposits, because the Bank of France is becoming less and less a competitor of other banks. I could not achieve success by earning great dividends, because these would largely go to the Government. When I lay down the reins of the management of this great institution my administration will be known as successful if I have conducted it for the best interests of all the people of France.

Mr. Chairman, it is an institution which will be conducted along such lines which we are planning to build for the United States, and we believe that we have placed such provisions and limitations in the law that it will not lie in the power of any man or set of men in charge of it to deflect from it.

You understand, Mr. Chairman, that I am not seeking to-day to discuss fully the banking details of this plan. It would take too much time. I am trying rather to give the House a general view of banking and currency conditions and to present in a general way the remedy we are proposing. There are many general way the remedy we are proposing. There are many interesting banking details which I can not discuss at present for lack of time. I wish, however, to present, in a concrete way, the power of this institution to relieve business conditions and to inspire confidence in the minds of the bankers and of the people.

I present herewith a statement of the probable condition of the National Reserve Association, say two years after it has commenced business. This is not my statement, which would be of little value, but a statement made by Mr. James B. Forgan, president of the First National Bank of Chicago, in my opinion one of the greatest bankers in the United States, presented to the convention of the American Bankers' Association at New

Mr. Forgan assumes that it would have-	
Capital paid in in gold or legal tender	\$150,000,000
Total liabilities, outside of capital	1, 300, 000, 000
Total liabilities	1, 450, 000, 000
Against these liabilities it would acquire-	
Gold or legal-tender money for its capital Gold or legal-tender money for its deposits Government bonds against circulation	\$150, 000, 000 600, 000, 000 700, 000, 000
Total resources	1, 450, 000, 000
Let us assume that it has rediscounted paper acquired foreign exchange and that its total inves to \$275,000,000. A normal balance sheet on this baseline acquired for legal-tender money.	tments amount asis would be:
Government bonds Loans and investments	700, 000, 000 275, 000, 000
Total	1, 725, 000, 000
Capital Government deposits Bank deposits (originally deposited in gold or lawful	100, 000, 000
money) Bank circulation Bank deposits created by, or bank-note circulation issued	500, 000, 000
against, loans and investments (immaterial which)	275, 000, 000
Total liabilities	1, 725, 000, 000
And a statement of liabilities and legal reserve would be:	against them
Gross liabilities Deduct capital	\$1, 725, 000, 000 150, 000, 000
Deduct 50 per cent of Government bonds	1, 575, 000, 000 350, 000, 000
Net demand liabilities	1, 225, 000, 000 750, 000, 000
Suppose, now, to avert a crisis \$250,000,000 more	e loans should

Suppose, now, to avert a crisis \$250,000,000 more loans should be needed. The reserve association could rediscount paper for banks and give therefor its notes or credit in any of its branches and still have 50.84 per cent gold or legal-tender money against all demand liabilities. Or it could loan \$500,-000,000 in the same way and still have 43.47 per cent gold or legal-tender money actually in its vaults. This would not by any means exhaust its power of note or credit expansion to meet any possible crisis.

These figures are such as to inspire confidence in the minds of the bankers and of the people, and when we once acquire confidence neither the banks nor the people will demand money until they actually need it, and our money panics will be at an end.

Let us see now if the security behind this bank-note circulation would also inspire confidence. You will remember that the note liability is made a first lien against all of the assets of the association. Suppose this \$500,000,000 in loans were put out entirely in the bank notes of the reserve association. It has already issued \$700,000,000 against 2 per cent Government bonds, and its bank-note liability, we will say, would be \$1,200,000,000. There would be in the vaults of the association to secure these notes—

Gold	\$750,000,000
United States bonds	700, 000, 000
Capital	150, 000, 000
Commercial paper indorsed by banks	775, 000, 000
Add to this (double liability stockholding banks)	150, 000, 000

Total to secure outstanding notes _____ 2, 525, 000, 000

These figures show that bank notes of the reserve association, even when it is greatly expanded, have vastly greater security behind them than the present bank-note circulation, against which not the slightest suspicion arises even in time of panic

Let us use the statement of assets and liabilities given above, showing loans and investments on the part of the reserve association to the amount of only \$275,000,000, to indicate what the earning capacity of the association will be. You will notice in this statement that the reserve association has a cash reserve of 61.22 per cent. Again, I am using Mr. Forgan's statement:

INCOME.

3 per cent on Government bonds	\$21,000,000
31 per cent on loans and investments	9,625,000
Total income	30, 625, 000

	2, 000, 000	EXPENSES note issue 1½ per cer tt bonds taken th privilege o	nected with not as (equal to 00 Government of the contract of	Franchise ta \$700,000,00 from natio
. 13, 12			rofits	Net p
6,00	. =	4 per cent	capital stock,	Dividend on
		tween surplus tax of \$10,50		
13, 12	ation is 20 rofits would	dend of 5 per irplus of the the distribution	s and the si its capital i ws: its as above_	stockholder per cent of be as follow Net profi
5, 62		Government		
		Forgan's fig		

I consider that Mr. Forgan's figures are very conservative. The items of expense are considerably larger than I would make them, and at the end of five years I should anticipate much larger earnings for the association; but these figures are sufficiently accurate to show a large income going to the Government

We are giving to this association great powers of expansion, but in a Nation of 90,000,000 people, with enormous deposits and an enormous volume of business, the institution which is to maintain our credit must have great power. We have also hedged it about with limitations of law unknown in the countries of Europe. We have limited its dividends so that there can be no temptation to expand its business for the sake of profits. We provide that it must keep a gold reserve of 50 per cent of its demand liabilities, less one-half its Government bonds, and if its reserve falls below 50 per cent we provide a tax upon the deficiency. We may be sure that its management will be of the highest order of ability, and they can only achieve success by managing it along safe and conservative lines.

ALDRICH-VREELAND EMERGENCY BILL.

I suppose I ought to refer for a moment to the so-called Aldrich-Vreeland emergency bill, which was passed by Congress in 1908 and which expires by limitation in a little over two years. There was a good deal of opposition to this bill when it passed because its purpose was not understood. But those who advocated the emergency bill also advocated the appointment of a commission to make a comprehensive study of the whole subject, and that has now been done.

I think the country would be reluctant to see this law expire with nothing to take its place. It is a rather crude and awkward provision of law, because the system to which we attach it is crude and awkward; but I believe the fact that \$500,000,000, in case of a great impending crisis, could immediately be brought into circulation would prevent the fear of a money famine. The mere fact that it is on the books and can be used gives a measure of confidence along this line.

I have likened this law to a town or village which has a large number of frame buildings and where, on that account, fire is likely to break out at any time and destroy the town and the trustees think it wise to buy a fire engine to put out the fire when it starts and before it becomes a conflagration. That is what we did in passing the emergency law. We know from experience that we have a very inflammable condition in the United States, and I thought we needed a fire engine so that we could pour out some of that \$500,000,000 to stop the fire before it got beyond control. It is necessary to have such a law so long as we have frame buildings, but that is not the proper remedy. The proper remedy is to remove the frame buildings and build up a fireproof structure, so that a fire will not gain headway.

I want to quote what I said about the emergency law when it was before Congress:

In my judgment the greatest benefit of this bill will lie in the fact that it is on the statute books of the United States and can be used if necessary. In my judgment the fact that a great fund of \$500,000,000 can be called out in less than a week's time in case of impending crisis—the very fact that it can be done does away with the probability that we will ever be obliged to use it.

CENTRAL BANK OF JACKSON'S TIME.

Mr. Chairman, some people say that this is a central bank or a central bank in disguise. Every enemy of this proposed association calls it a central bank. Why do they do that? Because they wish to appeal to the prejudice which still remains in the minds of the American people growing out of the United States central bank which Andrew Jackson strangled. And unless its charter could have been radically changed when renewed, perhaps it ought to have been strangled.

But this proposed reserve association is no more like the central bank of Jackson's time than black is like white. United States bank of Andrew Jackson's day was simply a great private monopoly. It would be prosecuted to-day under the Sherman Antitrust Act. It was the enemy and competitor of every independent bank in the United States from the time it It established branches in all of the principal cities of the country and competed with the other banks for business. It had a monopoly of note issue, and there was no limit upon the amount of notes which it could put out, nor was there any limit upon the dividends which it could pay to its stockholders. It had the prestige of having the United States as a stock-There was little control over it by the Government of the United States. It was run solely as a money-making institution for the benefit of its stockholders. A renewal of its charter was refused because it was a contest between a great military hero, supported by the State banks on one side, and a monopolistic money corporation upon the other.

Nobody would propose such a bank to-day, and yet, Mr. Chairman, in 1840, four years after a renewal of its charter was refused, the people of the United States elected a President upon a platform which called for another Bank of the United States. Do you know that Congress twice passed bills to inaugurate such a bank, and that both were vetoed by President Tyler under the influence of the State banks, showing that with all its crudeness and monopoly from the standpoint of to-day it had given the people the best banking facilities they had had up

to that time?

ANTIMONOPOLY.

Sometimes gentlemen who have not studied this plan say that they fear we are creating a monopoly. Why, Mr. Chairman, we are acting upon just the opposite principle. We are proposing a preventive of monopoly. We are proposing an institution which has no incentive to monopolize. You can not have a monopoly where dividends are limited to 5 per cent. We are decentralizing the power which exists in our banking system at present and distributing it throughout the United States.

Suppose that the Standard Oil Co. had been chartered by the National Government and its dividends to stockholders limited to 5 per cent, or even 10 per cent, the balance of their earnings to go to the Treasury of the United States. Do you suppose that the Standard Oil Co. would ever have grown to be a monopoly? Monopolies exist for the purpose of earning larger dividends for those who own them, and when we limit their dividends to a nominal sum we take away every incentive to reach out and absorb and monopolize business.

POLITICAL CONTROL.

Some good people are afraid that if we establish the National Reserve Association it will get into politics. I suppose they mean by this that it will become the subject of attack by one political party and of defense by another political party. Why do they fear this? Because 75 years ago, in Jackson's time, a central bank existed and a political contest arose over the renewal of its charter.

I have no fear of political contention over an institution established along the lines of the reserve association. But if it were possible to again set up to-day the central bank-of Andrew Jackson's time it would as surely become the subject of bitter political contention as it did then. The difference is that one was a huge monopoly, competing with and antagonizing a large and important element in our population; the other is a cooperative association with limited earnings, powers carefully limited by law, its control decentralized, democratic in principle and operation, created to benefit all of the people of

the country.

Upon some questions there is bound to be political agitation which is taken up by political parties—for example, the tariff. There are irreconcilable differences between groups of people in the United States upon the question of the tariff, based upon personal and sectional interests. The importers, an influential body of business men, would desire to have no tariff, or one so low that they could bring in foreign products without hindrance, thereby increasing their business and their profits. On the other hand, the manufacturers would desire to have a tariff so high that all foreign products would be shut out, so that their business and profits would increase. These differences can not be reconciled, but both the importer and the manufacturer would agree that we ought to have the best banking and currency system that we can devise.

and currency system that we can devise.

The trusts are a political question. They are attacked by their independent competitors and by the consumers of their products, who believe, whether right or wrong, that prices are being increased by monopoly.

But there would be neither competitors nor consumers to attack the reserve association, and it is generally agreed that

the effect of the association would be toward lower and more uniform interest rates throughout the United States.

Under our banking system the State and National banks are not in politics. That was not true in Jackson's time. Then banks came into existence as a matter of political favor. In those days charters for banks were issued by legislative bodies, and in New York State in Jackson's time men who went to Albany to ask for a charter for a bank did not get it unless they were in accord with the political party then in control. Bank charters were given as a matter of patronage.

All that is changed. The stockholders of banks belong to all political parties, a Probably there are few banks in the United States in which every stockholder belongs to the same political

party.

The Comptroller of the Currency at Washington has control over 7,200 national banks. He has only to point the finger of suspicion at almost any national bank in the United States in order to impair its standing in the community and perhaps start a run upon it by its depositors. Yet even in the heat of a presidential campaign no one has ever heard it charged that any Comptroller of the Currency has ever attempted to use his great powers for political purposes. The reason is that banks are owned by men of all political faiths. The managers of them are careful to keep them free from political entanglements.

The officers and directors of the reserve association will be selected on account of their standing as bankers or business

men, just as officers of clearing houses are selected.

It is my belief that if the reserve association should be in existence for two years it would become so intrenched in the favor of the people that no political interest would dare attack it, because the people will see lower and more uniform rates of interest; they will be relieved of the fear of money panies; they will see the earnings of the association, beyond a modest dividend, flowing into the Treasury of the United States; they will see the commercial business of the country separated from the stock exchanges; they will see the power, so largely centralized at present, decentralized and placed in 15 commercial centers of the country.

Financial operations and financial control are little understood by people generally and therefore they are suspicious of them. We are setting up a financial control which will be open to the light of publicity, all of its operations understood and published to the world, and its officers and managers responsible

to the law.

FINANCIAL CONTROL.

Some critics say that the Standard Oil group or the Morgan group or both of them will get control of this institution. Mr. Chairman, the American people have prided themselves upon their ability to originate and conduct great enterprises. They have prided themselves upon their inventive genius and their new and modern methods of doing business. In our monetary system alone we are behind every other great country. Must we admit that we are not able to originate a banking and currency system, embodying the principles tested by experience, which shall be safe from ambitious financial interests? If so, then we will have to go along and suffer under our present system.

But I am not willing to admit that the American people, with their energy, inventiveness, and originality, are not smart enough to write upon the statute books, in terms which all may read and understand, the provisions and regulations of an insti-

tution which shall be safe from this danger.

I want to ask those gentlemen who fear that the Standard Oil group or the Morgan group will control, Who is in control of the financial field at present? Who has not noted the amalgamation of banks in New York and Chicago which is constantly taking place? Every few months some colossal bank emerges from the unification of two or more banks in those great cities. Why, Mr. Chairman, it is not left for us to decide whether we will have centralization in the financial field or not. We have it to-day. We will have it in increasing degree as the years go by. The only question is, What kind of centralization shall we have? At present we have centralization of power and management and a decentralization of reserves and bank-note issues.

What we are proposing in its place is a decentralization of power and management and a centralization of a portion of our reserves and of our bank-note circulation under strict regula-

tion of law.

We have to-day centralization in one or two of the great cities of the country, existing for private and for selfish interests, with no limitation of the profits which may be levied upon the business of the country. We would substitute for it cooperation for the general welfare, with limited earnings, in the full light of publicity.

Mr. FOWLER. Mr. Chairman, will the gentleman yield? Mr. VREELAND. Yes.

Mr. FOWLER. I wanted to ask if there is any way for a bank to get out of the organization when it is once in?

Mr. VREELAND. We make no provision for their getting out unless the bank should go into liquidation. We think an institution charged with such great responsibilities as this one should be made as stable as possible, and that it would not be stable if banks could withdraw at pleasure.

I believe that any man who will study and understand the provisions of this plan will admit that the Monetary Commission has placed it beyond possibility of selfish financial control. We have provided that there shall be no sale of stock and no voting proxies upon stock. We have given to the tens of thousands of country banks, whose interests are identical with the communities in which they are located, the power to elect the directors in the local associations in the 15 districts and finally in the national board. We have given to the board of directors in each one of the 15 branches control over its own affairs except as to rate of discount. We have provided against one bank holding the stock of another. We have provided that so-called chains of banks under one control shall have but one vote. have declared in the law that every bank shall have equitable treatment. We have made the earnings so low as not to be attractive to large interests. There could be no speculation in its stock, because it could not be sold.

No great financial interest would dare to attempt to secure

control of it in view of the experiences of the last few years. Any act by any director of any district board or of the national board which indicated that he was acting for selfish or per-sonal interests would excite criticism, and he would fail of reelection as a director and retire in disgrace.

But while these restrictions make it certain that no great financial interest could control the reserve association or any of its branches, and would never dare even try to do so, the limitation of the powers of the reserve association make it certain that no special interests would desire to obtain control if it were within their power. How would it benefit them? What could they do with it? Does anyone suppose that the Morgan group or the Standard Oil group desire to borrow money upon commercial paper which has 28 days or less to run, and which must be indorsed by a bank and upon which they would have to pay the same rate of discount as every other bank in the United States?

But some one says that great financial interests in New York bought the Equitable Life Insurance Society, paying \$2,500,000 for 51,000 shares of its stock, which carried control of the election of the directors of that institution. But, Mr. Chairman, that was a very different proposition, at least before the change in the law of the State of New York limiting investments of life insurance companies. The Equitable Life Insurance Co., at the time of its purchase, had assets of \$500,000,000; it had an annual income of \$75,000,000 or \$100,000,000. Its enormous assets and its enormous income could be invested in the stocks and bonds of railroads, in the stocks of banks and trust companies, and, I think, in the stocks and bonds of industrial corporations. It would be a tremendous implement of power in the hands of men who deal in great financial affairs.

But under the law the reserve association could not purchase railroad stocks or bonds, or bonds of any description except bonds of the United States and of the several States maturing within a year, and of some foreign countries. It can not even loan its money upon stocks and bonds, and its rate of discount is uniform throughout the United States. So there is no parallel between the two cases.

It is only proper to state that in the case of the Equitable Life Insurance Co. no advantage has ever been taken of the control so purchased. Voting trustees were selected from among men of the very highest standing in the country, and that great and beneficent society has always been and is to-day managed entirely by committees representing its policy holders.

It is evident, then, that no great financial interest could afford to invest any capital or spend any time in trying to get control of the reserve association for the purpose of using its funds to gain control of railroads and industrial corporations, or of banks and trust companies, through the ownership of stocks and bonds. The reserve association can be used for none of these purposes. Its money can only be used to purchase commercial paper indorsed by a bank and at a uniform discount

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. I ask unanimous consent that the gentleman may proceed for 15 minutes more.

There was no objection.

Mr. SHERLEY. Will the gentleman permit me?

Mr. VREELAND. Yes. Mr. SHERLEY. I am inclined to believe that under the limitations of the proposed law outside control would be impossible. But assuming, as the gentleman does, that the control is there, then I think the gentleman's statement is too broad, that no advantage would result from such control.

Mr. VREELAND. Perhaps I should modify it by saying that no advantage could come through such control which would be at all commensurate with the tremendous and continued efforts necessary to obtain it. Individual banks could not be discriminated against, because we put the clear direction in the statute that all banks shall have equitable treatment. The bank would have the right of appeal to the court. I am sure that the gentleman from Kentucky, with his acute and analytical mind, will agree with this position when he comes to make a thorough study of it.

Mr. COX of Ohio. I would like to know if under this system there is a larger measure of protection to the depositors than

under the present system?

Mr. VREELAND. We think very much more. We think, in the first place, that no solvent bank ever need close its doors with this association in existence. We think the protection to depositors of all banks is greatly enlarged, because these local associations, groups of local banks, will become thoroughly familiar with each other, and watching and scrutinizing the condition of each other, because they may be called upon to guarantee for each other. We think that in itself would be conducive to much greater safety than we have under the existing system. When Congress takes up this bill for review it may, perhaps, find, as the gentleman suggests, where additional features can be added for the safety of depositors.

Mr. DAVIS of Minnesota. I assume from the gentleman's statement that this reserve association is, to a certain extent, the fiscal agent of the Government as well.

Mr. VREELAND. Yes, sir.

Mr. DAVIS of Minnesota. I will not assume that it is possible for any set of men to get control of the board of directors; but, in any event, would they not control the destiny of this Government from a monetary standpoint in case the Congress Would it not be in the power of this reserve declared war? declared war? Would it not be in the power of this reserve association to determine whether the Government should raise money to carry on this war, and would this not be a dangerous power to place in their hands?

Mr. VREELAND. If any such power existed, it would be a dangerous power; but nothing of the kind does exist. On the contrary, it would be of the very greatest assistance to the Government in case of sudden war. It takes time to issue and sell bonds, and if we had no large surplus in the Treasury the reserve association would be in position to immediately advance to the Government, say, \$50,000,000, probably taking therefor obligations of the Government maturing within a year. It would, then, free of cost, act for the Government in selling its bonds, instead of paying a commission to large New York banking houses which have usually handled Government issues. the past, in the wars which we have had, bankers have usually been as patriotic as any other class of citizens in assisting the Government.

Mr. Chairman, I have already consumed more than two hours and I do not wish to ask further time. It is too great a subject to discuss in one speech. I must leave unanswered in the minds of gentlemen many questions-important questions in the details of the bill.

KEEP IT OUT OF POLITICS.

I desire to add but one thought further, and that is, if we ever get a banking and currency system worthy of our country and of its people, it must be kept out of discussion along political lines.

It must not be made a football for partisan and political ad-

I have said that not even this great body can change wellsettled principles, established and settled by the experience of mankind. This great body, representing 90,000,000 of people, should take up this question with a patriotic determination to place upon the statute books the best and most scientific banking and currency system possible to devise.

We do not present this as a perfect bill. The further study by Congress and by the country may give us light for further improvement. For three and a half years this question has been kept out of politics. It has been discussed by the commission, by State associations of bankers, by currency committees appointed by boards of trade in all of the leading cities of the country, by political economists and financial writers solely upon its merits from a scientific and economic standpoint.

Let us hope that the Congress of the United States will keep the discussion on this high plane. I would much rather see this legislation go upon the statute books with the control of the Government divided between the political parties.

I sincerely hope that it will not require the losses and suffering of another great money panic to induce Congress to act.

Our present banking and currency system is like the old confederacy which existed after the close of the Revolutionary War—weak and flabby, without consistency or power, because there was no cohesion, because the States were unable to use their great resources and power as a unit. You will remember that it took all of the influence and power of Washington and Jefferson, of Madison and Hamilton, to induce the people to lay aside that weak and flabby confederacy and adopt the Constitution of the United States, under which we have grown so great and powerful.

The adoption of the Constitution was the greatest event in our history; it created, we hope for all time, a Nation.

So it will be an epoch in our commercial history when we place upon the statute books a banking and currency system commensurate with the greatness and power and resources of our country. [Applause.]

The CHAIRMAN. The gentleman from Massachusetts [Mr.

McCall] is recognized.

Mr. McCALL. Mr. Chairman, the House is to be congratulated upon the self-restraint that it showed yesterday in expressing its opinion upon a third term. If I may extract the wisdom from an observation made by my friend from Kansas [Mr. MURDOCK], the unanimity with which a congregation of statesmen will side-step a stick of political dynamite is certainly remarkable. [Laughter.] But in view of the self-control which the House showed yesterday and its reserve in expressing an opinion, I think I am safe in concluding that in some observations which I shall now proceed to make upon a third term I shall be in no danger of being interrupted by a riot. [Laughter.]

I am sorry to detain the House at so late an hour, but the attendance in committee is full, and my remarks will be brief. I have the further excuse that I believe I am going to deliver a good speech [laughter], because much of it is composed of quotations from very eminent authorities.

If the presidential term possessed an interest that was only academic it would never have received the attention that has been bestowed upon it at all periods of our history. In a republic the tenure of the chief magistrate presents an intensely practical question. It bears a vital relation to the stability of that kind of government. It is at the very point where the opposing forces most fiercely clash that determine whether a republic is to be perpetual or is to merge into some dynastic form. A limited tenure for the head of the State may fairly be called the most important bound to republican institu-The tremendous influence of the executive power centralized in the hands of one strong, unscrupulous man may easily be adequate in critical times to remove all limitation upon his tenure and to change the essential character of the Government. It is hardly necessary to cite instances. Under the consulship of Cæsar, the annual election to the leadership of the Roman Republic became an idle form, and this farce was performed each year for centuries under Augustus, Nero, and the other Emperors. Napoleon was first consul for a fixed time, then for life, and then Emperor. And if you ask for an instance nearer our own country and time, you have only to turn to the neighboring Republic of Mexico, where autocracy paved the way for revolution and only a bloody war terminated the rule of a President. The reality of the issue is shown by the manner in which it has engaged the earnest attention not alone of political theorists but of practical statesmen. It is my chief purpose in addressing the House to-day to trace the attitude of our Presidents, who have been called upon to meet this question practically and whose utterances upon it must have an authoritative force with the American people.

In the framing of the Constitution the presidential tenure was one of the foremost among the problems that received the thoughtful consideration of the convention. The majority of the States voted that the President should have a term of seven years and be ineligible for reelection, and this limitation to a single term remained in the Constitution until almost the close of the proceedings of the convention. There was then subof the proceedings of the convention. There was then substituted for it a provision for a much shorter term, with nothing said about reelection. Washington thoroughly understood the problems involved in making the Constitution. He understood them better, perhaps, than any other man who par-ticipated in the convention over which he presided. Reflecting the opinion that had found so strong an expression in the con-vention, he determined near the end of his first term not to accept a reelection, which, if he should consent to accept it, would come to him by acclamation. He charged Madison with the duty of preparing a draft of an address announcing his Madison based this draft upon a letter from Washington and upon a conversation with him. There occurs in the paper prepared by Madison the following significant which undoubtedly reflected with correctness the opinion of Washington:

May I be allowed further to add as a consideration far more important that an early example of rotation in an office of so high and delicate a nature may equally accord with the republican spirit of our Constitution and the ideas of liberty and safety entertained by the

But Washington became the object of pressure upon every side and from men representing all shades of opinion to accept another election. The National Government had not yet been fully delivered into the world. The Constitution had not been completely set in motion. There seemed to be danger that without the one man at the head who could command practically undivided support the Government might not be kept going. Washington yielded very reluctantly to the pressure that was brought to bear upon him. But at the end of his second term and with the certainty of a third unanimous election before him, he refused to accept another election, and established the line which has ever since been regarded as the Rubicon over which no President might cross. For nearly a century and a quarter, whatever other changes may have taken place in our Constitution or in public opinion, whatever enlarged views the people may have come to entertain regarding the National Government, the precedent of Washington in fixing the limit at two terms, ratified as it has been by his successors, has acquired the force of a constitutional limita-tion and by prescription it has to-day the validity of posi-

The power of the Presidency, great in Washington's time, is very much greater to-day. The development of the country has resulted in giving an importance to some of the national powers which they did not possess in Washington's day. have increased in population thirtyfold and in wealth probably a hundredfold, and there has naturally come about a centralization of power in the hands of one man such as was never before witnessed. And yet, even with the power which the President had in the administration of Washington, it appeared to that great patriot to be in the interest of the preservation of liberty that a precedent should be created upon the presidential tenure. The House of Representatives in reply to Washington's address made this striking declaration:

We can not be unmindful that your moderation and magnanimity twice displayed by retiring from your exalted stations afforded examples no less rare and instructive to mankind than valuable to a republic. * * For our country's sake, for the sake of republican liberty, it is our earnest wish that your example may be the guide of your successors, and thus after being the ornament and safeguard of the present age become the patrimony of our descendants.

Mr. Jefferson followed the example of Washington. Many times he put upon record his approval of the limitation. On January 6, 1805, he wrote to his friend Taylor:

Gen. Washington set the example of voluntary retirement after eight ears. I shall follow it. And a few more precedents will oppose the bstacle of habit to anyone after a while who shall endeavor to extend

Again, on June 7, 1807, he wrote to Mr. Weaver:

If some period be not fixed, either by the Constitution or by practice, the services of the First Magistrate, his office, though nominally ective, will, in fact, be for life, and that will soon degenerate into an inheritance.

In a letter to the legislature of Vermont, December 10, 1807, replying to an address asking him to accept another election,

If some termination to the services of the Chief Magistrate be not fixed by the Constitution or supplied by practice, his office, nominally for years, will, in fact, become for life, and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind. I feel it a duty to do no act which shall essentially impair that principle, and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

A similar reply was made to the many other States which also had asked him to continue in the Presidency.

Jefferson's example, following that of Washington, removed the question of the third term from the politics of that time. There was a universal acquiescence in the practice established by those two illustrious men. Madison and Monroe each served two terms, and, so effective were the examples of Washington and Jefferson, a third term does not appear even to have been discussed, although Monroe was elected to his second term by Andrew Jackson did not believe in even a unanimous vote. one reelection, and much less could he have believed in two.

Having in every one of his eight annual messages urged upon Congress the necessity of amending the Constitution so as to limit the tenure to a single term, it was to be expected that he should not consider the acceptance of a third term.

During Grant's second term there was an agitation to secure his election for a third time. It is very improbable that Grant was in any way a party to this movement, which was pressed by politicians who had attached themselves to him and were attempting to utilize the fame of the great Union general, very likely for their party's benefit, but incidentally for their own. The southern question for the moment assumed such shape that the movement received lukewarm opposition and even mild support in that section of the Union. The Louisville Courier-Journal, having the same brilliant editor then that it has today, declared that-

There are thousands of citizens, sick and weary of partisan injustice and corruption, who will—very mistakenly, but nevertheless very sincerely—see in a proposed relief from wool-pulling fanatics on the one hand and rag-picking financiers on the other a short cut out of a current dilemma through the agency of a third term.

The subject was generally discussed in the newspapers and became one of the most notable of the issues of that day. It was dealt with in State conventions. Perhaps the most striking utterance is the following, which is found in the Kansas Republican platform of 1874:

The unwritten law enacted by the example of the Father of his Country in declining a reelection to a third term is as controlling as though it was incorporated in the National Constitution, and ought never to be violated.

After more than a year of discussion the question was brought up in Congress, and on December 15, 1875, the House of Representatives, by a vote of 233 to 18, passed the following resolution:

Resolved, That, in the opinion of this House, the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal consent, a part of our republican system of Government and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

Whether or not the decisive vote for this resolution put an end to the controversy, Grant was not pressed as a candidate before the succeeding Republican convention. Four years afterwards, however, he was put forward with a very powerful support, and after one of the most remarkable political struggles in our history he was defeated in the convention of his party.

On June 10, 1901, President McKinley, who had entered upon his second term on the 4th of March preceding, put himself unequivocally on record, as follows:

unequivocally on record, as follows:

I regret that the suggestion of a third term has been made. I doubt whether I am called upon to give it notice; but there are questions of the greatest importance before the administration and the country, and their just consideration should not be prejudiced in the public mind by even the suspicion of the thought of a third term. In view, therefore, of the reiteration of the suggestion of it I will say now, once for all, expressing a long-settled conviction, that I not only am not and will not be a candidate for a third term, but would not accept a nomination for it if it were tendered me. My only ambition is to serve through the second term to the acceptance of my countrymen, whose generous confidence I so deeply appreciate, and then with them to do my duty in the ranks of private citizenship.

The first utterance to the country made by President Roose-The first utterance to the country made by President Roosevelt after the presidential election of 1904 was a declaration against a third term. When we consider its thoroughly explicit character and the circumstances under which it was made it will compare in point of patriotism or in any other high quality with that of any of his predecessors. He had received the greatest popular majority ever given a candidate for the Presidency. It was the first election as President that he had ever received. The question might have been raised whether the precedents literally applied. But he disregarded the technicality; he sent the "second elective term" quibble glimmering and made the following explicit declaration of his glimmering and made the following explicit declaration of his intention:

On the 4th of March next I shall have served three and a half years, and these three and a half years constitute my first term. The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

And again, in December, 1907, he declared: I have not changed and shall not change that decision thus an-

Thus the record of the precedents is clear. For a century and a quarter the bound prescribed by Washington has been severely respected. No man has served in the Presidency more than two terms. In only a single instance did anyone permit himself to be a candidate for a third term, and he was defeated even in the convention of the party of which he had been the idol. The longer the usage the more binding becomes its char-

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. McCALL. Certainly. Mr. NORRIS. I want to ask the gentleman if he does not differentiate between a third term where the term is succes-

Mr. McCALL. Or consecutive— Mr. NORRIS. And where another term has intervened; and I want to ask the gentleman if any argument he has read from anybody has any application except where a third term is a successive term?

Mr. McCALL I think it has, but I am going to treat that

very question which the gentleman has suggested.

Very many years ago Chancellor Kent, in his Commentaries upon the Constitution, said of the tenure of the President

This usage has indirectly established by the force of public opinion a salutary limitation to his capacity for continuance in office.

Much later, when time had added to the authority which the practice had acquired in Chancellor Kent's day, Hon. John C. Spooner said in a note on De Toqueville's Democracy in the United States:

President Washington established the practice of declining a third election, and every one of his successors, either from a sense of propriety or from apprehension of the force of public opinion, has followed his example. So that it has become as much a part of the Constitution that no citizen can become a third time elected President as if it were expressed in that instrument in words.

Where a usage is not contrary to the terms of the Constitution but supplements it, it can acquire as valid a force as ever the common law had in England. Take, for instance, the method of electing a President. Under the Constitution an elector has practically unlimited discretion, provided he votes for a candidate who has the constitutional qualifications. Indeed, it was the purpose of the provision establishing the Electoral College to delegate to a few wise men the power to choose the President and Vice President. But by long usage an elector has become merely a ballot, bearing the name of the candidate of his party, and if his candidate lived and he should bring about the election of another the act would create a revolution.

The restriction imposed by Washington's example was never so salutary as to-day. The army of Federal employees has grown from a few hundreds to nearly a half million. Through the extension of our territory and the development of commerce and industry the activities of the National Government have expanded in a bewildering fashion. More than the total amount of our annual expenditure under Washington is now spent by the Government each year for inspectors and detectives for supervising what we write, what sort of contracts we make, and how we conduct our business. The central authority may know what every man does. This knowledge or ability to know business secrets and an unlimited power of prosecution for loosely defined statutory crimes enormously increase the weapons which an ambitious and unscrupulous President might employ to continue indefinitely in office.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit

an inquiry there?
Mr. McCALL. Certainly.

Mr. SHERLEY. Does not that argument apply with equal force to a President succeeding himself? Mr. McCALL. Logically I think it does. But I think the

influence would be much stronger after two terms than one. The system of government that exists must bear the burden

of all the evils, however much worse they might be under some other system. Rapacious avarice, which no code of law has ever been able wholly to check, the inequality that is inevitable as well as the inequality that is unpardonable, the vulgar splurging of the porky rich—these and other things will produce discontent. And then the country does not lack for people who chiefly delight in the glamour and the fuss and feathers of high office, who are swept away by its noise and vociferation, and who will listen in rapture to the siren song of the political calliope if only it can be made to play upon the White House grounds. [Laughter and applause.] A President

who is at once an unprincipled and a skillful politician may augment and utilize discontent, may play upon the celestial beings of the gallery, and may so wield his vast power that at last the country might come to think that its safety depended upon one man and upon the sacrifice of its institutions.

But it is said that the rule against the third term has appli-

cation only to those who are actually in the Presidency. utterances of our Presidents, however, were not ambiguous. They were against three terms, and not merely against three consecutive terms. President Roosevelt, for instance, said:

Under no circumstances will I be a candidate for or accept another nomination,

There is no equivocation there. The rotation of which Washington spoke to Madison did not leave room for passing the office on to a favorite to be passed back again.

Mr. NORRIS. Mr. Chairman, will the gentleman yield there?

Mr. McCALL. Yes. Mr. NORRIS. I want to know if all those statements made by Washington and Jefferson and Roosevelt were not made at a time when they were serving their second terms, and if they were not made in answer to suggestions that they should become candidates for a third term, which necessarily would have been a successive term?

Mr. McCALL. Undoubtedly.
Mr. NORRIS. Those expressions ought to be construed, then, should they not, in the light of the conditions and circumstances

under which they were made?

Mr. McCALL. The gentleman is trying to complete the circumstances under which a man like Jefferson or a man like Roosevelt made a statement, in order to detract from the literalness of the statement.

Mr. NORRIS. I think they should be construed in the proper

Mr. McCALL. They should be construed as they were made,

and I do not put them forth for any other purpose.

Mr. JACKSON. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. McCALL. Yes. Mr. JACKSON. Inasmuch as the interruption has occurred, I would like to ask another question. The House of Representa-tives being one coordinate branch of the three great branches of the Government upon which devolves the duty of the election of the President in case the electoral college fails to elect, does not the gentleman think that if this House should rush into an expression of opinion upon the matter of the interpretation of what constitutes a successive or third term at a time when it was of importance to the country, it would be as much a viola-tion, or more of a violation, of the Constitution than it would be if an individual would offer himself as a candidate?

Mr. McCALL. I do not know how the gentleman voted yesterday, but he may be giving a very good reason for his action

yesterday. [Laughter.]

Mr. JACKSON. I did not vote at all. I simply ask whether the gentleman thought it was proper for the House of Representatives to prejudge the question.

Mr. McCALL. If the gentleman thought it a prejudgment, undoubtedly that would justify his action yesterday in refus-

ing to prejudge the question.

Mr. NORRIS. Mr. Chairman, will the gentleman permit

another question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Nebraska?

Mr. McCALL. Certainly.

Mr. NORRIS. Is it not true that all the argument in oppo-

sition to a third term is founded upon a proposition that a President who is in office obtains power that gives him in his official position ability to control nominations and thus succeed himself? Is not that the principal argument against it?

Mr. McCALL. That is a very strong argument, but it is not

the only argument.

Mr. NORRIS. The gentleman will admit that that argument

does not exist when the term is not successive.

Mr. McCALL. Not that particular argument, although if the gentleman had listened to the statement I had made about rotation he must have seen that it must have even some effect on the exercise by the President of his influence on his party.

Mr. SLOAN. Mr. Chairman, will the gentleman yield for a

question?

The CHAIRMAN. Does the gentleman from Massachusetts

yield to the gentleman from Nebraska?

Mr. McCALL. Yes.

Mr. SLOAN. Referring to the Presidents whom the gentleman has named, who declined a renomination or reelection after the expiration of eight years, was any of them ever seriously considered for renomination except President Grant?

Mr. McCALL. It seemed to be considered a closed incident in the case of all of them except President Grant, who was the most powerful man in his party, and who was defeated in the convention of his party, and I believe he would have been more decisively defeated at the polls in the event that he had been a

Mr. SLOAN. Did any of them have an opportunity to take a

third term after the lapse of four years?

Mr. McCALL. They had no opportunity, but undoubtedly, with the authority that a man has who has served eight years

in the Presidency, they could have stimulated their friends to such an extent that they could have become candidates.

One who has served eight years as President, and who has no ambition of his own to serve, acquires an authority which makes him an asset of priceless value to his country. In times of distress and danger his advice would be a powerful force to keep her upon the right path. But if he should act under the influence of ambition and aspire to the Presidency, he would be converted from an asset into a grave liability. The faults of converted from an asset into a grave liability. The faults of a President soon disappear and are forgotten by the people after he has retired from office. On the other hand, the cares of the successor lie thick upon him during his first years of office, when he is involved in the struggles over patronage and before he has established himself with the people. If the retiring President who has honorably served for two terms may aspire to a third, his great reputation may serve as the rallying point for the discontented and as the center for intrigue against his successor. Instead of being a force for good government he would be a force for bad government and a source of danger to the country. From the time of Washington to this day there have been found emotional spirits fearful that destruction would come to the country or its institutions unless some man were elected to the Presidency for a third term. And yet, although no President has served more than two terms, the Republic has moved steadily forward. The Nation has no poverty in men. It possesses hundreds of citizens capable of performing with high honor the duties of the Presidency. And it will always be indefinitely safer to dip into the great mass of American citizenship in order to secure a head for the State than to do violence to the uniform precedents of our history and to remove the hallowed landmark of republican institutions established by George Washington and sacredly cherished by the Nation down to this hour. [Prolonged applause.]

Mr. HAY. Mr. Chairman, I move that the Committee do now

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 18956, the Army appropriation bill, and had come to no resolution thereon.

AGRICULTURE APPROPRIATION BILL.

By unanimous consent, at the request of Mr. Lamb, a reprint was ordered of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with certain clerical changes therein.

MESSENGERS TO POSTMASTER AND OFFICIAL REPORTERS.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 386 (H. Rept. 304).

Resolved, That he Postmaster of the House be, and he is hereby, authorized to appoint a messenger, who shall be paid out of the contingent fund of the House at the rate of \$100 per month during the remainder of the present session.

With the following committee amendment:

Insert, after the word "session," in line 5, the following:
"And that the official reporters of debates be, and they are hereby, authorized to appoint a messenger, who shall be paid out of the contingent fund of the House at the rate of \$60 a month from the 15th day of December, 1911, during the remainder of the present session."

Mr. LLOYD. Mr. Speaker, at the present time there is need for an additional messenger in the House post office. In the last Congress there was a change in the law. The last appropriation bill carried one less messenger than had been carried in appropriation bills previously. The present postmaster finds it necessary, in order to carry on the work of his office, to have an additional messenger, and he has had such a messenger in his office constantly since the 1st day of December. What he now asks, and what this resolution provides, is that we shall pay out of the contingent fund the compensation of this messenger from now until the end of the session.

The official reporters of debates have no messenger at the present time on the rolls of the House, and it is found absolutely necessary that they have such a messenger. In fact, the official reporters have been employing a messenger and paying

him out of their own salaries.

In order to be perfectly fair to the House I want to state that this messenger was cut off by a House resolution at the beginning of the extra session, and we are asking in this resolution to restore this janitor, who was taken off by that resolution and whose services are found to be absolutely necessary.

Mr. MANN. Will the gentleman yield?

Mr. LLOYD. Yes. Mr. MANN. The additional messenger for the postmaster, I understood the gentleman to say, was to have his salary com-

Mr. LLOYD. Yes. Mr. MANN. Why should not the salary run back? Mr. LLOYD. I really think it should run back. He has

been necessarily employed.

Mr. MANN. Who has paid him during this time?

Mr. LLOYD. Part of the time he has not been paid and

part of the time others have paid him.

Mr. MANN. I have no interest in the matter, but it seems to me that if the committee have reached the conclusion that the messenger is necessary, and he has actually been used, he should be paid.

Mr. LLOYD. I am willing to accept an amendment which provides for the payment of this messenger, as well as the other, from the 15th of December last.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "month," in line 4, the words "from the 15th day of December, 1911."

The SPEAKER. Is that an amendment to the amendment? Mr. LLOYD. That is an amendment to the original reso-

The SPEAKER. Does the gentleman withdraw the other

Mr. LLOYD. No; both amendments are pending. The SPEAKER. The question will first be taken on the committee amendment.

The committee amendment was agreed to. Mr. PALMER. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. PALMER. Is this messenger in the post office a new place, which has not been on the pay roll of the House before?

Mr. LLOYD. It is the same place that has been on the roll of the House up to the 1st of July. In the last appropriation bill the number was changed and this one was cut off, and we are simply adding it to the roll again.

Mr. PALMER. That is not a place cut off by the House resolution in the beginning of this Congress?

Mr. LLOYD. No, sir.
Mr. PALMER. Now, as to the messenger for the reporters of debates. That is the same place that was cut out by a House resolution in the beginning of this Congress?

Mr. LLOYD. Yes. Mr. PALMER. And the same place referred to in the debate afterwards as probably necessary, but to be determined hereafter when we found out how the experience of the reporters of debates would work out?

Mr. LLOYD.

Yes, sir. ER. The question is on the amendment offered The SPEAKER. by the gentleman from Missouri.

The question was considered, and the amendment was agreed to.

The resolution as amended was agreed to.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 7, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were

taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Archers Creek, S. C. (H. Doc. No. 513); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Petersburg, Fla. (H. Doc. No. 512); to the Committee on Rivers and Harbors and ordered to be printed with

3. A letter from the Acting Secretary of Commerce and Labor, transmitting list of documents received and distributed by the Department of Commerce and Labor for the calendar year 1911 (H. Doc. No. 514); to the Committee on Interstate

and Foreign Commerce and ordered to be printed.

4. A letter from the Acting Secretary of the Department of Commerce and Labor, calling attention to department letter of December 28, 1911, in reference to lighthouse service and with-

drawing item for San Juan lighthouse depot, Porto Rico (H. Doc. No. 515); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James E. Caldwell v. The United States (H. Doc. No. 516); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana, reported the same with amendment, accompanied by a report (No. 300), which said bill and report were referred to the House Calendar.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (H. R. 17837) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," reported the same with amendment, accompanied by a report (No. 301), which said bill and report were referred to the House Calendar.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," reported the same without amendment, accompanied by a report (No. 303), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. KINDRED: A bill (H. R. 19544) to amend section 9
of the immigration act, approved February 20, 1907; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 19545) to amend section 17 of the immi-

gration act of 1907; to the Committee on Immigration and Naturalization.

By Mr. THAYER: A bill (H. R. 19546) in regard to postage rates on newspapers, magazines, periodicals, or publications, whether foreign or domestic, designed for use in a free public library or a library of a literary institution, or university, or college; to the Committee on the Post Office and Post Roads.

By Mr. WARBURTON: A bill (H. R. 19547) providing for a

survey of the Willapa River, Wash.; to the Committee on Rivers

and Harbors.

Also, a bill (H. R. 19548) providing for a survey of the bar in the Columbia River between Vancouver, Wash., and the mouth of the Willamette River; to the Committee on Rivers and Harbors.

By Mr. SCULLY: A bill (H. R. 19549) to provide for the examination and survey of Shoal Harbor and Comptons Creek; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 19550) to provide for the examination and survey of the Matawan Creek, N. J.; to the Committee on Rivers and Harbors.

By Mr. PEPPER: A bill (H. R. 19551) prohibiting threats, expressed or implied, by employers of labor intended or calculated to influence the political opinions or actions of workmen or employees in presidential elections; to the Committee on the Election of President, Vice President, and Representatives in Congress

By Mr. LEWIS: A bill (H. R. 19552) to appropriate a sum of money for the restoration of the first American monument to

George Washington; to the Committee on the Library.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 19553) authorizing the Court of Claims to hear and determine claims of Ponca Tribe of Indians; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 19554) to simplify and connect

our common and legal measures of length, area, and volume; to

the Committee on Coinage, Weights, and Measures.

By Mr. DAVENPORT: A bill (H. R. 19555) providing for equalization of the Muskogee (Creek) Nation of Indians allotments, and for other purposes; to the Committee on Indian Affairs

By Mr. RUCKER of Missouri: A bill (H. R. 19556) to amend paragraph 1, section 24, of an act entitled "An act to codify,

revise, and amend the laws relating to the judiciary," approved

March 3, 1911; to the Committee on the Judiciary

By Mr. RAKER: A bill (H. R. 19557) to establish the Peter assen National Park, in the Sierra Nevada Mountains, in the State of California, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. ALEXANDER: A bill (H. R. 19558) granting an increase of pension to Levi Slinger; to the Committee on Invalid Pensions

By Mr. AMES: A bill (H. R. 19559) granting an increase of pension to Timothy Pasho; to the Committee on Invalid

By Mr. BARCHFELD: A bill (H. R. 19560) granting an increase of pension to John B. Montgomery; to the Committee on Invalid Pensions

Also, a bill (H. R. 19561) granting an increase of pension to James Large; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 19562) granting a pension to Catherine Epperson; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19563) for the relief of Platte County, in the State of Missouri; to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 19564) granting an increase of pension to Phebe J. Horton; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 19565) granting a pen-

sion to Richard Lynskey; to the Committee on Pensions. By Mr. CLINE: A bill (H. R. 19566) granting a pension to

David Walter; to the Committee on Invalid Pensions. By Mr. CRAVENS: A bill (H. R. 19567) for the relief of the legal representatives of the estate of Thomas H. Rogers,

deceased; to the Committee on Claims. By Mr. DAUGHERTY: A bill (H. R. 19568) granting an increase of pension to Robert Tyler; to the Committee on In-

valid Pensions. By Mr. FLOYD of Arkansas: A bill (H. R. 19569) granting an increase of pension to John Kimbell; to the Committee on

Invalid Pensions Also, a bill (H. R. 19570) granting an increase of pension to

Noble J. McBride; to the Committee on Invalid Pensions. By Mr. FOCHT: A bill (H. R. 19571) granting a pension to W. Walter Branyan; to the Committee on Invalid Pensions.
Also, a bill (H. R. 19572) granting a pension to Catharine

Maconaughey; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 19573) granting an in-

crease of pension to John Douglas; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 19574) granting a pension to Solomon Garret; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19575) granting an increase of pension to Gottworth Eilenstein; to the Committee on Invalid Pensions.

By Mr. GRAHAM; A bill (H. R. 19576) granting an increase of pension to James O. Hamilton; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19577) granting an increase of pension to Benjamin L. Griffin; to the Committee on Pensions, Also, a bill (H. R. 19578) granting an increase of pension to

Oliver Jones Trees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19579) for the relief of Preston B. C.

Lucas; to the Committee on Claims.

Also, a bill (H. R. 19580) for the relief of Edith G. South-

wick and Ferris A. Lucas; to the Committee on the Public Lands.

By Mr. HENSLEY: A bill (H. R. 19581) granting an increase of pension to Herod Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19582) for the relief of Lenorah E. Copeland; to the Committee on War Claims.

By Mr. HOWLAND: A bill (H. R. 19583) granting a pension to Catherine Reed; to the Committee on Pensions.

Also, a bill (H. R. 19584) granting an increase of pension to William H. Zimmerman; to the Committee on Invalid Pensions. Also, a bill (H. R. 19585) granting an increase of pension to

Henry L. Pitcher; to the Committee on Invalid Pensions. By Mr. HULL: A bill (H. R. 19586) for the relief of Faver Cason; to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 19587) granting an increase of pension to John Burke; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 19588) granting a pension to Susan C. Masters; to the Committee on Pensions.

Also, a bill (H. R. 19589) granting an increase of pension to Mollie C. Zimmerman; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 19590) for the relief of

Joe Bellanger; to the Committee on Claims.

Also, a bill (H. R. 19591) for the relief of Chief Red Blanket; to the Committee on Claims

Also, a bill (H. R. 19592) for the relief of John Bassett; to the Committee on Claims.

Also, a bill (H. R. 19593) for the relief of William Butcher; to the Committee on Claims.

Also, a bill (H. R. 19594) for the relief of Mah-che-gah-bow; to the Committee on Claims.

Also, a bill (H. R. 19595) for the relief of Henry Butcher; to the Committee on Claims.

Also, a bill (H. R. 19596) granting an increase of pension to Samuel H. Hamilton; to the Committee on Invalid Pensions. By Mr. LINDSAY: A bill (H. R. 19597) granting an increase

of pension to Catherine Karcher; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 19598) granting an increase of pension to Wesley S. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19599) for the relief of the widow and heirs of Charles W. Hutcheson, deceased; to the Committee on War Claims

By Mr. LOUD: A bill (H. R. 19600) granting an increase of pension to Perley Ervans; to the Committee on Invalid Pen-

By Mr. McKINLEY: A bill (H. R. 19601) granting a pension to Ellen A. Phillips; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 19602) granting an increase of pension to Enoch E. Gilbert; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 19603) to correct the military record of Benjamin F. Davis; to the Committee on Military Affairs.

By Mr. NEEDHAM: A bill (H. R. 19604) granting a pension to Sarah Forsyth; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 19605) granting an increase of pension to Lyman L. Ramey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19606) granting an increase of pension to David F. McFarland; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 19607) granting an increase of pension to John A. Kepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19608) granting an increase of pension to Jacob F. Kutz; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 19609) for the relief of A. D. Gaston; to the Committee on War Claims.

By Mr. PORTER: A bill (H. R. 19610) granting an increase

of pension to James Buckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19611) granting an increase of pension to John H. Baty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19612) granting an increase of pension to

John P. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19613) granting an increase of pension to Charles Fitzgerald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19614) granting an increase of pension to John Hockenberry; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19615) granting an increase of pension to William Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19616) granting an increase of pension to John H. Hyden; to the Committee on Invalid Pensions

By Mr. RUBEY: A bill (H. R. 19617) for the relief of the legal representatives of James Clay; to the Committee on War

By Mr. REDFIELD: A bill (H. R. 19618) granting a pension to Edward E. Carrol; to the Committee on Invalid Pen-

By Mr. RAINEY: A bill (H. R. 19619) for the relief of Robert T. Hill, James B. Hill, Thomas Spencer, and Ellis

Spencer; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 19620) for the relief of

Charles E. Malm; to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 19621) granting a pension to Eva E. White; to the Committee on Invalid Pen-

By Mr. SHERWOOD: A bill (H. R. 19622) granting an increase of pension to John W. Smith; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 19623) granting an increase of pension to Sarah Blackard; to the Committee on Pensions.

Also, a bill (H. R. 19624) granting an increase of pension to Miles T. Skinner; to the Committee on Pensions.

Also (by request), a bill (H. R. 19625) for the relief of the heirs of Daniel Cannon, deceased; to the Committee on War Claims.

By Mr. THAYER: A bill (H. R. 19626) granting a pension to Ernest G. Oliver; to the Committee on Pensions.

By Mr. WARBURTON: A bill (H. R. 19627) granting a pen-

sion to William N. Ruggles; to the Committee on Invalid Pen-

Also, a bill (H. R. 19628) granting an increase of pension to

Samuel Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19629) granting an increase of pension to Franz Bauman; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 19630) to complete the military record of James A. Sams and for an honorable discharge; to

the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 19631) granting an increase of pension to Cornelius McCafferty; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 19632) granting a pension to Henry F. Mackey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Memorial of the Eight Hour League of America, relative to effect of the tariff on wages; to the Committee on Ways and Means.

By Mr. ALEXANDER: Petitions of 361 residents of the third congressional district of Missouri, protesting against parcelpost legislation; to the Committee on the Post Office and Post

By Mr. ANDERSON of Minnesota: Petition of Chris C. Erickson and 13 others, of Waltham, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of C. H. Sweet and other

business men of Pioneer, Ohio, against a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Memorial of the Ohio State Board of Agriculture, favoring the passage of House bill 18005; to the Committee on Agriculture.

By Mr. AYRES: Petition of the Common Council of Valdez,

Alaska, for protection from glaciers; to the Committee on the Territories.

By Mr. BARCHFELD: Papers to accompany bill for the relief of John B. Montgomery; to the Committee on Invalid Pensions. By Mr. BRADLEY: Petition of citizens of Firthcliffe, N. Y.,

favoring the passage of House bill 14, the Postal Progress League parcel-post bill; to the Committee on the Post Office and Post Roads

By Mr. BROWN: Petition of Methodist Protestant Church of Morgantown, W. Va., for passage of Kenyon-Sheppard interstate

liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of West Virginia, for reduction of tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BROWNING: Petitions of citizens of the State of New Jersey, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary. By Mr. BULKLEY: Petitions of 22 citizens of Cleveland,

Ohio, protesting against the excessive duty on sugar, and urging that it be reduced: to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petitions of citizens of the State of South Dakota, protesting against parcel-post legisla-tion; to the Committee on the Post Office and Post Roads. Also, petition of Woman's Christian Temperance Union of

Onida, S. Dak., for the passage of Kenyon-Sheppard interstate

liquor bill; to the Committee on the Judiciary.

By Mr. CLINE: Petition of the Woman's Christian Temperance Union of Ashley, Ind., and of the Christian, United Breth-ren, Methodist, and Congregational Churches of Angola, Ind., for the passage of the Kenyon-Sheppard interstate liquor bill;

to the Committee on the Judiciary. Also, petition of the Bay View Reading Club, of Kendallville, Ind., for investigation of facts as to tuberculosis in dairy

products; to the Committee on Agriculture.

Also, petition of Indiana Retail Merchants' Association. against parcel post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Indiana Retail Merchants' Associa-tion, in favor of repealing tax on oleomargarine; to the Committee on Agriculture.

Also, resolutions of the Indiana Historical Society, in favor of appropriation for preservation of languages of Indian tribes; to the Committee on Indian Affairs.

By Mr. CRAVENS: Petition of the Central Presbyterian Church, of Van Buren, Ark., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CURRY: Petition of citizens of Cerrillos, N. Mex., for the passage of House bill 14, to extend the parcel-post sys-

tem; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Petition of citizens of the twentythird congressional district of the State of New York, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. MICHAEL E. DRISCOLL: Petition of Edward S. Jillson, of Erieville, N. Y., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DWIGHT: Petitions of Woman's Christian Temperance Union of Dryden, Congregational Church of Brookton, and First Baptist and State Street Churches of Ithaca, N. Y., ing passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the Wisconsin State Cranberry Growers, in favor of legislation to prevent the importation of fungous diseases through nursery stock; to the Committee on Agriculture.

Also, resolutions of the Chamber of Commerce of Milwaukee, Wis., in favor of Lincoln memorial as recommended by the Fine Arts Commission; to the Committee on the Library.

Also, petition of Twentieth Century Club, of La Crosse, Wis., in favor of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Petition of citizens of Madison County, Ark., in favor of the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington County, Ark., in favor of old-age pensions; to the Committee on Pensions.

Also, papers to accompany bill for the relief of A. B. Light: to the Committee on Pensions.

By Mr. FOCHT: Petition of the Woman's Christian Temperance Union of Dry Run, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Pennsylvania, praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOSS: Petition of citizens of Chicago, Ill., protesting against legislation for extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Chicago and Evanston, Ill., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Petitions of E. A. Marks & Co. and other citizens of Dieterich, Ill., and of Herman Robben and other citizens of Germantown, Ill., protesting against the enactment of any further legislation in reference to parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Petitions of Tribes Nos. 227 and 240, Improved Order of Red Men, for erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petition of Casino Club Society of Peru, Ill., in favor of the passage of the Esch phosphorus bill (H.R. 2896); to the Committee on Ways and Means.

Also, petition of the State of Illinois Charities Commission, favoring the passage of the Raker bill (H. R. 16807) to extend privilege of second-class postal rates for publications of charity organizations, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of E. C. Gridley, of Belvidere, Ill., in favor of Senate bill 3194 and House bill 13275, providing for the extension of lien of executions from Federal courts; to the Committee on the Judiciary.

By Mr. GARRETT: Petition of citizens of Crockett County,

Tenn., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of J. B. Gerard, of Kansas City, Mo., protesting against existing public-land laws; to the Committee on the Public Lands.

Also, petition of Chamber of Commerce of the State of New York, for exclusion of feeble-minded immigrants; to the Com-

mittee on Immigration and Naturalization. Also, petition of the Chamber of Commerce of the State of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Union League Club, of New York City, for a memorial to Peletiah Webster; to the Committee on the

Also, petition of the Common Council of Valdez, Alaska, for protection from glaciers; to the Committee on the Territories.

By Mr. GRAHAM: Resolution of Capital Council, No. 95, United Commercial Travelers of America, of Springfield, Ill., protesting against the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petitions of churches of Lancaster and Mount Joy, Pa., for passage of the Kenyon-Sheppard interstate

liquor bill; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petition of citizens of the State of Maine, urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 1706S; to

the Committee on Military Affairs.

By Mr. HENSLEY: Petitions of citizens of the State of Missouri, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Jefferson County, Mo., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Schramme Bottling Co., of Farmington, Mo., for total elimination of the duties on raw and refined sugars;

to the Committee on Ways and Means.

Also, petitions of the Civic League and First Presbyterian Church of Bonne Terre, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of citizens of Forest Grove, Oreg., for the passage of Kenyon-Sheppard interstate liquor bill; to

the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Yamhill, Oreg., and of citizens and voters of Creswell, Oreg., and vicinity, for the passage of the Kenyon-Sheppard interstate liquor bills; to the Committee on the Judiciary.

By Mr. HAYES: Petition of the Presbyterian Church of

Palo Alto, Cal., for establishment of a children's bureau; to

the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of the State of California, protesting against repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petitions of citizens of the State of California, for passage of the Kenyon-Sheppard interstate liquor bill; to the

Committee on the Judiciary.

Also, petition of German-Catholic Society of San Francisco, Cal., in favor of the passage of House bill 2896; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of George Quinn and other citizens of Utah, protesting against parcel-post legislation; to the

Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petitions of citizens of the State of New Jersey, for passage of the Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the Farmers' Educational and Cooperative Union of America, for passage of Senate bill 252, to establish a children's bureau; to the Committee on Interstate and Foreign Commerce

Also, petition of the Union League Club, of New York City, for a memorial to Peletiah Webster; to the Committee on the Library.

Also, petition of the Common Council of Valdez, Alaska, for

protection from glaciers; to the Committee on the Territories.

Also, petition of Edward C. Young, in favor of Senate bill 1996 and House bill 8141; to the Committee on Military

By Mr. KINKEAD of New Jersey: Petition of the Board of Education of Kearny, N. J., for repair of certain flags in possession of the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. KONOP: Petition of business men of Pulaski, Wis., protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

By Mr. LEVY: Petition of Chamber of Commerce of the State of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of the State of New York, for exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Common Council of Valdez, Alaska, for protection from glaciers; to the Committee on the Territories

By Mr. LEWIS: Petitions of the Christian Endeavor Union Libertytown Methodist Protestant Church and the Home Interest Society of Sandy Spring, Md., also Grange No. 7, Patrons of Husbandry, praying the passage of the proposed legislation preventing shipment of liquors from States permitting license to States refusing such license to States permitting license to States refusing such license; to the Committee on the Judiciary.

Also, petitions of W. W. Schlossnagel and 23 other citizens of Selbysport and Friendsville, Md., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means,

By Mr. LINDBERGH: Petition of citizens of Belgrade. Minn., for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LOUD: Papers to accompany bill for the relief of Perley Ervans; to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of the mayor and citizens of Cambridge, Mass., in favor of House bill 16450; to the Committee on the Judiciary.

By Mr. MANN: Petition of Thomas H. Gruneau and others, of Chicago, Ill., protesting against enactment of legislation for extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Quincy, Ill., Historical Society, approving action of Fine Arts Commission recommending Lincoln memorial be placed in Potomac Park; to the Committee on

the Library.

By Mr. MOTT: Petition of Chamber of Commerce of the State of New York, for exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

By Mr. OLMSTED: Petition of Grange No. 1370, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. PALMER: Petition of Men's Progressive Bible Class

Methodist Episcopal Church, of Stroudsburg, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Resolution of the Chamber of Commerce of the State of New York, for the establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of the State of New York, for exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

By Mr. POWERS: Papers to accompany bills for the relief of William Freeman and John H. Hyden; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petitions of John S. Sheppard and 9 other citizens, of Jacksonville, Ill., for reduction in the duties on raw and refined sugars; to the Committee on Ways and

REDFIELD: Resolution of the Chamber of Commerce of New York State, for exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of Chamber of Commerce of the State of New York, for the establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Common Council of the town of Valdez, Alaska, urging an appropriation of \$75,000 for the protection of the town from glacier streams; to the Committee on the Territories.

By Mr. SABATH: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as recom-mended by the National Fine Arts Commission; to the Com-

mittee on the Library.

Also, memorial of the Concordia League, in favor of the passage of House bill 9242, for retirement of superannuated and disabled civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. SCULLY: Petition of the Department of New Jersey, Grand Army of the Republic, regarding the retention in office

of veterans; to the Committee on Accounts.

Also, petition of Perth Amboy Chemical Works, of New York,
N. Y., relative to the tariff on fusel oil; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Manasquan, N. J., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Erasmus Haworth, of Lawrence, Kans., for passage of House bill 6304; to the Committee on Mines and Mining.

Also, petition of the mayors of Cleveland and Toledo, Ohio, for coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Middlesen Transportation Co., of New Brunswick, N. J., relative to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Civics Club of the Oranges, that the Panama Canal machinery be used in river and harbor work; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union Transportation Co., of New Egypt, N. J., protesting against House bills 1668, 4446, and 9330, bearing on the installation and operation of the block system; to the Committee on Interstate and Foreign Commerce.

Also, petition of Independent Branch, No. 1, St. Patrick's Alliance of America, of Perth Amboy, N. J., protesting against the ratification of the proposed new arbitration treaty with Great Britain; to the Committee on Foreign Affairs

Also, petitions of the Simpson Memorial Methodist Episcopal Church, of Long Branch, N. J., and of the First Presbyterian Church of Manasquan, N. J., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also. petition of the National Conservation Association, against the passage of House bill 12572, to grant a right of way over lands within the Mono National Forest to the Hydro-Electric Co. of California; to the Committee on the Public Lands.

Also, petition of American Hardware Manufacturers' Association, of New York City, in favor of House bill 9843, creating a court of patent appeals, etc.; to the Committee on Patents.

Also, resolutions of the Union League Club of New York, in

favor of erection of a memorial to Peletiah Webster; to the Committee on the Library.

By Mr. SHACKLEFORD: Petition of Stephens's Bible class of First Baptist Church of Columbia, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of D. J. Moyer and 63 other citizens of Centralia, Mo., in favor of limiting interstate shipment of liquor in certain cases; to the Committee on the Judiciary.

By Mr. SHERWOOD: Petition of the Raphael Semmes Camp

of Confederate Veterans, for an investigation of the National Soldiers' Homes; to the Committee on Invalid Pensions.

By Mr. SIMMONS: Petition of the Methodist Episcopal Church of Warsaw, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of the Union League Club, of New

York City, for erection of a memorial to Peletiah Webster; to the Committee on the Library.

Also, petitions of citizens of the State of New York, for re-

duction in the duties on raw and refined sugars; to the Commit-

tee on Ways and Means.

Also, petition of the Turnverein Helvetia, of Chicago, Ill., for the passage of House bill 166, to investigate the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Petition of citizens of Millville, Mass., for the passage of an effective interstate liquor law; to the Com-

mittee on the Judiciary.

By Mr. WHITACRE: Petitions of Molders' Union No. 52, of Canton, and Machinists' Union No. 550, of Massillon, Ohio, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. WILLIS: Petition of C. F. Adams and 90 other members of the Improved Order of Red Men, of Peoria, Ohio, asking for the enactment of a law to provide for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, papers to accompany bill for the relief of William Locust (H. R. 19541); to the Committee on Invalid Pensions. By Mr. WILSON of New York: Petition of Chamber of Commerce of the State of New York, for exclusion of feeble-minded

immigrants; to the Committee on Immigration and Naturaliza-

Also, petition of Chamber of Commerce of the State of New York, for establishment of marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Union League Club, of New York, for erection of a memorial to Peletiah Webster; to the Committee on the Library

Also, petition of Turnverein of Brooklyn, for favorable action on the pending arbitration treaties; to the Committee on Foreign Affairs.

Also, resolution of the Common Council of the town of Valdez, Alaska, praying for an appropriation of \$75,000 for the protection of the town from glacier streams; to the Committee on the

By Mr. WOOD of New Jersey: Petition of the Woman's Christian Temperance Unions of Flemington, Hightstown, and Windsor, N. J.; of the Calvary Baptist Church, of Hopewell, N. J.; of the Baptist Church of Hightstown, N. J.; and of the First Baptist Church of Windsor, N. J., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Califon, N. J., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

Wednesday, February 7, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF GEORGETOWN GAS LIGHT CO. (S. DOC. NO. 296).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Gas Light Co. for the year ended December 31, 1911, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4651) to amend section 171 of the penal laws of the United States, approved March 4, 1909.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 184) authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion to be held at Macon, Ga., in May, 1912.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 3580. An act to authorize the change of the name of the steamer Henry A. Hawgood;

S. 3869. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer W. R. Woodford to N. F. Leopold;

S. 3870. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer Arthur H. Hawgood to Joseph Block;

S. 4246. An act to authorize the sale of land within or near

the town site of Midvale, Mont., for hotel purposes; S. 4339. An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a bridge across the Cumberland River in the State of Tennessee; S. 4351. An act to authorize and direct the Secretary of the

Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings;

H. R. 1618. An act amending paragraph 6 of the act relating

to the Metropolitan police force; and H. J. Res. 184. Joint resolution authorizing the Secretary of War to loan certain tents and cots for the use of the Confederate veterans' reunion to be held at Macon, Ga., in May, 1912.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of members of the executive committee of the Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the proposed abolishment of the pension agencies of the country, which was referred to the Committee on Pensions.

He also presented a petition of Thomas Jefferson Council. No. 16, Order of Fraternal Association, of Norfolk, Va., praying for the enactment of legislation to prohibit the admission of undesirable immigrants into the country, and also for a stricter enforcement of the immigration laws, which was referred to the Committee on Immigration.

He also presented the memorial of A. L. Kemper, of Wytheville, Va., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BACON presented a petition of sundry citizens of Augusta, Ga., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OLIVER presented a memorial of Local Union No. 1, Steel and Copper Plate Printers' Union, of Philadelphia, Pa., remonstrating against the proposed abolishment of the handroller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented petitions of sundry citizens of Milton, New Castle, Stroudsburg, Allentown, East Pittsburgh, Bird in Hand, Braddock, and Brownsville, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Granges No. 384, of Tioga County; No. 1025, of Warren; No. 705, of Middlebury; No. 1370, of Lebanon County; No. 1391, of Onset; No. 892, of Maplewood; No. 1462, of Gibsonia; No. 1326, of New London; No. 965, of Hamlin; No. 507, of Pineville; No. 958, of Lincolnville; No. 1209, of Middletown; No. 1812, of Luzerne County; No. 1139, of Tunkhannock; and No. 908, of Evans City, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Methodist Episcopal Church of Dayton, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. DIXON presented memorials of sundry citizens of Philipsburg and Thompson, in the State of Montana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Flathead County, Mont., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Flathead County, Mont., remonstrating against the manufacture, sale, or importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of the congregations of the Friends' Congregation of Newberg, the Christian Church of Union, the Methodist Episcopal Church of Union, and of the First Methodist Episcopal Church of Forest Grove; of the Oregon Antisaloon League, of Portland; of members of the Christian Sunday School, of Union; of the Woman's Christian Temperance Union of Union; of the Woman's Christian Temperance Union of Albany; and of sundry citizens of Monmouth and Salem, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Jackson, Mich., and a petition of the Woman's Christian Temperance Union of Oakland County, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented a memorial of members of the Congress Club of the Fourth Assembly District of Brooklyn, N. Y., remonstrating against the proposed abandonment of the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Men's Christian Temperance Union, of Snug Harbor, New Brighton, Long Island, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry granges, Patrons of Husbandry, of the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. HEYBURN presented a memorial of sundry citizens of Bellevue, Idaho, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grace, Idaho, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Forest, Idaho, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of Millboro, Cedar Falls, Franklinville, and Hickory, all in the State of North Carolina, praying for the establishment of a parcelpost system, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by members of the bar of Wake County, N. C., favoring the enactment of legislation to amend sections 913, 914, and 721 of the Revised Statutes so as to conform the practice in actions at law and suits in equity in the courts of the United States to the practice obtaining in the courts of the several States, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Washington, N. C., remonstrating against the extension of the parcel-

post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a petition of members of the Mercantile Club of Kansas City, Kans., and a petition of members of the Commercial Club of Topeka, Kans., praying for the enactment of legislation providing to immigrants full information relating to industrial opportunities in Kansas and other Western States, which were referred to the Committee on Immigration.

He also presented petitions of the Woman's Christian Temperance Union of Ashland, of Turn Verein of Hanover, and of the Young People's Society of the churches of Manhattan, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of W. S. Hancock Post, No. 464, Department of Kansas, Grand Army of the Republic, of Emporia, Kans., praying for the passage of the so-called dollar-aday pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Board of Commissioners of Kansas City, Kans., praying that an appropriation be made for the improvement of the Missouri River in the vicinity of Quindaro, Kans., which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Caldwell and Barnard, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kimball and Cherryvale, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Cambridge, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CRANE presented a memorial of the Woman's Christian Temperance Union of Bristol County, Mass., remonstrating against the manufacture, sale, or importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Bristol County, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Bristol County, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Montpelier, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of members of the Round Table Club, of Wyoming, Del., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Ocean View, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a memorial of sundry citizens of Mason City, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Woman's Club of Nebraska City, Nebr., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the

He also presented a petition of sundry members of the Nebraska National Guard, residents of Auburn, Nebr., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs

Mr. SHIVELY presented a petition of Local Union No. 51, International Molders' Union of North America, of Evansville, Ind., praying for the enactment of legislation providing for the removal of employees of the Government in the classified serv-

ice, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of William H. Calkins Post, No. 502, Department of Indiana, Grand Army of the Republic, of Hammond, Ind., praying for the passage of the so-called dollara-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of members of the Progress Club of South Bend, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agri-

culture and Forestry.

He also presented a petition of Local Lodge No. 463, International Association of Machinists, of Kokomo, Ind., and a petition of Old Fort Lodge, No. 14, Amalgamated Association of Iron, Steel and Tin Workers, of Fort Wayne, Ind., praying for the passage of the so-called eight-hour bill, which were referred

to the Committee on Education and Labor.

Mr. ROOT presented petitions of the Woman's Christian Temperance Unions of Perry, Riverhead, Dryden, Warsaw, Poland, Jamestown, and Canandaigua; of the congregations of the Congregational Church of West Groton; the First Methoof the Congregational Church of West Groton; the First Methodist Episcopal Church of Warsaw; the State Street Methodist Episcopal Church, of Ithaca; the Congregational Church of Brookton; the Methodist Episcopal Church of Trumansburg; the First Baptist Church of Ithaca; the Presbyterian Church of Dryden; and the Methodist Episcopal Church of West Danby; of the Olin Brotherhood, of Williamsbridge; the Methodist Brotherhood of North Chili; and of sundry cifes of Coram Long Island, and Windham all in the State of Now York ram, Long Island, and Windham, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of sundry citizens of Everett, Wash., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on

Pensions.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 470) for the relief Mrs. Tessie Du Bois, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CUMMINS. I report back adversely from the Committee on the Judiciary the bill (S. 3579) to amend section 1 of the Revised Statutes, in relation to oaths, and I submit a report (No. 323) thereon. The bill may go upon the calendar.

The VICE PRESIDENT. An adverse report to go to the

calendar

Mr. CUMMINS. I call the attention of the Senator from Ohio [Mr. Burron] to it, and he can have such disposition made of it as he desires. I may say to the Senator from Ohio I have just made, from the Committee on the Judiciary, an adverse report upon Senate bill 3579, introduced by him, and, so far as the committee is concerned, it can either go to the

calendar or be indefinitely postponed.

Mr. BURTON. I prefer that it should go to the calendar.

The adverse report, I understand, is upon the ground that the form of oath should be made the same as that in each of

the respective States. That was one ground?

Mr. CUMMINS. It is on the ground that there is no necessity for making the form of oath uniform throughout the country.

Mr. BURTON. I prefer, if satisfactory, that the bill should go to the calendar.

Mr. CUMMINS. So far as I know, it will be satisfactory to the committee.

The VICE PRESIDENT. The bill will be placed on the

calendar.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 2610) for the relief of the heirs of Lieut. R. B. Calvert, deceased, submitted an adverse report (No. 324) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to which was referred the bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, reported it with amendments and submitted a report

Mr. POMERENE (for Mr. Owen), from the Committee on Indian Affairs, to which was referred the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, reported it without amendment and submitted a report (No. 326) thereon. ESTATE OF MARY H. S. ROBERTSON, DECEASED.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 1544) for the relief of the estate of Mary H. S. Robertson, deceased, reported the following resolution (S. Res. 209), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 1544) entitled "A bill for the relief of the estate of Mary H. S. Robertson, deceased," now pending in the Senate be, and the same is hereby, referred to the Court of Claims, in pursuance of the provision; of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 5137) for the relief of Alice V. Houghton; to the Committee on Claims.

By Mr. DIXON:

A bill (S. 5138) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement; to the Committee on Public Lands.

By Mr. BRADLEY:

bill (S. 5139) granting a pension to Elizabeth M. Denny

(with accompanying paper); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5140) to remove the charge of desertion from the record of Wallace O. Glazier (with accompanying papers); to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Chocter Ladience and for other purposes, to the Committee on In-

taw Indians, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 5142) for the relief of the heirs of Louis Cato, deceased:

A bill (S. 5143) for the relief of James K. Hamblen;

A bill (S. 5144) for the relief of the heirs of U. H. Buck, deceased:

A bill (S. 5145) for the relief of Harry P. Lee, John M. Lee, and the heirs of Nathaniel W. Lee, deceased;

A bill (S. 5146) for the relief of the heirs of Peter Anderson; A bill (S. 5147) for the relief of the heirs of J. B. Clark;

A bill (S. 5148) for the relief of the estate of Nevin Phares;

A bill (S. 5149) for the relief of the heirs of Jacob Kuykendall; to the Committee on Claims.

By Mr. GAMBLE:
A bill (S. 5150) to amend paragraph 2 of section 2 of the act of July 1, 1902, entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians

of Oklahoma, and for other purposes";
A bill (S. 5151) authorizing any nation, tribe, or band of Indians to submit claims against the United States to the Court of Claims with the right of either party to appeal to the

Supreme Court of the United States;
A bill (S. 5152) to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in tribal trust funds are or may hereafter be due; and

A bill (S. 5153) to authorize the Secretary of the Interior to use in the purchase of stock cattle moneys appropriated to fulfill treaty obligations; to the Committee on Indian Affairs.

By Mr. BOURNE:

A bill (S. 5154) granting an increase of pension to William J. Cavender (with accompanying papers); to the Committee on Pensions.

A bill (S. 5155) for the relief of James E. Walker; to the Committee on Naval Affairs.

By Mr. CUMMINS:

A bill (S. 5156) to make an appropriation for the removal of the body of Lieut. Col. George Pomutz from St. Petersburg, Russia, to Arlington Cemetery, Va.; to the Committee on Appropriations.

By Mr. SMOOT:

A bill (S. 5157) for the relief of Jacob E. Michael; to the

Committee on Claims.

By Mr. DILLINGHAM:
A bill (S. 5158) granting a pension to Phebe E. Brittell (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:
A bill (S. 5159) to grant an honorable discharge to Isaac Addis; to the Committee on Military Affairs.

A bill (S. 5160) for the relief of the owners of lighter No. 128; to the Committee on Claims.

A bill (S. 5161) granting an increase of pension to Andrew

Geist; and

A bill (S. 5162) granting an increase of pension to Ada M. Bruff (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5163) for the establishment and maintenance in the city of Denver, Colo., of an institution for botanical and agricultural research; to the Committee on Agriculture and Forestry.

By Mr. BRISTOW: A bill (S. 5164) to place positions under the government of the District of Columbia within the classified service of the United States; to the Committee on Civil Service and Retrench-

By Mr. SHIVELY:

A bill (S. 5165) granting an increase of pension to James M. Martz; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5166) granting a pension to Mary A. Corrigan; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5167) for the relief of Augustus Henquenet; to the

Committee on Indian Affairs.

A bill (S, 5168) granting an increase of pension to Graham M. Meadville (with accompanying papers); to the Committee on Pensions.

A bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes; to the Committee on Indian Affairs

By Mr. POINDEXTER:

A bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses; to the Committee on Claims.

A bill (S. 5171) granting a pension to Josephine A. Davis; and

A bill (S. 5172) granting an increase of pension to Joseph M. Wolbert; to the Committee on Pensions.

ESTATE OF ALLAN J. MANN, DECEASED.

Mr. OWEN submitted an amendment proposing to appropriate \$228 to pay the legal representatives of Allan J. Mann, a deceased contractor, for services rendered in transporting the mails in the State of Texas prior and up to the 31st day of May, 1861, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

WITHDRAWAL OF PAPERS-HENRY C. YATES.

On motion of Mr. BRADLEY, it was

Ordered, That the papers in the case of Henry C. Yates, S. 3090, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. HEYBURN submitted the following resolution (S. Res. 210), which was read, considered by unanimous consent, and

Resolved, That the Secretary of the Treasury be directed to advise the Senate of the character, extent, and assessed valuation of the property owned by each of the railroad companies, including street railway companies, operating in the District of Columbia, and the amount of taxes paid by each of said companies during the last calendar year.

HEARINGS BEFORE THE COMMITTEE ON MINES AND MINING.

Mr. POINDEXTER submitted the following resolution (S. Res. 211), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers from time to time to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expenses of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittee thereof may sit during the sessions of the Senate.

PUBLIC-UTILITIES COMMISSION.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of the bill (8, 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. GALLINGER. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none. The bill will be read for amendment, the committee amendments to be first considered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, in section 1, page 4, line 5, after the word "railroads," to strike out "and"; in the same line, after the word "company," to insert "and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay," so as to read:

The term "common carrier" when used in this act includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Steam railroads, the Washington Terminal Co., and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay are excluded from the operation of this act, and are not included in the term "common carrier."

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to the end of the following clause, in section 3 on page 9:

Sec. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the temporary use of the same or a permanent use for a distance not exceeding 2,500 feet by any other public utility whenever public convenience and necessity require such use, and when such use will not result in a noncompensatory or irreparable injury to the owners or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator in charge of the bill a question at this point. Why did

the committee limit that provision to 2,500 feet?

Mr. GALLINGER. Mr. President, I will say to the Senator that that is an arbitrary distance. On the one hand, there were those who contended that we ought not to compel one company to go over the tracks of another, and, on the other hand, there was a contention that they ought to be permitted to do so without restriction. After very careful consideration on the part of all parties in interest, it was decided that there might well be a restriction, the commissioners contending. however, that they thought it ought to be 3,000 feet, because that would serve the purpose in a particular place in the District where they wanted one company's cars to run over the tracks of another, but it was finally determined to put 2,500 feet in the bill—which is almost half a mile—thinking that would answer every contingency that might arise.

Mr. WILLIAMS. The reason I asked the question was this:

The bill provides that when one company does use the tracks of another temporarily or permanently it shall pay due compensation for it. The distance from the Treasury Building, let us say, to the Capitol is much more than 2,500 feet.

Mr. GALLINGER. It is about twice that distance, probably.

Mr. WILLIAMS. It is very probable that very many lines may in the course of time have to run over that space, because it forms the sentral enterprise the terms from the Wilter House.

it forms the central artery of the town, from the White House to the Capitol, and it would be out of all reason to allow any more tracks to be laid on Pennsylvania Avenue or on Fifteenth Street than are already laid. There is a double track there now. It seems to me the limit fixed in the bill ought to be

Mr. GALLINGER. The probabilities are that in the near future there will be another cross-town line a little north of Pennsylvania Avenue that will quite likely take care of the line of any company that wishes to come into the District from Virginia we will say: so that I think—

Virginia, we will say; so that I think—

Mr. WILLIAMS. Yes; but if the Senator will excuse me, this not only limits the distance over which one company may use the tracks of another permanently, but it limits it tem-

porarily.

Mr. GALLINGER. No.
Mr. WILLIAMS. Now, suppose
Mr. GALLINGER. I will say to the Senator that it does not limit it temporarily. In emergencies the companies are permitted to go over the tracks as far as they may see fit.

Mr. WILLIAMS. As I have heard the bill, it seems to limit

both uses, temporary and permanent.

Mr. GALLINGER. The Senator is wrong about that.

Mr. WILLIAMS. I was going to say that a company might come in from Maryland at one end or from Virginia at the other, and while they were getting the balance of their crosstown lines built they ought to be able to use either F Street

or Pennsylvania Avenue—either one or the other.

Mr. GALLINGER. I will say to the Senator that, so far as temporary use is concerned, there is no restriction.

Mr. SMITH of Georgia. This particular paragraph says "temporary or permanent."
Mr. WILLIAMS. That is the way I heard it. If that is the case, the word "temporary" ought to be stricken out.

Mr. GALLINGER. Where is that?
Mr. SMITH of Georgia. On page 9, line 19.
Mr. GALLINGER. "Permit the temporary use of the same"—there might well have been a comma there—"or a permanent use for a distance not exceeding 2,500 feet." The purpose was to make the temporary use unlimited.

Mr. SMITH of Georgia. Then, the term "temporary" used in that place ought to be stricken out, because it clearly carries

the limitation of 2,500 feet.

Mr. GALLINGER. If we should strike out the word "tem-' I do not think it would cure the evil of which the Senators complain, would it? It would then read:

Permit the use of the same or a permanent use

I think the word "temporary" is quite properly used there: Permit the temporary use of the same of a permanent use for a distance not exceeding—

We might say "permit the unlimited temporary use," if the

Senator thinks that would be preferable.

Mr. SMITH of Georgia. Let it read "permit the unlimited

temporary use or the permanent limited use."
Mr. GALLINGER. "The unlimited temporary use," I would say. In section 3, page 9, line 18, before the word "temporary,' I move to insert the word "unlimited."

The amendment was agreed to.

The Secretary resumed the reading of the bill, beginning in section 3, on line 2, page 10, as follows:

Provided, however, That the tracks, lines, or conduits, or other facilities, of any existing street railway, electric lighting company, telegraph or telephone company, shall not be used or occupied by any other company or public utility unless by contract duly made between the parties interested and approved by the commission, except as hereinbefore provided.

Mr. SMITH of Georgia. Ought not those words to be "hereinafter provided," instead of "hereinbefore provided," for the provision authorizing it follows? The following provision authorizes the commission to compel them.

Mr. GALLINGER. Let it read "herein provided."

the Senator from Georgia is right in his suggestion.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire on behalf of the committee will be stated.

The Secretary. In section 3, page 10, line 8, before the word "provided," it is proposed to strike out "hereinbefore" and to insert "herein," so as to read, "except as herein provided."

The amendment was agreed to. The Secretary resumed the reading of the bill, and read to

the end of section 9, which is as follows:

Sec. 9. That every public utility shall keep and render to the commission, in the manner and form prescribed by the commission, uniform accounts of all business transacted. Every public utility engaged directly or indirectly in any other business than that of the conduct of a street railway, or the production, transmission, or furnishing of heat, light, water, or power, or the conveyance of telegraph or telephone messages, shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this act shall apply with like force and effect to the books, accounts, papers, and records of such other business.

Mr. BAILEY. Mr. President, if it is proper at this point, I want to ask the chairman of the committee if he does not think that section tantamount to an authorization to these companies to engage in other business?

Mr. GALLINGER. Mr. President, it was not so intended. I will say to the Senator that that particular section was taken almost verbatim from the law of Wisconsin, which, it is true is a very stringent law in every respect. I think perhaps it had reference more particularly to corporations that are now engaged in other business. As an illustration, the Washington Railway & Electric Co. has control of the electric-light system of this city

Mr. BAILEY. And ought to be compelled to abandon that control at once.

Mr. GALLINGER. I think I agree with the Senator on the general proposition that that would be a wise thing to do, but unfortunately we can not do it in this bill.

Mr. BAILEY. Well, Mr. President, I am rather inclined myself to offer an amendment to this bill providing that no corporation subject to its provisions shall permit any of its stock to be voted by any other corporation nor shall it be permitted to pay dividends on the stock held by any other corporation. surplus beyond a reasonable limit.

We have reached a point in this country when it seems to me absolutely necessary to rigidly enforce what I believe to be the common-law rule against one corporation owning stock in another corporation.

Mr. GALLINGER. Under the provisions of the Code of the District of Columbia there is an absolute inhibition as to the right of one corporation owning stock in another company, I will say to the Senator. That is the law of the District of Columbia to-day.

Mr. BAILEY. Then, why do you provide in this bill, which is subsequent to the District Code, the practical authority to them to do it by compelling them to account in a certain way

Mr. GALLINGER. Well, possibly the contention of the Sena-

for business outside of their main business?

tor is correct. I had not thought of it in that particular light.

Mr. BAILEY. I ask the chairman of the committee to think that over. I am not sufficiently familiar with the practical state of affairs here to know whether it would be just and wise now to forbid the payment of dividends or forbid the voting of corporate stock in one corporation by another, but I am perfectly clear that no corporation ought to be permitted to own or control any other corporation. Certainly if it owns or controls the stock of a corporation engaged in a different character of business, then it is a diversion of corporate funds to a use not authorized by the charter, and if it is applied to a

corporation engaged in a similar business, obviously it destroys all kind of competition between them. Whether it be one or the other, it ought to be forbidden. Mr. GALLINGER. I apprehend, without having actual knowledge on that point, that very likely this condition of things existed in this District before the provision in the code was enacted. I think that is so. The provision in the

code is:

It shall not be lawful for any company to use any of their funds in the purchase of any stock in any other corporation.

Mr. BAILEY. Well, Mr. President, that probably would only authorize a stockholder to enjoin and probably to cancel the purchase of stock; but I think that does not compel those who have already acquired the stock to dispose of it.

Mr. GALLINGER. I quite agree with the Senator on that

Mr. BAILEY. Well, they ought to be made to do so. I think that is evident

Mr. GALLINGER. Mr. President, I will say that personally I am not opposed and I feel that no member of the Committee on the District of Columbia is opposed to an actual inhibition, so far as the future is concerned; but, as to the existing condition, I think, on this bill, it would not be wise to undertake to destroy the present relationship of these companies.

Mr. BAILEY. Mr. President, I think it ought to be done. But that is an abstract proposition; and I do not know enough about conditions here, and the uses or abuses of the power, to warrant me in obtruding my views on the committee. I did understand it, I would regard it as indefensible to dissent from what the committee has done. But it seems to me plain that this ought not to be permitted. If I was the court, I would have no trouble about this question, and I would not need a statute. Any stockholder who applied to me to restrain the payment of dividends or the voting of stock by a corporation would obtain prompt relief. I believe that is the common law, although I understand that rule is not followed in all the

States. It is followed in the more enlightened jurisdictions.

Mr. PAYNTER. In Texas?

Mr. BAILEY. Yes; in Texas. Consequently I am not going to further insist upon it, but I hope the committee will provide against that

Mr. MARTIN of Virginia. Mr. President, with the permission of the Senator from New Hampshire, I will say to the Senator from Texas that I do not believe any member of the Committee on the District of Columbia is inimical to the views expressed by him. So far as I am concerned I believe there ought to be a statute forbidding corporations engaged in interstate commerce holding the stock or bonds of other companies. I believe when a corporation is created for a specific purpose it ought to be confined to that purpose, and ought not to be permitted to hold the stock of other companies and control other businesses than the one which it was created to do.

Mr. BAILEY. And its earnings ought to be distributed in dividends, instead of in the purchase of stock.

Mr. MARTIN of Virginia. I fully concur in that statement. I believe the tendency toward accumulating large surplus funds is wrong. Corporations ought to be required to distribute their earnings in dividends, and ought not to be allowed to have a

But it was hardly practicable, in dealing with the District of Columbia corporations, to adequately handle this subject, which is a very large one. We realized that the bill was left in a condition not very satisfactory, because we were anxious to initiate a system of public utilities to control the District of Columbia corporations, and we did not have the requisite information to go very thoroughly into it.

There is no indisposition on the part of the committee to meet the views of the Senator from Texas. Certainly there is no such indisposition on my part, for I believe the question is one of the utmost importance. I believe it would go further than perhaps anything else in controlling the corporations of the country, to limit them to the business for which they were created. If they are engaged in interstate commerce, they ought not to be allowed, through holding companies or by indirect methods, to reach fields of activity which they were not

I am sure, as I said, that this is more than a local ques-We have not undertaken to deal with it very thoroughly in the District of Columbia, feeling that it would not amount to a great evil here, in view of the law already existing, which the Senator from New Hampshire has read. But so far as I am concerned and so far as the committee is concerned, in my opinion, we would not be inimical to an amendment perfecting the We thought we had done about all we could do to commence this innovation here and to improve the conditions in the District of Columbia, but I do not believe the committee is at all inimical to an amendment along the line of the suggestion of the Senator from Texas.

Mr. BAILEY. Mr. President, the statement of the Senator from Virginia [Mr. Martin] and the statement of the Senator from New Hampshire [Mr. Gallinger] satisfy me that it is only a question of time, and reasonable time, when the matter will be worked out and in their own way. They are both better qualified for the task than I am, and I shall do no more.

I am rather gratified at these expressions, because I think the evil of corporate ownership of stock in other corporations is one that it is impossible to overestimate. The fact is, Mr. President, that it would be impossible to organize and maintain a trust without a holding company or without the corporate ownership of stock in other corporations.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 10, page 15, line 12, after the word "records," to strike out "in" and insert a period and the word "In," and in line 13, after the word "act," to strike out the period and the word "The" and insert a comma and the word "the," so as to make the section read:

Sec. 10. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this act, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to the end of section 15, on page 18.

Mr. CUMMINS. Mr. President, I should like to ask the Senator in charge of the bill a question with regard to the section just read.

It is provided, first, that-

The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public.

It is then provided that-

All moneys in this fund may be expended in new constructions, extensions, or additions to the property of such public utility, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund.

Does the Senator from New Hampshire contemplate that there shall be rates and charges for the public service sufficient to accumulate a depreciation fund that will enable the company to build new lines or to add to its existing lines, and in that way supply a capital account instead of a depreciation account?

Mr. GALLINGER. Mr. President, I will confess to a knowledge of these technical questions not as accurate as some other Senators possess. In drafting this bill the utmost care was taken to produce a good bill. The corporation counsel of the District of Columbia, a very excellent lawyer, rendered very valuable assistance, as did other gentlemen, in making the bill. I am free to say it is a composite measure.

This particular section was taken from the Wisconsin law. The Senator from Wisconsin [Mr. La Follette], who intro-

duced a bill on this subject, has the identical section in his bill. My impression is that the thought was that there would necessarily be a greater or less accumulation, and that it might properly be used for the purposes that are enumerated here. I do not think there is any thought that they are going to accumulate a great fund and in that way build new lines of railroad or new gas pipes, but that there should be more or less an ac-

Senator from Iowa think so?

Mr. CUMMINS. Mr. President, I do not know what the bill introduced by the Senator from Wisconsin contains. I am not familiar with it. I have, however, in the course of my life given a good deal of study to this particular phase of public regulation. regulation.

I do not believe that the rates of railway companies, or of street railway companies, or of gas companies, or of electric light companies ought to be high enough to provide a fund that will enable those companies to enlarge their property. For instance, let us assume that a street railway company in Washington begins with a capital of \$1,000,000. The city grows and it becomes necessary to double the capacity of the company. It has always seemed to me very unjust and unfair that the people of the District, in this instance, should be compelled to pay a rate of charge that would accumulate another million dollars, in addition to paying the expense of maintenance and repair in order that the company might thus increase its When that is done, then the company again begins to earn an income upon the million dollars accumulated at the expense of those who have used the service in excess of a fair charge for the service. In effect it gives to the company the opportunity to make the people of the District of Columbia contribute the capital of the company to enable the company to thereafter earn interest upon that capital, which is not dis-tributed among the people of the District of Columbia, but is paid in the way of dividends to those who may be the owners of the capital stock.

I think my observation with respect to public utility in the District of Columbia is equally true of public utility anywhere. It has been very common in the United States for the railways to charge a rate for their services that would accumulate a surplus used by the companies in the extension of their property. When so used it is capitalized, and then the people to whom the service is rendered are asked to pay a sum that will return a reward or an interest upon the very capital which they themselves have contributed in undue or excessive charges.

For one I have never been willing to adopt that plan of capitalization. I have never been able to see its justice. I have done what little I could through some years of public life to deprive public utility companies of the opportunity of collecting more than was necessary to maintain and repair their properties and pay interest upon their capital investments in order that they might take from the public the capital upon which they afterwards expect to demand an income or a return. It is a false system.

Whenever a public utility company in the District of Columbia or anywhere else desires to increase its capital the capital should be drawn from an independent source, and when invested in the property the company is entitled to earn a fair reward upon it. But for the Congress of the United States to solemnly declare that a street railway company or a gas company or an electric light company in the District of Columbia may charge rates that will enable these companies to gather together the capital which they may find it provident and necessary to use in their extensions and enlargements would, it seems to me, be in defiance of the fundamental rules which ought to govern the construction and the operation of such enterprises. never bring myself to support a measure which contains a recognition of the right of a quasi public company to base its rates upon any such hypothesis.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill and continued the reading to the end of section 39, on page 28.

Mr. SMITH of Georgia. Mr. President, I want to call the attention of the chairman of the committee to a variance here in the bill. It is provided that the investigations can be made by the commission upon its own initiative, yet sections 38 and 39 proceed alone upon the idea of having a hearing when a complaint is made, and not of having a hearing when the proposed change comes from the initiative of the commission itself.

Mr. GALLINGER. -I do not quite understand the Senator. What sections seem to be inconsistent, I will ask the Senator? Mr. SMITH of Georgia. Section 37 contemplates that changes of rates can be made by the commission on its own initiative which I think eminently proper-without waiting for a complaint from anyone, and yet sections 38 and 39 seem to con-template a hearing by the commission and a procedure to modify rates only where complaint has been made. It seems to me that they ought to be enlarged in their terms so as to cover the time when an effort to modify a rate is made, even Mr. GALLINGER. What amendment would the Senator from Georgia propose? by the commission at its own initiative.

Mr. SMITH of Georgia. The exact language I could not suggest at this time. At the close of the bill I expect to suggest to the chairman of the committee that the bill go over, so that the various amendments suggested may be perfected.

Mr. GALLINGER. I will say for myself that I had not intended to ask for a vote upon the bill to-day, and that I wish to accommodate every Senator, so far as suggested amendments are concerned. The provisions in this bill to which the Senator calls attention-sections 37, 38, and 39-were all taken

from the Wisconsin statute, word for word.

Mr. SMITH of Georgia. Then very probably there is some other section in the Wisconsin statute which also provides for the hearings where the proposed changes are made at the

initiative of the commission itself.

Mr. GALLINGER. It is possible that such is the fact, although I have doubt on that point; but we will look it up.

Mr. SMITH of Georgia. I only wished to call the matter

to the attention of the chairman of the committee as a modification that may be necessary to carry out the real intent of the bill.

Mr. GALLINGER. Yes. Of course, the chairman of the committee is anxious, as are the other members of the committee, to have the bill improved in any way that may be suggested, so that it may be perfected.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on the District of Columbia was, in section 53, page 34, line 9, after the word "forfeiture," to strike out:

It shall be unlawful for any street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or other public-utility corporation, directly or indirectly, to
acquire the stock or bonds of any other corporation incorporated for
or engaged in the same or similar business as it is, unless authorized
by existing law or as it may be authorized in writing to do so by the
commission, and every contract, transfer, agreement for transfer, or
ssignment of any such stocks or bonds without such statutory or
written authority shall be void and of no effect.

Mr. GALLINGER. Mr. President, instead of striking out the clause which has been read, I submit a substitute for the portion proposed to be stricken out.

The PRESIDING OFFICER (Mr. OLIVER in the chair). The

amendment will be stated.

The Secretary. In lieu of the amendment proposed by the committee, on page 34, striking out from line 9 to line 19, it is proposed to insert, after the word "forfeiture," in line 9,

It shall be unlawful for any street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or other public-utility corporation, directly or indirectly, to acquire the stock of any other corporation, unless authorized by existing law; and every contract, transfer, agreement for transfer, or assignment of any such stocks without such statutory authority shall be void and of no effect.

Mr. CUMMINS. Mr. President, inasmuch as the Senator from New Hampshire has suggested that he will not ask for a vote on the bill to-day, I should like the amendment to be passed over until I can have further opportunity to examine it.

Mr. GALLINGER. Then I will simply ask that the amendment be printed and be considered as pending. Is that satis-

factory to the Senator?

Mr. CUMMINS. It is Without The PRESIDING OFFICER. It is so ordered. objection, the amendment striking out the words of the text will be agreed to. The amendment proposed by the Senator from New Hampshire as a substitute for the words stricken out will lie over and be printed.

Mr. CUMMINS. I have no objection, so far as I am concerned, to the substitution of the matter proposed now by the Senator from New Hampshire for that which was in the bill. I do not want, however, the matter to be concluded by the adoption of the amendment so that, at a future time, we can

not take it up again.

Mr. GALLINGER. I will suggest to the Senator that if we simply agree to the amendment recommended by the committee striking out the words after the word "forfeiture," in line 9, I will then offer my amendment to the bill, and it will be pending, and, of course, will be subject to further amendment.

Mr. CUMMINS. I desire to make a parliamentary inquiry.

If we agree to striking out the part which is designated now,

does that preclude putting back substantially the same proposition at some future time?

Mr. GALLINGER. I will say to the Senator that no point would be made on that at all, yet I am quite willing to allow it to remain in the bill if the Senator prefers.

Mr. CUMMINS. The course suggested by the Senator from New Hampshire is agreeable to me if the matter is left open

for future consideration.

Mr. GALLINGER. The amendment that I have suggested is very similar to the words proposed to be stricken out and will be amendable, so that the Senator will not lose any rights.

Mr. CUMMINS. With that statement, I am perfectly content that the matter shall take that course.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from New Hampshire will be considered pending, as the Chair understands.

Mr. GALLINGER. Let the amendment recommended by the

offered be agreed to, and then let the amendment I have offered be pending for future consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee striking out from line 9 to line 19, on page 34, which has been stated.

The amendment was agreed to.

Mr. GALLINGER. Now the amendment I have offered can be considered as pending.

The PRESIDING OFFICER. In the absence of objection, that arrangement will be made.

The Secretary resumed the reading of the bill and continued the reading to line 12 on page 61.

Mr. POMERENE. I move to amend by striking out all that portion of section 92 just read, after the words "sec. 92" and ending with the words "in office," in line 12, and substituting therefor what I send to the desk.

The PRESIDING OFFICER. The committee amendments

are first in order.

Mr. GALLINGER. All the committee amendments have been acted on. I suggest to the Senator from Ohio that he simply have his amendment read and printed, to be acted on later

when the bill is taken up again.

Mr. POMERENE. That was my purpose, Mr. President.

Mr. GALLINGER. Let the proposed amendment be read and

then printed.

Mr. POMERENE. I suggest that it be read, so that it may

appear in the RECORD.

Mr. GALLINGER. Before it is read I will suggest to other Senators that this bill is not to be railroaded through. Ample time will be given for very careful consideration, because it is the wish of the committee that the bill should be as perfect as it is possible to make it when it shall be enacted.

I will venture the suggestion to other Senators that if they have amendments to offer, it would be gratifying to the committee if they would do as the Senator from Ohio has done, formulate the amendments and have them printed, so that the committee may examine them. It is fair to the committee that it should have an opportunity to look at amendments before they are voted on. Let the amendment proposed by the Senator from Ohio be read.

The PRESIDING OFFICER. It will be read.

The Secretary. On page 61, following the numeral "92," in line 1, strike out all down to and including the word "office," in line 12, and insert:

That all the powers created by this act, and the duty of carrying into effect and enforcing the provisions thereof, are hereby vested in and imposed on a board of three commissioners to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for three years, except that when the commission is first appointed, one shall be for a term of one year and one for a term of two years, and thereafter upon the expiration of the term of any of said commissioners, or in case of vacancy, the President shall appoint his successor. Said commissioners shall receive an annual salary of \$3,000 each, payable monthly. The powers, authority, and duties hereby imposed on and granted said commissioners shall be permanent.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. GALLINGER. I will venture to suggest to the Senator from Ohio that if the amendment submitted by him should be agreed to, which I hope it will not be, it would be very necessary to give this commission some working force. They would need experts and clerks, and so forth. The Commissioners of the District of Columbia have that force at their disposal now. I think when the Senator looks the matter over he will want to enlarge the terms of the amendment. I merely suggest it to the Senator.

Mr. POMERENE. That is perhaps true. I offer the amendment for this reason: I feel that the present Commissioners of the District are already overburdened with work, and that the

investigation into the conditions, the finances, and charges of the several utility corporations here in the city should be begun at once, so that we may be advised as to whether the rates

charged are excessive or not.

It is only necessary, it seems to me, to investigate the capitalization of some of these companies to justify the charge that the rates are excessive. For instance, and I will take only a moment, the Capital Traction Co. is capitalized at \$16,000,000, with 28.588 miles of trackage, making the capitalization per mile \$559,675. The Washington Railway & Electric Co. is capitalized at \$27,995,018. The total mileage is 83.26 miles, and the capitalization per mile is \$336,260.

In the hearings which we had before the committee the other day, when we were trying to ascertain whether these companies could afford to give free transfers from the lines of one company to the lines of the other, it is true of at least the president of one of the companies that he was not able to tell us whether the cost for construction and equipment was \$100,000 or \$200,000 per mile. Yet he wanted to assure the committee that it would impoverish the company to grant these free

transfers.

It seems to me that these matters should be investigated, and investigated at once, so that the rates of charges can be

determined within the near future.

Mr. GALLINGER. In reply, Mr. President, I will only say that I have no apprehension, if this matter is put in the hands of the Commissioners of the District of Columbia, there will

not be an immediate investigation along all those lines.

It is proper, I should further say, that the gentleman to whom the Senator from Ohio refers has been connected with that company for only a few weeks. I agree with the Senator that his testimony was very unsatisfactory, but the fact is he did not know very much about the company or its operations. There had been a change in the management and he had been elected to the presidency of the company, a gentleman who is very familiar with all these questions having been displaced and having left the city.

Mr. POMERENE. But the Senator from New Hampshire will agree with me that he was very positive in giving testimony to the effect that they could not afford free transfers.

Mr. GALLINGER. I think that the president of the Capital

Traction Co., who is very familiar with all these matters, was still more positive on that point.

Mr. POMERENE. That is very true. He assured us that there was a very small surplus after the payment of the dividends, but we were not advised as to the cost per mile of the

trackage. Mr. GALLINGER. All those matters, when we come to the final disposition of the bill, will be taken up. I am very glad the Senator from Ohio offered his amendment, so that it may be in print to be examined. As I suggested before, I think the Senator, when he looks it over, will feel that he has got to enlarge it so far as the force is concerned, if we have three

commissioners, making them an independent board. Mr. POMERENE. I desire to state that my only object in presenting the amendment, or what additional amendments may be necessary, is to insure the very earliest investigation of this

Mr. GALLINGER. Let the reading of the bill proceed.

The Secretary resumed and concluded the reading of the bill.
Mr. GALLINGER. Now, Mr. President, I will ask that the
bill be laid aside. It has become the unfinished business. I will venture to repeat my suggestion that I trust Senators who may feel that they ought to offer amendments to the bill will have them prepared as early as may suit their convenience and have them printed, so that we may have an opportunity to examine them before voting on them.

EXECUTIVE SESSION.

Mr. NELSON. I suggest, if there is nothing else to intervene, that we have a short executive session, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 8, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1912. AMBASSADOR.

Myron T. Herrick, of Ohio, to be ambassador extraordinary and plenipotentiary of the United States of America to France, vice Robert Bacon, resigned.

REGISTER OF THE LAND OFFICE.

Hal J. Cole, of Washington, to be register of the land office at Spokane, Wash., his term expiring March 18, 1912. pointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1912.

UNITED STATES ATTORNEY.

Sherman T. McPherson to be United States attorney, southern district of Ohio

RECEIVER OF PUBLIC MONEYS.

Frank A. Boyle to be receiver of public moneys at Juneau,

POSTMASTERS.

ALABAMA.

Hortense Rowe, Camp Hill.

COLORADO.

Rose E. Wilder, Alamosa.

LOUISIANA.

Charlton Fort, Minden.

MASSACHUSETTS.

William L. Lathrop, Orange. John G. Orr, Pittsfield.

MINNESOTA.

Manley S. Elliott, Paynesville. Ole J. Flaa, Boyd. T. V. Knatvold, Albert Lea.

NEW YORK.

Mortimer N. Cole, Castile. Thomas H. Dickinson, Champlain. Henry B. Flach, Attica. Jerome H. Freeman, Savona. William Johns, Hermon.

HOUSE OF REPRESENTATIVES.

Wednesday, February 7, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

O Thou who art supremely great and glorious, "Life-giving, life-sustaining potentate," fill our minds with wisdom, our hearts with love and gratitude, that we are Thy children involved in changeless love. As the heavens declare Thy glory, so may we, in lives of purity, high resolve, and noble endeavor. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and

approved.

ILLUSTRATIONS OF COINS OR MEDALS.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Judiciary Committee.

Mr. CLAYTON. Mr. Speaker, I call up the bill (S. 4651)

to amend section 171 of the penal laws of the United States, approved March 4, 1909.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That section 171 of the penal laws of the United States, approved March 4, 1909, be amended so as to read as follows:

"SEC. 171. Whoever within the United States or any place subject to the jurisdiction thereof shall make, or cause or procure to be made, or shall bring therein from any foreign country, or shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign Government, shall be fined not more than \$100. But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in Illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same."

The SPEAKER. Are there any amendments?

The SPEAKER. Are there any amendments? Mr. CLAYTON. There are no amendments. Mr. Speaker, this bill was reported from the Committee on the Judiciary by the gentleman from Virginia [Mr. Carlin]. I may say that section 171 of the criminal code is amended by the insertion, after the word "journals" in the latter part of that section, of these words: "And school arithmetics." So that the last sentence of that section will read this way:

But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same.

I now yield to the gentleman from Virginia [Mr. CARLIN]

10 minutes, if he desires,
Mr. CARLIN. Mr. Speaker, I do not know that I care to

make any statement.

Mr. MANN. Will the gentleman yield?

Mr. CARLIN. Certainly.

Mr. MANN. As I understand it, this is simply enlarging the law so as to allow publishers of school arithmetics to insert pictures of coins, medals, and so forth?

Mr. CARLIN. The gentleman is correct. Mr. Speaker, I do not care to be heard upon this bill; it is a simple matter.

The bill was ordered to be read a third time, was read the

third time, and passed.
On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDMENT IN PROCEEDINGS, UNITED STATES COURTS.

Mr. CLAYTON. Mr. Speaker, I call up the bill (H. R. 18236) to allow and regulate amendments in judicial proceedings in the courts of the United States, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That in any suit in equity instituted in the courts of the United States wherein it shall be decided prior to final decree that the complainant has a complete and adequate remedy at law the complainant may, at his election, upon such terms as the court may impose, cause the same to be transferred to the law docket of the court, there to be proceeded with as if originally instituted as a suit at law.

SEC. 2. That where, in any suit brought in or removed from any State court to any district court of the United States, the jurisdiction of the district court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal.

Mr. CLAYTON. Mr. Speaker, this bill carries two very simple

Mr. CLAYTON. Mr. Speaker, this bill carries two very simple propositions relating to procedure in the court. The first proposition is that whenever an aggrieved party has instituted a suit in equity, and after the cause has proceeded it is developed that his remedy is at law rather than in equity, then, in order to prevent his case being dismissed out of court and justice thereby defeated, as where the statute of limitations has barred the action at law, the aggreeved party may transfer his cause to the law side of the docket upon such terms as the court may impose.

The second proposition is this: Under the practice as it now exists, where a court has jurisdiction on account of diverse citizenship, and the allegation of diverse citizenship is defectively made or perhaps not made at all, and the cause proceeds, it may be dismissed upon that question being raised, even in the appellate court. Indeed, it must be dismissed whenever that question is raised. In such case it is often too late for the complainant to have any remedy at all, because his claim is then barred by the statute of limitations. This bill proposes to allow him to amend in the appellate court and allege in a

of anow him to amend in the appendix court and anege in a sufficient way the diverse citizenship.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. CULLOP. Section 2 of this bill, I notice, provides for a removal on account of diverse citizenship at any stage of the

Is that correct? proceedings.

Mr. CLAYTON. No; the gentleman has entirely misappre-hended it. The cause contemplated by this bill has already been removed. This bill does not provide for removal at all, but where the case has already been removed and the diverse citizenship is defectively alleged it permits that defect in the allegation to be remedied at any time, even in the appellate

Mr. Speaker, I now yield to the gentleman from West Virginia

Mr. DAVIS of West Virginia. Mr. Speaker, in the absence of any objection to the language or purpose of this bill, a discussion of it is more or less a work of supererogation. As stated by the chairman, the purpose of the bill is perfectly apparent on its face. It is in line with the whole tendency of modern thought with reference to court procedure. The whole tendency of both thought and legislation is to prevent a miscarriage of justice by reason of defects in procedure, whether committed through inadvertence, mistake, or ignorance.

Mr. CULLOP. Mr. Speaker, will the gentleman yield? Mr. DAVIS of West Virginia. I yield, certainly.

Mr. CULLOP. In the statement the gentleman has just made I would inquire of him whether he assumes there would be a miscarriage of justice in the State courts?

Mr. DAVIS of West Virginia. I do not understand the

relevancy of the gentleman's question.

Mr. CULLOP. I understood the gentleman to say that this was to prevent a miscarriage of justice?

Mr. DAVIS of West Virginia. Precisely.

Mr. CULLOP. If after the defect in the removal proceeding was discovered it would be the duty of the court to remand the case to the State court, does the gentleman assume that in the State court there would be a miscarriage of justice?

Mr. DAVIS of West Virginia. By no means, but it would not be the duty of the court to remand if there were a defect of such allegation, nor is that the procedure. Where there has been, under the second section of the bill, in cases covered by that section, a removal of the cause to the Federal court, or where the cause has been originally instituted therein, it proceeds to final conclusion in the United States court in the absence of a seasonable motion to remand, and, perhaps, to the Supreme Court of the United States, and there the defective allegation first appearing, that court may dismiss the cause as having been erroneously brought. The effect may easily be that the party would then be barred by the statute of limitations and deprived of all remedy in a proper case.

Mr. CULLOP. In such a case the court would not dismiss the case, but simply remand it back to the court from which

it had been removed.

Mr. DAVIS of West Virginia. No; the Supreme Court would either dismiss the case or remand it to the lower Federal court for dismissal by that court; and that court would not of its own motion remand the cause to the State court, but would dismiss it if the jurisdictional allegations were defective.

Now, I concede to the gentleman that parties may after removal, upon proper motion, secure a remand, and with that procedure there is nothing in this bill that will interfere. This is to correct procedure where a cause is in the Federal court and has been proceeded with in that court even to a conclusion and an appeal.

Mr. CULLOP. The point I am trying to make and to get information upon from the gentleman is that where a cause was removed from a State court and there was a defect in the removal proceedings, or erroneously removed, when in such event the party would make a motion to have his cause re-manded, this act would deny that right and give the opposite party in the Federal court the right to make a new proceeding or amend the one already instituted for the purpose of retaining his cause there, when, no doubt, it ought to be tried in the State court where the point was raised or where it was brought.

Mr. DAVIS of West Virginia. Mr. Speaker, I am unable to agree either with the procedure suggested by the gentleman from Indiana or with the law with reference to that procedure. from Indiana or with the law with reference to that procedure. If there be a cause removed from a State court in which there is a defective allegation of citizenship, that question may perhaps be raised upon motion to remand, but in every such instance the court could now permit an amendment of the pleadings in that particular. More commonly it would be raised at that stage of the cause by a demurrer, and upon such demurrer, if sustained, the court would give the party leave to amend; but the motion to remand could not be made in the Federal court after the cause had there proceeded to proof. Federal court after the cause had there proceeded to proof; but under this bill, after the cause had proceeded to proof, the parties might still amend the pleadings to conform with the proof as made instead of suffering a dismissal of their cause at that advanced stage of the proceedings. Now, there is not in this bill, Mr. Speaker, any purpose to affect in the slightest the procedure upon removal of causes or the power and right in an appropriate case to remand a cause so removed. It is only intended to prevent a miscarriage of justice at an advanced stage of the cause and to preserve to the party the right to make an immaterial amendment, so that he will not be put to the expense and delay incident to a reinstitution of his cause.

Mr. CULLOP. Mr. Speaker—
The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Indiana?

Mr. DAVIS of West Virginia. Certainly I do. Mr. CULLOP. I would like to call the gentleman's attention to this language in section 2, which, in my judgment, makes the bill very much broader in its scope, as the language shows, than the gentleman is now interpreting it. In line 5, it says:

So as to show on the record such diverse citizenship and jurisdiction.

Now, that would mean that when the party instituted his removal proceedings, as he had to do if he relied on that ground at the inception of the pleadings in the cause, after it was brought in the State court, if he had not made the proper showing there when he got to the last stage in the Supreme Court of the United States, if it reached there, he could be advented and come integers the state of the court of the united states. educated and come into court then and make a cause for removal. Does the gentleman believe that is fair? Does the gentleman believe that that is a correct practice to establish in the courts of this country? Would it not be inviting a want of diligence, a want of study, a want of proper preparation in a case, if persons are permitted when it reaches the last court to amend their original pleadings in the case? If it would, I can not agree with the gentleman on that subject.

Mr. DAVIS of West Virginia. I certainly believe, Mr. Speaker, that where parties have failed seasonably to move to remand a cause, where they have permitted it to proceed to final determination without complaint, they have no right then to ask that the cause shall be remanded and retried from the If the gentleman wants an illustration of what this bill is aimed at, he will find it in one of the cases cited in the report of the committee-that of Denny v. Pironi, in One hundred and forty-first United States. Suit had been brought without a proper allegation of citizenship in the original pleadings. Proof had been taken, judgment had been rendered, and the cause went to the Supreme Court of the United States upon appeal. Before doing so, however, the parties, in the court below, sought to make citizenship appear of record, not by an amendment of their pleadings, but by setting it out in a remittitur of judgment which they had filed.

The court upon appeal very properly held that the remittitur was not a part of the true records; that, therefore, diversity of citizenship did not appear, the judgment must be reversed, the cause remanded, and the parties put back to reinstitute their proceedings. Under this bill they could have amended their declaration, made the fact appear as in truth it was, and the whole expense or cost, not only to themselves but their opponents, could have been averted.

Mr. CULLOP. Does the gentleman see what an advantage

that gives the party over his adversary?

Mr. DAVIS of West Virginia. It gives none whatever, in my judgment

Mr. CULLOP. Why, this bill simply puts a premium upon negligence in pleading and preparing causes. Suppose a party had seen his adversary's case removed for cause, and he had not stated his full case, and waited; and after he got to the last court, then he would be barred from pleading and proof. Look at the advantage it gives to the other party. It gives one litigant an advantage the other litigant does not have in court, and it is therefore taking, in common parlance, snap judgment of the opposite party, and deprives him of an opportunity to fully

present his side on its merit.

Mr. DAVIS of West Virginia. On the contrary, if the gentleman will permit me, it is the present procedure that permits the snap judgment to which the gentleman refers, that a party without raising this question may sit by and permit the case to go to its final end, lying in ambush, as it were, for his unsuspecting opponent. This is a procedure which I think is against public policy. We need not say that all lawyers are all-wise; we need not say that all lawyers possess the highest degree of skill; but, be that as it may, the court accredits them to litigants as competent to transact their cases, and if it can be prevented no just cause should be permitted to fail because some error may be made by an attorney in his course of procedure, and certainly should not be permitted when his adversary has not seasonably raised his objection and presented it. My answer may not be conclusive to the gentleman, but he draws the distinction between his view and my own, and puts his finger on the very thing against which this bill is aimed.

Mr. Speaker, I yield back the balance of my time, if I have [Applause.]

Mr. CLAYTON. Mr. Speaker, I now yield to the gentleman

from Kentucky [Mr. Sherley] five minutes.

Mr. SHERLEY. Mr. Speaker, I am in entire accord with the Committee on the Judiciary touching these two very important amendments, although I am going to offer a suggestion as to the first section in a moment. These amendments have long been needed, and if there is one thing that is apparent to all men in this day and generation, it is that procedure in court should not be made a trap for the unwary, and it is more important that the litigant have his rights determined than it is

the equity side. One of the difficulties that confronts every lawyer in certain classes of cases is to determine whether a remedy can be had at law, or whether he must go into a court of equity, because, properly speaking, a court of equity will not entertain jurisdiction of a suit where there is an adequate remedy at law. The first section is to authorize, where a mistake has been made, such transfer so as to prevent what would otherwise frequently happen, the running of the statute of limitation, so as to deny to a man any relief. I believe it could go further, and while the cases are perhaps very rare, still it is to my mind conceivable that cases might be brought on the law side that ought to be in equity, and that power ought to be given for the transfer of cases from law to equity as well as from equity to law. But I am so anxious to see this legislation passed and realize its importance is so great, that I am not willing to undertake in the haste of floor preparation to offer an amendment. I simply felt called upon to make this suggestion so that, if my view was found to be correct, steps may subsequently be taken to give to the court the power to authorize the transfer from law to equity as well as from equity to law.

The second provision has been very plainly explained by the gentleman from West Virginia [Mr. Davis]. It does not undertake to enlarge the jurisdiction of the Federal courts at all. It does not enable you to remove a case to the Federal court or to bring a case originally there that you could not bring without this law being passed. But it does prevent a man sleeping upon his right to make an objection to such a time when, if made, it could not be cured, and it gives the appellate court the right to authorize such a statement as to the jurisdictional fact of diverse citizenship as will cure a defective allegation. In my judgment the bill ought to be passed.

Mr. MANN. Mr. Speaker, will the gentleman yield to me? Mr. CLAYTON. I yield to the gentleman from Illinois. The SPEAKER. How much time?

Mr. CLAYTON. As much time as the gentleman may want; say five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, the greatest reproach that can be leveled at our judicial system is that justice is frequently defeated either by delay or by technicality, and the design of the present bill is to correct it in two particulars at least—delay which may defeat justice, and technicality which may defeat justice. In this connection I deem it proper to compliment and congratulate the gentleman from Alabama [Mr. Clayton], the chairman of the Committee on the Judiciary, and the entire Indianary Committee, who as it seems to me in the hills which Judiciary Committee, who, as it seems to me, in the bills which they have reported, as well as those which they are now considering, show an earnest intent on their part to correct some of the evils growing out of the present methods followed under our judicial system. Some of these evils have been frequently called to the attention of the country and to the attention of Congress by our President, himself having been an eminent judge. I hope we may be able, under the guidance of the Committee on the Judiciary, to correct a number of these evils, so that justice may be made speedy and certain in the land. [Applause.]

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to print in the Record the report that I have prepared in this case. And I desire to say one other word, Mr. Speaker, and that is that this bill was prepared as the result of conferences with eminent lawyers throughout the country and correspondence with distinguished judges. Several judges of appellate courts, and, in fact, every judge and every practitioner at the bar with whom I have talked, have commended the measure. licitor General of the present administration, Mr. Lehman, and I know no abler lawyer, when this bill was introduced sent to me a letter commendatory of the measure.

I think that there is a good deal of force in what the gentleman from Kentucky [Mr. Sherley] has said, that perhaps in one particular this bill does not go as far as it should. But I could not have that view agreed to by many lawyers or judges. I found a difference of opinion as to whether it should include actions at law; that is, whether or not the proposition stated by the gentleman from Kentucky should be included in the first section. I could not get an agreement, either among the bar or the bench, on that proposition. Hence, that was omitted, and this wise provision, which is a great step in modern progressive legislation, was adhered to.

that some shrewd lawyer should take advantage of a technicality.

We all ought to be in favor of bringing the courts up to date, to get rid of antiquated technicalities as much as possible, and this bill does it in two respects. It is a wise and good bill, and from equity to law of a case that has wrongly been brought on I hope it will have the approval of this House.

I want to thank the gentleman from Illinois [Mr. MANN] and the gentleman from Kentucky [Mr. Sheeley] for their indorsement of this, which I think to be a meritorious measure. Perhaps after the able and elucidating speech of the gentleman from West Virginia [Mr. Davis] it was unnecessary for me to have said anything.

The SPEAKER. The gentleman from Alabama [Mr. CLAY-TON] asks unanimous consent that he may insert in the RECORD, as a part of his remarks, the report which he mentions. Is there

There was no objection.

Following is the report referred to:

[House Report No. 286, Sixty-second Congress, second session.] The Committee on the Judiciary, having had under consideration the bill (H. R. 18236) to allow and regulate amendments in judicial proceedings in the courts of the United States, report the same back with the recommendation that the bill do pass.

FIRST SECTION OF THE BILL.

Whether the remedy of an aggrieved person is at law or in equity is often a very close question not easily determined by lawyers or judges. Sometimes a bill in equity is filed and after a lapse of considerable time and much money spent in litigation, and after a right of action at law is barred by the statute of limitations, the bill is dismissed upon the ground that the complainant has a complete remedy at law. In such a case the complainant is left without an available remedy and justice is therefore defeated. This ought not to be.

That it is often a difficult question to decide whether the remedy is at law or in equity, see Buzard v. Houston (119 U. S., 347) and cases there cited. See also Russell's and Winslow's Digest, volume 1, page 587, relating to action for fraud. A distinguished Federal judge has said that "I have known cases where a final decision of the Supreme Court holding that the remedy was at law and not in equity, rendered many years after the institution of the suit, left the parties practically without remedy, although at the beginning they had a good case at law."

many years after the institution of the suit, left the parties practically without remedy, although at the beginning they had a good case at law."

In the case of Buzard v. Houston (119 U. S., 347) the bill was in equity, and it appeared that the money sought to be recovered had been fraudulently obtained, but that complainant's remedy was at law for damages. In other words, the bill showed a ground for legal and not equitable relief. A demurrer to the bill on the ground that it showed no equity was overruled by the circuit court, and on appeal to the Supreme Court the decision of the circuit court was reversed.

The authorities directly in point cited by the Supreme Court in support of its decision were Parkersburg v. Brown (106 U. S., 487, 500), Ambler v. Choteau (107 U. S., 586), and Litchfield v. Ballou (114 U. S., 190), all cases of supposed mistake or fraud in which it developed on appeal that a remedy could be found in an action at law, and the litigations were abortive.

Insurance Co. v. Bailey (13 Wall., 616) is a case illustrating the same unfortunate predicament in which the litigant often finds himself. That was a case brought in equity for an accounting for fraud, and the Supreme Court concluded, several years after the suit was brought, that the complainant had mistaken his remedy and could have maintained an action for fraud.

In Whitehead v. Shattuck (138 U. S., 151) the bill in equity to recover land was dismissed on the ground that ejectment would lie. In Scott v. Neely (140 U. S., 110) a bill to subject land to payment of contract debt was dismissed on appeal, because the complainant had not established his claim at law; and in Cates v. Allen (149 U. S., 459) a bill to set aside a conveyance of land, brought by a contract creditor, was dismissed on the same ground.

The above case of Buzard v. Houston was also followed in United States v. Bitter Root Development Co. (200 U. S., 472) and in the following cases: Jones v. Mutual Fidelity Co. (123 Fed. Rep., 519), Mutual Life Insurance Co. v. Pea

SECOND SECTION OF THE BILL.

second section of the Federal courts should appear upon the face of the record, but it often happens where the jurisdiction depends upon diverse citizenship that happens where the jurisdiction depends upon diverse citizenship and remanding of the cause for new trial. The second section of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the bill will enable an amendment to be made in an appellate court of the made in an appellate court of the sease of a cases on account of this defect in pleading.

While, under the judiciary act of 1789, an issue as to the fact of diverse citizenship, and by lea in abatement when the pleading or otherwise.

While, under the judiciary act of 1789, an issue as to the fact of diverse citizenship, and the seat of March 3, 1875 (18 Stat., 470, 18 Stat., 470, 18

jurisdiction was made. The trial court then denied the defendant's request to dismiss on that ground, and a trial was had, resulting in a judgment for the plaintif on the merits. The defendant appealed to the Supreme Court. The Supreme Court sustained the circuit court, on the ground that the evidence so taken did not refute the allegation of diverse citizenship. But the Supreme Court reasserted the rule that if the proof had refuted the allegation, the decision would be reversed and the suit dismissed. Eaton v. Hoge (141 Fed. Rep., 66), adopts the same rule as the Supreme Court in cases involving the same question.

Both sections are in line with modern good legislation and seek to have substantial justice done in cases where now mere technicalities are allowed to defeat justice.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. - The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. Clayton, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DEFICIENCY APPROPRIATION, WORKHOUSE, DISTRICT OF COLUMBIA.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the joint resolution (H. J. Res. 238) making an appropriation to supply a deficiency in the appropriation for the support of the workhouse of the District of Columbia for the fiscal year 1912, which, with the accompanying report (No. 308), was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I reserve all points of order on the

resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4455. An act to provide for the establishment of additional aids to navigation at Ashland, Wis.;

S. 4242. An act to authorize the establishment of aids to navigation at Oconto Harbor, Wis.;
S. 4432. An act to provide for the construction of a light and fog-signal station and for improving the aids to navigation at Lorain Harbor, Ohio;
S. 4434. An act to provide for removing, reconstructing, and improving the fog-signal station at Cleveland, Ohio;

S. 4306. An act to provide for the disposition of pensions due inmates of the Naval Home:

S. 2235. An act to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four

years in the naval auxiliary service; S. 2037. An act to provide for the erection of a monument on the battle field of Gettysburg to commemorate the services of

the United States Signal Corps during the War of the Rebellion; S. 1345. An act for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased;

S. 4854. An act to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of

the Barry farm, and for other purposes; and S. 4433. An act to provide for rearranging, rebuilding, and

improving the aids to navigation at Ashtabula Harbor, Ohio.

The message also announced that the Senate had passed without amendment bill of the following title:

S. 4432. An act to provide for the construction of a light and fog-signal station and for improving the aids to navigation at Lorain Harbor, Ohio; to the Committee on Interstate and Foreign Commerce.

S. 4434. An act to provide for removing, reconstructing, and improving the fog-signal station at Cleveland, Ohio; to the

Committee on Interstate and Foreign Commerce.

S. 4306. An act to provide for the disposition of pensions due inmates of the Naval Home; to the Committee on Invalid

S. 2235. An act to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the naval auxiliary service; to the Committee on

Immigration and Naturalization.

S. 2037. An act to provide for the erection of a monument on the battle field of Gettysburg to commemorate the services of the United States Signal Corps during the War of the Rebel-

lion; to the Committee on the Library. S. 1345. An act for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased; to the Committee on Claims.

S. 4854. An act to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of the Barry farm, and for other purposes; to the Committee on the District of Columbia.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

· Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bill of the following titles, when the Speaker signed the same:

H. J. Res. 184. Joint resolution authorizing the Secretary of War to loan certain tents, and cots for the use of the Confederate Veterans' Reunion to be held at Macon, Ga., in May,

1912; and

H. R. 1618. An act amending paragraph 6 of the act relating to the Metropolitan police force

The SPEAKER announced his signature to enrolled bills of

the following titles:

S. 3580. An act to authorize the change of the name of the steamer Henry A. Hawgood;

S. 3369. An act to grant authority to the Inland Steamship Co. of Indiana Harbor, Ind., to change the name of the steamer W. R. Woodford to N. F. Leopold;

S. 3870. An act to grant authority to the Inland Steamship Co. of Indiana Harbor, Ind., to change the name of the steamer Arthur H. Hawgood to Joseph Block;

S. 4246. An act to authorize the sale of land within or near

the town site of Midvale, Mont., for hotel purposes; and S. 4351. An act to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution

H. R. 1618. An act amending paragraph 6 of the act relating

to the Metropolitan police force; and

H. J. Res. 184. Joint resolution authorizing the Secretary of War to loan certain tents and cots for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912.

LIENS OF JUDGMENTS AND DECREES, UNITED STATES COURTS.

Mr. CLAYTON. Mr. Speaker, I call up the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

The SPEAKER. The gentleman from Alabama calls up a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888, be, and the same is hereby, repealed.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. Sterling], who reported this bill to the House on behalf of the committee, 10 minutes, or such time as he may desire.

The SPEAKER. The gentleman from Illinois [Mr. Sterling] is recognized for 10 minutes.

Mr. STERLING. Mr. Speaker, this bill seeks to repeal section 3 of an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States.'

The statute in question provides that judgments and decrees of the Federal court shall become liens to the same extent and in the same manner as judgments of the State courts in the

States where the Federal courts are held; but section 3 makes

an exception to that rule.

The first section further provides that when the laws of a State require judgments and decrees of the State courts to be registered or docketed or recorded in any particular office or in any particular manner, in order to become a lien on real estate, then judgments and decrees of the Federal courts must also be recorded or docketed in the same manner, in order to become liens on real estate.

That provision applies, however, only in case the State shall have passed appropriate legislation providing that judgments and decrees of the Federal court may be so docketed, recorded,

or registered.

Section 3 provides that even though a State may pass a law requiring judgments and decrees of such courts to be registered or recorded, it is not necessary in those counties where a Federal court is held to register and docket judgments of the Federal courts in order to render them liens on real estate.

A number of States have adopted a system of land registration known as the Torrens Act. In States where this system of land registration has been adopted any person owning land may have it registered in the office of the registrar of titles, and then he may at any time get an official certificate from the registrar of titles showing the state of his title. The certificate states in whom the fee of the land is. It also states what estates, easements, or incumbrances affect the title to the land; but the registrar of titles is not bound to certify to anything affecting a title if it does not appear of record in his office. Under the laws of those States that have adopted that system all judgments, decrees, mortgages, and everything affecting the title to land thus registered must be recorded in the office of the registrar of titles in order to make them liens.

In those counties where a Federal court is held the judgments and decrees of the Federal court are not bound, under section 3 of this statute, to be recorded in the office of the registrar of titles. Therefore, when the registrar of titles makes a certificate in those counties it does not cover judgments of the Federal courts, and the landowner, the man seeking to find out the state of his title, must go to some other forum to find what judgments there are against his title in the Federal courts.

But this is of benefit not only in those States that have adopted that system of land registration. It will be of benefit to every county in the United States where a Federal court is held. It fixes one place where the landowner may find a record of liens and encumbrances affecting his title. It makes his title more certain, and it reduces the expense of ascertaining the state of the title, and for that reason this provision will be of benefit in all the counties throughout the country where a Federal court is held.

It has always been the policy of Congress to defer the matter of titles to the respective States, to allow them to regulate liens, the duration of liens, and the manner of discharging them. Congress has passed laws requiring that executions and attachments from Federal courts must proceed in the same manner as executions and attachments in the State courts in the States where the Federal courts are situated. The same is true as to the duration of judgment liens. There is a Federal statute providing that the duration of a judgment lien of a Federal court shall be the same as those of the State court where the Federal courts are held. This is practically the only exception where the Federal statute does not require judgments of the Federal courts to conform to the same regulation as judgments of the State courts with reference to the time and manner that they shall become liens and the time that those liens shall continue.

Mr. CRUMPACKER. Will the gentleman yield? Mr. STERLING. I will yield to the gentleman from Indiana. Mr. CRUMPACKER. The practical effect of this bill, if it becomes a law, will be to take from judgments and decrees of the Federal court the usual lien that attaches to property within the district until certified copies of this judgment and decree have been filed in the office of the county clerk, say, in the county where the property is located?

Mr. STERLING. It only applies to counties where Federal courts are held. That is necessary now in all counties where Federal courts are not held. In order to render a judgment of the district court now a lien on real estate, it must be dock-eted, registered, and recorded in the county where the real estate is situated, if the laws of that State so provide. Now, I

think nearly all the States have such a law.

Mr. CRUMPACKER. If there is such a law in Indiana it has been passed in recent years, because I know that in making abstracts we are always required to procure a certificate from the clerk of the district court as to whether there are any judgments or records against the property in that court

Mr. STERLING. I will call the gentleman's attention to a provision of this law which says that the Federal law becomes

applicable when a State has passed a law authorizing the judgment and decrees from the Federal court to be registered and recorded in the same manner as judgments of the State court. I supposed that all the States had such a law; I know a good many do.

Mr. CRUMPACKER. That local statute assumes that legislatures may determine the binding force of judgments and de-

crees of courts of the United States?

Mr. STERLING. Yes; and I will say further that if Indiana has not a statute providing that Federal judgments shall conform to the rules and regulations of judgments in the States this will not affect Indiana at all. It only applies to States that have passed laws authorizing judgments of the Federal courts to be docketed in the same manner.

Mr. CRUMPACKER. This bill, if it becomes a law, will ap-

ply to the counties wherein a Federal court is held, the court

that renders the decree or judgment?

Mr. STERLING. It applies only to those counties for this reason: The law already applies to all the other counties. Section 3 makes an exception of these counties where Federal courts are held. The bill seeks to repeal section 3, so that these counties will come under the same rule as all other counties

Mr. CRUMPACKER. The purpose is to make a lien or judgment of the Federal court attach only from the time that it has been duly recorded in the county where the property may be

situated?

Mr. STERLING. Yes; and only affects these counties where the Federal court is held, for the reason that in all the other counties it is so now in the States that have passed such laws.

Mr. CRUMPACKER. And in a question of priority as to the right of lien between a judgment of a State court and the judgment of a Federal court the question will be determined in relation to the judgment that was first recorded?

Mr. STERLING. I should think so.

Mr. CRUMPACKER. That is a pretty important question. Mr. STERLING. That would depend entirely upon the laws

of the State.

Mr. CRUMPACKER. I have some doubt about the power of a State legislature to limit or impair the force and effect of a judgment or decree of a Federal court. If the State has that power, it might, it seems to me, declare that no judgment of a Federal court should be a lien upon any property in the State at all.

Mr. STERLING. This law gives the State legislature the power to require Federal judgments to conform to the same rules as judgments of State courts.

Mr. CRUMPACKER. Oh, the act of Congress confers that power upon the State legislature.

Mr. STERLING. Yes; and this bill does not affect that provision of the law. It affects only section 3, which it seeks to repeal. Section 3 excepts counties where Federal courts are held.

Mr. CRUMPACKER. I think that is valid. I think that is a mr. CRUMPACKER. I think that is valid. I think that is a proper proceeding, because the Congress then will adopt a method fixed by State legislation. That is what it means?

Mr. STERLING. Yes.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. CANNON. Take it in the State of Illinois, where the gentleman procedures are both sittleman.

gentleman and myself are both citizens. Has there been legislation in that State touching this matter?
Mr. STERLING. There has.

Mr. CANNON. So that under the law as it now exists, except in the county of Sangamon, in the gentleman's district, at Springfield, there must be evidence of a judgment in the district court, filed in the court of McLean County, before it becomes a lien.

Mr. STERLING. Before it becomes a lien. Mr. CANNON. This would make the same law effective as to Sangamon County, for instance.

Mr. STERLING. That is the purpose of it.

Mr. STERLING. That is the purpose of it.

No. CANNON. That is all there is of it.

Mr. STERLING. Not all. The gentleman is aware that Illinois has adopted what is known as the Torrens system of land registration.

It does not run to all the counties, does it? Mr. CANNON. Mr. STERLING. It is optional in the State of Illinois. Any county can adopt it as it sees fit. Cook County has adopted it. There is a vast amount of titles registered in the office of the registry of titles in Cook County. Under the Illinois law, and I think under the law in all of the States that have adopted this system, lands that are registered in the office of the registry of titles are not affected by liens or incumbrances unless they are recorded or registered in that office; and this will re-quire in Cook County the judgments of the Federal courts to be registered in that office if the owner of the judgment desires

it to become a lien on land that is registered in that office. So it is of double benefit to those counties in the United States that have adopted the Torrens system, and it is of benefit generally to all the counties in the United States that have a Federal court.

Mr. CANNON. I want to ask the gentleman one other ques-Suppose a bill is filed in the gentleman's Federal district at Springfield, where the court holds its session, alleging fraud in a conveyance of a piece of property. That is notice, as I understand it, to all the world-a lis pendens. That would still render it necessary for a citizen of McLean County to consult the records in the district Federal court, I take it.

Mr. STERLING. It might in a case of lis pendens. It

would not, however, with reference to judgments.

Mr. CANNON. It would not in the case of judgments?
Mr. CULLOP. The mere fact of the filing of a declaration alleging fraud would not serve as notice to the world unless you follow out some statute and get a record in some re-

corder's office.

Mr. CANNON. I think it would.
Mr. STERLING. Mr. Speaker, the statute which this seeks to amend is not lengthy, and I will read it for the benefit of those who are interested in knowing the changes this bill pro-

poses. It is as follows:

poses. It is as follows:

Be it enacted, etc., That judgments and decrees rendered in a circuit or district court of the United States within any State shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State: Provided, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana, before a lien shall attach, this act shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

Now. that is the important part of the law. Section 2 does

Now, that is the important part of the law. Section 2 does not pertain to that part of the law and I will omit it, but sec-

tion 3, which this bill seeks to repeal, is as follows:

SEC. 3. Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county, or parish in the State of Louisiana, in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county.

If that is repealed, then Federal judgments and decrees must be docketed or registered in the counties where the Federal court is held the same as in all other counties.

Mr. MOON of Pennsylvania. Will the gentleman yield for a

question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. STERLING. I will yield to the gentleman from Pennsylvania.

Mr. MOON of Pennsylvania. I want to state to the gentleman that I was not present in the committee at the time this was reported, and I am simply asking for information. the State of Pennsylvania, for instance, in which automatically a judgment that is rendered in a county will be indexed and will become a lien. If, however, we seek to have that judgment bind land in Schuylkill County, it is necessary to go there with the transcript from the docket and file the transcript in that county. Now, I want to ask whether that will make a different practice in the Federal courts in Pennsylvania when this third section is repealed? It would seem to me that it would be necessary then to file a transcript of that judgment in the county in which the court is held.

Mr. STERLING. That would depend entirely upon whether Pennsylvania has adopted a State law as required by the Federal statute, which I have just read, authorizing judgments of Federal courts to be indexed and registered in conformity to the rules for indexing and registering judgments of the State courts. If Pennsylvania has not passed that law, this change will not affect Pennsylvania at all. If it has passed that law, then it is already the law in Pennsylvania that in those counties where the Federal court is not held the judgment of the Federal court must conform to the rules relating to judgments

in the State courts.

Mr. MOON of Pennsylvania. But a judgment in the county in which the court is held, if it conforms to the practice of the State courts, would not require the filing of a transcript to

Mr. STERLING. Not under this section 3, which we seek to repeal, but those judgments in counties where a Federal court is held, when this becomes a law, will have to conform to the rules relating to judgments in State courts. In those counties, as well as all other counties, it makes simply a uniform practice throughout the country and gives the State the right to determine with reference to liens of the Federal courts everywhere; in counties where Federal courts are held as well as in other counties.

Mr. MARTIN of South Dakota. Mr. Speaker

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Dakota?

Mr. STERLING. I yield. Mr. MARTIN of South Dakota. Would not the sole effect of this bill, if passed, be to place the rule as to liens of Federal judgments in counties in which Federal courts are held on precisely the same basis as liens in all other counties in the State or district?

or district?

Mr. STERLING. That is it, exactly.

Mr. CLAYTON. Mr. Speaker, I desire to yield five minutes
to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to say a few words in explanation of this bill. To my mind it is a very meritorious bill and ought to pass. It is also a very simple bill when understood. The act of Congress regulating liens of judgments and decrees of the courts of the United States, approved August 1, 1888, gives to liens of judgments and decrees of the Federal courts the precise effect of liens and judgments of State courts on property within the State. In other words, it provided that judgments and decrees rendered in the circuit or district courts of the United States within any State shall be liens on property throughout such States in the same manner, to the same extent, and under the same conditions only as if such judgments and decrees had been rendered in the courts of general jurisdiction of such State. That was the purpose of the original act. Now, there is a proviso in the act which further makes these liens of judgments and decrees conform to the laws of the State, which is as follows:

Provided, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana, before a lien shall attach, this act shall be applicable therein whenever, and only whenever, the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

The purpose of that proviso is to give the decrees and judgments of the United States courts the same effect upon the property of citizens within the State as that of the judgments and decrees of State courts, and no more. That is the law now in every county, except in those counties in which there happens to be located a Federal court. As to the counties where Federal courts are located, under section 3 of the same act it is provided:

Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county or parish in the State of Louisiana in which the judgment or decree is rendered in order that such judgment or decree may be a lien on any property within such county.

The effect of repealing section 3 will make the law relating to liens of judgments and decrees of Federal courts uniform throughout the entire country, without any exception.

Mr. PUJO. Will the gentleman yield?

The SPEAKER. Will the gentleman from Arkansas yield to the gentleman from Louisiana?

Mr. FLOYD of Arkansas. I yield to the gentleman from Louisiana.

Mr. PUJO. As a matter of information, the purpose of this act is to give a uniformity throughout the country with reference to judgments, or as they may operate as mortgages?

Mr. FLOYD of Arkansas. That is the sole purpose of the

act. In other words, as has been explained by the gentleman from Illinois [Mr. STERLING], in the city of Chicago there are a number of Federal courts. They have a peculiar registration system in Illinois known as the Torrens system, and this proposed repeal of section 3 would compel these judgments and decrees to be recorded under that system with the proper officer of the State before they would constitute a lien, while as at present the party who is seeking to purchase property and acquire title to it, after he has gone to the registration records of Cook County, is compelled in addition to examine the decrees of all the courts in that county before he knows whether or not there is a lien upon the property.

I want to ask this fundamental question: What Mr. PUJO. power has the Congress to pass a law with reference to liens in

the State of Louisiana or anywhere else?

Mr. FLOYD of Arkansas. The power of Congress to define and regulate the effect of liens, of course, is limited to judgments and decrees of Federal courts within States, and the purpose of this original act was to make such liens conform to the laws of the States, to which I think there should be no objection.

Mr. CLAYTON. Will the gentleman from Arkansas yield to me?

The SPEAKER. Will the gentleman from Arkansas yield to the gentleman from Alabama?

Mr. FLOYD of Arkansas. I yield.
Mr. CLAYTON. In reply to the suggestion made by the gentleman from Louisiana [Mr. Pujo], it would be quite within the power of Congress to declare, if it saw fit to do so, that the judgment of the Federal court should in no case be a lien. But Congress has the power to declare the force and effect of the judgment of the Federal courts. It is entirely within the province of Congress to do that, and that is what this bill is doing, namely, dealing with the judgment of a Federal court, a court created by Congress under its constitutional authority.

Mr. STERLING. Mr. Speaker

The SPEAKER. Does the gentleman from Arkansas [Mr. FLOYD] yield to the gentleman from Illinois?

Mr. FLOYD of Arkansas. I yield.
Mr. STERLING. This goes still further, and gives additional power to the States in determining how these judgments shall become liens.

Mr. PUJO. What power have you to say that as to Louisiana or Texas, say, with reference to a lien or a judicial mortgage? Mr. STERLING. The power of Texas and Louisiana and ery other State-

Mr. PUJO. You have the power in Federal courts.

Mr. STERLING. That is all this relates to, namely, judg-

ments of Federal courts.

Mr. FLOYD of Arkansas, There can be no doubt of the power of Congress to fix the effect of liens of Federal courts, but the purpose of this act, regulating the effect of liens of judgments in the Federal courts is not to create a conflict between the Federal courts and the State courts, but to make them correspond, as the act expressly provides. And the only exception which prevents their complete harmony with regula-tions and requirements of the State laws is found in section 3, which provides that in those counties in which a Federal court is located parties shall not be required to conform to the State laws in order that liens of such judgments and decrees may attach, and the purpose of the repeal of this section is to remove that exception and make the law uniform throughout the United States in counties in which Federal courts are located as well as in all the other counties of the United States.

The SPEAKER. The que the third reading of the bill. The question is on the engrossment and

The bill was ordered to be engrossed and read a third time,

was read a third time, and passed.

Mr. CLAYTON. Now, Mr. Speaker, I ask unanimous consent that the report made by the gentleman from Illinois [Mr. STERLING] be printed in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the report on this bill be printed in the

RECORD. Is there objection? There was no objection.

The report is as follows:

[House Report No. 303, Sixty-second Congress, second session.]

[House Report No. 303, Sixty-second Congress, second session.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888, report the same to the House with a recommendation that it do pass.

The act which this bill seeks to amend is as follows:

"Be it enacted, etc., That judgments and decrees rendered in a circuit or district court of the United States within any State shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State: Provided, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana, before a lien shall attach, this act shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

"Swc. 2. That the clerks of the several courts of the United States

ments and decreed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

"Sec. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

"Sec. 3. Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county, or parish in the State of Louisiana, in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county.

"Approved, August 1, 1888."

The main purpose of the law is to give to any State the right to require that judgments and decrees of the courts of that State are made liens. It provides that whenever the laws of a State require that a judgment or decree of a court of that State shall be registered, recorded, docketed, or indexed in a certain office in order to create a lien, then the State may, by appropriate legislation, authorize judgments and decrees of a court of the United States, held within that State, to be registered, etc., in the same man-

ner, and otherwise conform to the laws of the State relating to Judgments and decrees of the State courts.

State office is any county where the judgment or decree of a United States court need not be registered or a transcript thereof filed in a State office in any county where the judgment is rendered in order to create a lien on property in that county. If this bill becomes a law it will abolish that exception and make the rule uniform throughout the country. Judgments and decrees of United States courts will be required then to conform everywhere to the same regulation as judgments and decrees of the State courts in order to become a lien.

A number of the States have adopted a land-registration system commonly known as the Torrens law. Under that law persons owning real estate may have their Hiller registered in the office of the registrar form the registrar of titles showing the state of his title. The registrar, however, is required to note in this certificate only such matters as are of record in his office. Under the State law all judgments and decrees sought to be made liens on registered land must be registered in the office of the registrar of titles. Likewise judgments and decrees sought to be made liens on registered land must be registered in the office of the registrar of titles. Likewise judgments and decrees out it is not held in the county where the land is situated in order to create a lien on the registered had. But by section 3, which this bill seeks to repeat, judgments and decrees of the United States court is not held in the county where the land is situated in order to create a lien on the registered had. But by section 3, which this bill seeks to repeat, judgments and decrees of the United States of the United States of the County of the registrar is not bound to create a lien on the registered had. But by section 3, which this bill seeks to repeat, judgments and decrees of the States courts if such court is held in that county. The purpose of this land-registration system is to simpl

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLMENT AND LICENSES OF VESSELS.

Mr. ALEXANDER (when the Committee on the Merchant Marine and Fisheries was called). Mr. Speaker, I desire to call up the bill (H. R. 18001) to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States."

The SPEAKER. The Clerk will report the bill.

The bill was read.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4475, which is an exact copy of the House bill, and that it be considered instead of the House bill. The SPEAKER. The gentleman from Missouri asks unani-

mous consent to substitute a Senate bill of similar tenor for the bill which has just been reported.

Mr. MANN. Mr. Speaker, my recollection is that that bill

was referred yesterday.

The SPEAKER. The Clerk informs the Chair that the bill came over from the Senate yesterday, and it therefore went to the Committee on the Merchant Marine and Fisheries, of which the gentleman from Missouri [Mr. Alexander] is the chairman.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent to pass the bill temporarily while he sends and

Mr. ALEXANDER. I ask unanimous consent that the consideration of the bill may be temporarily deferred until the Senate bill can be returned.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this bill be passed temporarily without prejudice. Is there objection?

There was no objection.

PROTECTION OF FUR SEALS AND SEA OTTER.

Mr. SULZER (when the Committee on Foreign Affairs was called). Mr. Speaker, I call up the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. Davis of West Virginia in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. KENDALL. Mr. Chairman, I object.
The CHAIRMAN. Objection is made by the gentleman from Iowa. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the further first reading of the bill be dispensed with.

Mr. KENDALL. That request was submitted a moment ago and objection was made. I renew the objection.

The Clerk resumed and completed the reading of the bill.

Mr. SULZER was recognized.

Mr. SULZER was recognized.
Mr. KENDALL. Will the gentleman from New York yield?
Mr. SULZER. For what purpose?
Mr. KENDALL. I desire to suggest the absence of a quorum,
Mr. SULZER. Then I do not yield.
Mr. KENDALL. I understand the gentleman can not estop

me from raising the question of no quorum.

Mr. SULZER. Mr. Chairman, I have the floor, as I under-

stand.

The CHAIRMAN. The gentleman from Iowa raises the point of no quorum present, and he is in order in so raising it.
Mr. SULZER. I did not understand he made the point of no quorum. I understood he made a suggestion to me.

The CHAIRMAN. The Chair understands that the gentleman did make the point that there is no quorum present. [After counting.] There is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

angley

Adair Allen Ames Anthony
Ayres
Barchfeld
Bartholdt
Bartholdt
Bartholdt
Bartholdt
Burke, Pa.
Burnett
Butler
Candler
Cantrill
Cary
Claypool
Cline
Connell
Covington
Cox, Ind.
Crago
Cravens
Dalzell
Davidson
Davis, Minn.
De Forest
Denver
Doremus Doughton Draper Driscell, D. A. Lafferty

Dupre Dwight Estopinal Evans Fairchild Fields Fordney Gallagher Garrett George Gillett Gould Graham Hamill Hamilton, Mich. Hamlin Hanna Hawley Hayes Higgins Hinds Hinds
Hobson
Houston
Hughes, Ga.
Hughes, W. Va.
Kinkead, N. J.
Kitchin
Lafean

Langley
Lawrence
Lenroot
Lever
Lintosay
Littlepage
McDermott
McGillicuddy
McHenry
McKellar
McMorran
Malby Malby Matthews Mays Miller Miller Moore, Pa. Neeley Oimsted O'Shaunessy Padgett Padgett Patton, Pa. Plumley Porter Powers Pray Pujo Ransdell, La. Reilly

Riordan Roberts, Mass. Robinson Rothermel Rouse Rouse Rucker, Colo. Sabath Scully Sells Sherley Sherwood Simmons Slemp Smith, Cal. Sparkman Sparkman
Speer
Stack
Stanley
Stevens, Minn.
Taylor, Colo.
Thistlewood
Underhill
Volstead
Vreeland
Weeks
Whitacre
Wickliffe
Wilson, III.
Young, Mich.

Richardson

The committee rose; and Mr. Bell of Georgia having taken the chair as Speaker pro tempore, Mr. Davis of West Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the protection of fur seals, etc., had found itself without a quorum and directed that the roll be called, which disclosed the presence of 270 Members, and returned herewith a list of the absentees.

The SPEAKER pro tempore. A quorum is present, and the committee will resume its session.

The committee resumed its session, with Mr. Davis of West

Mr. SULZER. Mr. Chairman, this bill is a comprehensive measure to give effect to the convention concluded at Washington July 7, 1911, between the Governments of the United States, Great Britain, Japan, and Russia, for the preservation and the protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean. This treaty, when carried into effect, will end pelagic sealing.

The conclusion of this convention between these Governments was a signal triumph for American diplomacy and statesmanship; and when the convention is carried into effect by the high contracting parties pelagic sealing, which is and has been the scourge of the fur-seal herd, will be a thing of the past, and those best able to judge confidently declare the fur seals will abundantly increase and the herd grow rapidly to its former proportions. For more than a quarter of a century every effort was made that could be made on the part of the representatives of the United States to bring about a treaty to stop pelagic sealing on the Pacific Ocean. Pelagic sealing is a well-defined term. It means the pursuit or the capture or the killing of fur seals upon the high seas.

The fur-seal controversy, which has been the source of serious friction between the United States and the powers bordering upon the North Pacific Ocean, whose subjects have been permitted to engage in pelagic scaling against the fur-seal herds having their breeding grounds within the jurisdiction of the United States, has been satisfactorily adjusted by the conclusion of this treaty. This convention is a conservation measure of very great importance, and if it is carried out in the spirit of reciprocal concession and advantage upon which it is based, there is every reason to believe that not only will it result in preserving the fur-seal herds of the North Pacific Ocean, but also that it will afford a permanently satisfactory settlement of a question the only other solution of which seemed to be the total destruction of the fur seals. In another aspect, also, this convention is of importance in that it furnishes an illustration of the feasibility of securing a general international game law for the protection of other mammals of the sea, the preservation of which is of much importance to all the nations of the world.

After the discovery of Alaska, in 1741, the Russians devoted their efforts exclusively to the hunting of the valuable sea otter and paid little attention to the collection of other furs. By 1775, however, the supply of sea otters had become so depleted that efforts were directed toward securing those less valuable furs which theretofore had not attracted the cupidity of the hunters. Among these were the skins of the fur seal.

The existence of the fur seal was known to the early Russians only through the capture of an occasional animal in the water. The land habitat of the animal was not known.

Inquiries by the Russians of the native Aleuts disclosed the fact that a profuse migration of these fur seals occurred each spring northward through those passes between the islands forming the Aleutian Archipelago, and that an equally profuse migration southward occurred each fall. From this it was concluded that these fur seals each spring returned to breed at a place to the northward of the Aleutian Islands, and that they left this breeding ground each fall to spend their winters in the less rigorous climate of the Pacific Ocean.

As the location of this breeding ground was unknown to the aborigines, the Russians bent their energies to discovering the place to which the fur seal migrated and where they believed it could be found in countless numbers.

Vessels to search for this unknown breeding ground were fitted out and various attempts made toward its location. In 1786 the St. George, a small sailing vessel, sailed from Unalaska, in command of Gerrasim Pribilof, a navigator in the employ of the Lebedof Co., set out into Bering Sea to search for the haunts of the fur seal. It cruised for three weeks in the supposed vicinity of the seal islands without discovering them, but, withal, finding unmistakable evidences of the close proximity of land. At last, in the first days of June, 1786, the mantle of fog that generally surrounds this locality was lifted, and before Pribilof loomed the high coast of the eastern end of the most southern island of the group. The discovery was named St. George, after Pribilof's vessel. Finding no safe anchorage there the explorer ordered all his hunters ashore with a supply of provisions, while he stood away again for the Aleutian Islands to spread such reports as to keep others from following.

The news, however, of Pribilof's discovery of the breeding place of the fur seal was spread among the various companies operating in Alaska, and in 1787, when Pribilof returned to the islands, his ship was followed by others, and the location of the islands became a matter of general information. Various rival companies made settlements at several places on both the islands of St. Paul and St. George, and as these islands were found to

be not inhabited by man they imported native Aleut hunters to perform the work of taking skins.

In 1799, by imperial grant, the Russian American Co. was given the exclusive right to exploit the resources of Alaska in consideration of its bearing all the expenses of administration and of protection of the Territory. This company at once expelled all the small traders from the seal islands and retained control of them until the cession of Alaska to the United States in 1867.

The story of the fur seal, from the standpoint of the naturalist, reads like a romance and is one of the most interesting things in all biology. There is no other animal like the fur seals, and no one knows it better than those who have watched them, studied them, and who know them. Their ruthless slaughter by the pelagic sealers is a tragedy in the annals of animal life.

Let me say here that there is no man in Congress to-day who is a better friend of the preservation of the fur seal than I am. I have studied them, and I would be the last man to stand here and speak against their best interest and protection.

These fur seals are migratory animals. Their habitat is the North Pacific Ocean. For many years, as I have said, very little was known about them. When Pribilof discovered the islands which bear his name, amphibian life was found there in limitless quantity. The shores of St. George literally swarmed with sea otters which, undisturbed so far by man, could be killed as easily as sheep. Large numbers of walrus inhabited the low beaches. The first hunters to land could not secure a foothold on the beaches because of the teeming animal life and were forced to scale the cliffs in order to reach the high ground beyond. As the summer progressed the fur seals made their appearance by millions. In the first year of discovery, by the few hunters left by Pribilof, over 2,000 sea otters were taken as well as 40,000 sealskins and nearly 15,000 pounds of walrus ivory.

With the return of Pribilof to the islands in 1787 and the arrival of the other vessels which followed in his wake, the killing of seals on land became the chief industry. From 1787 to 1799 as many as six rival companies established stations upon these two small islands, imported native workmen from Unalaska and elsewhere, and vied with each other in securing all the skins they could encourage the natives to deliver to them. In the killing no attention was paid to age or sex, but everything in the way of animal life having a marketable skin was killed. These islands were not then a Government reservation, and no restriction or regulation whatever was placed upon the killing of any animal found thereon. What number of skins was taken by these rival companies prior to 1800 will never be known.

When in 1799 they were either expelled or consolidated into the Russian-American Co., killing of seals continued in the same ruthless manner. Between 1801 and 1804 the company had accumulated in warehouses several hundred thousand seal-skins, most of which spoiled from lack of care in curing. In 1805 such unmistakable evidences of scarcity of seal life were found by a visiting court official that he took it upon himself to stop the slaughter entirely and to send nearly all the native hunters away from the islands.

Killing of seals began again in 1808 in a more moderate de-Attempts were made to secure an increase in this life by the provision of seasons in which no killing was done and by a limitation upon the catch. These measures, however, were ineffective, and in 1835 the Pribilof herd reached the condition of numbering not more than 250,000. The situation in that year became so alarming that all killing was prohibited except 6,480 nursing pups for natives' food and 100 bachelors, or young Also the vital principle that females should be exempt from slaughter and never disturbed on land was recognized in 1835 for the first time and thereafter enforced, at first partially and finally rigorously. With these restrictive measures in operation the herd gradually increased, contemporaneously with a gradually increasing killing of surplus young males for skins, until in 1867, the year of the cession, the Russians took 75,000 skins and the seal herd again numbered millions.

The seal is an amphibious animal. It can only live beneath the water a short time; just how long is not proven. Some people say 10 minutes, some 40 minutes, and some people say an hour, but the seal can only live beneath the water a short period of time, when it has to come up to breathe. It sleeps on top of the water, and the pelagic sealers start after the seal herd from the time it leaves the Pribilof Islands and they pursue it until the herd gets back to the Pribilof Islands. They capture and kill them in the water as they sleep or as they are swimming along.

All agree that the scourge of the seal herd is pelagic sealing. There is not a zoologist, there is not a biologist, there is not a naturalist, there is not a scientist, there is not a friend of the seal herd who has not said over and over again that the great crime against these animals is pelagic sealing. Stop pelagic sealing and the herd will take care of itself and increase rapidly. That is the object of this bill.

Why is pelagic sealing the scourge of the seal herd? I will tell you. When a seal is killed on the high seas the pelagic sealer does not stop to find out whether it is a male or a female, whether it is a bull seal or a cow seal; he pursues and kills the seals regardless of sex; he simply wants to get the skin for the value of the skin. He kills the seal on the high seas, strips off the hide, throws the carcass away, and salts down in the hold of his ship the hide of the seal regardless of sex, and every time the pelagic sealer kills a female seal he really kills three seals—the mother, the embryo seal, and the seal pup on shore, which will starve to death. Herein lies the great and cruel crime of the pelagic sealer. The enforcement of this treaty will stop that, and the quicker we pass this bill the sooner pelagic sealing will cease. As a friend of the seal herd that is what I want to do—stop pelagic sealing.

Upon the cession of Alaska to the United States, the Congress in 1869 declared the Pribilof Islands to be a special Government reservation. In 1870 an act was passed declaring that no unauthorized person should kill seals on these islands, but that the privilege of killing such animals be leased in 20-year periods to the highest bidder. Under this act, in 1870, a 20-year lease was granted to the Alaska Commercial Co. In 1890, upon the expiration of the first, another lease was granted to the North American Commercial Co. At the expiration of the lease of the latter company, in 1910, Congress passed a further act abolishing the leasing system and authorizing the Secretary of Commerce and Labor, in his discretion, to kill seals of certain classes and to market the skins of such seals. Under this act, in 1910 and 1911, the Secretary of Commerce and Labor, through his agents and officers, took such skins on the Pribilof Islands as the herd would afford and sold the same in London at auction.

During the period of American occupation the taking of seals progressed under careful Government supervision, and not more than 100,000 skins were allowed by law to be taken in any one year. Furthermore, females were exempted from slaughter at all times; neither could any seal be killed for its skin that was less than 1 year of age. These provisions were enforced by agents of the Government, under whose supervision the skins were taken.

From 1870 to 1889, both inclusive, the affinual take of skins on these islands was 100,000, except that for two years of this period the catch was arbitrarily restricted by the lessee to a smaller number because of an oversupply of these skins on the market. Notwithstanding this careful regulation of killing, however, the annual catch declined, from 1890, when 20,995 skins were taken, until 1911, when the catch comprised only 12,006 skins, due very largely to pelagic sealing.

During the American occupation this pernicious practice of pelagic sealing grew up, which previously had been unknown. This practice was called pelagic sealing, or the killing of seals in the water, as opposed to the land killing on the islands. This began as a business in 1881 or 1882, with an annual catch of about 10,000 skins, and reached its apex in 1894, when over 61,000 skins were taken from the Alaskan herd. Thereafter the annual pelagic catch declined because of scarcity of seals. In 1911 it was about 12,700.

The seals killed by the pelagic sealers are taken by means of spears or shotguns. In the water no differentiation can be made with respect to age or sex, whereas the land killing, which can be carefully controlled, is composed only of surplus males, which, owing to the polygamous habits of the seal, at least twenty-nine thirtieths are not required as breeders. The skins taken in the sea have been demonstrated to be composed of from 50 to 85 per cent of females. The death of the female entails the loss not only of herself but of her unborn fetus and of her nursing pup on the rookeries, which dies of starvation. The death of every pregnant female, therefore, entails the loss of three seal lives.

The early pelagic sealers were exclusively Americans and Canadians. Soon becoming aware of the destructiveness of the practice to seal life, this Government took active measures to protect that seal life, which, breeding on American territory, was asserted to be the property of this Government wherever found. Assuming that Russia had a right of property by discovery in all the eastern portion of Bering Sea and that those rights were transferred to this Government by the treaty of cession, the war vessels of the United States seized all schooners in Bering Sea engaged in pelagic sealing they could apprehend, whether American or Canadian, and confiscated them

with their cargo, apparel, and furniture. This seizing of Canadian schooners led to the convention of the tribunal of arbitration in Paris, in 1891.

The award of this tribunal, rendered in 1893, disallowed all claim of this Government to exclusive jurisdiction in Bering Sea, and held that the seizure of vessels under this claim of jurisdiction was unwarranted. The tribunal, however, promulgated regulations, which, without forbidding the practice of pelagic sealing, were designed to afford protection to the fur seals during the breeding season. They required that all sealing in Pacific waters north of 35° of north latitude and east of the one hundred and eightieth meridian of east longitude should cease on April 30 of each year; that when it was again resumed on August 1 it should be carried on in Bering Sea only with spears and outside of a zone of 60 miles radius about the Pribilof Islands.

After the promulgation of this award pelagic sealing was begun again by both Americans and Canadians. It required but a few months to demonstrate that the Paris award regulations were ineffective in providing that protection to the seal herd necessary to preserve it from gradual extinction. The employment of expert spearsmen in the Bering Sea made the spear even a more deadly weapon than the shotgun, while the 60-mile zone about the islands afforded little or no protection, as the seals while feeding traveled usually three times that distance from the islands.

This Government at once strove to reopen the question with Great Britain with a view to obtaining greater protection for the seals, and as an earnest of her good faith, in 1897, passed an act forbidding pelagic sealing on the part of her own citizens. These efforts, however, were without results until the ratification of the present treaty.

Strangely enough, while the pelagic fleet of Canada became smaller that of Japan increased. These latter vessels, not being bound by the Paris award, could take seals whenever and wherever they pleased outside of territorial waters. In 1911 no Canadian schooners were known to have operated, while the Japanese fleet numbered at least 30, and took approximately 12,700 skins, as opposed to a land catch on the Pribilof Islands of 12,006.

A comparative statement of the land and pelagic catches from the Pribilof herd from 1870 to the present year follows:

[Land catches extracted from official reports in the Department of Commerce and Labor; pelagic catches from report of Paris Tribunal of Arbitration and also from reports of sales of sealskins in London.]

Years.	Land catch from Pribi- lof Islands herd.	Pelagic eatch from Pribliof Islands herd.
	0.00	
1870	6,017	8,686
1871	95,211	16,911
1872	99,941	5,336
1873	99,485	5,229
1874	99,424	5,873
1875	99,687	5,033
1876	90,000	5,515
1877	75,199	5,210
1878	100,000	5,544
1879	100,000	8,557
1890	100,000	8,718
1881	99,905	10,382
1882	100,000	15,551
1883	75,000	16,557
1884	100,000	16,971
1885	99,995	23,040
1886	100,000	28,494
1887	100,000	30,628
1888	100,000	26,189
1880	100,000	29,858
1390	20,995	40,814
1891	13,482	59,568
1892	7,549	46,642
1893	7,425	30,812
1894	16,031	61,838
1895	15,000	56,291
1896	30,000	43,917
1897	20,766	24,321
1898	18,032	28,552
1899	16,812	34,168
1900	22,470	85,191
1901	22,672	24,050
1902	22,386	22,812
1903	19,292	27,000
1904	13,128	29,006
1905	14,368	25,320
1906	14,476	21,236
1907	14,964	16,036
1908	15,001	18,151
1909	14,995	14,142
1910	13,584	12,000
1911	12,006	12,500
		-
Total	2,205,298	962,849

It will be noted that a decrease in seal life occurred during the Russian as well as the American occupation. It will be instructive to examine briefly the causes which led thereto.

It has already been mentioned that the Russians, in their land killing from 1786 to 1835, killed both sexes indiscriminately, male and female, young and old alike. During these years it is not possible to ascertain the whole number of seals killed, but it is stated that between the years 1801-1805 over a million were taken. The killing previous to that probably was as rigorous. The meager Russian records show that several millions of sealskins were taken on these islands prior to 1805, and that they were taken from males and females indis-The practice of killing females for skins on land without restriction obtained until 1835, and was never completely abolished, it is believed, until 1847.

During the American occupation it also is proven that while the land killing carefully exempts females from slaughter, the sea or pelagic killing was and is composed in great part of the skins of females, all of which were pregnant and many of which had a nursing pup on shore that died of starvation upon its mother's death.

Furthermore, not by any means all the seals killed at sea are recovered, as many upon being shot sink and are lost before the hunters can reach them. The statistics obtained by this Government from an expert examination of thousands of skins taken in the sea demonstrate that of those taken in the North Pacific. Ocean from 50 to 60 per cent are pregnant females, while of those killed in Bering Sea from 75 to 85 per cent are pregnant females, each of which also was nursing a pup.

It is a recognized fact that any given class of polygamous animals will decrease rapidly if a system of slaughter is recognized to the formulation of t

maintained which operates directly upon the females of the species. Such killing tends at once to decrease the birth of new animals, from which the numbers of the herd must be maintained. Whenever the number of animals killed becomes greater than the natural increment through births, the species must decrease. The fact that large numbers of female seals were killed annually by the Russians through a series of many years points inevitably to the cause of the seal herd's decrease during that period. The killing of large numbers of female seals annually through pelagic sealing during the American occupation indicates the same cause of the decline in numbers of seal life in recent years.

It is reasonable to conclude, therefore, that the decrease in both the Russian and American occupations was due to a like cause, namely, the excessive killing of female seals.

It is now confidently asserted that, with a complete cessation of seal killing in the open ocean, and the consequent immunizing of the breeding females from slaughter, the Pribilof seal herd will rapidly increase in numbers. It can be cited in confirmation of this belief that following the year 1835, when the Russians first recognized the principle of noninterference with the females, the Pribilof herd gradually increased during a period of 35 years to several millions in 1867. It is significant to note that this increase occurred contemporaneously with an annual land killing of surplus males of from 6,580 in 1835 to 75,000 in 1867. Also the fur seals on Robben Island, in the Okhotsk Sea, after having been virtually wiped out by raiders in 1855, had by 1869 reestablished themselves in their original

This bill appropriates the money to Japan and Great Britain stipulated in the treaty. Until this money is paid, this treaty can not be carried out. This money is appropriated in accordance with the provisions of the treaty. The scourge of pelagic sealing is going on, and will continue until this bill becomes a law. Pelagic sealing is going on to-day just the same as it has been going on for the last 40 years, and it will go on until the money is paid to those two Governments-until this treaty, on our part, is carried out to the letter. So it seems to me that we should legislate immediately to carry the treaty into effect, so that the Governments bordering on the Pacific Ocean which are parties to the treaty will stop pelagic sealing, and just as soon as Japan gets the money agreed to be paid by the treaty and Great Britain gets the money agreed to be paid by the treaty they will pass laws or promulgate decrees to stop pelagic sealing on the North Pacific Ocean; and as soon as pelagic sealing is effectually stopped the seal herd will increase rapidly and will become again as populous, no doubt, as it was 50 or 100 years ago. This treaty is for a period of 15 years. At the expiration of that period it is very important that the treaty be renewed-

Mr. KENDALL. Mr. Chairman, will the gentleman yield?
Mr. SULZER. In a moment. I call the attention of the
House to the importance of this Government living up to the
letter as well as the spirit of this treaty, so that at the expiration of the treaty in 15 years we will be able to renew it.

Mr. KENDALL. Does the gentleman yield now for a question?

Mr. SULZER. Yes.

Mr. KENDALL. I want to ask the gentleman if these ratifications have not been long since exchanged between the various Governments that are parties to it, and if the treaty is not now in effect so far as our country is concerned?

Mr. SULZER. The President proclaimed the ratification of

the treaty on December 14, 1911.

Mr. KENDALL. And it became effective on the 15th and is now effective.

Mr. SULZER. No; it will not be effective until this bill becomes a law and we pay Japan \$200,000 and Great Britain \$200,000. No action to stop pelagic sealing on the North Pacific will be taken until we carry out in good faith the obligations which we are under by virtue of this treaty.

Mr. KENDALL. The signatures appeared with the treaty and ratifications have been exchanged between these Governments.

Mr. SULZER. That is quite true; but it is conditioned upon the doing by us of certain things, and this bill is for the purpose of doing those things. This is a national obligation. We can not ignore it. If we did, it would give Japan and Great Britain an opportunity to recede from the treaty, and they would have the right to do it, and that would end the treaty. The killing of some of the surplus seals on the Pribilof

Islands, which belong to the United States, is purely a domestic question; in other words, that is a national matter. That has nothing whatever to do with this bill. We will determine this domestic question in another bill soon to come before this House.

Mr. SHARP. Mr. Chairman, may I suggest a question?
Mr. SULZER. Yes.
Mr. SHARP. It seems to me that inasmuch as section 10 of this treaty contemplates and expressly provides, as far as that goes, that this Government may exercise whatever policy it may wish in its own domestic manner of killing these seals, it ought to be incorporated in this bill.

Mr. SULZER. No; I think not. However, the gentleman and I differ about that. I want to stop pelagic sealing now. This bill does that. One step at a time. We will attend to the other phase of the question later on.

Mr. KENDALL. Will the gentleman yield to me for a ques-

tion along the line suggested by our colleague from Ohio?

Mr. SULZER. I am trying to answer the gentleman from

Mr. KENDALL. It will only make one question.
Mr. SULZER. I will answer the question of the gentleman from Ohio [Mr. Sharp] first, and possibly the gentleman from Iowa will not then want to ask his question. killing of the surplus male seals on these islands is concerned, that is a matter for us to determine for ourselves. That is a domestic problem and has nothing whatever, and ought to have nothing whatever, to do with the international aspect of the

Mr. SHARP. Mr. Chairman-

Mr. SULZER. One moment. In this bill we are dealing with foreign nations; we are dealing with Russia, we are dealing with Japan, we are dealing with Great Britain. When this bill becomes a law it will carry into effect the terms of this treaty, and we should never amend this law while this treaty lives. This treaty is for 15 years. This law should remain on the statute books for that period of time without any change. Those who have the best interests of the seal herd at heart, those who have worked long and faithfully to conclude this treaty, those who want to see this treaty carried out in good faith and pelagic sealing stopped, are very anxious not to complicate the international question with the purely national question-

Mr. SHARP. Mr. Chairman—

Mr. SULZER. So far as I am concerned, I have very positive views regarding rules and regulations for the herd in our own country on our own land. There is a difference, and an honest difference, I believe, of opinion regarding just what we should do with our own surplus male seals, but there can be no difference of opinion as to our duty now to stop pelagic sealing on the high seas, especially when the representatives of these high contracting parties have said in a solemn convention that pelagic sealing shall stop for 15 years. Let us do our duty to our neighbors. Let us first stop pelagic sealing.

Mr. SHARP. Will the gentleman yield for a question?

I am answering your question, I think, very Mr. SULZER.

effectively. Mr. SHARP. There is another question.

Mr. SULZER. Never mind the other question now. Let me answer one question at a time. I want to make it clear that the question before the House in this bill is an international question. The other question which will come before this House in a very short time in another bill is a national one, affecting the policy we shall pursue regarding the fur seals on our own

Mr. SHARP. May I ask a question—
Mr. SULZER. One moment. There are those who believe that to complicate this bill by amending it along the lines of some of the amendments suggested will defeat the very object the friends of the seal herd are most anxious to accomplish, and that is to put a stop to pelagic sealing. That is my purpose now, and I am moving speedily to do it.

There are people who want pelagic sealing to continue. It is a very profitable industry. The men engaged in pelagic sealing make hundreds of thousands of dollars every year, and the longer the matter can be put off the better for the pelagic sealers. But I say to you—and I know whereof I speak—that the duty of Congress now is to stop pelagic sealing; and the way to stop pelagic sealing, which is the great scourge of the fur-seal herd, is to carry out in good faith this splendid treaty which reflects so much credit on the representatives of America; and when we do that, we will do more to protect and preserve the fur-seal herd than anything else that can be devised by the ingenuity of man.
Mr. KENDALL. Mr. Chairman, will the gentleman yield

for a question?

Mr. SULZER. Yes; in a moment. We will, ere long, have before us a bill that will deal with the domestic question. When that bill comes before the House it will be a good time, it seems to me, to discuss the question whether we should kill some of the surplus male seals or none. But remember that the treaty also provides that if we do not kill any of the surplus male seals on the islands and give to Japan and Great Britain their percentage of the skins, we must pay every year \$10,000 each to Japan and Great Britain.

Mr. KENDALL. Mr. Chairman, I want to ask the gentle-

man a question-

Mr. SULZER. I am appealing to the House to-day to do one thing at a time; to pass this bill to carry this treaty into effect. Stop pelagic sealing. Then our international obligations are fulfilled, and when the national question comes up we can legislate on that as we may desire. I yield now to the gentleman from Iowa.

Mr. KENDALL. I yield, Mr. Chairman, to the gentleman from New York [Mr. PAYNE], who desires to ask his colleague

Mr. PAYNE. I see a clause in the bill on page 8, beginning on line 14, by which it seems the committee has recommended to strike out all the provisions allowing the Secretary of Commerce and Labor to regulate the killing of seals at his discretion. That is the law now, is it not?

Mr. SULZER. Yes.

Mr. PAYNE. Striking this out allows it to stand as it is

Mr. SULZER. It does. Mr. PAYNE. That is good law, and I do not see why you

should repeal it.

Mr. SULZER. That law seems to be causing all the trouble with some of the Members. However, the bill now before the House deals with international obligations contracted by the United States Government. The other law will stand or fall, as it should, on its own merits-but that is another story, as

Kipling would say.

Mr. KENDALL. I want to inquire of the gentleman if, when the State Department sent the bill here, it did not have a clause

regulating the land killing of seals?

Mr. SULZER. No changes have been made in the bill since I introduced it except the changes made by the Committee on Foreign Affairs, of which the gentleman is a member. The committee amended the bill in certain particulars. Several of the amendments adopted protect sea otter. That should be done. Under the treaty sea otter as well as fur seals are protected from pelagic sealers. I offered these amendments in the committee and they were adopted. So much for that.

Now, Mr. Chairman, a few words in conclusion. The Committee on Foreign Affairs submits this legislation to carry into effect the convention, especially so far as pelagic sealing is concerned, between the high contracting parties. The real object of the convention is to stop pelagic sealing. That is an inter-national question, and the bill proposed legislates on the subject matter without regard to the question of the killing of the surplus male seals on the Pribilof Islands, which is purely a na-tional or a domestic question, and about which there is much honest difference of opinion.

In so far as the matter of the Government killing annually some of the surplus male seals on the Pribilof Islands is con-cerned, the committee deemed it advisable to legislate in that regard in a separate bill, so as not to complicate the international aspect of the case regarding pelagic sealing with the

national aspect of the case regarding land killing on the islands of the surplus male seals

If Congress shall determine to legislate for a closed season, or to place restrictions and regulations on the number of surplus male seals to be killed each season, or any season, on our own islands while this treaty is in force, it is exceedingly desirable for many reasons, which must be apparent, that such restric-tions and regulations should not be made in the act adopted for the sole purpose of giving effect to the treaty regarding pelagic sealing and to carry out in good faith our international obligations thereunder.

We must recognize the fact that this country can not deal with the herd at sea as its own property, and that the coopera-tion of Great Britain, Russia, and Japan in the manner provided for in the fur-seal treaty is essential for the protection of

the herd against pelagic sealing.

These countries have been induced, after difficult and protracted negotiations, to agree to abandon pelagic sealing on condition that they shall receive a compensating interest in the skins taken by us on land. If, however, the interest which they derive in this way does not prove to be of more value to them than the profits to be gained by pelagic sealing, it is not likely that they will be willing to continue the treaty beyond the 15year period. It is certainly true that if during the 15-year period they receive less than they regard as their fair share of the increase of the herd, they will be inclined to make up the difference by resuming pelagic sealing, which, presumably, at the end of 15 years will be immensely profitable on account of the increase in the size of our herd.

One of the chief arguments which this Government relied upon throughout the past 25 years covered by the fur-seal controversy to induce Great Britain, and more recently Japan, to abandon pelagic sealing has been that pelagic sealing was chiefly responsible for the destruction of the fur-seal herd. It will be particularly unfortunate if we lose the opportunity, which is now presented for the first time by virtue of this treaty, to demonstrate by actual experience the soundness of this argument. It is a serious question, however, if this can fairly be tested, if land killing and pelagic sealing are both prohibited at the same time. The overwhelming testimony of the Government officials and many eminent scientists is to the contrary.

Mr. HARRISON of New York. Mr. Chairman, I regret very much to find myself, as a Member from New York, and as a former member of the Committee on Foreign Affairs, in opposition to my friend the chairman of the committee [Mr. Sulzer] on this question. My objection to the bill presented by him is not because it carries into effect the treaty providing for the stopping of pelagic sealing, but because it does not go further and provide for the stopping of all killing of the fur seals.

In my judgment, if foreigners agree to stop killing the fur seals, Americans should stop killing them. If this is what it purports to be, a measure for the conservation of one of our great natural resources, why does it not go far enough really to conserve them? Why does it stop with prohibiting pelagic to conserve them? Why does it stop with promitting penagic sealing? Why does it not also include a measure to stop the butchering of these seals by Americans on the Pribilof Islands?

Mr. FOSTER of Illinois. Does the gentleman think any law or treaty will do any good unless it stops pelagic sealing

entirely?

Mr. HARRISON of New York. I said in the beginning that that was not my reason for opposing this bill, but because it does not go far enough and stop Americans as well as foreigners from killing the seal.

Mr. KAHN. The only Americans who kill seals at the present time are those sent there by the Government of the United States, are they not?

Mr. HARRISON of New York. That is true; and has been true for the last two years.

So I understand it.

Mr. HARRISON of New York. But prior to that time the right to kill the seals on the Pribilof Islands was leased to a company which butchered the seals to such an extent that it reduced the seal herd from about 4,700,000, when we took over the Pribilof Islands in 1867, to a number now considered at less than 50,000. I object to this bill because it does not provide for a closed season in the seal killing on the Pribilof Islands, so that the herd may have a chance to recuperate.

Mr. KAHN. No private individual would be allowed to kill under existing law, but the agents of the Government are alone

allowed to kill them.

Mr. HARRISON of New York. I will say in answer to the suggestion of the gentleman from California that the conduct of this matter by the Department of Commerce and Labor since we gave them the right to take over this killing two years ago has not been such as to inspire the confidence of those who

wish to conserve the fur-seal herd. The whole story of the fur-seal herd is one of scandal and abuse from beginning to end; but my purpose on the floor this afternoon is not to make any charges about the administration of this law, because I think I can better serve the future of the fur-seal herd by advocating, if possible, an amendment to this bill which will include a closed season, prohibiting Americans as well as foreigners from killing these seals.

Mr. GREEN of Iowa. Is it not a fact that the cause of the decrease in the seal herd is not the killing by Americans on land, where only males were killed, but the pelagic sealing upon

the open sen?

Mr. HARRISON of New York. The gentleman proceeds upon a very violent assumption. It was not males alone that they killed on land, but females and pups of both sexes, and the London market has been flooded for years, including the last two years, with thousands of clina which for the last two years. two years, with thousands of skins which, from their weight and dimensions, unquestionably are below the legal limit and show a violation of the existing law.

Mr. KENDALL. That applies to two-thirds of the skins

marketed

Mr. GREEN of Iowa. That is because of a violation of the present law, is it not?

Mr. HARRISON of New York. I should prefer to develop my argument a little further, if the gentleman will excuse me. The chairman of the Committee on Foreign Affairs says this is not a question of foreign affairs, but is a domestic question.

And then he goes on to say that the further regulation of the killing of the fur seals by Americans on the islands is to be handled by a bill by his committee. I would like to know from the chairman of the committee why, if this is not a ques-tion of foreign affairs, it should be considered by his committee at all? If it is purely a domestic question the Committee on Foreign Affairs has nothing whatever to do with it. If that is true, then his suggestion of conserving the seals by his com-mittee placing a closed season on the islands in a separate bill is apt to meet a lingering and unhonored death.

But, as a matter of fact, this is not a domestic question; it is a question of our good faith in entering into treaty relations with other nations. The best way for us to show our good faith in our treaty relations is to stop killing the fur seals by Americans, especially where it was done merely for the profit of private individuals and now is being done for profit for the

revenues of the Government.

No plan could be more shortsighted than to attempt to obtain a few thousand dollars a year by killing seals now, if the immediate result of the killing will be to exterminate entirely

the herd and to defeat all conservation of it in the future.

The only way to permit the herd to resume its former immense proportions is to stop for a time all killing of fur seals [applause] and allow the herds once more to assume the number of four or five million, as occurred during the years when Russia, for the protection of the herds, put an absolute closed

season on the islands.

The gentleman from New York, chairman of the committee, has insinuated that those of us who are in favor of amending this bill by placing in it a provision for a closed season of the islands are really serving those who wish to continue pelagic sealing, and he says that there is a well-equipped lobby in Washington, which he would have the House infer is operating on our minds. This is the reductio ad absurdum of their whole position. As a matter of fact, the only way to conserve the furseal herd is to conserve it by stopping the killing of the fur seal; on the other hand, the way to put our treaties with foreign nations into the waste-paper basket is to continue the killing of them.

Those who are in favor of conserving the fur seal will vote for the amendment to be proposed to the bill, which will stop the Americans killing seals. Those who are in favor of the extermination of the fur-seal herds will vote against that

amendment.

The butchery of the fur seals on the islands during the past 20 years has been such as to suggest now that if any persons are interested in operating under cover in this matter they would be in favor of continuing the butchering of the seals by Americans rather than to adopt the amendment, which will put But I consider it ungenerous and unnecessary to dwell on that feature of the case.

Now, the report of this committee does not receive the unanimous support of the committee; in fact, I believe nearly half of the committee is opposed to the bill in its present form, because it does not contain a provision against killing the seals on the islands. The minority had no time to file a report, and there is no information before the House which enables Members judicially to make up their minds on this question. I do

not propose to state the grievances of the minority of the committee on this question, a minority comprising Members on both sides of the Chamber; they are able to do it, and no doubt will do it themselves. My complaint is that the House has before it a biased, partisan, and absolutely inaccurate statement of facts in the case, and the House with that statement is unable to make up its mind correctly. This report of the Committee on Foreign Affairs contains a number of letters from various gentlemen who are in various ways desirous of continuing the butchering of the fur seal, and also other letters from biologists and paleontologists here and there in the United States who have subscribed to a lot of ridiculous statements, in which they try to oppose the close of the fur-seal killing on the islands.

Chief among these is Mr. Henry Fairfield Osborn, the president of the American Museum of Natural History, which is an enormous building in the city of New York devoted to the preservation of the dead bodies and bones of animals whose species have passed away. Mr. Osborn is the president of that mausoleum of the dead, and, if he has his way, soon the carcasses of the last fur seals will be added to his interesting collection of extinct animals. Mr. Osborn has spent most of his time of recent years in digging for fossils in the Fayoum Desert in Egypt, and from time to time he emerges from the dust storms of the desert to electrify the world with the discovery of a piece of the thigh bone of an animal that perished there 10,000 years ago. If he has his way, if he is able to continue the killing of seals on the islands by Americans in the utterly unrestrained, reckless, and defiant manner in which it has been conducted recently, he will probably soon be able to add the preserved flipper of the last fur seal of the Pacific Ocean to his interesting collection in the Museum of Natural History.

Mr. YOUNG of Kansas. Mr. Chairman, will the gentleman

yield?

Mr. HARRISON of New York. Certainly.

Mr. YOUNG of Kansas. I gather from the gentleman's remarks that his reason for opposing this bill is that it does not regulate or prohibit the killing of seals?

Mr. HARRISON of New York. Not entirely.

Mr. YOUNG of Kansas. . That is one of the reasons, I understand.

Mr. HARRISON of New York. I am prepared to support the bill when it is amended to prohibit all killing of seals for some time.

Mr. YOUNG of Kansas. The gentleman's opposition so far seems to have developed that position. I want to ask further if it is not true that we now have a law which empowers the Commissioner of Commerce and Labor to regulate the killing, even to absolutely prohibiting it, if he sees fit?

Mr. HARRISON of New York. I will say in answer to the gentleman that the present law does give that permission; but if the gentleman will examine the history of this matter he will discover that the conduct of affairs, even under that regulation, is thoroughly unsatisfactory to all persons who truly,

Mr. TOWNER. Mr. Chairman, will the gentleman yield?
Mr. TOWNER. Mr. Chairman, will the gentleman yield?
Mr. HARRISON of New York. I will.
Mr. TOWNER. As I understand it, the terms of this treaty refer only to pelagic sealing and to its prevention. Am I correct about that?

Mr. HARRISON of New York. That is correct.

Mr. TOWNER. It is the statement of the chairman of the committee that it is the intention of the committee, in the bill as presented, to refer only to that phase of the custom. Is that also correct?

Mr. HARRISON of New York. That is correct.

Mr. TOWNER. Then, is there any inconsistency in the keeping out of such a bill as that—provisions that shall be en-

tirely other than those relating to this convention?

Mr. HARRISON of New York. The gentleman did not do me the honor of listening to my remarks, or he would have received the answer to that question before he asked it. The inclusion of a period of close season on the islands, as well as out to sea, is absolutely essential to the conservation and preservation of the fur seal.

Mr. TOWNER. Does not the chairman of the committee say that it is the intention of the committee to immediately

report a bill upon that question?

Mr. HARRISON of New York. Mr. Chairman, I am glad the gentleman has asked that question. I had intended to discuss it a few moments hence, when I close my remarks, but I shall answer that now. In my judgment the most adroit and harmless method of conducting an offensive measure to the gas chamber is to lead it into the presence of a subcommittee. That is a practice so familiar in the conduct of affairs in this House that we might be pardoned for fearing these Greeks, even when bearing gifts; but in this case it is not absolutely essential to believe that the subcommittee will turn on the gas and abandon this reform to its fate. It is fair to believe that they will report a close season of killing seals on the islands, because I understand that a large majority of the Committee on Foreign Affairs is in favor of a close season; but my judgment-and perhaps it of no more value than that of any other Member of the House—is that this pelagic measure will become a law, that another measure treading on the heels of this and relating solely to the killing on the islands will not become a law, and is not, by all those who advocate it, designed to become a law. This measure carries into effect the terms of a treaty.

Mr. FLOOD of Virginia. I would like to interrupt the gentle-

Mr. HARRISON of New York. With pleasure.

Mr. FLOOD of Virginia. Now, with regard to the subcommittee doing what the gentleman seems to think it will do, I desire to say that the subcommittee has made its report to the full committee and the full committee has adopted that report and directed a bill to be reported in this House.

Mr. HARRISON of New York. Then it is a violent assump-

tion that it will have first to go to the gas chamber, but if it is

coming right into the House-

Mr. KENDALL. I want to say—
Mr. HARRISON of New York (continuing). My judgment is if it does that it will perish of inanition and lack of air in the House

Mr. KENDALL. Will the gentleman from Virginia state if the subcommittee reported a bill for a closed season?

Mr. FLOOD of Virginia. Oh, no.

Mr. KENDALL. That is what the gentleman from New

York is talking about, a closed season, not for a limitation.

Mr. FLOOD of Virginia. The gentleman from New York was

referring to a general regulation of the killing

Mr. KENDALL. Closed season; not killing. Mr. FLOOD of Virginia. No; he had reference to the remarks of the other gentleman from New York, the chairman of the committee, and was referring to a bill regulating the kill-That bill has been adopted by the full Committee ing of seals. on Foreign Affairs and will come into this House.

Mr. HARRISON of New York. I am in favor of a bill absolutely suspending all killing by foreigners and Americans for a certain term of years, until the herd can naturally increase

Mr. FLOOD of Virginia. The Committee on Foreign Affairs considered it well and did not agree with the views of the gen-

tleman in that respect

Mr. HARRISON of New York. I understand that a majority of them did not agree, but a very substantial minority holds out for this amendment. I am in favor of absolutely suspending all killing of fur seals for a considerable number of years, and, in my judgment, that ought to have been included in this bill, and I hope that an amendment to effect that purpose will be offered and adopted by the committee. Now, to resume for a few moments the discussion of the letters in this biased, partisan, and one-sided report of the committee. I will return for a moment to the statement of Mr. Henry Fairchild Osborne, the celebrated conservator of bones. He says in his letter that the reason why he is opposed to a closed season on the islandsand that, I may add, is the tenor of several other letters on the same subject—is that if we do not kill off a certain number of the gentleman seals on the island, their attentions to the lady seals will become so dangerous as to entirely destroy the life of the fur-seal herd, males and females alike, and he says in the letter that pelagic sealing has destroyed 85 per cent of the females in the herd and that the balance of nature has thus been destroyed.

Why, he has been entirely misinformed as to the state of fairs up there. Instead of 85 per cent of the females having been killed, there is at present a great surplus of females among the 40,000 or 50,000 seals now surviving the seal butchers. The whole argument made by Mr. Osborne and these other paleontologists is to the absurd and ridiculous effect that mankind can better direct the operations of nature than nature can itself; that nature, if left to itself, would accomplish the entire destruction of the fur-seal herd, but that man, acting with the wisdom accumulated behind the domelike forehead of the Secretary of Commerce and Labor, could direct the operations of nature to such beneficent effect that the seal herd would soon resume its balance and soon thereafter its mighty proportions of the past

Mr. TOWNSEND. That is, the more you kill the more you have?

Mr. HARRISON of New York. And that means the more seals you kill the more you have. It means you can both eat your cake and have it, too. I understand that there are other scientists in other fields of zoology who have tried to apply similar arguments to other forms of animal or fish life, and that is the only serious argument which I think is worth while to direct to this feature of the case. I am somewhat familiar with the salmon rivers of Canada. In the most of these rivers they have established at the mouths a fish hatchery, in which they divert the eggs of the spawning fish and with the hand of man attempt to supplant the natural operations of nature. Now, in every one of those rivers where this has taken place the universal testimony of all persons concerned, from the Indians who act as guides up to those who act as guardians and conservators of the water, is that the immediate result of this has been enormously to diminish the stock of fish.

And so far as that furnishes any parallel to the case under consideration, it shows what folly it is for mankind to attempt to interfere with the course of nature. I believe, and I think any reasonable Member of this House believes, that the fur seals, if left to themselves, are better able to take care of themselves than the Hon. Charles Nagle is able to take care of them. I believe that the members of the herd are better able to arrange for their future than any Secretary of Commerce and Labor is able to arrange; but I believe still further, Mr. Chairman, that to continue at the present time in the hands of persons who have certainly not mitigated the scandalous conduct of these matters in the past, a further license to butcher the seals on these islands will, in the space of a few years, insure the total destruction of the herd. Now, Mr. Chairman, believ-ing that, as I do, I shall vote for an amendment which is to be offered when we reach the right place in the bill, providing for a closed season on the islands as well as at sea. And I believe if we adopt this amendment it will not only find its proper place in a bill designed to carry the treaty provisions into effect, but it will show our good faith in the matter by evidencing the fact that we are willing ourselves to stop the killing of seals as well as to prohibit foreigners from doing so. And I believe that the immediate result of it will be that the herd will multiply by leaps and bounds and will at the end of the 15-year period attain the same magnificent proportions that it did in the past. Now, if that comes about, the result of denying ourselves a few thousand dollars of revenue to-day will be that we may get many hundreds of thousands of dollars in revenue in the near future; and that the fur-seal herd, one of the most valuable and magnificent acquisitions which came to us with the cession to the United States of the great Territory of Alaska, will be projected into the future as an enduring monument to the wisdom of Congress.

[Mr. FOSTER of Vermont addressed the committee. See Appendix.]

Mr. SULZER. Mr. Chairman, I move that the committee do

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

The question being taken, on a division (demanded by Mr. Kendall) there were—ayes 58, noes 34.

Mr. KENDALL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. It does not require a quorum of the committee to rise. The point of order is not well taken.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Davis of West Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan. and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911, and had come to no resolution thereon.

Mr. SULZER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House bill 16571; and, pending that motion, I ask unanimous consent that all general debate on the bill be closed at 5 o'clock, one half the time to be controlled by the gentleman from Iowa [Mr. Kendall] and the other half by myself.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 16571, and pending that he asks unanimous consent that general debate on the bill close at 5 o'clock. Is there objection?

Mr. KENDALL. I object.
Mr. SULZER. Mr. Speaker, I move that general debate on the pending bill be closed at 5 o'clock, one half of the time to be controlled by the gentleman from Iowa [Mr. KENDALL] and the other half by myself.

Mr. KENDALL. Mr. Speaker, I make the point that there is

no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-nine gentleman present-not a quorum.

Mr. SULZER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. KENDALL. Division!

The House divided.

The SPEAKER. On this question the ayes are 91 and the noes are 47.

Mr. KENDALL. Mr. Speaker, I ask for the yeas and nays. Mr. HARRISON of New York. I move that the House do now adjourn

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. KENDALL. Division!

The House divided; and the affirmative vote was taken.

Mr. JAMES. Mr. Speaker, I make the point of order that the motion to adjourn is not in order pending the announcement of

Mr. KENDALL. That point of order comes too late.
Mr. JAMES. Oh, no.
The SPEAKER. The gentleman from Kentucky is mistaken as to what the situation was. The Chair had announced the vote, and the gentleman from Iowa demanded the yeas and nays. Pending that the gentleman from New York [Mr. Har-RISON] moved that the House adjourn.

Mr. JAMES. Mr. Speaker, certainly the demand for the yeas and nays would have to be disposed of before the motion to

adjourn.

Cline

The SPEAKER. The motion to adjourn is the supreme motion in the House.

The negative vote was taken.

The SPEAKER. On the motion that the House do now adjourn the ayes are 32 and the noes are 81.

Mr. KENDALL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Focht

The question was taken; and there were-yeas 22, nays 228,

answered "pre	sent" 7, not vo	oting 135, as follo	ows:
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Macon	Post	Slayden	Thomas
Madden	Pou	Sloan	Tilson
Maguire, Nebr.	Powers	Small	Towner
Mann	Pray	Smith, J. M. C.	Tribble
Martin, S. Dak.	Pujo	Smith, Saml. W.	Turnbull
Moon, Tenn.	Rainey	Smith, Tex.	Underhill
Moore, Tex.	Raker		Underwood
Morrison	Randell, Tex.	Sparkman	
Morse, Wis.		Stedman	Vreeland
Moss, Ind.	Rauch Redfield	Stephens, Cal.	Watkins
Murdock		Stephens, Miss.	Wedemeyer
	Rees	Stephens, Nebr.	Wickliffe
Murray	Reyburn	Stephens, Tex.	Wilder
Neeley	Roberts, Nev.	Sterling	Willis
Nelson	Roddenbery	Stone	Wilson, N. Y.
Norris	Rodenberg	Sulloway	Wilson, Pa.
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	Fitzgerald	Lenroot	Rouse
Bell, Ga.	Fordney	Lewis	Sabath
Berger	Gallagher	Lindsay	Saunders
Bradley	Gardner, Mass.	Littleton	Sells
Broussard	Garrett	Longworth	Sherley
Burke, Pa.	George	McCall	Sherwood
Burke, Wis.	Gillett	McDermott	Simmons
Butler	Goldfogle	McGillicuddy	Slemp
Callaway	Gould	Maher	Smith, Cal.
Campbell	Graham	Malby	Smith, N. Y.
Cannon	Griest	Martin, Colo.	Speer
Cantrill	Hamill		Stack
		Matthews	
Carter	Hanna	Mays	Stanley
Cary	Hardwick	Miller	Stevens, Minn.
Clark, Fla.	Hartman	Mondell	Taggart
Claypool	Helgesen	Moore, Pa.	Taylor, Unio
Connell	Hill	Mott	Thistlewood
Copley	Hinds	Needham	Utter
Covington	Hobson	Olmsted	Warburton
Cox, Ind.	Houston	O'Shaunessy	Webb
Cravens	Hughes, Ga.	Padgett	Weeks
Crumpacker	Hughes, Ga. Hughes, W. Va.	Patton, Pa.	Whitacre
Currier	Johnson, Ky.		White
		Payne	
Dalzell	Kennedy	Plumley	Wilson, Ill.
De Forest	Kindred	Porter	Young, Mich.
Dickson, Miss.	Kinkead, N. J.	Prince	
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Kinkead, N. J. So the House refused to adjourn. The following pairs were announced:

For the session:

Mr. Fornes with Mr. Bradley. Mr. RIORDAN with Mr. ANDRUS.

Mr. Glass with Mr. Slemp.

Mr. Adamson with Mr. Stevens of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. MAHER with Mr. Young of Michigan.

Mr. White with Mr. Weeks. Mr. Webb with Mr. Utter.

Mr. Taggart with Mr. Speer. Mr. Stanley with Mr. Taylor of Ohio.

Mr. Stack with Mr. Smith of California. Mr. Smith of New York with Mr. Prouty.

Mr. SHERWOOD with Mr. PORTER.

Mr. SHERLEY with Mr. PRINCE.

Mr. SAUNDERS with Mr. PAYNE Mr. Rouse with Mr. Patton of Pennsylvania.

Mr. ROTHERMEL with Mr. OLMSTED.

Mr. RICHARDSON with Mr. MOTT.

Mr. RANSDELL of Louisiana with Mr. Moon of Pennsylvania.

Mr. MARTIN of Colorado with Mr. MILLER.

Mr. McGillicuppy with Mr. Mondell.

Mr. LINDSAY with Mr. McCall.

Mr. Lewis with Mr. Longworth.

Mr. LAMB with Mr. LENROOT. Mr. KINKEAD of New Jersey with Mr. LANGHAM.

Mr. Johnson of Kentucky with Mr. Knowland.

Mr. HAMILL with Mr. KENNEDY. Mr. HARDWICK with Mr. HILL.

Mr. Graham with Mr. HINDS.

Mr. Goldfogle with Mr. Helgesen. Mr. GARRETT with Mr. HARTMAN.

Mr. FITZGERALD with Mr. HANNA.

Mr. Evans with Mr. Griest Mr. DANIEL A. DRISCOLL with Mr. GOULD. Mr. Doughton with Mr. GILLETT.

Mr. Dickson of Mississippi with Mr. Gardner of Massachusetts.

Mr. Cravens with Mr. French.

Mr. Cox of Indiana with Mr. FORDNEY.

Mr. COVINGTON with Mr. DALZELL. Mr. CONNELL with Mr. CURRIER.

Mr. CLAYPOOL with Mr. CRUMPACKER.

Mr. CARTER with Mr. COPLEY. Mr. CANTRILL with Mr. CARY.

Mr. CALLAWAY with Mr. CAMPBELL.

Mr. Broussard with Mr. Burke of Pennsylvania.

Mr. Bell of Georgia with Mr. Anthony.

Mr. Allen with Mr. Cannon. Mr. Adair with Mr. Ames.

Mr. Foster of Illinois with Mr. Kopp.

Mr. KITCHIN with Mr. PLUMLEY.

Mr. O'SHAUNESSY with Mr. Roberts of Massachusetts.

Mr. Gallagher with Mr. Wilson of Illinois.

Mr. SABATH with Mr. MATTHEWS. Mr. KINDRED with Mr. BARCHFELD. Mr. Fields with Mr. Langley. Mr. George with Mr. Malby.

Mr. Hughes of Georgia with Mr. Hughes of West Virginia.

Mr. Mays with Mr. THISTLEWOOD. Mr. Hobson with Mr. Fairchild. Mr. Littleton with Mr. Dwight.

Mr. ESTOPINAL with Mr. BATES.
Mr. HOUSTON with Mr. Moon of Pennsylvania.
Mr. CLARK of Florida with Mr. SIMMONS.
Mr. WHITACRE with Mr. SELLS.
From February 3 until February 10, inclusive:

Mr. McDermott with Mr. Draper. From February 2 ending February 12: Mr. REILLY with Mr. DE FOREST. From 3 p. m. to-day ending Monday: Mr. Padgett with Mr. Loud.

For this day:

Mr. LEE of Georgia with Mr. BARTHOLDT.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to inquire if the gentleman from Wisconsin, Mr, Kopp, has voted?

The SPEAKER. He is not recorded.

Mr. FOSTER of Illinois. I voted "no." I would like to withdraw that vote and answer "present."

The Clerk called the name of Mr. Foster of Illinois, and he answered "Present," as above recorded.

The result of the vote was then appeared as above recorded.

The result of the vote was then announced as above recorded. Mr. SULZER. Mr. Speaker, I withdraw the motion for a call of the House

The SPEAKER. The gentleman from New York withdraws his motion for a call of the House. The vote recurs on the motion of the gentleman from New York to close general debate at 5 o'clock.

The question was taken; and there were on a division (demanded by Mr. Kendall)—ayes 121, noes 61.

Mr. KENDALL. Mr. Speaker, on that I demand the yeas

and nays.

The SPEAKER. The gentleman from Iowa demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-four Members have risen, not a sufficient number, and the yeas and nays are refused.

So the motion to close debate at 5 o'clock was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16571.

Mr. MANN. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. MANN. While the gentleman from New York did make the motion to go into the Committee of the Whole House on the state of the Union, I take it that the Speaker considered he simply called up the bill, and pending the calling of it up, moved to close debate. Under those circumstances, the motion having been agreed to, does not the House automatically resolve itself into the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair thinks so. The House will therefore resolve itself into the Committee of the Whole House on the state of the Union.

* Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further con-sideration of the bill H. R. 16571, affecting the fur-seals con-vention, with Mr. Davis of West Virginia in the chair.

The CHAIRMAN. By order of the House all general debate on the pending bill will close at 5 o'clock.

Mr. SHARP. Mr. Chairman—
The CHAIRMAN. The gentleman from Ohio is recognized.
Mr. SULZER. Mr. Chairman—

The CHAIRMAN. The Chair has recognized the gentleman from Ohio.

Mr. SULZER. Mr. Chairman, as I understand it, the gentleman from Iowa controls one-half of the time and I control one-

Mr. KENDALL. Considering that there is only one hour left that is not a very heavy undertaking.

Mr. MANN. There was no agreement about time.

Mr. SULZER. I agreed to that.

The CHAIRMAN. The Chair would suggest to the gentleman from New York that the motion as put by the Speaker of the House did not incorporate any arrangement for the division of time. If that is desired, the Chair would suggest to the gentleman from New York that he submit a request for unanimous consent.

Mr. SHARP. Mr. Chairman, I think I have been recognized by the Chair.

The CHAIRMAN. The Chair recognized the gentleman from Ohio, but understood he had yielded to the gentleman from New York.

Mr. SHARP. Not at all. Mr. SULZER. Mr. Chairman, I ask unanimous consent that the time be divided equally between the gentleman from Iowa and myself.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York for the purpose of making that request?

Mr. SHARP. Yes; I yield. The CHAIRMAN. The gentleman from New York asks unanimous consent that the time for general debate be divided equally, one half to be controlled by himself and the other half to be controlled by the gentleman from Iowa [Mr. KENDALL]. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Iowa yield any of his time to the gentleman from Ohio?

Mr. KENDALL. Mr. Chairman, out of our abundance I yield the gentleman 20 minutes.

Mr. SHARP. Mr. Chairman, as a member of the Committee on Foreign Affairs, having had before us hearings which have lasted much of the time during the past three weeks, I regret very much that the time for debate on such a very important question as this will be so exceedingly limited. It is also an additional matter of regret on my part that it comes as the result of a very serious misunderstanding on the part of a considerable number of that committee. I do not know that I betray any secrets of the committee-and I certainly do not wish tobut it is only fair to say that at least a respectable minority of the committee did not know that this report was to be made until an opportunity was given for a minority report, and they did not know that it would be considered at so early a date.

I agree very heartily with what the distinguished chairman of this committee [Mr. Sulzer] said in reference to the desirability and importance of giving this treaty, after so many years of delay, full effect. Our Government is entitled to much credit in bringing it about. I know how necessarily limited must be the means of many of the Members, who have not lad the opportunity to read the hearings, so interesting and so in-structive, to intelligently pass judgment upon this question. We can not, unfortunately, well resolve ourselves into a sort of Committee of the Whole House in hearing all of this testimony, so it is of necessity given to only a very limited number of Members to hear the evidence on both sides. Briefly stated, I will say that the bill, as it provides for giving effect to the treaty, is, with the exception of one phase of the subject, entirely satisfactory to all members of the committee.

To the extent this bill intends and proposes to give effect to the treaty to prevent pelagic sealing as between the countries interested it is entirely agreeable to all the members, and I do not believe it will receive one dissenting vote of the entire member-ship of the House; but the question at issue is, How far shall we go in making provision in this specific bill in governing and determining what has been termed our domestic policy of slaughtering seals? That is the question, and the only question, upon which we differ as members of this committee. I wish to take issue with the chairman of the committee [Mr. Sulzer] upon that one particular point; and, while it is in a certain sense a domestic question referring purely to the killing of the seals upon our own shores and may have nothing whatever to

do with pelagic sealing, yet inasmuch as that phase of the subject is considered in the provisions of the treaty itself, I think that it is removed from the category of purely a domestic question and becomes international in a way. No reference has been made by any of the speakers who have preceded me to the fact that the treaty in expressed terms contemplates a provision governing our domestic policy for the killing of seals off our own coast. It provides in section 10, briefly stated, as follows-this is the treaty, not the bill:

Provided, however, That nothing herein contained shall restrict the right of the United States at any time and from time to time suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

Mr. WILLIS. Where is the gentleman reading from? Mr. SHARP. From page 25 of the report containing the treaty. Turning over to the next page, page 26, there is even a more definite and specific reference to the policy which this country may assume in affairs domestic purely to itself. It reads as follows, and I will only quote that part which is applicable to this:

Unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of \$10.000 annually in lieu of any share of skins during the years when no killing is allowed.

Although this is a domestic question, as it concerns the killing of seals on our shores, yet possible limitations thereto have been specifically incorporated in the treaty itself, so that I believe it is entirely fair for this committee to not only assume jurisdiction over that question, but to express such limitations in the very treaty itself, so that the contracting powers interested may know what hereafter will be our future domestic policy in refer-

ence to the killing of these seals.

Mr. Chairman, I think I do not go beyond the truth when I say that not one Member on this floor out of fifty has any conception of the tremendous slaughter of the seal herd that all the world is calling upon the countries interested to protect. They have no knowledge of the large number of seals that have been slaughtered upon our shores by direction of the United States Government itself. We raise our voices in protest against pelagic sealing. We point to the fact, and the hearings establish its truth, that whereas 60 years ago there were upon those islands approximately 4,700,000 seals, that great herd has been so decimated that to-day we have but about 120,000 upon our shores, and if I remember the testimony correctly less than an aggregate of 12,000 upon the shores off Japan and Russia, so that altogether there is only a total of about 132,000 seals-hardly 3 per cent of what it was 60 years ago. I know the answer to that question is made that it is because of the indiscriminate slaughter of seals out on the water, what we call pelagic sealing, that females have been killed and therefore the means of reproducing the herd has been destroyed.

This is largely true, but I believe that if the American people knew the truth-knew that in addition to the enormous loss from pelagic sealing our own Government had permitted the killing of many thousands of seals on our shores and was prosecuting such a policy as permitted the slaughter of nearly 25,000 male seals during the past two seasons for merely the revenue derived from their skins—they would raise their voices in a mighty protest. The testimony shows that the killing lasts about 60 days a year through the summer. This means the killing of 200 seals every day; and I suppose, as they have no labor laws up there providing for the 8-hour workday, we may assume a laboring day of 10 hours, which means the death of 20 seals every hour. It means that a male seal is slaughtered every three minutes during the season under the present system by the United States Government. The chairman of this committee, who has been off the shores of the Pribilof Island many times, he tells me, and has seen the slaughter of those seals, in the committee said, "I never saw the killing of those seals that it did not appeal to me as though the men who were slaughtering them were committing murder."

I think he quoted a biologist as saying that if you are to search anywhere on earth for the missing link you should go to the seal herd to find that link. It seems inhuman to allow the native islanders, to whom this killing is intrusted, to select out, drive, and impound 200 of those seals every day—nearly 13,000 in the short space of 60 days last summer—huddle them up into the shambles, and then club each seal on the head and shoot him afterwards in full sight of the herd.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. HAMILTON of Michigan. I simply wanted to ask the gentleman for information, whether we have a contract with any corporation or corporations permitting the slaughter of a certain number of seals.

Mr. SHARP. Not at all. And in reply to that question I want to say that that unjust and unwise arrangement was broken up and became unpopular a number of years ago, and we have no contracts involved whatever.

Mr. HAMILTON of Michigan. Is there any restriction under the law, then, at all on the killing of seals, except as you make

Mr. SHARP. No.

Mr. FLOOD of Virginia. Do I understand the gentleman to advocate a policy of not at this time or any time in the future

killing any of these seals?

Mr. SHARP. Not to consume too much time, because there are those on the committee who wish to follow me. I must answer very briefly questions that are asked of me. But I wish to say that the question before the House to-day is whether they will not undertake to arrest the arm of the butcher and stop him, for a time at least, from further decimating that valuable herd and see what the consequences will be. Some one has asked what the nature of the amendment would be that we propose to offer. I want to say that the minority of this committee will propose an amendment to the effect that during the first 5 years of the 15 years of the treaty there shall be absolutely no killing whatever of our own herd upon our shores by the United States Government or any lessee under it; that during the following 5 years there may be a certain limited number of seals killed, and then a greater number the remaining 5 years. I believe the gentleman from New York [Mr. Harrison] favors a similar restriction. Now, I submit to you, gentlemen of this House, if that is not a humane policy and one in consonance with sound reason?

Mr. CLINE. I would like to ask the gentleman a question.

Mr. SHARP. Certainly.
Mr. CLINE. Why is it, if you are in favor of an absolute closed season for the first five years on the ground of the humane policy, you are not in favor of the same policy for the

next five years? Mr. SHARP.

Mr. SHARP. I am very glad the gentleman asked me that question lest I had forgotten to express my own personal opinion about this whole matter. We have sometimes to face questions calling for solutions that are purely of expediency, and the only reason I would put a limitation at all of five years upon the time for a closed season is that it might be more in accord with the conservative sentiment of the House and meeting the Department of Commerce and Labor half way. But let me say that if I had my way, and could write the law in the statute books, I would never kill any seals for the value of the pelts. Not 1 out of 1,000 people can afford to buy garments made from them. They are not a necessity, but an expensive luxury.

Mr. HAMILTON of Michigan. Has the gentleman estimated how long it will take to exterminate this seal herd at the

present rate of killing?

Mr. SHARP. I can only answer the question by saying that it is a question purely of mathematics, it seems to me. If you admit that 60 years ago there were 4,700,000, and there are now 120,000 seals, you can fairly estimate when they will be practically wiped out, providing past practices are carried on.

Mr. HAMILTON of Michigan. There is practically no other

seal herd in the world?

Mr. SHARP. Except the small herd on the coast of Japan and one on the coast of Russia. My answer to your former question is not quite responsive, because the purpose of this treaty is to provide against pelagic sealing. I desire to be entirely fair in my statement. I wish to say that this treaty is humane; and it has my hearty commendation. I want to see the bill passed as much as any Member of this House. As I stated a moment ago, there is no opposition upon the part of any member of the committee to its passing, and I have no question but that the number of the seal herd will be greatly increased if the treaty is given full effect, and this even if we continue our present policy—a mistaken, mercenary, inhuman policy, as I have said—of slaughtering 12,000 or 15,000 male seals a year; but it will increase much more rapidly and result in a better and more sturdy stock if we cease all killing.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentle-

man yield for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Arkansas?

Mr. SHARP. Certainly.

Mr. GOODWIN of Arkansas. Is it not a fact that the rules and regulations as prescribed last year by the Secretary of

Commerce and Labor, restricting and regulating the killing of seals upon the Pribilof Islands, are to the effect that none under 2 years of age, and only male seals at that, could be killed, and that the report of Mr. Frazer, the American agent in London, the great fur-seal market of the world, addressed to the Department of Commerce and Labor, was to the effect that out of 12,920 seals killed last year over 8,000 were less than 2 years of age, and over 5,000 of them, in all probability, judging from their measurement and the prices obtained therefor, were less than 1 year old? Is not the report of the American agent in London, Mr. Frazer, to that effect?
Mr. SHARP. I think there has been testimony to that effect.

Mr. FLOOD of Virginia. Mr. Chairman, will the gentleman

yield for a question?

Mr. SHARP. Just for one question.

Mr. FLOOD of Virginia. Is it not a fact that the Secretary of Commerce and Labor in a report stated that there were less than 100 of these seals, according to measurement, under 2 years of age?

I can not say as to that. I have only one Mr. SHARP.

minute more, and I do not want to give that minute up.

Mr. KENDALL. Mr. Chairman, I yield one further minute to the gentleman to enable him to conclude his statement.

Mr. CLINE. Mr. Chairman, will the gentleman permit one

short question? The CHAIRMAN. Does the gentleman from Ohio yield to the

gentleman from Indiana?

Mr. SHARP. Yes; I yield.

Mr. CLINE. Is it not a fact that Mr. Bowers, in charge of the Bureau of Fisheries, who took the skins to London and sold them, made a report to Secretary Nagel to the effect that there were less than 100 skins of less than a year old?

I do not recall that testimony and therefore Mr. SHARP.

can not answer the question.

Now, one concluding thought: The whole contention—and in order to be fair I will state it as it is given by the Government officials—the chief reason for slaughtering these seals is revenue; and then they claim that by slaughtering a certain portion of the males the seals will be propagated just as fast as before and even improved in strength, and the killing of those males does not make any difference even to the extent of 12,000 each year. My answer to that argument is-and I think I voice the opinions of some of my colleagues on the committee—that the Creator's plan of propagation in animal life is at least as wise as that of man, and where originally we found a herd of millions of these seals, it is safe and well enough to leave it to the laws of nature to propagate that species instead of sending some of our own Government expert scientific officials up there to lay out the plan by which the herd may be increased by substituting artificial laws of selection for those designed by nature. [Prolonged applause.]

Mr. SULZER. Mr. Chairman, I yield five minutes to the gen-

tleman from Maryland [Mr. Linthicum].

The CHAIRMAN. The gentleman from Maryland [Mr. Lin-

THICUM] is recognized for five minutes.

Mr. LINTHICUM. Mr. Chairman, as a member of the Committee on Foreign Affairs, I appreciated from the beginning that the seal question was one of great importance to our country; that the matter of killing seals by the Government, or of pelagic sealing, was of deep concern to this country, and I believe that the entire Committee on Foreign Affairs has taken the same view.

We have had gentlemen before the committee who have made this subject a thorough study, men who have gone into the wild and frozen North from year to year and have spent months upon the ground, both summer and winter, studying and examining this question. The result has been that this committee, from the evidence of these competent witnesses, has come to the conclusion that it is the duty of Congress to put into effect as speedily as possible the treaty which has been agreed upon between Japan, Russia, Great Britain, and the United States. We have decided-at least, a majority have decided—that the proper plan by which to carry into effect speedily the provisions of this treaty is to divorce the subject from all other questions and confine it alone to the carrying out of the treaty. [Applause.]

To that end we have not embodied in this bill legislation which we may enact to-day or to-morrow or next week. We have put into this bill only that legislation which is necessary to stop pelagic sealing at the earliest possible moment. The committee has, therefore, brought in this bill to carry out the treaty divorced from all other questions of what shall be done in the future or what regulations shall be made hereafter.

The committee has also passed upon another bill, to be pre-pared in accordance with the report from the subcommittee

appointed from the full committee, regulating how many of these seals may be killed under legal provisions, and when, and providing also for a closed season for a certain time; and that bill will come before this House as an entirely separate and

distinct proposition.

Now, I leave it to the judgment of this House whether that is not the better plan. Personally I believe it is better to have one bill presented to this House which, when passed, will need no change, no amendment, and no alteration whatever during the entire life of the treaty, and then to have another separate distinct bill which shall prescribe how many seals may be killed, when, and what closed season there shall be, which latter bill shall be subject to amendment at all times in the future without in any wise interfering with the bill carrying

the treaty into effect.

Mr. GOODWIN of Arkansas. Does the gentleman say that
the placing in the bill of a provision for a closed season will

violate the international agreement?

Mr. LINTHICUM. No; I do not say that. I say that a bill which carries into effect the international agreement should be separate and distinct from the one which legislates as to how

many seals shall be killed.

Mr. GOODWIN of Arkansas. If that is the fact, why did the Secretary of Commerce and Labor, the Secretary of the Treasury, and the Secretary of State, who drafted this bill, incorporate in section 11 a provision giving authority to Congress to limit and restrict the Secretary of Commerce and Labor as to the number of seals on the Pribilof Islands that shall be killed under his direction every year? If this was an international bill to prohibit pelagic sealing, why did those three Secretaries incorporate into this bill a provision restricting the killing on the Pribilof Islands?

Mr. LINTHICUM. It was embodied in the treaty so that Congress might legislate as to whether they wanted to kill any or not; and if they do not kill them, then our Government must pay a certain sum of money annually to Japan and Great Britain. But the principal point now is "to carry into effect the treaty" which these countries have ratified after negotiations extending over 25 years, whereby we are to pay the \$200,000 we owe to each of these countries and to stop pelagic scaling

at the earliest possible moment.

I would call the attention of the gentleman from Arkansas [Mr. Goodwin] to the statement of the Secretary of State that his department and the Department of Commerce and Labor had differed as to whether this provision should be embodied in the bill, and that it was inserted at the request of the Secretary of Commerce and Labor and did not coincide with his views then nor since.

Now, Mr. Chairman, I desire to say for the benefit of those who have not had the time nor, perhaps, the inclination to give this fur-seal question close study, that the subject is, perhaps, one of the most interesting of any presented by wild life which

comes to our attention.

The fur seal was described by Mr. Lembkey as an animal totally devoid of intelligence and unlike the hair seal which we

see so often exhibited in circuses.

In 1786 a Russian navigator, by the name of Gerassim Pribilof, discovered these five little desert islands, the largest of which is only about 13 miles long, in the North Pacific Ocean, 2,000 miles from Seattle and 214 miles from Unalaska, the nearest port. It is upon two of these little islands, the St. Paul and the St. George, that this once great American fur-seal herd breed during the summer, and then, in the fall, leave and proceed through Bering Sea and the passes between the Aleutian Islands into the Pacific Ocean, going at times as far south as Santa Barbara Channel, off the coast of southern California, returning about May to the islands for the summer.

When the United States purchased Alaska this herd was variously estimated at from two to seven million seals—the best estimate is probably about 4,000,000—and from then until now they have been so wantonly destroyed that they now number less than 140,000. They are the only species of their kind in the world and even now, in their depleted number, are the

largest known herd.

During the first 20 years of American ownership about 100,000 were killed each year and the skins sold throughout the world; and not only did the very rich ladies wear sealskin coats, but ladies of moderate means as well. From 1899 down to the present time the number secured has rapidly diminished, until now the yearly killing on these islands does not exceed 12,000.

In years gone great herds of buffalo grazed upon and roamed

through the western prairies of our land, and often trains were compelled to stop until a herd had crossed its tracks. Buffalo robes were to be seen on every hand, but, as the march of civilization proceeded toward the setting sun, the buffalo had to go. He was a menace to the new order of things, a destroyer of crops, and trampled down and devoured grain fields to the great loss and often ruin of their owners. He was useless in captivity, having little to recommend him save his thick and heavy-coated hide, useful only as a robe, for which substitutes appeared as fast as the price of buffalo robes increased. To-day the buffalo is but a curiosity in some zoological garden as the remnant of a once great herd; but not so with the seal. They have chosen as their abode these little desert islands of volcanic origin, far removed from all civilization, in a region cold and dreary and useless for all purposes other than the one for which nature, under a wise Providence, seems to have provided them. Their food consists principally of a small fish even now unclassified, and not used by us for food, so they are in the way of no one and deprive no one of food, and are certainly entitled to the protection of those into whose possession their home has come.

Since the purchase of Alaska, in 1867, the United States has received from leases, according to Mr. Lembkey, the agent in charge, about \$11,000,000, and as Alaska cost but \$7,200,000, they have much more than paid the purchase price. In addition to this, add the customs our Government has collected from the reimportation of the skins after being dressed in London. The trade in skins by the citizens of the United States since the purchase exceeds \$50,000,000, and we are therefore charged with the care of this herd, not only from a humane standpoint, but from a commercial and financial standpoint as well.

The Governments of the United States and Great Britain have endeavored to protect the seal so far as they can, and the United States have placed them under the care and keeping of the Department of Commerce and Labor. This department has been careful to kill only a certain percentage of the male seals on land in a manner least likely to disturb or injure the females, and as the seal is a polygamous animal, having harems composed of as many as 30 or 40 females, this killing of the males is pretty generally conceded as doing no injury to the herd, and at the same time produced a total revenue of \$436,155.19 for the year 1910; and after deducting the entire cost of the killing, sales, and the feeding and caring for the natives on the island (some 300 in number), netted Uncle Sam \$303,043.37. Imagine, then, what a vast revenue can be obtained from this magnificent asset of the United States if we will but care for what we have and make provisions so that a great increase may be obtained.

and make provisions so that a great increase may be obtained.

You may naturally ask what has been the cause of this great decrease and why has it not been prevented long ago? First, raids were made upon the seal islands from time to time and many seals, both male and female, were killed, their skins taken and carried away. Besides the number thus killed many others were injured, and the seal herd disturbed and annoyed, doing great damage and injury. Then there came into vogue about 1880 what is known to-day as pelagic sealing, or, in other words, sea killing. This was the great agent which brought about the depletion, and if not soon discontinued will totally annihilate the seal, and they will become as the buffalo.

The seals, principally female, leave the island for several days and go for a distance of from 150 to 200 miles at sea in search of food, intending to return and nurse the pup, which is left on shore. The seal must come to the surface very often to breathe, and after eating will sleep upon the surface of water while digesting its food, just as a dog sleeps on land after eating a hearty meal. The pelagic sealers provide boats of from 25 to 125 tons burden and carry a crew of about 30 men with canoes to lower and pursue and kill seals. The sleeping seals are speared, and the swimming seals are shot, regardless of whether they are male or female, and usually about 60 per cent are females. By the killing of the female further increase from her is at an end, and the little pup on shore dies for want of nourishment, because a cow seal will not, as is often the case among other animals, nurse the pup of another seal.

In 1881 some 10,000 were killed in this way, and this number gradually increased until, in 1894, more than 61,000 were so taken, and from then until now this great herd has rapidly diminished.

Mr. Chairman, I am therefore, as I said in the beginning of this speech, when I yielded to answer the question of the gentleman from Arkansas [Mr. Goodwin], desirous of stopping this pelagic sealing at the earliest possible moment. After 25 years of vain endeavor the Secretary of Commerce and Labor has at last obtained a treaty with Great Britain, Russia, and Japan, the latter of which is the principal nation engaged in this pelagic sealing, by which treaty the regulation of the killing is left to the United States, which country is to pay Great Britain and Japan each \$200,000 as an advance, and each of these countries are to be entitled to 15 per cent of the sealskins taken by us; and in the event we decide not to kill during any certain year or years, they are to receive for each year no seals are

taken further advances of \$10,000, all of which money so advanced is to be repaid the United States out of the 15 per cent of skins to which they are entitled. These Governments will not pass laws to prohibit pelagic sealing by their citizens until we pass this law and are prepared to make these payments, so the sooner we do so the quicker will pelagic sealing cease. I am therefore in favor of passing at once the bill reported by the committee, which carries into effect the terms of the treaty; and I am then in favor of passing the other bill recommended by the subcommittee, instructing and restricting the Department of Commerce and Labor as to the land killing and providing for a certain closed season for whatever time the subcommittee may recommend.

But by all means let us make this bill a law and save the seal. Mr. SULZER. I yield five minutes to the gentleman from Oklahoma [Mr. McGuire].

Mr. McGUIRE of Oklahoma. Mr. Chairman and gentlemen of the committee, some of you will no doubt remember that there were some charges preferred, one way and another, against the action of the Department of Commerce and Labor with respect to the methods of killing seals on the Pribilof Islands. As a result of those general charges the Committee on Expenditures in the Department of Commerce and Labor took about 350 pages of testimony with respect to the conditions in those islands, the number of seals killed annually by the Government of the United States and the number killed by pelagic sealers, who were in the main Japanese. It developed in the course of that investigation that the most critical supervision on the part of Mr. Nagel has been exercised for the last three years at least in regard to the killing of the seals.

Gentlemen, you are apt to be misled by one statement which has been repeated here about three times this afternoon. That is that 60 years ago there were more than 4,000,000 seals in and adjacent to the Pribilof Islands, but that there are now in the neighborhood of only 100,000. The testimony differs. Some put it as low as 50,000 seals, and some think there are as many as 125,000. There is that range, according to the testimony before the Committee on Expenditures in the Department of Commerce and Labor. But according to the figures, undisputed by the gentlemen who want to discontinue the killing-Mr. Elliott -at no time during any one season has the Government of the United States killed one-half as many seals as were born and raised upon the islands. I want to call your attention to the figures. One gentleman stated that it was a mathematical problem to say how long it would be before there would be no seals there. According to the undisputed testimony the killing of seals on the islands under the supervision of the Government of the United States is less than one-half of the number born, and the number will increase from the very day you stop pelagic sealing.

Mr. SHERLEY. Will the gentleman permit a question?
Mr. McGUIRE of Oklahoma. Yes; although I have only five minutes.

Mr. SHERLEY. My question will only take a moment. I want to know if it is the gentleman's contention that the killing does not help to decrease the number?

Mr. McGUIRE of Oklahoma. Killing, of course, helps to decrease the number; but in further answer to the gentleman's question I want to say that according to the figures of Mr. Elliott and the department there ought to have been 25,000 seal pups born in 1911; in 1912, 27,000; in 1913, 28,000, with a continuous increase until 1927, when, according to this computation, there would be 150,000 pups born on the islands annually. According to this computation there were last year 25,000 pups born. According to the figures of the Interior Department there were a few more than 12,000 seals killed, about one-half as many being killed as were born upon the islands. Consequently, your argument and statement, that it is a matter of mathematical computation as to how long before they will all be killed, will not hold good. I will tell you the reason. The seals live on the islands and they go to sea, for the purpose of feeding, after the pups are born. The Japanese pelagic fishermen come along and throw their harpoons into them. Then they skin the carcass and throw it into the sea, and that is the last of it. But in killing that seal they have killed the mother of two pups. That is the class of sealing that has been devastating these islands of the seals. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.
Mr. SULZER. Mr. Chairman, I yield five minutes to the
gentleman from Iowa [Mr. TOWNER].
Mr. TOWNER. Mr. Chairman, I will go as far as any Mem-

Mr. TOWNER. Mr. Chairman, I will go as far as any Member in this House in the protection of the seal herds, but that is not the question that this House has now before it for consideration. The question now is whether or not we shall at this time pass a law that will make effective this treaty

that has been entered into between this country and other countries for the purpose of stamping out pelagic sealing.

Mr. SHERLEY. Will the gentleman yield?

Mr. TOWNER. I have only five minutes, but I will yield.
Mr. SHERLEY. Would the amendment suggested by the gentleman from Ohio prevent any ratification of the treaty to stop pelagic sealing?

Mr. TOWNER. I do not think it would, I am frank to say, but I do assert that it would be extremely foolish for us now in this legislation and at this time, to pass a law of that kind, because here now at this time we ought to legislate primarily for the purpose of making these treaties effective, and for the reasons that have been given by the chairman of the committee and by the gentleman from Vermont, that these treaties are only for a limited time-for a period of 15 years. reason the legislation ought to be contemporaneous with it and of a character that need not be changed during the life of these treaties.

But the question with regard to the protection of the seal herds on the Pribilof Islands is a question purely domestic in

Mr. GOODWIN of Arkansas. If that is the case, and this bill was drawn by three gentlemen eminent in international law, why did they incorporate domestic control in the original bill which was struck out by a majority of the committee against a respectable minority?

Mr. TOWNER. The truth is, as I suppose the gentleman knows, that law is already in existence, and that power already exists, and it was only for the purpose of seeing that it did not cease to exist if no other legislation was enacted, that it The committee say now that they have prewas put in. pared a bill that will be presented to this House which will go to the protection of the seal herd on the Pribilof Islands, and when that comes before the House for consideration, then it will be time for us to take up the discussion of these matters that are presented here.

I say again, as I said before, that I will go as far as any gentleman on the floor of this House in the protection of the seal herd, and I assert, Mr. Chairman, that it can certainly be done better by a comprehensive bill that will have that object alone in view than it can now be done by an amendment tacked onto this bill. I can not understand why gentlemen here are so seriously insistent upon it. Do gentlemen on the other side believe that the chairman who has this bill in charge is not telling the truth, that other Members are not sincere, when they assert that they will immediately report a bill of this character to the House?

Mr. GOODWIN of Arkansas. Will the gentleman yield? Mr. TOWNER. Yes.

Mr. GOODWIN of Arkansas. If the gentleman is such a good friend to the seal herd, if he is as much of a friend as any man on this floor, will be vote for a closed season of 10 or 15 years to prevent all seal killing?

Mr. TOWNER. I can not say; I think I will go as far as any reasonable man ought to be asked to go. I have no other desire than to protect the seal herd; to maintain it as it ought to be maintained, under such rules and restrictions and regulations as can be made by this House when they deliberately consider that question, and that question alone. [Applause.] Mr. Chairman, I yield back the remainder of my time.

Mr. SULZER. Mr. Chairman, I ask the gentleman from Iowa

if he will not consume some of his time.

Mr. KENDALL. How many speeches are there to be made on the other side?

Mr. SULZER. Not more than two, and I think only one. Mr. KENDALL. Mr. Chairman, I will ask the gentleman if

he will have one of his speeches made now.

Mr. SULZER. Mr. Chairman, I prefer that the gentleman

from Iowa should proceed.

Mr. KENDALL. Mr. Chairman, I regret exceedingly that a proposition of such magnitude and importance as this should be precipitated upon the House at this hour. The chairman of the committee has properly stated that this is an international question. It is one which has engaged the attention of the State Departments of this country, of Russia, of Japan, and of England now for more than a quarter of a century. Everybody in all the countries and in all the parliaments of all the countries recognizes that pelagic sealing ought to be terminated at once. The gentlemen who are here this afternoon urging amendments to this measure are not actuated by the corrupt purpose imputed to them by the chairman of this committee, but they are impelled by an earnest interest in the preservation of our seal herd in the Pribilof Islands. They are eager to unite with the chairman of the committee in any legitimate

effort he may make for the protection of that wild life in the North Pacific Ocean.

My honored friend from New York says the history of the fur seals is a romance. I have great respect for his discriminating judgment, but if he had reflected upon that history as profoundly as others have done he would have concluded that it is not so much a romance as a tragedy. [Applause.] Let me make this suggestion: When that Russian navigator, Pribilof, discovered the islands which now bear his name, in 1786, there were upward of 5,000,000 seals in those northern waters. had increased to that number, not because some official in some department somewhere had had jurisdiction over them, but because of natural selection. There were more than 5,000,000 seals in those waters at the date I have mentioned. Russia entered upon the practice of indiscriminately killing the seals, largely on land, but partly on water, and in 1835 the herd numerically had diminished to 60,000. Then Russia ordered an almost complete embargo upon the slaughter of seals, either upon land or water, and from that time up to 1867, when we entered into the occupation of the islands, killing had been practically and substantially suspended. What was the result?

The herd increased from 60,000 in 1835, as it is estimated, to

4,700,000 in 1867. I challenge any man on this floor or from any of the bureaus or departments of the Government to dispute what I have just stated. Now, the novel proposition is advanced that the most effective way to restore the herd is to butcher it. Have we more judgment, more discretion, more discrimination than the Divine intelligence which controls the forces of nature operating upon this wild life in the Northern

Pacific Ocean?

It is not intended here, and I am sorry that the suggestion has been introduced by the gentleman from Oklahoma [Mr. McGure], that any amendment of this bill shall be construed as a reflection upon the Department of Commerce and Labor or any other agency of this Government. That is not true.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I beg the gentle-

man's pardon-

Mr. KENDALL. It is granted. I do not want the gentleman to consume my time, and I deny his right, or the right of the chairman of this committee, or the right of any number of gentlemen to railroad this proposition through this House this afternoon without the consideration to which it is entitled. [Applause.] I am going to state some facts here

Mr. McGUIRE of Oklahoma. Mr. Chairman, I did not make the statement attributed to me by the gentleman.

Mr. KENDALL. Then I withdraw it. Mr. SULZER, Mr. Chairman, I will say to the gentleman that there is no disposition to railroad or even bring this bill to a vote this afternoon. We will take it up next Wednesday under the five-minute rule. Then there will be ample time for amendments and discussion.

Mr. KENDALL. The chairman of this committee reported this bill to this House without allowing the minority on that committee an opportunity to present its views for the consideration of the House [applause], and he did that after an express understanding that such opportunity should be accorded. [Applause. 1

Mr. SULZER. Mr. Chairman-

Mr. KENDALL. And now he comes on this floor this after-

Mr. SULZER. One moment. I know the gentleman from Iowa does not want to be unjust.

Mr. KENDALL. Mr. Chairman, that is one correct statement the gentleman from New York has made this afternoon.

Mr. SULZER. And the statement I am going to make now is just as correct. I want this House to understand that when this bill was ordered to be reported by the committee it was distinctly understood that it should be expedited in its passage. There was no request made to file a minority report. On the contrary, the only request that was made was that the bill should be subject to amendment, to be offered by any member of the committee.

Mr. KENDALL. Mr. Chairman, the gentleman from New York must not occupy more of my time. I decline to yield

further.

Mr. SULZER. The gentleman does not want to misstate what occurred in committee. That is the fact-

Mr. KENDALL. I decline to yield; and the chairman of this committee would not be safe to consult his own associates on that committee as to whether the opportunity to present minority views was promised.

Mr. SULZER. I stated the facts. The minutes of the com-

mittee will confirm the statement.

Mr. KENDALL. And now we come on the floor this after-noon directly from a meeting of this committee, which ad-

journed at 12 o'clock, with no premonition that this question should be discussed or disposed of, and find almost immediately. ately that it is called up by the chairman of the committee, with the demand that since he has been fully heard the time be restricted to one hour for other discussion of this great international question.

Mr. SHARP. Mr. Chairman, will the gentleman yield for just one short question?

Mr. KENDALL. I yield.

Mr. SHARP. Does the gentleman anticipate that there will be any delay or danger of defeating this treaty by incorporating

in the bill the proposed amendment?

Mr. KENDALL. Not the slightest, Mr. Chairman; and if the amendment which was furnished this committee by Secretary Knox himself should be attached to this bill this afternoon its enactment into law would not be interfered with, but would be expedited. What do we propose to do?

Mr. LINTHICUM. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Iowa yield to

the gentleman from Maryland?

Mr. KENDALL. Nothing would afford me more pleasure than to yield to the gentleman from Maryland, but the gentleman himself will readily understand that I had only 10 min-

Mr. LINTHICUM. The gentleman will understand that I

was interrupted also.

Mr. KENDALL. I know I would acquire valuable information from the gentleman from Maryland, but I will have to deprive myself of that advantage this afternoon. Now, what do we propose to do here? Why, we join with the gentlemen who are in favor of the termination of pelagic sealing. body in the country everywhere is demanding that, but in view of the history of this question, in view of the results which have been experienced under the limited killing by the Department of Commerce and Labor, we ought to suspend all killing for a period of 7, 10, or 15 years [applause], and afford this herd an opportunity to rehabilitate itself to its former splendid proportions. Why, Mr. Chairman, the only argument advanced by the gentlemen before the committee who were in favor of continuing the killing of seals was that it was a profitable enterprise in which the Government ought to engage. I hope this issue may be determined upon a higher level than that. I unite with the gentleman from Ohio [Mr. Sharp], and I say that, discarding the consideration of financial returns, I would like to see a suspension of all killing for the seals' sake itself, because I believe it is a high public duty to conserve and perpetuate that wild life which has almost disappeared and which will become entirely extinct in 20 years if no provision for its protection on land is adopted.

Now, the gentleman insists that another bill will be reported but I have had too much unfortunate experience with this bill to rest with calm security upon assurances of that character. We think this measure ought to be amended. The Secretary of State was right when he incorporated section 11 as it originally appeared in the bill, and-

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. KENDALL. I will yield.

Mr. LINTHICUM. Did not the Secretary of State say that there was a difference of opinion as between he and the Secretary of Commerce and Labor?

Mr. KENDALL. I do not know what the Secretary said about a difference of opinion between "he" and anybody. [Laughter.]

report of this committee. Mr. Chairman, this is an important matter, and I believe every Member of this House who has given this question any thought is in favor of doing what he believes is best for the rehabilitation and preservation of the seal herd. I believe everyone on this committee, in this House, and in this country is opposed to pelagic sealing. The bill under consideration provides for nothing but the prevention of pelagic sealing. Its only provisions are to carry into effect a treaty between the four nations who were parties to it intended to stop this class of sealing. The gentleman from Iowa has described the enormous seal herds which existed at one time. This was before the days of pelagic sealing, which started about 30 years ago, and at that time these herds were about as large as they had ever been. Now, Mr. Chairman, they have been fearfully reduced—in this country to a herd of about 125,000, on the Commander Islands of Russia to a herd of about 18,500, and on the Japanese islands to a herd of about 6,500.

Every man who claims to have knowledge upon this subject. attributes the depreciation of these three herds to pelagic seal-[Applause.] Yet when we propose to carry into effect and operation a treaty that will put a stop to this barbarous custom, these gentleman who claim to have so humanitarian an interest in the seal herd put objections in the way of the enactment of this law. There should be no delay. Delay may mean another

season of pelagic sealing. [Applause.]

Mr. SHERLEY. Will the gentleman permit a question?

Mr. FLOOD of Virginia. Yes.

Mr. SHERLEY. Does the gentleman think that land killing

is of no harm?

Mr. FLOOD of Virginia. I think that land killing of surplus bachelors under the proper regulations is not only no harm, but that it is an advantage. And every scientific man, every man who claims to have scientific knowledge upon this subject and who has visited the Pribilof Islands-and there were eight of them who testified before the Committee on Foreign Affairs either in person or by letter or telegram-say that this character of land killing under proper regulation is an advantage instead of a disadvantage.

It is a common-sense position, notwithstanding the gentleman from Kentucky [Mr. Sherley] shakes his wise head, putting his judgment against the judgment of every scientist has testified upon this question except Prof. Elliott and Dr.

Mr. KENDALL. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. KENDALL. What scientist was before the Committee

on Foreign Affairs?

Mr. FLOOD of Virginia. I did not say they were all there in person. Dr. Evermann and Mr. Lembky were there in person. The committee had the opinions of Dr. Jordan, Dr. Fredrick A. Lucas, Dr. Stejneger, Dr. True, Dr. Stanly Brown, and Dr. Charles H. Townsend.

Mr. KENDALL. Do you say they testified before the com-

Mr. FLOOD of Virginia. I say their evidence was before the Committee on Foreign Affairs. It is in this record.

Mr. KENDALL. In what form?
Mr. FLOOD of Virginia. In the form of letters or telegrams to the committee. I will read you what one of them said. Here is what Prof. Lucas, a distinguished zoologist of the American Museum of Natural History, who has frequently visited the Pribilof Islands and made an expert study of seal life,

about a difference of opinion between "he" and anybody. [Laughter.]

Mr. KINTHICUM. Did not he say it was against his judgment?

Mr. KENDALL. I do not know; I do not want to be interrupted by questions of that character—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KENDALL. Everybody can see the futility of an attempt to discuss a question of this magnitude in 10 minutest time.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. The time has been limited by the House, and the gentleman request is not in order.

Mr. SULZER. Mr. Chairman, has the time upon the other side been exhausted?

The CHAIRMAN. The time has been exhausted.

Mr. SULZER. Then I yield the balance of my time to the gentleman from Virginia [Mr. Flood).

Mr. FLOOD of Virginia. Mr. Chairman, I do not think this question should be complicated by an attempted criticism of the chairman of the Committee on Foreign Affairs by certain the chairman of the committee prepared and filed the majority that a seal herd that has been reduced almost to extinction will so replicate the proper and filed the majority.

I do not know; I do not want to be interrupted by questions of that character—

Dear Str.: I understand that the question of a Lose closed season for the fur seals is likely to come up again, and I take the liberty of writing you to protest against this closed season as beliap absolutely unnecessary as well as unpractical ocose season as beliap absolutely unnecessary as well as unpractical and unscientific. I have never seen the fur seals likely to come up again, and I take the liberty of writing you to protest against this closed season as beliap absolutely unnecessary as well as unpractical pecalosed teason as beliap absolutely unnecessary as well as unpractical pecalosed to end of a fur seals is likely to come up again, and I take the liberty of writing you to protest against this closed season as beliap absolutely unnecessary as as well as unpractical becaus

cover in from 5 to 10 years as to yield a large number of killable males, this where every seal that could be taken (whether male, female, or young) has been slaughtered by the sealers. With pelagic sealing at an end, the control of the seal herd is absolutely in our hands, and as the killing is now done by the Government and not by any parties directly interested in the number of seals taken, it is a simple matter to control the killing as may be desired.

The sole suggestion I would make would be that as pelagic sealing has ceased, a smaller number of males be killed for two or three years to come, but this is a matter that the fur seal and advisory boards can consider at leisure. I sincerely trust that no such absurd measure will be considered as to prohibit the killing of bachelor seals.

I remain, faithfully, yours.

F. A. Lucas.

F. A. LUCAS.

Hon. William Sulzer, Chairman House Committee Foreign Affairs, Washington, D. C.

The others are just as strong. There were eight of these gentlemen connected in some way with the Government

Mr. SHARP. Yes

Mr. FLOOD of Virginia. Dr. David Starr Jordan, president of the Leland Stanford University, has some kind of a Government relation to this question. He goes to these islands. tlemen of this character were brought before this committee, in person or by communication, and every single one of these eight gentlemen testified that the scientific and practical thing to do was to protect the female seals from being killed and leave a sufficient number of males for breeding purposes and kill the surplus males. That is the testimony of every man who professes to have knowledge upon this subject except Mr. Elliott, who has not been upon these islands for 22 years, and

of Dr. Hornaday, who has never been there.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HARRISON of New York. Will not the gentleman from Virginia admit that Dr. William T. Hornaday, the president of the New York Zoological Society and the only one of these scientists who has had anything to do with the live animals, advocated the absolute cessation of killing on the islands?

Mr. FLOOD of Virginia. It was unnecessary to ask me that

Mr. FLOOD of Virginia. It was unnecessary to ask me that question. I have just stated what Dr. Hornaday's position was, but Dr. Hornaday has never been upon these islands. He is like my friend from New York [Mr. Harrison]. He is a theorist upon this question. These gentlemen who testify that the preservation of a sufficient number of males is better for the seal herd were men who had been there, some of whom have spent years and years there, and others of them going there frequently and studying fur-seal life at first hand. have made a practical investigation of the question and should know what they are talking about. We were confronted in the committee with this question. There were two views presented to us. No man who pretended to have scientific knowledge of this question ever suggested a closed season of five years or seven years. If I entertained the view that my friend from Ohio does, that these seals are almost human, that to kill them is murder, I would never stand here and advocate killing them at any time, because if it is murder to-day it would be

murder at the end of five or of seven years. [Applause.]

But the gentlemen who appeared before that committee, Mr. Elliot and Dr. Hornaday on the one side, contended for a closed season for the whole 15 years of the life of this treaty. The other gentlemen contended that the scientific and practical and sensible thing to do was to kill all the surplus male seals, not only because it was an advantage to the remaining seals, but also because it involved a very considerable financial interest to this Government. The difference between a closed season for 15 years and the proposition advocated by this committee means between \$10,000,000 and \$15,000,000 in the Treasury of this Government. I do not believe gentlemen are going to sit here and carelessly vote away \$15,000,000 of the people's money upon theories advanced by Members of Congress and by men who purport to be scientists but who have never visited these islands and whose knowledge is entirely theoretical.

Mr. SHARP. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Virginia yield

to the gentleman from Ohio?

Mr. FLOOD of Virginia. I yield.

Mr. SHARP. Suppose we cease the killing altogether for about five years. Then, under the terms of this treaty, how much money would be involved?

Mr. FLOOD of Virginia. I would suppose, without having time to make the calculation, that about two and one-half or three million dollars would be involved.

Mr. SHARP. I should say half that.

Mr. FLOOD of Virginia. Not believing that a fur seal is human or half human, I treat this question from a commercial standpoint, and would deal with the seal herd as I would a flock of sheep or a herd of cattle I owned. I would so handle them as to get the best results. The life of the seal is not more

than 15 years. If the close season is adopted many of these seals would never bring anything whatever to the Government, because all of those born in the early years of that period would have died and the skins of many others would be useless. sealskin is not worth anything after the seal from which

it is taken has reached the age of 5 years.

We would thus be trifling away \$15,000,000 upon a mere eory. What was the Committee on Foreign Affairs to do, and what is the House to do, when 10 men, claiming scientific knowledge of this subject, are examined and 8 of them testify to one theory and only 2 of them to another; and upon inquiry we find that one of them—Dr. Hornaday—has never visited those islands, has never taken the trouble to make any personal investigation of the question, and that Mr. Elliott, the other one, has been before the committees of this House for the past 20 years and, as far as the evidence shows, has been discredited by every committee before which he has ever ap-

peared? [Applause.]

There is another question. The Secretary of State is of opinion that if we undertook to close the season, as suggested by Mr. Elliott and Dr. Hornaday, at the end of this treaty the nations that were parties to it would not enter into a new treaty because they would feel that we had not kept faith with them by not killing some of the seals and supplying them with the proportion which the treaty provides they shall receive, and that at the end of that time we could not negotiate another treaty. Then pelagic sealing would begin again, and the great butchery which these gentlemen describe as having taken place in the last 30 years would be again repeated and doubled.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentle-

man yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Arkansas?

Mr. FLOOD of Virginia. Yes.

Mr. GOODWIN of Arkansas. Does not the treaty itself give the right to this Government to have either a closed season or a limited kill and manage the domestic proposition as we please?

Mr. FLOOD of Virginia. I do not question that. Mr. GOODWIN of Arkansas. If the treaty vouchsafes that to this Government, why would these other Governments refuse to enter into a further treaty with us at the expiration of this

proposed treaty?

Mr. FLOOD of Virginia. Because this treaty provides that we shall give Japan 1,000 sealskins a year, worth \$35,000, and that we shall give England 1,000 sealskins a year, worth \$35,000, and if you have a closed season each of the nations would lose a large amount each year, and at the end of 15 years they might not enter into another treaty, but would permit their citizens to engage again in pelagic sealing.

Mr. GOODWIN of Arkansas. Is not that proposition in-

cluded in the alternative-either so many sealskins or so much

money'

Mr. FLOOD of Virginia. If we have a closed season these nations would only get \$10,000 apiece a year, which would be a loss to each of them of \$25,000 a year, which in 15 years would be \$375,000.

And so, Mr. Chairman, the course recommended by the Committee on Foreign Affairs is the better one for the seal herd and saves \$15,000,000 to the Treasury of this country. [Applause.1

The CHAIRMAN. The time of the gentleman has expired. All debate has closed on this paragraph.

Mr. SULZER. Mr. Chairman, I move that the committee do now rise

Mr. GARNER. Pending that, Mr. Chairman, I ask unanimous consent to insert in the RECORD an amendment for the information and benefit of this House, so that the Members can read it.

Mr. SULZER. Mr. Chairman, I will withhold my motion that the committee do rise.

Mr. GARNER. I want the opportunity to call the attention of the committee to the provisions of this amendment, and I ask for two minutes.

The CHAIRMAN. The gentlemen from Texas asks unanimous consent to address the committee for two minutes on the proposed amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend by adding, after the word "convention," in line 6, page 9, Amend by adding, after the word "convention, in line b, page 9, the following:
"Provided, That the number of seals to be taken in any one year for the first five years from the passage of this act shall not exceed 5,000, and for the next succeeding five years shall not exceed 7,500, and for the next succeeding five years shall not exceed 10,000: And provided further, That the number of seals thus taken in any one year

shall not exceed 50 per cent of the 3-year-old male seals, and that during the said period of 15 years no seals shall be taken except male seals 3 years of age or older."

Mr. GARNER. Mr. Chairman—

Mr. GOODWIN of Arkansas. Mr. Chairman, I offer the fol-

lowing amendment, and desire to have it considered as pending.

Mr. SULZER. I move that the committee do now rise. Mr. MANN. Why does not the gentleman print his amend-Mr. MANN.

ment in the RECORD?

Mr. SULZER. I have no objection to the gentleman from Arkansas inserting his amendment in the RECORD and having it pending

Mr. MANN. Not having it pending, but having it printed. The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to have his proposed amendment printed in the RECORD.

What is the request? Mr. MANN.

The CHAIRMAN. To have the amendment printed in the RECORD, as the Chair understands. Is there objection?

There was no objection.

The amendment proposed by Mr. Goodwin of Arkansas is as follows:

follows:

Amend H. R. 16571 by striking out section 11 and substituting the following:

"Sec. 11. That from and after the approval of this act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of 10 years and shall be, and is hereby, declared to be unlawful, and all punishments and penalties heretofore enacted for the killing of fur seals shall be applicable and inflicted upon offenders under this section: Provided, That this prohibition shall not apply to the annual killing on St. Paul Island of 1,500 small male seals for natives' food and 500 small male seals for natives' food and sof which shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: Provided further, That at the expiration of the said 10 years' suspension of all commercial killing on the said Pribilof Islands said killing may be resumed thereon as the Government shall thereafter determine to be safe and proper."

Mr. SUILZER. I move that the committee do now rise.

Mr. SULZER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Davis of West Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, and had come to no resolution thereon.

LEAVE TO PRINT.

Mr. STEENERSON. Mr. Speaker, on January 29 I addressed the House on a question of personal privilege regarding the history of certain legislation affecting the White Earth Indian Reservation. Since then I have obtained copies of the reports on those bills in previous Congresses, and I have also prepared an additional statement, which I want to insert in the RECORD.

The SPEAKER. The gentleman from Minnesota [Mr. Steen-ERSON] asks unanimous consent to extend his remarks in the

RECORD-

Mr. STEENERSON. On that matter. The SPEAKER. On the question that he discussed some days ago on the question of personal privilege. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SULZER. I move that the House do now adjourn. The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Thursday, February 8, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were

taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting an estimate of deficiency in the appropriation for refunding internal-revenue collections for the fiscal year ending June 30, 1912 (H. Doc. No. 518); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimate of appropriation for the construction of vaults in the building now being erected for the Bureau of Engraving and Printing (H. Doc. No. 517); to the Committee on Appropria-

tions and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a

survey of Yaquina River, Oreg., from Toledo to Yaquina (H. Doc. No. 519); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 18964) to amend section 6 of the act of Congress approved May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes," reported the same without amendment, accompanied by a report (No. 306), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8784) to amend sections 1 and 2 of the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," reported the same with amendment, accompanied by a report (No. 305), which said bill and report were referred to the Committee of the Whole House

on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2453) for the relief of Benjamin F. Martz, and for other purposes, reported the same without amendment, accompanied by a report (No. 307), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6248) granting a pension to Lewis A. Coffman, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. FOSS: A bill (H. R. 19633) to establish a fish-cultural station in the State of Illinois; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Nebraska: A bill (H. R. 19634) to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; to the Committee on Indian Affairs.

By Mr. SISSON: A bill (H. R. 19635) to amend section 90 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Com-

mittee on the Judiciary.

By Mr. PARRAN: A bill (H. R. 19636) for the erection of lights and construction of cement sidewalks on Sixty-first Street, north and south of East Capitol Street, in the District of Colum-

bia; to the Committee on the District of Columbia.

By Mr. CLINE: A bill (H. R. 19637) providing for the establishment of new subports of entry and the discontinuance of such ports as are now in operation; to the Committee on Ways and Means.

By Mr. SLAYDEN: A bill (H. R. 19638) to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19639) to amend an act approved March 3, 1897, entitled "An act to allow the bottling of distilled spirits in bond"; to the Committee on Ways and Means.

By Mr. MARTIN of South Dakota: A bill (H. R. 19640) to regulate corporations engaging in interstate and foreign commerce, to create an industrial commission in the Department of Commerce and Labor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: A bill (H. R. 19641) to provide for the publication of certain Revolutionary records; to the Committee on

Appropriations.

By Mr. BERGER: Resolution (H. Res. 409) to investigate the relations of the American Woolen Co. to the strike of its operatives at Lawrence, Mass.; to the Committee on Rules.

By Mr. GARDNER of Massachusetts: Resolution (H. Res.

letter from the Chief of Engineers, report of examination and 410) directing that there be printed and bound in cloth, for

the use of the House of Representatives, 500 copies of the List of Merchant Vessels of the United States, edition of 1911; to the Committee on Printing.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 238) making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912; to the Committee of the Whole House on the state of the Union.

By Mr. AYRES: Joint resolution (H. J. Res. 239) authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 19642) for the relief of Henry Woodward; to the Committee on Military Affairs. By Mr. BUCHANAN: A bill (H. R. 19643) to remove the

charge of desertion from the military record of Francis T. Lyons; to the Committee on Military Affairs. By Mr. BURKE of Pennsylvania: A bill (H. R. 19644) grant-

ing an increase of pension to John G. A. Friers; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 19645) for the relief of the estate of James Darden; to the Committee on War

By Mr. CARLIN: A bill (H. R. 19646) for the relief of A. H. Thompson; to the Committee on War Claims.

By Mr. CATLIN: A bill (H. R. 19647) for the relief of Reuben W. Pavey; to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 19648) restoring to the pension roll the name of Mary A. Sanborn; to the Committee

on Invalid Pensions. By Mr. DAUGHERTY: A bill (H. R. 19649) granting an increase of pension to John R. Parmley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19650) granting an increase of pension to

James A. Miller; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 19651) granting a pension to Mary Basye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19652) granting an increase of pension to

Peter Tubesing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19653) to remove the charge of desertion from the military record of Alonzo Briggs and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. DODDS: A bill (H. R. 19654) for the relief of

William Shepard; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 19655) granting an increase of pension to Louis K. Turner; to the Committee on Pensions. By Mr. FLOOD of Virginia: A bill (H. R. 19656) granting

a pension to W. D. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19657) to correct the military record of
Nicholas Lochboehler; to the Committee on Military Affairs.

By Mr. FRANCIS: A bill (H. R. 19658) granting an increase of pension to Sarah Brandon; to the Committee on Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 19659) for the relief of the estate of Nevin Phares; to the Committee on War Claims

By Mr. HAWLEY: A bill (H. R. 19660) granting an increase of pension to John Catlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19661) granting an increase of pension to Jonathan J. Butler; to the Committee on Pensions. By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19662)

for the relief of James K. Hamblen; to the Committee on War Claims.

Also, a bill (H. R. 19663) for the relief of the heirs of U. H.

Buck, deceased; to the Committee on War Claims.
Also, a bill (H. R. 19664) for the relief of Harry P. Lee,
John M. Lee, and the heirs of Nathaniel W. Lee; to the Committee on War Claims.

By Mr. JAMES: A bill (H. R. 19665) granting a pension to Cora A. Crist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19666) granting an increase of pension to James S. Montgomery; to the Committee on Invalid Pensions. Also, a bill (H. R. 19667) granting an increase of pension to

Nathan Mainnaird; to the Committee on Invalid Pensions. Also, a bill (H. R. 19668) granting an increase of pension to Henry C. Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19669) granting an increase of pension to M. Walker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19670) granting an increase of pension to George W. Knizley; to the Committee on Invalid Pensions. By Mr. LANGLEY: A bill (H. R. 19671) granting a pension to Joseph F. Fike; to the Committee on Pensions.

Also, a bill (H. R. 19672) granting a pension to Frank P. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19673) granting a pension to Richard M. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19674) granting a pension to Deborah Farthing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19675) granting a pension to Frank Arnett; to the Committee on Pensions.

Also, a bill (H. R. 19676) granting an increase of pension to Henderson Scott; to the Committee on Invalld Pensions.

Also, a bill (H. R. 19677) granting an increase of pension to Milton H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19678) granting an increase of pension to John Townsend; to the Committee on Pensions.

Also, a bill (H. R. 19679) granting an increase of pension to William Crum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19680) granting an increase of pension to

Joseph McKenzie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19681) granting an increase of pension to

James G. Begley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19682) for the relief of Alexander J. Campbell; to the Committee on Military Affairs.

Also, a bill (H. R. 19683) for the relief of John Robbins; to

the Committee on War Claims.

Also, a bill (H. R. 19684) for the relief of A. M. George; to

the Committee on War Claims.

Also, a bill (H. R. 19685) for the relief of Stephen Lewis; to the Committee on War Claims.

Also, a bill (H. R. 19686) for the relief of W. T. Atkinson; to the Committee on Claims.

Also, a bill (H. R. 19687) for the relief of Benjamin F. Knox; to the Committee on Military Affairs.

Also, a bill (H. R. 19688) for the relief of John Harris; to

the Committee on Military Affairs,

Also, a bill (H. R. 19689) for the relief of Henry Ritchie; to

the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 19690) granting an increase of pension to John W. Kerr; to the Committee on Invalid

By Mr. LEWIS: A bill (H. R. 19691) granting an increase of pension to James W. Laughlin; to the Committee on Invalid

By Mr. LINTHICUM: A bill (H. R. 19692) to correct the military record of John Graham; to the Committee on Military Affairs.

Also, a bill (H. R. 19693) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased; to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 19694) for the relief of Alice V. Houghton; to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 19695) granting a pension

to George C. Moose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19696) granting a pension to Chesley Goldsby; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19697) granting a pension to Mary E. Pearce; to the Committee on Invalid

Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 19698) to correct the military record of Henry Laddey; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 19699) granting a pension to Ulysses S. G. Maus; to the Committee on Pensions.

Also, a bill (H. R. 19700) granting an increase of pension to

James M. Blakeley; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 19701) granting an increase of pension to Harvey J. Batcheler; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 19702) for the relief of James J. Feeney; to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 19703) granting a pension to Margaret J. Loomis; to the Committee on Invalid

Also, a bill (H. R. 19704) granting an increase of pension to W. B. Williston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19705) granting an increase of pension to Carl C. Corbett; to the Committee on Pensions.

Also, a bill (H. R. 19706) granting an increase of pension to Rachael E. Tubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19707) to correct the military record of

Philip Hale; to the Committee on Military Affairs.

By Mr. STEPHENS of Mississippi: A bill (H. R. 19708) for the relief of the heirs of Jacob Kuykendall; to the Committee on War Claims.

Also, a bill (H. R. 19709) for the relief of Mrs. M. B. Stephenson, daughter and sole heir of Thomas B. Coleman, deceased; to the Committee on War Claims.

By Mr. STONE; A bill (H. R. 19710) granting an increase of pension to Joseph J. Camp; to the Committee on Invalid Pen-

sions.

Also, a bill (H. R. 19711) to correct the military record of Daniel Robinson; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 19712) granting a pension to

I. B. Covington; to the Committee on Pensions.

Also, a bill (H. R. 19713) granting a pension to Lawrence Z. Hoffman; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 19714) granting a pension to

William T. Carpenter; to the Committee on Invalid Pensions. By Mr. WILSON of New York: A bill (H. R. 19715) for the relief of Frederick Lange; to the Committee on Claims.

By Mr. WOODS of Iowa: A bill (H. R. 19716) for the relief of John M. Stewart; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of J. H. Mikkelson and others, of Clarks Grove, Minn., protesting against House

bill 9433; to the Committee on the Post Office and Post Roads. By Mr. ANSBERRY: Petition of Bonnewitz & Co. and other business firms of Van Wert, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post

By Mr. ANTHONY: Petition of E. Johnson and other members of the Improved Order of Red Men, Leavenworth, Kans., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Papers to accompany House bill 2622, for the relief of Michael Moss; to the Committee on Invalid

Pensions.

By Mr. AYRES: Memorial of the Union League Club, of New York City, in favor of erection of a memorial to Peletiah Webster; to the Committee on the Library.

Also, memorial of Chamber of Commerce of New York City, for exclusion of feeble-minded immigrants; to the Committee on

Immigration and Naturalization.

Also, memorial of Chamber of Commerce of New York City, for the establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. BARNHART: Petition of citizens of Elkhart, Ind., favoring House bill 8141, known as the Federal pay bill; to the

Committee on Military Affairs.

Also, petition of Progress Club of South Bend, Ind., for thorough investigation of disease germs in dairy products; to the Committee on Agriculture.

Also, petition of citizens of Medaryville, Ind., against extension of the parcel post; to the Committee on the Post Office and

Post Roads

By Mr. BOEHNE: Petitions of citizens of Kentucky, in favor of reduction of duty on raw and refined sugars; to the Commit-

tee on Ways and Means.

By Mr. BOWMAN: Petition of Wilkes-Barre Printing Pressmen and Assistants' Union, No. 137, International Printing Pressmen and Assistants' Union, in favor of increase of 10 cents per hour for pressmen in the Government Printing Office; to the Committee on Printing.

Also, petition of Jackson Grange, No. 1312, Patrons of Husbandry, of Luzerne County, Pa., in favor of certain amendments

to the oleomargarine law; to the Committee on Agriculture.

Also, petitions of Oliver Mills, of Luzerne, Pa.; of Allen E. Minet, of Atlantic City, N. J.; of National Child Labor Committee of New York City; and of Miner-Hillard Milling Co., John B. Yeager & Co., and Charles N. Loveland and Mabel B. Loveland, of Wilkes-Barre, Pa., in favor of the Peters bill, for the establishment of a children's bureau in the Department of Commerce and Labor; to the Committee on Labor.

By Mr. BROWNING: Petitions of the Baptist Church of Alloway, Methodist Episcopal Church of Pitman, and Woman's Christian Temperance Union of Barnesboro and Wenonah, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the

Committee on the Judiciary.

By Mr. BUCHANAN: Resolution of the Quincy (Ill.) Historical Society, praying that the Lincoln memorial be placed according to the park commission plan; to the Committee on the Library.

Also, resolution of Chicago Newspaper Web Pressmen's Union No. 7, praying for increase in compensation of pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. BURKE of South Dakota: Petition of citizens of Chamberlain, S. Dak., for total elimination of tariff on sugars; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of James Darden; to the Committee on

War Claims.

By Mr. CALDER: Petition of the Congress Club of Kings County, N. Y., protesting against proposed abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs

By Mr. CLARK of Florida: Petition of Young Men's Christian Association of Stetson University, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. COVINGTON: Petitions of citizens of the State of Maryland, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CURRIER: Petition of Methodist Episcopal Church of Sunapee, N. H., for the passage of an effective interstate liquor

law; to the Committee on the Judiciary.

By Mr. DENVER: Petition of Wigwam of Massasoit Tribe, No. 229, Improved Order of Red Men, Aberdeen, Ohio, favoring House bill 16313; to the Committee on Public Buildings and Grounds.

Also, resolutions of the Lynchburg (Ohio) Association of the Eighty-ninth Ohio Volunteer Infantry, relating to the markers and monuments on Missionary Ridge; to the Committee on Military Affairs.

Also, petition of sundry citizens of Carlisle, Ohio, favoring the Esch bill for the relief of the workers in phosphorus-match making; to the Committee on Ways and Means.

By Mr. DODDS: Petition of citizens of Howard City, Mich. against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Papers to accompany bill for the relief of Louis K. Turner; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: Petition of citizens of Chester and Fort Smith, Ark., in favor of House bill 14, for establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of American Hardware Manufacturers' Association, in favor of House bill 9843, creating a court of patent appeals; to the Committee on Patents.

Also, resolutions of the Union League Club of New York, in favor of erection of a memorial to Peletiah Webster; to the

Committee on the Library. Also, petition of Committee on Industrial Relations, New

York City, in favor of a plan for Federal commission on industrial relations; to the Committee on Labor, Also, petition of Bissell Carpet Sweeper Co., of Grand Rapids,

Mich., in favor of House bill 9843, creating a court of patent appeals; to the Committee on Patents.

By Mr. FULLER: Petitions of citizens of Streator, Ill., for the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lamb Bros., and other merchants of Durand, Ill., protesting against the proposed extension of the parcelservice; to the Committee on the Post Office and Post Roads.

GREGG of Pennsylvania: Petition of Woman's Christian Temperance Union of Alverton, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Grange No. 908, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. GRIEST: Petitions of residents of Lancaster, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Lancaster County, Pa., for Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

By Mr. GUERNSEY: Petitions of citizens of the State of Maine, urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petition of the Commercial League of Watsonville and the Pajaro Valley, for improvement of Yosemite National Park; to the Committee on the Public Lands.

By Mr. HIGGINS: Memorial of Norwich (Conn.) Local Socialist Party, for passage of the Esch bill, etc., to the Committee on Ways and Means.

Also, petition of the Union League Club, of New York City, for a memorial to Peletiah Webster; to the Committee on the Library.

Also, petition of Shetucket Grange, No. 69, of Scotland, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Norwalk and South Norwalk, Seymour, and Utica, Conn., protesting against the passage of an interstate liquor law; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the Utah Development League and the Utah Press Association, in favor of supplying immigrants with information respecting the opportunities in agriculture in various parts of the country; to the Committee on the Public Lands.

By Mr. HUGHES of New Jersey: Petition of citizens of West Milford, N. J., for parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petition of First Baptist Church of Newton, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. JACKSON: Petition of citizens of Aliceville, Kans.,

asking that the duties on raw and refined sugars be reduced;

to the Committee on Ways and Means.

By Mr. KAHN: Petition of E. Hadler and others, of San Francisco, Cal., urging that the duties on raw and refined sugars

be reduced; to the Committee on Ways and Means.

Also, petition of the Thread Agency, of San Francisco, Cal.,
for amendment to the corporation-tax law; to the Committee

on Ways and Means. Also, petition of California Wool Growers' Association, relative to tariff on wool; to the Committee on Ways and Means.

Also, petition of the Musicians' Mutual Protective Union of San Francisco, Cal., protesting against the Smoot printing bill; to the Committee on Printing.

Also, petition of W. W. Montague & Co. and others, of San Francisco, Cal., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of California Board of Charities and Cor-rections, in favor of House bill 15355; to the Committee on

the Post Office and Post Roads. By Mr. KINKAID of Nebraska: Petition of E. Carroll and others, of Amelia, Nebr., for passage of Sulzer parcel-post bill;

to the Committee on the Post Office and Post Roads. Also, petitions of citizens of the State of Nebraska, protest-

ing against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petition of Grange No. 609, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. LANGLEY: Petition of citizens of Kentucky, in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kentucky, protesting against the extension of the parcel-post service beyond its present limita-tions; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sublett, Ky., against the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of churches and citizens of Pikeville, Ky., for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of Ministers' Association of Shenandoah, Pa., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Ministers' Association of Shenandoah and Woman's Christian Temperance Union of Pottsville, Pa., protesting against the passage of House bill 30; to the Committee on Military Affairs.

By Mr. LEVY: Petition of the Knickerbocker Audit Co., of New York City, for amending the corporation-tax law; to the Committee on Ways and Means.

By Mr. LEWIS: Papers to accompany bill for the relief of J. W. Laughlin; to the Committee on Invalid Pensions.

Also, petition of Montgomery County (Md.) Pomona Grange, oraying for the passage of Kenyon-Sheppard interstate liquor By Mr. LINDSAY: Petition of the Congress Club of Kings

County, N. Y., protesting against proposed abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs. Also, petition of the Republican Club of New York City, for a national health service; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of W. J. Bentley, of Good Hart, Mich., and 36 other residents of Emmet County, Mich., favoring the passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. MAHER: Petition of the Congress Club of Kings

County, N. Y., protesting against proposed abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota; Petition of citizens of Buffalo and Glenlevit, S. Dak., in favor of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: Petition of citizens of Superior, Wyo., urging the enactment of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of officers and members of the Wyoming Improved Order of Red Men and citizens generally, in support of Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. MORGAN: Petitions of citizens of the second congressional district of Oklahoma, in favor of parcel-post legisla-tion; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the second congressional district of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of Wilfred Le Coe, of Hastings, N. Y., against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Martin, of Watertown, N. Y., and others, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. NEEDHAM: Petition of the Commercial League of Watsonville and the Pajaro Valley, for improvement of the Yosemite National Park; to the Committee on the Public Lands. Also, petition of citizens of the State of California, in favor

of old-age pensions; to the Committee on Pensions.

By Mr. PRAY: Petitions of citizens of Conrad, Florence, and Thompson, Mont., protesting against the enactment of legislation for extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of East Helena and Armistead, Mont., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Montana, in favor of old-age pensions; to the Committee on Pensions.

Also, petition of citizens of the State of Montana, favoring Kenyon-Sheppard prohibition measures; to the Committee on the Judiciary.

Also, petition of citizens of the State of Montana, in favor of an amendment to the Constitution which shall enable women to vote; to the Committee on the Judiciary.

Also, petition of citizens of Helena, Mont., in favor of pensions to superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. REILLY: Petitions of the German-American Alliance, protesting against interstate liquor legislation; to the Committee on the Judiciary.

By Mr. REYBURN: Petition of the German-American Alliance of Pennsylvania, protesting against passage of an interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Union League Club, of New York City, for memorial to Peletiah Webster; to the Committee on the Library.

By Mr. ROBERTS of Nevada: Petition of Lodge No. 792, Brotherhood of Locomotive Firemen and Enginemen, relating to the hours of labor for enginemen in railroad service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Methodist Episcopal Church of Reno, Nev., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. RODDENBERY: Petitions of citizens of the State of

Georgia, for an effective interstate liquor law; to the Committee on the Judiciary

By Mr. SCULLY: Petitions of Methodist Episcopal Church of South Amboy, N. J., and of H. J. Butcher, clerk of the board of education of Cranbury Township, N. J., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Edward C. Young, in favor of Senate bill 1996 and House bill 8141; to the Committee on Military Affairs. By Mr. SAMUEL W. SMITH: Petition of Methodist Episcopal Church of Fenton, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary. Also, petition of citizens of Gregory, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

the Judiciary

By Mr. SULZER: Petition of the Turnverein Helvetia of Chicago, Ill., approving House resolution 166, for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Brooklyn and New York City, for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petitions of citizens of the twentyfifth congressional district of Illinois, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the twenty-fifth congressional district of Illinois, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petitions of German-American Alliance, protesting against interstate liquor legislation; to the Commit-

tee on the Judiciary

By Mr. WARBURTON: Petitions of citizens of the State of Washington, asking for reduction in tax on sugar; to the Committee on Ways and Means.

By Mr. WEBB: Petitions of citizens of North Carolina, asking that the duty on raw and refined sugar be reduced; to the Committee on Ways and Means,

By Mr. WILLIS: Petition of V. W. Merritt and other citizens of Marysville, Ohio, asking for the passage of the old-age pension bill; to the Committee on Pensions.

Also, papers to accompany bill (H. R. 5946) for the relief of Alexander F. McConnell; to the Committee on Invalid Pensions. Also, papers to accompany bill for the relief of Earl W. Mait-

land; to the Committee on Pensions.

By Mr. WILSON of New York: Petition of members of the Congress Club of the fourth assembly district of Brooklyn, N. Y., protesting against proposed abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of United Anglers' League of Brooklyn, N. Y., in favor of House bill 18030, to establish a fish-cultural station on Long Island, N. Y.; to the Committee on the Merchant Marine and Fisheries,

SENATE.

THURSDAY, February 8, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of

the United States'

H. R. 18236. An act to allow and regulate amendments in judicial proceedings in the courts of the United States; and

H. J. Res. 238. Joint resolution making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents a communication from the secretary of state of Idaho transmitting a certified copy of a house joint memorial adopted by the legislature of that State memorializing Congress to provide for the erection of an American Indian memorial and museum building in the city of Washington. The memorial will be printed in the RECORD and referred to the Committee on the Library.

Mr. CURTIS. I believe the bill on the subject was referred to the Committee on Indian Affairs. If so, I should think the

memorial had better go to that committee.

The VICE PRESIDENT. The memorial had better follow the reference of the bill. It seems to the Chair that the bill should have gone to the Committee on the Library, but the memorial will follow the reference of the bill to which it relates.

The Chair also lays before the Senate a memorial from the secretary of state of Idaho transmitting a certified copy of house joint memorial adopted by the legislature of that State protesting against the enactment of a law reducing the tariff on zinc and lead ores. The memorial will be printed in the RECORD and referred to the Committee on Finance.

Mr. HEYBURN. I suggest that the clerks investigate the RECORD to see whether I did not present those memorials yesterday. Copies were sent to the President of the Senate, I think.

The VICE PRESIDENT. If that is discovered to be the fact,

the Chair will withdraw these memorials from presentation. It is not necessary to duplicate them in the Record.

Mr. HEYBURN. I am not prepared to speak positively,

away from the memorandum that accompanied them, which is in my office.

Mr. BRISTOW presented a memorial of sundry citizens of Ouba, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Scott City, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside

dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Menlo, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Roads.

Mr. GUGGENHEIM presented a petition of Ben Franklin Council; No. 10, Junior Order United American Mechanics, of Denver, Colo., and a petition of Kensington Council, No. 16, Junior Order United American Mechanics, of Denver, Colo., praying for the enactment of legislation to prohibit the admission of undesirable immigrants into the country, and also for a stricter enforcement of the immigration laws, which were referred to the Committee on Immigration. referred to the Committee on Immigration.

Mr. OLIVER presented a petition of the Ministerial Association of Johnstown, Pa., praying for the enactment of legisla-tion to prohibit the manufacture, sale, or inportation of intoxicating liquors, which was referred to the Committee on the

Judiciary.

He also presented a petition of the Christian Endeavor Union of Philadelphia, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of members of the Robert Emmet Literary Society, of Wilmerding, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Somerfield, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Woman's Christian Temperance Union of Greene County, Pa., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Grange No. 106, Patrons of Husbandry, of Wattsburg, Pa., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Perrys ville Avenue Methodist Episcopal Church, of Pittsburgh, and the Methodist Episcopal Church of McKees Rocks; of Woman's Christian Temperance Unions of Waynesburg, Le Roy, Rixford, and Pittsburgh, and of the Ministerial Association of Johnstown, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BORAH. I present a telegram, in the nature of a petition, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD. as follows:

WALLACE, IDAHO.

Senator William E. Borah, Washington, D. C .:

Washington, D. C.:

At a regular meeting of Wallace Typographical Union, No. 617, held Tuesday, February 6, the following resolutions were adopted by unanimous vote and the secretary instructed to forward them to our Senators and Representatives in Congress:

Whereas it is apparent that the lead and zinc mining industries of this, one of the greatest lead-producing sections of the United States and of the world, are threatened with curtailment and possible ruin by the proposed reductions in the tariff on lead and zinc existing under the Payne-Aldrich bill; and

Whereas the means of livelihood of thousands of American workingmen are at stake, and the loss of their positions through the inevitable curtailment of production is certain if the proposed law is passed: Therefore be it

Resolved, That Wallace Typographical Union, No. 617, hereby protests against the measure known as the Underwood bill, as passed by the National House of Representatives and reported to the Senate; be it further

the National House of Representatives and reported to the Senate; be it further Resolved, That our Senators and Representatives be urged to use their utmost endeavors to prevent the said measure from becoming a law and to prevent a lowering of the existing tariff on lead and zinc

R. C. CHAMBERS, Secretary.

Mr. BORAH presented a joint resolution of the Legislature of Idaho, favoring the enactment of legislation providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C., which was referred to the Committee on Indian Affairs. (Heretofore printed in the RECORD.)

He also presented a joint memorial of the Legislature of Idaho, remonstrating against any reduction of the duty on lead and zinc ores, which was referred to the Committee on Finance. (Heretofore printed in the RECORD.)

He also presented a joint memorial of the Legislature of Idaho, favoring the adoption of an amendment to the land laws so that the five-year residence now required of homestead settlers may be limited to a period of three years, which was referred to the Committee on Public Lands. (Heretofore printed in the RECORD.)

He also presented a memorial of the Legislature of Idaho, praying for the enactment of legislation to donate certain premises, known as the abandoned Lemhi Reservation School, for educational institutions, etc., which was referred to the Committee on Indian Affairs. (Heretofore printed in the RECORD.)

Mr. GRONNA presented a petition of sundry citizens of Cavalier, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the

He also presented a petition of sundry citizens of Hillsboro, N. Dak., praying for the enactment of legislation to regulate of the Organized Militia, which was referred to the

Committee on Military Affairs.

Mr. CURTIS presented a memorial of Custard Post, No. 39, Department of Kansas, Grand Army of the Republic, of Onaga, Kans., and a memorial of sundry citizens of Oakley, Kans., remonstrating against the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of Post No. 76, Department of

Kansas, Grand Army of the Republic, of Stockton, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Burr Oak, Lindsborg, and Girard, all in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Menlo and Plains, in the State of Kansas, praying for the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post

Mr. HITCHCOCK presented a memorial of sundry citizens of Fairbury, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Nebraska Peace Society, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry members of the Nebraska National Guard, residents of Holdrege and Fremont, Nebr., praying for the enactment of legislation to regulate the pay of the Organized Militia, which were referred to the Com-

mittee on Military Affairs. Mr. REED presented memorials of sundry citizens of Wright City, Lilly, Fisk, Martinsburg, Braymer, Linneus, Humansville, Hobson, Jasper, Clifton Hill, Nevada, Oak Hill, Pleasant Hill, Webb City, Pierce City, Alexandria, Unionville, Holiday, Appleton City, Wellsville, Rogersville, Kansas City, Carthage, and Brackenridge, and of the Good Roads Club of Seneca, all in the State of Missouri, remonstrating against the establishment

of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the First Congregational Church of Bonne Terre; of the First Baptist Church of Columbia; and of the Stephens Bible Class of the First Baptist Church of Columbia, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented petitions of the congregations of the Methodist Episcopal Church and the First Baptist Church of Woonsocket; of the Woman's Christian Temperance Unions of Woonsocket, Central Falls, and Apponaug; and of the Society of Friends of Woonsocket, all in the State of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Rhode Island Woman's Club, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a resolution adopted by the Council of Administration, Department of Rhode Island, Grand Army of the Republic, favoring the views expressed by the pension committee of the National Encampment of the Grand Army of the Republic at the hearing before the Committee on Pensions January 22, 1912, which was referred to the Committee on

He also presented a memorial of the Council of Administration, Department of Rhode Island, Grand Army of the Republic, remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. BURTON. I present a considerable number of petitions urging the ratification of the pending treaties of arbitration signed by the faculty and students of a very large number of colleges and universities of the country. I ask that the petitions lie on the table and that the names of the colleges from which they are presented be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table and the names of the colleges were ordered to be

printed in the RECORD, as follows:

Albany College, Albany, Oreg.; Adelphi College, Brooklyn, N. Y.; Antioch College, Yellow Springs, Ohio; Augustana College, Rock Island, Ill.; Baylor University, Waco, Tex.; Buchtel College, Akron, Ohio; Case School of Applied Sciences, Cleveland, Ohio; Cedarville College, Cedarville, Ohio; Central College, Fayette, Mo.; Claffin University, Orangeburg, S. C.; Coe Cedar Rapids, Iowa; Dakota Wesleyan University, Mitchell, S. Dak.; Davidson College, Davidson, N. C.; Delaware College, Newark, Del.; Denison University, Granville, Ohio; Doane College, Crete, Nebr.; Elmira College, Elmira, N. Y.; Guilford College, Guilford, N. C.; Haverford College, Haverford, Pa.; Hastings College, Hastings, Nebr.; Hobart College, Geneva, N. Y.; Iowa Wesleyan University, Mount Pleasant, Iowa; Illinois College, Jacksonville, Ill.; Kenyon College, Gambier, Ohio; Lebanon Valley College, Annville, Pa.; Lake Forest College, Lake Forest, Ill.; Massachusetts Agricultural College, Amherst, Mass.; McCormick Theological Seminary, Chicago, Ill.; Miami University, Oxford, Ohio; Mount Union College, Alliance, Ohio; New Orelans University, New Orleans, La.; New York University, New York, N. Y.; Oberlin College, Oberlin, Ohio; Pacific University, Forest Grove, Oreg.; Pennsylvania State College, State College, Pa.; Richmond College, Richmond, Va.; Ripon College, Ripon, Wis.; Rollins College, Winter Park, Fla.; Southwestern Press University, Clarksville, Tenn.; Show University, Raleigh, N. C.; University of Idaho, Moscow, Idaho; University of Rochester, Rochester, N. Y.; University of Montana, Missoula, Mont.; Washington and Tusculum Commercial College, Greenville, Tenn.; Western Reserve University, Cleveland, Ohio; Wheaton College, Amherst, Mass.; McCormick Theological Seminary, Chicago, and Tusculum Commercial College, Greenville, Tenn.; Western Reserve University, Cleveland, Ohio; Wheaton College, Wheaton, Ill.; Washington College, Chestertown, Md.; Western Theological Seminary, N. S. Pittsburgh, Pa.; Wilberforce University, Wilberforce, Ohio; Wittenberg College, Springfield, Ohio; Yankton College, Yankton, S. Dak.; York College, York, Nebr.; Valparaiso University, Valparaiso, Ind.; Ohio Wesleyan University, Delaware, Ohio; Massachusetts Institute of Technology; Earlham College, Richmond, Ind.; and the University of North Caroling, Chapel Hill, N. C. the University of North Carolina, Chapel Hill, N. C.

Mr. SHIVELY presented memorials of sundry citizens of South Bend, Rome City, and Valparaiso, all in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to

the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Friends' Church, the Methodist Episcopal Church, the Baptist Church, the Christian Church, the Wesleyan Methodist Church, and the Congregational Church; of the Woman's Christian Temperance Union, and the National Reform League, all of the city of Fairmont, in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Joseph R. Gordon Post, No. 281, Department of Indiana, Grand Army of the Republic, of Indianapolis, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee

He also presented a petition of Maple Grove congregation of the Church of the Brethren, of New Paris, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Local Branch, Journeymen Stone Cutters' Association of North America, of Birmingham,

Ala., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of sundry citizens of the District of Columbia and Maryland, praying that an appropriation be made for the replacement of the bridge at Calvert Street NW., in the city of Washington, which was referred to the Committee on Appropriations.

He also presented a petition of the North Washington Citizens' Association, of Washington, D. C., praying that an appropriation be made for the continuance of the Columbia Hospital, in the city of Washington, which was referred to the

Committee on Appropriations.

Mr. ROOT presented memorials of sundry citizens of Falconer and Jamestown, in the State of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which

were ordered to lie on the table.

He also presented petitions of the Union League Club, of New York City; the Chamber of Commerce of Binghamton, the Men's League of the Baptist Temple of Brooklyn; the Men's Club of Goshen; the Delmar Progress Club, of Delmar; the Utrecht Study Club, of Brooklyn; the Woman's Christian Temperance Union of Easton; and of sundry citizens of New York City, Clintondale, and Highland, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Woman's Christion Temperance Union of New Milford, Conn., and a petition of Local Grange No. 69, Patrons of Husbandry, of Scotland, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the First Division, Ancient Order of Hibernians, of Bridgeport, Conn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on For-

eign Relations, which was ordered to lie on the table.

Mr. O'GORMAN presented memorials of members of the Celtic Club, the Monroe County Board, Ancient Order of Hibernians, and the Emmet Guards, all of Rochester, in the State of New York, remonstrating against the ratification of the proposed treaties of arbitration unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Rochester and New York City, in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which were ordered to lie on the table.

Mr. PAGE presented a petition of sundry citizens of Ira, Vt.,

Mr. PAGE presented a petition of sundry citizens of Ira, Vt., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HEYBURN, from the Committee on Manufactures, to which was referred the bill (S. 4856) to amend sections 6 and 7 of the pure-food act of June 30, 1906, and for other purposes, reported it without amendment and submitted a report (No. 327) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (8. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land be, and the same is hereby, repealed, reported it without amendment and submitted a report (No. 328) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 4754) to dispose of certain lands for town-site purposes, reported it without amendment and

submitted a report (No. 329) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 194) granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co., reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, reported it with an amendment and submitted a report (No. 330) thereon.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 4786) to amend an act entitled "An act to provide for the sale of isolated tracts of public lands in Imperial County, Cal.," approved March 3, 1909, reported it with amendments and submitted a report (No. 531) thereon.

Mr. BROWN, from the Committee on Indian Affairs, to

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (S. 3570) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 855), reported it without amendment and submitted a report (No. 332) thereon.

Mr. BRISTOW, from the Committee on Post Offices and Post Roads, to which were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Claims, which was agreed to:

S. 2866. A bill for adjudication and determination of the rights and equities of the widow and family of Marcus P. Norton and the heirs at law, assigns, legatees, or legal repre-

sentatives of others;

S. 3308. A bill for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of the said invention;

S. 3801. A bill for adjudication and determination of the rights and equities of the widow and family of Marcus P. Norton and the heirs at law, assigns, legatees, or legal repre-

sentatives of others;

S. 3928. A bill for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of said inventions; and

S. 3971. A bill for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand stamps, and directing him to determine upon a fair, just, and equitable compensation for the use of the said invention.

Mr. REED, from the Committee on Commerce, to which was referred the bill (S. 4364) to provide for the use as a lighthouse depot of such part of the naval reservation at San Juan, P. R., as may be useful for such purpose, reported it without amendment and submitted a report (No. 333) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-second Street, in said city (Rept. No. 334);

H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill. (Rept. No. 335);

H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis River at Hodges Ferry, Mo. (Rept. No. 336);

H. R. 16693. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo. (Rept. No. 337); and

H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo. (Rept. No. 338).

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2428) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr., deceased, submitted an adverse report (No. 339) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 14484) to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power, reported it without amendment and submitted a report (No. 342) thereon.

MARION B. PATTERSON.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 2660) for the relief of Marion B. Patterson, reported the following resolution (S. Res. 212), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 2660) entitled "A bill for the relief of Marion B. Patterson," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SCHOOL LANDS IN CHELAN COUNTY, WASH.

Mr. JONES. I am directed by the Committee on Public Lands, to which was referred the bill (S. 1697) granting 2 acres of land to school district No. 44, Chelan County, Wash., to report it favorably with an amendment in the nature of a substitute, and I submit a report (No. 341) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary. The committee amends the bill by strik-

ing out all after the enacting clause and inserting:

Ing out all after the enacting clause and inserting:

That there is hereby granted to school district No. 44, Chelan County, State of Washington, 1.77 acres in lot 3, section 13, township 27 north, range 16 east, Willamette meridian, more particularly described as follows: Beginning at the corner numbered 1 of the tract of land to be described, which is a stone marked S.H.—44, from which the quarter corner between sections 13 and 14, same township, bears north 450 feet; thence south 62 east 418 feet to corner numbered 2; thence south 209 feet to corner numbered 3; thence north 62 west 418 feet to corner numbered 4; thence north 209 feet to corner numbered 1, the place of beginning, being the same as now used and occupied by said district for public-school purposes; and the Secretary of the Interior is hereby authorized and directed to issue patent for said lands to said school district.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill granting certain lands to school district No. 44, Chelan County, Wash."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 5173) to promote the efficiency of the Life-Saving Service; to the Committee on Commerce.

A bill (S. 5174) granting a pension to George E. Harrison; A bill (S. 5175) granting an increase of pension to La Salle Corbell Pickett; and

A bill (S. 5176) granting a pension to Elizabeth B. Preston (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE: A bill (S. 5177) amending the statutes relating to patents, relleving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities; to the Committee on Patents.

By Mr. SHIVELY:

A bill (S. 5178) granting an increase of pension to James Miles (with accompanying paper); to the Committee on Pen-

By Mr. POINDEXTER:

A bill (S. 5179) directing the Secretary of the Treasury to prepare designs and estimates for and report cost of a national archives building in the District of Columbia; to the Committee

on Public Buildings and Grounds.

Mr. POINDEXTER. In connection with the bill, I present a statement of the proceedings that have already been taken for the purpose of the erection of an archive building in the city of Washington. The statement is prepared by Prof. J. Franklin Jameson, of the Carnegie Institution, of Washington, D. C. I move that the paper be printed as a document (S. Doc. No. 297) and referred to the Committee on Public Buildings and Grounds

to accompany the bill.

The motion was agreed to.

By Mr. REED:
A bill (S. 5180) for the relief of the mayor, councilmen, and citizens of the city of Glasgow, Mo. (with accompanying paper); to the Committee on Claims.

A bill (S. 5181) granting an increase of pension to Annie A. Weegar (with accompanying paper); to the Committee on

By Mr. BRANDEGEE:

A bill (S. 5182) granting an increase of pension to Frances A. Tubbs; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 5183) to donate two pieces of artillery for memorial purposes at the grave of the late Brig. Gen. John S. Casement, United States Volunteers, at Painesville, Ohio; to the Commit-

tee on Military Affairs.

A bill (S. 5184) granting a pension to John Carnes; and
A bill (S. 5185) granting an increase of pension to James E. Fuller; to the Committee on Pensions. By Mr. OWEN:

A bill (S. 5186) to incorporate the Brotherhood of North American Indians; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 5187) for the protection of stockholders in corporations doing an interstate business; to the Committee on Interstate Commerce

By Mr. CLAPP: A bill (S. 5188) to correct the record in the case of Passed Asst. Surg. William Neil McDonell, United States Navy; to the Committee on Naval Affairs.

By Mr. BAILEY:

A bill (S. 5189) for the relief of the heirs of William Stansbury, deceased;

A bill (S. 5190) for the relief of the heirs of Dr. James Gower, deceased; and

(By request.) A bill (S. 5191) for the relief of the heirs at law of Green Caswell Culp, deceased; to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 5192) for the relief of W. B. Horn; to the Committee on Post Offices and Post Roads.

AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate \$5,000 for the opening and improvement of Dean Avenue and Grant Street, just east of Bennings, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$12,000 for paving Nichols Avenue, Anacostia, from Good Hope Road to Talbert Street with asphalt, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and

ordered to be printed.

BREAKWATER AT NARRAGANSETT PIER, R. I.

Mr. LIPPITT submitted an amendment providing for the examination and survey for a breakwater at Narragansett Pier, R. I., intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

POSTAL-SAVINGS DEPOSITORIES.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (S. 4142) to amend section 9 of the act of June 25, 1910, entitled "An act to establish postal-savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes," which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. OVERMAN submitted an amendment intended to be proposed by him to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was ordered to lie on the table and be printed.

PUBLIC-UTILITIES COMMISSION (S. DOC. NO. 300).

Mr. WORKS. I desire to propose an amendment in the form of a substitute to Senate bill 3812, known as the public-utilities bill. This proposed substitute is, with a few minor changes, a copy of the bill now pending in the House. Upon that bill two reports were made by the Commissioners of the District of Columbia. I ask that the proposed amendment and those two reports, which have not yet been printed, be printed and lie on the table.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

HEARINGS BEFORE THE COMMITTEE ON WOMAN'S SUFFRAGE.

Mr. OVERMAN submitted the following resolution (S. Res. 213), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Woman Suffrage, or any subcommittee thereof, is hereby authorized, during the Sixty-second Congress, to send for persons and papers, to administer oaths, to employ stenographers to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the sessions of the Senate.

CONDITIONS OF EMPLOYMENT IN THE IRON AND STEEL INDUSTRY.

Mr. BORAH. I have what is called a preliminary report, or, rather, a résumé, of three or four volumes in which is found the full report of the Bureau of Labor, Department of Commerce and Labor, on conditions of employment in the iron and steel industry. It consists of about 60 pages, and is a resume, as I said, of what is found in the entire report. I ask that it may be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order there-

for is entered.

COMMISSION ON ECONOMY AND EFFICIENCY.

Mr. HEYBURN. I ask that Senate Document No. 294, Sixty second Congress, second session, being a message from the President of the United States transmitting information in response to Senate resolution of January 25, 1912, giving the names of the members of the Commission on Economy and Efficiency in the Government Service, be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The message is as follows:

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING INFORMATION IN RESPONSE TO SENATE RESOLUTION OF JANUARY 25, 1912, GIVING THE NAMES OF THE MEMBERS OF THE COMMISSION ON ECONOMY AND EFFICIENCY IN THE GOVERNMENT SERVICE.

To the Senate:

In response to the resolution of the Senate dated January 25, 1912, I transmit herewith, for the information of the Senate, a letter from Mr. F. A. Cleveland, chairman of the President's Commission on Economy and Efficiency, giving the names of the members and officers of the commission, their ages, what official positions, if any, they have held, and the salaries they are receiving in their present positions.

WM. H. TAFT.

THE WHITE HOUSE, February 5, 1912.

WASHINGTON, January 29, 1912.

The PRESIDENT:

The PRESIDENT:

Complying with your request for a memorandum setting forth the names of the members and officers of the President's Commission on Economy and Efficiency, their ages, what official positions, if any, they have held, and the salaries they are receiving in their present positions, the following is submitted:

Frederick A. Cleveland, chairman: Age 46; salary as chairman of the President's Commission on Economy and Efficiency, \$10,000 per fannum; appointed March 8, 1911. Official positions previously held: Instructor of finance, Chool of Commerce, Accounts, and Finance, New York University, 1903 to 1905; member of commission on finance and taxation appointed by Mayor McClellan, of the city of New York, 1905 to 1906; member of committee appointed by Comptroller Metz for the revision of accounts and administrative methods and practices, appointed by Controller Prendergast, city of New York; director, burean of municipal research, Philadelphia; director, burean of municipal research, Philadelphia; director, burean of municipal research, Philadelphia; director, burean of municipal research, School of per annum; appointed March 8, 1911. Official positions previously held: Expert, Department of Labor, 1890 to 1901; treasurer of Porto Rico, 1901 to 1907; secretary of Porto Rico and president of the Executive Council of Porto Rico, 1907 to 1909; Assistant Director of the Census, 1909 to 1911.

Walter W. Warwick: Age 43; salary as member of the President's Commission on Economy and Efficiency, 86,000 per annum; appointed April 20, 1911. Official positions previously held: Clerk to United States circuit judge, 1892 to 1893; confidential clerk, law clerk, and chief law clerk, Treasury Department, 1893 to 1898, and 1905 to 1908; deputy auditor Isthmian Canal Commission (Washington office), 1904 to 1905; examiner of accounts of the Isthmian Canal Commission and auditor of the government of the Canal Zone (on duty on the Isthmus), 1908 to 1911; appointed associate justice of the supreme court of the Canal Zone, 19

June 30, 1911. Official positions previously held: Consulting expert in the installation of uniform systems of accounting for the State of Ohio, 1902; expert for finance commission of the city of Boston, 1908 to 1910: expert for governor of State of Massachusetts, 1910 to 1911; president of Massachusetts Society of Public Accountants; trustee and member of executive committee of American Association of Public Accountants

member of executive committee of American Association countants.

Merritt O. Chance, secretary: Age 42; salary as secretary of the President's Commission on Economy and Efficiency, \$6,000 per annum; appointed March 8, 1911. Official positions previously held: Assistant messenger, Post Office Department, 1888; clerk, War Department, 1890; clerk, Post Office Department, 1891 to 1894; clerk and private secretary to Fourth Assistant Postmaster General, 1895 to 1899; chief clerk, Fourth Assistant Postmaster General, 1899 to 1901; private secretary to the Secretary of War, 1901 to 1904; superintendent of post-office supplies, Post Office Department, 1904; chief clerk, Post Office Department, 1905 to 1908; auditor for the Post Office Department, 1908 to 1911. to 1911. Very respectfully,

F. A. CLEVELAND, Chairman.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:
H. R. 18017. An act to amend an act entitled "An act to regu-

late the liens of judgments and decrees of the courts of the United States; and

H. R. 18236. An act to allow and regulate amendments in judicial proceedings in the courts of United States.

H. J. Res. 238. A joint resolution making appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912 was read twice by its title and referred to the Committee on Appropriations.

GENERAL ARRITRATION TREATIES.

Mr. LODGE. I move that the Senate proceed to the consideration of the arbitration treaties with Great Britain and France in open executive session.

The motion was agreed to.
Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Dixon du Pont Foster Gallinger Gamble Gronna Heyburn Hitchcock Myers Nelson Nixon O'Gorman Oliver Root Shively Smith, Ga. Smith, Md. Smith, Mich. Smoot Stephenson Sutherland Swanson Borah Bourne Brandegee Brown Bryan Burnham Burton Overman Owen Page Swanson Thornton Townsend Warren Williams Chamberlain Paynter Penrose Perkins Poindexter Kenyon Chamberian Chilton Clapp Clark, Wyo. Clarke, Ark. Crawford Cummins Curtis Kenyon Lea Lippitt Lodge McCumber McLean Martin, Va. Martine, N. J. Pomerene Rayner Reed Works Richardson

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is absent on business of the Senate.

The VICE PRESIDENT. Sixty-two Senators have answered

to the roll call. A quorum of the Senate is present.

Mr. WORKS. Mr. President, public sentiment in this country is demanding the ratification of the proposed treaties between this country and Great Britain and France. This is evidenced by resolutions of religious and civic bodies and letters by the hundreds received by Senators urging such action. The sentiments expressed in these communications, coming from every part of the country, are commendable in the highest degree. Doubtless a like sentiment prevails on the part of the people of the two great nations with whom the treaties have been negotiated. It is a sentiment that leads to the hope that some time universal and unbroken peace between the nations of the earth will no longer be a dream of the lovers of peace but a reality. It is a sentiment that must find a response in the mind and heart of every true American citizen. Ît must appeal to every Christian man and weman, to every human being who loves liberty and justice.

But, Mr. President, I can not but confess my disappointment that these proposed treaties, if ratified, will be so ineffectual as a means of meeting this sentiment. Very few of the thousands of people who are calling upon Senators to support the treaties really know their contents, and but few of those who know their contents understand their meaning and effect. They are so uncertain in their terms and so inadequate in expression that even on this floor the official representatives of our Government differ widely as to their scope, meaning, and effect. The question presented is so far-reaching and important in its effects that I am sure Senators have given it the most careful and unbiased consideration, as I have tried to do. It touches the peace and happiness of the people of three great nations. Yea, more than that, if these treaties could accomplish what

is fondly expected of them, they touch the most cherished interests of all people, and may—let us hope they will—eventuate

in universal and world-wide peace.

The sentiment so generally and widely expressed in favor of the treaties is not founded upon their terms or the extent to which the high contracting parties are obligated to settle their disputes by peaceful means and not by war, but rather upon the general, almost universal, desire that the world should be at peace. So viewing it, lame and impotent as I believe the treaties to be as a means of obligating the parties to them to settle their disputes by peaceful means. I favor their ratification because they constitute a declaration by three great civilized nations of the world in favor of arbitration.

Mr. President, I desire, as briefly as possible, to analyze some of the terms of the treaties and to express my views as to their proper construction and legal and binding effect. I am very little concerned about the fear expressed by some Senators and put in concrete form by the majority report of the Committee on Foreign Relations, that the Senate may by ratifying the treaties surrender some of its constitutional prerogatives. With that I will deal very briefly further along. The important question with me is what will be accomplished in the way of establishing peace and putting an end to war if they are ratified and carried out conscientiously and to the letter by the contracting parties. The treaties attempt to de-clare what matters shall be arbitrated, how and by whom it shall be determined whether a given matter of dispute is within the agreement and how it shall be settled if found to be within their terms. I am not going to consume the time of the Senate in discussing at any length the last two questions. What I have most carefully considered in attempting to arrive at a conclusion satisfactory to myself is the extent to which the treaties go in obligating the settlement of disputed questions by arbitration, what questions and what manner and kind of controverted matters are included in the terms of the agreement. They provide:

All differences hereafter arising between the high contracting parties which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other, under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted, etc.

Bear in mind that the matters in dispute must be "justiciable in their nature." If the treaties had stopped there the difficulty of so construing them as to make them practically effective would not have been so great. But the contracting parties were not content to leave it there. Out of an overabundance of caution they must declare how they shall be justiciable, viz, "by reason of being susceptible of decision by the application of the principles of law or equity."

Obviously, the one important thing to determine, at the very outset, is what kind or nature of questions are susceptible of

decision by such means.

It may well be asked, in the first instance, whether any international question arising between the nations themselves is susceptible of decision by the principles of either law or equity.

Mr. President, the question as to what matters in controversy will fall within the term "justiciable," as thus defined, depends largely upon the meaning placed upon the word "equity" as here used. If the word is construed as synonymous Tith justice or fairness, then every dispute conceivable would come within its meaning and the parties to the treaties would be forced, if they kept their agreement, to submit any and all questions of dispute between them, whatever their nature, to But if this were intended the use of the word arbitration. "law" would have been wholly superfluous. I assume that no such construction of the treaties was conceived of by the representatives of the contracting parties. Certainly such a construction of them would defeat them in this body. It is true, nevertheless, that this broad and unlimited purpose and effect of the language I have quoted is contended for here, and upon that contention is founded much of the opposition to the treaties. It is quite possible that on the part of some of their enemies this broad construction is placed upon them as a means of compassing their defeat.

Mr. President, what is the meaning of equity as the word is used in the treaties, and what are the principles of equity to which resort could be had in settling international disputes In its broadest sense it is defined as being fair, under them? as fairness in dealing with others, as right or just, or as synonymous with natural right and justice, or, as said in Webster's Dictionary, "right, impartiality, rectitude, fairness, honesty, uprightness." It must be manifest that no such meaning as this was intended to be placed on the word in this connection. No court in this country would so construe it in any controversy between man and man. To my mind the very words of the treaty exclude any such idea. The matter in dispute must be susceptible of decision by the application of the principles of equity. That is equivalent to saying that it must be such that a court might render a decree upon it binding between the

Mr. HEYBURN. Mr. President, I should like to inquire if the Senator from California would object to an interruption, or would he prefer to continue uninterruptedly?

Mr. WORKS. I do not object to interruptions.

Mr. HEYBURN. My mind was attracted to the language just used by the Senator. How would that work in the case of a controversy to which France was a party? Equity is not known to the French law.

Mr. WORKS. I am coming to that branch of the subject, if

the Senator will bear with me.

Very well; then I will not interrupt the Mr. HEYBURN.

Mr. WORKS. Mr. President, it seems to me too obvious to admit of controversy that it was meant to refer in these treaties to the body of laws by which controversies can be adjudicated and determined by a court of justice between individuals. The rules or principles of equity create no new rights. In order to enforce a remedy in equity one must have a legal right. The rule is thus tersely and accurately stated by Mr. Adams in his work on equity:

The acknowledged jurisdiction of chancery was in cases where the common law gave or admitted a right but which were irremediable by its proces

The difference between law and equity is not in the right but solely in the relief or the remedy when the right exists at law. Mr. Adams says further on this subject:

The same principle still governs the jurisprudence of the court. It does not create rights which the common law denies, but it gives effectual redress for the infringement of existing rights where, by reason of the special circumstances of the case, the redress at law would be inadequate.

The manner of redress at law is by a judgment for the plaintiff, entitling him to recover, as the case may be, either possession of his property or damages for its detention or injury, followed by a writ of execution to the sheriff, requiring him to give effect to the judgment obtained. If this redress be sufficient, there is no jurisdiction in equity; and, in accordance with this principle, it is held that the court of chancery can not assess damages or decree possession of land or payment of rent under a legal title; for in the one case the assessment may be made by a jury, in the other the possession may be obtained by ejectment, and the intermediate rent may be recovered either by assumpsit for use and occupation or by trespass for mesne profits. The manner of redress in chancery is by a decree against the wrongdeer, compelling him specifically to make good his defaults; and therefore if the wrong require specific redress and such specific redress is not attainable at law there is a prerogative jurisdiction in equity to relieve. And whether specific redress be requisite or not, the inability of the common-law courts to examine the defendant creates in all cases of civil wrong a jurisdiction in equity to that extent.

If we turn to a more modern view of the meaning properly given

If we turn to a more modern view of the meaning properly given to the word "equity," we find it in the work of Prof. Pomeroy on equity jurisprudence. After a very full discussion of the rise and growth of the principles of equity and the various views entertained as to the character and extent of those principles, the learned author sums up by saying:

views entertained as to the character and extent of those principles, the learned author sums up by saying:

As the expansive tendencies of the common law are thus confined within certain limits, and as its power to administer justice and to grant the variety of remedies needed in the manifold relations of society is incomplete, the English and American system of equity is preserved and maintained to supply the want and to render the national jurisprudence as a whole adequate to the social needs. It is so constructed upon comprehensive and fruitful principles that it possesses an inherent capacity of expansion, so as to keep abreast of each succeeding generation and age. It consists of those doctrines and rules, primary and remedial rights and remedies, which the common law, by reason of its fixed methods and remedial system, was either unable or inadequate, in the regular course of its development, to establish, enforce, and confer, and which it therefore either tacitly omitted or openly rejected. On account of the somewhat arbitrary and harsh nature of the common law in its primitive stage, these doctrines and rules of equity were intentionally and consciously based upon the precepts of morality by the early chancellors, who borrowed the jural principles of the moral code and openly incorporated them into their judicial egislation. This origin gave to the system which we call equity a distinctive character which it has ever since preserved. Its great underlying principles, which are the constant sources, the never-falling roots of its particular rules, are unquestionably principles of right, justice, and morality, so far as the same can become the elements of a positive human jurisprudence; and these principles, being once incorporated into the system, and being essentially unlimited, have communicated their own vitality and power of adaptation of tight and duties than the correlative department which we call equity is, as a whole, more just and moral in its creation of right and duties than the correlative d

In one sense, and in that sense only, equity gives a right that does not exist under the principles and rules of law. A right may exist in fairness and justice that a court of law can not recognize because it affords no remedy for such a right. Equity

acts upon the principle that there can be no right without a remedy, and therefore it provides the remedy and enforces it where the right exists. This conception of the remedial force of the principles of equity is well expressed in Rees v. City of Watertown (19 Wall., 121), in which it was said by the Supreme Court of the United States:

Watertown (19 Wall., 121), in which it was said by the Supreme Court of the United States:

But independently of this statute, upon the general principles of law and of equity jurisprudence, we are of opinion that we can not grant the relief asked for. The plaintiff invokes the aid of the principle that all legal remedies having failed, the court of chancery must give him a remedy; that there is a wrong which can not be righted elsewhere, and hence the right must be sustained in chancery. The difficulty arises from too broad an application of a general principle. The great advantage possessed by the court of chancery is not so much in its enlarged jurisdiction as in the extent and adaptability of its remedial powers. Generally, its jurisdiction is as well defined and limited as is that of a court of law. It can not exercise jurisdiction when there is an adequate and complete remedy at law. It can not assume control over that large class of obligations called imperfect obligations, resting upon conscience and moral duty only, unconnected with legal obligations. Judge Story says, "There are cases of fraud, of accident, and of trust which neither courts of law nor of equity presume to relieve or to mitigate," of which he cites many instances. Lord Talbot says, "There are cases, indeed, in which a court of equity gives a remedy where the law gives none, but where a particular remedy is given by law, and that remedy bounded and circumscribed by particular rules, it would be very improper for this court to take it up where the law leaves it, and extend it further than the law allows."

Generally, its jurisdiction depends upon legal obligations, and its decrees can only enforce remedies to the extent and in the mode by law established. With the subjects of fraud, trust, or accident, when properly before it, it can deal more completely than can a court of law. These subjects, however, may arise in courts of law and there be well disposed of.

A court of equity can not, by avowing that there is a right but no remedy kno

Then the question whether a disputed matter is justiciable or not must be tested by the established code of equitable principles devised to afford an adequate remedy where a legal right has been violated. Consequently they must necessarily invade some right of person or property. It can not be the right of a citizen of one nation or the other, such as the right of immigration or any other right that accrues to the citizen, or any number of citizens, not only because the matter in dispute must be one between the contracting nations, but because such a matter could not by any stretch of construction be one "susceptible of decision by the application of the principles of law or equity."

It seems to me, Mr. President, that if the representatives of these three nations had intended to exclude from the terms of the agreement every dispute that a nation is likely to go to war about, they could not have done it more effectually. Questions of national honor, so called, the Monroe doctrine, the respective rights of the citizens of the contracting parties, and almost every other matter of dispute of any consequence is excluded from the effect of the treaties by the definition of justiciable questions. As a declaration in favor of peace, as a part of the general movement to establish proper sentiments in favor of peace and against war, the treaties are commendable and as such I support them. As a means of settling disputes between nations in a way to avoid war they are almost wholly without force or merit.

In my judgment these treaties are not nearly as broad as the proposed treaty of 1905, in which the matters to be submitted are mentioned in the report of the majority of the Committee on Foreign Relations as "practically all questions which did not affect the vital interests, the independence, or the honor of the two contracting States and which did not concern the interests of third parties," or the treaty of 1908, mentioned in the same report.

I do not agree with the majority of the committee in its conclusion that because, as it is asserted, there is no system of equity jurisprudence in France we are bound to give the "equity" its broad and universal acceptance as that which is "equally right or just to all concerned, as the application of the dictates of good conscience to the settlement of controversies."

The principles of equity as a basis for the decision of disputed questions did exist in this country and must have been known to exist, and the scope and limitations of it, by the Republic of France. It must be assumed, therefore, that as there was no such system in France reference was made to the principles of law and equity prevailing in this country. Certainly France could not, under such conditions, justly say that there was no such system, when the rights of the contracting parties were defined and limited to such a system under which a "decision" might be made.

Mr. President, looking at these treaties as I do, conceiving

as I do that their scope is so limited as to render them of little effect as a means of enforcing the settlement of disputes between nations by peaceful means, I am not impressed with the argument that the Senate will, if it ratifies the treaties,

surrender any of its prerogatives that are worth preserving. I go further than that. I do not believe the Senate will, if it shall advise the making of the treaties, surrender any of its prerogatives or delegate any of its powers, as is contended; but it is not my purpose to extend these remarks by entering into a discussion of the question.

Mr. President, I believe in peace between nations. I abhor ar. I do not believe there can be any justifiable excuse for war between civilized nations. Why should it be necessary for the two great civilized English-speaking nations, the United States and Great Britain, to agree in advance and attempt to bind themselves by a written treaty not to go to war but to settle any disputed questions that may arise between them by arbitration or mutual agreement? It is because, while we are pleased to call ourselves so, we are not yet quite civilized. There is some savagery in the human race that has not yet been subdued by the teachings of civilization, Christianity, and humanitarianism. Nations go to war because they have not the moral courage to settle their controversies by peaceful means. Too many people look upon it as pusillanimous to be merciful and just. Our own Nation is puffed up with the power of wealth and consumed with the lust for more power and greater wealth. By little better than a sham naval battle, followed by a course of deceit and intrigue, we acquired additional territory across the sea, and began to talk about being a world We have subjugated and held in practical slavery a whole nation, half civilized and speaking a foreign tongue. have taken over other countries and other peoples with no better reason or excuse. As a consequence our Army and Navy must be increased and a free Republic kept on a war footing.

One effective way to advance the cause of peace by this Government would be to surrender their territory to these people and restore to them their liberty and independence. have no right in law or equity to hold or interfere with either. This single act of justice would remove one of the greatest obstacles to the attainment of peace by this Nation, enable us to reduce our military and naval forces and save the people millions of dollars in unnecessary expenses.

While the President and Secretary of State are crying for peace and asking this body to ratify treaties of peace that are mere shells—a delusion, a seeming declaration of peace that is wholly ineffectual as a means to that end—the Secretary of War and the Secretary of the Navy are calling for more soldiers and more ships of war. The distinguished Senator from Nebraska [Mr. Hitchcock] is afraid that these treaties may lead to an alliance between Great Britain, France, and the United States. An alliance for what? An alliance for peace? I presume so, as these are treaties of peace. If so, let us hope that the alliance will be formed and that soon. is just what is needed and what must come if we are to have real and continued peace between nations.

Mr. HITCHCOCK. Mr. President—
The PRESIDING OFFICER (Mr. Curris in the chair). Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. Certainly.

Mr. HITCHCOCK. I think if the Senator from California will recall what I said in that connection, he will realize that I did not simply express my own fear that these treaties, if entered into, would lead to an alliance between Great Britain and the United States. What I did was to quote from the speech delivered by Sir Edward Grey, the minister for foreign affairs in Great Britain. In that speech Sir Edward Grey made the distinct declaration that these treaties, if entered into, would probably lead to such an arrangement between the United States and Great Britain that if either Nation were attacked or brought into conflict with another power having no arbitration treaty, the other Nation would support it.

The interpretation I placed upon what Sir Edward Grey said was the very obvious interpretation that if these treaties were entered into, and Great Britain should have the anticipated trouble with Germany, the United States would be expected, from the English point of view, to come to the assistance of Great Britain.

That was not simply my own fear. It was the interpretation placed upon these treaties by the secretary for foreign affairs of Great Britain, not in an interview, nor as a matter of rumor, but in a reported speech in the House of Commons. And I said that if Great Britain were entering into these treaties with that understanding of their ultimate result, it was some-thing which we in the United States, who want no entangling

alliance, should take into account very seriously.

Mr. WORKS. Mr. President, I am glad that at least the Senator from Nebraska is not afraid. I have been unable to see anything in the treaty that would lead to any such construction

as has been placed upon it, tending to show that there could arise out of it an alliance for any purpose between these two There should be an alliance between the great and powerful civilized nations, such as those between whom these treaties have been negotiated, to ostracize any nation that goes to war. They should bind themselves to withdraw all trade and other relations with a nation at war, whatever the cause of war may be, at the same time obligating themselves to tender their services to settle the dispute between the conflicting nations fairly and justly by peaceful means. At the same time they should agree and bind themselves not to increase their own armament and to reduce it to the limit of

the needs of internal peace and safety.

You say this is an idle dream impossible of attainment. Yes; so it is just now. But why? Because the people are not ready for peace. To obtain it we must go down deeper for our remedy. The individual citizen must be taught to believe in peace as the only means of obtaining justice between men or nations. So long as the evils of ambition, hate, revenge, avarice, greed, and like evil propensities and base instincts control the minds of men and shut out the pleadings of justice, mercy, charity, love, and all the finer instincts of man's nature we shall never have peace between nations or men. If the people want peace, let them cleanse their own consciousness of these evil propensities. Let them put away all sense of hatred and malice or strife in their own individual consciousness and submit to the rule of justice and mercy in their own minds, and war will cease. Peace is not a question of nations but of men. The whole mass must be leavened, the people themselves regenerated, and peace, justice, and love established in the minds of the people themselves, in their relations with each other, before peace between nations can be reached.

Mr. President, I stand for universal peace; not peace between nations alone, but between men. I stand for the golden rule, and for peace on earth, good will to men.

Mr. WARREN. I do not see the Senator in charge of the treaties present, but unless some one wishes to discuss further this matter in executive session, I would move that the Senate proceed to the consideration of legislative business in open I make that motion.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it be until Monday next.

The motion was agreed to.

DISTRICT OF COLUMBIA WORKHOUSE.

Mr. WARREN. I ask permission to report from the Committee on Appropriations a joint resolution from the House, and I desire its immediate consideration. I am directed by the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 238) making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912, to report it favorably without amendment, and I ask that it be put on its

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

PRINTING OF ADDRESS BY SECRETARY OF STATE KNOX (S. DOC. NO. 298).

Mr. BAILEY. Mr. President, if it has not already been printed as a public document, I ask unanimous consent that the address of Hon. Philander C. Knox before the American Society for Judicial Settlement of International Disputes, delivered at Cincinnati, Ohio, on the 8th of November, 1911, be printed as a public document. It deals with the question now before the Senate, and appears to me to be the administration's view of it. I think it ought to be made a public document.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Texas?

Mr. ROOT. Mr. President, I rise merely for the purpose of suggesting that it would be very appropriate that that address should appear upon the records of the proceedings in open executive session in which the treaties are considered.

Mr. BAILEY. That would be entirely agreeable to me, Mr. LODGE. Printed in the RECORD?

Mr. ROOT. Printed in the record of the proceedings in open executive session.

Mr. BACON. What does the Senator from New York mean by his request in that form? That it be printed in the RECCED?

Mr. LODGE. That it be printed in the RECORD.

Mr. ROOT. The request of the Senator from Texas was that the address be printed as a public document. in the address a number of statements by the Secretary of State which, I think, should appear in the RECORD as a part of the matters considered by the Senate in dealing with the treaties, and I mean that the paper should be printed in the RECORD in such a way as to appear as a part of the proceedings in which the treaties are considered.

Mr. LODGE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. BAILEY. I do.
Mr. LODGE. I, of course, think it most desirable that the address should be printed as a public document. The ground was taken in the Senate the other day—and, I think, wisely taken—that nothing should be printed in the RECORD which was not delivered on the floor; and unless the speech should be read entire, and read into the RECORD, I think it is a bad precedent to enter on the publication of speeches in the RECORD not made in the Senate. I shall object to it on that ground, unless it is read.

Mr. BACON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. I yield to the Senator from Georgia.
Mr. BACON. With the permission of the Senator from
Texas, I desire to say that I entirely agree with the Senator from Massachusetts. I, of course, have the very highest respect for the utterances of the Secretary of State, and I am more than glad to have the address printed as a document, where it will be accessible to everyone, having as many copies printed here as the public demand may require, as well as may be required by Members of the Senate. I certainly feel the greatest hesitation in entering an objection to its being printed in the RECORD, because, while favoring arbitration treaties generally, I do not agree to some of the particular features of these proposed treaties, and to the extent of some of these features I do not agree with the views of the Secretary of State; but the matter of precedent and uniformity of practice should, I think, control us in this instance. There was an offer made a few days ago by a Senator to print in the Record a speech of some one—I have forgotten now by whom—and the ruling was distinctly then made by the Senate that it is against the policy of the Senate to print in the RECORD the speeches of anyone delivered outside of this Hall, the custom of printing them in the shape of documents being sufficient to answer all practical purposes.

It is impossible to draw the line. It is true that the Secretary of State is one of the most distinguished officials of the Government and one of the highest, but you can not draw the line. If you admit the propriety and establish the precedent of printing the speech of one person delivered outside of this Chamber, whether it be an official or a private citizen, you can

not deny the privilege to others.

Mr. ROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from New York?

Mr. BAILEY. I do. Mr. ROOT. If Senators think it will create a bad precedent, I do not want to insist upon the request. I will see to it at the proper time that the statements contained in the address, which have in fact been a part of the subject matter of consideration, doubtless greatly affecting the action of many Senators regarding these treaties, are read into the RECORD.

Mr. BACON. There can be no possible objection to that, and

shall be very glad to have that done. Mr. ROOT. Therefore I withdraw my request to print the address in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas, that the address be printed as a document? The Chair hears none, and it is so ordered.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. MARTIN of Virginia. Mr. President, I am advised that the Vice President will be absent from the city on Monday and Tuesday of next week. As we are without a President pro tempore, it is necessary now to provide for some one to preside over the deliberations of the Senate on those two days.

I ask unanimous consent that the senior Senator from New Hampshire [Mr. Gallinger] may be designated to preside over

the Senate on Monday and Tuesday of next week.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PAULINA (OREG.) NATIONAL FOREST.

Mr. CHAMBERLAIN. I am directed by the Committee on Public Lands, to which was referred the bill (8. 4745) to consolidate certain forest lands in the Paulina (Oreg.) National Forest to report it favorably without amendment, and I submit a report (No. 340) thereon. I ask that the bill may be considered now.

The PRESIDING OFFICER. The Secretary will read the

bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

REPORT OF THE POSTMASTER GENERAL.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 204, submitted by Mr. Penrose on the 1st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed and delivered to the Committee on Post Offices and Post Roads 20,000 copies of the annual report of the Postmaster General of the United States for the fiscal year ended June 30, 1911.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On January 26, 1912: S. J. Res. 68. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Mr. José Pasos Diaz, of Nicaragua.

On February 1, 1912: S. 1650. An act to amend section 110 of "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911.

On February 5, 1912:

S. 2750. An act to amend sections 90, 91, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. LODGE. I move that the Senate proceed to the consid-

eration of executive business

The PRESIDING OFFICER. The Chair has a message from the President to lay before the Senate. Will the Senator from Massachusetts withhold the motion for that purpose?

Mr. LODGE. Certainly; I withhold the motion.

WIRELESS TELEGRAPHY IN THE PHILIPPINES (S. DOC. NO. 299).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith a series of joint reports made by officers representing the insular Government of the Philippine Islands, the Army and Navy of the United States, for the purpose of formulating plans for the construction and operation of a system of wireless telegraphy for the Philippine Islands.

In view of the fact that no commercial companies have installed wireless stations in the Philippine Islands up to the present time, and that the needs of the msular Government, of commerce, and of the Army and Navy of the United States for the wireless telegraph have now become urgent and are steadily increasing in importance, and in view of the additional facts that wireless signals will greatly add to the safety of the shipping of the China seas and will be of paramount importance to both the Army and Navy in time of war, it is considered highly advisable that an official system of wireless telegraphy be installed with as little delay as possible in these islands, and that the difficulties which would arise should commercial and Government stations be hereafter installed which are not in har-

mony with a well-considered plan may thus be avoided.

The report of this board is approved by me and urgently recommended to the favorable consideration of the Congress.

WM. H. TAFT.

THE WHITE HOUSE, February 8, 1912.

Mr. NELSON. I desire to state to the Senator from Massachusetts that the subject matter of wireless telegraphy has been before a subcommittee of the Committee on Commerce for a long time as a matter of general legislation. The committee have reports from all the departments having anything to do with it, the Department of Commerce and Labor, the Navy Department, the War Department, and the Treasury Department. I suggest whether, in view of the work which is being done in connection with that proposed legislation, it would not be advisable to refer the message relating to this same matter to that committee. I shall not ask it; I only suggest it.

Mr. LODGE. I would have no objection, but the chairman of the Committee on the Philippines is not here, and I would hardly like to have it done in his absence. The message relates to the establishment of a local system in the Philippines, and I doubt if it bears on the subject that the Committee on Commerce is considering.

Mr. NELSON. I am not at all tenacious about it. I simply suggest it in view of the fact that the committee is considering

general legislation on the subject.

Mr. LODGE. I have no objection to the message being re-ferred to the Committee on Commerce if the Senator from Colorado [Mr. Guggenheim], who is chairman of the Committee on the Philippines, does not object. It is also to be remembered that a treaty on this subject is now pending in the Committee on Foreign Relations. Therefore the matter is in the hands of more than one committee.

Mr. BOURNE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Certainly.

Mr. BOURNE. I understand that two of the members of the Committee on Foreign Relations, the Senator from Ohio [Mr. Burton] and the Senator from Michigan [Mr. SMITH], have this matter under consideration, and they are also upon the subcommittee of the Committee on Commerce having the whole question under consideration.

Mr. LODGE. I think it would be better to let the message go to the Committee on the Philippines, where it would naturally go, and then, if it is desirable to send it to the Committee

on Commerce, it can easily be done afterwards. The VICE PRESIDENT. Without objection, the message will be referred to the Committee on the Philippines, and it will be printed, together with the accompanying papers.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the joint resolution (H. J. Res. 238) making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912, and it was thereupon signed by the Vice President.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 26 minutes p. m.) the Senate adjourned until Monday, February 12, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1912. COLLECTOR OF CUSTOMS.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina. (Reappointment.)

POSTMASTERS.

ALABAMA.

W. W. Battle to be postmaster at Jacksonville, Ala., in place of Dora Crook. Incumbent's commission expired February 28,

James A. Grimmet to be postmaster at Tuskegee, Ala., in place of Grover C. Thompson, resigned.

Samuel R. Kennamer to be postmaster at Guntersville, Ala.,

in place of James V. Walls, deceased.

FLORIDA.

Charlie H. Stebbins to be postmaster at Manatee, Fla. Office became presidential January 1, 1912.

ILLINOIS.

Benjamin W. Belsley to be postmaster at Roanoke, Ill., in place of Benjamin W. Belsley. Incumbent's commission expired January 20, 1912.

John B. Cook to be postmaster at Farley, Iowa, in place of John B. Cook. Incumbent's commission expires February 17, 1912.

Edward B. Gundrum to be postmaster at Casey, Iowa, in place of Edward B. Gundrum. Incumbent's commission expired December 11, 1911. Charles F. Le Compte to be postmaster at Corydon, Iowa, in

place of Charles F. Le Compte. Incumbent's commission expired January 9, 1912.

LOUISIANA.

Floyd G. Mitchell to be postmaster at Zwolle, La. Office became presidential January 1, 1912.

Evan J. Roderick to be postmaster at Vinton, La. Office became presidential January 1, 1912.

MAINE.

Phoebe Varney to be postmaster at Hartland, Me., in place of Edward G. Varney, deceased.

MICHIGAN.

Richard L. Owen to be postmaster at Ypsilanti, Mich., in place of William N. Lister. Incumbent's commission expires March 31, 1912.

Albert Schell to be postmaster at North Branch, Mich., in place of Albert Schell. Incumbent's commission expired February 4, 1912.

MISSISSIPPI.

Wiley W. Brashears to be postmaster at Gunnison, Miss. Office became presidential January 1, 1912.

Frances A. Gardner to be postmaster at Moorhead, Miss.

Office became presidential January 1, 1912.

Ella Meade Harper to be postmaster at Raymond, Miss., in place of Ella Meade Harper. Incumbent's commission expired December 11, 1911.

Hubbard E. McClurg to be postmaster at Ruleville, Miss.

Office became presidential January 1, 1912.

George K. Smith, jr., to be postmaster at Indianola, Miss., in place of George K. Smith, jr. Incumbent's commission expires February 24, 1912.

Coke B. Wier to be postmaster at Quitman, Miss., in place of Coke B. Wier. Incumbent's commission expires February 19,

NEBRASKA.

Osmer A. Butler to be postmaster at Newcastle, Nebr. Office became presidential January 1, 1912.

NEW HAMPSHIRE.

Horace E. Hurlbutt to be postmaster at Hanover, N. H., in place of Horace E. Hurlbutt. Incumbent's commission expires February 10, 1912.

NEW YORK.

William J. Guthrie to be postmaster at Philadelphia, N. Y., in place of William J. Guthrie. Incumbent's commission expires February 19, 1912.

Charles C. Johnson to be postmaster at Antwerp, N. Y., in place of Charles C. Johnson. Incumbent's commission expired

January 27, 1912.

Charles McCarty to be postmaster at Gouverneur, N. Y., in place of Charles McCarty. Incumbent's commission expired January 27, 1912.

Frank N. Molineaux to be postmaster at Middleville, N. Y. Office became presidential January 1, 1912.

James M. Requa to be postmaster at Tarrytown, N. Y., in place of James M. Requa. Incumbent's commission expires February 26, 1912.

George L. Wiltse to be postmaster at Rensselaer, N. Y., in place of George L. Wiltse. Incumbent's commission expired December 10, 1911.

NORTH CAROLINA.

William A. Mace to be postmaster at Beaufort, N. C., in place of William A. Mace, Incumbent's commission expired December 19, 1910.

Thomas E. de Bruin to be postmaster at Winchester, Ohio, in place of Thomas E. de Bruin. Incumbent's commission expired December 16, 1911.

Carl J. Eckert to be postmaster at Berea, Ohio, in place of Henry B. Wisner, deceased.

PENNSYLVANIA.

Everett C. Davis to be postmaster at Nanty Glo. Pa. Office became presidential January 1, 1912.

Harry C. Valentine to be postmaster at Bellefonte, Pa., in place of Samuel H. Williams, deceased.

SOUTH CAROLINA.

Landrum Padgett to be postmaster at Pelzer, S. C., in place of Landrum Padgett. Incumbent's commission expires Feb-

ruary 21, 1912.

Edgar E. Poag to be postmaster at Rockhill, S. C., in place of Edgar E, Poag. Incumbent's commission expires February

SOUTH DAKOTA.

Harry E. Barnes to be postmaster at Wolsey, S. Dak. Office became presidential January 1, 1912.

Kate A. Schnacke to be postmaster at Bigstone City, S. Dak. Office became presidential January 1, 1912.

Mary W. Chase to be postmaster at Derby Line, Vt., in place of Mary W. Chase. Incumbent's commission expired January 28, 1912.

Charles E. Welch to be postmaster at Phoebus, Va., in place of Charles E. Welch. Incumbent's commission expired February 4, 1912.

WASHINGTON.

Ralph L. Philbrick to be postmaster at Hoquiam, Wash., in place of Ralph L. Philbrick. Incumbent's commission expired December 11, 1911.

WISCONSIN.

Anna M. Merrill to be postmaster at Merrillan, Wis., in place of Anna M. Merrill. Incumbent's commission expires February 21, 1912.

Bernard Roemer to be postmaster at Tigerton, Wis. Office became presidential October 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1912. PROMOTIONS IN THE NAVY.

The following-named citizens to be assistant surgeons. Cecil F. Charlton. The following-named machinists to be chief machinists: Ole P. Oraker.

Francis G. Randall.

POSTMASTERS.

Webster H. Knight, Humboldt. Julia Mahoney, Winslow.

CALIFORNIA.

Ardella F. Brown, Walnut Grove. Ebenezer E. Cunningham, South San Francisco. Otto Jensen, Rio Vista. Evelyn Stokes, Guadaloupe.

CONNECTICUT.

Sanford E. Chaffee, Derby.

FLORIDA.

William A. Allen, De Land. Charles F. Haskins, Sanford. Charles J. Schoonmaker, Cocoa. John F. Stunkel, Leesburg. HAWAII.

David C. Lindsay, Paia.

IDAHO.

Alonzo S. Yorgensen, Shelley.

KANSAS.

Edward C. Hill, Burr Oak. Frank A. Jewell, Arcadia.

MARYLAND.

Walton C. Orrell, Centerville. Alonzo R. Spitzer, Brunswick. Harry K. Startzman, Hagerstown.

MASSACHUSETTS.

Benjamin W. Brown, Northbridge.

NEBRASKA.

Henry C. Hooker, Leigh. William C. Johns, Burwell Richard H. McKinney, Mullen.

NEVADA.

Thomas Defenbaugh, National.

NEW MEXICO.

Lovick P. Taffinder, Texico.

NEW YORK.

Frank N. Molineaux, Middleville.

OKLAHOMA,

John D. Appleby, Hobart. John W. Ricketts, Perkins. S. E. Wallen, Vinita.

Sarah L. Keezel, Philomath. Olive E. Parsons, Creswell.

SOUTH DAKOTA.

John D. Fargo, Redfield.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 8, 1912.

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Father in heaven, from whom cometh all wisdom, power, and goodness, imbue these Thy servants plenteously with these gifts that their resolves and enactments may be in consonance with the laws which Thou hast ordained, thus making it hard for men to do wrong and easy for men to do right. That the evils which doth beset us may be diminished and good increased; that popular government may prove itself wise, just, efficient in statesmanship, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and

approved.

ABANDONMENT OF ARMY POSTS.

Mr. HELM. Mr. Speaker, I desire to present the following privileged report (H. Rept. 311) from the Committee on Expenditures in the War Department.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 398.

House resolution 308.

Resolved, That the Secretary of War be requested to furnish the House with the following information relating to the following Army posts recommended by him for early abandonment: Forts Apache, Ariz.; Bolse Barracks, Idaho; Brady, Mich.; Clark, Tex.; George Wright, Wash.; Jay, N. Y.; Lincoln, N. Dak.; Logan H. Roots, Ark.; McIntosh, Tex.; Mackenzie, Wyo.; Madison Barracks, N. Y.; Meade, S. Dak.; Niagara, N. Y.; Ontario, N. Y.; Wayne, Mich.; Whipple Barracks, Ariz.; William Henry Harrison, Mont.; Yellowstone, Wyo. First. Cost of each of said posts to date under the following heads: (a) Lands. (b) Buildings. (c) Water supply. (d) Roads and miscellaneous.

Second. Amount of expenditures for construction work on each of these posts for the last five years.

Third. Amounts expended for the care and upkeep for each of these posts for the past year.

Fourth. Number, character, and present condition of buildings and water systems at each of said posts.

Fifth. Capacity of quarters for each arm of the service at each of said posts.

Sixth. Conv. of the estimate of the amount expected to be said posts.

said posts.

Sixth. Copy of the estimate of the amount expected to be secured from the sale of these posts on which was based the statement in the report of the Secretary of War of the date of January 25, 1912, that the relocation of the Army may be largely financed from the proceeds of the sale of the real estate no longer needed for military purposes.

The Clerk read the report, as follows:

Your committee, having had under consideration House resolution 398, requesting the Secretary of War to furnish the House with information relating to certain Army posts, recommends that the said resolution be amended by striking out the period at the end of the first paragraph, after the word "Wyoming," by inserting a semicolon, and adding to said paragraph the following, to wit: "Fort Ethan Allen, Vt.; Plattsburg Barracks, N. Y.; Fort Robinson, Nebr.; Fort Missoula, Mont.; Fort Logan, Colo.; Fort Douglas, Utah; Fort D. A. Russell, Wyo.," and further recommends that the resolution as so amended do pass.

The SERAKER The great strip is now the committee armond.

The SPEAKER. The question is on the committee amend-

ment.

The committee amendment to the resolution was agreed to. The resolution as amended was agreed to.

ELECTION OF MEMBERS TO COMMITTEE VACANCIES.

Mr. UNDERWOOD. Mr. Speaker, I desire to move the election of the Hon. Harvey B. Fergusson for the vacancy on the Committee on the Public Lands and the Hon. George A. Neeley for the vacancy on the Committee on Banking and Currency, two Democratic vacancies now existing in those committees.

The SPEAKER. Are there any other nominations?

There were no other nominations.

Mr. Fergusson was elected as a member of the Committee on the Public Lands.

Mr. NEELEY was elected as a member of the Committee on

Mr. UNDERWOOD. Mr. Speaker, I have one further nomi-At the request of the gentleman from Illinois [Mr. MANN] I offer the following resolution to fill a vacancy on the committee that belongs to the minority side of the House.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That Mr. S. F. PROUTY, of Iowa, is hereby elected a member of the Committee on the District of Columbia.

The SPEAKER. Is there any other nomination? There was no other nomination. The resolution was agreed to.

GEN. JAMES B. WEAVER.

Mr. KENDALL. Mr. Speaker, I ask unanimous consent to address the House briefly.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENDALL. Mr. Speaker, the newspapers this morning convey the sorrowful intelligence that Gen. James B. Weaver,

for many years a distinguished Member of this House from the district which I now have the honor to represent, is dead. think it not inappropriate that we pause momentarily to acknowledge the loss which is sustained by his country in his departure. In many notable respects his career is without parallel in the political history of the American Republic. From the day of his youth, when he volunteered as a private soldier in the Second Iowa Infantry, to the day of his death at three score and nine years, he was constantly on the firing line, advancing some policy which he enthusiastically favored or combating some principle which he earnestly condemned. was a natural polemic, whether in official position or in honorable retirement, always amply armed for any controversy, and challenging conflict with any adversary he might encounter. He never hesitated to espouse a cause unfamiliar or unpopular, and he would struggle to the uttermost to vindicate the beliefs he entertained. While he did not always achieve victory, he never confessed defeat. He entered politics as a Republican, transferred his allegiance to the Populist Party prior to 1880, and united with the Democracy when Mr. Bryan was nominated for President in 1896. Many men differed from the opinions he defended, but all men recognized his sincerity of conviction and his integrity of purpose. His life is an inspiring illustration of extraordinary ability, of unexampled energy, of unblemished character—all devoted with unfaltering fidelity to the welfare of his fellow men. He passes from the world to receive the divine benediction, "Well done, thou good and faithful servant, enter thou into the joy of thy Lord." [Prolonged applause.]

PIMA INDIANS IN ARIZONA (H. DOC. NO. 521).

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed as a House document certain letters, petitions, and papers with reference to conserving the rights of the Pima Indians of Arizona to the lands on the reservation and the necessary water supply for irrigation.

The SPEAKER. The gentleman from Texas asks unanimous consent to have printed as a House document certain letters

and petitions concerning the Pima Indians of Arizona. Is there

objection?

There was no objection, and it was so ordered.

QUESTION OF PERSONAL PRIVILEGE.

Mr. CLARK of Florida. Mr. Speaker, for the first time, I think, since I have been a Member of Congress, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.
Mr. CLARK of Florida. Mr. Speaker, the Washington Herald of this morning, in the course of an article headed-

Florida land case opens next week. Mr. CLARK's statements are said to be untrue. Department makes reply—

Uses this language:

There were several new developments in the Everglades controversy yesterday. The department issued a statement denouncing as "prejudiced and one sided and untrue" the statement given out on Tuesday by Representative Frank Clark, of Florida, declaring that Secretary Wilson suppressed a warning circular and an engineer's report on the Everglades because the circular and report did not please the land speculators operating in the Everglades.

There is more in the report, Mr. Speaker, but that is the particular part upon which I predicate the question of privilege. I want to say that I have not seen the alleged statement sent out by the department; but I do desire to say that in my little career, public and private, whatever else may be said of me, no man has ever yet fixed a false statement as emanating from me

either in my public or private capacity. I appeared before a committee of this House. I did it reluctantly, because I knew that persons engaged in promotion schemes in my State would immediately raise the cry that I was engaged in an onslaught on the progress of my State and my district. I knew that in the campaign in my State just my district. opening, in which I have opposition, I would have to meet that statement upon the stump before my people. I hesitated, but when I found that there were a number of people operating in the State of Florida to the detriment of the State, and to the robbery of thousands of people all over this country, I felt that my duty as a Representative demanded that I speak and that I ask a committee of this House to investigate those op-

erations. [Applause.]
I have no interest in any land company in the State of Florida or anywhere else. I have not a foot of Florida land for sale in any part of the State. The only interest that I have is in protecting the people of this country from being ensnared by the lurid, truthless, false statements of these land sharks, who would rob the poor all over this land and bring discredit upon the fair name of my State. [Applause.] I did go before a committee, and I am prepared to prove, not only by my own statement but by the sworn testimony of as good men as live within this Republic, that the Secretary of Agriculture told me that he suppressed the circular referred to at the instance of persons engaged in selling Everglades lands in Florida. I want to know, and the country ought to know, who those persons were who could exercise this great influence over a great de-

partment of this Government.

Mr. Speaker, I hesitated because I looked upon the venerable Secretary more in a sense of pity than I did of blame. The Department of Agriculture sent certain engineers down to investigate these lands. Those engineers made a report. The department was being flooded with inquiries from all over this country relative to that project. They could not answer them singly, so it was thought necessary to get out a circular letter giving the necessary information. That circular letter was prepared, and when a few of them came into circulation the agents of these land sharks immediately appeared at the de-They threatened the chief drainage engineer of that department if he did not recall that circular letter. He "stood pat." He declined to do it. They then told him that they would go higher and they would have him do it. In a few days the chief engineer received a letter from the Secretary telling him that he must circulate no more of these letters and he must not answer any question relative to the Everglades of

I simply went before that committee to know whence comes this great power that can accomplish things like this. I do not intend, Mr. Speaker, to be put in the attitude of opposing this great work of internal improvement. I do not know whether it can be done or not. If it can, I am willing for it to be done, and I am not opposing any enterprise in my State or any honest legitimate industry, but I will oppose thievery and robbery and fraud, whether it is committed in Florida or in any other State of this Union. [Applause.] These men have brought discredit upon our State. Millions of dollars have gone into their coffers for land 8, 10, and 12 feet under water, lands that ought to have been sold by the quart instead of by the acre [laughter]; and I wanted to know what connection the Department of Agriculture of this great Government has with these land boomers and land sharks. I am perfectly willing, if the people are like Barnum said they were—that they loved to be humbugged—I am perfectly willing to allow them to be humbugged, but not by a copartnership between a great department of this Government and the speculators and pirates who are seeking to humbug them.

Mr. Speaker, the statement I made before that committee is true. I am prepared to prove it. I do not make statements like that which I can not prove. I have practiced law too long not to know that it is dangerous to make a statement that you can not absolutely establish. I reiterate that I will prove that the Secretary of Agriculture told me in the presence of reputable witnesses that he suppressed this circular letter which gave the facts at the instance of persons engaged in selling the Everglades lands of Florida. [Applause.] The committee has taken it in charge. Let the department come there and under oath submit their defense. I am prepared to prove every count in the indictment that I make, and I will prove it beyond, not a probability but beyond every

shadow of reasonable doubt. [Applause.]

DEFICIENCY APPROPRIATION, WORKHOUSE, DISTRICT OF COLUMBIA.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House, as in Committee of the Whole House, a joint resolution to supply a deficiency in the appropriation for the support of the workhouse, District of Columbia.

The SPEAKER. The gentleman from New York asks unanimous consent that the House joint resolution referred to may be considered in the House as in Committee of the Whole

House.

Mr. Speaker, reserving the right to object, I understand this is a joint resolution providing for a deficiency appropriation for the workhouse?

Mr. FITZGERALD. Yes.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 238) making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912.

District of Columbia for the fiscal year 1912.

Resolved, etc., That the sum of \$61,500 is appropriated, out of any money in the Treasury of the United States not otherwise appropriated, payable one-half from the revenues of the District of Columbia and one-half by the United States, to supply a deficiency in the appropriation for the support of the workhouse of the District of Columbia during the fiscal year 1912, including the objects set forth in the appropriation therefor in the District of Columbia appropriation act for the fiscal year 1912.

Mr. FITZGERALD. Mr. Speaker, this resolution is required at this time because the appropriation for the workhouse of the District of Columbia is now exhausted. The appropriation for the current year is \$193,000, of which \$80,000 had been made immediately available and was expended prior to the beginning of the present fiscal year. When the District appropriation bill was reported to the House for the current fiscal year it carried an appropriation of \$288,000. It was intended that this money should be used in the operation and maintenance of two institutions, one at Occoquan and the other at Belvoir. The House by amendment provided that no money should be expended for the maintenance of any such institution within 10 miles of Mount Vernon, except the one at Occoquan. The District Commissioners were required to hastily revise their estimates in the Senate, and in doing so they presented an estimate of \$193,000, which sum it now appears is inadequate. An investigation, Mr. Speaker, discloses that an additional appropriation of \$61,500 is now necessary. I wish to say one word, however, as to the necessity for passing this resolution at this time. Congress passed an urgent deficiency bill early in the session of Congress, and it is the intention of the Committee on Appropriations not to pass urgent deficiency bills at the beck and call of every department of the Government. There will be a general deficiency bill, if deficiencies exist for which appropriations are necessary, later in the session. The attitude of the departments toward Congress is well illustrated in a letter transmitted to the House in an estimate for a declared, though not an actual, deficiency. A bureau official called attention to what he believed to be the haste with which the Congress had passed an urgent deficiency bill, and said that as a result of that haste his bureau and others had not had an opportunity to have included in that bill items which they believed should have been placed therein,

Mr. Speaker, the more quickly the bureau chiefs realize that if they have estimates for appropriations to be submitted to Congress, that they promptly perform their duties, the more speedily will they realize that the Congress will act in accordance with its own judgment and not in response to the whims of the departments. The committee is unanimous in this matter. There is little further explanation needed. The severest criticism to be made of this matter is the failure of the District Commissioners to have had their estimate before Congress sufficiently early to have had this item included in the urgent deficiency bill. The estimate should have been here. If it were not that the appropriation is essential to keep open the work-

house, it would not be made at this time.

The SPEAKER. The Clerk will read the joint resolution for amendment.

The Clerk completed the reading of the resolution.

The SPEAKER. The question is on the engrossment and the third reading of the House joint resolution.

The resolution was ordered to be engrossed and read a third

time, was read a third time, and passed.

On motion of Mr. Fitzgerald, the motion to reconsider the vote by which the House joint resolution was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, and, pending that, I ask unanimous consent that general debate will proceed for four hours, one half to be controlled by the gentleman from Illinois [Mr. PRINCE] and the other half of that time to be controlled by myself.

The SPEAKER. The gentleman from Virginia [Mr. Hav] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18956, the Army appropriation bill, and pending that he asks that general debate be limited to four hours, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. Prince]. Is there objec-

Mr. CRUMPACKER. Reserving the right to object, Mr. Speaker, I desire to inquire what the policy of the committee will probably be in relation to liberality of debate under the five-minute rule?

Mr. HAY. I will say to the gentleman from Indiana that the committee does not propose to cut off any reasonable debate

under the five-minute rule.

Mr. CRUMPACKER. I desire to discuss the legislative provisions in the bill for about 20 or 25 minutes, and with the limitation asked for now on general debate I will not be able to get time, and if I feel that I can secure it when we reach the legislative provisions under the five-minute rule I will make no objection to the request.

Mr. HAY. Well, Mr. Speaker, I can not promise the gentleman to give him 20 or 25 minutes under the five-minute rule, because I do not know what the circumstances will be at that

Mr. CRUMPACKER. I am not asking that my request be embodied in the agreement, but if I am reasonably certain of it at the time, so far as the gentleman from Virginia is concerned, I make no objection to his request.

Mr. HAY. I will say to the gentleman I do not propose to cut anybody off when they are discussing the provisions of the bill, and I have no doubt that he will be able to get the time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question now is, Shall the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill?

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, with Mr. Saunders in the chair.

Mr. HAY. Mr. Chairman, the gentleman from Illinois [Mr.

PRINCE] desires to yield some time first.

Mr. PRINCE. Mr. Chairman, I yield five minutes to my colleague, the leader of the minority, the gentleman from Illinois

[Mr. MANN].

Mr. MANN. Mr. Chairman, in connection with the holding of a caucus by the Democratic Members of the House last night on the subject of the "Money Trust," or whatever it was, I desire to call the attention of the House to a statement which recently appeared in the Washington Post, attributed to the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, in which, among other things, he stated, as reported:

"The first thing I shall do when I get into the caucus next Wednesday night will be to demand that the representatives of the press and the public be admitted to the gallery," said the Texan. "We are going to legislate in that caucus, and the country has a right to know how every man votes and what he says in debate.

"The statement that I am willing to compromise is false. An emissary of Mr. Underwood to-day asked me if I was willing to have a special committee to make the investigation made up of a member from the Banking and Currency, Judiciary, Interstate and Foreign Commerce, and Elections Committees, and three more to be selected by the Speaker. I said I was not."

"An emissary of Mr. Underwood to-day asked me." doubtedly the gentleman from Texas, who is very careful of the use of his language, knew what he was saying when he said that an emissary of the gentleman from Alabama [Mr. Underwoon] waited upon him; and in order that the House may have a full understanding of the occurrence, I desire to read for the benefit of the House the meaning of the word "emissary."

Webster's Unabridged Dictionary says:

Emissary (em'is-sa-ry), n.; pl. emissaries (-riz). (L. emissarius, fr. emittre, emissum, to send out; cf. F. emissaire. See Emit.) An agent employed to advance, in a covert manner, the interests of his employers; one sent out by any power that is at war with another to create dissatisfaction among the people of the latter.

I judge by the results, Mr. Chairman, that there was not only one emissary, but that there were many emissaries sent out by the gentleman from Alabama into the camp of the gentleman from Texas. At least there seems to have been the required degree of dissatisfaction created. [Laughter.]

I yield back the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Cox of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 238. Joint resolution making appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I yield half an hour to the gentleman from Kentucky [Mr. Helm].

The CHAIRMAN. The gentleman from Kentucky [Mr. Helm]

is recognized for half an hour.

Mr. HELM. Mr. Chairman, I have taken the floor for the purpose of discussing the Army appropriation bill and the business methods that are in vogue in the War Department. In so doing I want to disclaim any intention on my part to make any undue criticism of the committee that has the Army appropriation bill in charge. The Committee on Expenditures in the

War Department, of which I am a member, has for some time been making investigation into the methods that are in vogue in the War Department, and I hope as the result of the efforts of that committee that what I shall say will be of some benefit to the Committee on Military Affairs and to the Committee of the Whole

Many of you are aware that the total amount of the appropriations for the current fiscal year for the War Department, which is divided into the military establishment and the civil establishment, for the year 1912 amount to \$196,647,006.86. I submit to the House that that is a very considerable sum of money to be handling. I am aware of the fact that we deal with millions and speak of millions here as children speak and deal with pennies. The War Department is carrying an expense to the taxpayer of this country amounting in the aggregate to over \$196,000,000.

Now, this total appropriation is carried in several different lls. The civil establishment is carried in the legislative, bills. executive, and judicial bill, and amounts to \$2,041,008. cluded in this \$2,000,000 are the general salary account, the contingent and miscellaneous expenses, rents of buildings, salaries of employees, public buildings and grounds under the charge of the Chief Engineer, and the contingent expenses under the Chief Engineer and the officer in charge of public buildings and grounds. Then comes the appropriation of \$93,412,230.54 for the military establishment proper, carried in the Army appropriation bill, which is the bill before the House.

It is to this appropriation that I desire to address myself more particularly. Before doing so, however, I want to remind the House of the fact-and I do not believe that I miss the mark wide when I say it-that the appropriations for the military establishment for the last 10 years will average \$100,-000,000 annually, or, to put it roundly, in the last 10 years there has been expended by the Government for the military establishment, exclusive of the civil establishment of the War Department, \$1,000,000,000.

Now, the country is interested in knowing what results it has obtained from this enormous expenditure of money. I want to read to the committee an extract from the Washington Post, I believe every person within the sound of my voice will agree with me that the Washington Post is strictly an administration paper. On January 2, 1912, there appeared an article in that paper which I shall not undertake to read in its entirety, but simply to read those portions of it that bring out the point I want to make. A member of the staff seems to have given an interview to the Post. In order that the committee may understand as near as I am able to identify the officer who gave this interview, I will read this excerpt:

Every section is opposed by the line of the Army. The reason for this united opposition was set forth by one of the most able officers of the line as follows:

Among other things, there appears this:

Among other things, there appears this:

Does Mr. Hay know what the present Army is worth in military efficiency? Has he concerned himself as he should in determining whether the Army, which is costing the taxpayers \$100,000,000 a year, is worth the investment? He says in defense of his bill that it will save \$2,000,000 a year. Does he know that if he summons line officers of the Army hefore his committee they would tell him that the Army in military efficiency is not worth \$20,000,000 per annum; that in fact it is useless for the purposes of war?

That, I submit to the House, is rather a severe criticism of that arm of our Government upon which we are expending annually \$100,000,000; and if my statement is correct, or approximately correct, that within the last 10 years we have spent \$1,000,000,000 on the Army, and have a fighting machine that is worth only \$20,000,000, I submit to this House that there are screws loose somewhere in this department; that there are screws that ought to be tightened up; and that this committee and that Congress owe it to the country to look more closely into these appropriations and see where our money is going and what results we are getting for this enormous expenditure.

I shall not undertake to discuss what I term the administrative features of the Hay bill; but from my knowledge of them I am disposed to support them. I submit to this committee that if this Army is to-day worth only \$20,000,000 as a fighting machine, the present organization of the Army is wrong: that there is something radically wrong in the make-up of the

Mr. ANTHONY. I should like to ask the gentleman what he

means by the statement that the Army is worth only \$20,000,000 a year as a fighting machine? Does he mean that we could produce an equivalent of the Army for which we would not have to pay more than \$20,000,000 per annum?

Mr. HELM. I am simply quoting to the House the reputed interview of some officer of the line who, I suppose, is near the head of the military organization in the War Department.

Mr. ANTHONY. The gentleman does not indorse the state-

ment, however, does he?

Mr. HELM. As this paper quotes an officer high up in the circles of the Army, an officer who, I presume, is a man who ought to know what he is talking about and acquainted with the efficiency of the Army, and if he goes on record as saying that the Army is only worth \$20,000,000 in efficiency, I submit that that man either does or does not know what he is talking

Mr. ANTHONY. But the gentleman does not mean that it would be possible to maintain the Army on an expenditure of

\$20,000,000 a year?

Mr. HELM. No; I do not undertake to say that. I am simply undertaking to bring out, as best I can to the House, the results that we are getting for the expenditure of \$100,000,000 annually; that according to this line officer we are getting a fighting machine which in efficiency is worth only \$20,000,000.

Mr. PRINCE. Will the gentleman yield?

Mr. HELM. With great pleasure.

Mr. PRINCE, If I understand the gentleman aright, he means that as a fighting force we are not getting what we are paying for?

Mr. HELM. That is the way I construe this statement of

this officer of the line.

Mr. PRINCE. The gentleman's idea is that we ought to turn our attention toward making this Army a fighting force and making it more efficient.

Mr. HELM. My idea is that you ought to get more efficient results for the outlay of a hundred million dollars annually; that if you are going to spend a hundred million dollars you ought to get better results; and if the gentleman will be just a little patient with me I believe the gentleman and the committee will understand in a few minutes what I have in mind.

Going back for a moment, I want to say in all candor that the expenditure of \$196,000,000 carries with it the appropriation for the Panama Canal, which amounted, I believe, last year to about \$48,000,000, and the appropriation for rivers and harbors-I can not just at the present moment put my hand on the exact amount of that; but these expenditures, especially on harbors, have a large element of military color to them,

Money is expended on these harbors partly as a war measure, and the money that is spent on the canal is largely a war measure, although coupled with it there is a commercial proposition. But the point I want to get to is this: That here is a tremendous business-going proposition, handling \$196,000,000.

Now, I submit that simplicity in business is the very vital essential of that business. We had the chief of staff before the Committee on Expenditures in the War Department. would not misquote him under any circumstances. I am speaking from memory. He told that committee that the present methods of bookkeeping and letter writing, or, to sum it up, their paper work, were antiquated; that they had come down from a time so long past that the system was entirely obsolete; that if we were compelled to go to war to-day the methods that are now in use in the War Department would be abso-Intely unwieldy, that they would simply have to be abandoned; that those methods, so far as their paper work was concerned, would, if this country was in war, create confusion worse confounded; that they would produce a condition of chaos.

Now, I submit this to the committee, and I think I have

quoted him approximately correct. There is a strange feature to all this business that has been developed before the committee; when the officers came before the committee to testify about such conditions as that to which I have just referred. I asked the chief of staff if he requires any legislation to correct these obsolete usages, and he says none at all. It seems to me that the time has come when somebody in that department has got to quit tiptoeing around-one officer tiptoeing around the when some officer has got to roll up his sleeves and wade into that department and get the thing straightened out. There is too much courtesy, too much walking around like they were walking on a lot of eggshells. Dignity and rank are great things, but they are costing the Government too much, and I am inclined to the opinion that more attention is given to official rank and preferment than is given to the business end of the department. They admit that everything is out of balance, that it is wrong; but there is no officer with the nerve to take the situation in hand and set the thing in order. The chief of staff stated before the Committee on Expenditures in the War Department that the result of these conditions-this paper work, which is simply a side issue-was costing an enormous sum of money, and that it resulted in inefficiency in the

Mr. WEEKS. Will the gentleman yield? Mr. HELM. Certainly.

Mr. WEEKS. If to remedy this condition which the gentleman describes does not require legislation, is it not up to the

Secretary of War to bring it about?

Mr. HELM. It would seem so to me. Let me give you another instance where there is no legislation required, but where millions and millions have been sunk, wasted, and squan-dered in this Army-post proposition which the committee has

been developing.

I want to see if I can not submit a proposition that is absolutely accurate. I am not saying that it has been done, but I say that it can be done; that wherever the Government owns in the United States sufficient land on which an Army post can be built, under existing law the War Department has the authority, whether it will or will not do so, it has the authority to use the appropriation for barracks and quarters to construct an Army post. I submit to members of the Committee on Military Affairs sitting here if that is not an absolute fact. is not true, I would like to have some one rise and deny it. It is absolutely true.

Mr. PRINCE. Will the gentleman yield?

Mr. HELM. I will.

Mr. PRINCE. Let me say to the gentleman, as one of the members of the Military Committee, that we have constantly before us delegations from the different States; and if I recollect aright a delegation was before the committee from Kentucky, wanting to make the Mammoth Cave a part of a park for military purposes. Now, it is not the purpose of the Military Committee to create these posts or parks.

Mr. HELM. I am talking about Army posts. I understand that that is a military park. I am speaking altogether about the construction and maintenance of Army posts. The law is

entirely different as to military parks.

Mr. PRINCE. Oh, I fully agree with the gentleman that a

number of Army posts ought to be abandoned.

Mr. HELM. I would like to ask the gentleman from Illinois, Is there any authority required from Congress for the Secretary of War to abandon those Army posts that are useless?

Mr. PRINCE. If the department wants to abandon them they have ample power in their hands to do it without any legislation.

Mr. KAHN. Will the gentleman from Kentucky yield? Mr. HELM. I will yield to the gentleman from California. Mr. KAHN. But you can not take soldiers away from one post unless you can house them in another post, and it is necessary before you abandon a post to build new barracks and quarters somewhere else so as to house the soldiers.

Mr. HELM. The proposition I am laying down is that the authority is now vested and rests with the Secretary of War to abandon these posts, and whether he will or not is aside from the proposition. Sell the useless Army posts, retaining possession until with the proceeds of the sale larger and more centralized posts can be constructed.

Mr. KAHN. But it depends upon appropriations from Con-

gress for barracks and quarters whether he can do it.

Mr. HELM. Under existing law you appropriate a lump sum, and if I have time I want to show that that is wrong, in my opinion. Congress appropriates under the law lump sums which the Secretary of War can use to build up certain posts for purposes which are satisfactory to him and abandon others, My contention-and I might as well come to that now as at any other time-is that that is one of the things that needs correction. I am aware that the department disagrees with me. You appropriate \$7,000,000 for what is termed supplies." Now the department takes that \$7,000,000 Now the department takes that \$7,000,000 and subdivides it into 33 impersonal accounts, and under existing law they can transfer any sum of money from any one of these

impersonal accounts to another.

The proposition is this: Instead of appropriating, say, \$7,-000,000 annually for regular supplies, these appropriations should be itemized, so to speak, and appropriations should be made for the different items that are carried under regular supplies in this appropriation, especially in times of peace. difference in the proposition is simply this: You have been dealing, say, for a year with a merchant and your account amounts to \$7,000,000. He renders you a statement on the 1st of January.-to amount of merchandise, \$7,000,000. I submit the average man does not want to settle his bills in that form, notwithstanding the contrary opinion of the War Department. Why they can not carry a separate appropriation for each different item, just as a bank can carry 33 accounts as easily as 1, is something beyond my understanding. Let me give you an in-"\$7,000,000" simply for illustration and not to be accurate.
Under "regular supplies, care and protection" we have heating apparatus, ranges, stoves, cooking appliances, repairs and

maintenance, heat, light, fuel for modern batteries, engine supplies, post bakeries, ice machines, cold storage, laundries, laundry engines, furniture, books, equipment, tableware, forage, bedding, straw, stationery, typewriters, blank books, certificates, blank forms, printing. There is no overpowering, no overwhelming necessity for grouping heat and light under the head of regular supplies. They could as well be carried with transportation or with other items. I see some of the gentlemen present smiling. Simply because this method of bringing in appropriation bills is one that has been handed down to you is no more argument for continuing that method than it is for the War Department continuing this old method of bookkeeping, which the Chief of Staff said is absolutely burdensome. These appropriations have been made from time to time, just as this bill has come in, but why these items could not be grouped is beyond my understanding. Simply because you have from the time of the Civil War been appropriating in this bill in the way in which you now present it is no argument for continuing it.

Mr. KAHN. Mr. Chairman, is it the gentleman's proposition that heat and light should be carried in the item of transpor-

Mr. HELM. Oh, no. I was unfortunate in my statement, perhaps. There are certain items, such as heat and light and forage and transportation, for which you must allow a wide latitude, but when you come down to such items as horseshoeing and horseshoes, you know how many horses you have in the Army and you know what a horseshoe is worth and you know how much it costs to put it on. You know, also, what a stove is worth or what it should be worth. You know what a cooking range ought to be worth. The committee ought to be able to say how many of these are required annually, how many we have in stock, and appropriate for that specific sum. The proposition comes down to the difference between settling a bill, as I stated, rendered in the form of a statement rendered-\$7,000,000-or to one that has it itemized as for sugar and coffee and rice and flour and meal, so many pounds, and bacon at such and such a price on such and such a day and such a quantity. That is the way I want to settle my bill if ever I become a housekeeper.

The CHAIRMAN. The time of the gentleman has expired. [By unanimous consent Mr. Helm was granted leave to ex-

tend his remarks in the RECORD.]
Mr. PRINCE. Mr. Chairman, I yield 45 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, at the very outset I want to compliment the chairman of the committee, the gentleman from Virginia [Mr. Hay], for the able manner in which he presented the majority views of the committee upon this floor on last Saturday. I regret exceedingly that the report of the majority members of the Committee on Military Affairs was not equally free from caustic criticism. I hope to show as I proceed that much of this criticism is unfounded. I want to say in the beginning that the minority members of the Committee on Military Affairs are opposed to the legislative features of this bill. They believe that a much better purpose would be served if those matters would be taken up in a separate measure. Long experience in the House has determined the fact that it is ill advised and not conducive to good results to legislate on important questions upon a general appropriation bill. The legis ation that is proposed in the pending measure, so far as military affairs are concerned, is the most important that has come before the Congress since the passing of the Army re-organization act of February 2, 1901, and the General Staff law of February 14, 1903. The legislation that is pending proposes to reorganize, by consolidation, some of the most important staff bureaus of the War Department. We feel that if they are to be reorganized the reorganization should be made in connection with a reorganization of the line of the Army, so that we would have a complete reorganization and not a piecemeal reorganization. The reorganization of the line of the Army is being considered at the present time by the General That was testified to before the committee by the Secretary of War and the Chief of Staff. This legislation which is proposed in this bill should be made to fit the reorganization of the line of the Army, and it should not be expected that the reorganization of the line of the Army-in other words, the fighting branch-should be made to fit the reorganization of It has been said before our committee-and the Staff Corps. that probably bears out the statement the gentleman from Kentucky [Mr. Helm] made a few moments ago, that so far as the fighting branch of our Army is concerned, we practically have no Army.

ing the present session of the Congress a measure that will reorganize the line of the Army so as to create proper units that can be expanded in time of war and contracted in time of peace. The present measure is analogous to this condition: Suppose a railroad corporation is organized and the company buys forthwith all its locomotives, puts up its depots and warehouses, and then proceeds to lay its tracks. Now, if a railroad company were to attempt to do that it would go into the hands of a receiver before it was fairly started, and properly so; and we of the minority protest against a procedure in military affairs that is analogous to a condition such as I have just mentioned with respect to a business enterprise. The majority of the members of the committee contend that the legislation is conducive to economy. There is no difference of opinion among the members of the committee as to the necessity for economy. We all favor that. But we do not favor economy at the expense of efficiency, and I shall try to show as I proceed that the legislation which is pending in this bill will not make for the efficiency that is claimed by the majority. So far as the reductions in the supply items of the bill are concerned. I shall make some statements as we proceed to consider them under the five-minute rule. I desire at this time to take up the legislative features of the pending measure.

The first change from existing law occurs in section 2, which provides that enlistments hereafter shall be for a period of five years instead of three. In my opinion that is a decided step backward. Let me give the committee some reasons which impelled a change from the five-year enlistment to a three-year enlistment. Congress did not make the change simply because it had the power to do so. It made the change upon the repeated recommendations of the War Department. Of course, immediately following the Civil War enlistments were for five years. At that time the great West was being developed. Our Army was cut down to a rather small number of enlisted men. Most of these were out in the posts in the West along the frontier to fight Indians. It was an exciting life, and it appealed to many young men who enlisted for the five years, but when the Indian wars were over then desertions commenced to be of frequent occurrence. Let me read to the committee some of the reports of the commanding officers of the Army and Sectaries of War with respect to this question of desertion under the five-year enlistment period. On page 153, volume 1, Report of the Secretary of War for 1887, we find the following statement in the report of Maj. Gen. O. O. Howard, commanding the Division of the Pacific:

I am still strongly of the opinion that a shorter first enlistment would be beneficial, making less desertions and enabling recruiting officers to secure a larger proportion than now of good, reliable men.

The record of Gen. O. O. Howard as a great military commander needs no comment from me upon this floor. On page 162 of the same report, Brig. Gen. Nelson A. Miles, commanding the Department of Arizona, has the following to say regarding desertions:

In this connection I renew the recommendation made by me two years ago that the enlistment be for three years instead of five and reenlistment of good soldiers in the same troop, company, regiment, or department for one year.

The experience and ability of Gen. Miles need no comment from me upon this floor. On page 12, volume 1, report of the Secretary of War for 1888, the commanding general of the Army reports that "10 per cent of the Army deserts each year," and the Army was then composed of approximately 25,000 men. Ten per cent under the five-year enlistment period deserted each year. Think of it. On page 15 of the same report we find the following:

The Adjutant General recommends the amendment of section 1119 of the Revised Statutes and the reduction of term of enlistment from five to three years. One of the principal causes of desertion is undoubtedly the distant prospect of relief from a service which for some reason has been made distasteful.

This report of the Secretary of War is based on the recommendation of Gen. R. C. Drum, then Adjutant General of the Army. On page 10, volume 1, report of the Secretary of War for 1889, Hon. Redfield Proctor, Secretary of War, has the following to say in recommending measures for a reduction of desertions:

Other points that are strongly recommended by many prominent officers, and have much to commend them, are, (1) Authorize enlistments for three years only. If a man has not the elements of a soldier or is himself dissatisfied with the service, it is better to release him within a reasonable time.

On page 64 of the same report, Maj. Gen. J. M. Schofield, commanding the Army, speaking of the causes of desertion,

We have no Army, either in tactical or geographical units.

The various branches of the Army are out of proportion, and it is therefore the purpose of the General Staff to present dur-

On page 144 of the same report, Maj. Gen. O. O. Howard, commanding the Division of the Atlantic, again says:

I repeat my former recommendation for an increase in the reward offered for the apprehension of deserters, * * * to remove all real cause of discontent, shorten the first term of enlistment to two or three years, and institute some system by which men in emergency may sever their connection with the service without dishonor to themselves and with justice to the Government.

On page 156 of the same report, Maj. Gen. George Crook, commanding the Division of Missouri, speaking of the crime of desertion, says as follows:

In this connection I would suggest the propriety of shortening the term of enlistment.

On page 173 of the same report, Brig. Gen. Nelson A. Miles, commanding the Division of the Pacific, says:

I would renew my recommendations made four years ago, namely, that enlistment be for three years instead of five, and that worthy men be authorized to reculist in the departments in which they are serving for one year.

This statement is made in his recommendations for decreasing the number of desertions.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. KAHN. Certainly.

Mr. SHERLEY. Before you pass to other reasons that you think are good as objections to the five-year limitation, will you tell the committee what the percentage of desertions has been since the three-year enlistment period?

Mr. KAHN. I will tell the gentleman. After the law was changed, in 1890, the number of desertions was immediately reduced, and the heads of the department commended the Congress for having passed legislation which allowed a three-year

After the enactment of the law of 1890, which permitted an enlisted man to secure three months' furlough after three years of honorable service and then ask for his discharge if he desired it at the termination of his furlough, we find the following results:

On page 63, Volume I, Report of the Secretary of War, 1891, Adjt. Gen. J. C. Kelton says:

This gratifying condition (the decrease in the number of desertions) is due largely to the beneficent and wise legislation of Congress, which is briefly indicated as follows:

"(1) Authorizing enlisted men, under certain conditions, to purchase their release from service or to claim an honorable discharge after three years."

On page 49, Volume I, Report of Secretary of War, 1892, Maj. Gen. J. M. Schofield, commanding the Army, in speaking of desertions, says:

Other beneficent measures, including recent legislation, have also combined to produce a greater degree of contentment in the Army than before existed, and hence to diminish the percentage of desertions.

On page 233, same report, Capt. C. F. McClure, acting judge advocate, Department of Columbia, says:

The large decrease in the number of desertions during the first and second years of service indicates that the "act to prevent desertions from the Army * * *," approved June 16, 1890, as carried into effect by General Orders 80 and 81, Adjutant General's office, series of 1890, is reducing very materially the number of desertions.

The number of desertions continued to decrease for a number of years, and did not increase perceptibly until after the Spanish-American War. The number was comparatively small. After the Spanish-American War the Army was increased in numbers. The desertions began to increase again in 1901 or 1902. If the gentleman will recall, many soldiers who enlisted during the Spanish-American War enlisted for the period of the war, and after the war a condition arose not unlike the condition that existed immediately after the Civil War, in that many soldiers felt that when the war was over they had per-formed their service, and they went home without waiting for the muster out of their regiments. They quit. I believe an examination of the record will disclose the fact that hundreds of applications are now pending before the Committee on Military Affairs for the removal of the charge of desertion, which descriton came about because the soldier was young, and, as he thought the war was over, he could go home without receiving a final discharge. Now, immediately after the Spanish-American War the number of desertions increased again; but they have been steadily declining since then, and last year there were only 2,504 in an Army of a numerical strength of over 75,000. In one of the reports that I have just read it was stated that there were about 10 per cent of the enlisted men deserting every year. That would have been 2,500 deserters per annum if the Army was at its full strength of 25,000 prior to the change in the law in 1901. So the gentleman can see that the number of desertions under the three-year enlistment period |

has been infinitely less in percentage than it was under the five-year enlistment period.

Mr. PRINCE. Will the gentleman yield?

The CHAIRMAN (Mr. WICKLIFFE). Will the gentleman from

California yield to the gentleman from Illinois?

Mr. KAHN. Yes.

Mr. PRINCE. My colleague stated that the law was changed in,1890.

Mr. KAHN. And then again in 1894. The first change was made

It was August 1, 1894.

Mr. KAHN. There was a change in 1890. I think it was on February 27 that the first change was made. I had intended to explain the matter fully as I proceeded with my remarks, but I will take it up now. In 1890 the law was changed so that it might be optional with the soldier as to whether he wanted to serve the full term of five years or whether he wanted to quit at the end of three years. Under this law of 1890, at the end of three years he was permitted to take a three months' furlough, and if at the end of the furlough-he wanted to continue the other two years of his five-year enlistment he was at liberty to do so, or, if he so desired, he could get his final discharge. It turned out that a very small percentage of the enlisted men took advantage of the opportunity to continue to the full term of five years. They took their final discharge at the end of three years, and when it was found that under the new law desertions were reduced so materially, in 1894 the law was again changed so that the enlisted man was to serve for the flat term of three years. That has been the law ever since.

Mr. PRINCE. Will the gentleman permit me to ask him a question?

The CHAIRMAN. Will the gentleman from California [Mr. Kahn] yield? Mr. KAHN.

Certainly.

Mr. PRINCE. Let me ask you this question: In August,

Mr. PRINCE. Let me ask you this question: In August, 1894, or just prior thereto, the whole matter was thrashed out, and the three year flat enlistment was made the law?

Mr. KAHN. It had been thrashed out, but, as the gentleman will observe, prior to 1894. In the years 1887, 1888, and 1889 all of these department chiefs whom I have referred to, and some of the highest officers of the Army, constantly recommended to Congress the reduction of the period of enlistment, and when finally it was found after the enactment of the law of 1890 that the descriptors were reduced as restable. 1890 that the desertions were reduced so materially, Congress was asked to make it a flat three-year term of enlistment.

Mr. PRINCE. The point I want to ask my colleague is, under whose national administration was it done?

Mr. KAHN. I think the flat three-year-term law was enacted during the administration of Grover Cleveland.

Mr. HAY. Mr. Chairman-

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Virginia?

Mr. KAHN. I certainly yield to my colleague. Mr. HAY. Can the gentleman state, or will he state, the average desertions for each year?

Mr. KAHN. I can put it into the Record. I have not the figures here. I have them at my office.

Mr. HAY. Have you the hearings here? They are in the

hearings.

Mr. KAHN. I have the average rate of desertions, covering a period of many years, and I shall be very glad to insert the matter in the RECORD later on.

Mr. HAY. My recollection is that it will show that the desertions were as large under the three-year term as under the five-year term.

Mr. KAHN. The gentleman is entirely mistaken. I not only have the figures, but I have a chart which shows the entire record during these periods.

Mr. CLINE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from California yield to the gentleman from Indiana?

Mr. KAHN. Certainly.
Mr. CLINE. I noticed in the report of The Adjutant General that in the year 1899 the rate of desertion was 4.97 per cent.

Mr. KAHN. Yes.

Mr. CLINE. I understood the explanation for the large percentage of desertions in 1890 and 1899 and 1900 was that

Mr. KAHN. The gentleman is mistaken. There were comparatively few desertions between the period from 1898 to 1901. The Spanish-American War and the Philippine insurrection occurred during that period. The great reduction in the number of desertions commenced in 1890, when the law decreasing the term of enlistment was enacted, and after that the percentage of

desertions did not vary much one way or the other until after the period of the Spanish-American War.

Mr. CLINE. I understand the gentleman's explanation of that. But to what does the gentleman attribute the large per-centage of desertions in 1899, which was almost as large, pro-

portionately, as any time in the last 20 years?

Mr. KAHN. The gentleman is entirely in error. The report of the Secretary of War in 1888 shows that 10 per cent of the Army deserted at that time, and there were only 25,000 soldiers in the Army then. The desertions for the past year were only 2,504, and the Army has 77,000 men in it; so that the percentages are entirely disproportionate.

Mr. CLINE. But the desertions in 1899 were 3.22 per cent

and in 1904-

Mr. KAHN. As against 10 per cent before 1890. Mr. CLINE. And in 1892 they were 3.97. But in 1899 the percentage was 4.97.

Mr. KAHN. In 1892 the law had been changed. In 1890 the law was changed, as I said a moment ago. The desertions were very large prior to 1890. In 1890 the enlistments were cut from the five-year period to an optional three-year period, and the soldiers immediately took advantage of the opportunity to get out with an honorable discharge, and the desertions decreased

Now, I must decline to yield further-

Mr. CLINE. I do not want to be tedious, but I would like to have the gentleman's explanation of these percentages

Mr. KAHN. I thought I had given an explanation, and perhaps as I go along I can go into it a little more fully.

Mr. HAY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Virginia?

Mr. KAHN. Certainly.

Mr. HAY. Is it not a fact that all the officers who appeared before the Committee on Military Affairs on this question stated that, so far as the desertions were concerned, the length of term made no difference, because all desertions were in the first year?

Mr. KAHN. I do not recall whether they all testified to that fact or not, but I think a majority of them did. And yet I want to say to the gentleman from Virginia that I have taken it upon myself to speak to large numbers of officers in the Army, during the past summer, in the Hawaiian Islands, at my own home at San Francisco, and here in Washington, and I have spoken even to retired officers here, and they have invariably stated to me that a three-year term of enlistment will be much better for the Army than the five-year term of enlistment.

Mr. HAY. The point I want to call to the attention of the gentleman was, that with all that experience in recruiting, the officers of the Army say that all the desertions were in the first

year. Is that true?

Mr. KAHN. I shall dwell upon that a little later, if the gentleman will possess his soul in patience. In fact, I will discuss that very thing now.

The Adjutant General in his last annual report, that of the year 1911, shows on page 28 that 72 per cent of the desertions occur during the first enlistment; in the second enlistment, 18 per cent; in the third enlistment, 6 per cent; and in the fourth and subsequent enlistments, 4 per cent. He also shows that in the first three months of service 13 per cent of the desertions occur; in the second three months, 8 per cent; in the third three months, 7 per cent; and in the fourth three months, 10 per cent.

It is natural to suppose that many of these desertions are due to the fact that the young men who enlist are not satisfied with the service after they go into it. Homesickness is a prolific cause of desertion. The young soldier enlists, and is frequently sent hundreds or thousands of miles from the place where he was brought up, where his family and friends reside, and after a little while he gets tired of the service or homesick and deserts. It is natural to suppose that many of these young men who stay the full period of three years do it for the reason that after they have been in the service six or seven months, although they are dissatisfied they argue to themselves, "Well, I will stay the balance of my term, which will be two years and a half, and then I will take an honorable discharge." But in all likelihood if the soldier knew that he would have to perform duty for which he finds himself unfitted, or which is not to his liking, for four and one-half years more he would desert, and the percentage of desertions would again increase. do not doubt but that it will again be as large as it was during the former five-year period of enlistment.

Does the committee know how much it costs to apprehend a deserter and fill his place? It costs an average of \$138.78 for each one. I shall dwell a little longer on these figures as I proceed.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. GREEN of Iowa. Mr. GREEN of Iowa. Might not quite a different conclusion be drawn from that which was inferred by the gentleman who made the inquiry [Mr. Hav] as to the reasons why these desertions occurred in the first year? Might it not be inferred that they were mostly in the first year for the reason that after that the soldier would naturally come to the conclusion that he only had a short time to serve, and had better remain?

Mr. KAHN. That is the very point I am trying to make. I contend that many of them who are conscientious in the matter, and who will argue that if they have only two and a half years more to serve before they get an honorable discharge, will stay the two and one-half years, whereas if they are dissatisfied with the service and feel that they have four and one-half years more to serve they might desert.

Mr. CONRY. Is it not also logical to suppose that after an enlisted man has remained for six months in the service he becomes habituated to his surroundings and is more inclined

to remain?

The percentages stated in the report of the Mr. KAHN. Adjutant General do not bear out the statement of the gentleman, because the Adjutant General says that 13 per cent of the desertions occur in the first three months. They diminish to 8 per cent in the second three months, 7 per cent in the third three months, and again increase in the last three months of the first year to 10 per cent.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BURKE of Pennsylvania. I am asking this question, because I believe the gentleman has given the subject far more study than I have. What does the gentleman say as to the comment of The Adjutant General in this regard:

The campaign conducted in recent years against the military crime of desertion has been eminently successful. As shown by the official returns, the desertions from the Army during the fiscal year 1900 aggregated 4,993, in 1910 they were reduced to 3,464, and in the fiscal year 1911 they were still further reduced to 2,504, making a total reduction of 2,489, or practically 50 per cent in the last two years.

The desertion rate last year was lower than it has ever been during the last 90 years, with the single exception of the fiscal year 1898, when the prospect of the War with Spain had its influence to prevent desertions. As to the direct cause of this great decrease, this extraordinary as well as gratifying decrease in the military crime of desertion, that for many years was a disgrace to the American Army, is due chiefly, if not entirely, to the systematic and vigorous measures that have been adopted for its suppression.

Mr. KAHN. While the vigorous measures referred to have undoubtedly contributed to the result, I think the statement is somewhat misleading for this reason-

Mr. BURKE of Pennsylvania. I wanted to get the gentleman's view about that.

Mr. KAHN. As I pointed out, the number of desertions did increase immediately after the Spanish-American War period, but in 1908 the Congress passed a law which materially increased the pay of the enlisted men, and notably of the noncommissioned officers, and, in my judgment, that has operated largely to decrease the number of desertions.

Mr. JACKSON. Will the gentleman yield?

Mr. KAHN. My time is gradually ebbing away and I have many points still to make, but I will yield to the gentleman.

Mr. JACKSON. Does not the gentleman think that it would be entirely possible to increase the benefits to the soldier by improving the service, and that that would operate as the real solution to the difficulty rather than anything that depends on the length of time?

Mr. KAHN. The length of time has a good deal to do with it, because the soldier, after he gets into the Army, in many instances finds that he is not fitted for the service. It does not appeal to him. He has probably seen some of those beautiful posters which you see posted up on the dead walls in the large cities of this country, showing two or three well-dressed officers sitting under a superb tree, with enlisted men all around all dressed up in fine-fitting, splendid uniforms, and, I believe, he is informed by this poster that he can go to many parts of the world by entering the Army. Accordingly he tries it. Then, when he finds that instead of traveling about the world he is set to cutting grass and sweeping walks at military posts and is detailed to do guard duty in all kinds of weather, he finds that Army life is not what he expected, and he wants to get out of it as quickly as possible. That is the truth of the matter.

Mr. JACKSON. I agree with the gentleman about the time of enlistment, but I wanted to ask the gentleman if he did not think something could be done to solve the difficulty by way of improving the service?

Mr. KAHN. As I understand it, that is being considered by the General Staff at the present time, and the General Staff proposes to send to the committee before the termination of the present session of Congress a bill to reorganize the Army of the United States.

Now, some reference is made in the majority report of the committee to the English system of long enlistment. The English system provides for reserves. The majority of the comlish system provides for reserves. nist system provides for reserves. The majority of the committee laud the long service of the English system, but the reserve features, they believe, are abhorrent. What is the long-service system in England? It is seven years with the troops, with the colors, and five years with the reserves. The seven-year enlistment period in England is caused by the Indian possessions. Seventy-seven thousand of England's soldiers are in India.

The statement of Col. Carleton, the adjutant general for recruiting, is that over 50 per cent of the English recruits are under 19 years of age, and the Government can not send them to India at that age. Experience has shown that they become sick and that they are more of a detriment than a benefit, and so the recruit is kept in England from one to two years, and then he goes to India.

Now, Col. Carleton says that the ideal short-service system is the continental system, which provides for two or three years' enlistment in practically every country of continental Europe. These countries are able to turn out a good soldier in two or three years, and it is an insult to the American youth to say

that he can not be made a good soldier in three years.

Mr. HAY. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. HAY. I would like to ask the gentleman if all the continental countries of Europe do not have a compulsory military system?

Mr. KAHN. True, they do; but for all that their term of service is very low, and when they have served the two or three years required of them the men go into the reserves. So these countries find that they can turn out a useful soldier in two years, and if the country becomes engaged in war he can immediately take up a musket and go to the defense of the

Let me quote Col. Carleton as to the English system. He says:

The short-service ideal is to have large reserves, relatively short terms of color service, and small peace establishments, all calculated with regard only to efficient training in peace and the requirements of mobilization for war. Continental armies, troubled by no considerations of drafts for foreign service, are able to conform to this ideal. But in our army, and even with our relatively large peace establishments, the drafts can not be found if the term of color service is too short, as it was when we had three years' army and nine years' reserve service. When drafts can not be found a demand arises for longer terms of army service and the strength of the reserve is threatened. The interests of drafts and reserves being thus in a measure antagonistic, we have adopted the seven and five years' term—a compromise which we have found best satisfies both.

LONG-SERVICE SOLDIERS.

Attention may here be called to certain facts in connection with the long-service soldiers who have just been referred to. Soldiers who have extended their service to 12 years or reengaged are, from the recruiting aspect of the question, the same as men enlisted for 12 years. Nothing is more natural, from the regimental officer's point of view, than the desire to see such men in the ranks. No one questions their value, provided they are not too numerous. This last, however, is an important qualifying phrase, for it is hardly to be denied that the presence of an unduly large number of long-service soldiers is directly opposed to the true interests of a regiment, since they prevent it from taking its proper number of recruits, and thus affect its drafts and reserve. In extreme cases they make it necessary severely to restrict recruiting even in the regimental area and impair the power of the home battalion to find and the foreign battalion to absorb drafts. Further—and this is important—a long-service soldier fills the places of one short-service man and one reservist, and to that extent hampers the mobilization of the home battalion, which may in consequence find itself passed over when units are being selected for field service, or, if selected, withdrawn from the fighting line for lack of reservists to make good its losses.

No attempt has been made to avoid repetition when it has been thought it may serve to emphasize the close interdependence of the several parts of the system or to show how hard it is to touch one without affecting others. The endeavor throughout has rather been to provide those who have had no chance of acquiring such information for themselves with a plain statement of what must be known if the short-service system and the conditions which govern its administration are to be understood. That such knowledge needs to be more widely spread is clearly shown by criticisms sometimes emanating from unsuspected sources. For instance, it is often urged that recruiting for a regiment should never be seriously checked or, what amounts to the same, that men should always be allowed to pass from the special reserve to the

Regular Army at the standards in force for the latter when they enlisted in the former. Or it is said to be an incomprehensible and wasteful policy to force trained soldiers to leave the colors or that there can be no good reason for refusing to permit men to return at any time from the reserve to the ranks or, again, that any man who wishes to make the Army his profession should have the right to do so and serve till he has earned a pension. Anyone who has perseverance to master the contents of these pages, who remembers what our military requirements are, the intimate connection between recruiting, drafts, length of service, and the reserve, and that there are limits to the financial obligations the country is willing to accept, will find it easy to answer these and similar criticisms and suggestions springing from misapprehension of the objects the short-service system is intended to attain. Whatever the imperfections of that system, it can hardly be denied that nothing in our own or any other nation's experience of war can be adduced to prove that we were not right when we deliberately discarded our traditional system in favor of that which gives us an Army stronger and in every respect better suited to our requirements in peace and war than any we ever before possessed.

I believe these few extracts from the report of Col. Carleton, which was printed in volume 1, No. 1, of the Army Review of Great Britain, July, 1911, show conclusively that even in England the present tendency is toward a short service with the colors.

Mr. Chairman, one of the main reasons given by the majority members of the committee for this proposed lengthening of the enlistment period is the great saving in dollars and cents that will be made to the country. I think the chairman of the committee will admit before I am through that his fig-

ures are entirely misleading and erroneous.

On page 44 of the committee's report there is a statement showing the amount of annual saving by the adoption of section 2 of the bill as reported. The first item is clothing, \$859,107.04 for the Regular Army; and the second item, clothing for the Philippine Scouts, shows a saving of \$23,386.56. So that these

Philippine Scouts, snows a saving of \$25,586.50. So that these two items alone show a saving of approximately \$873,000.

I have here General Order 67, which provides the money allowance for clothing for all enlisted men of the United States Army, except the Philippine Scouts, from July 1, 1911, and I have worked out or had worked out for me the actual saving to this country if the five-year enlistment were to go into effect under this general order. It shows that the total clothing allowance per man for 15 years is \$495.76. I take the 15-year period because the majority members of the committee in making their calculations also took a 15-year period. The average clothing allowance per year per man is \$33.717, under this general order.

Mr. HAY. When was that general order issued? Mr. KAHN. May 25, 1911.

Mr. HAY. After this bill was introduced. Mr. KAHN. Well, this bill was not introduced until the other day, but there were several bills introduced-

Mr. HAY. I am talking about the five-year term.

Mr. KAHN. That was introduced early in May, 1911, I believe, and there were several other bills introduced about that time, the principles of which are now embodied in the bill under consideration. The three-year plan would show that the total clothing allowance of the enlisted man for 15 years is \$556.88, an average clothing allowance per man for one year of \$37.135. The average annual excess clothing allowance per man under the three-year plan is \$3.408. Assuming the strength of the Army at 76,912 men, we have an annual saving on clothing allowance for the Army of \$263,116.90, instead of \$859,107.04, an error in the computation of \$596,990.94. If the other items of the bill can be traced down as this has been traced down, they will show that many of these figures are incorrect and misleading. The same is equally true with regard to the Philippine Scouts. I have worked that out, and instead of saving, as is stated on page 44, \$23,386.56, the saving would be \$11,693.28, an error of exactly one-half of the amount mentioned in the committee's report. So that you have in those two items alone, as I stated before, over \$600,000 erroneously calculated.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PRINCE. Mr. Chairman, I yield 15 minutes more to the gentleman from California.

Mr. KAHN. Mr. Chairman, I submit the following tables to show exactly how I have arrived at my conclusions:

Saving on clothing for Army.

FIVE-YEAR PLAN.

Initial allowance, first enlistment	\$60, 39 121, 75 30, 56 121, 75 30, 56 121, 75	
Total clothing allowance for 15 yearsAverage clothing allowance per year	495. 76 33. 7171	

ŝ	THREE-YEAR PLAN.	
	Initial allowance, first enlistment	\$69. 39 73. 05
	initial allowance, second enlistment	30, 30
	Allowance for 3 years, at \$24.35. Initial allowance, third enlistment. Allowance for 3 years, at \$24.35.	30. 56
	Allowance for 3 years, at \$24.35	73. 05
	Initial allowance, fourth enlistment	30. 56
	Allowance for 3 years, at \$24.35	73, 05
	Allowance for 3 years, at \$24.35 Initial allowance, third enlistment Allowance for 3 years, at \$24.35 Initial allowance, fourth enlistment Allowance for 3 years, at \$24.35 Initial allowance, fifth enlistment Allowance for 3 years, at \$24.35	73. 05
	Total clothing allowance for 15 years	556. 88
	Average clothing allowance for 1 yearAverage annual excess clothing allowance per man under	37. 125
	3-year plan Assuming strength of Army at 76,912 (see p. 3, Hear-	3, 408
	ings, 62d Cong., on H. R. 5949), we have annual savings on clothing allowance for Army=76,912×\$3.408	262, 116, 096 859, 107, 04
	Error	
	Savings on Clothing for Philippine Scou	
	FIVE-YEAR PLAN,	
	Initial allowance, first enlistment	\$30.60 108.00
	Allowance for 5 years, at \$21.60	108.00
	Allowance for 5 years at \$21.60	108.00
	Allowance for 5 years, at \$21.60	15. 30
	Allowance for 5 years, at \$21.60	108.00
	Total clothing allowance per man for 15 yearsAverage clothing allowance per man per year	385. 20 25. 68
	THREE-YEAR PLAN,	
	Initial allowance, first enlistment	\$30.60
	Allowance for 3 years, at \$21.60	64. 80
	Initial allowance, second enlistment	15. 30
	Initial allowance third enlistment	64. 80 15. 30
	Initial allowance, fourth enlistment	15. 30 64. 80
	Initial allowance, fourth enlistment Allowance for 3 years, at \$21.60 Initial allowance, fifth enlistment	15. 30
	Allowance for 3 years, at \$21.60	64. 80
	Total clothing allowance per man for 15 years Average clothing allowance per man per year Average annual excess per man	415. 80
	Average clothing allowance per man per year	27. 72
	Taking authorized strength of scouts at 5.732, the an-	2.04
	Average annual excess per man Taking authorized strength of scouts at 5,732, the annual saving would be	11, 693, 28 23, 386, 56
	Shown in table, p. 44	20, 000. 00
	Add other error for Army	11, 693, 28
	Add other error for Army	596, 990. 944
	Two items shown in table	608, 684. 224
	Two items shown in table	882, 493, 60
	Two items actually	273, 809. 376
	Total error	608, 684. 224
	(See G. O., pp. 119-1910.)	

Mr. Chairman, in regard to the item of desertions, on page 78 of the hearings held before the Committee on Military Affairs during the first session of the Sixty-second Congress, I find that the estimate of the savings on desertions is based on an assumption that there would be no more desertions or casualties and no more recruits to transport under the five-year plan than under the three-year plan. The item to which I now refer is that of transportation, on page 44; the savings shown in that item are based, according to the statement in the hearings, on the number of desertions. Based upon our past experience with the five-year enlistment plan the number of desertions for the past year would have been 5,618 instead of 2,504, as shown by the report of The Adjutant General. It is estimated that it costs \$138.78 to replace each deserter. Then to have replaced the extra number of deserters that we might expect from the five-year plan would have cost the Government \$431,-160.92. These figures are probably not absolutely accurate, but they are entitled to as much consideration as the ones given by the majority of the committee which show the saving on transportation, but my figures are actually based on the present cost of supplying men to take the place of deserters and on past experience under the five-year plan.

In regard to the three other items of savings, on page 44 of

In regard to the three other items of savings, on page 44 of the committee's report, I shall not dwell upon them at any length, except to say this: They come under the authority of the Paymaster General of the Army, and Gen. Whipple, when asked before the committee what the reductions would be, said, on page 81 of the hearings:

It is a very difficult matter, Mr. Chairman, to make an exact calculation

That is the truth of the matter. The entire proposition is based on theory, and I apprehend if the theories be put into actual practice the results will be widely different.

actual practice the results will be widely different.

The five-year plan, we contend, will increase materially the expense which we now have for retired pay to the enlisted men. The present bill carries an item of \$2,150,000 retired pay for the enlisted men. The pay of the enlisted men themselves is only \$15,832,000 and the additional pay for length of service is

\$1,523,000. So that even as now constituted, the pay for the enlisted men on the retired list is something over 14 per cent of the pay of the entire enlisted force of the Army. We contend that under the five-year plan this amount will be materially increased, because after a man has served a second enlisted term of five years under that plan, he will have been in the Army 10 years, and will then feel that he is too far advanced in years to go out of the Army to take up new pursuits, while under the 3-year-enlistment plan he will have been in only 6 years, and he does not feel too old to go out. He feels that there are still opportunities open to him in civil life, and he does go out accordingly, as the records show. That very matter of reenlistment and retired pay is stated in the report of the committee on page 13, and I want to call to the attention of this Committee of the Whole House the conflicting statements made by the majority of the committee on that very subject. On page 13 we find the report says:

page 13 we find the report says:

The committee, after hearing much testimony, which is fully set forth in the printed hearings, from the most experienced recruiting officers of the Army and from officers who have had long service as troop, battery, and company commanders under both the five-year and the three-year systems of enlistment, reached the conclusion that a return to the five-year system will not materially increase the difficulty of obtaining recruits, but that on the other hand it will materially increase the efficiency of the enlisted personnel of the Army by increasing the number of seasoned and well-trained soldiers in the ranks, by increasing the number of reenlistments, and by diminishing the number of desertions.

I have already referred to the subject of diminishing the number of desertions, and I have shown, I think, to the satisfaction of any fair-minded person that the longer period will result in an increase of desertions. But the committee says that it will increase the number of reenlistments, and that is exactly what we contend it will do. It will increase the number of reenlistments and will add materially to the retired pay of the enlisted men—that is, to the appropriations for the retired pay of enlisted men.

The report of the majority of the committee, however, on page 13, says:

Also, that it will materially decrease the number of discharges for disability and the number of possible pensioners, and will cause no increase at all in the retired list of the enlisted men.

I can not understand this kind of logic. In one sentence the report says that the five-year plan will increase the number of reenlistments, and in the next sentence it declares that "there will be no increase at all in the retired list of the enlisted men." But that is but a sample of the conflicting statements that have been made regarding this subject. It is contended in some quarters that it takes five years to make a good soldier. Why, Mr. Chairman, one of the officers in Honolulu told me that, so far as the work of drilling was concerned, after three years in the service the enlisted men could actually drill themselves without the need of any officers, commissioned or noncommissioned, and I am inclined to the belief that he stated the exact truth

Sir, the proposed economy in this bill under the five-year enlistment period is entirely at the expense of the enlisted men of the Army. In 1908 it was found necessary to increase the pay of the Army, and as a result of that increased pay the officers have stated that the material that is being enlisted is of a much higher character than that which enlisted before—that the personnel of the enlisted man has improved materially. But, in my judgment, this decrease of pay will again cause dissatisfaction in the enlisted force of the Army.

satisfaction in the enlisted force of the Army.

I have figures here, which I will insert in the Record, which show that the decrease of pay to the enlisted private under the pending measure is about 12½ per cent of the amount he would receive up to the time of his retirement, and the decrease to the noncommissioned officer, the backbone of the Army, if you please, the very men to whom you want to pay good salaries in order to keep them in the Army, the rate of decrease of pay, under the terms of this bill, is 15½ per cent, so that it is the enlisted man and the enlisted noncommissioned officer who is supposed to bear the burden of this decrease of the cost of the Army.

A soldier is entitled to have his foreign service count as double time toward his retirement. With the present demands upon the Army for duty outside of the United States, it is believed that considerably more than one-fourth of an enlisted man's service will be performed outside the limits of the United States proper. Assuming, though, that only 6 years out of 24 is foreign service (that would entitle the soldier to retirement), we have the following figures:

Total pay received during 24 years \$6, 295. 50
20 per cent increase on average pay for 6 years' foreign
service 311. 40
Total clothing allowance for 24 years 867. 71

Grand total

7, 474, 61

Under the pending bill.	
Total pay received during 24 years	\$5, 731. 50
No increase for foreign service. Total clothing allowance for 24 years	931. 35
Excess of pay and clothing allowance under present law Percentage of decrease in salary of private soldier under the provisions of the Hay billper cent	6, 662. 85 811. 76 12‡
Considering the pay of a sergeant of Infantry under conditions of foreign service as stated above, we have lowing: Under the present law.	
	\$11, 623, 50 577, 80
Grand total	12, 201. 30
Under the pending bill.	
Total pay received during 24 years	10, 363, 50
No increase for foreign service. Excess of pay and clothing allowance under present law— Percentage of decrease in the salary or pay of a sergeant under the provisions of the Hay bill ————per cent—	1, 837. 80
These figures will not be exact for any one enlisted	

the reason that all of them do not stay in long enough to secure retirement, nor will all of an enlisted man's service be as a But the figures do show that the private or as a sergeant. decrease of pay will be at least 12 per cent, and in the cases of noncommissioned officers of the higher grades and who receive more pay than a sergeant the decrease is more marked. This is a specially undesirable feature. Any such drastic "cut" in the pay of a number of employees, for the enlisted men may be classed as such, must of necessity cause much dissatisfaction. If such measures were adopted in any large industrial corpora-

tion it would most probably result in embarrassing situations.

Now there is one other item in section 2 that I desire to speak upon briefly. It is that provision on the top of page 49 of the bill containing a proviso which compels Congress to legislate before any change in the uniform of the Army can be made. That proviso is intended to fix the uniform of the Army so as to prevent change hereafter without the authority of While changes in the uniform have undoubtedly Congress. been too numerous in the past, nearly all the recent changes have been in the direction of greater simplicity and probable economy in the future. In any event, restrictions as proposed by this bill would be going to the opposite extreme, probably more serious in the end than whatever annoyances may have attended the changes in the uniform in the past. Some of the difficulties attending an enactment of this kind may be disclosed

The proposed bill fixes the uniform as it is now. The fourth section of this bill consolidates three supply departments, each of which now has a different uniform, into a new department which now has no uniform. No uniform could be prescribed, and the three different uniforms now obtaining would have to be worn until Congress saw fit to act in this matter again, Furthermore, a service corps is provided for by section 5 of this bill. No uniform is now in existence for this corps. None could be provided until Congress saw fit to act. The merging of the Inspector General's Department and The Adjutant General's Department in the General Staff would create similar uniform confusion.

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.
Mr. PRINCE. Does the gentleman think Congress would have any trouble in fixing the amount of gold braid each man should wear?

Mr. KAHN. No. But why should Congress fix it when it could be fixed by departmental order?

Mr. PRINCE. Does the gentleman think 392 men could

readily agree on it?

Mr. KAHN. Well, in any event, we ought not to have to pass upon it at all. I think it is much better to leave it to the heads of the departments, as has always been the case heretofore. I think Congress should not be called upon to go into these details. It is absurd, in my opinion, to ask Congress to go into these details and say how much a collar should be turned up or down or how much gold braid an officer is to wear on his coat tail. That ought to be done by an order, as it has always been done heretofore.

Now, I want to dwell briefly upon the next section of the bill. Section 3 of the bill relates to foreign-service pay. The chairman of the committee, I think, stated that foreign-service pay is only allowed in the Philippine Islands. I think, if he will look into the matter a little more thoroughly, he will find that he is mistaken. It is allowed for service in Alaska, in the Philippines and Panama, and also to the military attachés of this country serving abroad. Why should not they have the extra pay while serving in the Tropics or in the Frigid Zone?

Take a soldier in Alaska. He certainly is under much heavier expense there than he would be under in our own climate.

The officers in Alaska are undoubtedly under much heavier expense than the officers in the Temperate Zone, and the same is equally true in the Philippines. Many of the officers can not take their families to the Philippines because the climate affects the health of the women of their households. They have to keep up two establishments-one here and one down there. It developed that there are many expenses which they have to meet in the Philippines which do not exist on the mainland, and I apprehend that it would be a bad piece of legislation to cut down the foreign-service pay.

A military attaché serving abroad, if he accepts social courtesies, has to extend social courtesies in return, and his ordinary pay is insufficient to enable him to do so in a manner befitting the dignity of the country he represents.

Now, the last report of the Inspector General of the Army makes some comment in regard to this very matter of foreignservice pay. Col. John L. Chamberlain, inspector general, Philippines Division, says:

Extra pay for foreign service should remain as at present, but double time allowance for same should, in my judgment, be discontinued.

Foreign countries that have troops serving in the Tropics allow the troops while so serving extra-service pay, and I am reliably informed that the large mercantile concerns, both here and abroad, allow their employees in the Tropics extra pay.

I will now take up, briefly, section 4, which establishes a supply corps. We of the minority feel that such a consolidation as is contemplated by this section should be recommended by the General Staff, and should be made to fit in appropriately with a reorganization of the fighting branch of the Army.

Under the provisions of the pending bill the chief of the corps will be a major general during the period for which he is ap-I believe that if he should be retired subsequent to his serving as such chief, he would be entitled to be retired with the rank and pay of a major general, for section 26 of the act of February 2, 1901, is made specifically to apply by the express language of the proposed section 4 of this bill. In the said section 26 of the act of February 2, 1901, there is this language:

And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief.

It is not unlikely that most of the permanent officers now in the corps to be consolidated into this supply corps will reach the position of chief of the corps, and every one of them will, in my judgment, be entitled to retirement with the rank, pay, and allowances of a major general. At any event, the language of the section is capable of being so construed as to bring about the result I have mentioned. But if we make this promotion in this bill, it will be but a short time before the heads of the other staff corps will be knocking at the doors of Congress, clamoring for similar recognition, and they would be equally entitled to it. They could produce splendid reasons for the promotions. Take the Medical Bureau. In recent years it has given to the world its wonderful discoveries in the prevention of yellow fever and of that terrible scourge in military camps, typhoid fever. What a boon to mankind has been conferred by this Army bureau. And yet the chief of that bureau is only a

brigadier general.

Among the engineers of the Army is Col. Goethals, whose name will go down in history as the builder of the wonderful Panama Canal. He is only a colonel at present, but if he were ever to reach the head of the Bureau of Engineers he could only rank as a brigadier general. And so I might go on through all the various bureaus to show what excellent work they are doing, and possibly to show that they, too, are entitled to similar promotion to that contemplated in section 4 of the

Another condition might arise by creating this promotion that I will refer to but briefly. The Chief of Staff, under the act of February 14, 1903, creating the General Staff, has supervision, under direction of the President, of all the Staff Corps of the Army. By making the head of the supply corps a major general it would be possible to create a condition which would make

the chief of the supply corps senior in rank to the Chief of Staff. Gen. Carter, in his testimony before the committee, as shown in volume 3 of the hearings during the present session at page 85, speaking of the possibility of this very condition,

And we have sufficient evidence to show that it is impossible for a chief of bureau who is senior to the Chief of Staff to take orders from him with good grace.

Mr. Chairman, I have not the time at present to go into the reasons for my objection to the provisions of section 4 in the matter of the reduction of the number of officers in the Army

by 40 as a result of the consolidation of the Paymaster General's, Quartermaster General's, and Commissary General's Departments, but I hope to discuss that matter fully under the five-minute rule.

Just a few words in regard to section 5 of the proposed legis-

lation—the creation of a service corps.

In computing the cost of the service corps the following items do not appear to have been fully considered: Desertions, discharges for other reasons than expiration of term of service, courts-martial, hospital and medical attendance, physical disability, and pensions. Again, the gratuitous issue of chevrons and stripes for the uniform would be a minor item of considerable import. Travel allowance upon discharge—4 cents per mile from place of discharge to place of enlistment—seems omitted from consideration.

In the hearings on this bill in its original form it was stated (p. 40, Hearings on H. R. 7713, May 18, 1911) that the number of enlisted men on the retired list is less than 4 per cent of the strength of the Army, counting its strength as 80,000 men, and the computation of the cost of the retired list of the service corps was apparently computed with this as a basis. This would give a manifestly erroneous result. Primarily the retirements for the Army at large can not be taken as a guide for the retirements in a service corps of the kind proposed, where undoubtedly many men having started in this career would hold on to it purely for the end of eventually reaching the retired list. But, even admitting that the retirements of the Army at large may be taken as a basis for computation, the 4 per cent suggested does not present the true facts. The strength of the Army until 1898 was 25,000 men. In 1901 authority was given to increase it to its present strength of 80,000. 1898 sufficient time has not elapsed for any retirements of enlisted men not in the Army when it was at a strength of 25,000. The retired list now represents, therefore, not a percentage of 80,000 men but of 25,000 men, and figured on this basis the retired list would represent something like 13 per cent of the strength of the Army.

Moreover, men passing to the retired list pass not so much in the lower grades as the higher noncommissioned grades and draw pay on the retired list accordingly. The last appropriation bill for the Army carried items amounting to \$20,583,814 for the pay of enlisted men and \$2,249,940 for the pay of enlisted men on the retired list. This item for retired pay is nearly 11 per cent of the total appropriations for the pay of enlisted men in active service. If the retired list represents but 4 per cent of the strength of the Army, then the soldier on the retired list is receiving nearly three times the average pay

of the soldier on the active list.

In computing the item of pay as a part of the cost of the proposed service corps (p. 196, Hearings, 62d Cong., 1st sess.) it has been assumed that only 75 per cent of the men would reenlist and serve during the second enlistment, that only 50 per cent would reenlist the third time, and that only 40 per cent will reenlist thereafter. If this be correct, the item of pay would no doubt represent of itself alone a considerable saving. But in considering the efficiency of the proposed service corps it was stated in the hearings at the same time (p. 203, Hearings, 62d Cong., 1st sess.) that it was believed "that they would in a very short time be a much more efficient force than the civilians now performing these duties." This hardly seems likely if 60 per cent of them are changed every nine years.

In computing the cost of rations for the proposed service corps for such enlisted men as were not stationed with troops where rations in kind could be issued, 75 cents a day was allowed in lieu thereof. This is the rate of commutation now authorized by Army regulations for enlisted men under certain circumstances where it is not practicable to issue rations in kind. It is not, however, a matter of law, and may be administratively increased or decreased. Nowhere probably at this time could men of the class desired for this service corps subsist themselves on 75 cents a day. Under some circumstances even now enlisted men are allowed commutation at the rate of \$1.50 a day. Increase to this rate in case of the service corps would probably be essential in many cases.

The computations by which a saving is shown in the creation of a service corps of the type considered by this bill may be shown in practically every case to be based on minimum costs that under actual conditions of the service would be largely

exceeded.

Mr. Chairman, I wish I had the time to go more fully into many items included in the pending legislation. I hope that when the bill is up for discussion under the five-minute rule I will find the opportunity to present some of my objections to those items. But, in conclusion, at this time, I wish to say that I want to see the Army a real force.

We should heed the lessons of the past. All too often we have lamented our unpreparedness for war at the outbreak of hostilities. I believe that if we were to become embroiled in the near future with any first-class power we would suffer extreme humiliation because we are unprepared for war.

The patriotic duty of the hour is not to enact piecemeal legislation, but to reorganize the entire Army from the ground up, and not from the top downward. We are a peaceful Nation. I hope my countrymen may never again become embroiled in war. But if ever the battle flags of the Republic must be again unfurled I hope the Army, for once in our history, will be able to respond "Ready" when the first rumble of the war drum is heard.

Mr. PRINCE. Mr. Chairman, I yield 20 minutes to my colleague on the committee, Mr. Tilson.

Mr. TILSON. Mr. Chairman, I first wish to congratulate the chairman of the committee on his excellent work in the preparation of that part of this bill with which we should properly deal here-I mean the appropriation part of the bill. I wish to attest not only to his uniform courtesy to all the members of the minority during the consideration of it, but also to his painstaking thoroughness in going through the various appropriation items; and I have tried to aid and support him, as I have seen him, when in the minority, loyally assist the chairman in the preparation of appropriation bills. I believe this bill to be an excellent one, so far as its appropriation features are concerned, although, in my opinion, there were some cuts made in the estimates submitted to the committee that should not have been made. , In fact, some cuts were made in the esti-mates which I believe will produce deficits before the end of the fiscal year for which we are appropriating-some cuts for which there were no valid reasons given. However, it is not to the appropriation part of the bill that I wish to turn my attention. I desire to speak in the few minutes given me on the legislative features of it.

In the first place, I do not believe that a great supply bill of this character should carry legislative provisions of the kind which this bill carries. It is not the proper place in which to consider legislative matters of this kind, and the Executive should not be placed in the attitude of having to veto a great supply bill in order to stop legislation which he may well deem vicious if enacted into law. There are other ways by which the same thing can be done. We have a call of committees here, which during the present session of this Congress has run its round several times, so that a bill could come up in the usual way and receive consideration in the usual way. In the next place, a bill of the importance of this one—and I refer to the legislative features alone—if a bill containing such features should be on the calendar, it would be worth while, and I should favor the bringing in of a special rule to this House, to have it considered. I am absolutely opposed to considering these matters on a great appropriation bill.

I am not at all opposed to all the legislative features of this bill if they were brought in in a separate bill. I am not op-

posed to the consolidations here proposed.

Mr. AMES. Do you not think that for the good of the service and the good of the Army, for the proper administration of the military branch of our Government, that any proposed reorganization should be created with the assistance of the department, and not come out of one man who is at the head of one committee?

Mr. TILSON. I think that all assistance that could be had should be had in a case like this, including all that could be

gotten from the War Department.

Now, as to the legislative features in this bill in detail. first is the five-year enlistment, which has been so ably treated by my friend from California [Mr. KAHN]. I was absent from the Chamber for a few minutes, but so far as I was in the Chamber I did not hear him refer to the figures used by the committee in its report, showing that the officers of the Army are in favor of the five-year enlistment. I have made some investigations on my own hook, and I am convinced that the figures as presented by the report of the majority of this committee are incorrect and misleading. Not only have we different figures prepared and presented to us by the War Department, which I shall not attempt to go into, but I have my own figures, made during a tour of duty in Texas last summer, when a division of the Army was mobilized at San Antonio. While there I conversed with many officers in regard to the provisions of this bill, which were then being discussed through-out the Army. In order to ascertain as far as possible what the feeling of the officers of the Army was toward this provision, I went among the different regiments and brigades of that division, and in some cases had polled a vote on different points now included in this bill. I submit only one here. In one brigade the vote as to a five-year enlistment showed this result:

Commissioned officers of the brigade, present with the troops, 97 in number. The vote in two regiments of the three disclosed no one in favor of the five-year enlistment, while in the other regiment the colonel was in favor of the five-year enlistment, and with him were 14 officers of his regiment, this being the entire number in favor of the five-year enlistment in the entire brigade. The question was submitted fairly and without any attempt to get an answer of one character or another. I was simply seeking information, as I deemed it my duty to do as a member of the Committee on Military Affairs. So I take leave to discount the figures of the committee as to the opinion of the Army on the five-year enlistment.

Mr. HAY. Does the gentleman question the fact that the

figures given in the table are correct?

Mr. TILSON. I question the fact of their being representative of the officers at large. In other words, I am inclined to believe that they were a selected lot of officers.

Mr. HAY. The gentleman is entirely mistaken. those letters myself to 400 majors, lieutenant colonels, and colonels who had experience both with the five-year period and with the three-year period, and those were the replies I received, If it were not for obvious reasons, I would not hesitate to give the names of those officers, and if the gentleman himself wants the names I will be delighted to give them to him.

Mr. TILSON. Does the gentleman really believe that his questions that were sent out to these officers were calculated to bring out full and free answers from the men interrogated?

Undoubtedly; because they had no object on earth in expressing any other than an honest opinion to me. I could not have had any effect upon their careers in the Army

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes, I yield; but this is not my time.

Mr. TILSON. Certainly.
Mr. PRINCE. The gentleman from Virginia on his own responsibility sent out these requests?

Mr. HAY. I did.

Mr. PRINCE. So far as the committee is concerned, they never directed the form of question?

Mr. HAY. No. Mr. PRINCE. And the committee has never seen the replies? Mr. HAY. I am perfectly willing to show the whole correspondence to the gentleman, and he can examine every letter.

Mr. PRINCE. It is given in the report of the committee drawn by the gentleman from Virginia as a result of the proceedings before the committee. I want to show to the Committee of the Whole that the gentleman from Virginia, as the introducer of a separate measure, sent out those letters to get information for his own use.

Mr. HAY. Both for the use of the committee and the use

of the House

Mr. PRINCE. And these answers were never submitted to the committee?

Mr. HAY. Not except in a general way. I think I told the members of the committee several times that I had this corre-Not except in a general way. I think I told the

spondence.

Mr. PRINCE. I want to say, for the information of the Committee of the Whole, that I never knew of the questions that were answered nor the names of the officers reported who answered the questions, and never saw a report from any of the officers whom the gentleman names.

Mr. HAY .. That is the fault of the gentleman himself. stated to the committee that I had sent out those letters and had received those answers.

Mr. TILSON. Mr. Chairman, this colloquy is very interesting, but it is also consuming my time, which, unfortunately, is very limited.

The CHAIRMAN. The gentleman from Connecticut declines

to yield further.

Mr. TILSON. Mr. Chairman, I wish to speak of another provision concerning which I feel a very deep interest, and that is the matter of promotions as contained in this bill. speak first of the making of the chief of this new consolidated supply corps a major general. If any personal reason could prevail with me to favor this legislative provision, it would be to see the present Quartermaster General made a major general. Among all the officers in the Army I consider him as one of the very ablest and best, and one capable of filling any position in the Army. He always comes before the committee with the desired information in perfect order and at his tongue's end, and gives it fully and clearly to the committee. I should like to see the present Quartermaster General made a major general of the line or filling any other position that he might desire in the Army, because I believe him fully capable of filling it; so that nothing that I shall say here in regard to promotions can be construed to reflect upon anyone personally.

In my opinion, the provision in this bill which makes the head of the supply corps a major general is wrong in principle, and doubly wrong when forced through on a great supply bill carrying appropriations for the support of the Army. In the great War of the Rebellion the man who distinguished himself most as an officer in any of the supply departments was undoubtedly Gen. Meigs. His rank was that of a brigadier general. The number of troops which had to be supplied at that time would make our present Army look like a single squad, so large was the great Army of the United States in the last years of the Civil War. To make the head of the supply corps of our small Army a major general in time of peace is out of all proportion to anything that we have ever done before in the way of confor anything that we have ever done before in the way of conferring rank. It is distinctly bad, it seems to me, from a military point of view, to have the head of the supply corps of equal rank with the highest officer in the Army, who may be called here to serve as Chief of Staff, when the latter, who, under the President himself, commands all the armies of the United States, will be only a major general.

The gentleman does not want to make any misstatement, I know. The Chief of Staff does not command anything, does he, except the immediate officers under him?

Mr. TILSON. I mean he is the right arm of the Commander

in Chief and, in fact, practically directs the Army

Mr. HAY. Is he anything more than practically the adju-tant of the President or of the Secretary of War, and does not command a single man outside the few officers in the Staff

Mr. TILSON. It can not be denied that as a military officer he represents the President of the United States, the Commander in Chief of the Army and Navy of the United States.

Mr. AMES. And should be the ranking officer? Mr. TILSON. Yes; and undoubtedly should be the ranking officer.

Mr. HAY. He is nothing more than a Congress clerk, through whom the Secretary of War and the President act.

Mr. TILSON. It is well known that the President is seldom a military expert, and it is equally well known that the Secre-

tary of War is usually not a military expert.

So that the man really at the head of the Army in these United States is the Chief of Staff, and he should be the ranking officer of the Army. If the chief of the supply corps outranks him, it may and undoubtedly will lead to friction, because the chief of the supply corps is permanent, whereas the Chief of Staff comes and goes once in four years.

Mr. HAY. The gentleman knows that the chief of the supply corps, under the provisions of this bill, is only a major general while so serving, and that his term of service is four years. Of course the President may reappoint him if he wants to, but he

is not obliged to do so.

Mr. TILSON. In the case of the Chief of Staff he can not reappoint him; so that as a matter of fact the chief of the supply corps and the chiefs of the departments in the past have been reappointed, whereas the Chief of Staff can not be reappointed.

Mr. HAY. That has been cured by a provision in this bill,

so that he can go back into his place in the line without being

retired, or reappointed, or going out of the Army.

Mr. TILSON. He does not have to go back to his place in the line, but he may be perpetuated as the head of the supply corps, and as such he may and soon will outrank the Chief of

Mr. AMES. And he may have no place in the line.

Mr. TILSON. It is equally bad for the spirit and discipline
of the Army for the head of the supply corps to have rank above the other great departments having many more officers. In the supply corps, as provided in the bill, there will be 183 officers, of which 84 are permanent officers, as follows: One major general, 2 brigadier generals, 14 colonels, 20 lieutenant colonels, 39 majors, and 10 captains.

The Medical Department has 671 permanent officers, with no major general and only 1 brigadier general. Likewise the Engineer Corps, with 201 officers, has only 1 brigadier general, while the Coast Artillery Corps, with 20,000 men, has only a

brigadier general.

It is most unfortunate of all that this rank should be conferred by legislation carried in an appropriation bill. For a long time there has been a feeling extant in the Army that staff officers, especially those here at Washington, have been unduly promoted at the expense of the line. When far away in the field, doing their duty in the heat or in the cold, it is not reassuring to the officers of the line to note that not even an appropriation bill can pass without promoting somebody in the staff. I know from actual association with line officers in the field that it is the deep-seated conviction of many officers that the heads of the Staff Corps take advantage of their favorable position here at the seat of government to seek promotion for themselves and the other officers of their particular corps or department. It is unfortunate to add to that feeling, as this legislation will surely do.

As illustrating the feeling of which I have spoken I shall here introduce the letter of a very competent line officer on this and other provisions of the bill. The name of the writer is

withheld for obvious reasons:

The Hon. John Q. Tilson, House of Representatives, Washington, D. C.

DEAR SIR: The Hay bill will undoubtedly come up for consideration

in the present session.

The Army Regulations state that efforts of officers to influence legislation will be noted in their records. I am willing to take a chance on you if you won't tell or let any of William J. Burns's men get hold of this letter.

This Hay bill is simply an example of the piecemeal legislation which the various special interests have gotten or attempted to get through

this letter.

This Hay bill is simply an example of the piecemeal legislation which the various special interests have gotten or attempted to get through Congress in the years passed. Stripped of all its verbiage, the first question on cross-examination is, "Who does it promote?" It promotes every permanent staff officer now on the active list to the eventual grade of major general, provided there is no one in their corps who ranks them but is younger in years.

There are a whole lot of objections to this bill, such as knocking off increase pay for foreign service, increasing the term of enlistment, and all that sort of thing. It also provides a service corps, which is a good thing if it can be used by the troops; but, as a matter of fact, it would not be long before the service corps was concentrated at the various division and depot headquarters, making the chief and his staff very comfortable, while the United States soldier would do, as he has done for the past 135 years, all the real work.

The main objection to this bill is that it adds to the already heavy Army appropriation and does not provide a single additional rifle for the firing line. Our Army is absolutely overloaded with all sorts of staff, administrators office men, etc., and desperately shy on 6-foot corn-fed soldiers, with rifles on their backs, in ranks.

Every time I read the War of the Rebellion records I search diligently for a record of where a battle was won or an assault was made by a detachment of chaplains, quartermasters, commissaries, insular-affairs men, recruiting officers, pay clerks, etc. They usually had to resort to the employment of a comparatively ignorant, but highly efficient, soldiery.

As a matter of fact, I don't think that any bill whatever affecting

the employment of a comparatively ignorant, but algorithms, soldiery.

As a matter of fact, I don't think that any bill whatever affecting the Army should be considered, except barely enough to feed, pay, and clothe, until there has been a proper adjustment between the fighting and administrative strengths. My recollection was that you inclined to the view that this bill was under present circumstances unnecessary. I hope you still have the same opinion and that you will, as far as you consistently can, enable the Army to be legislated to sound military basis.

basis.

Mr. Kahn's resolution, if passed and acted on in proper spirit, will give the data which will enable your committee to draft a bill making us efficient and inexpensive. Legislation for military efficiency and not for individual promotion is what we want.

Very respectfully,

There is another effect of this consolidation which I do not think is wise, and that is the reduction of the number of officers of the corps. I referred a few moments ago to the present Quartermaster General, and stated how full, complete, and accurate his information generally is. In referring to the reduction of officers in the supply corps, I should like to refer briefly to some of the information furnished by Gen. Aleshire in previous years. I shall refer first to his report made in 1908, when he was seeking an increase of officers for the Quartermaster's Department:

the Quartermaster's Department:

To provide officers of the proper rank for the duties of the department, as above outlined, would require the following: One brigadier general, 10 colonels, 18 lieutenant colonels, 37 majors, and 150 captains. This strength would enable the department to perform all of its duties without the necessity for assistance from officers of the line, is what should be given it with that end in view, and is the least in number and rank of officers with which the department ought to be expected to or can carry on the work devolving upon it in time of peace with the present organization of the Army and require no assistance from line officers. No allowance is made for loss of service of officers sick, on leave, reporting for duty after being detailed, or changing station within the United States and the Philippines, which, especially in the latter, is considerable. The strength of the corps ought not to be less than that indicated.

It is well known that one of the most serious handicaps to thorough training in our Army is having so many line officers detached or practically withdrawn from service with their organizations. Gen. Aleshire was striving very properly to secure enough officers to do away with the necessity for this injurious practice. It would require, according to his statement, 216

officers to effect this very important reform.

In 1909 his request is more modest, only 185 being asked for, but the need for them is still urgent, as appears from the fol-

lowing statement in his report of that year:

The increase in officers will also permit of the return to their proper organizations or the giving of their entire time to their regular duties of 94 officers of the line of the Army now doing the work of quarter-masters, relieving to that extent the complaint against the depletion of commands of commissioned officers through detail to detached service.

A single extract from the report of the Quartermaster General for the year 1910 is sufficient to show that the need for

additional officers in that department had not ceased. I quote as follows

III. Sufficient number of officers to properly and efficiently perform all duties of the Quartermaster's Department: From the table on pages 39 and 40 of the annual report for the fiscal year 1909 it will be seen that on June 30, 1909, there were 190 officers on duty in the Quartermaster's Department—96 of the regular establishment and 94 officers of the line.

the line.

As will be seen elsewhere in this report, on June 30, 1910, there were 196 officers on duty in the Quartermaster's Department—96 officers of the regular establishment and 100 officers of the line.

Notwithstanding the fact that the number of line officers on duty in the department on June 30, 1910, was an increase of six over the number in the department on June 30, 1909, there was a shortage of officers necessary to properly perform the duties of the department.

As you all know, in 1911 the importunities of the Quartermaster's Department were partially rewarded by the addition of 30 officers to that department. It is passing strange that if 216 officers were necessary to do the work of the one department in 1908 and 30 additional officers were so much needed last year, that now, after adding the work of the Paymaster General's Department and the Commissary General's Department, only 183 officers will be required to do the combined work of the three departments. Perhaps the officers in the Quarter-master's Department, under the stimulating influence of the promotion gained by the increase of last year, may be able to accomplish an unusual amount of work, but I doubt if that alone would be sufficient.

The truth is it is not expected that the officers of the supply corps will do the work. The milk in the coconut is that the little joker in this bill is expected to accomplish it. That little provision which allows the supply corps to draw off from their respective duties regimental and battalion officers to do the work of officers in the supply corps is expected to do the business. The net result will be that officers in the Quartermaster's Department will retain the rank acquired by reason of the increase last year, the line will have to absorb the 40 officers cut off from the combined supply corps, and a large part of the work of the supply corps will be done by line officers who are much needed with their own organizations.

The CHAIRMAN. The time of the gentleman from Con-

necticut has expired.

Mr. TILSON. I ask unanimous consent that I may revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHARP. Mr. Chairman, sometimes we are apt to find fault with the rules of the House which permit the discussion of a wide range of subjects utterly foreign to the bill under consideration, such as we have to-day. My consolation rests in the fact, however, that were it not for that opportunity we might be denied the right and opportunity to express ourselves upon some other subjects which are nevertheless of vital importance and pressing concern. While the subject upon which I shall address the House to-day is as far as the east is from the west with reference to the Army appropriation bill, yet it seems to me that it is particularly apropos just now in view of the action of the Lincoln Memorial Commission a few days ago in deciding, under the authority given it by Congress, upon the plan of a memorial to our martyred President.

I wish to say at the outset that I have no disposition to quarrel with or harshly criticize the motives of the commission. I could not name a more distinguished group of men in respect to their knowledge and fitness for the place than were selected to be put upon that commission. Nevertheless, I beg to differ with them in their conclusions, and to express the belief that their judgment is not only not in accord with the sentiment of the American people to-day as to the selection of a fitting memorial, but is not and will not prove to be in harmony with the views of a majority of this House. In order that in the short time I have I may properly introduce the subject of my remarks, I will read the joint resolution which I introduced

late last month:

late last month:

House joint resolution (H. J. Res. 229) favoring the establishment of a national vocational school as the most appropriate memorial to Abraham Lincoln, and authorizing the Lincoln Memorial Commission to execute plans for the same.

Resolved, etc., That, recognizing in Abraham Lincoln the greatest advocate of equal opportunity for all the people, and in whose illustrious life and achievements are exemplified the highest possibilities of the American youth, the establishment of a national vocational school, in which shall be given, at the lowest tuition possible, practical instruction in the trades and agriculture, is the most appropriate memorial that can be erected to perpetuate his memory; and that the Lincoln Memorial Commission, created by the act approved February 9, 1911, is hereby authorized and directed to use all or any portion of the amount appropriated by the provisions of said act in formulating and executing all plans necessary to give effect to this resolution, subject to the approval of Congress.

We are all familiar with the fact that there are at present two widely different propositions looking to the establishment of a memorial to Abraham Lincoln. As favoring one of them, I will quote briefly from a speech by the gentleman from Missouri [Mr. Borland], delivered some months ago in this House, advocating the building of a memorial highway to Gettysburg. I wish to show by my quotations from the advocates of each one of these plans—the memorial highway and the immense monu-ment of marble to be erected in the shape of a memorial that they are both wrong, and still both right in their criticisms of each other's projects.

Upon the subject of a Gettysburg highway the gentleman

from Missouri [Mr. Borland] said in his speech:

from Missouri [Mr. Borland] said in his speech:

I want to remind the Members of this House how many monuments have been completed and unveiled since I have been here in Washington, less than three years: Monuments to Kosciuszko, Pulaski, Von Steuben, Stevenson, Sheridan, Witherspoon, Longfellow, and Shepherd—eight in three years. Now we are to have Christopher Columbus, Alexander Hamilton, and Thomas Jeferson, and no one knows how many more.

The city of Washington will be covered from one end to the other with these monuments. One unfortunate thing about it is that no matter how much money is expended upon them or what artists are employed upon them, in another generation a new school of artists will come along and say they are not true art and should be torn down. If \$2,000,000 of the people's money is to be expended for a memorial to Abraham Lincoln, it strikes me that it is wholly inconsistent with his character that it should savor of the pomp of kings. It is entirely out of keeping with our idea of the man. A \$2,000,000 pile of stones can neither increase his fame nor exemplify his character. Would it not be a much more appropriate memorial to build a highway from the city of Washington to the battle field of Gettysburg, that field which is immortalized by his burning words as well as by the dauntless heroism of the citizen soldiers of America? Would it not be more in consonance with the character of Abraham Lincoln that a memorial should be built for the use of the people now living than to erect one that would be costly and at the same time useless?

To all of which I agree and subscribe, in so far as the purpose shall be "for the use of the people now living" and "as vital as his immortal spirit." But can such a costly highway from Washington to Gettysburg further sanctify that battle field or increase the fame of those whom it immortalized by such a project? Listen to the words of Abraham Lincoln, who upon that sacred field said:

But in a larger sense we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or

Championing the view of the gentleman from Missouri we have, in accordance with it, the circular letter issued by the American Automobile Association, which, for reasons not difficult to fathom, has taken great interest in promoting this side of the question. It reads as follows:

Sharing in the universal sentiment that the subject of a great national memorial to President Lincoln is one worthy of the most serious consideration, and believing that in these days of multiplied road travel a broad highway would best perpetuate the memory of this great commoner, I am going to ask that you give a careful reading to the accompanying pamphlet justifying the expenditure of the appropriation of Congress for a highway rather than for any other form of memorial

memorial.

The American Automobile Association, which comprises the organized motorists of the United States, believes that the plain statement of facts submitted herewith will be of material assistance to you in the conscientious effort to determine what form the Nation's memorial to President Lincoln shall take. The matter is one which has been brought to the attention of Congress on several occasions, and which eventually Congress must decide. You will have to take part in this decision.

Opposed to this we also have a resolution from the Fremont Park Association, which, in part, reads as follows—I will only read that portion of it which refers to the national highway project:

Resolved. That this board strongly disapproves of the proposal to substitute for such a monument in the Capital City of the Nation a roadway to Gettysburg, or anywhere else, which would, in its judgment, be a wasteful and unworthy diversion of the public funds from a noble purpose distinctly national in character, to one comparatively ignoble in conception, unreasonably costly in execution, and missing entirely in its main impression the effect which should be the first requirement of such a memorial.

To that I also heartily subscribe. I wish to say in this connection that I do not oppose properly directed Federal aid in building our highways. While there are two sides to that question, it does seem to me that a rational cooperation by the Federal Government with the different States for building our great interstate highways is eminently proper. But I submit that one of the worst things that could happen to the good-roads movement, which now seems to be sweeping the country, would be to undertake to build a memorial highway to Gettysburg such as is proposed by its advocates.

I have not the time to read the estimates of those who oppose

it, but I will say that one runs up the cost, though I believe quite too excessive, as high as \$17,000,000 to build this highway, a highway that would be used almost exclusively by the automobilists of the country and of very little practical value,

needing constant care and involving a great expense on the part of the Government to keep it in good condition.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. SHARP. . I will.

Mr. MICHAEL E. DRISCOLL. Does not the gentleman think that these people back of the memorial highway, including the automobile association, are trying to use this money for the purpose of committing the Federal Government to the construction of highways? In other words, are they not using this memorial highway as a starter, an entering wedge, to be a precedent in the future in order to get money out of the Federal Treasury and commit the Government generally to the

building of ordinary highways?

Mr. SHARP. In answer I will say that I have heard that intimated several times by Members. I do not know how much truth there is in it. I would dislike to ascribe that unworthy motive to the advocates of this plan, but I will say that if this is true they are most unfortunate in advocating the proposition, because, as I have just said, if they wish to prove the utter failure and folly of Federal cooperation, let them have this highway, which would cost at a fair estimate, I take it, \$30,000 a mile for the 70 miles, traversing across valleys, over hills, and into a sparsely settled part of our country, connecting towns of no commercial importance, and serving absolutely no utilitarian purpose.

Mr. MICHAEL E. DRISCOLL. I do not want to attribute any improper motives, but still I believe that is one of their

main objects.

Mr. BORLAND rose.

Mr. SHARP. Mr. Chairman, as my time is limited, I can not devote it to hearing counter discussions, and I will ask gentlemen not to interrupt me further. One of the estimates, I believe, places this cost at \$170,000 per mile. I do not know how correct that is. I have little choice between a project of that character, which signifies nothing of additional glory to the memory of the man to whom it is consecrated and the wasteful extravagance of piling one marble block upon another along the banks of the Potomac, costing an equally large sum of money. Each is extravagant, inappropriate, and an improper waste of the people's money. I advocate a utilitarian purpose for which the \$2,000,000 to be expended in this memorial may be used. If you ask whether I have any precedent for the cooperation of the Federal Government in the project which I advocate, I shall point back to 1862, to the Morrill Act. That name, with great propriety, could equally as well be spelled M-o-r-a-l. Senator Morrill introduced the bill, which provided for cooperation of the Federal Government with the governments of the different States in an educational scheme. Let me briefly read that portion, referring to the real object of that statute, in so far as its purpose is concerned. I might say that it grants 30,000 acres of land to the several States for each Senator and Member of Congress to which the States are entitled by the apportionment under the census of 1860, and which may desire to partake of the benefits of the act in the building of public educational institutions.

I quote from the act as follows:

To the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical subjects and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts in such manner as the legislatures of the States may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

It was only the day before yesterday that Senator Roor, of New York, introduced a bill calling for permission for the erection in the District of Columbia of a building, to be known as the George Washington Memorial Building and to cost not less than \$2,000,000, not, however, to be assumed by the Government,

Whereas George Washington, on July 9, 1799, said: "It has been my ardent wish to see a plan devised on a liberal scale which would spread systematic ideas through all parts of this rising empire," and it was Washington's wish to materially assist in the development of his beloved country through the promotion of science, literature, and art, and with the firm conviction that "knowledge is the surest basis of public happiness."

Those words were uttered by George Washington in 1799, but a brief time before his death. They are living words to-day, and I appeal to you gentlemen of this House to observe them

Shall we not divert the money appropriated for this purpose, and which the Memorial Commission now seeks to put into another useless pile of marble, and convert it into a living memorial of perpetual beneficence?

To-day, on every hand, the question of vocational education is being taken up by federations of labor, farmers' organizations, and noted educators. The people of the country are alive

to the situation that our present educational system does not come up to what it ought to be in order to properly fit the average boy for future usefulness if he is unable to pursue his studies beyond the grammar grade. I will say, in this connection, that it may be a surprising statement to those who have not studied the question, but more than eighty out of every hundred of our school children leave school before they finish the grammar grade. I listened the other day in this House to a most able argument in favor of the establishment of a better banking system. Germany was quoted as the ideal. I again heard to-day, in the discussion of the Army bill, Germany and other European countries quoted as models in military organization. Mr. Chairman, with such precedents before me, may I not say that Germany also takes the front rank of all nations to-day in its industrial educational schools. They are models of practical utility, and sooner or later this country will have to adopt that kind of a system or we will be very greatly distanced in industrial development in spite of our splendid advantage in natural resources. Gov. Foss, of Massachusetts, voices the need of such an educational system in one of his recent speeches, as follows:

Of the social causes of poverty I am particularly interested in two. The first is the comparative failure of our present educational system to give to boys and girls such vocational training as best fits them for the callings which the great majority of them enter. I mean training that will fit the pupils for the so-called skilled occupations and will so equip them that upon leaving school they will have the best possible prospect for future usefulness and independence. In this lack of vocational training we find, I believe, one fruitful cause of many aimless careers which can lead to nothing that is good and must tend to swell the number of ineffectives.

These words express my views. It is a question which is being agitated by earnest men and educators throughout the country. If I had time I would be very glad to quote something from the hearings in the Senate of last year upon the bill S. 4675, which provided along certain lines for national cooperation in educational work, but I will only ask the privilege of incorporating them in the RECORD.

[Statement of Dr. George E. Myers, principal of McKinley Manual Training School, Washington, D. C., at the Senate hearings pertaining to the bill (S. 4675) to cooperate with the States in encouraging instruction in agriculture, the trades and industry, and home economics in secondary schools, preparing teachers for these vocational subjects etc.] subjects, etc.]

subjects, etc.]

The bill before you for consideration is concerned with the place of the industries in public education. This bill is one of the results of a widespread belief that our public schools have failed, on the one hand, to prepare our youth for successful industrial careers, and failed, on the other hand, to provide our industries with properly trained workers. In fact, public education is under the charge of having robbed and cheated both—our youth by wasting their time, our industries by making them bear the expense of schools engaged in enticing away from the industries as many of the youth as possible and in making others dissatisfied with industrial occupations. It is the purpose of this bill to assist the States to remedy these conditions.

Congress committed itself to the policy of Federal support for industrial education nearly 50 years ago by passing the Morrill Act of 1862. The wisdom of this policy was reaffirmed when the second Morrill Act was passed in 1890, and again when the Nelson amendment was adopted in 1907—measures which distribute to the different States and Territories nearly \$2,500,000 annually from the Federal Treasury for the support of public education in agriculture and the mechanic arts. That this money goes to colleges and not to high schools and normal schools does not in any way affect the fact that Congress has committed itself to the policy of Federal support of industrial education.

* *
Statement by Mr. Myron Germain Jones, M. A., director of education

IStatement by Mr. Myron Germain Jones, M. A., director of education in the Washington Young Men's Christian Association, at the hear-

ings.]

in the Washington Young Men's Christian Association, at the hearings.]

* * Presidents Eliot, Schurman, and Wilson, speaking from the viewpoint of the universities, have proclaimed that the ultimate aim in education should be to give "every individual a chance to attain a maximum of personal culture and social efficiency according to his intellectual gifts and the strength of his will." They are echoing the demand that Huxley voiced long ago when he named the standard of success in education as "not the survival of the fittest, but rather the fitting of as many as possible to survive."

* * Organized labor, regarded for years as the opponent of trade training in schools, put itself on record in this vital matter through an able commission of leaders in the trade-union movement, who have carefully studied for the past three years the problems in volved in relating to industry the educational training, both fundamental and technical, needed to meet the present situation. It has embodied its findings in the special report of this committee on industrial education appointed by the American Federation of Labor, and has clearly stated the attitude of organized labor and other experts in the field of vocational education toward the problem of trade training. As a broad and statesmanlike interpretation of the labor movement's need and of its real attitude toward education, this document is a startling prophecy of what I am pleased to call "new trade-unions m'— a trade-unionism that cherishes the educational trade-training ideal for American hand-working wage earners, as well as the ideal of an eight-hour day, a minimum wage, and fair contractual relations and conditions for labor. * * *

IStatement of Samuel Gompers, president of the American Federation of Labor, at the same hearings!

conditions for labor. * * * *

IStatement of Samuel Gompers, president of the American Federation of Labor, at the same hearings.]

The subject of industrial education is much broader than is often appreciated. It means a great deal more than the establishment of another kind of school. It ought to suggest a scheme of education that will make it worth while for all children to remain in school longer, and to provide for the children of the masses and for the great manufacturing and constructive industries something equivalent to what the States are now doing for the children of the well-to-do in fitting them for

professional and managerial careers. It must be remembered that the spirit of industrial education is to teach in terms of daily life, and teachers ought to have knowledge of the conditions and requirements of this life—a life largely industrial.

The prosperity of a nation depends upon its industrial and commercial success, and in respect to these success depends upon the training and intelligence of its citizens. It is therefore plainly evident that a national educational system determines its destiny.

I am a strong believer in that old adage that "To learn more is to earn more." * * * *

Mr. SHARP. On March 3, 1791, the city of Washington was established by law as our National Capital.

Mr. Chairman, I sometimes speculate as to what action may be taken by future Congresses if they should choose to turn their attention to considering the question of moving the seat of government far to the westward. With almost daily proposed amendments to the Constitution being thrown into our legislative hopper, ranging all the way from stingily denying our future Presidents more than two terms of office down to changing the date of their inauguration, I have sometimes wondered whether the very sacredness of the Capitol itself will be proof against the desire for changing an established institution. that day when the State of Texas, an empire in itself, with a territory the size of France, with resources capable of sustaining the forty millions of people of which France boasts, with our center of population moving to the westward, and the problem of feeding our people becoming more important—and we can only feed them from the fertile plains of the West—I have sometimes wondered whether the increasing representation from those States will not some day insist that our National Capital shall be transferred to the banks of the Mississippi. When that day comes are we to behold the melancholy spectacle of deserted marble halls and the great monuments we are now erecting left only as remnants of by-gone glories, as now we see the monuments of ancient Rome on the banks of the Tiber, or shall we have two capitals, one reflecting the original glory of Rome itself, the other a sort of a Byzantine annex, moved far to the westward?

In a few days comes another birthday of the martyred President, for whom this proposed memorial is to be built and dedicated; and within a few months will roll around the fiftieth anniversary of the declaration of that immortal emancipation proclamation which broke asunder the bonds of slavery. I not express the hope that, before that time shall come, we shall by action of this Congress be enabled to lay the foundation stones of such an institution to his memory as shall pre-eminently emphasize the principles to which his life was consecrated—that of equal opportunity—and the beneficience of whose work shall be as lasting as the memory of his service?

One thought in conclusion before my time shall close. Outside of the very life itself of Abraham Lincoln and his services consecrated to the perpetuation of the Union there is probably not one single act of his that will stand out so conspicuously for all time as his great speech on the battle field of Gettysburg, and of that speech its concluding sentence. If I may be permitted to paraphrase his language, may I say in behalf of the resolution which I have presented, contemplating the erection of a great industrial vocational school as an appropriate monument to his memory, that such an institution is preeminently "of the people" because it is fairly representative in every sense of the word of their character and needs as an industrial Nation; it is a monument "by the people" because it is a generous contribution by them and authorized to be constructed by them through their chosen Representatives in Congress; and, above everything else, preeminently it is "for the people" because the beneficence of its purpose may be enjoyed by all without restriction. And lastly, may I not say that, as long as "knowledge is still a power in the land," such an institution and its work "shall not perish from the earth." [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. SHARP. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. PRINCE. Mr. Chairman, I yield 20 minutes to my colleague on the committee, Mr. Burke of Pennsylvania.

[Mr. BURKE of Pennsylvania addressed the committee. Appendix.1

Mr. HAY. Mr. Chairman, I yield 25 minutes to the gentleman

from New York [Mr. Redfield].

Mr. REDFIELD. Mr. Chairman, the gentleman from Connecticut [Mr. Hill] on the 30th of January made an attractive and forceful speech on certain phases of the tariff question, in which he asked some questions which, it seems to me, are worthy of a definite and detailed reply. And I desire, since my time is very brief, to speak without interruption and in an

effort to make plain to this House what the answers are to the questions of the gentleman from Connecticut. I think that actual experiences in matters of this kind are perhaps the best

illustrations that can be given.

In the month of October last, on returning from an absence to my office in New York, I found that two orders had been received from our representative in the city of Vienna. goods were sold in the open market, but the point was this: That our representative in Vienna at that time, having begun in a very small way, had never received the lowest prices we quote in foreign markets, those lowest prices being almost identical with or a fraction higher than those we quote in America. This man had never received those lowest prices, and upon his taking these orders, against German and Austrian competition, I wrote him at once that, in view of the fact that he had shown himself able to sell in Austria against German competition, he was fairly entitled to the prices that we give to our foreign agents; and thereupon reduced the price to him 10 per cent, for he had made these sales on the basis of quotations which were 10 per cent higher than those which were regular abroad.

It seems to me, as a manufacturer, Mr. Chairman, strange to the last degree that an industrial people which last year exported a thousand million dollars of manufactured products should need to be protected against anybody to whom they are selling. I do not, I confess, understand why our great manufacturing houses which are selling in every land in open competition with men of all the world can not from that very fact hold our place against them in the open field. I know it is

true that

Mr. AMES. Mr. Chairman, I would like to ask the gentle-an what was sold abroad. We do not know what the genman what was sold abroad. tleman's agent sold.

The CHAIRMAN. Does the gentleman from New York yield

to the gentleman from Massachusetts?

Mr. REDFIELD. I am sorry to say so, but I will have to

delay my answer.

It is true that the gentleman from Connecticut [Mr. HILL] said that this great export trade of ours was largely due to the Payne tariff law. To my thinking and according to my experience of some 30 years in factory life, it is much more largely due to the skill of American mechanics, induced and rewarded by the existence of high wages. In response to the gentleman from Massachusetts [Mr. Ames] let me say the goods sold abroad, in this case, were fans and blowers.

It happened also that in the second week in December I re-

ceived an inquiry for engines from France. And now, Mr. Chairman and gentlemen, I am going to refer to a number of actual commercial transactions. I shall not mention the names of the houses, but I will give to any gentleman on either side of the House in personal confidence the details, the names of the houses, the names of the men, and the prices, so far as

they are mentioned.

In the second week in December I received an inquiry from large French manufacturer of machinery for engines, and quoted him a price for 40 engines. I received a cable order for 5 as a sample lot, 1 of each of 5 sizes; and the only confor 5 as a sample lot, I of each of 5 sizes; and the only condition made was that the engines should run three months continuously, day and night, without stopping and without injury. The order was accepted, for that specification is an easy one, and it has been filled. The goods were delivered in Havre at a price corresponding precisely to the American figure, or within a very few cents on a hundred dollars higher than the American figures.

I have before me a copy of Dun's Review for January, 1912, from which I purpose to read a brief paragraph headed "Mak-

ing a Specialty of Exporting Carriages"

ing a Specialty of Exporting Carriages":

Buyers of standard articles, such as carriages, have not failed to appreciate the fact that the improved facilities of transportation, which make quicker delivery of merchandise and prompter mail service possible, are every year bringing them nearer to the large American manufacturers. As an example of this, the W. H. Murray Manufacturing Co., of Cincinnati, Ohio, state that a prospective buyer in the Argentine Republic Chile, or any other remote part of South America will receive a copy of their catalogue within 30 days of the date his letter asking for same reaches them, while in another 60 days the goods will be in his possession. A similar situation exists with regard to Australia. New Zealand, South Africa, and other distant regions, and the result is that the buyer is frequently in possession of the goods much more quickly than they could have been procured from a small local coach builder and at prices from 25 to 50 per cent less.

The gentleman asked. Why do we not put locomotives into

The gentleman asked, Why do we not put locomotives into Germany, France, Russia, and England? I shall address myself

squarely to the question.

As regards France, we have put locomotives into that country. A large American locomotive builder a few years ago received an order for 30 locomotives for the Paris-Orleans Railway. A young French engineer was sent here to inspect the construction of the engines and to report upon the results. A similar order, at the same time or in succession thereto, was placed with locomotive builders in Germany and in France itself-90 engines in all.

The French inspector remained here during the construction of the locomotives built in this country. He then went to Germany and to the French works. He made a report to the railroad company, a copy of which is in possession of a friend of mine in this country. His report said that, although the American locomotive builders paid three times the daily wage to their workmen that was paid in Germany, the cost of the loco-motives was substantially the same in the two countries. [Applause on the Democratic side.]

In the annual report of the American Iron and Steel Associa-

tion, on page 43, appear these words:

Of the 354 locomotives exported in 1910, 85 were sent to Brazil. 81 to Canada, 44 to Mexico, 26 to the Central American States and British Honduras, 23 to Cuba, 10 to Argentina, 13 to South American States other than Brazil and Argentina, 18 to China, 15 to Japan, and 39 to other countries.

I might mention, as an incident of the exports of manufactures during the year 1910, taken from page 42 of this same report, 30,977 cash registers and 18,866 stationary engines.

As regards selling locomotive engines in England, I presume the gentleman knows-he should have known-that the English locomotive is of a distinctly different type from the American

locomotive. The two are unlike in principle.

The American locomotive is built upon the principle of the three-legged stool. By means of equalizing levers the American locomotive is so constructed that it will, wherever it finds three bearing points, like a three-legged stool, bear solidly upon the track. For that reason it is suited to operate on our sharp

curves and our rougher roads.

Mr. AUSTIN rose.

Mr. REDFIELD. I can not yield, as my time is too short.

The English locomotive is a machine built in a rigid frame without axles which revolve upon a pivot. There are not bogie trucks, as they are called yonder, upon the English engine. The English locomotive would be useless on our roads. It has been tried and found wanting.

The method of construction of English locomotives and their relative weight make them impossible of service here. would not be bought if there was no duty and the transportation on them was paid. An American locomotive, for like reasons, is not suited at all to English ideas. Over there they still use and build largely the inside-connected locomotives. while here they are all outside-connected. Over there they still use to some degree the single driving wheel on a side, and no engines of that type are used in this country. There is an entire and distinct antagonism of type between the two countries, and that explains in a single breath why we do not sell locomotives in Great Britain.

There are other reasons, one of which is that a locomotive is a very heavy thing to transport, and it would be for that single reason an almost impossible thing to sell a machine weighing 50, 70, or 80 tons, because of the transportation charges, close to another shop_in which locomotives were being built, where these transportation charges all not reason to the second state of the s built, where these transportation charges did not come into

effect.

But as regards sales to Germany and Russia, the transportation reason is alone sufficient. We can not afford to pay transportation on locomotives for 4,000 miles, into a country where they are built right at hand, without having to carry that transportation charge, and the tariffs of those countries are, of course, against us. But wherever there comes an even field against the English, German, or French locomotive, there we have met them squarely and fairly and beaten them squarely and fairly. [Applause on the Democratic side.]

At the risk of wearying the House a little bit, I want to establish some of these things, so that they will never more be questioned here. I have before me the Far Eastern Review, published at Shanghai, November, 1909.

On page 241 is a photograph of an American locomotive and train that belong to the Kiangsu Railway.

At the bottom of the same page is found the photograph of

a train of cars made at Wilmington, Del. On page 249 is a thirdclass passenger coach made by the Pullman Co., of Chicago; this is for the Chekiang Railway. And on the same page is a first-class passenger coach built by the Pullman Co., of Chicago.

On page 248 is a photograph of a box freight car built by the American Car & Foundry Co. for the Chekiang Railway. On the same page is another photograph of a Pullman firstclass passenger coach sold to the same railway. On page 255 is a passenger coach built at Wilmington, Del. On page 256 is an illustration of a Baldwin locomotive built to run on the Sunning Railway.

On page 280 are four distinct types, and page 281, a fifth type, of different classes, all of American locomotives sold to the Manchurian and Chinese railways.

In the same publication, two years later, namely, in November, 1911, I find, on pages 194 and 195, eight illustrations representing eight different railways, showing eight different kinds of American locomotives running on these roads, and purchased in competition with Great Britain and with Germany.

I now turn to an extract on the same general theme from the testimony taken before the committee on the Taylor and other systems of shop management, showing the experience of an American workman in London:

American workman in London:

Let me tell you my experience. When I got over there I went to the office and handed in your letter and they treated me very nicely; then they took me to the shop and got out a man named Thomas. He was the foreman, or die sinker, at any rate; and then they had my man tell Thomas how many hours each job would take. And my man said: "I went you one better, Mr. Brombacher; instead of adding one-third I added 50 per cent." The employer said: "What do you think of that, Thomas?" And Thomas said: "I would rather see him do it with his hands than with his mouth." That was nuts for my man, and he went through the thing and got right down to dots, and when he got through there was another seance, and when that was over the employer says, "Now, Thomas, what have you to say?" He says, "If you expect me to work the gait that fellow worked I'll chuck the job."

On the same page from the same testimany under outh Mr.

On the same page, from the same testimony, under oath, Mr. Brombacher says-Mr. Brombacher, I may say, is a practical manufacturer and mechanic. The extract reads:

The CHAIRMAN. Is it your idea that American workmen accomplish more in the same time than the English workmen?

Mr. Brombacher. Bless your soul, why, sure. You needn't go as far as England. Go up in Canada. I have sold in Canada units delivered in Canada duty and freight paid and undersold Canadian manufacturers of same engines 5 per cent and got the order.

We had before that same committee only a few days ago a gentleman who has spent some years of his life in manufacturing locomotives, and in answer to the question from me as to what proportion of direct labor cost there was in the modern locomotive, he said 18 per cent. So, in competition there is 82 per cent to come and go on instead of talking about reduction of wages. [Applause on the Democratic side.]

Now, I find in the Iron Age, for February 1, 1912, this

statement:

The rolling stock of the Central Railway of Brazil consists of the following: Four hundred and twenty-five locomotives, ranging from 45 to 150 tons. * * * All locomotives owned by the Central Railway of Brazil are of American manufacture, built by the Baldwin or the American Locomotive Co.

The second question that the gentleman asked had to do with sewing machines. I sometimes think there is a strangely ordered supervision of affairs which seems to make things happen at unexpected times. I am going to tell in a few moments what happened the evening on which the gentleman spoke in my office. There are more reasons than those stated then why the Singer Co. established great works in Glasgow. A first and a great reason is they must manufacture in Great Britain, You can not own English patents perelse their patents lapse. manently without manufacturing the goods in Great Britain itself. It is for that reason-

Mr. HILL. Mr. Chairman, does the gentleman object to an

interruption?

Mr. REDFIELD. I do.

Mr. HILL. I simply wanted the gentleman to make the statement correct, that is all.

Mr. REDFIELD. It is for that same reason that my own concern is at this moment erecting a factory in Canada to manufacture goods in Canada, because, under the Canadian patent law, we must manufacture within the Dominion of Canada, else we lose our patent. I say we must manufacture. We must manufacture or arrange to have the goods manufactured. The goods must be made there. But there are other reasons, among them those of the preferences in favor of goods made in Great Britain, of which I have spoken. There is another very strong reason, and that arises from the spirit which appears in signs which are exhibited all over Great Britain. In every hamlet in the country you read, "Buy British goods." That scheme is worked to the fullest limit all over Great Britain, and is taken advantage of, and very properly so, by English manufacturers. These are sufficient reasons for establishing a factory in Great Britain. They have led me and my associates to establish a factory in Canada.

But I will tell you plainly that, in the statement made by the president of our company to our board of directors as to the reasons for establishing that factory in Canada, the Canadian tariff played no very important part. We are abundantly able to do as Mr. Brombacher did, manufacture goods in this country and ship them into Canada and sell through the tariff.

Mr. Chairman, will the gentleman yield? Mr. HILL

the evening of the day when the gentleman made his interesting speech about sewing machines. This happened in the presence of three witnesses, and most unexpectedly to me. A gentleman, representing one of the large American sewing-machine companies, called, asking if I could assist him in having removed certain restrictions placed by the District of Columbia upon his goods, and when I took steps to get those restrictions removed, he got fairly confidential with me, though he did not say that it was confidential at all. He said what he did in the presence of three others. I said to him, "What is the lowest price at which you will sell me a sewing machine?" He replied that it was \$24. I said, "I do not mean the retail price; I mean a price by the hundred, for manufacturing purposes." He said, "I will sell them to you for \$18." I said, "That is a high-class machine. You make a cheaper machine than that."
"Yes, we do." "What will you sell me a hundred of the cheap
machines for?" "I will sell them to you for \$10 apiece." He
then said, "We sell them all over Germany and Russia; they can not compete with us either in price or in quality, and we need no protection." [Applause on the Democratic side.]

Now, finally, I pass to the statement made by the gentleman that the speech which I was so unfortunate to deliver on the 12th of June, 1911, had been "absolutely destroyed and overthrown" by the Tariff Board in their report, and I assert, and at some future day I am going to take the privilege of proving, that every essential principle laid down by me on the 12th of June, and reasserted by me on the 1st of August, is broadly and strongly sustained by the report of the Tariff Board.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. HAY. Mr. Chairman, I yield the gentleman five minutes

Mr. REDFIELD. Mr. Chairman, I said at that time that if there were given scientific management-not meaning by that any technical thing, but management which knows its wayconstant and careful study of operations and details of cost, modern building and equipment, proper arrangement of plant, proper material, ample power, space, and light, a high wage rate means inevitably a low labor cost per unit of product and a minimum of labor cost; and I turn to the Tariff Board report and put opposite that this statement from page 15 of Volume I:

Wages are in themselves no necessary indication of relative cost of couction. Frequently it is found that high wages and low labor cost

go together.

And also this statement, on page 23:

The productive efficiency per one man-hour * * * show wide differences in efficiency and cost, but indicate in general that the lowest labor costs per pound were in mills paying the highest wages.

[Applause on the Democratic side.]

Finally, I wish to read this statement of Mr. James M. Swank, general manager of the American Iron and Steel Association, concerning the Republican platform adopted at Chicage,

ciation, concerning the Republican platform adopted at Chicage, and with this I shall close, Mr. Chairman:

One objection to the declaration in the Chicago platform above quoted is that the cost of production either at home or abroad is never a fixed quantity, but is always a shifting quantity. The cost of production of any manufactured product varies in all manufacturing countries from year to year and often from month to month, as everybody knows. Shall we have a sliding-scale tariff adapted to these varying costs? If not, what becomes of the Chicago plan? Then, again, the cost of production in one foreign country differs from that in another country, as, for instance, in Great Britain and Germany. Which country is to serve as a guide in the construction of a new tariff—

Mr. MADDEN. Will the gentleman yield? Mr. REDFIELD. No; excuse me. [Reading:]

Mr. REDFIELD. No; excuse me. [Reading:]

And, again, in ascertaining the cost of production either at home or abroad, which mill or factory or shop cost sheet is to be taken as a guide in the adjustment of duties—that which possesses special advantages or that which does not?

Another and an equally fatal objection to the Chicago plan of framing tariff schedules is that various devices are resorted to in some foreign countries to effect sales of their products abroad at prices below the cost of production. It is well known that special railroad freight rates are made by the German Government on State railroads to facilitate the sales abroad of German products, and that syndicates exist in that country which also stimulate these sales by sharing the losses entailed in selling abroad at lower than home prices. Are the framers of our tariff to take account of these helps to the foreign trade of Germany or of similar helps to the foreign trade of other countries? What is to be the measure of protection against the dumping on our markets of foreign products so sold or of any foreign products that may be sent to this country to be sold at prices below the cost of production to get rid of a surplus or to meet a financial necessity? The Chicago platform is silent on these questions.

[Loud applause on the Democratic side.]

[Loud applause on the Democratic side.]
Mr. HAY. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. AIKEN].
Mr. AIKEN of South Carolina. Mr. Chairman, some time ago I introduced a bill (H. R. 12408) the purpose of which is to regulate transactions on the produce exchanges of this This bill, if enacted into law, will confine transac-Mr. REDFIELD: No; the gentleman must excuse me. I country. This bill, if enacted into law, will confine transachave come now to the incident that happened in my office on tions on the exchanges to crop products actually in existence and ready for delivery, fixing proper penalties for violations of

its provisions.

At the same time I introduced this bill-July 12, 1911-I knew in a general way the evils of exchange methods, but their enormity was not known to me fully until the closing months of that year.

Only a few years ago a large per cent of the lands and homes of southern farmers were under mortgage. Reduced to poverty by the war, the southern soldier came home to enlist in an industrial struggle full of deprivation and little less terrible in its effects than the scenes of blood and carnage through which he had passed. Cotton, by reason of its climatic adaptability and ready market value, is the natural southern crop, and its cultivation offered the only hope to the southern farmer after the War of Secession. In the history of its decline in price to less than half the cost of production could be written a history of deprivation, suffering, and even want never before experienced by a people of like refinement and intelligence. Northern cotton mills were reaping a harvest. They extended their investments to the South and, North and South, mill interests flourished as never before in the history of this country. Southern homes were swept from their owners and converted into mill profits, and these in turn placed in new mills. Hard as was the struggle with the cotton farmer, it was not without its beneficial results in creating new demand for his cotton. Though many were driven from their farms to seek work in the mills, a better day began to dawn on those who remained on the farms. Increased manufacturing took cotton more and more out of the hands of the speculator, and it began to command a price that gave a profit to the producer. Mortgages, yellow with age, were lifted from southern homes, and peace and contentment could be read even in the lines of the furrowed

These dark days in our history will never be reenacted. Our people have concluded that they are entitled to a part of the profit of their crop. They have built warehouses and have so diversified their crops as to stand the assault of the cotton gambler, and a few of them, at least, will share the profit with him and the mill man.

Determined, then, as a few of our people are, to have a share in the profit on their cotton, the indignation they feel toward a lot of cotton gamblers whose market manipulations have robbed them of millions of dollars' profit on this crop is not hard to understand. The poorer, the more helpless, farmer had been squeezed out and forced to part with his crop below the cost of production. This has already been fed to the greedy bear.
Two years ago, when Messrs. Brown, Hayne, Scales, and

others were charged with maintaining a pool to hold up the price of cotton, the Attorney General of the United States had them indicted before a Federal grand jury. And for whose protection? It was done at the instance of a lot of bear thieves who had systematically robbed southern planters for more than 30 years. The indictment alleged that mill men had to pay a fictitious price for their cotton, and many of them were forced to shut down. I know something of the inside history of that so-called bull pool, and I state as a fact that the idea originated with a southern mill president of La Grange, Ga .: that the details were worked out at Greenville, in my own State, and that so-called bull operators were brought in to aid the cotton manufacturers to uphold the price of raw material against the manipulations of a conscienceless band of

As evidence that the Attorney General proceeded at the instance of the bear clique on the exchange, not the character of the witnesses called. Without exception they were representatives of firms who had sold cotton heavily in excess of the supply. And note the further fact that not a single mill man appears in the list of witnesses. At the time the so-called "bull" pool came into existence the future cotton market was a cent a pound or more below the spot market, held down by the bear gambler. The dry-goods merchant wanted to base the price in buying on the future and not the spot-cotton market, and refused to buy except on that basis. This produced stagnation in the cloth market, and it was to eliminate this feature that mill men originated the so-called pool to maintain a parity between the spot and the future market.

But suppose American cotton mills were placed at a slight disadvantage by "bull" support of the market. Can the Attorney General be excused for protecting even them at the cost of millions to American commerce? When we consider that the United States raises 69.9 per cent of the world's supply of cotton and consumes only 24.7 per cent the magnitude of the injury done to American commerce and American business by the effort to depress the price of cotton is apparent. That his act did not reduce the price of cotton at the time more than 2

cents per pound is due to the stubborness with which Hayne, Brown, Scales, and others bought all actual cotton offered, instead of accepting settlement of margins, which is a trick of the trade to sell large quantities of cotton not in existence. Such a decline was confidently anticipated. A week before Brown and Hayne knew that they were going to be prosecuted bear" firm, in trying to get a certain party to sell the market, said:

I know something is going to happen that will cause a break in the market of from $100\ {\rm to}\ 200$ points.

Suppose the break had materialized. The result would have been, on a basis of a 12,000,000-bale crop and at a 2-cent decline, to give foreign spinners about \$90,000,000 to save about \$30,000,000, ostensibly to American spinners, really to Wall Street gamblers. Will the time never come when Government representatives and officers can see other interests than those that are centered in New York? Is the hard-working, respectable citizen of the United States to be held up by the Government and fleeced under its protecting arm?

The enormity of the Attorney General's act did not fully

appear until the present crop was brought into sight.

The world's consumption of cotton, as stated in Bulletin 113, page 23, of the Department of Agriculture, is 21,000,000 bales. On the same page we find the statement:

It appears probable that 14,500,000 bales of American cotton can be absorbed during the year ending August 31, 1912.

In other words, the present crop will barely meet the demand, conditions being normal in other cotton-raising countries. But conditions are not normal in other cotton-raising countries.

In India, for instance, the crop is conceded to be short about 1,500,000 bales, and we have heard nothing of a large crop in any other part of the world. We raise, as heretofore stated, approximately 70 per cent, and this represents, say, 15,000,000 bales. The other cotton-producing countries raise 30 per cent, or 6,400,000 bales. The total, then, will be 21,400,000 bales as against a consumption of 21,000,000. But India, as stated, is 1,500,000 bales short, which, taken from the total supply, would seem to indicate a shortage in the world's supply of the crop of something like 1,100,000 bales of cotton. We need 21,000,000 bales of cotton, we have only 19,900,000 bales with which to supply them. In the face of these facts cotton has been hammered down to 8 cents per pound, 2 cents below the cost of production, by a merciless set of vampires.

Meaning no disrespect, but in criticism of the narrowness of the Attorney General's view and the shortsightedness of his policy, I charge that he, more than all other combined agencies, is responsible for this condition. His prosecution of the socalled bull element of the exchange has driven out competition and made the market a one-sided affair. No single operator can affect prices on the exchange; and no sane "bull" operator would enter a combination while he or his fellows were under prosecution by the Federal courts charged with this very offense. The "bears" may combine at will, but for the "bulls" to combine is in restraint of trade, is an affront to the gentlemen of Wall Street, and proper cause for Government inter-

What a spectacle.

Mr. Chairman, if the Attorney General concludes finally that he can not proceed against "bull" operators, I believe a committee of Congress should make investigation of exchange methods. If it is a fact that millions of bales of cotton are sold annually on the exchange that never had and were never intended to have existence, thereby abnormally depressing its price, then the evil should be eradicated. In the name of common decency, in consideration for the southern farmer, who contributes more to the export trade of the United States than half of the rest of this country combined, this piracy on his products should be stopped. If the cotton exchanges are to be one-sided affairs, dominated by the "bears," it would be infinitely better to abolish them altogether. Congress should know the facts, and, knowing them, should pass such legislation here as will protect the producers of this country.

A normal price for the present crop of cotton would have been 124 cents per pound. Much of it has sold as low as 8 cents per pound. Owing to bear manipulations, aided and abetted by the Government, the cotton producer has easily lost 3 cents per pound on the entire crop, or \$215,000,000; and two-thirds of this amount, or approximately \$145,000,000, has been given to foreign spinners.

Mr. TRIBBLE. Will the gentleman yield for a question? Mr. AIKEN of South Carolina. Certainly.

Mr. TRIBBLE. I understand the gentleman introduced his bill some time ago.

Mr. AIKEN of South Carolina. Yes.
Mr. TRIBBLE. Has the gentleman been able to get the
Committee on Agriculture to investigate and report his bill?

Mr. AIKEN of South Carolina. No; I have been able to get no report at all from the committee.

Mr. TRIBBLE. They had not investigated that, so far as

the gentleman knows, so as to report that bill?

Mr. AIKEN of South Carolina. They have not, so far as I know. I would willingly accord sincerity of purpose to the Attorney General if, accepting this horn of the dilemma, he did not appear ridiculous in the sight of all good citizens, interested in the welfare of a common country. Perhaps, as a newspaper in my district tersely puts it: "He prefers the hug of the bear to the horns of the bull." [Applause on the Democratic side.]

While I thought the prosecution of Brown, Hayne, and

Scales was little less than criminal, since the Attorney General has assumed the responsibility and given the "bears" the benefit of the Government's support, I could see no reason why the "bear" element, who had robbed the producing class of fully \$3,000,000 should not also be prosecuted, and to that extent aid in demoralizing their robber band. With this idea in view, I directed a letter to the Attorney General, asking why these men should not be prosecuted. I have my letter to him and his I shall not read them, but will ask leave to print them in the RECORD.

In his reply the Attorney General says if he had evidence of the existence of a "bear" pool he would proceed against it, as he has proceeded against the so-called "bull" pool. While I can not furnish him such evidence as would be conclusive in court, such investigation as I have made convinces me that the evidence against the "bear" and "bull" elements of the exchanges is tangible alike; that the market can neither be boosted nor beared by one man [applause on the Democratic side]; that there are men on the exchanges who operate almost exclusively on the "bear" side and operate in collusion with other "bear operators; that these raids on the market are often planned months before the actual coup; and that the robber band planning them will use every possible instrumentality, including the Government, to carry out their damnable purposes. How many times have they had advance information of the Government reports. Who would deny that they have or have had agents in the statistical departments of this Government? Now, these facts are all known to the Attorney General, and yet he comes up with the prosecution of the "bull" clique in his right hand, and in his left with the lame excuse that he does not know who the "bears" are. [Applause on the Democratic side.]

The regular "bear" cotton speculator is as well known in exchange circles as the officers of this Government are known to the people of Washington. I have here in my possession the names of several "bear" firms who will be found on the "bear" side of every important exchange transaction, and they were the immediate beneficiaries of the Government raid on the market two years ago. If the Attorney General will arraign his witnesses in the pending case and call on the parties under prosecution for evidence, and then rake the letter files of the "bear" element, as he did in the case of his prosecution of the "bulls," he will not be lacking for evidence. A "bear" pool was on, which held the future market a cent a pound below the spot market at the very time the Government began proceedings against the so-called "bull" clique, and that very act, as I have shown, gave rise to the so-called "bull" pool, as a defense measure, originating with the cotton mills.

Mr. HEFLIN. Mr. Chairman, will my friend permit a

question?

Mr. AIKEN of South Carolina. Certainly.

Mr. HEFLIN. Is it not a fact that at the time the Attorney General prosecuted what is called the "bull" raid the spinners were taking cotton?

Mr. AIKEN of South Carolina. Yes; I have just mentioned that

Mr. HEFLIN. The spinners were taking this cotton? Mr. AIKEN of South Carolina. Certainly they were.

Mr. HEFLIN. I have not had the pleasure of hearing all of my friend's speech; but has the gentleman heard of any grand-jury indictment of "bear" raids this fall?

Mr. AIKEN of South Carolina. There have been absolutely

none, so far as I know.

Mr. HEFLIN. Since the gentleman called upon the Attorney General has he any reason to think that anybody in the Department of Justice has investigated and reported on a "bear"

Mr. AIKEN of South Carolina. Not to my knowledge. I have heard of nothing of the sort. Of course the interest of the producer was not considered, and it is evident that the Attorney General's assertion that the prosecution was for the protection of the mill interests was at that time groundless. This letter of the Attorney General shows ignorance of condi-

tions that is lamentable or bias that is unworthy an officer of this Government. I give my letter and his reply to the public for what they are worth. [Applause.]

The letters referred to are as follows:

ABBEVILLE, S. C., October 31, 1911.

Hon. George W. Wickersham, Attorney General, Washington, D. C.

Hon. George W. Wickersham.

Attorney General, Washington, D. C.

Dear Sir: I note that the case against the Wall Street "bulls" charging them with cornering cotton is still in the courts, and assume that you will push the prosecution to a conclusion.

While I do not concur in the opinion that it was the proper function of the Government to interfere with the enhanced value of a commodity that meant so much for the wealth of this country, I assume that you can justify the prosecution legally.

If, then, the Government had a legal right to proceed against a combination of speculators whose purpose was to force it, it has the same legal right to proceed against a combination whose purpose is to force down the price of the same commodity.

Of the American cotton crop, approximately one-half is sold in foreign markets. A decline of 2 cents per pound means the loss to this country of \$60,000,000 and to the southern farmer of \$120,000,000. It is certain that "bear" pressure on Wall Street has forced a decline of fully 3 cents per pound in the present market, thereby robbing the South of approximately \$105,000,000 and giving it to foreign spinners. This decline has been brought about by the bear element overselling the market, publishing false or misleading statements, and combining to keep buyers out of the market. With no extensive knowledge of exchange methods, I think it is safe to cay that if a combination may advance the market a combination may likewise depress it, and the fact is it is now being done.

Then, should not the Government interpose? If it was right in the former instance it is right in this, and when the wealth of the Nation is threatened and the competency of southern homes is being absorbed by the foreigners, should not the Government at least place the weight of its influence and power with its own citizens? An investigation of "bear" tactics would probably reveal ample ground for criminal action against the leaders, and prosecution would probably dissolve the unfair combination and allow cotton

MR. WICKERSHAM'S REPLY.

Office of Attorney General, Washington, D. C., November 6, 1911.

Hon. WYATT AIKEN, M. C., Abbeville, S. C.

Hon. Wyatt Aiken, M. C.,

Abbeville, S. C.

My Dear Sir: I have your favor of 31st ultimo. I quite agree with you on the general proposition that if cornering a product which is dealt in in interstate commerce for the purpose of increasing its price is illegal, similar cornering for the purpose of depressing its price is illegal, similar cornering for the purpose of depressing its price is illegal, similar cornering for the purpose of depressing its price is illegal, similar cornering for the purpose of depressing of the price is leastly understood. A number of men get together and by their combined means or credit buy up enough of the commodity to control the market, withhold it from sale until the demand for it forces the price to the point at which they are willing to let it go, and thereby impose upon the manufacturer, who must use the product, the burden of an artificial price.

It is not so clear by what process a "bear pool" is organized or conducted, and I have no evidence in this department of a tangible character which enables me to form the opinion that any designated individuals have combined to depress the price of cotton below its normal figure. Moreover, it is not quite clear in my mind how such a "bear pool" can operate to restrain interstate commerce. I suppose the method by which such a combination would operate would be to throw upon the market at a given time a quantity of a commodity in excess of the demand, which would result in its being taken only at prices which the purchasers thought would enable them to sell at a profit.

I don't at all know what the practice is among the cotton growers in your State, for instance, respectfulg the sale of their product. When I last had occasion to examine the question, which was a few years ago, the crop was pretty generally sold to the cotton factors before it was picked, the price being based upon the prevailing price of the previous year, and increased or decreased according to the ratio between the crop produced in the country the preceding year a

me any detailed information available to you, going to show the exist-ence and operation of any combination formed for the purpose of

me any detailed information available to you, going to show the existence and operation of any combination formed for the purpose of depressing the price of cotton.

In the proceeding against those engaged in the so-called "bull cotton pool" which the Government brought a year or so ago, the United States circuit court in New York held that "corners" were illegal and immoral, but that a combination formed to corner and enhance the price of cotton did not operate in restraint of interstate commerce, even though, as was alleged in the indictment, the necessary effect as well as the intended purpose of the combination was to increase the price which the spinners had to pay, and, as a matter of fact, by so increasing the price a large percentage of the spinners had refrained from manufacture and had thereby been restrained in commerce among the several States. An appeal from the judgment of the court, sustaining a demurrer to the essential counts of the indictment, has been argued in the Supreme Court of the United States and is now under consideration. If the court shall decide the essential question involved and not let the case go off on a technical matter of pleading, we may have some light which will be of aid in the enforcement of the law against other combinations of a like character. But, aside from that, the greatest difficulty I should have in dealing with the case you mention is what I have outlined above.

Very respectfully,

Geo. W. Wickersham,

Attorney General.

GEO. W. WICKERSHAM, Attorney General.

Mr. HAY. Mr. Chairman, how much time has the gentleman from South Carolina [Mr. Aiken] consumed?
The CHAIRMAN. The gentleman yields back two minutes.

Mr. HAY. I yield 15 minutes to the gentleman from Ohio

[Mr. BULKLEY]

Mr. BULKLEY. Mr. Chairman, the Secretary of War, in response to a resolution of inquiry, recently transmitted to the House a letter on the subject of the distribution of the mobile Army of the United States, and in that letter he recommended the immediate abandonment and sale of 18 Army posts, to be followed later by the abandonment of 7 more definitely named posts, as well as several others to be eliminated after a careful military study of the relative advantages of existing posts.

The mobile Army within the United States is now distributed among so many widely scattered posts that economy of administration is impossible. There is an excessive waste in the cost of transportation of men and of supplies of all kinds, many of the posts being extremely remote from advantageous markets. waste in transportation alone is believed to exceed \$2,000,000 a year. There is also great waste in the cost of maintenance, because most of our Army posts are beautiful parks with great expanses of lawn and miles of roads, sidewalks, water systems, and sewers to be maintained at public but without commensurate public benefit, and certainly with no military benefit whatever. The annual saving which would result from concentrating the mobile Army into seven or eight large posts located in centers of supply is estimated by the Secretary of War at more than \$5,500,000, or about one-fifth of the entire cost of the mobile Army.

Here is, indeed, an opportunity for a large economy in our annual Army appropriations, but the economy is possible only through a radical change in the arrangement of Army posts, a change which would involve the abandonment of many posts now in fairly good condition, and at the same time an initial expense in establishing or enlarging the posts which may be selected for permanent occupation. In this connection, the annual report of the Secretary of War calls attention to the fact that \$94,000,000 have been invested in Army posts, exclusive of posts in the Philippine Islands. It would be a bold proposition to suggest the abandonment of so large an investment. But, fortunately, no such proposition is involved in the concentration plan outlined by the Secretary in his recent letter. To make this clear let us analyze the \$94,000,000 investment and determine what part of it would be unaffected by the proposed concen-

More than \$3,000,000 represents cost of posts already abandoned, so that the investment in occupied posts is only about \$91,000,000. Of this about \$1,000,000 is invested in military prisons, \$2,250,000 in Army hospitals, and \$500,000 in the Military Academy at West Point. Posts in outlying Territories—Alaska, Hawaii, and Porto Rico—represent an investment of over \$2,000,000, and three and one-half millions is invested in supply and remount depots and headquarters. Posts and fortifications of the Coast Artillery have cost about twentyfive and three-quarter millions. Adding together these invest-ments which would not be affected by the concentration we find that in all \$35,000,000 must be deducted from the \$91,-000,000 invested in occupied posts, leaving a total of \$56,000,000 invested in the mobile Army posts which would be involved in the concentration plan.

The plan proposed by the Secretary of War contemplates the retention for special purposes of certain posts outside of the seven or eight main posts in which the bulk of the Army is to concentrated. Forts Oglethorpe and Riley, according to the program, would be retained as Cavalry posts, and Fort Sill as a school of Artillery and musketry fire. It is recommended

that garrisons be maintained at Forts Bliss and Huachuca to patrol the Mexican frontier, and at Fort Myer for escort and ceremonial duties in Washington. These six forts represent an investment of eight and one-half millions of dollars.

Fort McPherson, which cost \$1,000,000, and Fort Sam Houston, which cost three and a half million, are definitely recom-mended as permanent posts. Either Fort Lawton or Vancouver Barracks, or both, should be retained, says the Secretary, and one or both of the Presidios of San Francisco and Monterey. Either Fort Sheridan, Fort Benjamin Harrison, or Columbus Barracks will be selected for permanent occupation, as will at least one post out of a group situated in Kansas, Nebraska, and Iowa. Assuming that in these doubtful cases the selections are made so as to save in each case the post representing the largest investment, Vancouver Barracks, the Presidio of San Francisco, Fort Sheridan, and Fort Leavenworth would be chosen for permanent occupation. The aggregate cost of these is eight and one-half millions. It is suggested that Forts Omaha, Crook, and Des Moines are so near Fort Leavenworth that all might be retained and used together as a group.

These three last-named forts cost nearly \$3,000,000.

The total aggregate cost of the mobile army posts which would thus almost necessarily be retained is \$24,500,000. Deducting this from the \$56,000,000 invested in posts now occupled by the mobile army leaves \$31,500,000, which is about the cost of the posts which would ultimately have to be abandened

in order to carry out the plan of concentration.

There should, perhaps, be a brief explanation of what this \$31,500,000 investment means. It is simply the total cost of land and construction work in those posts which ought to be abandoned for the sake of economy and effectiveness in the Army. This cost figure does not give the slightest hint which would help one to make a guess as to the actual value of the property to-day. In some cases the land on which posts are situated has increased in value since its purchase, and in many cases the land cost the Government nothing, so that there can be no doubt but that the land on which these posts are situated could be sold for much more than it cost. On the other hand, a sale would show a heavy loss on the construction work, both because of ordinary depreciation and because of the unsuitability of many of the post buildings and works for any other purpose. For all practical purposes the real cost of making the proposed change in the distribution of the Army would be the cost of the necessary additions and improvements to the posts to be retained, minus the selling price of the abandoned posts. As yet I have seen no data on which an intelligent estimate of this cost could be made. It is quite conceivable that the difference might actually be in favor of the Government, as it is probable that little, if any, real estate would have to be bought to effect the concentration. In any event it is safe to say that the cost of making the change would be saved in the

course of a very few years.

Great as would be the economy made possible by this concentration plan, and important as economy is in these days of extravagant Government expenditures, the money saving is still of far less importance than the increased military effectiveness which would result from concentration into larger posts. If our Army is merely a force of police or constabulary, then \$90,000,000 a year is far too much to pay for it. And if it is to be made a competent army, able properly to defend the Nation in case of war, then it must be so distributed as to permit of its being trained and disciplined in the tactical units which must necessarily be used in modern warfare; that is to say, in

brigades and divisions.

On the necessity of concentration in larger posts in order to provide for the proper military training of the Army, let me quote here from the testimony of the Chief of Staff before the Committee on Expenditures in the War Department:

Committee on Expenditures in the War Department:

Gen. Wood. The scattered condition of our Army has rendered instruction by officers in command of large bodies of troops practically impossible, except on the rare occasions of joint maneuvers with the militia. The great objection to the small post, from an economical standpoint, is that it requires practically the same machinery as a large post, and from a military standpoint it is undesirable, as it tends to inefficiency because of the small size of the garrison. A relatively large percentage of the men are occupied in what we call police work—that is, the repairing of roads, walks, the general cleaning up of the posts, and duties incident to the preservation of grounds and buildings—and the detachment of a large percentage of the men from each organization for this work, thereby reducing the number present for practical military instruction, is not only discouraging to the officers, but discouraging to the men. You take a battalion post, for instance, with companies of 65 men each; a company commander who can get out for drill more than 25 or 30 men is fortunate. The result is that both officers and men lose interest in their work.

It is extremely difficult to simulate, with a small number of men, the presence of the full organization, and military instruction loses interest and becomes at times almost impracticable because of the small number of men present for the work. This is the general effect of small

garrisons on military instruction. There is also another military feature of the small garrison which is very objectionable, and that is the small number of officers present, which does away to a large extent with progressive work; there is not that competition and interchange of ideas and emulation which is found in the larger garrison. So it can be stated, as a general proposition, that the small post is not only undesirable from an economic standpoint, but it is also undesirable from the standpoint of straight military efficiency.

The distribution of the mobile army in 49 widely scattered posts is at once inconsistent with economy and unfavorable for the development of military efficiency. Indeed, a force so distributed is not and can not be an army in the modern sense.

A modern army is a force of trained infantry, supported by field artillery and cavalry and assisted by certain special services which are concerned with the details of field engineering, communication, supply, and sanitation. There can be no prospect of victory in war unless the company and regimental units are welded into a properly coordinated and disciplined fighting machine before meeting the enemy. The Army of the United States is an aggregation of excellent soldiers, without proper coordination, and so distributed that effective team work is

absolutely impracticable.

The armies of all other civilized nations are organized and distributed with a view to securing team practice in time of peace. A modern army, like that of Germany or Japan, will pass from the peace status to the war status without any change in organization or administration. With them the war teams and the peace teams are the same. Our Army, on the contrary, if war comes, must abandon a peace organization, which has no relation to war, and must take up a war organization which is not and can not be tried out in peace. Most of our higher officers must al andon onerous and absorbing peace duties, which involve no preparation for war, and must take up war duties for which they can have no practical preparation in peace. Nations like Germany and Japan and France not only use the same teams in war and peace, but they play the same game in war which they practice in peace. We must not only change the teams, but must begin playing a new game.

Organization and distribution are closely connected. sums of money are to be expended in training an army in time of peace, it is of first importance to distribute the Army so that it can be trained. This means concentration. It is not necessary that the whole Army be concentrated in one place; various considerations make it desirable to distribute the force in several groups, but it is absolutely imperative that each of the several groups should be an effective unit of instruction. Each group must therefore be a force of not less than a brigade, comprising all arms in which the essential idea of teamwork can be developed—infantry, cavalry, field artillery, engineers, signal troops, and sanitary troops, in their proper proportion to each other, and such a group must be habit-ually administered, disciplined, and instructed as a team. It is not essential that all of the troops in each group should be in the same post, but they should be so stationed that they can easily be assembled by marching; otherwise the essential subordination of the individual arm to the team will be impossible.

The present distribution of the mobile army is absolutely inconsistent with this idea of distribution for effectiveness. The Infantry, Cavalry, and Field Artillery within the United States comprise not more than 27,000 men. Yet they are scattered in 49 different posts. In ro post is there more than a fragment of a team, and in no post are the three arms combined in proper proportions for tactical instruction. Nor is there a single group of posts so situated that their joint garrisons can form a tactical team by a reasonable march of concentration. It is obvious that a force so distributed is not an army in the sense that it has or can have proper training, and that the present distribution is as unfavorable for military effectiveness

as it is for economical administration.

The history of the development of our Army during the past 25 years shows a steady evolution toward concentration into larger bodies of troops. Twenty-five years ago our Army was small and it was scattered, more or less necessarily, in many small posts, a large number of them garrisoned by only one company. With the end of Indian troubles and the settlement of the far West the necessity for large numbers of small posts ceased to exist, and after the War with Spain several battalion posts and a few regimental posts were established. Within the last five years the number of regimental posts has been increased and three brigade posts created. Yet there is no adequate provision for the joint action of Infantry, Cavalry, and Artillery. The brigade posts of to-day mean simply large bodies of troops, sometimes comprising only one arm of service, or possibly comprising all the arms in improper tactical proportions. There is no post to-day which has a garrison as large as a brigade with all the arms of the service in their proper proportion.

The result of this system is that we have numerous more or less efficient units, which in case of emergency would have to be put hurriedly together to form a fighting machine. It requires no argument to show the fallacy of such a system. However efficient the independent units, it is quite impossible that they should all work together efficiently in war unless they had had the opportunity of practicing together in peace.

The smallest military unit which would in war include all arms-Infantry, Cavalry, Field Artillery, and technical troops-is a division, comprising approximately 15,000 men. The military systems of England, Germany, France, Russia, and Japan provide for many such divisions, which are actually in being, as distinguished from our divisons, whch exist only in theory. All these powers assemble their divisions from time to time for military training. This is not done in our Army, and it was only with the greatest difficulty and after a delay which would have meant disaster in actual war that we were able to mobilize a single division, with its equipment, on the Mexican frontier last year. Not only were we unable to as-semble a single division fully equipped and ready for action. but such had been our military training that there were many officers in that mobilization who had never even seen a brigade of troops, much less a division.

We have but to examine the military preparation of either France or Germany to see what a really prepared nation does for its defense. Along the frontiers of these countries there are certain strategic points well fortified. Back of these, in proper strategic position, ready to move to any point on the frontier where aggression is attempted, we find not one but many divisions. And there are on file war plans which would

put these divisions in motion at an instant's notice.

With us the coast fortifications take the place of the frontier forts of France or Germany, and they are well prepared to perform their functions in war. But it is obviously impossible that the whole of our long coast line should be so fortified as to prevent the possible landing of an enemy; and unless the mobile Army shall be concentrated in tactical units at strategic points from which troops can be hurried forward to any place where an assault might be made, we really have no system of national defense in the light of modern military practice. To oppose proper military concentration on the ground that it involves the abandonment of the fruits of ill-advised expenditures in the past or because of any mere local interest is to take a most short-sighted view of one of our greatest national problems, for unless we provide for national defense in a true military manner we shall be throwing good money after bad and exposing to needless risk the lives of thousands of our citizens who believe and have a right to believe that Congress is making every proper provision for the national defense. [Applause.]

Mr. PRINCE. Mr. Chairman, I now yield seven minutes to my colleague on the committee, Mr. Anthony.

Mr. ANTHONY. Mr. Chairman, I yield one minute of my

time to the gentleman from Connecticut [Mr. Hill].

Mr. HILL. Mr. Chairman, I thank the gentleman from Kansas [Mr. Anthony] for his courtesy. In reply to the statement of the gentleman from New York, in which he said that the reason the Singer Sewing Machine Co. located in Glasgow was so as not to invalidate their patents because of the English law and that that of itself was a sufficient reason, I will say that the English law was not enacted until 1908, and I was in Glasgow in 1895 and the factory was there then and they were employing 5,000 people. That was 13 years before the re-strictive patent law went into effect. I just now telephoned the Patent Commissioner, and I find that it was enacted in 1907 and did not go into effect until January 1, 1908, and for years and years before that the factory at Glasgow was in full opera-

I stated the other day that we were not exporting locomotives to Europe, and the gentleman cited shipments of 359 locomotives last year, nearly all of which went to South America and other nonmanufacturing countries. I have just telephoned to the Bureau of Statistics, and they said that last year not a locomotive went to England, Germany, or France, but that one went to Austria. I will leave the facts as they are. plause.1

The CHAIRMAN. The gentleman from Kansas [Mr. An-THONY] is recognized.

Mr. ANTHONY. Mr. Chairman, during the present debate on the Army appropriation bill there has been afforded opportunity for criticisms of our Regular Army. These criticisms have come from two sources. They have come from men within the Army, men who are really friends of the Army, but who are criticizing it and calling it inefficient in order to lay the groundwork for a demand for a larger army. And, on the other hand, Mr. Chairman, these criticisms are coming from a class of

people who are trying to disparage our Army for political reasons, and I simply want to make a general observation here that in my experience—and I have been familiar with the United States Army for the last 25 or 30 years-I know it has never been at a higher state of efficiency both as to officers and men than it is to-day. [Applause.] It is my belief that with all the vast amount of money that is expended through the various bureaus of the War Department that there is not a dollar of that money but that is honestly expended. At the beginning of this debate the gentleman from Kentucky [Mr. Helm] made some rather broad assertions in regard to the lack of business ability at the War Department. He made use of the expression:

In other words, the more the committee investigated-

Meaning the Committee on Expenditures in the War Depart-

the less of business methods is discovered in the War Department.

He also said:

There has been no one before this committee, no officer connected with the War Department, who will assert that prior to the appropriations for 1909 and 1910 there was anything approaching a system of business methods in the department; but, as a matter of fact, it would appear to have been all but chaotic.

I want to say in answer to that, Mr. Chairman, and for the reason that at the head of one of the bureaus of the War Department there happens to be a distinguished officer who is a citizen of Kansas and once a resident of my home town, that there is at least one bureau of that Department against which this charge does not lie. There is that bureau of the War Department, the Bureau of Ordnance. for which it can be said that it has exceeded commercial enterprise in private life in the accuracy of its business transactions and the splendid results which have been brought to the Government. That bureau, under the able administration of Gen. Crozier, expends about \$11,000,000 of the annual Army appropriation, and it is a fact that in every article furnished for the Government, manufactured by the Government, at the great arsenals and manufacturing establishments under that bureau, is produced at a less cost than the same article can be produced for in the commercial walks of life. I say that it is a rank injustice to make a broad charge of that kind against a department or a bureau of this Government, and I do not desire to allow it to go un-

challenged. [Applause.]
For the information of the Committee on Expenditures in the War Department and for the information of this House I want to say that the statistics show, for instance, that in the manufacture of the various parts that go to make up the equipment of a 3-inch gun at the Government arsenal the cost of the 3-inch gun carriage is \$2,500.60. The lowest purchase price of the same carriages from manufacturing concerns was \$3,398, a saving of 35.3 per cent. In the manufacture of limbers, a part of a gun carriage, the Government cost was \$689. The cost when purchased by private contract was \$1,568, or a saving to the Government of over 127 per cent. In 3-inch caissons the cost at the Government arsenal was \$1,128.67, and the cost by contract was \$1,744, or a saving to the Government

of 54 per cent.

The cost at these Government arsenals of the manufacture of .30-caliber ball cartridges, of which the Government makes about 70,000,000, was \$26.95 a thousand. The cost to the Government of the 7,000,000 which it purchased from commercial manufacturing concerns was at the rate of \$35.80 a thousand, or a saving to the Government of 32 per cent on those which it manufactured itself.

And now, Mr. Chairman, I will introduce into the RECORD a letter written to the chairman of the Committee on the Expenditures in the War Department from Gen. Crozier, in which the attention of that committee was called to certain inaccurate statements, which so far that committee has not deigned to notice:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ORDNANCE, Washington, December 22, 1911.

Hon. Harvey Helm, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.
DEAR SIR: I have read with interest your speech in the House of December 16 relating to the busines methods of the War Department, and note a series of statements of the tenor of the following, which are quoted: "In other words, the more the committee investigated the less of business methods it discovered in the War Department." Also, "There has been no one before the committee—no officer connected with the War Department—who will assert that prior to the appropriations for 1909-10 there was anything approaching a system of business methods in the department. As a matter of fact, it would appear to have been all but chaotic."

2. I wish to enter a respectful denial of these general statements in regard to the department of the military service of which I have the honor to be the head, and, moreover, I invite your attention to the fact that you have made these general statements concerning the entire War Department without examining any officer of the Ordnance Depart—

ment in regard to them, or, as far as I am aware, indicating that you desired any evidence in regard to the methods used by that department in conducting its business. I ask you to read the following quotation from my annual report of a year ago, which bears directly upon this subject and upon the efforts which I had previously made to prevent the misapprehension, in regard to this department at least, under which ""The statement has been rather frequently made during the past year that the Government's methods are not economical, and considerable stress has been laid in the public prints, and even in Government publications, upon the alleged fact that very little is known about the actual cost of articles produced in the industrial operations of the Government, and that millions of dollars might be saved annually if these operations were conducted with businessike efficiency. The Ordnance Department has not been specifically included in this statement, but neither has it been specifically excluded, and the department shares in the general charge of loci nustries. So far as this department is concerned, the charge of loci nustries. So far as this department is concerned, the charge of loci nustries. So far as this department as yexamination or close knowledge of the administrative methods while has followed. For many years past special attention has been given by the department to the system of accountability under which its funds are expended and to the insurance that only the amount allotted for each particular manufacturer shall be expended upon the object for which the allotment is made. A detailed and comprehensive system of keeping track of the labor cost of all work done and of the material used is, and has been, in practice, and the results are accurate and reliable. In addition, in all statements of costs and in the price of the plant, depreclation, payment of officers and enlisted men, etc., which private manufactures must take into account and which it has been rather the fashion to assert that the G

WILLIAM CROZIER, Brigadier General, Chief of Ordnance, United States Army.

In the pending bill is a legislative provision which appears to me to be an unfair discrimination against a class of the most efficient officers in our Army. It is that section of the bill pro-viding that cadet service shall not be counted in computing the pay of officers and the length of service for retirement.

The counting of service as a cadet at West Point in computing length of service for pay and retirement is the only method of computing time that is fair and just. Any other method would select a class of officers from the Army and discriminate against

The proposed law declares that service is not service; it might as well propose to call white black.

When a cadet enters the Military Academy he takes and subscribes to the following oath:

I. A B, do solemnly swear that I will support the Constitution of the United States and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the Armies of the United States. (Sec. 1320, Rev. Stat.)

This is, in substance, the oath taken by every officer and enlisted man who enters the service. Not only this, but the cadet, when he enters the Military Academy, enlists as does an enlisted man, for he signs an agreement; he enters into an engagement with the Government to serve for eight years; and the Government is now, by refusing to accept the resignation of graduated

cadets, holding the cadet to this agreement.

By section 1326, Revised Statutes, the cadet is liable to be tried by court-martial the same as any other person coming under the purview of the Articles of War. And frequently he is

tried and punished according to these articles and the custom

It is claimed that the cadet is educated by the Government, while the officer appointed from civil life must educate himself at his own expense. No statement was ever farther from the truth than this. The examination that must be passed by the cadet to enter the Military Academy is quite as severe as that taken by the officer who comes into the service from civil life. If we try to put these two classes of officers on an equality, then the officer appointed from civil life should be required to pass an examination in all the subjects that the cadet has mastered. This would be preposterous, for men can not be found in civil life to accept commissions in the Army who can pass such examinations.

As a matter of fact, the cadet service is hard service, usually the hardest service performed by the officer during his lifetime. If the Government does not get a proper return from the money spent on the cadet, then West Point as an institution should be abolished and officers obtained from civil life to the exclusion of all others.

But the truth is that the work at the Military Academy is so difficult that many if not most of the officers of the Army who enter in other ways have not the mental ability to compass it, and they go all through their official life rendering service inferior to that of the graduate because of lack of mental capacity.

When the civil appointee to the line of the Army joins his company he knows nothing of the service. It takes at least four years for him to learn, from the enlisted men under him and from the officers over him, how to perform his duties to a degree of thoroughness so that he can be intrusted. During these four years he gets in pay \$6,800, in quarters allowance \$1,100, besides an officer's heat and light allowance. The cadet who enters the Military Academy at the same date as the civilian is appointed receives in pay during the four years \$2,400, and in allowances the cost of the upkeep of half a room at the Military Academy.

The civilian appointee has thus far cost three times as much as the cadet, and it is proposed by this bill that this cadet upon graduation, who is four years behind the civilian appointee in rank, shall lose the benefit of his cadet service in counting for pay and retirement.

It may be claimed that officers of the Medical Corps have to attain as high a standard of learning as the graduate of the Military Academy. Possibly this is so, but if we are going to equalize the positions of officers who graduate from the Military Academy with those who enter the Army as medical officers, then let them draw the same pay after the same periods of commissioned service.

But look at the laws and records as they now stand. medical officer enters the service as a first lieutenant. His pay is \$300 more than the graduated cadet. In three years from the time that the medical officer is commissioned he is made a captain and his pay is \$700 a year more than the graduated cadet, and the allowances make the disparity of the positions still very much greater. An examination of the Army Register will show many officers who served over 9 years as second lieutenants; it will show that the average time required to reach the grade of captain by all officers of the line is about 15 years, while the officers of the Medical Department appointed from civil life by law reach that grade in 3 years.

But even after these medical officers get their commissions they can not say that they have educated themselves, because they are sent to school usually before going out to take up any duties as medical officers. While they are in attendance at duties as medical officers. While they are in attendance at this school they do not get the pay and allowances of a cadet—which are just enough to support him—but, rather, they get \$2,000 a year with quarters, heat, light, and horse allowances of a first lieutenant mounted.

If service as a cadet operates against an officer because he is going to school, then let the same apply to all schools, and give all officers attending an Army school cadet pay and allowances.

Paragraph 458 of the Army Regulations gives a list of the schools in the Army. The following schools are for officers who, while in attendance, perform no other duties, just as do

The Army War College, Washington, D. C.; the Army Staff College, Fort Leavenworth, Kans.; the Coast Artillery School, Fort Monroe, Va.; the Engineer School, Washington, D. C.; the Army Medical School, Washington, D. C.; the Army School of the Line, Fort Leavenworth, Kans; the Army Field Engineers' School, Fort Leavenworth, Kans.

Why discriminate against the United States Military Acad-If you wish to reduce the pay of officers of the Army, do not single out a particular class and unjustly discriminate against them.

Section 7 of this bill affects not the Army alone, but the principle of counting cadet service affects the Navy pay also. Is the Navy Committee of the House committed to a reduction of the pay of naval officers? Surely they must be if they vote for this bill, for it will not be possible to apply one principle to the Navy and another to the Army.

Some comparative costs of manufacture at Government arsenals and private plants.

	Costs.		
Articles.	At arsenals.	By con- tract.	In- crease.
3-inch gun carriages	\$2,510.60 689.22 1,128.67 26.95	\$3,398.82 1,568.47 1,744.10 35.80	Per cent. 35.3 127.5 54.5 32.8

The total saving to the Government by manufacture at the arsenal, from the above figures on the vehicles mentioned, which do not constitute the entire equipment, averages 55 per cent of

The contract prices taken were, in each case, for vehicles produced by manufacturers who had previously fabricated large numbers of the vehicles in question, and who were consequently possessed of the necessary experience as well as of the tools, jigs, fixtures, and so forth.

Mr. HELM. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Kentucky?

Mr. ANTHONY. Yes. Mr. HELM. I am very sorry that I missed the statement of

the gentleman. I just came on the floor, and I would like to be advised, if it is not trespassing upon the time of the gentleman, as to what the charges were.

Mr. ANTHONY. I regret very much that I have not the time. I have only a few moments remaining.

The CHAIRMAN. The time of the gentleman has expired. Mr. ANTHONY. If I can get time from the other side of the House I would be very glad to continue the discussion. If the gentleman from Kentucky can secure it I would be glad to

The CHAIRMAN. The time of the gentleman has expired. Mr. HELM. I yield to the gentleman five minutes. [Laughter.]
Mr. ANTHONY. I accept the time, Mr. Chairman.
The CHAIRMAN. Is the gentleman from Kentucky control-

ling the time?

Mr. HELM. No; but I ask unanimous consent. The CHAIRMAN. The gentleman can not do that. Mr. PRINCE rose.

The CHAIRMAN. The gentleman from Illinois [Mr. Prince] is recognized.

Mr. PRINCE. Mr. Chairman, I wish to congratulate the chairman of the Committee on Military Affairs for the manner in which he has prepared the purely supply portion of this legislative bill. I also wish to say publicly that he has well presented his side of the contention in this legislative bill. However, I can not agree with him as to the provisions of the purely legislative portions of the bill.

He takes the position that there ought to be a five-year enlist-We take the position, on the other hand, that the enlistment ought to remain as it is now, namely, a three-year enlistment.

There are two schools of officers in the Army. One believes in making of the Army a permanent military professional personnel of enlisted men. They believe that a fighting man should be a machine. They want to enlist him and want him to stay there during his term of service, and finally put him upon the retired list. Now, the small Army that we have, if it were made up of the class of men they want to make it up of,

would be wholly inefficient to conduct a great war.

The other class of officers believe that the men should be enlisted for three years, and that, aside from the noncommissioned officers, these enlisted men should go back to the body of the people and take their places as citizens in the great affairs that belong purely to the civil portions of our country.

Now, I have listened very attentively to the discussion along these lines, and I wish to say that at one time in our history we had a three-year enlistment, and then at a later time we had a five-year enlistment, and still later the term of enlistment was put back to three years again. Finally, in 1894, the question came up again for settlement. It was settled then in favor of a three-year enlistment. That was at a time when

the gentlemen on the other side who are there now were in the majority and had control of the affairs of this Government, and Mr. Cleveland was President of the United States. Officers recommended at that time that we should go back to the flat three-year enlistment. It was then and there agreed upon, and since 1894 and up to this time we have been operating under a three-year enlistment instead of a five-year enlistment.

Now, let me read, briefly, here what The Adjutant General says about these enlistments. I think he puts the case very well. His statement is found on page 14 of the majority report:

I think men will be more likely to reenlist under the five-year than under the three-year system. At the end of three years a man has not become fairly weaned from home folks and home affairs, and home folks have not become weaned from him, but are constantly importuning him to come home, and at the end of three years he has not yet become fully adapted to the discipline and restraints of the military life; but at the end of five years all this is different. The home ties have been weakened; the young soldier has gotten over his homesickness; home folks have become reconciled to his absence; the Army has become a home to him; he has begun to realize the advantages that it offers him, and its discipline and its restraints now bear lightly upon him.

If that is the purpose—to take him and make him a fighting machine, to stifle the feelings of home in his breast and make him a fighting instrument pure and simple—then I say, go on with your five-year enlistment. If that is what you want, go on with it.

There is one of your highest authorities-The Adjutant General-who says the home ties are broken, the home feeling is destroyed, the milk of human kindness is driven out of the man, and he is a mere machine, to do fighting with and to remain in the Army.

What is our policy? Not to make him a mere fighting machine. It is to educate him as a soldier, and then let him go back to the body of the people as a trained and a good, lawabiding citizen. Thus he becomes a part in the civic affairs He is there to train his fellows and to give them the benefit of his military education. It is a hundred per cent better for this country to have 10 men enlist for 3 years and 9 of them go back to the body of the people, thus having 9 men who have had military service, than to have 1 man in the military service permanently, with a 30-year enlistment in the Army.

It is alleged that we will reduce the expense of the Army by five-year enlistment rather than a three-year enlistment. That is denied. The minority views express this:

It does not secure any economy, if compared with the three-year system over a reasonable period of time, and especially if the three-year system is used without reenlistments, as is proposed by the present administration of the War Department. A comparison over a period of 15 years between the three and five year enlistments shows a balance in favor of the three-year enlistment of over \$25,000,000.

Do you want to economize? Do you want to save? Then keep the present proposition of three years and save the \$25,-000,000, as against \$2.000,000 under your five-year proposition.

What else? The National Guard to-day is a part of the Army,

under the Dick bill. Do you want men to enlist in the National Guard for five years? Necessarily it has to be done, in order to put them on a par with the regular establishment and draw the pay and become a part of the reserve line.

My colleague smiles at that and says it is different in different States; but if you want to have a reserve force of fighting quality among the national guardsmen they should be put

upon an equality with the enlisted force of the Regular Army.

Now, to nub it up, what is involved here? The one is a policy of making a soldier for five years, and keeping him forever a soldier and no part of the reserve of the country. The other policy believes in having soldiers enlisted for three years rather than five, and have a gradually increasing body of men who have had military experience, as reserves. I do not care whether you pay them or not. They are there in the body of the peo-ple, ready to respond to the colors in case of war. Take the great Civil War. The men who had been at West Point who belonged in the Southland and the men who had been at West Point and belong in the Northland rallied to the colors. Grant was in civil life; McClellan was in civil life; Sherman was in civil life. A long line of distinguished men in the Southland were in civil life. They rallied to the cause and fought under the colors. Do you believe the men who have been in the Army and have taken part as soldiers are less patriotic to-day than they were then?

For that reason and for economical reasons, for the national defense, for the good of the service as a whole, we favor the three-year enlistment instead of the five-year enlistment.

Now, let us go a little further, for I must be extremely brief. I want to discuss these questions under the five-minute rule.

Section 4 of this bill establishes the supply corps. My colleague upon the committee says that the officer in charge is an acting major general. Let us read:

acting major general. Let us read:

The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are herey extended so as to apply to the supply corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provision of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices and officers of the supply corps with rank above that of colonel.

What is that act?

And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired shall be retired with the rank, pay, and allowance as authorized by law for the retirement of such corps or department chief ment chief.

Mr. HAY. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. HAY. On page 60 of this bill in the last proviso you will find that the part of the law to which the gentleman refers has been changed so that they will not be necessarily reap-

Mr. PRINCE. That is true; but once having been appointed as an acting major general he will be retired as such under the provisions of that law.

Mr. HAY. If he happens to be a major general when he comes to the retiring age.

Mr. PRINCE. Let me read again:

And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired shall be retired with the rank, pay, and allowance as authorized by law for the retirement of such corps or department chief.

Now, I may be wrong about it; but I throw that out as my suggestion, and if I am wrong and the gentleman does not want it that way we will correct it by amendment. It is capable of that way we will correct it by amendment. It is capable of that meaning, and if my colleague will change it and correct that inequality I shall be glad of it.

What further? The bill says that the officers now holding commissions shall be put on one list. Let me read:

The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the General Staff Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and if the vacancy occurs in a grade not above that of colonel by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred.

What does it mean by that? These men are put on one list, one becomes an acting major general and is retired, another is pushed up and becomes an acting major general and retires. How long will it take these men, one by one, if my contention is correct, to all become major generals in a staff, in a corps of less importance than the Chief of Engineers, which is presided over by a brigadier general, in a staff of equal importance to the Chief of Ordnance, presided over by a brigadier general? Now, what do we have? We have a corps and an acting major general to be retired as a major general over which presided during the Civil War a brigadier general who fed 2,000,000 men and who carried on the great war, so far as the Union forces were who carried on the great war, so far as the Union forces were concerned. He was satisfied with the pay of a brigadier general, and it was thought to be ample. Major generals like Hancock, Meade, and Halleck were at the firing line; but here is to be created a major general in a swivel chair doing less work than the chief of other bureaus.

Then what comes? The next move will be to make a major

general out of a Chief of Engineers and the Chief of Ordnance.

They never level down but always say, "Give us equal rights,"
in the different bureaus. I am utterly and unalterably opposed to promotion by legislation. [Applause.] I have no objection to any man earning his spurs on the field of battle or in the discharge of his duty, but this thing of constantly promoting staff officers by legislation I have resisted all along, and shall continue to resist it as long as I am able to resist anything.

Now, let us go a little further. They say that it will save money by this five-year enlistment. At whose expense? At the expense of the enlisted soldier who does the work in season and out of season, who marches in sunshine and in the rain, in flood and in storm. He must lose 12½ per cent and the non-commissioned officer 15 per cent, which is taken from his salary; and the supply corps is to be promoted by legislation. To him that has the most he shall receive more, and to him that

has the least shall be taken away that little which he now has. Has there been a word on the part of any enlisted man of the 70,000 soldiers that he wants a three or a five year enlistment? The officers want it. Has there come to this committee a word from the men who are affected by the legislation, the man who takes the oath of office as a private soldier and does the work; has he been heard, has the chairman submitted the question to him? Has he been called before the committee? Not a one of them has been heard.

Mr. AMES. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. AMES. Has the War Department asked for this legislation?

Mr. PRINCE. As to that I do not know.

Mr. AMES. Has the committee any knowledge of a demand

for such a reorganization?

Mr. PRINCE. Of course, there are two ways of looking at that. My colleague on the committee, the chairman, the gentleman from Virginia [Mr. HAY], a very good man, believes that the responsibility for legislation rests upon Congress, and he thinks the War Department is merely to give advice. Others may think they should go to the War Department to first find out what Congress should do. 'There are differences of that kind. I am not going to quarrel with my colleague if he believes along another line.

Mr. FITZGERALD. Mr. Chairman, will the gentleman

yield?

Mr. PRINCE. Yes.

Mr. FITZGERALD. Which position does the gentleman occupy? Does he believe the responsibility is upon Congress, or does he think he should first go to the War Department and find out what they want?

Mr. PRINCE. I would say this to my distinguished friend: I think it is the business of the Member of Congress to introduce a bill and have it referred to a committee. I am in full accord with having the views of the War Department upon that bill, and I do not think it would be at all out of the way to send the bill to the War Department and gather facts, as you would anywhere else, because under the Constitution there are three coordinate branches of the Government—the executive, the legislative, and the judicial. Under the Constitution the President is the Commander in Chief of the Army, and the Commander in Chief, through the proper officials, should be consulted in connection with the Army. For that reason I take that view of it. Does that satisfy the gentleman?

Mr. FITZGERALD. That is not what the gentleman said. He said there two views-one that the gentleman from Virginia believed the responsibility for legislation rested upon Congress, and that he should act upon that theory. Some other gentleman, he stated, had the idea that they should first consult a department as to what legislation is to be enacted, and then What I desire to know is whether the gentleman from Illinois thought, the responsibility for legislation being on Congress, that Members of Congress should act on their own initiative or whether they should simply be the messenger boys for the departments in initiating and carrying out legislation?

Mr. PRINCE. I think, if my friend will read in the RECORD what I have said he will find that it is an answer to his ques-

tion-full and explicit.

Mr. FITZGERALD. There is the question-

Mr. PRINCE. I can not yield any further.

Mr. FITZGERALD. I assume that the gentleman does not

care to be explicit.

Mr. PRINCE. Mr. Chairman, I have answered the gentleman, as I have always tried to answer anybody, but I do not think it is fair to reiterate questions that I have already answered. Let us go a little further. As to the service corps, there is a difference of opinion upon that. Here are to be enlisted 5,000 men, noncombatants, a part of the Army. What peculiar position do they hold? They are not soldiers and they are not civilians, but they are subject to order as soldiers in a sense. Do you believe, Mr. Chairman, that you can find 5,000 American citizens who will subject themselves to such a condition as that? Do you believe it? What is it done for? It is to get rid of certain effects that there might be in respect to the eight-hour law. It is to get rid of certain control or lack of control that the officers now have over the civilian, who may or may not be a member of a union labor organization; but when they enlist the eight-hour law can not apply; when they enlist they become hewers of wood and drawers of water, subject to court-martial, subject to the guardhouse, and everything of that kind—a thing wholly foreign to the American Army, outside and away from it. Do you believe you can get men to enlist for that purpose at that pay to mow the lawn, to do the menial work of that kind, not to be a soldier and yet subject to orders as a soldier-men to occupy such an anomalous position in the American Army?

I believe in the clerks that are there performing the duties

of clerks and the wagon men performing their duty.

Mr. FITZGERALD. Mr. Chairman, I will ask the gentleman if the Secretary of War recommended it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. There is no objection from the War Department.

Mr. HAY. Mr. Chairman, I have a very few moments in which to answer some of the remarkable arguments that have been adduced.

The CHAIRMAN. The gentleman from Virginia has 12 min-

utes remaining.

Mr. HAY. As I understand my friend from California [Mr. KAHN], his principal objection to the five-year term is that it will increase descritions, and he took a very large part of his time in undertaking to explain to the committee that the fiveyear term would increase desertions because, as he said, under the five-year term heretofore desertions had been greater than they were under the three-year term. We had before us three of the most accomplished recruiting officers of the Army; The Adjutant General of the Army, who has charge of the recruiting service; the Inspector General of the Army, and various other officers, and while some of them were opposed to the fiveyear term of enlistment, every one of them without exception stated that the five-year enlistment would not increase desertions; that the bulk of the desertions occurred in the first year of service; and that it made no difference whether the enlistments were for three years or five years so far as desertions were concerned. I think that is sufficient answer to what the gentleman said on that subject. He also undertook to call in question the figures which I have given in this report as to the saving which will be made. The gentleman undertook to say that he had a set of figures which showed that instead of the saving upon clothing being \$\$71,000 a year it will be only some two hundred and odd thousand dollars a year. The gentleman knows that when the bill was introduced last spring to provide a five-year term of enlistment in the Army that the clothing allowance which is fixed by the President, or rather by the War Department, was such that the figures given in this report are absolutely correct, correct indeed mathematically; but after this bill was introduced the War Department issued an order cutting down the clothing allowance of these enlisted men when they reenlisted, and of course that will make the saving not quite so great as it would have been if the clothing allowance had remained at the same figure it was when that bill was introduced.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAY. Yes; for a question. Mr. KAHN. I simply took the figures from the report accompanying this bill-not the bill that was introduced last spring, but the report of the majority of the committee accompanying this bill-and on page 44 of this report you make the statement that-

Mr. HAY. If the gentleman wants to ask me a question, let him ask it; but if he wants to make a speech I will not yield,

for I have not the time.

Mr. KAHN. I want to ask the gentleman if the statement in the report accompanying this bill is correct?

Mr. HAY. Yes; it is correct for this reason: When I reach the item in the bill providing for clothing allowance for enlisted men I propose to offer an amendment increasing it to what it was when this bill was introduced, and under those circumstances the figures will be correct.

Mr. KAHN. Will the gentleman yield for a further question?

Mr. HAY. Yes.
Mr. KAHN. If the gentleman attempts to put back the clothing allowance to where it was, will not my figures be absolutely correct, and will not there be a deficiency instead of a saving?

Mr. HAY. Why, not at all. Mr. KAHN. I think I can I think I can convince the gentleman under the five-minute rule.

Mr. HAY. I think the gentleman can not, because I have given this matter a most careful and full study, and I know what I am talking about; and I say to the gentleman that if he is so much a friend of the enlisted man he ought not to sustain the order of the War Department cutting down the clothing allowance of the enlisted man—cutting it ostensibly for the purpose of economy, but in reality for the purpose of discouraging reenlistments. That is what they did it for; and I want to call the attention of this committee to the fact that while gentlemen on that side of the House—Mr. Kahn and the gentleman from Illinois [Mr. PRINCE]—are claiming to be the friend of the enlisted man, yet they are advocating a system under which there shall be no reenlistment of the enlisted man, but that he shall go out into the body of the people and become, forsooth, an educator of the people in military affairs, a most impractical proposition and one which can not in any way be carried into

Mr. KAHN. W Mr. HAY. Yes, Mr. KAHN. D Will the gentleman yield for a further question?

Does the gentleman recall that either my colleague [Mr. PRINCE] or myself ever opposed the reenlistment of the noncommissioned officer, who is an enlisted man?

Mr. HAY. Oh, no; I did not say anything about noncom-

missioned officers; I said-

Mr. KAHN. They are enlisted men.

Mr. KAHN. They are enlisted men.

Mr. HAY. Did not you oppose the reenlistment of privates?

Mr. KAHN. No—

Mr. HAY. You did not?

Mr. KAHN. Now, there are certain privates of particular skill whom I think ought to be reenlisted. A great many of the privates I would prefer to see go out at the end of three years.

Mr. HAY. The calculation which the gentlemen have made, and which they make in their minority report, is based upon the idea that there shall be no reenlistments in the Army of the private soldiers, of the soldier who does not get to be a noncommissioned officer. That is the basis upon which they make their calculations, and even upon that basis it is a most absurd calculation, which I have torn to pieces in the report which I have submitted accompanying this bill.

Three years ago when we raised the pay of the Army we had before us the then Chief of Staff and a great many other Army officers, who besought us to take steps to encourage men to reenlist. And in order to do that, in order to meet the views of Army officers, we provided a bonus of three months' pay for men who reenlist and gave a considerable advance in pay on account of continuous service. And the gentleman from California [Mr. KAHN] and the gentleman from Illinois [Mr.

PRINCE] supported that proposition at that time.

Now, we have another Chief of Staff and another Secretary of War, who say that men should not reenlist; that only noncommissioned officers should do so, but that the private soldier should not. And we have these same gentlemen, the gentleman from Illinois and the gentleman from California, now supporting that contention. If there is this difference of opinion between Army officers as to whether there should be a five-year enlistment or a three-year enlistment it seems to me that Congress is compelled to map out a policy of its own, because the officers in the Army do not seem to be able to agree upon this proposition, or upon any other proposition which has been brought before the Committee on Military Affairs. [Applause.] This five-year enlistment will not increase desertion. It will not make recruiting more difficult; it will not destroy or impair the efficiency of the Army, and it will save the people of this country a very large amount of money. And for that reason I am for it.

Mr. PRINCE. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Virginia yield

to his colleague?

Mr. PRINCE. You have told us our position. A year or more ago you were opposed to increasing the pay of the private soldier, were you not? Mr. HAY. Yes, sir.

Mr. PRINCE. And you are opposed to it yet?

Mr. HAY. Yes.

Mr. PRINCE. You have not progressed any, and I have.

Mr. HAY. I do not see that you have progressed any, in that you want to take away from them now what you gave them.

Mr. PRINCE. We want to leave them where they are.

want the three-year enlistment.

Mr. HAY. Yes; you want to turn a man out when he has been in the Army three years and given that much time to his country, and if he wants to reenlist you say to him he shall not do it. That is your position.

Mr. PRINCE. Ob, no. There are over 16,000 noncommis-

sioned officers in the Army.

You are in favor of keeping the expensive men in the Army, the men that cost more, but you do not want to hold

Mr. PRINCE. Do you not want under the five-year term to do so?

Mr. HAY. I want them to reenlist, but you do not.

Mr. PRINCE. You have to have noncommissioned officers.

Mr. HAY. Yes; we have to have noncommissioned officers. Mr. PRINCE. You stated of the noncommissioned officers that only 4 per cent at the end get on the retired list. Now, how much will the percentage be under the five-year enlistment?

Mr. HAY. I showed the other day that the great bulk of men on the retired list were noncommissioned officers, and those are the men you want to reenlist.

Mr. PRINCE. They are the strength of the Army to-day.

Mr. HAY. If they are, how are you going to prepare men to be noncommissioned officers if you do not let them reenlist? How are they to get experience enough to become noncommissioned officers unless they have an opportunity to reenlist?

The CHAIRMAN. The gentleman's time has expired. All

time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1913.

Mr. HAY. Mr. Chairman, I forgot to make a request a moment ago. I ask unanimous consent that all gentlemen who desire to do so-

Mr. MANN. The gentleman can not do that in committee—Mr. HAY. May have the privilege of printing their remarks on this bill for five legislative days after the consideration of the bill has been concluded.

The CHAIRMAN. An omnibus request of that sort can not be presented or entertained in Committee of the Whole, but any gentleman who desires to extend his remarks will be permitted

to do so unless there is objection.

Mr. HELM. Mr. Chairman, I move to strike out the last word. I was unfortunate in not being present a few moments ago when the gentleman from Kansas [Mr. Anthony] was occupying the floor. I understand that there has been complaint made by some officer of the Army in regard to some general statements that I made at some time in addressing the House in reference to the conditions obtaining and prevailing in the War Department. As I recall my statement, it was that, after an examination, the committee of which I am a member, the Committee on Expenditures in the War Department, instead of finding a well-organized, business-going concern, operating with clock-like regularity, the further the committee went in its examination the less of business methods it found, and in fact that it found a condition almost chaotic. I understand that the gentleman from Kansas, on behalf of some officer of the Army, was complaining that my remarks were too general and wide and that I hit someone who did not deserve that criticism. If I have done so, I am extremely sorry. It was far from my intention to do so. But in a general discussion or a general statement made in discussing or referring to an entire department it is hardly to be expected of a person to pick out, on an occasion like that, those men in the department who are doing well and who deserve commendation and credit.

I undertook to speak in a general way of the business pre-vailing in the department, and I undertake to say further that I am fortified in that statement by the criticism that was made, coming from an officer of the line, which I presented here on the floor this morning, that notwithstanding the fact that we are expending \$100,000,000 annually on our Army the Army is not worth \$20,000,000 annually as an efficient fighting ma-That statement, I understand, comes from an officer of the line; and if an officer in the department has taken exception to the general statement that I made, I refer him to the officer who made the statement which I quoted from the Wash-

ington Post.

Mr. ANTHONY Mr. Chairman, will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Kansas?

Mr. HELM. With pleasure.
Mr. ANTHONY. Will the gentleman give the name of the officer of the Army who made that statement?

Mr. HELM. I can not. I can only say that the article itself states that it is an officer of the line, high up in the official

Mr. ANTHONY. Then all the knowledge that the gentleman has is obtained from a newspaper article? As a matter of fact, this general may be fictitious, for all the gentleman knows?

Mr. HELM. No; I do not think he is fictitious, by any manner of means. This article printed in the Washington Post comes under quotations, and I take it that a paper of the dignity and importance of the Washington Post would not be sending out fake interviews.

Mr. ANTHONY. If the Army costs, as the gentleman said in his preliminary remarks, about \$100,000,000, and this gentleman states what is true when he says it is not worth \$20,000,000 in point of efficiency, does the gentleman believe that this Government is being swindled out of \$80,000,000 of efficiency

Mr. HELM. Oh, when you come to the word "swindled," of course I do not mean to say that the Government is being swindled. There is a lack of business management; there is

negligence somewhere; there is carelessness on the part of somebody in the handling of the funds that come into their hands.

Now, if the gentleman will pardon me just a moment, I want to read a further statement from the hearings before the Committee on Military Affairs. The Chief of Staff, Gen. Wood, was present, and in answer to a question by a gentleman on the committee, Mr. Pepper, he said, among other things:

We would like to put up to you a well-organized, definite plan, so you may know what we are at. Neither you nor we at the present time know where we are. It has been a hit-or-miss policy, and we want to get down to something in the way of concentration of troops at definite stations, and we want to give you an organization so that you will know from year to year approximately what your Army appropriation will be, and any additions will be in the way of increase in reserve material for Artillery, or something of that sort, or appropriations for unforeseen contingencies.

In other words, we are as anxious to get together with you as anybody can be and to give you a definite plan of Army reorganization and maintenance, and to avoid what has been almost unavoidable in the past, a more or less haphazard procedure.

The CHAIRMAN. The time of the gentleman has expired. Mr. HELM. I ask unanimous consent to continue for five

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BURKE of Pennsylvania. Does the gentleman think that an anonymous communication published in the daily papers should be dignified by the indorsement of a Member of Congress when that Member admits he does not know anything about the

truth or falsity of the statement?

Mr. HELM. I do not think anybody has charged that the statement is false. I simply give it to the House for what it is worth, as being reported to have come from an officer of the line. If it did not come from him, and if the officer did not give any such statement, of course there is nothing to it. here is a statement from the Chief of Staff before the Military Affairs Committee, saying that heretofore this has been a hitor-miss proposition, which is to all intents and purposes the same statement I made on the floor of the House. I do not pose as a military expert by any manner of means, but I take it that the Chief of Staff, when he goes before the Military Affairs Committee and says that heretofore it has been a hitand-miss and haphazard proposition, and, in fact, Gen. Aleshire stated before the Committee on Expenditures in the War Department that appropriations that are asked for from year to year of Congress have formerly been largely a matter of guesswork; they know what they are talking about.

Mr. BURKE of Pennsylvania. As I understood the gentleman, in opening his remarks under the five-minute rule, he

regretted having made the statement.

Mr. HELM. I regret having made any statement that would be misconstrued by any officer of the Army as directing any criticism to him in a general discussion of the entire War Department. I have not the time to pat somebody on the back, and throw a bouquet at some officer who is doing well. I want to say that the men who have been before the Committee on Expenditures in the War Department have exhibited the utmost candor, and have undertaken on every occasion to give the committee the fullest information; and, as I stated before, they seemed to welcome any investigation that is being made of the department, and I can not see why anyone connected with the service, from the Commander in Chief of the Army down, should not welcome such investigations as the Committee on Expenditures in the War Department have been conducting, investigations begun with no intention other than to try by some way to bring about better results in the department. To this extent, as I have said before, if I have unwittingly hit some man when I did not intend anything of the kind, I regret it exceedingly; but it does occur to me that any officer in the Army might see that in a general talk about the business affairs of the War Department, not any subdivision of it, there was no intention to refer specifically to any particular officer. Gen. Aleshire has been before the committee as Quartermaster General. I believe there are expenses in his division of the service that this investigation before the Committee on Expenditures in the War Department has benefited. For Gen. Aleshire I have the highest admiration. I think he is a superb I believe he is the right man in the right place. I do not deem that it is necessary, in a general discussion of what is going on in the entire War Department, to take time to when aside and say this, that, or the other thing about Gen. Wood, the Chief of Staff, or Gen. Ainsworth or any other officer.

The CHAIRMAN. The time of the gentleman has again

expired.

The Clerk read as follows:

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War, \$25,000.

Mr. HELM. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Add, at the end of line 11, page 1, the following: "That no part of the sum of money appropriated by this act shall be used for the pur-chase of forage."

Mr. HAY. To that, Mr. Chairman, I reserve the point of order.

Mr. HELM. Mr. Chairman, this contingent fund, I believe, began in 1909 or 1908. Gen. Bell, I think, stated that the purpose of including the contingent fund in an appropriation billat which time it was only \$15,000—was for the purpose of entertaining dignitaries, guests from foreign countries, at the Army posts. Since that time it has been used for almost every purpose and has grown from \$15,000 to \$40,000, and I am glad to notice that in this bill it is only \$25,000.

The reason I have offered this amendment-and I have offered it in good faith-is because if you will examine the letter from the Secretary of War, which he is required under the law to report Congress as to how this contingent fund has been expended, you will find all through that report that there are considerable sums, amounting in the aggregate to quite a large sum, for provender--hay, oats, and coal, and items of that kind.

Mr. PRINCE. Will the gentleman yield?

Mr. HELM. After I make this statement.

Mr. HAY. I would like to have the gentleman from Kentucky point those items out to me.

Mr. HELM. They are in the letter from the Secretary of

Mr. HAY. The gentleman has the letter in reference to the

contingent fund carried in the legislative bill.

Mr. PRINCE. It refers to the wrong bill, and I was just going to correct the gentleman. I have a letter from the Secretary of War about expenditures on account of appropriations for the Army, and the gentleman must have the wrong letter.

Mr. HELM. Mr. Chairman, let me explain to the House. have the letter of the Secretary of War transmitting a report of the expenditures on account of the appropriation for the contingent expenses of the War Department for the fiscal year ending June 30, 1911.

Mr. HAY. Let me call my friend's attention to the fact that that is for contingent expenses and this is for contingencies of the Army. One is carried in the legislative bill and the other The gentleman has the one in the Army appropriation bill.

that is carried in the legislative bill.

Mr. PRINCE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. I ask unanimous consent that the gentleman

have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky proceed for five minutes more. Is there objection?

There was no objection.

Mr. HELM. Mr. Chairman, whether these expenditures are carried in the legislative, judicial, and executive, or the military bill, whether they refer to the paragraph in the Army appropriation bill under consideration or not, the point that I want to bring out to the House is that here you have an appropria-tion in this bill for "regular supplies," in which the Quartermaster General supplies many items that this contingent fund contains. The Quartermaster General supplies the provender and forage for the Army, and here is a portion of this contingent fund used for the same purpose; whether carried in the legislative or in the Army appropriation bill it makes no difference; the point is that they should be united and paid for by one division of the department.

Now, both the legislative, judicial, and executive appropriation bill and this bill have a contingent fund. If you will examine you will see that you are buying large quantities of supplies by means of this contingent fund that the Quartermaster General is charged with supplying out of the appropriation he controls, virtually \$7,000,000. Here is a contingent fund carrying \$50,000, if I am not mistaken.

Mr. MANN. Will the gentleman yield for a question?

Mr. HELM. With pleasure.

If the gentleman's amendment should be agreed Mr. MANN. to, would it do away with the horses that we now have in the Army, and will we have those that are represented in cartoons that work without being fed?

Mr. HELM. I propose to withdraw the amendment after

the statement of the chairman of the committee.

Mr. MANN. I did not know but that the gentleman had discovered a kind of horse that would work without forage, [Laughter.]

Mr. HELM. Oh, no. The point I want to bring out is that from my limited investigation of the matter here you have several different committees-the Committee on Military Affairs

appropriating \$100,000,000, the legislative, judicial, and executive committee carrying \$2,000,000, and another division of the Appropriations Committee carrying another appropriation for the War Department. My contention and the thing that I want to bring before the House is that one committee, either the Committee on Military Affairs or the Appropriations Committee, should handle all the expenses incident to the War Department. How can the Committee on Military Affairs know what the other committees of the House are doing, and how can the member-

ship know what is going on?

These contingent funds ought to be held down to contingen-Here are enormous funds expended for fuel, for provender, and for other items, for transportation. It is a small matter. It is a mouse track, I admit, but here are several thousand street car tickets. If it comes under the head of transportation it ought to be carried in the regular bill. Why these several contingent funds should be created in every bill, authorizing some man to expend this money as he sees fit, I do not know. I do not charge that it is misspent. I do not say that you do not get returns for the money spent, but somebody ought to be at the head of each of these particular appropriations and ought to control it, and not have everybody buy here and there and everywhere. That was the purpose for which I wanted to offer this amendment, hoping, if possible, to bring to the attention of the committee in how many different forms these things come up for action by Congress.

Mr. Chairman, I ask unanimous consent to withdraw my

amendment

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection. The Clerk read as follows:

OFFICE OF THE CHIEF OF STAFF.

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, office, tollet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, employment of temporary, technical, or special services, and for all-other absolutely necessary expenses, including \$25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, \$10,000.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 10, strike out the word "ten" and insert in Heu thereof the word "nine."

Mr. HAY. Mr. Chairman, there is a mistake in that amount. The Book of Estimates calls for \$9,000, and through some mistake it is made \$10,000 in the bill. I do not suppose we want to give them more than they ask.

The CHAIRMAN. Without objection, the amendment will

he considered as agreed to. There was no objection.

The Clerk read as follows:

UNDER THE CHIEF OF COAST ARTILLERY.

Coast Artillery School, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, hardware; cost of special instruction of officers detailed as instructors; extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; office furniture and fixtures, machinery, and unforseen expenses, \$10,000.

Mr. HAY. Mr. Chairman, in line 12, on page 4, the more

Mr. HAY. Mr. Chairman, in line 12, on page 4, the word "unforeseen" is spelled wrongly, and I ask unanimous consent that it be changed and properly spelled.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

Provided, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. MANN. Mr. Chairman, I move to strike out the last I desire to say to the gentleman from Virginia that if we consider the next item in the bill I shall desire to have more Members present than re now present.

Mr. HAY. Mr. Chairman, I will say to my friend that I wish he would allow us to read the next item of the bill.

Then it would have to be read over again. Mr. MANN.

Mr. FITZGERALD. Why?

Mr. MANN. Because I would not want Members to vote upon that without having it read. I have no objection, if the gentleman desires, to having it passed over temporarily.

Mr. HAY. Mr. Chairman, the only change in that is that the appropriations for aeroplanes have been cut \$50,000.

Mr. MANN. I am aware what the change is.

Mr. FITZGERALD. The gentleman can save a lot of trouble by taking it out on a point of order.

Mr. MANN. It is not subject to a point of order.
Mr. HAY. Mr. Chairman, I thought we could put in a little time this evening in debate.

Mr. MANN. The gentleman may desire to discuss this before an empty house, but I do not. If the gentleman should read that item I would have to have a quorum present. I am perfectly willing that it should be passed over temporarily, if the gentleman desires.

Mr. HAY. Suppose we pass it over without prejudice, temporarily. I ask unanimous consent that this item be passed

over temporarily without prejudice.

The CHAIRMAN. Is there objection? Mr. TILSON. Mr. Chairman, reserving the right to object, should like to ask the chairman of the committee why a change was made in the spelling of these instruments of war?

Mr. HAY. It was changed by a vote of the committee. Mr. MANN. They could not spell the other word, I suppose. Laughter.

Mr. SLAYDEN. Mr. Chairman, I think I can explain. Mr. MANN. Well, that has been passed over. Mr. SLAYDEN. Very well; if it was passed over, we will let it go.

The Clerk read as follows:

For pay of enlisted men of all grades, including recruits, \$15,832,000: Provided, That hereafter no part of the appropriation for the pay of officers and enlisted men shall be paid to any officer or enlisted man in active service for any period of time lost by him on account of diseases which are the result of his own intemperate use of drugs or alcoholic liquors or other misconduct.

Mr. MANN. Mr. Chairman, I make the point of order on the I suggest to the gentleman from Virginia that in a matter of this sort, which is, I think, of doubtful value, that it would be better to try it for a year than to insert it as permanent law in the bill.

Mr. HAY. Well, does the gentleman indicate that if it is

not made permanent law he will withdraw the point of order? Mr. MANN. I would not make the point of order or be

opposed to making the experiment.

Mr. HAY. Well, I have no objection.

Mr. MANN. Make it "no part of the appropriation in this act.

Mr. SLAYDEN. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Certainly.
Mr. HAY. I move, Mr. Chairman, to strike out the word "hereafter," in line 7—
Mr. MANN. I withdraw the point of order, and I suggest inserting after the words "enlisted men" the words "in this act."
Mr. HAY. It will read, then, "That no part of the appropria-

tion for the pay of officers and enlisted men' Mr. MANN. "In this act."

Mr. MANN. "In this act."
Mr. HAY. Strike out the word "the" and insert the word "this"; that no part of "this" appropriation.

Mr. FITZGERALD. I will call the attention of the gentleman to the fact that it applies to other appropriations besides this particular one.

Mr. MANN. It should be that no part of the appropriation in this act for the pay of enlisted men, and so forth. After the word "appropriation" insert the words "in this act."

Mr. HAY. And, Mr. Chairman, I want to amend page 7, line 1, by inserting, after the word "no," the words "officer or enlisted man shall be entitled to receive pay, nor shall any," so that it will read "that hereafter no officer or enlisted man shall be entitled to receive pay, nor shall any part of appropriation in this act for the pay of officers and enlisted men," and then strike out the word "shall" in line 2.

Mr. MANN. I suggest the gentleman should let that go over until he can get it fixed up properly. If he puts in the provision which the gentleman suggests it ought to be provided only for the fiscal year 1913, because otherwise it would be making a permanent law under that language. Perso will say to the gentleman I do not think this will work. Personally I

Mr. HAY. Well, I can only say about that that the Surgeon General and the officers of the Army, who have given this matter very careful consideration, have recommended it very

strongly

Mr. MANN. I understand they are trying to seek a solution

for a problem which is insolvable.

Mr. HAY. They believe—of course it is not a matter that can be discussed with the necessary amount of freedom on the floor of the House-but I may say to the gentleman that they think if this is enacted into law that these men who now do not go to a physician or a surgeon until it is too late will be forced to do so by this provision.

Mr. MANN. I think it will force them to go to somebody

outside of any Army surgeon at all.

Mr. HAY. They have a specific which they say cures abso-

The CHAIRMAN. Does the gentleman from Virginia offer an amendment?

Mr. HAY. I ask unanimous consent that the paragraph be

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this paragraph be passed without prejudice, to be returned to later. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent of the committee to return to the preceding page 6 for the purpose of offering an amendment, which I am entirely willing to have pending if the gentleman wishes the committee to rise.

Mr. FITZGERALD. What is the amendment which the gentleman wishes to offer?

Mr. SLAYDEN. Mr. Chairman, it is an amendment to page 6, after the word "dollars," in line 22, to add the following:

Provided, That hereafter no pay or allowances shall be paid or allowed to any officer for any period during which he shall have been detached, for duty of any kind, for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

I am willing to have that amendment pending and will be glad to have it pending. I think it corrects an evil in regard to the administration of the detail system.

Mr. MANN. Is it not directly in conflict with some of the later provisions in this bill?

Mr. SLAYDEN. I do not think it is, Mr. Chairman. Mr. MANN. I understand the amendment which the gentle-

man desires to offer makes no exception whatever.

Mr. SLAYDEN. Mr. Chairman, it specifically is confined to the limited class, and has special reference to details.

Mr. HAY. I will say to the gentleman there are some exceptions made in time of emergency and in time of war, and his amendment-

Otherwise, it is already provided for in the Mr. MANN. bill, practically

Mr. SLAYDEN. I do not think it is provided for in the bill,

I will say to the gentleman. Mr. HAY. In time of war.

Mr. SLAYDEN. Certainly, in time of war. It says: "Unless specially authorized by law."

Mr. MANN. I know. The gentleman knows personal legislation is not favorably considered by Congress, and ought not

to be. Mr. SLAYDEN. This is in no sense personal legislation.

Mr. MANN. It would be if we especially provide in the law for one particular man.

Mr. SLAYDEN. It is not intended to apply to one man, and

Mr. MANN. I understand that; but to authorize it by law would hereafter require it to apply to a particular man—au-thorize a man to remain on detached duty for more than the time specified.

Mr. SLAYDEN. I will say to the gentleman, Mr. Chairman, that the law specifically says that details shall only be for a specific time, and in support of that law, following it, is a regulation of the War Department which says:

When at any time an officer has served less than two of the preceding six years with his corps or arm of the service, he shall be ordered to join said corps or arm of the service, unless on detached service which under the law can not be so terminated.

I do not intend to press this amendment now, but I would like to have the privilege of returning to that. I was engaged in conversation at the time we passed that paragraph and lost my opportunity.

Mr. COOPER. I would like to ask the gentleman if that includes officers who are doing service in the bureaus here?

Mr. SLAYDEN. It includes officers who are liable to detail, not applying to exceptions that are provided for by law

Mr. COOPER. Does the gentleman know how long these officers have been detailed?

Mr. SLAYDEN. Yes, Mr. Chairman; I have a document here from the War Department which shows details have run from 5 years, which is more than the law authorizes, up to more

Mr. COOPER. And some of them, I have had it said to me, are officers comparatively young in the service, and who have

received promotions during their service, while older officers—
Mr. SLAYDEN. If the gentleman will consent to let this amendment be pending, I think we can have some illuminating

discussion on this subject to-morrow.

The CHAIRMAN. Does the gentleman from Texas [Mr. SLAYDEN] desire to have the request stated to the committee?

Mr. SLAYDEN. Yes. Mr. SHERLEY rose.

The CHAIRMAN. Will the gentleman from Texas yield to the gentleman from Kentucky?

Mr. SHERLEY. When the question is taken I will make my

statement.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the committee shall return to the page indicated, the said amendment to be pending and to be taken up hereafter.

Mr. SHERLEY. Reserving the right to object, I shall not object if with that permission there is given a right to reserve point of order.

Mr. SLAYDEN. Certainly.
The CHAIRMAN. The right to reserve a point of order to be submitted as a part of the request?

Mr. MANN. I did not understand the gentleman to request that the amendment be passed and come up at another time.

The CHAIRMAN. It was a part of the request that the amendment be pending and be taken up hereafter.

Mr. SHERLEY. And a point of order reserved on it. The CHAIRMAN. The point of order reserved on the amendment of the gentleman from Texas [Mr. SLAYDEN].

Mr. MANN. When will this come up? Mr. HAY. It will come up after the Signal Corps provision. The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18956) making appropriation for the support of the Army, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. Oldfield, by unanimous consent, was granted leave of absence indefinitely on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title, when the Speaker signed the

H. J. Res. 238. Joint resolution making an appropriation to supply a deficiency in the appropriations for support of the workhouse of the District of Columbia for the fiscal year 1912.

ENROLLED BILL SIGNED. The SPEAKER announced his signature to enrolled bill of the following title:

S. 4651. An act to amend section 171 of the penal laws of the United States, approved March 4, 1909.

WIRELESS TELEGRAPHY FOR THE PHILIPPINE ISLANDS (S. DOC. NO. 299).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a series of joint reports made by officers representing the insular Government of the Philippine Islands, the Army and Navy of the United States, for the purpose of formulating plans for the construction and operation of a system of wireless telegraphy for the Philippine Islands.

In view of the fact that no commercial companies have installed wireless stations in the Philippine Islands up to the present time and that the needs of the insular Government, of commerce, and of the Army and Navy of the United States for the wireless telegraph have now become urgent and are steadily increasing in importance, and in view of the additional facts that wireless signals will greatly add to the safety of the shipping of the China seas and will be of paramount importance to both the Army and Navy in time of war, it is considered highly advisable that an official system of wireless telegraphy be installed with as little delay as possible in these islands, and that the difficulties which would arise should commercial and Government stations be hereafter installed which are not in har-

mony with a well-considered plan may thus be avoided.

The report of this board is approved by me and urgently recommended to the favorable consideration of the Congress.

WM. H. TAFT.

THE WHITE HOUSE, February 8, 1912.

LEAVE TO PRINT.

Mr. HAY. Mr. Speaker, I move that the House do now

Mr. BURKE of Pennsylvania. Mr. Speaker, if the gentleman from Virginia will withhold his motion for a second, I would like to state that I think some of the gentlemen have left the Chamber under the impression that the gentleman from Virginia was going to make a request for leave to print.

Mr. HAY. Yes. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days in which to print remarks pertaining to the Army appropriation bill after the consideration of the bill is concluded.

The SPEAKER. Does the gentleman from Virginia mean all gentlemen or all gentlemen who have spoken on the bill?

Mr. HAY. All gentlemen who have addressed the Committee

of the Whole on the bill.

The SPEAKER. The gentleman from Virginia [Mr. Hay] asks unanimous consent that all Members who have spoken or shall speak on the Army appropriation bill shall have five legislative days after the passage of the bill in which to print remarks thereon in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL,

Mr. CRAVENS, from the Committee on Ennolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 238. Joint resolution making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, February 9, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of South River, N. J., between Bissets and Old Bridge (H. Doc. No. 520); to the Committee on Rivers and Harbors and

ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with letter from the Chief of Engineers, report of examination and survey of Cape Lookout, N. C. (H. Doc. No. 528); to the Com-

mittee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor transmitting a statement of expenses incurred in regulating immigration for the year ended June 30, 1911 (H. Doc. No. 523); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for enlarging the power plant of the Bureau of Engraving and Printing (H. Doc. No. 522); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, submitting statement of the official emoluments of officers of the customs for the fiscal year ending June 30, 1911 (H. Doc. No. 524); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting an estimate of expenses for collecting the revenue from customs for the fiscal year ending June 30, 1913, showing the number of employees and the salaries required for each collection district (H. Doc. No. 526); to the Committee on Appropriations and ordered to be printed.

7. A letter from the president of the Georgetown Gas Light Co., submitting to Congress report of that company for the year 1911 (S. Doc. No. 296); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the Secretary of the Treasury, submitting an estimate of deficiency in appropriation for rent of buildings under control of the Treasury Department for the current fiscal year (H. Doc. No. 527); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting report of committee appointed by the Treasury Department to

investigate the feasibility and cost of erecting a power plant in the District of Columbia, to furnish power, heat, and light for certain public buildings, and recommending favorable consideration (H. Doc. No. 525); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land, reported the same with amendment, accompanied by a report (No. 312), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. AIKEN of South Carolina, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 19721) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 309), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18773) granting a pension to Ida M. Hoffman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15765) granting an increase of pension to Evelyn Barnette; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. THOMAS: A bill (H. R. 19717) to amend section 265 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, designated as "The Judicial Code"; to the Committee on the Judiciary.

By Mr. DE FOREST: A bill (H. R. 19718) to amend the act

of March 3, 1863, and acts amendatory thereof, and to create an additional customs district in the State of New York; to the Committee on Ways and Means.

By Mr. POWERS: A bill (H. R. 19719) to prohibit interstate commerce in intoxicating liquors in certain cases; to the

Committee on the Judiciary

By Mr. FRANCIS: A bill (H. R. 19720) regulating the removal of causes and prohibiting the removal of certain causes from a State to a Federal court; to the Committee on the

By Mr. FOSS: A bill (H. R. 19722) to increase the efficiency of the medical department of the United States Navy; to the

Committee on Naval Affairs.

By Mr. AYRES: A bill (H. R. 19723) to improve the housing of animals in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAGGART: A bill (H. R. 19724) appropriating \$15,000 to purchase and acquire title to the home of Francis Scott Key, author of the national anthem, and the ground upon which the same is located in Washington, D. C.; to the Com-

mittee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 19725) to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in tribal trust funds are or may hereafter be due; to

the Committee on Indian Affairs.

By Mr. AUSTIN: A bill (H. R. 19726) to further amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. AIKEN of South Carolina: A bill (H. R. 19721) granting pensions and increase of pensions to certain soldiers and sallors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Com-

mittee of the Whole House.

By Mr. ADAIR: A bill (H. R. 19727) granting an increase of pension to Harrison P. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 19728) granting an increase of pension to Aquilla K. Mills; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 19729) granting a pension to

Mary F. Doll; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 19730) granting a pension to Ella May Richardson Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19731) granting a pension to Izanna J.

Kemp; to the Committee on Invalid Pensions, By Mr. BATES: A bill (H. R. 19732) granting an increase of pension to William Lamberton; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 19733) granting a pension to Mary Norris Tillman; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 19734) for the relief of

By Mr. CANTRILL: A bill (H. R. 19734) for the rener of John Curtis; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 19735) granting an increase of pension to Philip McGregor; to the Committee on Invalid Pensions.

By Mr. CLINE (by request): A bill (H. R. 19736) for the relief of Sarah J. Ireland; to the Committee on Claims.

By Mr. COLLIER: A bill (H. R. 19737) for the relief of the heirs of J. B. Clark; to the Committee on War Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 19738) granting an increase of pension to John W. Flowers; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi; A bill (H. R. 19739) for the relief of the heirs of Louis Cato, deceased; to the Committee on War Claims.

By Mr. FLOOD of Virginia: A bill (H. R. 19740) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: A bill (H. R. 19741) granting an increase of pension to Noble J. McBride; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 19742) granting a pension to Amanda M. McKenney; to the Committee on Invalid Pen-

By Mr. GOLDFOGLE: A bill (H. R. 19743) for the relief of Charles S. Smith; to the Committee on War Claims.

By Mr. GREGG of Pennsylvania: A bill (H. R. 19744) granting an increase of pension to William E. Carey; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 19745) granting a pen-

sion to Charles H. Kelley; to the Committee on Pensions. By Mr. HARRISON of New York: A bill (H. R. 19746) authorizing the Secretary of the Treasury to award a first-class life-saving medal to Joseph Donellen; to the Committee on

Interstate and Foreign Commerce.

By Mr. HARTMAN: A bill (H. R. 19747) granting an increase of pension to Margaret C. Malone; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19748) granting an increase of pension to Daniel W. Oglesby; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19749) granting an increase of pension to Canton A. Cox; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 19750) granting an increase of pension to William H. Merritt; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 19751) granting an increase of pension to Matthew S. McGrew; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 19752) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

Also, a bill (H. R. 19753) granting an increase of pension to

Thomas E. Ream; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19754) granting an increase of pension to John Kiley; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19755) granting an increase of pension to William C. Stair; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 19756) providing for the validation of certain timber and stone entries; to the Committee on the Public Lands.

on the Public Lands.

By Mr. McKINLEY: A bill (H. R. 19757) granting a pension to Nora V. McDaniel; to the Committee on Pensions.

By Mr. McMORRAN: A bill (H. R. 19758) granting a pension to James E. Embury; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 19759) for the relief of Trinidad Silva de Garcia; to the Committee on Claims. By Mr. MORRISON: A bill (H. R. 19760) granting an increase of pension to Isaiah Roberts; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H, R, 19761) granting a pension to Lucy Anna Hodges; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 19762) granting a pension to Lee Heath; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 19763) granting a pension to Alice May Sparrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19764) to correct the military record of Richard M. Steckley; to the Committee on Military Affairs.

By Mr. PARRAN: A bill (H. R. 19765) granting a pension

to Lillie Garner; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 19766) granting an increase of pension to David H. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19767) granting an increase of pension to William S. McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19768) removing the charge of desertion

from the military record of Adam Schauer; to the Committee on Military Affairs.

Also, a bill (H. R. 19769) removing the charge of desertion from the military record of Daniel Jordan; to the Committee on Military Affairs.

Also, a bill (H. R. 19770) removing the charge of desertion from the military record of James Charles Cramer; to the

Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 19771) granting an increase of pension to Charles N. Cannon; to the Committee on Pen-

By Mr. RUCKER of Missouri: A bill (H. R. 19772) granting pension to Marie C. Wolcott; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19773) granting an increase of pension to James David Rich; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 19774) to correct the record in the case of Passed Asst. Surg. William Neil McDonell, United States Navy; to the Committee on Naval Affairs.

By Mr. STEPHENS of California: A bill (H. R. 19775)

granting an increase of pension to Charles G. Tracy; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas (by request); A bill (H. R. 19776) for the relief of the heirs of Bluford West, deceased; to the Committee on Claims.

Also, a bill (H. R. 19777) for the relief of Harriet C. Hunter; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 19778) granting an increase of pension to Josiah Main; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19779) granting an increase of pension to Michael Dalton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19780) granting an increase of pension to Jerome Prince; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 19781) granting a pension to Arthur W. S. Maw; to the Committee on Invalid Pensions.
By Mr. TAYLOR of Ohio: A bill (H. R. 19782) granting an

increase of pension to Brinkley Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19783) granting a pension to Estella R. Battelle; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 19784) granting a pension to Henry C. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19785) granting a pension to Margaret Ann

Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19786) granting an increase of pension to

A. G. Long; to the Committee on Pensions.

Also, a bill (H. R. 19787) granting an increase of pension to Charles H. Austin; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 19788) to restore Capt. Harold

L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 19789) granting an increase of pension to Wiet T. McVey; to the Committee on Invalid

By Mr. WEDEMEYER: A bill (H. R. 19790) for the relief of Patrick Irwin; to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 19791) granting a pension to Dena Neptune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19792) granting an increase of pension to Louise C. Smithson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Mrs. Amelia Horn, of Deflance, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of the German-American Alliance of Newark, Ohio, protesting against legislation affecting interstate commerce transportation of liquor; to the Cammittee on the Judiciary.

Also, papers to accompany bill for the relief of Frank S.

McKee (H. R. 4456); to the Committee on Pensions.

By Mr. BATES: Petition of the president of Reed Manufacturing Co., of Erie, Pa., for establishment of a children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: Petition of Woman's Christian Temperance Union of Woodstown, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the

By Mr. BYRNS of Tennessee: Petition of citizens of Charleston, Tenn., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL: Petition of citizens of Girard, Kans., protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petitions of citizens of the State of Kansas, protesting against Senate bill 257; to the Committee on the District of Columbia.

By Mr. CLINE: Petition of citizens of Rome City, Ind., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of 35 citizens of Rockville, Mo., in favor of the passage of the parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of 12 citizens of Peculiar, Mo., protesting parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of F. J. Carson and 144 other citizens of the State of Michigan, for old-age pensions; to the Committee on Pensions.

By Mr. MICHAEL E. DRISCOLL: Petitions of citizens of Euclid and Liverpool, N. Y., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FITZGERALD: Memorial of members of the Congress Club of the fourth assembly district of Brooklyn, N. Y., protesting against the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FRENCH: Petitions of the Woman's Christian Temperance Union of Greenleaf, and Christian Church of Lewiston, Idaho, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of the State of Idaho, protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of members of the Improved Order of Red Men of Idaho, for an American Indian memorial and museum Public Buildings and Grounds.

By Mr. FULLER: Petition of Wilder & Co., of Chicago, Ill., favoring the passage of a river and harbor bill, etc.; to the

Committee on Rivers and Harbors.

Also, petition of J. B. Gerard and others, for more liberal homestead laws; to the Committee on the Public Lands.

Also, petitions of citizens of Oglesby, Ill., for a reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: Petition of citizens of Bradley County, Ark., for the removal of all duty on sugar;

to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Petitions of the Woman's Christian Temperance Union of Bristol County, Mass., for passage of Kenyon-Sheppard interstate liquor bill and the Hobson bill; also for an antipolygamy law; to the Committee on the Judiciary.

By Mr. GREGG of Pennsylvania: Petition of citizens of Avonmore, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of the Bird in Hand Methodist Episcopal Church, of Bird in Hand, Lancaster County, Pa., urging the enactment into law of the so-called Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

By Mr. HARRISON of Mississippi: Petitions of citizens of Hattiesburg and Waynesboro, Miss., in behalf of Kenyon-Shep-

pard bill; to the Committee on the Judiciary.

By Mr. HARRISON of New York: Papers to accompany bill to award medal to Joseph Donellen; to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of the Methodist Episcopal Church of Hopewell, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Art Club of Philadelphia, Pa., for Lincoln memorial as recommended by the National Fine Arts Commis-

sion; to the Committee on the Library.

By Mr. HAWLEY: Petitions of citizens of the State of Oregon, for passage of Kenyon-Sheppard interstate liquor bill;

to the Committee on the Judiciary.

By Mr. HAYES: Petitions of the Woman's Christian Temperance Union of San Jose and the First Congregational Church, of Campbell, Cal., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HILL: Petition of citizens of Westport, Greens, Farms, and Fairfield, Conn., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of New Milford, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Papers to accompany House bill 12686,

for William L. Brown; to the Committee on Pensions.

By Mr. JACOWAY: Petitions of citizens of the State of Arkansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of Assayers and Metallurgists of San Francisco, Cal., in opposition to House bill 17033; to the Committee on Mines and Mining.

Also, petitions of Printing Pressmen's Union, No. 24, and Press Assistants' Union, No. 32, of San Francisco, Cal., for increase in compensation to pressmen in Government Printing Office; to the Committee on Printing.

By Mr. KINKEAD of New Jersey: Petitions of officers and members of Forty-sixth Street Methodist Episcopal Church and Christ Presbyterian Church, of Bayonne, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of members of the Improved Order of Red Men of the seventh congressional district of Indiana, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. McHENRY: Petition of Elkland Grange, No. 976, Patrons of Husbandry, Estella, Pa., asking that certain changes be made in the Federal oleomargarine law as set forth in said

petition; to the Committee on Agriculture.

Also, petition of citizens of Milton and Pottsgrove, Pa., requesting Congress to submit to the legislatures of the several States for ratification an amendment to the National Constitution which shall enable women to vote in all elections upon the same terms as men; to the Committee on the Judiciary.

Also, petition of citizens of Milton, Sunbury, Northumberland, and Watsontown, all in the State of Pennsylvania, advocating the support of a bill presented by Mr. Berger providing for old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Lancaster County, Nebr., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY: Petitions of citizens of Edwards and Hooper Counties, Kans., for old-age pensions; to the Committee on Pensions.

By Mr. NELSON: Petition of citizens of Columbia County, Wis., protesting against the enactment by Congress of any legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Oakridge, Niebull, and Big Flats, Adams County, Wis., praying for the immediate enactment of the postal progress league bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. NYE: Petitions of citizens of Minneapolis, favoring passage of the Berger bill providing old-age pensions; to the Committee on Pensions.

By Mr. PAGE: Petition of citizens of the State of North Carolina, for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. POWERS: Papers to accompany bill for the relief of

Charles N. Cannon; to the Committee on Pensions.

By Mr. REILLY: Petition of civilian employees of the Boston depot of the Quartermaster's Department, for a certain modification of the Hay Army bill; to the Committee on Military

By Mr. SCULLY: Petition of L. V. Moulton, of Grand Rapids, Mich., relative to pending patent legislation; to the Committee

on Patents.

Also, petitions of Methodist Episcopal Churches of Milltown and Perth Amboy, and Woman's Christian Temperance Unions of Milltown and Perth Amboy, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

By Mr. SHACKLEFORD: Papers to accompany House bill 18904, to perfect the title of the heirs of James E. Rollins to land warrant No. 58479 (warrant attached); to the Committee

on the Public Lands.

By Mr. SIMS: Petition of citizens of Henry County, Tenn., for an effective interstate liquor law; to the Committee on the-

By Mr. SAMUEL W. SMITH: Petition of Wesleyan Methodist Church, of Brighton, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of citizens of Los Angeles, Cal., for passage of the Esch phosphorus bill; to

the Committee on Ways and Means.

Also, petition of citizens of the State of California, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of California, for old-

age pensions; to the Committee on Pensions.

By Mr. SULLOWAY: Petitions of citizens of the State of New Hampshire, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. STONE: Petition of citizens of Laura, Ill., protesting against parcel-post legislation; to the Committee on the Post

Office and Post Roads.

By Mr. SULZER: Petitions of L. V. Moulton and Bissell Carpet Sweeper Co., of Detroit, Mich., and the American Hardware Manufacturers' Association, relative to certain proposed patent legislation; to the Committee on Patents.

Also, petition of the common council of Valdez, Alaska, for protection from glaciers; to the Committee on the Territories.

Also, petition of the Associated Clubs of Domestic Science, for an interstate standardization of weights and measures; to the Committee on Coinage, Weights, and Measures

Also, petitions of citizens of New York City, asking that the duties on raw and refined sugars be reduced; to the Committee

on Ways and Means.

Also, petition of the Turnverein Helvetia, of Chicago, Ill., indorsing House resolution 166, for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of the Marine Trades Council, of New York City, for the construction of a battleship in the Brooklyn Navy

Yard; to the Committee on Naval Affairs.

Also, petition of citizens of the State of Connecticut, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TAGGART: Petition of citizens of the State of

Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Kansas, for old-age pensions; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: Petition of Chamber of Commerce of Wray, Colo., for passage of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, memorial of Junior Order of United American Mechanics, of Denver, Colo., praying for a revision of the immigra-tion laws so as to exclude undesirable immigrants; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Ohio: Petitions of R. S. Kerr and other citizens of Columbus, Ohio, asking that the duties on raw and re-

fined sugars be reduced; to the Committee on Ways and Means. By Mr. TOWNER: Petition of E. Earle Taylor and others, of Brooks, Iowa, protesting against the proposed parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of residents of Jamestown, N. Y., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Petitions of citizens of Charlotte, N. C., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Petition of citizens of Jackson, Mich., for the passage of the Lenyon-Sheppard interstate liquor

bill; to the Committee on the Judiciary

By Mr. WOOD of New Jersey: Petitions of Presbyterian Church of Hightown, Methodist Episcopal and Presbyterian Churches of Hopewell, Baptist and Presbyterian Churches of Lambertville, First Baptist Church of Trenton, and Methodist Episcopal Church of Windsor, and Woman's Christian Temperance Unions of Hopewell and Yardville, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of citizens of Van Zandt and Wood Counties, Tex., for parcel-post legislation; to the

Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 9, 1912.

The House met at 12 o'clock noon,

The Chaplain, the Rev. Henry N. Couden, D. D., offered the

following prayer:

Be graciously near to us, O God, our heavenly Father, as we draw near to Thee in spirit and in truth. - Help us to seek first Thy kingdom and Thy righteousness. We are weak; Thou art mighty. Impart unto us strength. We know but little; Thou art wisdom. Impart unto us wisdom. We are selfish; Thou art gracious and kind. Make us magnanimous to all with whom we come in contact; and so may Thy kingdom come in all our hearts, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4745. An act to consolidate certain forest lands in the

Paulina (Oreg.) National Forest; and

S. 1697. An act granting certain lands to school district No. 44, Chelan County, Wash.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest; to the Committee on the

Public Lands.

S. 1697. An act granting certain lands to school district No. 44, Chelan County, Wash.; to the Committee on the Public

CHANGE OF REFERENCE.

Mr. WILSON of Pennsylvania. Mr. Speaker, by direction of the Committee on Labor I move to discharge the Committee on Interstate and Foreign Commerce from the further consideration of Senate bill 252, a bill to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, and that the same be referred to the Committee on Labor.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. I understand this motion is not debatable. The SPEAKER. That is true.

It is affected or not affected by the fact Mr. ADAMSON. that the Committee on Interstate and Foreign Commerce has already entered upon the consideration of the bill?

The SPEAKER. It is within the province of the House to discharge a committee even if another committee has started in to investigate the subject matter of the bill concerning which a change of reference is sought to be made.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary

Mr. ADAMSON. My inquiry was whether it would be affected by that fact.

The SPEAKER. It might affect the vote of individual Mem-

bers if they knew of it.

Mr. ADAMSON. Not the point of order?

Higgins

Howland

Sulloway

The SPEAKER. No.
Mr. ADAMSON. Is it in order for me to state that the Committee on Interstate and Foreign Commerce has instructed me to resist the motion of the gentleman from Pennsylvania? The SPEAKER. It has already been stated, substantially. The gentleman can not escape it.

Mr. RICHARDSON. Mr. Speaker, is not this the day on which the Committee on Pensions has the precedence?

The SPEAKER. It is; but immediately after the approval of the Journal the gentleman from Pennsylvania [Mr. Wilson] rose and moved to discharge the Committee on Interstate and Foreign Commerce from the consideration of the bill which he

Mr. WILSON of Pennsylvania. Mr. Speaker, would it be parliamentary for me to state that the Committee on Labor has already reported and has placed on the calendar a similar bill?

The SPEAKER. Yes; it would be in order. The gentleman from Pennsylvania [Mr. Wilson] moves that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of Senate bill 252, and that the same be referred to the Committee on Labor.

Mr. RICHARDSON. Would it not be proper to state that the Committee on Interstate and Foreign Commerce has already

begun the consideration of that bill?

begin the consideration of that bill?

The SPEAKER. That has already been stated. Debate is not in order. This is the bill to establish the child-labor bureau. Those in favor of discharging the Committee on Interstate and Foreign Commerce from further consideration of this Senate bill and of sending it to the Committee on Labor will say "aye," those opposed "no."

The question was taken; and on a division (demanded by

Mr. Peters) there were—ayes 46, noes 49.

Mr. WILSON of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 113, answered "present" 8, not voting 96, as follows: YEAS-175.

Adair	Faison	Langham	Roberts, Nev.
Aiken, S. C.	Farr	Lee, Ga.	Roddenbery
Ainey	Fergusson	Lee, Pa.	Rodenberg
Akin, N. Y.	Ferris	Lenroot	Rothermel
Alexander	Finley	Lever	Rubey
Anderson, Minn.	Floyd, Ark	Lewis	Rucker, Colo.
Anderson, Ohio	Foster, Ill.	Lindbergh	Rucker, Mo.
Ashbrook	Francis	Littlepage	Russell
Barnhart	French	Lloyd	Scully
Bathrick	Gardner, Mass.	Lobeck	Shackleford
Beail, Tex.	Gardner, N. J.	McCall	Sharp
Bell, Ga.	Godwin, N. C.	McCoy	Sherwood
Berger	Goodwin, Ark.	McGillicuddy	Smith, J. M. C.
Bochne	Gray	McKellar	Smith, N. Y.
Borland	Green, Iowa	Macon	Stedman
Buchanan	Greene, Mass.	Maguire, Nebr.	Steenerson *
Bulkley	Gregg, Pa	Morgan	Stephens, Nebr.
Burke, Wis.	Gregg, Tex.	Morrison	Stephens, Tex.
Burleson	Hamilton, W. Va.	Morse, Wis.	Stone
Byrnes, S. C.	Hanna	Moss, Ind.	Switzer
Byrns, Tenn.	·Hardy	Mott	Taggart
Campbell	Harrison, Miss.	Murray	Talcott, N. Y.
Carter	Harrison, N. Y.	Needham	Taylor, Ala.
Catlin	Hartman	Neeley	Taylor, Colo.
Cline	Hawley	Nelson	Thayer
Cooper	Helgesen	Norris	Thomas
Cox, Ohio	Henry, Tex.	Nye	Towner
Crumpacker	Hensley	Palmer	Townsend
Curley	Holland	Parran	Turnbull
Currier	Howard	Patten, N. Y.	Tuttle
Curry	Hubbard	Patton, Pa.	Underhill
Daugherty	Hughes, N. J.	Pepper	Underwood
Davenport	Hull	Peters	Volstead
Davis, Minn.	Jackson	Pickett	Vreeland
Davis, W. Va.	Jacoway	Porter	Warburton
Dickinson	James	Post	Wedemeyer
Difenderfer	Johnson, Ky.	Pou	White
Dixon, Ind.	Johnson, S. C.	Pray	Willis
Dodds	Jones	Prouty	Wilson, Pa.
Donohoe	Kendall	Rainey	Witherspoon
Dupre	Kennedy	Raker	Wood, N. J.
Dyer	Kent	Rauch	Woods, Iowa
Edwards	Konop	Rees	Young, Kans.
Evans	Lamb	Reyburn	

	NA.	YS-113.	
Adamson Ansberry Ayres Bartlett Bingham Blackmon Booher Bowman Brantley Broussard Brown Browning Burgess Burke, Pa. Burke, S. Dak.	Burnett Butler Calder Calder Callaway Candler Cannon Claypool Clayton Collier Covington Cullop Danforth Dent Dent Denver Dickson, Miss.	Dies Doremus Doughton Driscoll, M. E. Ellerbe Esch Fitzgerald Flood, Va. Fordney Foss Foster, Vt. Fowler Fuller Garner Garrett	Gillett Goldfogle Good Gould Griest Gudger Guernsey Hamlin Hammond Hardwick Hay Hayes Hefiln Helm Henry, Conn.

Humphrey, Wash Humphreys, Miss Kindred Kinkald, Nebr. Konig Kopp Lafean Lawrence Legare Linthicum McGuire, Okla. McKenzie	. Madden . Mann . Martin, Colo Martin, S. Dak Miller . Mondell . Moore, Tex Page . Payne . Powers . Prince . Ransdell, La.	Roberts, Mass. Saunders Sims Sisson Slayden Sloan Small Smith, Saml. W. Smith, Tex. Stephens, Miss. Sterling Stevens, Minn.	Taylor, Ohio Tilson Tribble Utter Webb Wickliffe Wilder Young, Mich. Young, Tex.
	ANSWERED '	PRESENT "-8.	
Bates Bradley	Clark, Fla. Moon, Pa.	Moon, Tenn. Riordan	Simmons Weeks
	NOT VO	TING-96.	
Allen Ames Andrus Anthony Austin Barchfeld Bartholdt Cartrill Carlin Carly Connell Conry Copley Cox, Ind. Crago Cravens Dalzell Davidson De Forest Draper Driscoll, D. A. Dwight Estopinal	Fields Focht Fornes Gallagher George Glass Goeke Graham Hamilton, Mich. Harris Haugen Heald Hill Hinds Hobson Houston Howell Hughes, Ga. Hughes, W. Va. Kahn Kinkead, N. J. Kitchin Knowland	Korbly Lafferty Lafferty La Follette Langley Levy Lindsay Littleton Longworth Loud McCreary McDermott McHenry McKinley McLaughlin Maher Malby Matthews Mays Moore, Pa. Murdock Oldfield Olmsted O'Shaunessy Padgett	Plumley Pujo Randell, Tex. Reilly Robinson Rouse Sabath Sells Sheppard Sherley Slemp Smith, Cal. Sparkman Speer Stack Stanley Stephens, Cal. Sweet Talbott, Md. Thistlewood Watkins Whitacre Wilson, Ill. Wilson, N. Y.

Redfield Richardson

McKinney McMorran

to the motion of Mr. Wilson of Pennsylvania was agreed to. The following pairs were announced:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS. Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. Wilson of New York with Mr. Stephens of California.

Mr. Watkins with Mr. Speer, Mr. Sweet with Mr. Plumley.

Mr. Sweet with Mr. Plumley.
Mr. Korbly with Mr. Hamilton of Michigan.
Mr. Sherley with Mr. Olmsted.
Mr. Rouse with Mr. Murdock.
Mr. Allen with Mr. Moore of Pennsylvania.
Mr. Pujo with Mr. McCreary.
Mr. Oldfield with Mr. La Follette.

Mr. MAHER WITH Mr. LAFFERTY. Mr. MCHENRY WITH Mr. KNOWLAND.

Mr. LINDSAY with Mr. HOWELL, Mr. STANLEY with Mr. HINDS.

Mr. LEVY with Mr. HILL.

Mr. KITCHIN with Mr. HEALD.

Mr. KINKEAD of New Jersey with Mr. HAUGEN.

Mr. Hamill with Mr. Hanna, Mr. Graham with Mr. Focht, Mr. Estopinal with Mr. Dalzell.

Mr. DANIEL A. DRISCOLL with Mr. CRAGO.

Mr. Sparkman with Mr. Davidson.
Mr. Cravens with Mr. Copley.
Mr. Cox of Indiana with Mr. Caby.
Mr. Connell with Mr. Bartholdt.
Mr. Carlin with Mr. Barchfeld.
Mr. Cantrill with Mr. Anthony.

Mr. WHITACRE with Mr. SELLS.

Mr. CLARK of Florida with Mr. SIMMONS.

Mr. Houston with Mr. Moon of Pennsylvania.

Mr. SHEPPARD with Mr. BATES.

Mr. LITTLETON with Mr. DWIGHT.

Mr. Dithefon with Mr. Longworth.
Mr. O'Shaunessy with Mr. Longworth.
Mr. Hobson with Mr. Fairchild.
Mr. Mays with Mr. Thistlewood.
Mr. Hughes of Georgia with Mr. Hughes of West Virginia.
Mr. George with Mr. Malby.
Mr. Fields with Mr. Langley.
Mr. Stage with Mr. Langley.

Mr. FIELDS WITH Mr. LANGLEY.
Mr. STACK with Mr. SMITH of California,
Mr. Talbott of Maryland with Mr. Austin.
Mr. Randell of Texas with Mr. McKinley.
Mr. Sabath with Mr. Matthews.
Mr. Gallagher with Mr. Wilson of Illinois.
Mr. Moon of Tennessee with Mr. Ames.

For one week:

Mr. GOEKE with Mr. McLaughlin. Commencing 3 p. m. to-day, ending Monday: Mr. Padgett with Mr. Loud.

Until February 10, inclusive: Mr. McDermott with Mr. Draper.

Ending February 12: Mr. REHLY with Mr. DE FOREST.

On this vote:

Mr. CONRY with Mr. KAHN.

Mr. WEEKS. Mr. Speaker, I am paired with the gentleman from Texas, Mr. Burgess. I voted "no." I wish to withdraw that vote and answer "present."

The name of Mr. Weeks was called, and he answered "Pres-

ent," as above recorded.

The result of the vote was then announced as above recorded.

WITHDRAWAL OF PAPERS.

Mr. NEEDHAM, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of William C. Looper, H. R. 8152, Sixty-first Congress, no adverse report having been made thereon.

PENSION BILLS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that pension bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that pension bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the first bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 19721) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Julius S. Veile, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Edward F. Reed, late of Company E. First Regiment, and Company A. Nineteenth Regiment, United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sallie L. Lipscomb, widow of Lee M. Lipscomb, late first lieutenant Company H, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$17 per month.

fantry, War with Spain, and pay her a pension at the rate of \$17 per month.

The name of Florence Chinn, widow of Walter E. Chinn, late of Company C, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month, with \$2 per month additional on account of each of three minor children of the soldier until they respectively reach the age of 16 years.

The name of Charles J. Nelson, late of Troop M, First Regiment Illinois Volunteer Cavairy, War with Spain, and pay him a pension at the rate of \$15 per month.

The name of John Q. Walling, late of Company F, First Regiment United States Artillery, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Charles D. Barnett, late of Battery C, First Regiment Ohio Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of William D Hulse, late of Hospital Corps, United States Army, and pay him a pension at the rate of \$12 per month.

The name of Charles J. Tribble, late of Troop D, Seventh Regiment United States Cavairy, and pay him a pension at the rate of \$12 per month.

month.

The name of Martha E. Tadlock, widow of Benjamin Tadlock, late of Capt. Stapp's independent company, Illinois Mounted Volunteers, War with Mexico, and pay her a pension at the rate of \$12 per month.

The name of Henry Petring, late of Troop G, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$12 per

month.

The name of James Burnett, late of Capt. N. P. Willard's company, First Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of \$16 per month in lieu of that he is now re-

The name of Barton E. Gardner, late of Troop D, Fifth Regiment United States Cavalry, and pay him a pension at the rate of \$40 per

month.

The name of Henrietta F. Bartlett, widow of Charles W. Bartlett, late commander, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 261. Julius S. Veile.
H. R. 2619. Edward F. Reed.
H. R. 2619. Edward F. Reed.
H. R. 4359. Sallie L. Lipscomb.
H. R. 6163. Florence Chinn.
H. R. 6279. Charles J. Nelson.
H. R. 7396. John Q. Walling.
H. R. 12008. Charles D. Barnett.
H. R. 12022. William D. Hulse. H. R. 12429. Charles J. Tribble. H. R. 13670. Martha E. Tadlock. H. R. 13761. Henry Petring. H. R. 13815. James Burnett. H. R. 18152. Barton E. Gardner. H. R. 18153. Henrietta F. Bartlett. H. R. 18732. Ernest G. Lee.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BURKE of Wisconsin. Mr. Speaker, I now call up the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which I send to the desk and ask to have read.

The Clerk read as follows:

widows and dependent children of soldiers and sailors of said war, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it exacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension lavension roll, subject to the provisions and limitations of the pension lavension roll, subject to the provisions and limitations of the pension lavension roll, subject to the provisions and limitations of the pension lavension at the rate of \$13 per month in lieu of that he is now receiving.

The name of William Murdock, late of Company H. Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ordinater Infantry, and Company C. Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rutsa M. Boring, late of Company A, Sixth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Chase J. Wentworth, late of Company A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph L. Day, late of Company B, Eighth Regiment The name of Joseph L. Day, late of Company E, Eighth Regiment Himlus Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Amos Diemer has of Company E, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph L. Pay, late of Company I, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph L. Wentwilliam Regiment Missouri Volunteer Cavalry,

and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Matthew H. Jamison, late of Company E. Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J. Pride, late of Companics D and K, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Gibbs, late of Company D, One hundred and fifty-scoond Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Hasenwinkle, late of Company F, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Johanna Krumholz, widow of Mathias Krumholz, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Sophia M. Hutchins, former widow of Wallace Hutchins, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Mary E. Hitchcock, widow of Napolean Hitchcock, late of Company C, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Eugenia A. Dennis, widow of George E. Dennis, late of Company C, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lot D. Hull, late of Company E. Twelfth Regiment Ohio Volunteer Infantry, and Company H, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac N. Bonham, late of Company B, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sewell E. Day, late of Company E, First Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Fisher, late of Company I, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac W. Thorp, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edmond Gould, late of Company K, Twenty-first Regiment Maine Volunteer Infantry, and Company I, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac F. Lapham, late of Company G, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Adam F. Becker, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Coonrod, late of Company G, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Dunn, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Miles Zentmyer, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and Company F. Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and Company him a pension at the rate of \$30 per month in lieu of that he is now receiving. ment Oilso Volunteer Manuty, and ever time a year of the Nation of the rate of \$30 per month in lieu of that he is now receiving.

The name of Miles Zentmyer, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James P. Nesbitt, late of Company F, First Regiment New Jork Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jaley E. Poor, late of Battery H. First Regiment New Jork Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Collar, late of Company H. Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Collar, late of Company H. Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Perry Workman, late seaman, U. S. S. Princeton, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Craig, late of Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Craig, late of Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Craig, late of Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Craig, late of Company B, Continuely, and pay him a pension at the rate of \$30 per month in lieu of t

and sixty-inita Regiment Onio National Guard Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James H. Chadwick, late of Company H, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Richard T. Stott, late of Company H, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Sharp, late of Company A, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah F. Mason, widow of James A. Mason, late of Company E, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James W. Curtis, late of Company M. Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Curtis, late of Company M. Sixth Regiment Indiana Volunteer Cavalty, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter Johnston, late of Company E, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Andrew Scott, late of Company E, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Blackburn, late of Company D, Fourth Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levis W. England, late of Company D, Second Regiment Missouri State Militia Cavalty, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William L, Gray, late of Companies F and C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel De Armitt, late of Company H, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J, Stafford, late of Company H, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Villiam Mereness, late of Sixteenth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Feter Roger, late of Company B, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Kate A, Wilson, widow of David W, Wilson, late of Company J, Ferst Regiment Ohio Volunteer Infantry, and

The name of Willet Teller, late of Company E, Eightleth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Baughan, late of Company H, Fourth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adeline Summerville, widow of James J. Summerville, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Homer McC. Summerville, helpless and dependent son of said Adeline Summerville, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Adeline Summerville the name of said Homer McC. Summerville shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Adeline Summerville.

The name of Albin F. Day, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Amelia M. Lacy, former widow of Edmund Burt, jr. late of Company B, Fifth Regiment New York Volunteer Cavairy, and pay her a pension at the rate of \$12 per month.

The name of Mary L. Thompson, widow of Claude D. Thompson, late of Company K, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Kintner, late of Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Jane McLaughlin, widow of Jarvis McLaughlin, late of Company G, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per

receiving.

The name of Mary A. Fox, dependent mother of Thomas L. Fox, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in Heu of that she is now receiving.

The name of William F. Ross, late of Company H, Second Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John W. Kinnison, late of Company C, Veitzran Battalion, First Regiment Colorado Volunteer Cavatry, and pay him a pension at the rate of \$30 per month in lieu, of they he is now receiving. The name of George Ditzel, late of Company C, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph W. Grimes, late of Company A, Second Regiment West Virginia Volunteer Lavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Colcord, late of Companies E and K, Second Regiment New Hampship Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter Bower, late of Company G, Forty-sixth Regiment Oblio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jaines F. Wilson, late of Company J, Foresty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jaines F. Wilson, late of Company J, First Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jaines M. Kilgore, late of Company D, First Regiment Alabama and Tennessee Independent Vidette Volunteer Cavairy, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lettie Frazier, widow of John Frazier, late of Company K, Eighth Regiment Tennessee Volunteer Cavairy, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lettie Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Walton, late of Company C, Forty-fourth Regiment West Virginia Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is no

and Company C, Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Powell, late of Twenty-second Independent Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Isaac H. Earl, late of Company D, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Eller T. Dunne, widow of Patrick R. Dunne, late of Company D, One hundred and seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Edward D. Bliss, dependent father of Edward D. Bliss, late of Company G, Twenty-first Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James V. Gault, late of Company E, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Georgianna M. Williams, widow of Horace E. Williams, late of Company G, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Calvin Roberts, late of Battery B, West Virginia Volunteer Light Artillery, and Company I, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jerome S. Pinney, late of Company G, Battalion, First Regiment, Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. King, late of Company K, Second Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Dodds, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Alvin Wiley, late of Company I, Seventh Regiment Indiana Volunteer Cavalry, and Company H, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Vincent M. Harper, late of Company B, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis E. Adams, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joshua M. Gibbs, late of Company C, One hundred and third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Martin, late of Company B, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry N. Townsend, late of Company G, Forty-sixth Regiment Love Volunteer Infantry, and Company G, Forty-sixth Regiment Love Volunteer Infantry, and Regiment Love Volunteer

and intery-third Regiment Onto volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry N. Townsend, late of Company G. Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ebenezer S. Exline, late of Companies M and L. Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Patrick Hogan, late of Company G. Twenty-fifth Regiment Missouri Volunteer Infantry, and Companies L and E. First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Strong, late of Company E. Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Maxine Boisvert, late of Company G. Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael Hance, late of Company C. Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah B. Weaver, widow of Charles S. Weaver, late of Company B, Fourth Regiment Massachusetts Volunteer Cavalry, and Company B, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of William Hess, allas William Brown, late of Company F, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of William D. Purcell, late of Company E. Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William D. Purcell, late of Company E. Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per mont

her a pension at the rate of \$12 pc
The foregoing bill is a substituterred to the Committee on Invalid
H. R. 99. James Stafford.
H. R. 243. William Murdock.
H. R. 269. Daniel R. Russell.
H. R. 468. Rufus M. Boring.
H. R. 616. Chase J. Wentworth.
H. R. 619. Samuel F. Tewksbury.
H. R. 628. Joseph L. Day.
H. R. 659. Amos Diemer.
H. R. 1347. James H. Werking.
H. R. 1561. James McElroy.
H. R. 1848. Levi Taylor.
H. R. 1929. Joseph Campbell.
H. R. 1967. John L. Clifton.
H. R. 2012. David T. Weir.
H. R. 2014. John H. Selby.
H. R. 2158. William Sills.
H. R. 2236. James Price.
H. R. 2320. Jesse M. Williams.
H. R. 2320. Matthew H. Jamison.
H. R. 2465. Andrew J. Pride.
H. R. 2551. William T. Gibbs.
H. R. 2552. Johanna Krumholz.
H. R. 2655. Sophia M. Hutchins.
H. R. 2656. Mary E. Hitchcock.
H. R. 2381. Lot D. Hull.
H. R. 2737. Lot D. Hull.
H. R. 2738. Isaac N. Bonham.
H. R. 2842. Sewell L. Day.
H. R. 3493. George H. Fisler.
H. R. 3544. Isaac W. Thorp.
H. R. 3587. Edmond Gould.
H. R. 3649. Miles Zentmyer.
H. R. 3649. Miles Zentmyer.
H. R. 3641. John Conrod.
H. R. 3641. James W. Dunn.
H. R. 3642. John Collar.
H. R. 3643. James P. Nesbitt.
H. R. 3655. William H. Livingston.
H. R. 3649. Miles Zentmyer.
H. R. 3649. Miles Zentmyer.
H. R. 3649. James P. Nesbitt.
H. R. 3767. Bailey E. Poor.
H. R. 3772. John Collar.
H. R. 3772. John Collar.
H. R. 3783. James P. Nesbitt.
H. R. 3767. Bailey E. Poor.
H. R. 3772. John Collar.
H. R. 3875. Perry Workman.
H. R. 3640. James W. Dunn.
H. R. 3641. John Craig.
H. R. 4071. John Craig.
H. R. 4086. Jacob Guy.
H. R. 4086. William H. Livingston.
H. R. 4388. William H. Freeze.
H. R. 4388. William H. K. 4380. William H. Louthain te for the following House bills it Pensions:

H. R. 4588. John Burkhard.
H. R. 4592. William H. Zetler,
H. R. 4606. Jesse B. Wilcox.
H. R. 4609. Asa L. Bushneli.
H. R. 4618. Robert B. McCrory.
H. R. 4611. James H. Chadwick,
H. R. 4631. James H. Chadwick,
H. R. 4813. Richard T. Stott.
H. R. 4815. John J. Sharp.
H. R. 4815. John J. Sharp.
H. R. 4911. James W. Curtis.
H. R. 5136. Peter Johnston.
H. R. 5136. Peter Johnston.
H. R. 5250. William Blackburn,
H. R. 5250. Lewis W. England.
H. R. 5255. William L. Gray,
H. R. 5371. Samuel De Armitt.
H. R. 5642. William Mereness.
H. R. 5651. James M. Reynolds.
H. R. 5673. Peter Boger.
H. R. 5673. Peter Boger.
H. R. 6051. Mary A. Malosh.
H. R. 6051. Mary A. Malosh.
H. R. 6060. George W. Keighler.
H. R. 6061. William P. Kimball,
H. R. 6062. John Langan,
H. R. 6062. John Langan,
H. R. 6067. Catharine T. M. Bachtman,
H. R. 6077. Catharine T. M. Bachtman.
H. R. 6250. Willet Teller: Catharine T. M. Bach-man.
Willet Teller:
William W. Baughan,
Adeline Summerville.
Albin F. Day.
Amelia M. Lacy.
Eric Oleson.
Mary L. Thompson.
William Kintner.
Mary Jane McLaughlin.
David Johnson.
Francis Berry. H. R. 6250, H. R. 6151, H. R. 6173, H. R. 6240, H. R. 6292, H. R. 6444, H. R. 6541, H. R. 6527, H. R. 6643, H. R. 6643, H. R. 6799. H. R. 6813. H. R. 6815. H. R. 7135. Francis Berry.
James H. Conklin.
Mary A. Fox.
William F. Ross. H. R. 7135. William F. Ross.
H. R. 7161. John W. Kinnison.
H. R. 7162. George Ditzel.
H. R. 7189. Joseph W. Grimes.
H. R. 720. William H. Colcord.
H. R. 7221. Peter Bower.
H. R. 7435. James F. Wilson.
H. R. 7459. Matison M. Kilgore.
H. R. 7467. Lettic Frazier.
H. R. 7590. Morris S. Hall.
H. R. 7645. John Walton.
H. R. 7646. Lyman H. Milzer.
H. R. 7742. Daniel W. Myers.
H. R. 7742. Daniel W. Myers.
H. R. 7888. Charles W. Bowman.
H. R. 7935. Walter L. Todd.
H. R. 8047. Samuel A. Cooper.

H. R. 8055, William Walsh.	H. R. 8876. John W. King.
H. R. 8056. Maria A. Van Kleek.	H. R. 8909, William Dodds.
H. R. 8106. Salathiel S. Stalnaker.	H. R. 8963. Alvin Wiley.
H. R. 8128, Thomas J. Scott.	H. R. 9075. Vincent M. Harper.
H. R. 8133, Isaac Weaver.	H. R. 9126, Lewis E. Adams.
H. R. 8163. John Myers.	H. R. 9147, Joshua M. Gibbs.
H. R. 8337. Aylette F. Butler.	H. R. 9189. William H. Martin.
H. R. 8348. Orin Haworth.	H. R. 9195. Henry N. Townsend.
H. R. 8466. George Moblo, alias	H. R. 9288. Ebenezer S. Exline.
George Cook.	H. R. 9346. Patrick Hogan.
H. R. 8531. Henry C. Powell.	H. R. 9381. William Strong.
H. R. 8537. Isaac H. Earl.	H. R. 9382. Maxine Boisvert.
H. R. 8568. Ellen T. Dunne.	H. R. 9383. Michael Hance.
H. R. 8569. Edward D. Bliss.	H. R. 9384. Sarah B. Weaver.
H. R. 8577. James V. Gault.	H. R. 9399. William Hess, alias
H. R. 8592. Georgianna M. Williams	William Brown.
H. R. 8760. Calvin Roberts.	H. R. 9407. William D. Purcell.
H. R. 8840. Jerome S. Pinney.	H. R. 9409. Mary Hetty Spring.

Mr. BURKE of Wisconsin. Mr. Speaker, on page 6, line 24, there is a typographical error in the spelling of the name of the claimant. It should be Fisler instead of Fisher, and I move that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 24, strike out the word "Fisher" and insert the word "Fisher."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. BURKE of Wisconsin. Mr. Speaker, I offer the following amendment: Page 8, strike out lines 3, 4, 5, 6, 7, and 8, being the pension granted to Miles Zentmyer.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, strike out lines 3, 4, 5, 6, 7, and 8,

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. GUDGER. Mr. Speaker, much has been said to mislead the public touching the recent pension legislation. Many exaggerated statements have been put in circulation and I deem it proper at this time to state the exact facts, so that the country may have a clear understanding in regard to this proposed legislation.

Mr. Sherwood, one of the leading Democrats from the great State of Ohio, introduced a bill into the lower House of Congress which afterwards became known as the Sherwood bill. No braver Democrat stands upon the floor of the House than Mr. Sherwood, for in Ohio a Democrat is always in the minority and has a constant fight to maintain and advance his political convictions.

The Sherwood bill was referred to a Democratic committee and considered for months along with several other pension measures of like character, and finally, after, months of laborious investigation, this Democratic committee reported the Sherwood bill unanimously and recommended its passage.

The Democratic leaders in the House thus made the Sherwood bill a privileged measure, going even further by agreeing to consider it as the first general bill at the regular session of the Sixty-second Congress. The report of the committee was, in effect, that this legislation would equalize the allotment of pensions on a service basis, recommending that the amount be fixed at from fifteen to thirty dollars per month, according to length of service, and that the entire appropriation carried by the bill would be less than \$28,000,000, and that it would, to a large extent, do away with the much-abused system of special pension legislation and make a uniform law that would be just to all.

As a matter of fact, 9,600 special pension bills were passed during the Sixty-first Congress. Many of these bills gave from thirty to fifty dollars per month. This class of legislation gave preference often to those who did political work, and those in greatest need failed to obtain a hearing.

It was further urged by this committee that this bill would render unnecessary the great army of special detectives and agents, and that many special pension boards would be abolished, thus saving large sums to the Government.

Mr. Underwood, from Alabama, one of the most prominent men in the House, chairman of the Ways and Means Committee, made this statement in a speech in the House of Representatives-facing the Republican side, he said:

You knew that the Democratic caucus had pledged itself not to go into general legislation and also had pledged itself to report a pension bill to this House, and notwithstanding that, you put these motions on the Calendar to block the consideration of other business. The House has acted as it pledged itself to do on a pension bill.

So it will be observed, first, that the Democratic caucus pledged itself to report a pension bill; second, a Democrat is the author of the bill; third, a Democratic committee unani-

mously reported the bill; fourth, a Democratic majority gave the bill the right of way; fifth, the Democratic leaders supported the bill, including Speaker CHAMP CLARK and JAMES T. LLOYD, chairman of the Democratic national congressional com-The bill was passed; a majority of the Democrats voted for the bill. Out of seven Confederate soldiers who are now Members of Congress five voted for this bill, and their honesty of purpose and patriotism can not be called into question; also, the entire delegation of three Southern States voted for the bill. Therefore, this bill being urged as a Democratic policy and having confidence in the leadership of my party and in their wisdom, I surrendered my own personal views to their judgment.

The wide distinction between a party policy and an individual preference is obvious to all thoughtful men. It must be admitted that in the carrying out of the policies of a great national party at times an individual must surrender his personal judgment and be governed by the leaders and the majority of his party.

I have given the facts connected with the report and passage of this bill in detail, so that a fair-minded public can form its own judgment relative to the entire situation as it then

appeared to me.

It is alleged by some who opposed the bill that a more careful investigation will show that the amount carried by the bill is much greater than the estimates made by the committee. If this is so, then the committee is responsible. If I had had such information at the time, I should have voted against the bill, although pending as a Democratic policy. In the language of my party's platform, I favor a fair, "liberal" pension to deserving bona fide soldiers who saw actual service, but not one dollar for that class of men whose only service consisted in terrorizing peaceful communities by unlawful acts.

At the beginning of this Congress it was recognized that no important legislation proposed by the Democratic Party would be permitted to pass the Senate and receive the approval of the President. The Sherwood pension bill has been pigeonholed by a Republican Senate. In other words, it will never be seriously

considered by the Senate.

The Republican Senate has agreed to report the McCumber pension bill as a Republican policy, which is based on service and age combined. Such a bill will meet, as it justly deserves, the opposition of all conservative men, based, as it is, on that indefensible principle of making age a large element in governing the amount of pension of each soldier. The machinery necessary to administer the McCumber bill is such that millions of dollars would be required in the employment of clerical force, and I shall vote against that bill.

I am opposed as much as any man to the increasing of this already too large pension burden. I am on record as voting to strike from the pension roll the names of all pensioners who have renounced allegiance to the United States and taken up their residence as citizens of other countries, which would save

\$1,000,000.

I favor a sharp pruning knife to be used in striking from the roll that class of men who are not entitled to a pension and who did not see actual bona fide service, but who have obtained a pensionable status by fraud. By the application of justice in equalizing our pension list and striking from the roll those not entitled to draw a pension, the Government could reduce the present amount now paid many million dollars. would not injure those deserving a pension.

After mature deliberation, I frankly state that if I had followed my own personal views on this question, I would have voted against the Sherwood pension bill. This vote was a mistake in following a party policy rather than my own personal judgment. It is that mistake made by the best and wisest men of our country at times; every man makes mistakes; no man

Mr. THISTLEWOOD. Mr. Speaker, on page 25, line 3, I move to strike out the word "twenty" and insert the word "thirty." This man is now drawing an old-age pension of \$15 He is a confirmed invalid and I submit that the advance to \$20 is not what it ought to be. The claimant is William Dodds, late of Company H. Fifteenth Regiment Illinois Volunteer Infantry.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 3, strike out the word "twenty" and insert the word "thirty."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time. and was read the third time.

The SPEAKER. The question now is on the passage of the

Mr. RODDENBERY. Mr. Speaker, I desire to address the House on this bill.

The SPEAKER. The gentleman from Georgia [Mr. Rop-DENBERY].

Mr. RODDENBERY. Mr. Speaker, this bill is another of the special pension bills, similar to the bills which were passed about two weeks ago, and similar to others that we are advised will be brought in here about every change of the moon. These special bills increase existing pensions in almost if not every instance. I am interposing no objection to fair treatment of the old soldiers or their widows and dependents. It can not be urged that these special bills are giving pensions to needy, deserving, disabled, and unfortunate soldiers of the Civil War and their dependents who are not now receiving pensions from the Government. The persons mentioned in this voluminous report accompanying this bill are beneficiaries who at this time and for several years past have been granted, allowed, and drawing pensions from the Government. They are not instances in which special legislation is sought and needed in order to extend to them consideration as dependents or soldiers of the late, now far gone, Civil War. They are at this time pensioners of the Government under existing statutes and are receiving pensions as such. This special bill is merely the operation of special legislative machinery whereby the Pension Committee hears and considers pension propositions and exceeds and goes beyond the existing statutes providing pensions in the various cases. They are raised from \$3 to \$20; they are raised from \$12 to \$30; they go from \$15 to \$40 and to \$60. These pensioners are no more deserving of this favoritism than thousands of other pensioners on the list, if, indeed, any deserve or need this increase. It is a species of favoritism, it is a species of privileged legislation whereby one soldier or the widow or the dependents of that soldier is, by the activity of a Member of Congress, given \$50 a month, \$60 a month, whereas a like deserving case will go on year after year as the recipient of an \$8, a \$10, or a \$12 pension. Moreover, Mr. Speaker, this class of legislation is in the face of the general pension bill already passed. Let passage of such bills continue here at this session of Congress, at the next session of Congress, and at the next session of Congress, and by the time the Sherwood bill or the Sulloway bill or some other general bill is enacted all the favored number will be drawing each month \$40, \$50, and \$60

The SPEAKER. The time of the gentleman has expired. Mr. RODDENBERY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unani-

mous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. RODDENBERY. Mr. Speaker, my request for leave to extend remarks is not to indulge in observations of my own which are not actually delivered upon the floor. It impresses me that, while these special pension bills bearing marks of discriminating favor to special pensioners are being passed, the pronounced views of a very distinguished ex-Union soldier may be appropriately confided to the permanent records for the thoughtful consideration of Members of Congress. I make reference to Gen. Charles Francis Adams, who gave nearly four years of service to the Union, covering almost the whole period of the Civil War. Gen. Adams has lately contributed three very instructive articles, showing great research, by publishing the same in recent numbers of World's Work. I do not assume that the statements and opinions of this distinguished ex-Federal Army officer will be accredited to a spirit of prejudice or actuated by motives of sectionalism.

I now quote literally extracts from the introduction written by Gen. Adams as prefatory to the article hereinafter inserted They are submitted as being peculiarly applicable to the pending legislative favoritism. Gen. Adams, one of the comparatively few surviving commanders of the Union Army, under his own signature, writes as follows:

The subject matter discussed in the following paper is momentous, reaching down, as it does, to the very base of our American institutions—the purity of the constituencies. The fast-developing pension system is nothing more nor less than the initial step in what will, and at no remote day, surely become an established policy of general bribery and corruption. At present, in dealing with the subject, Members of Congress and others are either shortsighted or foolish enough to say that, though the amount expended is large and steadily increases, it will be but for a brief time. In 10 years the veterans will all, or nearly all, be dead; the thing will then stop of itself.

Nothing of the sort will occur. On the contrary, it is vastly more probable that 10 years hence the pension roll of this country will be \$300,000,000 a year than that it will be less than it now is. What has hitherto been done in this way, or is now being done, is merely the entering wedge. It is so safe, as well as so personally inexpensive, for mbers of Congress to buy votes with the public money.

The order of future events will proceed somewhat as follows: We now have a "veteran" pension system affecting, on an average, about 2,600 voters in every congressional district north of the Potomac and, with a few exceptions only, in all of those west of the Mississippi. The parties openly and avowedly bid against each other for that vote—Democrat against Republican. It already involves an annual disbursement of about \$400,000 a year in each congressional district. Under the proposed "dollar-a-day" largess measure this amount will be increased to about \$600,000 a year in each district. Next in order will be the volunteer officers' retired list, involving an annual expenditure of about \$15,000,000—\$50,000 on an average in each district. Next come the widows and dependents of the "veterans," involving an amount impossible now to estimate. If fixed at \$20 a month, as proposed, it will probably be \$100,000,000 a year for an indefinite future period and affect a number of households not easy to calculate. That the "old militia men and teamsters and telegraphers and the other men who did so much for the Union cause" should now be given a pensionable status is next urged. And why not? They also have votes in congressional elections!

The system thus fairly inaugurated, the next move, already agitated, is to pension the civil-service officials. These are some 300,000 in number, or about 700 in each congressional district, which, added to the 2,600 already referred to, makes an aggregate of 3,400. Behind that comes the old-age pension system and other gratuity projects of which echoes from abroad and suggestions at home already reach us.

It is not too much to say, therefore, that on the road we have now fairly entered and upon which by leaps and bounds are so rapidly advancing, within the next 15 years the annual pension disbursements of this country will amount not improbably to five hundred millions, representing over a million of annual gratuities paid out in every congressional district, affecting no less than from

resenting over a million of annual gratuates pressional district, affecting no less than from 5,000 to 7,000 voters therein.

Under the system hitherto in vogue in this country of progressive pensions—that is, annual increases promised by candidates for office—it is not too much to say that at a not remote period the Government will thus at each election be practically put up at auction. Each congressional candidate will travel through his district, hat in hand, promising to be more liberal in the way of pensions, etc., than his opponent. "Codlin's the friend, not Short. Short's very well as far as he goes, but the real friend is Codlin—not Short!" The result of such competitive election bidding any disinterested citizen can with no considerable difficulty work out for himself.

The writer has frequently been asked why, in face of the apparently inevitable, he assumed the not inconsiderable task of preparing the following papers. His reply is simple. Having himself done military duty in the Civil War for a period little short of four years, his sole object is, in so far as may be in his power, to bear witness against what he considers and what many others consider one of the most individually demoralizing and politically debauching acts of which record exists, and altogether the most ill-concealed and unblushing piece of political jobbery, corruption, and bribery as yet to be found inscribed in American annals. Nor is any end to it yet in sight!

Colonel and Brevet Brigadier General, 1865.

WASHINGTON, January 1, 1912.

Mr. Speaker, I now submit the three courageous articles of Gen. Charles Francis Adams, with his accurately prepared and instructive appendix thereto. The truth of statement of facts by him can not be controverted; whether the prophecies made by him are to be fulfilled remains for Congress to determine and for the future to disclose.

SPARE AT THE SPIGOT AND SPILL AT THE BUNG—THE MODERN PRACTICAL OBSERVANCE OF A POLITICAL MANDATE LOOKING TO A WISE, EFFICIENT, AND EFFECTIVE ADMINISTRATION OF PUBLIC AFFAIRS WITH A VIEW TO A RETRENCHMENT OF EXPENDITURES—CAMPAIGN PROMISE AND CONGRESSIONAL PERFORMANCE—THE CARCASS AND THE VULTURES.

GRESSIONAL PERFORMANCE—THE CARCASS AND THE VULTURES.

The publication known as the Congressional Record is an awkward as well as an enduring fact; and with it at hand for ready reference by political opponents, habitually to reconcile utterances and votes of a wholly contradictory tenor, involves on the part of the average Member of Congress recourse by no means infrequent to a fineness of distinction bearing close resemblance to bare-faced sophistry. So gross is this, indeed, as at times to seem indicative of scant respect for the intelligence of those, constituents or otherwise, to confuse and deceive whom it is designed. A somewhat striking illustration of this commonplace is now apparently in order for January, 1912, an illustration to be writ large and in dollars—in fact, in the scores of millions of dollars.

monplace is now apparently in order for January, 1912, an illustration to be writ large and in dollars—in fact, in the scores of millions of dollars.

The special session of the Sixty-second Congress, convened in April last, adjourned on the 25th of August. Called in advance of the regular date of meeting to consider and act upon the proposed commercial pact with the Dominion of Canada, Congress, in so far as was practical, confined its action to the business immediately in hand, attempting no general legislation; but at its closing session Mr. Oscar W. Underwood, of Alabama, the official and recognized leader of the dominant party in the House of Representatives, made a statement in regard to the economies in national expenditure so far effected as a result of the incoming of the political party of which he was the mouthpiece. The amount was not considerable; in fact, as national expenditures go, it was trivial. In Mr. Underwood's own language, "the total saving in money as a result of the enforcement of Democratic policies during the present session of Congress is \$308,836.67." But he then went on further to say that "a determined effort will be made to effect proportional savings in the administration of the Government in every department"; and he added: "This House is pledged to reform the administration of public affairs and to retrench public expenditures. * * Not a dollar will be appropriated which a careful investigation does not demonstrate should be expended in a wise, efficient, and effective administration of public affairs."

The program to which Mr. Underwood thus committed his party was excellent as well as pronounced. The effect, however, was somewhat impaired by a subsequent remark of ex-Speaker Cannon, to the effect that he believed "the country will not approve the waste of time over the saving of cents here and there when the great affairs touching expenditures that aggregate nearly a thousand million dollars are neglected"—and he might have said "ignored."

The saving referred to by Mr. Und

record. Meanwhile, throughout that seedon there was, from its bedinerion to tend, in spite of the assurances and commitments, an undertone curiously and distinctly ominous so far as any reduction of the aggregate of public expenditures was concerned—an undertone most suggestive of the ancient adago as respects saving at the spitot and wasting at the bumphole. While a jealous and watchid eye was kept the control of the cont

measures had been denied, was an effort to get some slight recognition for their services."

The Sixty-first Congress expired on the 4th of last March, and the Sixty-second Congress met a month later. The House of Representatives of the old Congress had been strongly Republican; that of the new was as strongly Democratic. This House had, moreover, been chosen in an outspoken spirit of protest against the extravagant and even reckless scale of public expenditure alleged to have been indulged in—a scale necessitating most onerous taxation. Thus the popular branch of the Sixty-second Congress was chosen under a distinct mandate—the inauguration of a system of economical reform. The cost of living, already excessive, was manifestly increasing, and a halt was accordingly called to an era of inordinate and extravagant public profusion. With an eye to this mandate, the committees of the new House were in due time appointed. Over those committees Democratic chairmen presided; Democrats predominated in their membership. Among the committees thus appointed was that on Invalid Pensions. If met and at once proceeded to the work assigned it—that of a reformed and

economical administration involving far the largest single item of national disbursement.

As a result, it may be assumed, of full and deliberate consideration it at last, on August 19, reported what must be taken for its idea of an improved economical substitute for the so-called Sulloway bill, that measure which had so narrowly failed of passage by the previous Congress. Of this bill—the Sherwood bill—more presently. Meanwhile, through some parliamentary legerdemain unnecessary to consider, another measure was already before the House. This was known as the Anderson bill and was a measure of the character usually known as a "blanket bill." That is, it provided for an indiscriminate and large increase of pensions under provisions of the most sweeping character, including not only veterans of the war but the widows of deceased soldiers and sailors; and it was estimated that, if it became a law, it would increase the draft on the Treasury by some \$50,000,000 a year—in other words, raise that draft in the aggregate to the two hundred million mark. This bill, it was alleged, had been, so to speak, "sneaked" into its position on the calendar; and the charge, which was apparently advanced in numerous papers, led, on the 31st of July, to a somewhat unseemly altercation on the floor of the House between two Members, both from Ohlo—Gen. Sherkwood, the chairman of the Committee, the introducer of the bill. Mr. Anderson, a member of the Committee, the introducer of the bill. Mr. Anderson, asserted that, though he might have "sneaked" in his bill, he at least did not "sneak into the corridors and fail to vote when the bill came up for action," thus intimating that the chairman of the committee, claiming paternity of another measure, had in this way sought to evade responsibility. Passing by these amenities of debate as immaterial to the main issue, it is not necessary for present purposes seriously to consider the so-called Anderson bill. It would, however, be difficult to suggest anything in its favor. Crude and slovenly

Over the head of the Democratic House, about to fulfill its mandate of economy, this bill now hangs.

In the report which accompanied this bill much space was, for appearance sake, allotted to an enumeration of economies to be effected thereby. The measure itself is framed on the basis of what is known as the dollar-a-day pension bill, first introduced by the chairman of the present committee, Gen. Sherwood—"Old Dollar-a-day Sherwood, as he likes to have himself designated—then a newly elected Member, early in December, 1907. Reintroduced in December, 1909. It was pending before the Committee on Invalid Pensions up to the end of the Sixty-first Congress. In the report now accompanying its appearance in a new and perfected form much emphasis is laid upon the fact that during the preceding year the Government had paid out over \$700,000 for medical boards and special examiners. It was now proposed that these boards, to a certain extent barriers against abuse, were to be done away with as being no longer required. This was a measure of economy! Furthermore, it is stated that during the previous year \$300,000 was paid out for special pension examiners, nearly all of which, it was argued, could now be saved and the money paid direct to the soldiers. A second barrier against abuse done away with in the name of economy! A further "economy" feature was that under the sweeping provisions of this measure the Pension Bureau would be in a position largely to reduce its office force. Over \$1,000,000, it is claimed, now spent in salaries could thus be saved and paid direct to the soldiers. And yet, even while advancing this argument, those who advance it know perfectly well that the measure they are advocating will increase the work of the Pension Bureau for years to come, necessitating a large addition to its clerical force if the avalanche of claims which pour in is to be disposed of within any reasonable estimate of the lifetime yet remaining to the "decrepit" and "halting" pension claimant. But it is so throughout! The ut

eral" pension legislation are conceivable only by those who make a study of the Record. The audacity of assertion, plainly contradictory, exceeds belief.

Without repealing any existing pension law or in any way modifying, restricting, or changing the laws or rules governing the payment of present pensions to the inmates of national soldiers' homes, the so-called Sherwood or dollar-a-day bill seeks to provide that every soldier who served in the Civil War, no matter where, when, or how, for the period of 90 days should receive \$15 per month for the remainder of his life; every soldier who served 6 months, \$20; every one who served 9 months was to get \$25; and he who served 1 year or more, irrespective of his present age, was to receive \$30 per month. All these payments, it is to be borne in mind, were to be made to men who suffered no wound or injury during their term of service nor incurred therein any physical disability. Such are already cared for by virtue of other legislation. The payments now provided were to be a pure gratuity, based upon the fact that the recipient, at a period nearly 50 years ago, performed some sort of military service for 90 days or 6 months or 9 months or 1 year or more. Upon the theory that all the money to be appropriated should go to soldiers in distress, a provision was added that no ex-soldier enjoying a net income of \$1,000 a year or more should draw any additional pension under the provisions of this act. The word "additional" here should be noted. It is a word of much significance in this connection.

While this bill was being drafted and was still in committee, it was referred to the Pension Bureau for the usual estimate of the cost likely to be entailed thereby should it become a law. The Pension Bureau refused, however, to make the called-for estimate, on the ground that, owing to the section which excluded soldiers with a net private income per year of \$1,000 or more, no data existed upon which an estimate could be based. Thereupon the committee proceeded to make an esti

operation of the bill was not likely to exceed \$20,000,000. But, as the great mass of the claims are necessarily acted upon during subsequent operate back to the time the claim was filed, it is not unsafe to estimate that for the second year the during the claim was filed, it is not unsafe to estimate that for the second year the during the claim was filed, it is not unsafe to estimate that for the second year the during the claim was filed, it is not unsafe to estimate that for the several periods of service prescribed in this measure \$450,000,000. The several periods of service prescribed in this measure of pensiones, critical the agreement of the several periods of service prescribed in this measure of pensiones. The average licrosase per anum per pensioner was fixed at \$105.50. It was further estimated that the number of those entitled to a rate on their account alone of \$12,850.90.40. These totals are so considerable as to carry no significance to the average mind. Meanwhile, by way of comparison, it may be observed that the total amount paid out since of comparison, it may be observed that the total amount paid out since dence up to this time is estimated at \$70,000,000, or less than the mere increase provided for by one exars operation of the Shewcod "Dollar aday" bill.) The report then goes on to rate that under the adaptive part of comparison, it may be observed that the the service of comparison, it may be observed that the service and the service of the soliders wildows, etc.

See the service of the benefit of soliders' wildows, etc., was to be considered in a separate bill to be reported by another committee. The provided provid

In the course of the delete attention was emphatically called to this year. Programany of New Yorks of the Shewroom was the program of the Markov Mar

seem incredible.

The question therefore naturally suggests itself, Why is such a system continued? And much more, how has it come about that the extension of such a system is not only proposed but is so sure of passage that, can it once be brought to a vote, action can be forestalled only by recourse to parliamentary expedients? To anyone who makes a study, even a superficial study, of existing conditions, the answer is obvious. Much has been heard of late of the trusts and of great trade combinations which control legislation, greatly to the public detriment, while more conducive yet to private emolument—"predatory wealth," the phrase goes. It is safe, however, to say that there is to-day in Washington, or in the world, no influence which, in its power to break down opposition and to bring about the legislative results it desires, is at all comparable to the influence which has grown up and become organized under the existing United States pension system. That system disburses eight score millions a year. Wherever disbursements on any account run into the millions the opportunity for what is known as

"pickings" can not but exist. To that rule no exception can be found. The Commissioner of Fenalosis, in his report for the year ending June 39, 1210, sites at more than 25,000 recognized attorneys practice before the bureau. During the year 1909 more than 822,000 of public money was disbursed among them. He further states that there was a marked increase in the amount of attorneys' fees and the state of the provisions there are an anaked increase in the amount of attorneys' fees and, due year. Every "blanket" act implies an enormous increase of attorneys' fees. A most fair-faced and plausible, but altogether deceptive clause from time to time appears in these acts, to the effect that no money under the provisions thereof shall be paid to attorneys. The clausa the case of possible beneficiaries under the various pension laws after the Spanish War. "On the return of the Army from the Philippine Islands most of the troops were mustered out in San Francisco." In Advance of their crivia at that point the pension attorneys of Washomeet the returning soldiers. According to the language of the soldiers advance of their crivia at that point the pension attorneys of Washomeet the returning soldiers. According to the language of the soldiers themselves, the rival agents beset them at once, importuning them to flet their chains for pensions without delay. To the bewildered youth, whether an invalid or not. The hospitals had to be guarded against these torneunors masquerading as friends of the invalids." In the case of a single regiment composed of officers and men of exceptional physicatory of the control of th

gressional district.

For reasons that at once suggest themselves, no considerable opposition to this indiscriminate but unequal distribution of public money has as yet been made by the representatives of the Southern States, though, in addition to their share of the heavy burden of taxation imposed generally by the national pension payments, each of these States supports a local system making provision for the disabled and necessitous yet living among those furnished by it to the armies of the Confederacy. Incidentally, it may be observed that some of those Confederate pension measures, as respects administration as well as the measure of relief furnished, might well afford material for congressional study. Carefully framed, while assisting the deserving and needy, they do not hold out temptation to fraud or actively stimulate and foster mendicancy. For instance, under the pension law of South Carolina there is a provision that property sufficient to produce \$75 in the applicant's own or his wife's name debars a possible beneficiary from receipt of a pension. Furthermore, it is credibly asserted that in the Confederacy the veteran "who possesses even a moderate competence, who has sons or daughters able to provide for him, would regard it as a humiliation to be offered a pension by the State."

II.

PENSION BENEFICIARIES AS A POLITICAL FACTOR AND MENACE—THOSE ONCE BATTLE SCARED NOW THE BATTLE SCARED—THE TRAVESTY OF SPECIAL ENACTMENTS—THE CONSCRIPTION SCARECHOW—THE EQUINTY JUMPER AND DESETTER—PRESIDENT LINCOLN ON "ROTTENNESS" IN THE ARMY OF 1862—MORE THAN 500,000 CASES OF RECORDED DESERTION.

PENSION BENEFICIABIES AS A POLITICAL PACTOR AND MENACE—THOSE ONCE BATTLE SCARED NOW THE BATTLE SCARED—THE TRANSENT OF SOME DATE OF THE PROPERTY OF THE TRANSENT OF SOME PACTOR OF THE PROPERTY OF THE TRANSENT OF SOME PACTOR OF THE PACTOR OF T

Nor in this respect is the outlook alluring, for during the special session of the Sixty-second Congress, just closed, the records show what may not unfairly be described as a flood of special cases pre-

sented and referred to the proper committees, sometimes as many as 30 by a single Member in one day's sitting; and it has been officially office of the proper House committee alone.

The condition of affairs existing in the room of that committee at the beginning of the last season of the Sixty-direct Congress was in the beginning of the last season of the Sixty-direct Congress was in the beginning of the last season of the Sixty-direct Congress was in the beginning of the last season of the Sixty-direct Congress was in the beginning of the last season of the Sixty-direct Congress was in the beginning of the last season of the Sixty-direct Congress was interested to the season of the Sixty-direct Congress was interested to the season of the Sixty-direct Congress was the season of the Sixty-direct Congress was the season of the Sixty-direct Congress was the season of the Member of either Interesting Congress of the Sixty and the Sixty-direct Congress of the Sixty and the Sixty-direct Congress of the Sixty and the Sixty of the Sixty and the Sixty of the Six

to be made good.

The communities, local and otherwise, then combined; enlisting agencies were established, and men sold themselves and were bought

and delivered singly and in lots at so much a head, like cattle. It was a wretched system, cowardly, wasteful, inhuman; but, under it—and it was pursued for three years—men were quoted much as bullocks at Smithfield, a fair average valuation being, say, three to six dollars a pound, the only difference from the Smithfield basis of dealing being that quality was not considered. Anything went!

Needless to say, the material forwarded to the front under such a system—the bogus conscription system—constantly deteriorated. In the army this was notorious; notorious not only to everyone who held a commission, but to every man in the ranks called upon to associate with those forwarded under guard to fill up the war-worn battalions. Desertion and "bounty jumping," having become a caling, were reduced to a system. As the war went on the "recruits," recent importations from Europe or picked up in the slums and from the gutters of the great cities, were notoriously looked upon by the veterans of 1861 with averted eyes—objects of contempt; they were treated with scant consideration. Yet these, "the cankers of a calm world and a long peace," to a large extent constitued what are now known as "warworn veterans," glorious heroes," and "worthy patriots."

To one who personaly recalls the events of that struggle—its hard, realistic, and mercenary features—the present-day utterances concerning it are a constant source of amused astonishment. In skimming over the columns of the Congressional Record, such can not but marvel at the amount of cant and fustian—nauseating twaddle, perhaps, would not be too extreme a term—deemed useful properly to tubricate the creaking district machinery. Any detailed recurrence to the facts and evidence is, however, apt to be denominated "muck-raking" and denounced as such. Perhaps, however, a brief reference in this connection might be permitted to such standard authorities as Mr. James Ford Rhodes's History and Secretary Gideon F. Welles's Diary, Mr. Rhodes would inform the guish, however, a brief r

more than one year—besides the private soldiers' pay of \$16 per month with clothing and rations.

"The bounty in the country of New York was more than that generally paid throughout the country, although in some districts it was even higher." As respects the "bounty jumper." the inevitable product of such a system, Mr. Rhodes next says: "The provost marshal general stated in his final report that 'a man now in the Albany penitentiary, undergoing an imprisonment of four years, confessed to having jumped the bounty 32 times.' It was stated that 'out of a detachment of 625 recruits sent to reinforce a New Hampshire regiment in the Army of the Potomac, 137 deserted on the passage, \$2 to the enemy's picket line, and 36 to the rear, leaving but 370 men." (Rhodes, vol. 5, pp. 430-1.)

Recurring next to the recently published diary of Gideon F. Welles, President Lincoin's Secretary of the Navy, the following is from the report, written down at the time, of a species of council of magnates held at the White House, September 1, 1862, before the war was yet 18 months old: "* * In these remarks the President concurred, and said he was shocked to find that of 140,000 whom we were paying for in Pope's army only 60,000 could be found. McClellan brought away 93,000 from the Peninsula, but could not to-day count on over 45,000. As regarded demoralization, the President said, there was no doubt that some of our men permitted themselves to be captured in order that they might leave on parole, get discharged, and go home. Where there is such rottenness, is there not reason to fear for the country?" (Diary of Gideon Welles, vol. I, p. 117.) Later on, as is well known, Andersonville put an effectual stop to that familiar game; but it went briskly on at first. Lincoin and his advisers called it "rottenness"; but now they differentiate it in Congress as only a form of nostalgia! The poor lads, fresh from their innocent homes, labored under such an uncontrollable desire to get back to their mammas and the vine-covered cottage, that the

good boys, though a bit guileless perhaps; but, all "heroes" now, every one, without discrimination, is to have for life a dollar a day pension money?

Historically speaking, it is a fact not to be denied that the bounty-bought material constituted a large percentage of the whole Civil War levy—how large it is impossible to say; but it certainly sounds strange to the ears of those personally cognizant of the facts, and is, to say the least, an incorrect use of language to assert that those men enlisted without "thought of emoluments, pay, or pension." They did nothing of the kind; nor were they "patriots" either then or now. They sold themselves for bounty money; and they got it? Simply and avowedly mercenaries, they were constantly referred to by the older and more reliable as the "seven-dollars-a-pound fellows." As food for powder, such were paid at the time all, and more than all, they were worth. And to the truth of every word of this statement any officer who had, during the last two years of the war, charge of recruits on their way to the front—and there were many such—can bear testimony still. The great difficulty of preventing these "patriots" and "worthy soldiers" from deserting the moment they had handled their bounty money was one of the problems of the service. Then, far more battle-scared than now battle-scared, they are indiscriminately pensioned as "disinterested heroes"!

Much the same tone of reckless exaggeration is noticeable in the references made to the present condition of those who served. It is little less than a libel to speak of them as a class as prematurely old, or decreptit, or unable to support themselves, or as dependents, or as a band of virtual paupers. As a mass they do not in any of these respects differ from the great body of other American citizens. It was asserted in the recent congressional debate referred to that there are some 800,000 or 900,000 of these men still surviving. This again was a gross exaggeration. There are in fact somewhere in the neighborhood of half a mi

quite as sufficiently provided for as the average American. Two years after Cromwell's Puritan army of the British Commonwealth was disbanded, following the Stuart restoration, in 1660, the Royalist office holder, Samuel Pepys, wrote in his diary, "Of all the old army now you can not see a man begging about the street; but what? You shall have this capitain turned a shoemaker, the Heutenant a baker, this herewer, that a haberdasher, this common soldler a porter, and every man in his apron and frock, etc., as if they never had done anything else." And much the same might have been said of the earlier emistments of the Civil War during the years that immediately followed its close. Then the politicians and pension-mongering vote-buyers got after them, with the usual demoralizing result. Even then they were and are as other American citizens; and surely it would be a libel on the average of American citizens; and surely it would be a libel on the average of American citizens; and surely it would be a libel on the average of American citizens to assert that the greater part of them, or the necessaries of life without assistance from the public. Those who composed the bone and sinew of the Army of the Union were in these respects certainly not below the American average. To assert of them, as has been asserted in Congress, that 36 per cent of them would be paupers if they were not pensioners—a grotesque perversion of facts—is remote from the truth.

So also as respects deserters, toward whom, judging by the RECOM, a most lenient congressional disposition exists—"amending" or "correcting" the record, the wise call it. Bills to effect this result—in other words, bills seeking by legislative action to set aside court records—are introduced by the score on every private-bill legislative day. All duly referred, they were formerly acted upon by committees so carelessly, and consequently so favorably, that the thing grew to be a scandal. The committees were finally notified that the President would feel obliged to veto suc

now; and, in altogether too many cases, the recipients of "liberal pensions" 1

But, in gentle and kindly extenuation of this terrible but ineffaceable record, it is sometimes urged that the number was largely, if not in greatest part, made up of men who, having served faithfully until hostilities ceased, then disappeared, or failed to report back for duty, because of their eagerness to return to their families and to civil life. That some such cases occurred is indisputable; but they were only rare exceptions. As any company or regimental officer who served in that war knows and will testify—Gen. ISAAC R. Shekwood, of Ohlo, for example—those men who, having served in the war, served it out, were not indifferent whether the word "deserter" was then inscribed against their names on the last regimental muster roll. Proud of what they had done, they wanted honorable discharge. Beyond this the deserter forfeited his pay and emoluments; he forfeited transportation to his home. The plea in extenuation just stated shows, in fact, only the simple-minded ignorance—the charitable disposition perhaps—of him who advances it. Those who witnessed what was probably the most notable display of the nineteenth century—the review of the Union Army at Washington after the close of hostilities—can not but retain a distinct recollection of the occasion and of the character and bearing of the men who figured in it. How many of those who there tramped in review before President and Commander in Chief is it supposed subsequently deserted, without pay and transportation, in their eagerness to get back to their families and homes? Safe to say, not one!

eagerness to get back to their families and homes? Safe to say, not one!

But, as matter of history, the deserter was, in the Army of the Union, referred to with scorn and treated with continuely; and anyone who commanded either a company or a regiment will now bear witness that those who deserted from it were almost invariably of the scum and dregs thereof. As a rule their absence unaccounted for was better than their "Present" at roll call. One and all, they then deserved to be shot; now, by act of Congress, they are pensioned by the score. More extraordinary still, not infrequently a suggestion has been heard on the floor of Congress to this effect: "Isn't it about time to let up on the deserters?" As respects such, the "blanket" pension bill is unquestionably convenient. Nor was it with undue strength of speech that Mr. Underwood, the leader of the majority in the present flouse, recently referred in debate to a measure of this description, which it was proposed to introduce out of the regular order, as "a bill to pension deserters who have had the charge of desertion removed by this House; to pension men who were never within 500 miles of a firing line; men who did not serve over 30 days in the Army." And when his attention was called to the fact that the particular "blanket" bill then in question provided for a somewhat longer period of service, he answered, with a manifest sneer: "Yes; it says 30 days instead of 30 days."

days."

It remains to consider the measure of remedial constructive legislation manifestly called for to meet such conditions. One of those who last winter participated in the House debate on the so-called Sulloway bill truly observed that if our national pension system policy were "tested by the pension policy of any civilized government in history such a measure as that then proposed [the Sulloway bill], ignoring the cardinal factors of merit and need, could never stand. The country has already gone too far in the pension policy in confounding the deserving with the undeserving, and the stupendous expenditures for unworthy cases is sure at last to imperil the cause of the deserving. The time has come when our pension policy is tending to pauperize able-bodied men and restrict the funds available for really needy soldiers and their dependents." The facts thus stated are indisputable, but before considering the remedy it is necessary to have a clear understanding of the cause of the scandal and abuse.

RECORD—HOUSE.

III.

THE PENSION DUREAU AN OVERWORKER PACTORY OF PADPERISM—MENDICANCY STIMULATED—SELF-SUPPORT AT A DISCOUNT—THE STYTENING WYEDD—ADD THE PLYING WEDD—THE COLONTERE STYTENING WYEDD—ADD THE PLYING WEDD—THE COLONTERE STYTENING WYEDD—ADD THE PLYING OF THE BOLLO OF HONO—THE GREAT DESIDEATINE, CONSTRUCTIVE AND MIGHT—A SYSTEM OF PUBLICITY NECESSARY TO A PUBLIC OF THE BOLLO OF HONO—THE GREAT DESIDEATINE, CONSTRUCTIVE AND MIGHT—AS SYSTEM OF PUBLICITY NECESSARY TO A PUBLIC OF THE BOLLO OF HONO—THE GREAT DESIDEATINE, CONSTRUCTIVE AND MIGHT—AND AND MIGHT—AS SYSTEM OF PUBLICITY NECESSARY TO A PUBLIC OF THE MIGHT. THE MIGHT STATEMENT THE GREAT DESIDEATINE, CONSTRUCTIVE AND MIGHT—HAVE AND MIGHT—THE GREAT DESIDEATINE, PIECESSARY IN AND MIGHT—AND MIGHT STATEMENT. THE MIGHT STATEMENT AND MIGHT—AND MIGHT STATEMENT OF SYCH NOW IN GREATION.

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once pronounced excellent; its further application was proposed. So the next year a bill was prepared and submitted, generalizing, but in moderation only, the exceptional case. Presented May 7, 1906, and referred to the Committee on Military Claims, this measure, strictly limited, had a most plausible sound. As such it appealed. In fact, as soon became apparent, it was only the second blow upon the wedge inserted the previous year. Under this bill, Fifty-ninth Congress, Document No. 489, reported June 13, 1906, it was proposed to create a special roll to be known as the volunteer retired list. A place upon this roll was limited to those 70 years and upward of age, who had, after an actual Civil War service of two and one-half years, attained the rank of major general or brigadier general of Volunteers, or who, being field officers of volunteer regiments, had been brevetted major general or brigadier general. Eligibility to this roll was very properly extended to all who, without reference to the length of their service, having attained the above rank, had in the line of duty sustained injuries of a specified character. Those on the roll were to be entitled to three-fourths pay on the scale received by officers of like rank in the Regular Army. A somewhat imperfect list was prepared, assumedly containing the names of 191 persons reported as possible beneficiaries under this act should it become law. The passage of the act would, it was stated, involve an annual expenditure of about \$550,000; not, for the end in view and under the conditions set forth, a considerable or unreasonable addition to an annual pension appropriation exceeding \$150,000,000.

At first glance the measure commended itself. The length of service rendered, 30 months: the rank achieved, that of general; the age attained before becoming eligible as a beneficiary, 70 years; serving as guaranties, all established limitations. Here was honorable recognition and resonable reward for exceptional service, long rendered. It soon became apparent, howev

Congress, it made no progress; and so, gradually assuming new shape it at last became thoroughly comprehensive—so to speak, broad-bot-tomed. The age limit disappeared; the length of service was reduced; one after another every grade of commissioned officer was included in its scope.

A little "logrolling" was also at this stage expedient. The consideration and passage of the measure could tacitly but most advantageously be combined with the consideration and passage of another "blanket" measure in favor of the enlisted man, a measure affecting, it was said, 800,000 beneficiaries and adding \$55,000,000 to the pension payments. This was business. In 30 States of the Union the two measures would, if combined, prohably affect an average of \$3,000 beneficiaries in each congressional district; and, while it was probably affect an exclusive and influential voters in each district, yet they were active and influential voters.

In its final shape, and so accompanied, the original bill of 1906 had thus assumed a wholly new aspect. The measure as now framed applied to all ever having held a commission in the Civil War Volunteer Army, without regard to age, provided only that the entire term of service of the proposed beneficiarly had exceeded six months. In other words, every individual who had received a commission during the Civil War and had served half a year or more, whether as enlisted man or officer, at the front or in the snug retirement of a recruiting office, was placed for the remainder of his life on the retired volunteer officers' pension roll, with two-thirds pay, quite irrespective of whether he had received injury during his period of service, which had to a degree already been provided for under other legislation, and without regard to his extraneous means of support. And set fairles had, our ingities period of military service, been the recipients of larger salaries than had ever subsequently come their way.

The innocent-looking, strictly limited measure introduced in 1006 had thus in 1910 become "blank

rank and file has been secured. That has the right of way. In the form it now bears the volunteer officers' bill is plausible. Nevertheless, this measure as is fi now passed will in all human probability appear to be merely another stage of the Hawley-Osterhaus wedge. Once it becomes law the cry will be raised, "Way his discrimination between the work of the Civil War commissioned officers already less than 70 years old the Civil War commissioned officers already less than 70 years old be removed, until finally all distinctions between the volunteer retired list and the Regular Army retired list would cease. The Hawley-recognition, be applied university offit names of justice and honorable recognition, be applied university offit names of justice and honorable recognition, be applied university offit names of justice and honorable recognition, be applied university of the commission of the commission of the commission of the commission of the property of the return of the commission of t

would be by a private business organization the amount paid out thereunder would be reduced by one-half.

Such cases as the following her immerous to specify, are on record and the control of the contr

aries. The argument for economy through dispensing with effective administrative work is merely a cover for a public expenditure fraudulently profuse.

Publicity and the consequent purging of the roll being then first provided for, the next step would be to prepare, in the light of the experience of 50 years, a definitive and comprehensive measure understood to be of a final character, covering all possible cases and classes of cases, both ordinary and exceptional. It is useless to argue that such a measure is difficult of preparation. All the material necessary for framing it must have been accumulated, and is now in the hands of bureaus and officials amply competent to frame a measure accordingly. It only needs that they should be set to work. That the ordinary member of a Committee on Invalid Pensions is not qualified, or in any respect competent, to prepare so complex a measure is obvious. He has not the knowledge of precedents and statistics, nor could he devote to the framing of the bill the necessary amount of time and thought. It should be prepared to his hand, taking the place of one of those slip-shod "blanket" measures so discreditable to legislators, but which committees seem always ready to accept and report.

The course now to be pursued by the honestly sympathetic but yet conscientious Congressman would thus seem tolerably plain. When the next bill providing for an indiscriminate increase of pensions is proposed he should not oppose it as a measure of relief to the "worthy soldier" and "veteran," but, objecting to its form, he should ask that it be referred back to the committee reporting it, with instructions to prepare a bill of a definitive character, understood to be final, as well as comprehensive, covering all cases which a century's experience has shown likely to arise; the same to be reported as a substitute for the last pending specimen of "blanket" legislation. After all these years and in the face of such an accumulation of experience, involving more than four thousand millions of publ

consideration.

Finally, a comprehensive measure, understood to be definitive, and as such doing away with all necessity for future congressional action, having been prepared, it would remain to provide the administrative machinery necessary to its effective working. This should not be difficult. It was, in fact, clearly pointed out in the debate on the Sulloway bill by Mr. Payne, of New York. The committee in its report had complained in terms already referred to of being hopelessly overworked; it was unable by utmost exertion—"day and night" put forth—to dispose of more than 1 in 50 of the cases referred to it. In reply, Mr. Payne said that if the committee was not able to reach all these "distressing cases" he wished to point out to them that by "enacting into general

law the rules which they enforce when bills are brought before that committee, giving the administration of it to the Pension Bureau, they would, relieve the committee of the consideration of nearly all bills of the pension bureau, they would relieve the committee of the consideration of nearly all bills of the pension of the two houses, under which they are reporting special bills, and give the Commissioner of Pensions athority to grant pensions in active the Commissioner of Pensions at the control of the Pension Bureau, and the first than the control of the pension bureau, and the first than the control of the pension bureau, make not the arms and expensive machinery of the Pension Bureau, maker on the arms and expensive machinery of the Pension Bureau, maker on the arms and expensive machinery of the Pension Bureau, maker on the arms and expensive machinery of the Pension Bureau, maker on the arms would millions be saved anounly to the Government which it now that the pension bureau, maker out the arms would millions be saved anounly to the Government which it now the pension of the pension bureau, maker of the pension bureau, the pension of the pension bureau, maker of the pension bureau, the pension of the pension bureau, the pension of the pension and the pension of the pension and the pension of the pension are to be found in the Riccord of the pension are

ber preelaimed himself not only in favor of the pending measure—the dollar-a-day pension—but also of the most unquestioning private legislation in addition thereto, and the sweeping away of all limitation of the date of marriage in the case of soldiers' widows and increasing the amount in such cases to \$29 per month. Obviously, a somewhat excessive premium on immorality; but it, also, meant votes. Furthermore, he advocated the extension of this beneficent system to cover all the militia of the war period, who, though "never technically mustered in the property of a retention of his presence in the National Connell Chamber."

It is a business as a political factor in a single district—ex pede, Herculem. In the absence of a detailed statement it is not possible to specify the aggregate number of pensioners, or the number of pensioners of each description, resident in the district in question. The average number in each district of the State which the Member in part represented is fall behind the average, it is not unfair to assume that one-half, at least, of those receiving pensions were "veterans" and would be beneficiaries under the provisions of the measure then pending. The average number of pensioners, making it \$30 a month. The net result would be that pending measure, making it \$30 a month. The net result would be that gratitious disbursement among the voters of an additional sum of \$17,000 a month, a similar sum being already disbursed, or \$200,000 per annum in addition to the \$200,000 provided by existing law. The pirrality received by the Member in question at the last election was \$2,500 in a total vote of 46,000. Comment is unnecessary; the interence surgests itself.

The measure industry is the series of a papers, the party of political opposition elected under a mandate to restrict a top profuse public expenditure is now in control of the Nat

The appendix referred to is as follows:

Rate and number of pensions granted by special act during the third session of the Sixty-first Congress.

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Total___ PENSIONS OF THE SEVERAL WARS AND OF THE PEACE ESTABLISHMENT. The amounts that have been paid for pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives on account of military and naval service in the several wars and in the

	regular service since the foundation of the Govern	ment to June 30
	1911, are as follows:	ment to ounc oo,
	War of the Revolution (estimate) War of 1812 (service pension) Indian wars (service pension) War with Mexico (service pension)	11, 192, 205, 52
	Civil War— War with Spain and insurrection in Philippine	3, 985, 719, 836, 93
	Islands Regular establishment Unclassified	34, 142, 976, 37 21, 705, 852, 33 16, 488, 147, 99
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Total disbursements for pensions___ _____ 4, 230, 381, 730. 16 Disbursements for pensions and for maintenance of pension system, 1866 to 1911.

Fiscal year.	Paid as pensions.	Cost, mainte- nance, and expenses.	Total.	Number of pen- sioners.
1866	\$15,450,549.88	\$407,165.00	\$15,857,714.88	126,722
1867	20, 784, 789, 69	490, 977, 35	21, 275, 767, 04	155, 474
1868	23, 101, 509, 36	553, 020, 34	23, 654, 529, 70	169,643
1869	28, 513, 247. 27	564, 526. 81	29,077,774.08	187,963
1870		600, 997. 86	29, 952, 486, 64	198,686
1871	28, 518, 792, 62	863, 079. 00	29, 381, 871, 62	207, 495
1872		951, 253, 00	30, 703, 999. 81	232, 220
1873		1,003,200.64	27, 985, 264. 53	238, 411
1874	30, 206, 778. 99	966, 794. 13	31, 173, 573. 12	236, 241
1875	29, 270, 404. 76	982, 695. 35	30, 253, 100. 11	234, 821
1876	27, 936, 209. 53	1,015,078.81	28, 951, 288. 34	232, 137
1877	28, 182, 821. 72	1,034,459.33	29, 217, 281. 05	232, 104
1878	26, 786, 009. 44	1,032,500.09	27, 818, 509, 53	223, 998
1879		837, 734, 14	34, 502, 163. 06	242,755
1880	56, 689, 229. 08	935, 027. 28	57, 624, 256, 36	250,802
1881	50, 583, 405. 35	1,072,059.64	51,655,464.99	268,830
1882	54, 313, 172. 05	1,466,236.01	55, 779, 408. 06	285, 697
1883	60, 427, 573. 81	2,591,648.29	63, 019, 222, 10	303, 658
1884 1885	57,912,387.47	2,385,181.00	60, 747, 568. 47	322,756
1886.	65, 171, 937. 12	3,392,576.34	68, 564, 513, 46	345, 125
	64,091,142.90 73,752,997.08	3, 245, 016. 61	67, 336, 159, 51	365, 783
1887	78, 950, 501, 67	3,753,400.91 3,515,057.27	77,506,397.99	406,007
1889	88, 842, 720, 58	3,466,968.40	82, 465, 558. 94 92, 309, 688. 98	452,557
1890	106, 093, 850, 39	3, 526, 382, 13	109, 620, 232, 52	489,725 537,944
1891	117, 312, 690. 50	4,700,636.44	122,013,326.94	676, 160
1892	139, 394, 147, 11	4, 898, 665, 80	144, 292, 812. 91	876,068
1893	156, 906, 637, 94	4, 867, 734, 42	161,774,372.36	966,012
1894	139, 986, 726. 17	3, 963, 976, 31	143, 950, 702, 48	969, 544
1895	139, 812, 294. 30	4, 338, 020. 21	144, 150, 314, 51	970, 524
1896	138, 220, 704. 46	3, 991, 375. 61	142, 212, 080. 07	970, 678
1897	139, 949, 717, 35	3, 987, 783. 07	143, 937, 500, 42	976,014
1898	144, 651, 879, 80	4, 114, 091, 46	148, 765, 971, 26	993,714
1899	138, 355, 052, 95	4, 147, 517, 73	142, 502, 570, 68	991,519
1900	138, 462, 130, 65	3,841,706,74	142, 303, 887, 39	993, 529
1901	138, 531, 483, 84	3,868,795.44	142, 400, 279, 28	997,735
1902	137, 504, 267, 99	3,831,378.96	141, 335, 646, 95	999, 446
1903	137, 759, 653, 71	3, 993, 216, 79	141, 752, 870, 50	996, 545
1904	141,093,571.49	3, 849, 366, 25	144, 942, 937. 74	994,762
1905	141, 142, 861, 33	3,721,832,82	144, 864, 694, 15	998, 441
1906	139,000,288.25	3, 523, 269. 51	142, 523, 557. 76	985,971
1907	138, 155, 412, 46	3, 309, 110. 44	141, 464, 522. 90	967, 371
1908	153, 093, 086. 27	2, 800, 963. 36	155, 894, 049, 63	951,687
1909	161, 973, 703. 77	2, 852, 583, 73	164, 826, 287. 50	946, 194
1910	159, 974, 056. 08	2, 657, 673. 86	162, 631, 729. 94	921,083
1911	157, 325, 160. 35	2,517,127.06	159, 842, 287. 41	892,098
Total	4,133,936,285.93	120, 879, 861. 74	4, 254, 816, 147. 67	

Pensioners on the roll June 30, 1911, and June 30, 1910.						
	1911	1910	Gain.	Loss.		
Revolutionary War:	Ante est					
Daughter		1		-		
War of 1812:	-		253			
Widows	279	338		59		
Indian wars:						
Survivors	1,387	1,560	******	173		
Widows	2,629	2,822		193		
War with Mexico:	1 000	0.000	1000	404		
Survivors	1,639	2,042	*******	400		
Widows	5,982	6,359		377		
Civil War:			5 5 C T 16			
Act Feb. 6, 1907— Survivors	356, 830	362, 433		5, 603		
General law—	330, 830	302, 933		5,00		
Invalids	113,063	121,581		8,51		
Widows	67,509	70,587				
Minor children	385	445		6,07		
Mothers.	1,877	2,391		51		
Fathers	278	368	100000000000000000000000000000000000000	9		
Brothers, sisters, sons, and daughters	353	300	53			
Helpless children	508	533	00	2		
1 at Tana 07 1000	000	000		-		
Invalids	59,991	78,601		18,610		
Minor children	3,983	4,009	*******	20,010		
Helpless children	375	335	40	2		
Act Apr. 19, 1908—	970	000	40			
Widows	228, 198	220,826	7,372			
Army nurses	406	442	1,012	36		
War with Spain:	200	312		01		
Invalids	23, 383	22,783	600			
Widows	1,217	1, 183	34			
Minor children	326	330	and the			
Mothers	3,032	3,072		40		
Fathers.	522	512	10			
Brothers, sisters, sons, and daughters	9	7	2			
Helpless children	1	2		1		

Pensioners on the roll June 30, 1911, and June 30, 1910-Continued.

	1911	1910	Gain.	Loss.
Regular establishment: Invalids. Widows. Minor children Mothers Fathers Brothers, sisters, sons, and daughters. Helpless children	13,757 2,799 149 1,066 152 8 5	13, 180 2, 727 136 1, 011 152 7 8	577 72 13 55	3
Total	892,098	921,083	8,829	37,814
Net loss				28, 985

The number of soldiers and sailors on the pension roll at the close of the year was 570,050, the number of dependents and widows was 321,642, and the number of Army nurses was 406.

Mr. ANSBERRY. Mr. Speaker, there seems to be a misapprehension on the part of some gentlemen on this side of the House with reference to the sort of legislation that is reported out from the Committee on Invalid Pensions. I have heard the gentleman who has preceded me a number of times on this proposition, and he seems to miss entirely the intention of this committee when it reports out the bills of the character which it reports. I served for four years on that committee, and I know from actual experience whereof I speak. I have known many cases having great merit that did not come under the general pension laws of the country that should have received assistance by reason of special legislation that were rejected by the committee.

Mr. TRIBBLE. May I ask the gentleman a question?
Mr. ANSBERRY. You may.
Mr. TRIBBLE. Is the gentleman a member of the committee at the present time?

Mr. ANSBERRY. I am not at the present time, I regret to

Mr. TRIBBLE. You are not at the present time?

Mr. ANSBERRY. No; but I can say for the committee—Mr. TRIBBLE. Have not you been present here and have

not you seen gentlemen rise and move to amend these bills by striking out \$35 and inserting \$70?

Mr. ANSBERRY. I have.

Mr. TRIBBLE. And by striking out various amounts and increasing the recommendation of the committee as shown by the bill. That has been done this morning. Did not you hear it?

Mr. ANSBERRY. I do not know; but I will wager— Mr. TRIBBLE. Did not the gentleman hear the amendment put in this morning by the gentleman from Illinois increasing, on the floor of the House, from \$15, as recommended by the committee, to \$30?

Mr. ANSBERRY. I did not; but I will wager that if the gentleman investigates he will find that it is a meritorious case;

in fact, one of unusual merit.

Mr. TRIBBLE. Did the committee investigate and consider it?

Mr. ANSBERRY. I said I was not a member of the com-

mittee, and do not know; but I imagine they did.

Mr. TRIBBLE. If that committee investigated that case why

did not they report that amendment instead of a gentleman rising on the floor and offering the amendment?

Mr. ANSBERRY. This committee, as I was about to say, acts as a court of equity on pension legislation, and they have more business than they can possibly attend to, and the gentleman doubtless appreciates the fact that the cases they are called upon to investigate are made upon affidavits of physicians and neighbors of the applicant, and that an affidavit is an inadequate way of expression. It is next to impossible to describe a man's true physical condition by an affidavit, and occasionally the papers are gotten up by an inexperienced man, and this frequently accounts for some of the difficulties which confront the committee, and the committee, not being infallible, occasionally makes a mistake, and then the Member who introduced the bill asks the House to correct the error.

Mr. TRIBBLE. Was there a court of equity to pass on the amendment introduced by Mr. Sulloway increasing a pension from \$35 to \$70 on the floor of the House?

Mr. ANSBERRY. Of course, the members of the committee which the mistaken and you wight he mistaken are approached.

Mr. ANSBERRY. Of course, the members of the committee might be mistaken, and you might be mistaken, or any other Member of the House might be mistaken.

Mr. TRIBBLE. They had that case before them?

Mr. ANSBERRY. I suppose so.

Mr. TRIBBLE. He introduced his amendment raising it from \$35 to \$70 by amendment to the bill on the floor of the House, and no member of the committee objected, although the committee investigated the claim and reported \$35.

Mr. ANSBERRY. Why did you not object to it? You were here. Why did you not object when your objection would have

amounted to something, and not now?

Mr. TRIBBLE. I did oppose it. I have spoken and voted against all increase-pension appropriations of this session of Congress

Mr. ANDERSON of Ohio. Will the gentleman yield? I ask just a minute's time to answer the gentleman as to the amend-

Mr. ANSBERRY. I will ask my colleague to get time in his own right. I am sure he can get it, and I have but a minute or two left.

I want to say that the legislation of this committee is misunderstood, because I think the gentlemen who have spoken on the floor of this House in opposition to it have failed to investigate the cases concerning which they raise question about. They do not understand the rules of that committee. think that a member of the committee or a Member of this House who wants a special bill has but to introduce the bill and go down before the committee and get it allowed. If he had as many applications for special legislation as I have, he would understand that is not the case. I have a hundred special cases which I would like the committee to investigate and pass, and doubtless other Members are similarly situated. This committee passes upon legislation, as I said before, that can not be allowed under the general pension laws and the strict rules of pension legislation at the bureau. I wish we could have had more of special legislation. The men whom I have been able to take care of in my district by special legislation are men who can not be helped by the Bureau of Pensions under existing law, and in most every instance are men who should have received more than the \$24 or \$30, and in one instance \$72, that they did receive. I am tired of hearing the carping criticism of men who do not understand the pension proposition, particularly the special legislation that is passed upon by the committee of this House. Procure a copy of the rules that govern the Committee on Invalid Pensions, and you will find them all too strict, and if my critical colleague, after studying them, finds them too liberal he will be the first person who has ever given them serious study who reached that conclusion.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ADAIR. Mr. Speaker, I just want to say for the benefit of the gentleman over here who objects to this bill that there are times when the committee offers amendments on the floor of the House. But they are made in this way: A Member of the House introducing a bill furnishes the proofs and the proof goes before the special examiner who writes up these claimsthe gentleman detailed by the Pension Bureau to do this work. He makes his recommendation, and from him it goes to our committee, and when our committee takes it up and considers it we act upon his recommendation and make a report at a certain rate. Sometimes following that report we have information that a soldier who has been given a rate of \$24 or \$30 a month has probably had a stroke of paralysis and requires the constant and continuous attention of another person in caring for him, and in view of that fact we come in on the floor and ask that the rate in this particular case may be increased. In the bills to follow there are two cases of that kind, where the committee, after considering information coming to us since the report was made, will ask that the rate fixed in the bill be I want to say to the gentleman from Georgia [Mr. TRIBBLE] that no bill comes before this House until it has had careful consideration by our committee, and if any Member of this House thinks he can get a bill through our committee without first showing us that his applicant is worthy of our consideration, let him try it. Every bill coming before the House receives careful consideration by the committee, and after the committee has acted, if further information reaches the committee that the condition of the soldier has grown worse, to the extent that he requires the constant care and attention of another person, we come in on the floor and ask that the rate be increased.

Mr. TRIBBLE. Is it not a custom in this House for a committee, when it reports a bill from the committee, to stand solidly and resist any amendment that may be offered to the

bill? Is not that the rule followed here every day?

Mr. ADAIR. If any Member of this House has a bill such as I have referred to in my remarks, he should come to the committee with it, and if we believe-

Mr. TRIBBLE. You do not answer my question. You can answer it yes or no. Is not that the custom of the House?

Mr. ADAIR. It has never been the practice of the Committee on Invalid Pensions.

Mr. TRIBBLE. Is it not done here every day? Mr. ADAIR. It may be the custom with other committees,

Mr. ADAIR. It may be the custom with other committees, but not with this committee.

Mr. TRIBBLE. Does not the same rule apply to the Pension Committee as applies to others? Have we reached the stage in pension legislation that Members can rise and increase special pensions on the floor of the House and no investigation of the merits of the case and no member of the committee or no one else rise to object?

Mr. ADAIR. I am speaking of the committee of which I am a member, which presents this bill to the House. What want is to do justice to the soldiers of the Civil War, and if it can be shown to our satisfaction that a claim in this bill is deserving of greater consideration than we have given it the committee is willing and anxious to reconsider the matter, to the end that justice may be done. All amendments offered are committee amendments and have been carefully considered.

What we want is to do justice, and that is what we propose

to do. Mr. Speaker, I move the previous question upon this bill

and amendments thereto to its final passage.

The SPEAKER. The gentleman from Indiana moves the previous question upon the bill and amendments to its final passage

Mr. MANN. What is the bill, Mr. Speaker? The SPEAKER. The pension bill, H. R. 18954. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

On motion of Mr. Burke of Wisconsin, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

of motion of Mr. Bourks of wisconsin, a motion to reconsister the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sallors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limited of the place on the pension roll, subject to the provisions and limited of the place on the pension roll, subject to the provisions and limited of the place on the pension roll, subject to the provisions and limited of the place on the pension roll, subject to the provisions and limited of the place of the provisions and limited of the place of the provisions and limited of the place of \$30 per month in lieu of that he is now receiving.

The name of Adam Chronister, late of Company G. First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert W. Ramsey, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David M. Hurt, late of Company E. One hundred and fitty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Goeden, late of Company E. One hundred and fitty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Hepler, late of Company E. Seventy-fith Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis B. Rex, late of Company B. Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he

The name of Edward Adams, late of Company F. Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of the name of Daniel Scoto, late of Company H. Edght-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Scoto, late of Company H. Dight-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. King alias James Langford, late of Company Gas and the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. King alias James Langford, late of Company Gas and the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick D. Foulte, alias John Founk, late of Companies F and 1, Third Regiment Vermon Volunteer Infantry, and pay lima a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elias A. Carlin, widow of James Carlin, late of Companies F and 1, Third Regiment Vermon Volunteer Infantry, and pay lima pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elias A. Carlin, widow of James Carlin, late of Companies F and 1, Third Regiment Vermon Volunteer Infantry, and pay lima a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Ratin M. Regiment Ohn Volunteer Infantry, and pay lima a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Smith, late of Company H. Righty-third There are the part of the pay lima a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Smith, late of Company H. Righty-third the rate of \$30 per month in lieu of that he is now receiving.

The part of Same E. Abrams, late of Company H. Righty-third The rate of \$30 per month in lieu of that he is now receiving.

The name of William Explanation and the rate of \$30 per month in lieu o

The name of Michael Holland, late coal heaver, U. S. S. Oneida, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Matthews, late of Company A, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Valentine, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Regiment Oils Vointeer infantry, and pay him a pension at the rate of the pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Mixon, late of Company I, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. Mixon, late of Company E, First Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Denver, widow of Cornellus C. Denver, late of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth Denver, widow of Cornellus C. Denver, late of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth Denver, widow of Cornellus C. Denver, late of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth Denver, widow of Cornellus C. Denver, late of \$24 per month in lieu of that he is now receiving.

The name of Matthew M. Yorston, late acting matters and the rate of \$30 per month in lieu of that he is now receiving.

The name of Matthew M. Yorston, late acting matters mate. United Barton and the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah M. Westcott, widow of amea A. Westcott, late of \$30 per month in lieu of that he is now receiving.

The name of Sarah M. Westcott, widow of amea A. Westcott, late of \$30 per month in lieu of that he is now receiving.

The name of Sarah M. Westcott, widow of amea A. Westcott, late of \$30 per month in lieu of that he is now receiving.

The name of John H. Farling late of Company K. Sixth Regiment Lead of \$30 per month in lieu of that he is now receiving.

The name of John H. Farling late of Company B. Lighty-fifth Regiment Linding Sarah M. Westcott, and pay him a pension at the rate of \$32 per month in lieu of that he

The name of Dora Stevens, widow of Jotham G. Stevens, late of Company L. Elghth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Charles L. Collier, late landsman, U. S. S. Kickapoo and Great Western, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew McCullough, late of Company F. One hundred and fortleth Regiment Pennsylvania Volunteer Infantry, and pay Lim a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew McCullough, late of Company F, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay Lim a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John R. Woods, late commissary sergeant, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Anson C. Smith, late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Kugler, late of Company D, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James J. Ferguson, late of Company C, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. Jackson, late of Company E, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lewis Dailey, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emma E. Wolf, widow of Jacob Wolf, late of Company H, One hundred and sixty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Ross, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank Chumann, late of Second Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Marshall, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of

ment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Hunsberger, late of Company G. One hundred and seventy-iffth Regiment Pennsylvania Drafted Militia Infantry, and pay receiving.

The name of J. H. Phelps, late of Company M, First Regiment Minnesota Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of J. H. Phelps, late of Company H, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William McFate, late of Company C, Twenty-ninth Regiment Wilsonsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James N. House, late of Company F, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James N. House, late of Company F, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James V, House, widow of Seth Hoke, late of Company E, Thirty-cipath Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Seth Hoke, widow of Seth Hoke, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Henry Milis, late landsman, U. S. S. Houghton, Gladious, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Franklin Austin, late of Company K, Sixtieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Franklin Austin, late of Company B, Dray him a pension at

The name of John W. Arthur, late of Company A. Second Battalion Ohlo Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Horace E. Hamilton, late of Company L. First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Owen Sullivan, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George L. Gillimer, late of Company D, One hundred and forty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis Stoddard, late of Company I, Seventy-third Regiment Indiana Volunteer Infantry, and Company M, Twelfth Regiment Indiana Volunteer Infantry, and Company M, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mortimer Manfull, late of Company B, One hundred and sixty-second Regiment Ohio National Guard Infantry, and Companies E and F, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sarah A. Milton, widow of James H. F. Milton, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George E. Butrick, late of Company E, Forty-fourth Regiment Massachusetts Volunteer Infantry, and Company A, Forty-second Regiment Massachusetts Vo

Kemp.

The foregoing bill is a substitute for the following House bills re-

ferred to the Committee on Invalid	Pensions:	
H. R. 9618. John C. Coldwell.	H. R. 10314.	John Martindale.
H. R. 9637. Adam Chronister.	H. R. 10452.	Henry C. Wallace.
H. R. 9638, Robert W. Ramsey.	H. R. 10555.	John S. Ponce.
H. R. 9646, Hiram Russell.	H. R. 10559.	Jonathan H. Beard.
H. R. 9803. David M. Hurt.	H. R. 10672.	Edward Adams.
H. R. 9813. John Goeden.		Daniel Jacobs.
H. R. 9815. Henry Hepler.		Amanzo Walrath.
H. R. 9927. Lewis B. Rex.	H. R. 10721.	James M. King, alias
H. R. 9937. George W. Baley.		James Langford.
H. R. 9938. Thomas Cothran.		Frederick D. Fouke,
H. R. 9968. Charles A. Gaither.		alias John Fouke.
H. R. 10104. Elizabeth J. Marshall.		
H. R. 10119. Wilson F. Bail.	H. R. 10793.	Elwood M. Robinson.
H. R. 10175. Charles A. Peironnet.		
H. R. 10277. Edwin A. Pierce. H. R. 10291. Stephen Sutton.		John H. Smith

				HOUSE.		FEBRUARY	9,
The name of Charles H.	Nash, late of Company A, One hundred and	H. R. 11253.	Caroli	ne A. Daley.		Younge G.W. Redmo	nd.
ifty-third Regiment Illinoi	s Volunteer Infantry, and pay him a pension	H. R. 11296.	Mary	M. Heistler.		Dora Stevens.	
	th in lieu of that he is now receiving. Iommell, widow of Franklin A. Hommell, late	H. R. 11403.	Nelsor	el E. Johnson. F. Abrams.		Charles L. Collier. Andrew McCullough	
of Company E. Fifteenth I	legiment New York Volunteer Engineers, and	H. R. 11443.	Marce	llus Salle.		John R. Woods.	
pay her a pension at the	rate of \$20 per month in lieu of that she is	H. R. 11522	James	W Randall	H. R. 13425.	Anson C. Smith.	
low receiving.	le late of Company A. Ninth Bookmont Bhada	H. R. 11538.	Nicho	las A. Bovee.	H. R. 13432.	John Kugler.	
The name of Darius Coo.	k, late of Company A, Ninth Regiment Rhode, and pay him a pension at the rate of \$30	H. R. 11643. H. R. 11700.	David	Finger		James J. Ferguson. William A. Jackson	
per month in lieu of that l	ne is now receiving.	H. R. 11701.	Georg	e White, jr.	H. R. 13651.	Lewis Dailey.	STOR
The name of George W.	Cornelius, late of Company K, Second Regi-	H. R. 11702.	Emma	L. Counsell.	H. R. 13714.	Emma E. Wolf.	
nent lowa volunteer inia 324 per month in lieu of the	ntry, and pay him a pension at the rate of	H. R. 11862	Patric	k Ryan	H. R. 13717.	Robert Schumann.	
The name of Joseph Er	nderlin, late of Company G, First Regiment	H. R. 11863.	Willia	Miller, k Ryan, m Patterson.	H R 13791	James W Marshall	100
United States Cavairy, an	d pay him a pension at the rate of \$50 per	H. R. 11940.	Willia	m Reynolds, alias	H. R. 13792.	Frank Church.	
nonth in lieu of that he is	now receiving. Bristol, late regimental quartermaster Twelfth	H. R. 11955.		liam McGurk.		Martin Hunsberger.	527
Regiment Michigan Volunt	eer Cavalry, and pay him a pension at the	H. R. 11993.	Wellin	agton Case.	H. R. 13853	J. H. Phelps. Philip Main.	
ate of \$20 per month in 1	ieu of that he is now receiving.	H. R. 12007.	Hiran	ngton Case. M. Squires.	H. R. 13922.	William McFate.	
The name of Jonathan .	I. Boyer, late of Company F, Eleventh Regi-	H. R. 12046.	James	Trevillian.		James N. House.	
nent Illinois Volunteer Ca	valry, and pay him a pension at the rate of hat he is now receiving.	H. R. 12081.	Willia	m H. Burgett.		Robert F. Lewis. Elizabeth Hoke.	
The name of Samuel H.	Law, late first-class boy, U. S. S. North Caro-	H. R. 12093.	Sylvan	nus A. Crowell.	H. R. 14180.		
ina and Chicopee, United	States Navy, and pay him a pension at the	H. R. 12094.	Allen	H. Wilson.	H. R. 14181.	Samuel Swinden.	
ate of \$30 per month in li	eu of that he is now receiving.	H. R. 12151. H. R. 12200.	Alfred	B. Bradley.	H. R. 14188	Henry Mills.	
The name of Joshua Wes	stbrook, late of Company K, One hundred and ew York Volunteer Infantry, and pay him a	H. R. 12202.	Micha	el Holland.	H. R. 14194.	Franklin Austin. Benjamin H. Sween	ev.
ension at the rate of \$30	per month in lieu of that he is now receiving.	H. R. 12206.	James	M. Matthews.	H. R. 14282.	Sarah Ann Williams	son.
The name of Vinal S. A.	ve, late of Company A. Thirty-first Regiment	H. R. 12328.	Charle	es H. Valentine. C. Mixon.	H. R. 14566.	William J. Wallace.	
ndiana Volunteer Infantr	y, and pay him a pension at the rate of \$30	H. R. 12435.	Willia	m F. Crites.		Edward W. Price. Theodore Lutz.	
The name of Jason Den	smore, late of Company G, Tenth Regiment	H. R. 12478.	Thoma	as Holmes.		Hannah R. Mackie.	
Vermont Volunteer Infantr	y, and pay him a pension at the rate of \$30	H. R. 12585.	Elizab	eth Denver.	H. R. 14891.	George O. Streeter.	
er month in lieu of that l	ie is now receiving.	H. R. 12596. H. R. 12698	Matth	ew M. Yorston.		Sarah Babcock.	
The name of Henry W.	Wilson, late of Company A, Sixth Regiment and pay him a pension at the rate of \$40 per	H. R. 12633.	Sarah	M. Westcott.		Edward K. Smith. Charles H. Nash.	
nonth in lieu of that he is	now receiving.	H. R. 12638.			H. R. 15232.	Elizabeth Hommell. Darius Cook.	
The name of John B. I	ainter, late of Company C, Sixth Regiment	H. R. 12640. H. R. 12711.	John I	Sunting.	H. R. 15247.	Darius Cook.	100
Pennsylvania Volunteer He	eavy Artillery, and pay him a pension at the leu of that he is now receiving.	H. R. 12781.	Willia	m Greene.	H. R. 15273.	George W. Cornelius Joseph Enderlin.	5.
The name of Benjamin	F. Feit, late of Company G, Seventy-sixth	H. R. 12787.	Adam	Wolf.	H. R. 15541.	George S. Bristol.	
Regiment Pennsylvania Vo	lunteer Infantry, and pay him a pension at	H. R. 12919.			H. R. 15701.	Jonathan J. Boyer.	
he rate of \$30 per month	in lieu of that he is now receiving.	H. R. 12920. H. R. 12962.	Leand	er P. Leonard.		Samuel H. Law.	
nent Kentucky Volunteer	Eply, late of Company C, Seventeenth Regi- Infantry, and pay him a pension at the rate	H. R. 12970.	Balser	Hullihen.	H R 15808	Joshua Westbrook. Vinal S. Aye.	
f \$30 per month in lieu of	that he is now receiving.	H. R. 13073.	Robert	t H. Wynne.	H. R. 15826.	Jason Densmore.	
The name of James Ray	burn, late of Company A, One hundred and	H. R. 13081. H. R. 13084.			H. R. 15865.	Henry W. Wilson.	
hirteenth Regiment Unio	Volunteer Infantry, and pay him a pension ath in lieu of that he is now receiving.	H. R. 13089.			H, K. 19899.	John B. Painter. Benjamin F. Feit.	
The name of John W. A	rthur, late of Company A, Second Battalion	H. R. 13106.	Jerom	e B. Hartwell.	H. R. 15905.	Samuel J. Eply.	
ohio Volunteer Cavalry, an	nd pay him a pension at the rate of \$12 per	H. R. 13146.			H. R. 16226.	James Rayburn.	
nonth.	Inmilton late of Company T First Posimont	H. R. 13208. H R 13226	John I	Wright	H. R. 16229.	John W. Arthur. Horace E. Hamilton	418
New Jersey Volunteer Cay	Hamilton, late of Company L, First Regiment alry, and pay him a pension at the rate of	H. R. 13226. H. R. 13249.	Willia	m H. Peck.		Owen Sullivan.	
30 per month in lieu of th	nat he is now receiving.	H. R. 13256.	John I	McCarthy, alias	H. R. 16386.	George L. Gillmer. Lewis Stoddard.	
The name of Owen Sul	livan late of Company C. Tenth Regiment	H. R. 13267.	Geor	ge Thompson.	H. R. 16486.	Lewis Stoddard.	
f \$20 per month in Hen of	Infantry, and pay him a pension at the rate that he is now receiving.	H. R. 13279	John J	f. McLaughlin.	H. R. 16491.	Mortimer Manfull. Sarah A. Milton.	
The name of George L. G	illmer, late of Company D, One hundred and	H. R. 13287	Henry	Greenawalt.	H. R. 16801.	Arthur Wheeler.	
orty-third Regiment Ohio	National Guard Infantry, and pay him a pen-	H. R. 13296.	Merlin	L. Kirby.	H. R. 16847.	George E. Butrick.	
ion at the rate of \$24 per	month in lieu of that he is now receiving.	H. R. 13309. H. R. 13325.				William H. Carr. Susan Kemp.	
nent Indiana Volunteer Ir	dard, late of Company I, Seventy-third Regi- dantry, and Company M, Twelfth Regiment			ding of the bil		busan Kemp.	

During the reading of the bill, Mr. RUCKER of Missouri. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I have heard the debate indulged in here during the last few minutes in relation to the methods pursued by the Committee on Invalid Pensions. I have had an average length of service in the House, and I have had more than an average amount of work with the Committee on Invalid Pensions. want to say in behalf of that committee and each of its members, both as constituted in this Congress and in Congresses heretofore since I have been a Member of this House, that I do not believe there is a more painstaking committee serving the House than the Committee on Invalid Pensions.

I have had many bills rejected by the committee because those bills did not present that element of merit which the committee demanded. I want to say, too, that it has been very seldom that I have ever introduced a private pension bill without myself knowing the facts upon which the bill was predicated and the relief asked. The fact of it is, I have been into the homes of nearly every man for whom I have ever introduced a private pension bill, and I believe, with the exception of three or four instances, of every man for whom a private pension bill has been received by this House at the pension of the pension bill has been received by this House at the pension bill has been received by this House at the pension bill has been received by this House at the pension bill has been received by this House at the pension bill has been received by this House at the pension bill has been received by this House at the pension bill has been received by this House at the pension below the pension bill has been received by this House at the pension below the pension bill believe the pension below the pension private pension bill has been passed by this House at my request.

My complaint against the committee is not on account of its inefficiency, but because of the very great deliberation exercised by that committee at a time when many of the old soldiers of the country can not stand so much deliberation and consequent delay. Why, sir, during this Congress and since the recess I have had to notify the committee to strike from its bills three different cases in which favorable reports had been ordered because the men for whom the bills had been introduced had died. I had appealed to the committee and urged prompt action. I had told them the conditions surrounding these unfortunate men, but the committee, in its care and in its great deliberation, demanded further proofs, and more proofs, until the claimants answered a summons from on high and their names had to be stricken from the bills.

I have no complaint, however, Mr. Speaker. The Committee on Invalid Pensions ought to exercise the care which, in my has always characterized its deliberations in these matters. But I say in behalf of the present Committee on Invalid Pensions and in behalf of the former committee which performed such arduous and such valuable service under the chairmanship of my good friend, the gentleman from New Hampshire [Mr. Sulloway], one of the best men, as I believe, in this House-and I say this without any effort at flattery, a man whose heart is not surpassed in its largeness by anything on earth except his own stalwart stature [applause]-in behalf of all the members of these committees, that in my opinion their work deserves and ought to receive a cordial indorsement of Members on both sides of the House, and so far as I am concerned they have always had it. [Applause.]

The SPEAKER. The pro forma, amendment will be consid-

ered withdrawn.

Mr. BURKE of Wisconsin. Mr. Speaker, I move to amend pages 15 and 16 by striking out lines 23 and 24, on page 15, and lines 1 and 2, on page 16, the claimant being dead.

The SPEAKER. The Clerk will report the amendment of-

fered by the gentleman from Wisconsin [Mr. Burke].

The Clerk read as follows:

Amend pages 15 and 16 by striking out lines 23 and 24 on page 15 and lines 1 and 2 on page 16.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.
Mr. BURKE of Wisconsin. Mr. Speaker, I move to amend
page 19 of the bill, in line 13, by striking out the words
"twenty-four" and substituting therefor the words "thirtysix." This increases the pension of Frank Church to \$36.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 19, in line 13, strike out "twenty-four" and insert "thirty-six."

The amendment was agreed to.

Mr. BURKE of Wisconsin. Mr. Speaker, on behalf of the committee I move to amend page 24, line 3, by striking out the word "twenty" and substituting the words "thirty-six." This increases the pension of George S. Bristol to \$36 a month.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 24, in line 3, strike out "twenty" and insert "thirty-six."

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. BURKE of Wisconsin. Mr. Speaker, I move the previous question on the bill and amendments to the passage.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. On motion of Mr. Burke of Wisconsin, a motion to reconsider

the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, with Mr. SAUNDERS in the chair.

Mr. HAY. Mr. Chairman, I ask that the item on page 5, beginning with line 7, office of the Chief Signal Officer, be read.

The CHAIRMAN. That was one of the items passed over

temporarily yesterday, to be taken up to-day.

Mr. HAY. Yes.

The CHAIRMAN. The Clerk will report the item.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons and airplanes, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, \$325,000: Provided, however, That not more than \$75,000 of said amount shall be used for the purchase, maintenance, operation, and repair of airplanes and other aerial machines.

Mr. PRINCE. Mr. Chairman, on page 5, in line 23, I move to strike out "twenty-five" and insert "seventy-five," so that it will read "\$375,000"; and in line 24, on the same page, strike out "seventy-five" and insert "one hundred and twenty-five."

The CHAIRMAN. The Clerk will report the proposed amend-

ment.

The Clerk read as follows:

On page 5, in line 23, strike out "twenty-five" and insert in lieu thereof "seventy-five." In line 24, page 5, strike out "seventy-five" and insert in lieu thereof "one hundred and twenty-five."

Mr. MANN. Mr. Chairman, I hope the gentleman from Virginia will agree to the amendment.

Mr. HAY. I will not. Mr. MANN. Mr. Chairman, last year when the Army appropriation bill was reported to the House it contained no provision whatever for ariships or airplanes, as they are called in this bill. I brought the attention of the matter to the House at the time, and the House provided an increase of the appropriation of \$125,000 to be devoted to that purpose.

My proposition at first was to increase the appropriation \$250,000, to be devoted to the subject of airplanes. By agreement in the committee at the time the amount was reduced to \$125,000, and that amount was agreed upon by a practically

unanimous vote.

In the progress of the world the methods of warfare have materially changed. Originally it was probably carried on by the aid of clubs and rocks, afterwards by spears and swords and bows and arrows and catapults, until we came to the old-

fashioned firearms, and now to-day modern firearms.

I have not the slightest doubt in my own mind that the methods of warfare will be entirely changed in the course of not many years by the use of air craft of some kind. Just what form they will take, of course no one can predict; but when we remember the tremendous advance that has been made in all branches of science within the last few years it must be patent to everybody that the navigation of the air has only begun, and no one can predict or foresee the remarkable ad-

vance which will probably be made. We spend in the neighborhood of \$100,000,000 here on the Army and another \$100,000,000 or \$125,000,000 a year on the Navy, and I venture to predict that before my time shall end the present method will be out of date by the use of air-navigating vessels or ships of some kind. If that should be the case—if we are maintaining an Army and Navy as a sort of insurance against war-certainly we ought to keep up to date or in advance of others in new methods which may be used in warfare. One hundred and twenty-five thousand dollars is not a large sum of money, and if by the expenditure of \$125,000 a year we are able, when the time comes, to have command of the air, it will be worth all the armies and navies you have, as now constituted.

The gentleman from Virginia [Mr. Hay], endeavoring to reduce expenditures-and, in the main, I agree with him in his effort—has, in my judgment, gone too far in this particular. We can afford to lead the world in the study of air navigation; but, so far from doing it—although we were the originators of the aeroplane—we are falling behind those nations with whom we would come in conflict if we had a war.

Prof. Langley, who outlined the scientific ideas which finally

resulted in the construction of an aeroplane by the Wright brothers, was the father of air navigation, and ought to be followed up by the country providing for the future methods of war so that we may have not only the instruments of future

wars but the men familiar with them.

I stand with the gentleman from Virginia on a good many propositions in this bill, but it is a great regret to me that he thinks it is necessary for him to reduce this appropriation. will be far better to reduce any other appropriation in the bill and increase this. I do not believe the country desires that our study and investigation of air navigation shall be restricted or curtailed in the effort to save a paltry \$50,000. [Applause.]

Mr. HAY. Mr. Chairman, the appropriation to which the gentleman from Illinois refers was reduced by the committee largely by the statement made by the Chief Signal Officer, Gen. Allen, as to the amount expended from last year's appropriation, and also upon the statement made by him that the manufacture of aeroplanes was in its infancy. The committee believed that it was not the part of wisdom to buy a lot of what might become in the very near future useless machines.

Now, Gen. Allen said that he has left at the present time \$72,000 of the appropriation which was made last year. said that they desired to purchase aeroplanes sufficient to have

a fleet or flock, or whatever you call it-Mr. AMES. Covey. [Laughter.]

Mr. HAY. A fleet of 19 or 20 aeroplanes; 20 was what they desired. They have 7 now, and with \$72,000, which they already have, they can purchase 12 more, which would nearly make the number they say they ought to have. I asked him how much it took to maintain these aeroplanes, and he said up to the present time they had expended \$18,000 for maintaining So that we are making a very liberal appropriation for the maintenance of these aeroplanes and for the purchase of all the aeroplanes that the Chief Signal Officer of the Army says they want to carry at this time.

Now, these aeroplanes only cost \$5,000 apiece. That is the uniform price, I believe, and they can with this appropriation buy enough to make up the 20 which the Chief Signal Officer says is what they want, and they will have a sufficient appropriation to maintain them after they are bought.

Therefore I can see no reason why we should now increase this appropriation, which, upon the showing of the Chief Signal Officer, is amply sufficient to do what they want to do. I am entirely in sympathy with the idea that if we should be so unfortunate as to have a war we should be ready with aeroplanes or any other fighting machines that may be necessary to contend with any other country. But I do not want the Government to go into the purchase of machines which, according to the statement of the man best informed on the subject, may become obsolete and useless in two or three years, when we shall have to reject them and purchase new machines. these reasons I hope the amendment will not be adopted.

Mr. PRINCE. Mr. Chairman, I ask to have read a memorandum from the Chief Signal Officer of the Army.

When was that memorandum made?

Mr. HAY. When was that memorar Mr. PRINCE. On February 6, 1912.

Since the hearings and since the bill was reported? Mr. HAY.

Mr. PRINCE. Yes.

Mr. FOSTER of Illinois. Mr. Chairman, may I inquire if that memorandum is made by the Chief Signal Officer? Mr. PRINCE. It is.

Mr. FOSTER of Illinois. After the hearings were had?

Yes; after the bill had been reported. Mr. PRINCE. Mr. AMES. Why should we not have light at any time?

Mr. FOSTER of Illinois. Does the committee know about it or just the gentleman from Illinois?

Mr. PRINCE. I do not think the committee knows anything about it. That is why I want to read it, that the Committee of the Whole will have knowledge of it.

Mr. FOSTER of Illinois. I mean the Committee on Military

Mr. PRINCE. No; the Committee on Military Affairs has not

Mr. FOSTER of Illinois. Not even the chairman knows anything about it?

Mr. PRINCE. No; it is a memorandum that I say came from the Chief Signal Officer of the Army, and the chairman knows nothing about it, as far as I know. It is as follows:

FEBRUARY 6, 1912.

The estimate for the Signal Service of the Army, including aviation, was \$375,000. This amount was reduced to \$325,000 (see line 23, page 5, Army appropriation bill), leaving available for aviation purposes only \$75,000. The item of \$125,000 for aviation purposes last year was placed in the bill by Congress on its own initiative on the floor of the House, and it is believed that this amount of money is a very conservative sum to spend for this purpose. Out of the appropriation of \$125,000 for the current year the Government will be able to purchase and maintain 16 aeroplanes, and it is estimated that an equal number could have been purchased out of the appropriation of \$125,000 asked for this year.

If the appropriation is reduced to \$75,000, we would be able to purchase and maintain 8 more machines, giving us a total of only 24 machines in service at the end of June, 1913.

In view of the importance attached by all other nations and the tremendous progress made by them, it is considered imperative that we have at least the same amount as last year.

J. Allen.

J. ALLEN, Brigadier General, Chief Signal Officer of the Army.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. PRINCE. Yes.

Mr. KAHN. The chairman of the committee stated that the science of aviation is rather in its infancy, but enough is known of these flying machines to make us aware that they are rather fragile, and that a current of air which can not be seen by the aviator until he enters it is apt to catch one of them and cripple or destroy it at any time. In view of the fact that so many accidents have heretofore happened and are apt to happen in the future in the manipulation of aeroplanes, does the gentle-man think it would be advisable to continue with such a few on hand as would be available if this amount is not increased?

Mr. PRINCE. I think it is better to follow the suggestion of the Chief Signal Officer, whose letter I have just read, and I hope that the Committee of the Whole will do as it did one year

ago-restore the amount as indicated by the amendments that I have proposed.

Mr. FOSTER of Illinois and Mr. AMES rose.

The CHAIRMAN. The gentleman from Massachusetts is a member of the committee, and the Chair will recognize the gentleman from Massachusetts.

Mr. FOSTER of Illinois. Mr. Chairman, I suggest that we ought to know how the gentleman stands on the amendment. Of course, if the gentleman is against the amendment, I am willing that he should have the floor.

The CHAIRMAN. Of course all of this debate, strictly

speaking, is out of order.

Mr. MANN. Do I understand, Mr. Chairman, that the rule is going to be invoked? If it is invoked now, it will be all the rest of this Congress

Mr. FOSTER of Illinois. Oh, no; that is merely the suggestion of the Chair.

The CHAIRMAN. The Chair will recognize the gentleman

from Massachusetts.

Mr. AMES. Mr. Chairman, I hope that the committee will grant this small increase in this appropriation. The art of aeronautics is in its very beginning. It is true that the Chief Signal Officer said before the committee that up to date the amount of money expended for the maintenance of the few machines he has is only \$18,000, but it is also a fact that the engines used to drive these machines have a very short life, the best machines having a life guaranty of only 100 hours. It will be a question of only a very short time in running before these machines will necessarily have to be replaced in their most expensive parts. The art itself has to be developed. In-dividuals can not do it alone. What better arrangement could we have than the Government making a small appropriation of \$125,000 where individuals can not contribute to the development of the art. I think the Government should do this. The problem to-day is not the problem of flight. That has been demonstrated beyond peradventure. The problem to-day is the problem of equilibrium, balance, and safety in descent, automatic stability. How are you going to develop these things except through the knowledge that comes through actual experience, and such knowledge is hastened by the aid of the Government? Granted, individuals are experimenting with the hope of success. A great deal of money is being expended throughout the country, and a great many individuals are putting in their little pile and losing it; but to develop the art, to keep abreast of other countries, to secure some material progress in aviation and the results to be desired, it is absolutely necessary that the Government lend a helping hand, and a generous hand, not a niggardly one. These machines that Gen. Allen now has I hope will be obsolete in a year, obsolete because of information gained by the use of them. How else can the art be developed? Invention does not come by leaps and bounds. It is a gradual, slow progress, through experience alone. It is not a conception offhand. It is the result of study, thought, and experience with the actual machine, and the more machines the Government can afford to have and use, and the more numerous the opportunities for individual experience, the faster and more sure will be the development of the art itself.

We had at one time congressional antagonism to the telephone and telegraph. How much better, how much more far-sighted it would have been if, instead of poking fun at the inventor and calling his dreams visionary, there could have been some substantial financial assistance by the Government toward developing the art of the telephone and telegraph long before it was done. In this case we have to keep abreast of the times. Submarines have brought new problems in naval de-fense and warfare; flying machines to-day have brought entirely new possibilities with regard to military attack and defense. The other countries of the world, the great nations of the world, are spending millions of dollars annually on this proposition and we haggle over some \$25,000 or \$30,000, \$125,000 in all-

Mr. SLAYDEN. Will the gentleman yield for a question?

· Certainly. Mr. AMES.

Mr. SLAYDEN. How long, in the judgment of the gentleman, who, I believe, has had experience in the manufacture of machinery, how long, in his judgment, would it take to construct a machine?

Mr. AMES. Does the gentleman mean to equip a factory? SLAYDEN. Well, what sort of equipment will be re-Mr.

Mr. AMES. Oh, the equipment is very simple; the one thing we are seeking is light of what kind of a machine in type and detail and how to build it. The operation of building is comparatively simple. They could be turned out at the rate of 100 a day in six months.

Mr. SLAYDEN. I will put my question in this way: How long does the gentleman think it would take in a case of emergency for us to provide 50 or 100 of these machines?

Mr. AMES. The gentleman is assuming that we know what

kind of a machine to supply.

Mr. SLAYDEN. I am assuming we will supply the most

advanced type we now have.

I suppose the factories that are making them Mr AMES. now can not turn out more than one a week, but they could be easily arranged to turn out 100 a day if there was a demand for that number.

Mr. SLAYDEN. It is not a complex machine, I understand,

except the engine.

Mr. AMES. Not at all. The problem now is to get machines that will keep their equilibrium, so that the aviator does not have to think about keeping his balance any more than he does in an automobile on the ground.

Mr. SLAYDEN. I hope they have found it.

Mr. AMES. The time is coming, but it can only come through experience, and you can get experience through the use of the

machines which the Government buys.

Mr. SLAYDEN. If I may be permitted a remark, it seems to me what we need now more than machines is an increased number of people who are trained to the use of such machines, for in case of need we could quickly supply the machines, but they are useless without experienced people to operate them. Mr. AMES. Mr. Chairman, every flight made by an officer or individual in this country brings out and develops something

new through sheer experience, and through actual flight comes the only way by which experience may be had. I hope that farsighted wisdom, farsighted economy will grant this amount for the purpose of developing the art of aviation.

Mr. FOSTER of Illinois. Mr. Chairman, I very much agree with the gentleman from Illinois, my colleague, who has spoken upon this question, and also the gentleman from Massachusetts as to the importance of this work, because I believe it is of great importance to the future efficiency of whatever warfare may unfortunately come to this country. But I do not believe it is the duty of this House to expend a large amount of money where it seems to be unnecessary. This appropriation, as I observe, gives \$150,000, or nearly so, with what is remaining from the appropriation of this year.

Mr. MANN. That will be spent before the 1st of July.

Mr. FOSTER of Illinois. The very purpose for which they wanted \$125,000 will be expended in the appropriation which remains, as stated by Gen. Allen before the committee, because he says that they expect to purchase machines with the \$72,000

that remains from this year's appropriation.

Mr. MANN. Last year I presented figures showing why
the House should appropriate \$250,000 which they thought they

could profitably utilize.

Mr. FOSTER of Illinois. Yes; I remember the gentleman's statement and I am very much interested with the gentleman from Illinois in this subject, but it has occurred to me in view of these facts, and it is really a matter of experimentation now, that when given all they asked for, according to the statement of Gen. Allen before the committee, not in view of the letter which later comes in to a member of the committee, it seems to me he should have made more specific his wants before this committee instead of coming in later and asking for the con-sideration of a memorandum made to one member of the committee.

Mr. PRINCE. Will the gentleman yield?

Mr. FOSTER of Illinois. I do not know whether it is the policy of the heads of the department to communicate with certain members of the committees in reference to the appropriations or not after they have testified and after the matter has been fixed in the bill.

Mr. MANN. Does not the gentleman think that a Member

of the House has a right to get information?

Mr. FOSTER of Illinois. He has a perfect right to get information, but it has occurred to me that this is somewhat in variance with the statement of Gen. Allen before the committee, and so I could not understand it.

Mr. PRINCE. Will the gentleman yield?
'Mr. FOSTER of Illinois. I will be glad to do so.

Mr. PRINCE. I wish to put the matter fairly. This communication did not go to the committee. I asked for it myself. asked the department to give me a memorandum of items that they thought were cut below the required needs of the service, and I asked for this information myself. It was after the hear-Gen. Allen reported through the proper authorities, that gave me the information as a Member of the House. It is true that I had the right to ask for it, and it is true he appeared before the committee, and this information I have obtained was

since his hearing before the committee. I want to put that

fairly and in that shape; that is all.

Mr. FOSTER of Illinois. I do not want to misrepresent the gentleman, but what struck me as peculiar was that Gen. Allen should apparently seem to change his opinion here to the gentleman from Illinois after he had testified before the commit-

Mr. PRINCE. I do not so understand it.

Mr. FOSTER of Illinois (continuing). And the committee knew nothing about it.

Mr. PRINCE. I do not so understand it.

Mr. FOSTER of Illinois. A careful reading of this testimony, it seems to me, would give that sort of impression, because he goes on to state-

Mr. PRINCE. What volume is it? They are not indexed.

Mr. FOSTER of Illinois. This is volume 2, page 526.
The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. PRINCE. Mr. Chairman, I ask unanimous consent that the gentleman be given 10 minutes additional, or so much

thereof as may be necessary.

Mr. FOSTER of Illinois. Two minutes will be all that is

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. FOSTER of Illinois. I observe that Gen. Allen said here in one place that they needed \$125,000, when asked that question, because, he said, the remaining amount would be sufficient up to the 1st of July, but he goes on to state that these additional machines, in order to bring the number up to approximately 20, would cost about \$60,000. In this letter he talks about 24 machines which he desired. That is one discrepancy. Then it occurs to me that, according to this statement, that he has had sufficient money, or would have, to maintain these machines for the next year.

I voted for the appropriation last year, but it occurs to me that we ought not to force more money on the department than it is able to use. Congress ought to have some right of judgment in this matter, it seems to me.

Mr. AMES. Will the gentleman yield for a statement?

Mr. FOSTER of Illinois. Certainly.

Mr. AMES. When Gen. Allen appeared before the committee, as you will find in the testimony there, he had but little information about the life of some of the best engines, and since the hearing and since he has made the statement he tells me he is

surprised to learn how short lived the engines were.

Mr. FOSTER of Illinois. Has Gen. Allen given that information to the Committee on Military Affairs, or certain mem-

bers of the committee?

Mr. AMES. It was a casual conversation.

Mr. FOSTER of Illinois. Do you not believe that it was the duty of Gen. Allen to communicate additional information to the Committee on Military Affairs?

Mr. AMES. It may have been; but if some one goes to him for information it might be that he has had additional light since he was before the committee.

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Foster] has expired.

Mr. MANN. I ask unanimous consent that the gentleman from Illinois have five minutes.

The CHAIRMAN. Is there objection? There was no objection.

Mr. MANN. The gentleman from Illinois voted and worked with me last year to put the appropriation in the bill.

Mr. FOSTER of Illinois. Yes, sir.

Mr. MANN. And the department had not asked for it?

Mr. FOSTER of Illinois. That is what I am stating, namely, that Congress ought to have some discretionary power in the

Mr. MANN. The gentleman says now that he thinks we ought not to give them more than they ask for. Does not the gentleman think it was wise that we put that item in the bill

Mr. FOSTER of Illinois. Yes; I agree with the gentleman;

but after we have gone ahead a year—Mr. MANN. They did not ask for it-

Mr. FOSTER of Illinois. And after they have said, "Now, this is about the amount of money we need," why should we go and appropriate more?

Mr. MANN. Last year they did not say they wanted it. Mr. FOSTER of Illinois. No. That was a request or in-struction by Congress made to the War Department, to take up the experiments. Congress had the right to do that. It was proper that it should do that,

Mr. MANN. They had previously taken up the experiments. In fact, they cut out last year the estimate of the aeroplanes because of the effect of the so-called Smith amendment. Now, this year, under the skillful questioning of the distinguished gentleman from Virginia [Mr. Hax], whose duty it is to ask questions so as to force the Army officers to keep down just as closely as possible to the earth on their expenditures, so that they can get along, they admitted they could get along with the amount-I do not know exactly the amount-but practically they could get along without anything. But Congress having given them the money last year without their asking for it, does not the gentleman think we ought to exercise as much judgment now as we exercised then, regardless of what they say?

Mr. FOSTER of Illinois. It is a question with Congress, now that the work is started, to say, "Now, you use more of this money." Last year it was a question of starting this matter. This year it is a question of giving them more money than they think they can judiciously use. There is a definite distinction

and a difference.

Mr. MANN. The gentleman is not quite correct in saying that last year the question was of starting the experiments. The Army did start them in the first place. It was a question of abandoning the experiments which the Army had started. Congress, not the War Department, determined that we would

not abandon the experiments.

Mr. FOSTER of Illinois. Yes; but there had not been authority given the department for this sort of experimenting with

aeroplanes until last year.

Mr. MANN. Oh, they had purchased the Wright machine for \$25,000 under authority granted by Congress. The gentleman himself no doubt witnessed the experiments out at Fort Myer with pleasure and with profit.

Mr. FOSTER of Illinois. I did. Mr. MANN, Those were the experiments and demonstrations that actually put aeroplanes on their feet, so to speak. I think we could reduce the expenditures for military purposes many million dollars a year if we could by experiment and practice devise and perfect successful machines for the practical navigation of the air.

Mr. FOSTER of Illinois. Does the gentleman think we could reduce the expenditures for the Army with such rapidity that we would be able to cut off the appropriations entirely from the Army, and that war would be carried on solely by aeroplanes, which would make it so impracticable to carry on warfare, as we understand it now, with aeroplanes flying around, that we would have to go and join hands with Dr. BARTHOLDT and bring about the disarmament of nations and the discontin-

uance of war? [Laughter.]
Mr. MANN. Who would think of carrying on war to-day with rocks and clubs or arrows and spears, or merely with

swords and flintlock guns?

Mr. FOSTER of Illinois. I am not sure that that would not be a better plan than to try experiments to invent machines and guns and other deadly implements of warfare so that each nation can see how many more people it can kill than the other one in the shortest space of time.

Mr. MANN. The gentleman would not believe in the policy of equipping our Army with clubs and allowing the armies of our antagonists to be equipped with modern firearms and up-

to-date munitions of war?

Mr. FOSTER of Illinois. No, sir; I would not permit the other army to be equipped with modern firearms and weapons and ours with rocks and clubs.

Mr. MANN. That is the situation we will be in before long,

judging from present tendencies.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. PRINCE].

The Clerk read as follows:

On page 5, line 23, after the word "and," strike out "25" and insert "75"; and on page 5, line 24, strike out "75" and insert "125."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. PRINCE. A division, Mr. Chairman. The committee divided; and there were—ayes 27, noes 31. Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. HAY and Mr. PRINCE.

The committee again divided; and the tellers reported—ayes 47, noes 42

Mr. HAY. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from Virginia makes the point of no quorum present. The point is well taken. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

	temorice to their	manico.	
Adair	Fields	Kitchin	Pray
Allen	Focht	Hoowland	Pujo
Andrus	Fordney	Korbly	Ransdell, La.
Anthony .	Fornes	Lafferty	Reilly
Austin	Gallagher	Lamb	Roberts, Mass.
Barchfeld	Gardner, N. J.	Langham	Robinson
Bartholdt	George	Langley	Rouse
Bartlett	Glass	Lever	Rucker, Colo.
Bingham	Goeke	Lewis	Rucker, Mo.
Broussard	Goldfogle	Lindsay	Sabath
Brown	Gould	Littleton	Sells
Burgess	Graham	Lloyd	Shackleford
Cantrill	Green, Iowa.	Longworth	Sheppard
Carlin	Griest	McCreary	Sherley
Cary	Gudger	McDermott	Slemp
Claypool	Guernsey	McHenry	Smith, Saml, W.
Connell	Hamill	McKinley	Smith, Cal.
Copley	Hanna	McLaughlin	Smith, N. Y.
Cox, Ind.	Hawley	Maher	Sparkman
Crago	Hayes	Malby	Speer
Cravens	Helgesen	Matthews	Stack
Currier	Higgins	Mays	Stephens, Miss.
Dalzell	Hobson	Miller	Sweet
Daugherty	Houston	Moore, Tex.	Talbott, Md.
De Forest	Howell	Needham	Taylor, Ala.
Dent	Howland	Oldfield	Vreeland
Dickson, Miss.	Hughes, Ga.	Olmsted	Warburton
Draper	Hughes, W. Va.	Padgett	Whitacre
Driscoll, D. A.	Jacoway	Palmer	Wilder
Dwight	Johnson, Ky.	Payne	Wilson, Ill.
Estopinal	Kindred	Plumley	Wilson, N. Y.
Fairchild	Kinkead, N. J.	Porter	

The SPEAKER having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, finding itself without a quorum, he had directed the roll to be called; that on the roll call a quorum of the committee appeared, and he reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered on the Journal. A quorum being present, the committee will

resume its session.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. Saunders in the chair.

The CHAIRMAN. The Clerk will report the second amendment offered by the gentleman from Illinois [Mr. Prince].

The Clerk read as follows:

On page 5, line 24, strike out "seventy-five" and insert in lieu thereof "one hundred and twenty-five." $\,$

The question being taken, on a division (demanded by Mr. PRINCE) there were—ayes 63, noes 78.

Mr. PRINCE. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. HAY and Mr. PRINCE.

The committee again divided; and the tellers reported that there were 74 ayes and 102 noes.

So the amendment was rejected.

Mr. SLAYDEN. Mr. Chairman, I have offered an amendment to page 6, line 22, that is pending.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 6, after the word "dollars," in line 22, add the following: "Provided, That hereafter no pay or allowances shall be made or allowed to any officer for any period during which he shall have been detached for duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law."

Mr. PRINCE. Mr. Chairman, I reserve a point of order against that.

Mr. SLAYDEN. Mr. Chairman, if, as I believe, that amendment is in order, it necessarily would be so under what is known as the Holman rule. It is a limitation upon expenses and determines that there shall be a penalty, so to speak, for an infraction of the law.

If I may be indulged by the House for a few minutes in explanation of the amendment, I am inclined to believe it will meet with very little, if any, opposition. The law of February 2, 1901, known as the Army reorganization act, contains this paragraph:

All officers so detailed shall serve for a period of four years, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant colonel shall not again be eligible for selection as any staff officer until they shall have served two years with the line.

That is the important section of that great act that put into operation what is known as the detail system, concerning which nearly the entire Army is agreed that it makes for efficient administration and for the development along stronger and better lines of the Army of the United States.

Now, if it does do that, if the enforcement of the act will accomplish these things, it is desirable that it should be rigidly enforced. But that it has not been is amply proven by the report made by the Secretary of War to the President of the Senate in document No. 288, in which it is set out that there are 179 officers who have had more than 6 years of continuous There are 39 officers who have had more than 12 years detail. of detail service away from the organization in which they were commissioned. It is true that some of these officers in the 6-year period are also in the 12-year period. Some of them are in flagrant disregard, as it seems to me, of this statute. have a few of them marked here, and the whole document I commend to the attention of the House, if it is at all interested in this question of the enforcement of the military laws.

As I open the document, I find on page 30 an account of the service of one officer who has been commissioned for 10 years and 3 months, during which time he has served only 1 year and 3 months with the command in which he was commissioned. On page 33 there is the record of one officer who has had a total amount of service of 10 years and 3 months, only 9 months of which he has served in the organization in which he was commissioned.

Now, if it be true that the detail system is sound, and sound because it will send officers to serve with their regiments and their companies, that law ought to be enforced, and there should be no such cases as are reported here by the Secretary of War. There are four exceptions, by special act, four acts authorizing a longer detail than four years. There is, Mr. Chairman, the act that details an officer with the road commission in Alaska. I think it is very proper that that officer or some officer should be continued in service with that commission, that he should be a man familiar with the work, and a man who has it continually before him. We have good results from that exception to the law in favor of the service on the Alaskan Road Com-

Another exception is that in the case of the officer detailed to serve with the Ordnance Corps. The act approved June 25, 1906, reads as follows:

SEC. 2. That details to the Ordnance Department under the provisions of the act of February 2, 1901, may be made from the Army at large from the grade in which the vacancy exists, or from the grade below: Provided, That no officer shall be so detailed except upon the recommendation of a board of ordnance officers, and after at least one examination, which shall be open to competition.

It was recommended by the committee and enacted by Congress, after an urgent appeal by that most excellent and capable officer, Gen. Crozier, who convinced the committee that it ought to be done in the interest of the service.

Another one of these exceptions, Mr. Chairman, is in the case of an officer detailed for service in the Insular Bureau, and still another is in the case of officers detailed for service with the Philippine constabulary. Outside of those four excep-tions, officers are detailed under the terms of law to four years' service in Washington, or elsewhere, and then sent back to their commands.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, the law has been violated. Longer and illegal details have been given. The law ought to be respected. It should be enforced. It is possible to evade it, and it is evaded in practice, and that should not be the case. This amendment that I have offered merely proposes that when violated in the case of an officer or of officers that there shall be assessed the penalty of a forfeiture of pay. The effect of it will be that there will be no violation of the law. I ask the House again to consider the fact that this Document No. 288 discloses that there are a large number of officers, more than 200, who have been serving away from their companies or regiments, as the case may be, for a period of time very much in excess of that authorized by law, and the fact that this amendment proposes to limit the amount of money to be expended annually, in my judgment, makes it in order to offer at this time

Mr. MANN. Mr. Chairman, I think the amendment is subject to a point of order. The Chair will notice this amendment is not a committee amendment, and is not offered by the committee. It is offered by an individual Member on the floor, and is admittedly intended to be permanent law, not a limitation upon the appropriation in the bill. It does not purport to be a limitation on the appropriation in the bill, but proposes to make permanent law. The provision of Rule XXI is as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

It is very plain that this does not reduce either the number or the salary of the officers of the United States-

by the reduction of the compensation of any person paid out of the Treasury of the United States—

This does not reduce the compensation of any person paid out of the Treasury of the United States-

or by the reduction of amounts of money covered by the bill.

There is no pretense that it reduces the item of appropriation in the bill. It is not an amendment offered by the committeewhich, being expenditures being germane to the subject matter of the bill, shall retrench

in a general way. It does not come under the proviso in clause 2 of Rule XXI, and can only be in order either as a limitation upon the appropriation in the bill, which it does not purport to be, or if it reduces the number or salary of officers, which it does not purport to do, or reduces the compensation, which it does not purport to do, or reduces the amount of the appropriation provided by the law, which it does not purport to do.

If the Chair shall rule in this case, overruling the previous chairman at this session of Congress in reference to the Holman rule, and hold this amendment in order, there is nothing that I can imagine that would be out of order. I appreciate the fact that the present occupant of the chair took a decided view in reference to the construction of the Holman rule when the District of Columbia appropriation bill was under consideration in the House, and that the views of the present occupant of the chair did not prevail at that time. I do not believe that the present occupant of the chair would be disposed to introduce into the House that uncertainty which comes from having one chairman on the consideration of one appropriation bill rule one way in regard to amendments, and then having another chairman on another appropriation bill take directly the reverse view of amendments.

Mr. PRINCE. Mr. Chairman, just a word or two on the point of order. Paragraph 2 of Rule XXI says, among other things:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shail retrench expenditures by the reduction of the number and salary of the officers of the United States.

Now, the object is not reduction—the law fixes the salary of officers of the United States, or-

By the reduction of the compensation of any person paid out of the Treasury of the United States.

Now, here is a provision to make permanent law to the effect that if an officer who is by law receiving a certain salary stays over a certain time, that to the extent he stays over that time he shall be penalized and his salary taken from him, and the basis of that and the reduction of salary is an unwarranted act on the part of legislation in the nature of this amendment. Now, on page 406 there is a provision of this nature:

An amendment to a pension appropriation bill providing that no fee shall be paid to a member of the examining board for services in which he did not actually participate is not subject to a point of order under the rule, since, while changing existing law, its effect is to reduce expenditures by decreasing the compensation.

That holding seems to squint at making this provision in order, but that is a case where a person received a fee for services that he never rendered. This is a case of an officer who is a salaried officer, his salary fixed by law, and if the Commander in Chief for necessary reasons permits that man to remain a week or a month beyond the four-year period, that the officer shall be penalized by no fault of his own and his salary taken from him, and this is to be permanent law in the nature of a penalty enacted upon an appropriation bill. It seems to me, if anything, it is clearly in violation of the spirit of legislation, clearly in violation of proper and orderly legislation, and this proposed amendment is such, and I insist upon the point of order.

Mr. SLAYDEN. Mr. Chairman, I would like to offer a substitute for the amendment, somewhat modified.

Let it be read for information first.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute, for information.

The Clerk read as follows:

That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

Mr. PRINCE. Does the gentleman offer that as a substitute for the other amendment?

Mr. MANN. Do I understand the gentleman asks unanimous

consent to offer this?

The CHAIRMAN. Does the Chair understand the gentle-man from Texas to ask unanimous consent to withdraw the other amendment and offer this in lieu thereof?

Mr. SLAYDEN. Yes. The CHAIRMAN. The gentleman from Texas asks unanimous consent that the amendment originally offered by him may be withdrawn and that the one he has sent to the desk may be substituted in lieu thereof for the consideration of the committee. Is there objection?

Mr. PRINCE. Mr. Chairman, I have no objection to that. The CHAIRMAN. The Chair hears no objection, and the Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 22, after the word "dollars," insert the following:

"That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law."

man what his construction of "specifically authorized by law" is?

Mr. SLAYDEN. Mr. Chairman, as I stated a moment ago,

there are four specific authorizations by law-Yes; that is authorized by law; it is not "spe-Mr. MANN.

cifically" authorized by law.

Mr. SLAYDEN. There are four classes selected out of the Army at large. After the enactment of the law of February 2, there arose conditions that seemed to make it wise that the detail system should not be applied-

Mr. MANN. The gentleman does not answer my question.

Mr. SLAYDEN. I am endeavoring to do so.

Mr. MANN. The gentleman is restating what he stated before; I appreciate it; but here is a proposition that is authorized by law, and that is what the gentleman stated a while ago. Certain extraordinary details are authorized by law. Now, the gentleman proposes certain cases that shall be "specifically" authorized by law. Does "specifically" mean anything?

Mr. SLAYDEN. I think it has a specific meaning.

Mr. MANN. If it has a specific meaning it has a special meaning and not a general meaning, and the word "specific" there, if I can understand the English language, would mean that no detail should be authorized unless the person was named by an act of Congress.

Mr. SLAYDEN. Mr. Chairman, if the gentleman will par-

Certainly.

Mr. SLAYDEN. I think when there is a general act saying there shall be no details for a longer period than four years, and then in the practical application of that law, in the administration of the Army, it is found there ought to be exceptions, and those exceptions are provided for in one, two, three, and four cases, that those are specific exceptions.

Mr. MANN. Those are details authorized by law.

Mr. SLAYDEN. Yes.

Mr. MANN. But the specific detail is not authorized by law. Mr. SLAYDEN. I will not quibble. I shall not insist on the word "specifically." There are special exceptions authorized by law of officers in the Insular Bureau, in the Ordnance Bureau, and officers serving in the Philippine Constabulary and the Alaskan Roads Commission.

Mr. MANN. The gentleman, like myself, has had some experience in the construction of statutes by other departments. At one time I drew a proposition, which was agreed to in this House and became a law, which I submitted to a dozen gentlemen. Every one of them said it meant the same thing. It came to be construed by the department of the Government, and they construed it directly the reverse. Subsequently, in another act, I endeavored to correct the mistake, and the same thing happened over again.

That was not very complimentary to Mr. FITZGERALD.

the gentleman's capacity.

Mr. MANN. That is right, but the gentleman from New York was one of the gentlemen to whom I submitted it. [Laughter.] I think the trouble was not the capacity at this end; the trouble was the lack of understanding at the other end. This will have to be passed upon by an auditor and the comptroller. I do not think we ought to put something in there that is liable to make

trouble.

Mr. SLAYDEN. Mr. Chairman, so far as the effect of the amendment is concerned, if the word "specifically" were not in it I think it would still have the same effect.

Mr. MANN. Of accomplishing all the gentleman wants to accomplish. I wish he would strike out the word "specific-

ally."

Mr. SLAYDEN. The whole point, Mr. Chairman, is whether or not the law of February 2, 1901, that provides for the detail system in the Army, shall be enforced, except where other-

wise provided by law. I do not see how the word "specificcan be misunderstood in that connection. I would like to test the sense of the committee on it.

Mr. MANN. I do not know how the comptroller will rule on it, but I know if I were comptroller and that was in the law I would construe it as mentioning the person or the office spe-"Specific" means specific. It does not mean general."

Mr. SLAYDEN. I would like to ask the gentleman if there are any certain specified exceptions in the law; if these four that I have referred to, with a copy of the act in each case, which I had before me at the time, are not specified exceptions to the general law? If they are specified, is not that specific?

Mr. MANN. That is not the way the amendment of the gen-

tleman reads at all.

The CHAIRMAN. The time of the gentleman has expired. Mr. KAHN. Mr. Chairman, while the purpose of the amendment may be along lines that will make for the enforcement of the detailed system, nevertheless I think if the amendment were

enacted into law it would on many occasions work severe hardship upon an innocent officer. The first duty of an officer is to obey orders, and when he is detailed to do a certain thing he must carry out the order which provides for the detail.

Mr. SLAYDEN. Will the gentleman permit me to ask him

a question?

Mr. KAHN. I yield to the gentleman; yes.

Mr. SLAYDEN. Does the gentleman from California believe that with that specific command from Congress, that specific instruction that the law must be enforced, and enforced under penalty, that any officer authorized to give orders to another will send him to that hardship and to a duty that is

not authorized by law?

Mr. KAHN. The gentleman does not make allowance for unusual conditions which nobody can foresee. The fact of the matter is a man is detailed to a certain duty. Take the disaster that occurred in the city of San Francisco a few years ago.

An officer is detailed there.

He is filling out the duties of his detail for four years, when, without warning, this great calamity comes along. It is almost impossible to have him taken out of the position which he has been filling for the time being. There may be a lapse of a month or two months or three months before it would be advisable to take him away from his detail, and yet the gentleman's amendment, if adopted, would withdraw from that officer his salary for the period during which he has been overstaying the term of his detail. And, of course, he can not leave without orders. Take the matter of the Boxer uprising, which occurred a few years ago. An officer, detailed there in China, a military attaché, for instance, can not come out of Peking, can not get away and return to his regiment. But you would penalize him, under the terms of this amendment, and take away from him his salary, although he himself may be powerless and unable to help himself.

Mr. SLAYDEN. Mr. Chairman, the gentleman himself may anticipate that there will be an occasional earthquake in San Francisco from time to time that will require the service of

officers whose details may have expired-

Mr. KAHN. Or there may be a tidal wave at Galveston. Mr. SLAYDEN. In any event it will not last for four years, and there is ample play in the way of time for the detail of

officers for that service.

Mr. KAHN. Oh, if there is another tidal wave at Galveston, and a great number of people are killed there, equal to the number killed in the last tidal wave which overwhelmed that city, and with an equal amount of suffering and misery, and an officer happens to be there on detail at the time, it be advisable to take that detailed officer away from there

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield

for a question?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. KAHN. Certainly. Mr. FITZGERALD. Would not the assignment of an officer to such a duty as the gentleman has been describing be a detail in the sense here intended?

Mr. KAHN. Certainly. An officer might be detailed to a certain post to do quartermaster work there, and he may do quartermaster work there and continue doing it almost until the time his detail expires, and then, within a few days of that time a great calamity occurs; he can not get away, and the department will not take his detail from him. Does the gentleman propose to penalize him under such circumstances? think, Mr. Chairman, the amendment is ill-advised and should

The CHAIRMAN. Is the point of order insisted on?

Mr. HAY. I do not understand that a point of order was

Mr. SLAYDEN. The point of order was made on the original amendment.

Mr. PRINCE. Mr. Chairman, I want to speak against the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE]

is recognized.
Mr. PRINCE. Mr. PRINCE. The point of order was made on the first amendment. Then the gentleman asked unanimous consent to withdraw that and offer this as a substitute.

I am inclined to think this is in order, because it is a limita-tion; but at the same time that it is a limitation, it is also in the nature of a punishment of innocent officers who are engaged in the discharge of their duties.

Now, I agree with the gentleman it is quite likely that the detail of officers has been somewhat abused. It would look so from the report. But I think the discussion here in the House and the calling attention to it would let the War Department and the administration understand that we do not take kindly to it. The expressions we have used are in themselves warning enough, and if the department persists in it after this and does not report between now and a year hence, when we come back here to make another appropriation, I would be inclined to favor such a limitation.

But I do not think it is now advisable. I do not think it is I think it will work a hardship and militate against the efficiency of the Army, and militate against officers who are bound under oath to obey and not to question where they are sent or when the time of their detail expires. punishment to many officers of the Army in order to get at a few officers who, I agree with the gentleman, have been for many years separated from their troops by influences that ought not to be tolerated in the War Department or anywhere

I am not in favor of this, but I do think we ought to call a halt now. I say that at this moment it is ill-advised. I think the suggestion and discussion of it is ample warning to the department. If the practice is persisted in of allowing this to be done in the future, I will join with my colleagues in the coming year and favor such a limitation if it is required and necessary. By this discussion we are giving notice to the department of our view. We should not penalize these men and put upon them an injustice. I think the gentleman's amendment is timely in the sense of calling attention to the condition of affairs, but ill-advised and untimely as punishing these men

who certainly would be punished by this act.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman if he thinks that as a matter of fact there would ever have to be any assessment or penalty inflicted against these people?

Mr. PRINCE. I did not catch the gentleman's question. Mr. SLAYDEN. I ask the gentleman if he does not think

that the law would then be enforced, and that these ghosts that he is conjuring up of a detail expiring while a man is endeavoring to save people from drowning in Galveston when a tidal wave occurs, or who is endeavoring to save some people from burning in a fire or earthquake at San Francisco are mere figments of his imagination?

Mr. PRINCE. In fairness to the gentleman's question, I do not think that I have conjured up any ghost at all. I have tried to speak fairly and candidly and to state my views upon this question. If the law is violated now, have we any reason to say that it might not be violated in the future and the innocent officer suffer, rather than those who have violated the law, by compelling him to remain longer? The punishment will fall upon the innocent officer. I am speaking for him. I am speaking for the efficiency of the Army. I am speaking for the good of the Army as a whole.

Mr. AMES. And for good legislation. Mr. PRINCE. And for what I think is good, sensible, sane

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SLAYDEN].

The question being taken, on a division (demanded by Mr. PRINCE) there were—ayes 58, noes 38.

Accordingly the amendment was agreed to.

Mr. MANN. Mr. Chairman, I will not follow the example of the gentleman from Virginia by raising the point of no

Mr. PRINCE. Mr. Chairman, for the sake of information,

will the Clerk please report the amendment?

The CHAIRMAN. The Clerk will report the amendment for the information of the committee.

The Clerk read as follows:

Page 7, line 1, strike out the word "hereafter," after the word "that," and insert, after the word "appropriation," at the end of the line, the words "in this act."

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I understand that yesterday afternoon the items relating to pay of officers of the line, on page 6, were temporarily passed.

Mr. HAY. I do not so understand.
Mr. KAHN. I ask the chairman of the committee if he has any objection to my offering an amendment at this time to change the amounts?

Mr. HAY. What is the gentleman's proposition?

Mr. KAHN. I ask unanimous consent to recur to the paragraph on pay of officers of the line, in order that I may offer two amendments in the amounts.

Mr. HAY. I object.

Mr. MANN. We gave consent to recur for an amendment a moment ago. Does the gentleman understand that courtesies of this kind extend to both sides? On the amendment just now agreed to we went back by unanimous consent.

Mr. HAY. That was passed over yesterday. Mr. MANN. We went back to it by unanimous consent to let the gentleman from Texas offer that amendment.

Mr. HAY. I will not object at this time, but I will object hereafter.

Mr. MANN. If the gentleman is impartial in his objections no one will complain.

Mr. FITZGERALD. What is the amendment which the gentleman wishes to offer?

Mr. KAHN. On page 6, in lines 16 and 17, strike out the words "six million eight hundred and ninety-three thousand nine hundred and eight dollars" and insert in lieu thereof the words "seven million seven hundred thousand seven hundred dollars"; and in the item of longevity pay strike out, in lines 20 and 21, the words "one million five hundred and twenty-four thousand one hundred and twenty dollars" and insert in lieu thereof the words "one million seven hundred and sixty-seven thousand one hundred and twenty dollars.

The CHAIRMAN. The gentleman from California [Mr. Kahn] submits a request for unanimous consent to return to the portion of the bill indicated, in order that he may offer the amendment stated. Is there objection?

Mr. FITZGERALD. Why did not the gentleman offer these

amendments to the paragraph when it was read?

Mr. KAHN. I was not in the Hall of the House at the time. will be very frank with the gentleman. During the general debate I submitted some remarks. One of the gentleman's colleagues suggested that he would like to have those remarks printed in this morning's RECORD, as he wanted to look them over. I told him that I probably could not revise them in time to print them this morning and that I would withhold the remarks until I could revise and extend them. He suggested that it would be better to have them printed immediately, and I left the House in order to get to work on them. That is the reason why I was not here.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by striking out, in lines 16 and 17, page 6, the words "six million eight hundred and ninety-three thousand nine hundred and eight" and inserting in lieu thereof the words "seven million seven hundred thousand seven hundred."

Mr. KAHN. Mr. Chairman, I fully believe

But I thought there was to be no debate.

Mr. FOSTER of Illinois. I thought the understanding was that these amendments should be offered without debate.

Mr. KAHN. I am perfectly willing to submit it. Mr. HAY. I have no objection to the gentleman having five minutes

Mr. FOSTER of Illinois. Go ahead.

Mr. KAHN. Mr. Chairman, the hearings on page 540, volume 2, show the statement made by Gen. Whipple, the Paymaster General of the Army, that the pay of the officers and of the enlisted men is fixed by statute, and is capable of mathematical quorum, although I think I ought to.

Mr. HAY. On page 7, line 1, of the bill, which was read yesterday afternoon and passed over temporarily, I move to amend by adding, after the word "appropriation," the words "in this act," the word "hereafter" having been stricken out. computation. I am fully satisfied that if this great reduction is made that is contemplated in this bill that later on there will

The Paymaster General said in the hearings before the committee:

The number and grades of officers authorized by law in the several branches of the line of the Army are provided for in this estimate. The rate of pay computed as provided by the act of May 11, 1908, and the additional pay for length of service is based upon the longevity record of the officers as shown by the Official Army Register. The authorized number of second lieutenants of the line is 963, but it is estimated that the original vacancies to the number of 242 created by the promotions incident to increase of officers of higher grade by the act of March 3, 1911, will not be filled in excess of 150 during the fiscal year 1913. Therefore, the estimate is submitted for 871 second lieutenants of the line instead of 963, the authorized number. This, I think, accounts for the increase there.

Then, Mr. Kloeber says:

So they were not in the appropriation bill for last year, but they are now included in this estimate for 1913. That accounts for the increase. In other words, this is the first time that Congress has been asked to make any appropriation for the 242 additional officers.

Gen. Whipple then says in answer to a question by the chair-

The Chairman. We next have the item of pay of officers for length of service, to be paid with their current monthly pay. I see that there is an increase there of over \$100,000.

Gen. Whipple. That follows the increase in number of officers, and then we must consider we have a great many officers who will come into their third longevity period in the fiscal year 1913; officers who came in during the Spanish War, in 1898, will in 1913 come into the third period of five years—that will be 15 years' service.

The Chairman. And that accounts for the increase?

Gen. Whipple. That accounts for part of it and the additional officers.

Now, with that statement in view, it seems to me to be perfectly evident that if these figures that were submitted by the department be cut as severely as they have been by the committee, there will be a deficiency beyond peradventure.

The CHAIRMAN. The time of the gentleman from Cali-

fornia has expired.

Mr. HAY. Mr. Chairman, it has never been the custom of the Committee on Military Affairs, since I have been a member of the committee, to give the full amount asked for the appropriation for enlisted men or for officers either. Under the appropriation that is carried in this bill, judging by years of the past, there will be ample to pay every enlisted man whatever may be given to him.

Mr. KAHN. But Gen. Whipple says specifically that he did not, in making the estimates, figure upon the full number of officers; that he figured for 150 second lieutenants

Mr. HAY. The gentleman is talking about officers?
Mr. KAHN. Yes; this refers to officers.
Mr. HAY. If the gentleman will turn to page 726 of the hearings he will find that there are now 453 vacancies in the Army, whereas Gen. Whipple is calculating for a full army. As a matter of fact, there are 249 second lieutenancies vacant, the pay of which officers would amount to over \$550,000. Besides this there are over 200 more, so that we are giving the full amount here to all the officers who will be in the Army. Some officers die, some are put on the retired list, and I have never known the committee to give the full amount asked for by the War Department. I hope that the amendment will not be agreed to.

Mr. KAHN. Does the gentleman feel satisfied that the conditions of the Army warrant the reduction of over \$800,000

from the estimate?

Mr. HAY. I do, because not only are there these vacancies that I have referred to, but in one item of the bill, if it is adopted—and I do not think there is any doubt about it—referring to the cadets at West Point, it makes a reduction of \$243,000 more.

Mr. KAHN. Did not Gen. Whipple say that he did not estimate for the entire strength of officers allowed at present?

Mr. HAY. He said that the War Department directed him to make a cut in some estimates, but whether or not he cut in this particular I do not know

Mr. KAHN. He said he did in the hearings before the committee.

Mr. HAY. Whether he did or not, I think that the reduction provided for in this bill with the number of vacancies that I have referred to and the item with reference to the cadets at West Point, make the cut in this bill very reasonable.

Mr. KAHN. Does not the gentleman think that with the statement of Gen. Whipple that he took for his estimate on the longerity pay of officers the list in the Official Army Register, would indicate that the reduction

Mr. HAY. Is the gentleman talking about the retired pay now?

Mr. KAHN. I offered an amendment to both sections, one for active and the other longevity, and Gen. Whipple says that in estimating for the longevity pay he took the list of the Official Army Register.

Yes; and a great many of those retired Army Mr. HAY. officers died during the year.

Mr. KAHN. Yes; but many will go on the list again, as he says, by reason of the fact that many officers who were appointed during the Spanish-American War will now get their

15-year-period pay.

Mr. HAY. But the 15-year period refers to longevity pay of active officers, and not to those upon the retired list.

gentleman is mixing up his figures.

Mr. KAHN. No; I think not.
The CHAIRMAN. The question is on the amendment offered

by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee in regard to a small verbal change. I call his attention to the fourth word in line 19, on page 6. The word "to" is used there, and I ask the chairman if it should not be the word "of"; whether it should not read "for additional pay of officers for length of service," and so forth?

Mr. HAY. No; I think it means additional pay to officers. I think that is correct.

I think that is correct.

Mr. TILSON. In the paragraph above it is "pay of officers." and in the paragraph below it is "pay of enlisted men."

Mr. HAY. But the gentleman will observe that it is addi-

tional pay to officers, which is in addition to what they get in

the former paragraph.

Mr. TILSON. It is only a small matter, but I call the gentleman's attention to the fact that in all the bills heretofore the language has been "of officers" and not "to officers," even in regard to additional pay.

Mr. HAY. Is the gentleman sure of that?

Mr. TILSON. I have the act of last year before me.

Mr. HAY. I see the difference between the bill of this year and last year is to pay of officers for length of service, to be paid with the current monthly pay. This is for additional pay to officers, and the words there, I think, were suggested by the War Department and taken from this.

The CHAIRMAN. There is another amendment yet to be

acted upon, which the Clerk will report.

The Clerk read as follows:

Page 6, lines 20 and 21, strike out the words "one million five hundred and twenty-five thousand one hundred and twenty" and insert the words "one million seven hundred and sixty-seven thousand one hundred and twenty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. AMES. Mr. Chairman—
The CHAIRMAN. Does the gentleman desire to speak to the amendment?

Mr. AMES. I desire to speak to the amendment. I understood the chairman of the Committee on Military Affairs to say in a remark a moment or two ago that he hoped this amend-

ment would prevail.

Mr. HAY. The gentleman is mistaken.

Mr. AMES. I do not mean this amendment, but I mean this section as it stands, cutting off longevity pay.

Mr. HAY. This section does not do it. The section to which

I referred is the last proviso in the bill.

Mr. AMES. Oh, I beg pardon. Then I do not wish to speak to the amendment.

The CHAIRMAN. The question is on agreeing to the amend-The question was taken, and the amendment was rejected.

The Clerk read as follows:

For additional pay for length of service, \$1,535,000.

Mr. HAY. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 7, at the end of line 8, after the word "dollars," insert the following:

"Provided, That on and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry, and no more, in the United States Army, and that the officers who shall be rendered supernumerary by this reduction in the number of Cavalry regiments shall be retained in service and shall be assigned to vacancles in their respective grades as such vacancies shall occur in the Cavalry, or, in the discretion of the President, to such vacancies in their respective grades as shall occur in any other arm of the service."

Mr. PRINCE. Mr. Chairman, I make a point of order against that. I will reserve the point of order.

Mr. HAY. If the gentleman makes the point of order, I would like to hear upon what grounds it is made.

Mr. PRINCE. I make the point of order.

Mr. HAY. The gentleman makes the point of order without giving any reasons for it. Of course, it is not subject to the point of order, because it reduces not only the number of peo-

ple in the employ of the Government, but it reduces the amount carried in this bill, and is germane to the subject matter.

Mr. MANN. How does it reduce the amount carried in this bill, I would like to inquire of the gentleman? That amendment does not reduce it; nothing is said in the amendment as to the amount. Now, Mr. Chairman, this is another individual amendment offered on the floor of the House—not a committee amendment. It does not come within the proviso of clause 2, Rule XXI, saying that an amendment, being germane to the subject matter of the bill, shall be in order if it shall retrench expenditures. Not in order under this provision because it is not offered under that provision. It must be in order, if at all, under the provision that it reduces the number and salary of officers of the United States. Now, it does not purport to reduce either the salary or the officers of the United States. does not purport to reduce the compensation of any person paid out of the Treasury of the United States. If it is proposed to hold amendments like this in order under the Holman rule, there is no limitation upon an amendment which can be offered. The gentleman from Tennessee [Mr. GARRETT] the other day ruled upon amendments claimed to be in order under the Holman rule, and made what seemed to me a very clear and distinct ruling. If the rulings made by Mr. Garrett, as Chairman, shall be followed, it is perfectly clear that this amendment is not in order. Now, the gentleman from Virginia may say this abolishes certain regiments in the Army. That may say this abolishes certain regiments in the Army. That may be true; I do not know. That amendment might be in order if it were offered as an amendment by the committee that had jurisdiction of the subject matter, which is the gentleman's own committee; but if the Chair shall hold that any individual Member on the floor can offer any amendment which he says will retrench expenditures, that is a broadening of the rule which, when the rule was revised, the House thought was improper.

The original Holman rule simply provided that an amendment should be in order, which, being germane to the subject matter of the bill, shall retrench expenditures; and because of the workings of the rule it was revised by the Democratic House by their inserting a provision in it that in order to make it in order simply as a retrenchment of expenditures it must come from a committee, and otherwise in order to make it in order it must provide for a reduction in the number or salary or the compensation of persons paid out of the Treasury. Now, this does not do that, and does not purport to do that. If it proposes to abolish officers or cut down their salary, it might be in order.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. BURKE of Pennsylvania. Under the interpretation referred to by the gentleman did not the Chair also state that the curtailment of expenses must appear on the face of the measure itself, and is there anything in this amendment to indicate this might not, as a matter of fact, be an increase in the number of Cavalry regiments? Of course we understand there are more than 10 regiments, but upon the face of the measure itself, when it says hereafter there shall be 10 regiments, is there anything to indicate that we now have more

Mr. MANN. I think it is the duty of the Chair to know what the law is on that subject.

Mr. TAGGART. May I ask the gentleman a question?

Mr. MANN. Yes. Mr. TAGGART. Would it not reduce the number of noncommissioned officers of the United States to the full extent of

Mr. MANN. It would not reduce them in the slightest degree.
Mr. TAGGART. Why, it abolishes 5 regiments substantially.
Mr. MANN. Yes, it does; but it does not abolish their enlistments.

Mr. TAGGART. Why not?

Mr. MANN. These officers and these men are still in the service; it does not dispense with their services.

It does not dispense with their services. It does not purport

Mr. TAGGART. Does it not dispense with their services as fast as their term of enlistment expires?

Mr. MANN. Their services are dispensed with when their terms of service expire now.

Mr. TAGGART. Does it not abolish their officers? Mr. MANN. It does not abolish their officers; it does not intend to abolish their officers.

Mr. HAY. Mr. Speaker, the amendment which I offer proposes to reduce the number of Cavalry regiments in the Army and provides that after the 1st day of July, 1912, there shall be

only 10 regiments of Cavalry in the United States Army. Under the Army reorganization act of February 2, 1901, it is provided in the first section:

That from and after the approval of this act the Army of the United States, including the existing organization, shall consist of 15 regiments of Cavalry.

So the amendment which I propose necessarily cuts off 5 regiments of Cavalry, and thereby must cut off 3,980 enlisted men who are now in 5 regiments of Cavalry in the service of the United States to-day. Under the amendment it will take effect the 1st day of July, 1912, and therefore will refer to the fiscal year with which this bill is dealing, and necessarily save the amount of money which you would have to pay in the next fiscal year to these 3,980 enlisted men. The gentleman from Illinois [Mr. Mann] says that the amendment does not purport to cut off anybody's salary. That is just what it does. It proposes to do away with the services of persons now employed by the Government, and thereby to save the amount of the money which is now paid to those people during the next fiscal year.

Mr. TILSON. Will the gentleman yield?

Mr. HAY. Yes.

Mr. TILSON. What does the gentleman propose to do with these men? Does he propose to discharge immediately all the

enlisted men in these five extra regiments?

Mr. HAY. Some of them will be reabsorbed. That goes to the merits of the question and has nothing to do with the point of order. I will discuss that when we come to the merits of the question. Now, the pay of these 3,980 men for the fiscal year with which we are dealing in this bill is \$1,766,781. But granting, for the sake of the argument, that the amendment does not cut off the pay, yet if these regiments are cut off it will not be necessary to equip them, and it costs to equip them \$161,754 from the Ordnance Bureau, and it costs \$364,071 a year to subsist them, and the Quartermaster's Department has to pay for clothing, shoes, horses, and so forth, \$1,490,561. So if there was no question of pay about it at all, which I do not admit, yet there would be a saving of very nearly \$3,000,000 in the equipment of these men alone. And the rule does not provide that it is necessary to offer an amendment of this character from the committee. It says:

Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such as are germane to the subject matter of the bill.

There is no question that this is germane to the subject matter of the bill. The subject matter of the bill is an appropriation for the purpose of supporting the military establishment, and I propose to cut off a certain part of that military establishment in order to retrench expenditures. It says:

Shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person.

It does not confine it to commissioned officers, but to any persons paid out of the Treasury of the United States or by the reduction of the amounts of money covered by the bill. So I think this amendment meets with every requirement of this rule, and I do not hesitate in asking the Chair to overrule the

point of order. Mr. TILSON. Mr. Chairman, it is conceded that if this amendment is in order it must be in order under that part of the proviso of section 2, Rule XXI, which provides that it shall retrench expenditures by the reduction of the number of officers. I submit, Mr. Chairman, that on the face of this amendment it does not reduce the number of officers. It is specifically provided that, so far as commissioned officers are concerned, they shall be retained in the service. As to the enlisted men, it says The chairman declines to answer the question as to nothing. what is to become of the enlisted men-what is to become of their enlistment. These men are enlisted for three years, and it is not proposed, as I understand, to discharge them for the benefit of the service within the time of their enlistment. If it does not appear on the face of this amendment that there is to be a reduction—and I submit that it does not so appear in this amendment—the amendment does not bring itself within the rule at all, because in the case of commissioned officers it is specifically stated in the amendment itself that they shall not be reduced; and, as to the enlisted men, it does not appear that they will be reduced or how they shall be gotten rid of during their enlistments.

Mr. BURLESON. Does not the gentleman admit that, provision having been made for commissioned officers and having been made for noncommissioned officers and privates, the effect of it will be that their services will be dispensed with?

Mr. TILSON. It does not say so. Mr. BURLESON. If the privates and noncommissioned officers are not officers, they are surely employees of the Government.

Mr. TILSON. Is it intended that these men's services shall be terminated and that they shall have their discharges imme-

Mr. BURLESON. I suppose they will be absorbed by the other branches of the service. They will be commissioned out of service.

Mr. TILSON. It does not appear on the face of this amendment what will become of them. It does not appear anywhere that there is to be a reduction.

Mr. BURKE of Pennsylvania. If they are absorbed by other branches of the service, necessarily this will not result in a decrease of expenditures.

Mr. TILSON. No; and it does not result in a decrease of the number, which is necessary to bring it within the rule.

Mr. BURLESON. All arms of the service, as I understand,

are constantly being recruited.

Mr. TILSON. It does not so appear from this amendment, Mr. Chairman. Suppose all the Cavalry regiments are now at half size or at two-thirds size, and the enlisted men of the 5 extra regiments were turned over into the other 10, as they might be. Then there would not be a reduction of a single man. So far as it appears from this amendment, that may happen. deed, it may well happen if a sufficient number of vacancies exist in the entire Army. We should then have not only the same number of men, but the very same men, and whether they would receive more or less pay than formerly would depend upon the places to which transferred. In making his ruling, the Chair is not to assume facts which are not stated on the face of the amendment itself. If it is necessary to go into argument and submit facts in order to show a reduction, the reduction becomes problematical, and if it is problematical, so as to require outside facts, then the gentleman's amendment does not come within the provision of the rule.

Mr. PRINCE. Mr. Chairman, that the amendment is germane I am inclined to think is true, but is it in order, conced-

ing that it is germane? The rule provides:

Nor shall any provision in any such bill or any amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number.

Does this amendment on the face of it reduce the number of officers? It says so, but not specifically. It says they shall be taken care of. The number that are here now shall be taken care of hereafter. Then the number is not reduced. They are officers of the United States, connected with the Army. The rule says:

Shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

Their salary remains the same. The rule further provides:

By the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Does that show any reduction on the face of the amendment? Will the Chair go outside to find a basis for this amendment as one reducing the expenditures of the military establishment? I do not think it is proper for the Chair to travel outside of the

proposition that is presented to him.

Now, has this proposition been presented by the committee? I say to you frankly that this is the first time that some members of the committee have ever heard of this proposition. Nowhere does it appear that it came before us as a committee. It is unauthorized by the committee, and is not a part of the bill which the committee has brought into the House. If the committee that has full authority to report this appropriation bill had brought in this measure, it would be germane to the whole bill and it would be a part of the report of the committee. If the committee had authorized this as an amendment, it would be an act of the committee. But this is an act of an individual, seeking to make germane an amendment that does not apply to this section and does not reduce expenditures on the face of the amendment.

I take it there is not a scintilla of evidence on the face of that amendment to show that it reduces the expenditures of the military establishment one farthing. If there is, I have not properly read it. I wish the Chairman would have the

Clerk read it again, so that I can comment upon it.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. PRINCE. There is nothing there that shows retrenchment. The rule further provides:

That it shall be in order further to amend such bill upon the report of a committee—

There is no report of the committee asking for this amendment-

or any joint commission authorized by law, or the House members of such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

There is a proviso that it shall be upon the report of the committee. No committee has reported upon this. It is not in the bill. It is not in the report. The majority report does not suggest it. It is not a committee amendment, and it utterly fails to fall within the provisions of the Holman amendment to Rule XXI.

Mr. BURKE of Pennsylvania. Mr. Chairman, it seems to me that the proposition as to whether or not this is a retrenchment can be ascertained by this test: Every officer and every man attached to these cavalry regiments appears upon the pay rolls of the United States Government to-day, and according to rolls of the United States Government to-day, and according to this amendment, as interpreted by his proponents, every name will appear upon the rolls of the United States Government on the 2d day of July, 1912. There is no alteration whatsoever in any man's rank. There is no alteration or reduction whatsoever in any man's salary, because we specifically provide in the amendment that they shall be detailed to other duty in their respective grades. You specifically preserve their military status and continuance in the service; and if you do preserve it and provide for their delegation to other duty, carrying with it and provide for their delegation to other duty, carrying with it other responsibility, and carrying with it an equal amount of salary, an equal charge upon the Federal Treasury, how, then, do you work a reduction or a retrenchment in any manner, and how can the amendment come within the Holman rule?

Mr. GREEN of Iowa. Mr. Chairman, I think it is quite appropriate at this time to consider the language which was used by the gentleman from Tennessee [Mr. Garrett] in ruling upon the same question heretofore, and which has been referred to by the gentleman from Illinois [Mr. PRINCE]. The ruling was made on January 16, 1912, and is found on page 1049 of the Congression. SIONAL RECORD. I will read a short portion, which is not germane to this matter, in order that the House may get the connection. The gentleman from Tennessee [Mr. GARRETT] used the following language:

The Chair is of opinion that the Committee on Appropriations may not, under the rule, bring in as an integral part of an appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration

Now, here comes the part that is essential and pertinent:

Now, here comies the part that any Member of the House may offer from his place on the floor any amendment carrying such substantive legislation, even though that legislation would retrench expenditures, unless that Member offer it as the report of a committee or as a member of a joint commission which would have jurisdiction of the subject matter under the rules of the House. In other words, the scope is limited and the outposts are fixed by the rule to which the Committee on Appropriations may go or to which the individual Member may go.

Now, this language is quite explicit and proper, and it seems to me that it is the only conclusion that could be reached under the Holman rule. I may say further, that it has been held since that time by other Chairmen that this retrenchment must appear from the face of the amendment, taking into consideraion the existing law; that it can not be considered to be a retrenchment, so as to be within the rule, if it is a matter of argument or discussion.

Mr. TAGGART. Mr. Chairman, there seems to be some confusion as to the meaning of the word "enlistment" in the United States Army. It is not a contract in the full sense of the term. It may be severed at any time by order of the President of the United States or by order of the Secretary of War. If this amendment is placed in this law it will be the duty of the Secretary of War or the President of the United States to discharge 5 of the 15 regiments of Cavalry of the United States Army on the date fixed in the amendment.

Mr. TILSON. Will the gentleman allow me to interrupt him?

Mr. TAGGART. I will.
Mr. TILSON. Suppose there were a sufficient number of vacancies in the other 10 regiments to absorb all of the enlisted men in the 5 regiments, would it not be perfectly proper to add these additional men of the 5 regiments to the 10 regiments?

Mr. TAGGART. I was coming to that. I think it would be perfectly proper to have some of the men transferred as soon as practicable to the vacancies in the other 10 regiments

Mr. TILSON. Then where would the reduction come in? Mr. TAGGART. In the noncommissioned officers.

Mr. BURLESON. And the saving of the cost of recruiting the men for the other 10 regiments.

Mr. TAGGART. Mr. Chairman, I would move an amendment to the pending amendment by adding these words thereto: "That it shall be the duty of the Secretary of War to carry out the provisions of this act either by discharging the noncommissioned officers and men of five regiments of Cavalry or transferring such noncommissioned officers and men as may be practicable, in his discretion, to other regiments."

Mr. BURKE of Pennsylvania. Let me inquire, would not such an amendment as just suggested by the gentleman be an

admission that the amendment offered by the gentleman from

Virginia will not work as a reduction?

Mr. TAGGART. It is not an admission, for there may not be room in the 10 regiments for the discharged men of the other 5 regiments, but there will be room for such veterans as are suitable to be transferred, and as to the balance, there will be an opportunity to discharge them or transfer them to other branches of the service at their request. In conclusion, Mr. Chairman, I wish to call attention to the military law, especially the fourth Article of War, which provides that the term of enlisted men may be terminated by order of the President of the United States, the Secretary of War, or the commanding

officer of the department.

Mr. FITZGERALD. Mr. Chairman, under this rule there must be some amendments that are in order if offered from the floor of the House. The position taken by the gentleman on the other side is that any amendment which changes existing law is not in order unless it is offered as the result of a report of a committee or a joint commission authorized by law, or of the House Members of any such commission having jurisdic-tion of the subject matter of the amendment, which amendment, being germane to the subject matter of the bill, shall retrench

expenditures.

The reading of the rule itself contemplates that there shall be certain amendments which retrench expenditures, which shall be in order when offered by individual Members from the floor. The rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

And so forth.

For the purposes of this amendment it seems to me that that part of the rule is what the amendment pending must come within. Gentlemen state that because some provision is not made for the disposition of the individual privates who go out of the service that this amendment does not show a retrenchment by reducing the number of the officers of the United

The term "officers of the United States," as used in the rule, undoubtedly is used and is intended to apply in the most comprehensive manner possible. It applies to every class of persons in the service of the United States who are paid for their services out of the public fund. If the gentleman from Virginia had offered an amendment that from and after the 1st day of January, 1912, there should be no enlisted force, either of Infantary, 1912, there should be no emisted force, either of infantry or Cavalry or of the Coast Artillery, I suppose that some gentlemen might argue that that would not result in a reduction of the number of officers of the United States or of persons paid out of the Public Treasury.

But it seems to me quite clear that such a provision would mean, and no other construction could be placed upon it, that

there should cease to be in the service of the United States men

Mr. MANN. Mr. Chairman, will the gentleman yield?
Mr. FITZGERALD. I yield to the gentleman from Illinois. Mr. MANN. If the law now provided the number of officers and the number of enlisted men of which the Army is composed, will this amendment, if agreed to, change that law?

Mr. FITZGERALD. It will. In what respect? Mr. MANN.

Mr. FITZGERALD. It reduces the number of Cavalry regiments, and it would to that extent reduce the enlisted force of

the United States, provided for by law.

Mr. HAY. It would do so because the other organizations of the Army are, under the law, composed of so many men, and these men who are in these Cavalry organizations could not be put in the other organizations and increase those organizations, because the numbers in those organizations are fixed by law.

Mr. FITZGERALD. The law fixes the number of the or-

ganizations?

Mr. HAY. Yes.

Mr. FITZGERALD. I have not recently read the reorganization act of the Army, but my recollection is—and if I be not correct I know the gentleman from Illinois will correct me the regiments of Infantry, the corps of Coast Artillery, and the number of regiments of Cavalry, and certain organizations of Light Artillery, Engineers, et cetera.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TILSON. Is not the gentleman aware that a great number of the organizations of the Army, including the Coast Artillery, are far from up to their authorized peace strength? In other words, there are a great number of vacancies existing throughout the Army.

Mr. FITZGERALD. I know that,

Mr. TILSON. Would there be anything to hinder these five regiments, every man of them, being turned right into other branches of the Army, so that there would not be a reduction of a single man anywhere? Therefore, it does not appear on the face of the bill that there would be any reduction whatsoever.

Mr. HAY. But the gentleman from Connecticut ought to

state the proposition fairly.

Mr. TILSON. I mean to.
Mr. HAY. The Army organization act provides what the peace organization shall be.

Mr. TILSON. It does.

Mr. HAY. The peace organization at the present time is up to its strength, or very nearly so, in all the organizations.

Mr. TILSON. I do not so understand it. I understand that

there are a very great number of vacancies.

Mr. HAY. I do not so understand. Mr. FITZGERALD. The truth is, Mr. Chairman, that under the law the department has authority to recruit up to a certain number. I know that it has had some difficulty in keeping the ranks filled up.

Mr. MANN. That number would not be changed by the adop-

tion of this amendment.

Mr. FITZGERALD. The gentleman is mistaken. It would be to the extent of five regiments of Cavalry, because that is included within the total authorization.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield? Mr. FITZGERALD. I yield to the gentleman from Kansas. Mr. CAMPBELL. It is contended that this amendment would

effect certain economies. In what regiments would the economies be effected, if at all?

Mr. FITZGERALD. Does the gentleman wish to discuss the

merits of this question?

Mr. CAMPBELL. Not at all.
Mr. FITZGERALD. Or does he wish to discuss the question of whether this amendment is in order?

Mr. CAMPBELL. I simply want to find out whether this amendment is in order under the Holman rule, and as indicating whether or not it is, in what regiments the economies would be effected?

Mr. FITZGERALD. Mr. Chairman, if I am able to convince the Chair that this amendment is in order, that is all I care to undertake. To attempt to convince every gentleman on that side of the House-

Mr. CAMPBELL. But I am going upon the assumption that if the Chair's attention is called to the particular regiment in which these economies would be effected, it would aid the Chair in reaching his conclusion.

Mr. FITZGERALD. It would be futile to attempt to convince every gentleman on that side of the House, either as to the propriety of the amendment under the rule or its value, if put into effect. Time is too limited to undertake any such task. It is quite apparent, Mr. Chairman, it seems to me that a reduction of the number of regiments from 15 to 10 does effect a reduction in the number of persons employed and paid out of the Treasury of the United States. If it does not, it is difficult to frame a provision of law that would do so. Suppose the amendment provided for the abolition of the entire 15 regiments of Cavalry? Would gentlemen still contend that it did not effect a reduction in the number of persons employed? Gentlemen are misconceiving the situation. It is a fact that at times the authorized number of enlistments have not been obtained, that while, for instance, there might be authorized in the entire Army 100,000 men, at certain periods the inability to obtain all those men would, simply by having men transferred from one branch of the service, fail to effect a retrenchment in expenditures; but whether this reduction is authorized or not, the department is authorized to enlist certain numbers in certain branches of the service, and the cutting out of a number of regiments of Cavalry would prevent enlistments up to the total that is now authorized by law.

Mr. GREEN of Iowa. Do I understand the gentleman to contend anyone would be discharged or mustered out if this

amendment were put in force?

Mr. FITZGERALD. I did not catch what the gentleman said.

Mr. GREEN of Iowa. Do I understand the gentleman to con-tend that anyone would be discharged or mustered out if this amendment were put in force?

Mr. FITZGERALD. I contend that the number of persons to be paid out of the Public Treasury would be reduced, the number authorized by law to be paid out of the Public Treasury would be lessened, and what happens to them or how they are severed from the pay roll does not concern the question now under discussion.

Mr. GREEN of Iowa. Then I understand the gentleman is not able to explain how that would happen?

Mr. FITZGERALD. If the gentleman will contain his soul in patience, when we come to the merits of the question that will be made perfectly clear. I wish now to narrow this controversy down so that gentlemen can continue, if they desire, to maintain their proposition that if 15 regiments are authorized by law and the number is reduced to 10 they can still continue to demonstrate, at least to their own satisfaction, that no reduction takes place. That is too much even for the gentleman from Pennsylvania [laughter] and many others who are listening to this discussion.

Mr. BUTLER. I have contained my soul in patience.

Mr. FITZGERALD. This seems so clear and so apparent I can not conceive of any possible amendment that can be offered

that would be in order if this one be not.

Mr. SHERLEY. Mr. Chairman, I desire to say just a word on the point of order. The proposition that is confusing to the gentlemen on the other side seems to lie in the fact that they think there is a fixed limitation as to the number of officers and men constituting the Army, and that inasmuch as this does not undertake to change the fixed number of officers and men it does not on its face show a reduction; but, in point of fact, the Army law, as I recall it, authorizes certain corps, which together constitute a certain number of officers and men. Now, when you reduce the number of any one of the parts that go to make one of these subdivisions you necessarily reduce the total, unless you in the same provision increase one of the other subdivisions. That is not done here, and for that reason it must mathematically follow that the reduction of one branch carries with it a reduction of the total.

Mr. TILSON. May I interrupt the gentleman?

Mr. SHERLEY. Certainly.
Mr. TILSON. Will the gentleman address himself to this It is well known that there are a number of vacancies in all the organizations of the Army. Now, assuming there were enough vacancies—and I believe there are—in the entire Army to absorb all the men contained in these five regiments, does the gentleman contend that it would be improper for the President, after this law was passed, to transfer every one of those men of those five regiments into these other organizations which have vacancies, so that there will not be a reduction of a single man?

Mr. SHERLEY. The mistake the gentleman is making is in trying to bring into the question on the point of order facts that do not appear. Now, the one single question is whether the amendment, on its face as changing existing law, shows a

reduction-

Mr. TILSON. That is what I contend, that it does not.

Mr. SHERLEY. Now, it does show a reduction, because it mathematically shows a reduction of the number of officers and men that can be in the Regular Army, and the assumption must be, if there is to be any assumption by the Chair, that the organization as it is authorized exists, and a reduction of that organization is a reduction of officers and men.

Mr. MONDELL. Will the gentleman yield to me for a ques-

tion?

Mr. SHERLEY. Yes. Mr. MONDELL. Is not this true: If the present enlisted strength of the remaining 10 regiments are low enough so that there is room in the 10 regiments for all of the men now

Mr. SHERLEY. The gentleman is asking the question that was asked by the gentleman from Connecticut [Mr. Tilson].

Mr. MONDELL. I have not concluded my question. Mr. SHERLEY. I understand, but nothing new had de-

Mr. MONDELL. And if the men in the regiments disbanded were eligible for enlistment in the other regiments, then there would be no reduction? Is not that true?

Mr. SHERLEY. I answer the gentleman as I answered the gentleman from Connecticut [Mr. Tilson].

Mr. MONDELL. Now, one further question. There are certain Cavalry regiments the men of whom are not eligible for enlistment in any other Cavalry regiments, owing to their color. The only way you could bring about a reduction clearly by an amendment of this kind would be by disbanding the two regiments the members of which are not eligible for enlistment in the other two.

Mr. SHERLEY. I think the mistake the gentleman is making is not to have the point of order determined on the face of the record as presented, but on the ulterior facts which he brings in and which the Chair can not consider.

Mr. MONDELL. If the two negro regiments are disbanded,

it would certainly bring about a reduction.

Mr. SHERLEY. I will say to the gentleman that these matters which he undertakes to bring in here can not be considered by the Chair in passing upon the question of the point of order, in my judgment.

Mr. PRINCE. The law authorizes 100,000 men in the Army. There are now about 80,000.

Mr. SHERLEY. W Mr. PRINCE. Yes. Will the gentleman permit an inquiry there?

Mr. SHERLEY. Does not the law authorize 100,000 men in

enumerated branches of the Army?

Mr. PRINCE. I think not. It says that from and after the approval of the act it shall consist of so many regiments. Now it consists of those regiments, but the authorized strength is 100,000. Are you changing the authorized strength? Are you saying by this that it shall be reduced five regiments of Cavalry and the authorized strength of the Army shall be reduced to 95,000? If you do, your amendment is in order.

Mr. SHERLEY. You are reducing the total by the extent which you reduce one of the divisions that make the total, with-

out increasing the other divisions—

Mr. PRINCE. There is the difference between us.

Mr. MANN. Does this reduce the authorized strength of 100,000?

Mr. PRINCE. It does not.
Mr. SHERLEY. It does, in this sense: There is an authorization, not simply of men, but men in certain branches of the service. Now, that is the fixed authorization. When you reduce the number of any one of those branches, without increasing the number in the other branches, you necessarily affect totals by all the laws of mathematics which I know of.

Mr. ANTHONY. May I ask the gentleman one question? Mr. PRINCE. Mr. Chairman, I wish to finish what I was going to say. I wish to say that the law authorizes 100,000 men. The present strength of the Army is 80,000. Now, if you abolish five, or any number of regiments, it would not require a single man to be discharged, nor would it necessarily reduce the number of officers or employees of the United States. That is what I broadly state.

Mr. FITZGERALD. Who said that?

Mr. PRINCE. You are required to pass on this question of a point of order by the provision that is in sight and before you. You have no more right to guess the way he wants you to guess than I want you to guess the way he wants you to guess. I say that 100,000 men were authorized. If 100,000 troops were required to go anywhere in the United States where they were needed, the President could call forth 100,000 men, and he could put them in service.

Mr. TAGGART. Mr. Chairman, will the gentleman yield for

a question?

Mr. PRINCE. Yes.

Mr. TAGGART. Does not the gentleman think that cutting off five regiments of Cavalry would reduce the Army?

Mr. PRINCE. No; I do not.

Mr. TAGGART. Would it not reduce the strength of the

Mr. PRINCE. No: it would not, because you are merely changing the nature of the regiments in the Army. You are moving men from one organization to another. Mr. TAGGART. We have only 45 regiments of Infantry and

Cavalry.
Mr. PRINCE. Yes; but how many men are there in each regiment?

Mr. TAGGART. There is not now any definite fixed number. But there are about 800 in a regiment of Cavalry, and 30 regiments of Infantry are authorized.

Mr. PRINCE. Yes. How many is that? Mr. TAGGART. Twenty-four thousand.

Mr. PRINCE. Go on now and see whether you have 100,000 men.

Mr. TAGGART. We have not 100,000; we have about 86,000

Mr. PRINCE. Very well. If you have 86,000 men, and the law authorizes 100,000, where are you going to get the other 14,000? Where are you going to put them? If you transfer them from one organization to another you are not reducing the authorized strength that the President can call out. are only changing the form of the units. The number authorized by law is fixed at 100,000, and you are not offering an amendment to reduce the number of officers or men in the Army

That is the point I make, Mr. Chairman. The gentlemen say they are doing it by inference. Various gentlemen say the effect will be so and so. I say it is 100,000.

TAGGART. Will the gentleman yield for another question?

Mr. PRINCE. Yes.
Mr. TAGGART. Does not the gentleman know that there are a multitude of officers connected with every regiment. the Army-officers that are noncommissioned officers, officers that are not commissioned officers, filling a variety of places?

There are even horseshoers and horse doctors and a multitude of camp followers following every one of these regiments, every one of whom will be abolished and disposed of and wiped out of the Army.

Mr. MANN. There will not be any of those officers abolished,

because their number is fixed by law.

Mr. PRINCE. The veterinarians are fixed by law. The

number of them is fixed.

Mr. TAGGART. When you abolish five regiments you abolish so many veterinarians, and farriers, and horseshoers, and so on.

Mr. PRINCE. Let us not becloud this discussion. The authorized strength of the Army is 100,000 men. There is no looking toward a reduction of the authorized strength in this amendment. It preserves the number of commissioned specifically, and it does not mention that it reduces the number of

Mr. FITZGERALD. Mr. Chairman, does the gentleman yield?
The CHAIRMAN. Does the gentleman from Illinois yield to
the gentleman from New York?
Mr. PRINCE. Yes.

Mr. FITZGERALD. The gentleman read some authority to sustain that position. Would the gentleman mind stating to the House what it was? He read from some paper trying to uphold

Mr. PRINCE. I have a right to make my own statement,

and I have a right to make my own memorandum.

That is an unusual thing on the Democratic

side. My colleague from Illinois can write. [Laughter.]
Mr. PRINCE. Yes; I can write. [Cries of "Vote!" "Vote!"]
Mr. FOWLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. The point of order is that Rule XIV is being violated by my colleague from Illinois [Mr. Mann]. I desire a ruling on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is not violating the rule now. He is in his seat. Therefore the

Chair declines to rule.

Mr. FOWLER. Well, Mr. Chairman, I desire a ruling from the Chair as to whether my point of order is to be sustained

The CHAIRMAN. That would be a most question, which the Chair would not like to decide. There is no violation of the rules before the body at the present time. That being so, there is nothing for the Chair to rule upon.

Mr. FITZGERALD. Mr. Chairman, there was nothing unusual in my request of the gentleman from Illinois [Mr. Prince]. He read from a paper—from some memorandum. I did not know that it had been made by himself.

It was PRINCE on Military Law. [Laughter.] Mr. BUTLER. Mr. FITZGERALD. It seemed to give some information, and it was so peculiarly worded that it seemed to have been prepared by the writer with the rules of the House before him. whoever wrote it. It now appears from the statement of the gentleman's colleague [Mr. Mann] that it was written for the purpose of demonstrating to the House that the gentleman [Mr.

PRINCE] can write. [Laughter.]
Mr. MANN. Mr. Chairman, that is a demonstration that could not be offered in behalf of that side of the House. [Laugh-

ter.

Mr. FITZGERALD. It would not be necessary. [Laughter.] The CHAIRMAN. The point of order made against the amendment offered by the gentleman from Virginia is that it changes existing law. This is admitted. But it is urged in support of the amendment which is admitted to be germane, that it comes within the Holman rule, and is in order on the ground that it retrenches expenditure.

The Chair desires to place its ruling upon a foundation of au-thoritative precedent, and to conform to the established and

familiar canons of parliamentary construction.

Many rulings have been made under the Holman rule. The Chair has examined these rulings in detail. Some of them are conflicting in part. Others are absolutely irreconcilable. others are harmonious and consistent, and may be cited as authority in point. One of these rulings was made upon an authority in point. One of these rulings was made upon an amendment offered by the gentleman from Missouri, Mr. De Armond, to a pension appropriation bill. Congressional Record, 1, 52, page 1792. This amendment consisted merely in the addition of the words "or other," to the existing law.

The point was promptly made that this amendment did not show on its face that it retrenched expenditures.

In this connection it is proper to state that it has been expressly held by Speaker Kerr, and concurred in by Chairman William L. Wilson, that in determining whether an amendment will operate to reduce expenditures, the Chair can look to the law of the land, so far as it is applicable. (Hinds, vol. 4, p. 595.)

The effect of the amendment offered by the gentleman from Missouri, Mr. De Armond, was to increase the number of persons prohibited from the benefits of a particular clause of the pension law, thereby reducing the number of pensioners, as a necessary sequence. A reduction in the number of pensioners, carried with it a reduction in the amount that would be paid out for pensions, under the general head of pension appropriations. The De Armond amendment was held to be in order. It will be noted that this amendment was not directed to the amount of money actually appropriated by the bill. In terms it did not reduce the aggregate amount specifically carried for the payment of pensions. But the Chair was justified in concluding, certainly it so concluded, that in the execution of the pension laws the amount otherwise required for the purposes of pensions, would be reduced by the De Armond amendment.

There are a few general principles heretofore announced for the interpretation of the Holman rule, proper to be stated in this connection. I quote again from Mr. Chairman Wilson, con-

curring with Speaker Kerr.

The purpose of the rule (the Holman rule) is most beneficent and proper, and it should have a liberal construction in the interest of retrenchment. (Hinds, vol. 4, p. 594.) Mr. Kerr was universally recognized as a learned and skillful parliamentarian. Mr. Wilson was an exceptionally brilliant and accomplished scholar.

In this connection, the Chair will state that it is not necessary, for an amendment to be in order, that it should be specifically directed to a reduction in terms of an amount carried in a bill. Of course if it is addressed to such an amount, and reduces the same in terms, it will be in order. As for instance if the sum of \$1,000,000 is appropriated for a designated purpose pursuant to the requirements of existing law and an amendment is submitted, reducing this amount to \$995,000, such an amendment will be in order. But the Holman rule admits of other amendments in order. The language of the rule is to the effect that germane amendments changing existing law are in order provided they retrench expenditures, by the reduction of amounts of money covered by the bill.

The words "amounts of money covered by the bill," refer not only to the amounts specifically appropriated by the bill, but to the amounts required under the different heads, or items of expense to which the bill relates. And if the necessary effect of an amendment is to reduce in the operation of the departments, or bureaus, for which appropriations are made, the amount otherwise required for any one, or more heads, or items of expense, then a retrenchment has been effected by a reduction of the amounts of money covered by the bill. only in this view of the rule, that the De Armond amendment was in order. This amendment, contemplated that in a system involving payments to pensioners, whatever the appropriations might be, the amount actually required for the administration of the law, would be appreciably reduced by a reduction in the number of pensioners. The Chair is not unmindful of the proviso in the second section of Rule XXI, but whatever meaning may be given to the proviso, it should not be construed to take away powers definitely given by the preceding paragraph. This paragraph permits germane amendments to change existing law provided they retrench expenditures in one of three ways. That proviso allows further amendments on the report of the committee having jurisdiction, provided they reduce expenditures. If the committee offers germane amendments. reducing expenditures in any way, they will be in order, and it will not be necessary to refer them to one of three heads. Power of action being plainly given by the paragraph standing alone, the proviso will not be deemed to take it away, unless such intention is plainly manifested. The two sections will be construed to stand together, and amendments offered, whether under the first paragraph, or the proviso, will be tested by the requirements of the head under which they appropriately fall. This is certain to give a liberal construction to the rule as a whole, in the interests of retrenchment.

The Chair will further say, that it is not enough for the Chair to think that an amendment may reduce expenses, or that it is likely to reduce expenditures.

The precedents say in this connection that the amendment, being in itself a complete piece of legislation, must operate ex proprio vigore, to effect a reduction of expenditures. The reduction must appear as a necessary result, that is, it must be apparent to the Chair that the amendment will operate of its own force, to effect a reduction. (Manual and Digest, p. 409, Hinds, vol. 4, p. 595.) But it is not necessary for this conclusion of reduction to be established with the rigor and severity of a mathematical demonstration. It is enough if, the amendment in the opinion of the Chair, will fairly operate by its own force to retrench expenditures in one of the three ways indicated. This result must be a necessary result, not a conjectural result, or a problematical result. It is true that having reference to the difference of minds, one Chairman might hold that retrenchment would be the necessary result of an amendment, while another Chairman, or the committee on appeal might be of a different opinion. But this is inevitable. The law is clear, for instance, that at times a court upon the facts can hold as a matter of law that there was no negligence. Still upon the same facts one court will derive this conclusion, while another court on appeal, will reach a different conclusion, The ruling of the Chair on these points is subject to appeal to the committee.

What does this amendment propose to do? The present law provides for an establishment of 15 Cavalry regiments. proposed amendment limits the number of Cavalry regiments to 10. It is difficult for the Chair, by any fair process of reasoning, having reference to known facts, and the relative proportion between the branches of the Army, to see how 15 regiments of Cavalry can be maintained as cheaply as 10, or that a reduction of the Cavalry regiments from 15 to 10, will not effect a reduction in the amount which would be otherwise expended on this branch of the Army under existing law.

This amendment looks to the future, and while it provides for the officers, there is no provision for the retention of the men. But even if the men are retained, there will be a necessary reduction in the matter of horses, equipment and forage and so forth, in the case of 10 regiments as compared with 15. Moreover fewer officers will be required for the military establishment, upon a basis of 10 Cavalry regiments as against the existing 15. These results are certain. It is altogether problematical that such additions will be made to the Infantry that the economies effected by reducing the Cavalry regiments from 15 to 10, will be required to meet these additions to the Infantry, or to other branches of the service. Fairly considered the necessary effect of the reduction in regiments proposed by the amendment under consideration, is a retrenchment of expenditures. If the Chair was required to determine the precise amount saved by this amendment, he would be compelled to rule it out of order. The precise amount of reduction could not be determined. That would be a matter of speculation. But it is clear that a reduction will be effected by the necessary operation of this amendment.

The Chair will cite some additional precedents in support of his ruling:

In an amendment providing that a certain class of persons, now on the pension rolls, shall hereafter not receive pensions, the retrenchment of expenditure is apparent and the amendment is in order. (Manual and Digest, p. 409.)

To the pension appropriation bill, a proposed amendment transferring the Pension Bureau from the Department of the Interior, to the War Department, also providing that the officers of Commissioner and Deputy Commissioner of Pensions be abolished, and that the duties of these offices be performed by Army officers, to be designated for that purpose, without additional pay, was held to be in order, being germane, and retrenching expenditures in the manner provided by the rule. (W. G. Wilson, chairman, Hinds, vol. 4, 3887.)

An amendment to the pension appropriation bill providing that no fee shall be paid to a member of an examining board, for services in which he did not actually participate, is not subject to a point of order under this rule, since while it changed existing law, its effect is to reduce expenditures by decreasing compensation. (Congressional Record, 52d Cong., 1st sess., p. 1792.)

The Chair does not undertake to fix in terms the amount of reduction that this amendment will carry, but that a reduction will follow seems to be a fair and necessary conclusion from its [Applause.]

The Chair wishes to say in conclusion that it has sought to construe this rule, in conformity with the precedents and its manifest intent, so as to give it vital force and effect, and enable the committee operating under its provisions, to accomplish some positive results in the way of economic achievement. In the words of Speaker Kerr it is a beneficent rule. It should be construed to secure beneficent results.

This ruling of the Chair does not take from the committee a particle of authority. In the first instance the Chair must be satisfied that the necessary effect of an amendment offered under the Holman rule will be a retrenchment of expenditures, in conformity with the rule, but from this ruling of the Chair holding the amendment to be in order, an appeal may be taken, and the committee in the exercise of its authority of ultimate interpretation can reverse the Chair, if it is in error and fix the interpretation which the committee in its wisdom thinks the rule should carry. The Chair overrules the point of order. [Applause.]

Mr. TAGGART. Mr. Chairman, I ask to have the amendment which I have offered reported

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment the following: "And the Secretary of War is directed to carry out the provisions of this act."

Mr. HAY. Mr. Chairman, I have no objection to that; of course the Secretary of War would have to carry it out anyway. Mr. Chairman, when the Army was reorganized in 1901 the

Cavalry was made much larger in proportion than was necessary, or was usual, in making the proportions between the

Cavalry and other arms of the service.

In the English army the cavalry is only one-seventh of the infantry. In the Japanese army the proportion is about the same, whereas in our Army there is one-half as much Cavalry as there is Infantry. As a matter of fact, it is admitted by all military authorities that we have more Cavalry in our Army than we need or ought to have. The reason why this Cavalry was so much increased at that time, or the reason given, was that the Cavalry was more difficult to raise in a time of war, and therefore we ought to have it ready. But a very controlling reason was that the Cavalry at that time wanted promotion, and of course the more regiments of Cavalry you had the more chance of promotion you had; hence the Cavalry was made much larger.

At the time the Army was reorganized there were 25 regiments of Infantry and 10 regiments of Cavalry. We only added 5 regiments of Infantry and 5 regiments of Cavalry, making, as I say, twice as much Infantry as Cavalry, whereas before that time there was only two-fifths as much Cavalry as Infantry.
Mr. BUTLER. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. BUTLER. Was there any reason given for that increase? Mr. HAY. The reason given for the increase, as I said a moment ago, was that it was more difficult in the case of emergency, or in the time of war, to raise cavalry than it was infantry

Mr. BUTLER. That was a peace proposition.

Mr. HAY. It was a peace proposition, and that was the reason given.

Mr. BUTLER. Does not the same reason exist now?

Mr. HAY. The same reason might be given now, but the underlying reason, as I stated, was that the Cavalry wanted promotion, and it happened that they had the influence to get it. In the Japanese-Russian War the Russian Army had a very large body of cavalry while the Japanese Army had very little cavalry. The result was, as I am informed by a distinguished United States Army officer, that the Russian Cavalry was of no particular use to Russia because they had no cavalry to fight. The Japanese had very little eavalry, just sufficient to act as eyes of the army—to do the scouting. The fact that the Russian Cavalry was allowed to be useless and unemployed added very greatly to the embarrassment of the Russian Army in that war.

Now, as to the saving to be accomplished by this amendment, it amounts on the enlisted men alone to \$4,376,273. The officers who are take care of will gradually be absorbed, and in the end the number of officers in the Army will be reduced by 225. So that we not only save this amount by the reduction of the number of enlisted men, but we ultimately save the amounts paid annually to 225 officers of the Army.

Mr. Chairman, I would not advocate this reduction if I did not believe that it could be safely accomplished without in any way impairing the strength and efficiency of the Army

I would not advocate it unless I had been told by officers of the Army that it could be done without in any way hurting or injuring the efficiency of the Army.

Mr. BUTLER. Mr. Chairman, will the gentleman yield? I will. Mr. HAY.

Mr. BUTLER. What information has the committee officially upon the subject?

Mr. HAY. I do not know that it has any. I have not any, and any official information I would get would be opposed to this reduction. We understand that very well. We know that Secretary of War would not advocate the reduction of a single officer or a single man in the Army.

Mr. BUTLER. Does the gentleman propose to vote on this

amendment to-night?

Mr. HAY.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ANTHONY. Mr. Chairman, I am opposed to the amend-

ment offered by the gentleman from Virginia for the reason that I do not think it is sound military policy. The gentleman bases the argument for his amendment cutting off five regi-

ments of Cavalry upon the ground that the present Regular Establishment is out of balance. That may be true, but in time of war the American Regular Army is simply the first line. It is the National Guard of the country that will be relied upon to furnish the large number of men which would be necessary to make a real army in this country, and I want to call the attention of this committee to the fact that the National Guard of this country, which is composed to day of 167,000 men, is woefully short in cavalry. Out of that total of 167,000 men there are just 5,000 cavalry which the National Guard could hope to bring into the field. You can not make a cavalryman overnight. It takes a year to make a competent cavalry soldier. Therefore in case of war in this country, in case the entire organized military force of the country is needed, if we called into the field the 70,000 men of our Regular Army and the 167,000 men who compose our National Guard, the percentage of Cavalry which we have would not be out of proportion or out of balance.

Taking into consideration the deficiency of Cavalry in the National Guard, the general average of Cavalry then resulting in this country will be about the equivalent of that in foreign armies to-day. Consider this great country of ours. We have an area of 3,700,000 square miles. Take the great West, the great areas of the countries to the south of us, where a large Cavalry force would be absolutely necessary in a campaign, and clearly 15 regiments of Cavalry would be a mere handful to cover that country. Take the situation down on the southern border of this country, for instance. If during the last year it had been necessary for the United States to have sent an army into Mexico in order to preserve order there, the small number of cavalrymen we had in the recent concentration of troops on the border would have been a mere handful to have accompanied an army of occupation into that country. The same is true to the north of us. In case it should be necessary to send an army into either of the countries on our borders the number of our Cavalry would be but a handful.

Taking into consideration the fact that the present National Guard is deficient in Cavalry, the present number of Regular Cavalry regiments is not at all out of proportion. I insert at this point some figures that have been furnished me by men who are authorities on this question, which will, I trust, convey some definite information to the committee upon this subject:

RATIO OF CAVALRY AND INFANTRY TO EACH OTHER AND TO TOTAL STRENGTH.

The following tables show the strength of Infantry and Cavalry of the several countries and the percentage of these two arms to the total peace strength:

Countries.	Infantry.	Cavalry.	Infantry.	Cavalry.
France	379, 640 404, 765 194, 123 580, 000 151, 261 167, 000 20, 326 149, 402	75,510 73,368 47,541 115,000 20,716 24,000 7,318 14,585	Per cent. 59.77 63.81 59.34 48.33 59.21 57.90 63.50 64.95	Per cent. 11.89 11.56 14.51 9.58 8.10 8.32 22.86 6.34
United States; Regulars. Organized Militia. Total	27,370 97,035	13,540 4,167 17,707	33.64 81.09	16.64 3.48 8.80

These data show that our Cavalry, both regular and militia, is only 17,700, or 8.8 per cent of the whole. It is considerably less than in France, Germany, Austria, and Russia, and about equal to that of England and Italy.

The following gives the fighting strength of existing organizations of the various countries on mobilization:

Countries.	Infantry rifles.	Cavalry sabers.
France Germany Austria. Russia. England. Italy. Mexico Japan	618, 450 633, 000 420, 300 973, 152 135, 020 300, 000 53, 760 228, 000	66, 750 76, 500 37, 800 111, 825 15, 000 20, 880 14, 016 14, 550
United States: Regulars. Organized Militia.	39,600 167,000	15, 225 5, 800
Total	206, 600	21,025

This shows that our percentage of sabers to bayonets is less than that in France, Germany, Russia, and England. The ratio of sabers to bayonets in the United States should, for reasons stated above, be larger than in other countries. A ratio of only 150 sabers to 1,000 bayonets would necessitate an increase over our expanded strength—15,000 regulars, 6,000 militia—of approximately 10,000 sabers. It is an unfortunate fact that much of our Militia Cavalry is far below a proper standard of

efficiency, and in these estimates it is probably put too high.

The above data leave out of consideration the large Volunteer Army-at least 200,000-that would be organized at the beginning of a war. As it is not reasonable to believe that Cavalry organizations could be created as quickly or as effectively as Infantry ones, some additional peace Cavalry organizations

should be reckoned on to supplement volunteer requirements. In the Rebellion the proportion of Cavalry to Infantry was approximately as follows: Two hundred and twenty-three regiments to 980 regiments. Since the authorized Cavalry regiment was by general orders, April 29, 1863, fixed at 1.244 and the Infantry regiment at 1,022, the ratio of sabers to bayonets was as 1 to 3.62; in other words, 276 sabers to 1,000 bayonets—27.6 per cent.

In a reasonable consideration of our first line of Infantry militia 145 and Regulars 30—say, 175 regiments—19 divisions, 5 field armies—it is right to assign 19 Cavalry regiments as

divisional Cavalry and to give to each 2 field armies at least an independent Cavalry division, say, 2½ divisions—21 regiments.

Summing this up we see that the first line would require for its 175 Infantry regiments 40 Cavalry regiments instead of the 21—15 Regular and 6 militia—that we have. Estimating the Cavalry regiments at 1,200 and the Infantry regiments at 1,500, there results 183 sabers to 1,000 bayonets. Estimating the Cavalry regiments at 750, half the strength of Infantry regiments, the proportion would be 114 sabers to 1,000 bayonets.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. KAHN. Is the gentleman familiar with the fact that in the hearings before the committee it developed that the General Staff is now working on a proposition to reorganize the entire line of the Army?

Mr. ANTHONY. I know that to be the fact, and I believe it would be a great mistake for this body to legislate without any knowledge on the question on so important a matter as this.

Mr. KAHN. Did it not show in the evidence before the committee that the report of the General Staff with regard to reorganization would be made during the present session of Congress?

Mr. ANTHONY. The gentleman is correct. Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. PEPPER. Is it not also true that it developed in the hearings that the so-called reorganization plan of the Army was never considered or thought of until after the gentleman from Virginia [Mr. Hax], the chairman of the committee, had introduced the bill now before the House?

Mr. ANTHONY. The gentleman's memory may be better on that than mine.

Mr. PEPPER. Is that not the conclusion the gentleman came to from what he heard in the committee?

Mr. ANTHONY. I can not say as to that Mr. BURLESON. As a matter of fact, t

As a matter of fact, they are always at-

tempting to reorganize.

Mr. ANTHONY. As a matter of fact, I know that the General Staff is now working on a general plan of reorganization.

Mr. BURLESON. They are always doing that. They are always just about to accomplish something.

Mr. ANTHONY. Yes? Mr. BURLESON. But we never have the fruit of their labor. Mr. ANTHONY. If the gentleman will abide his soul in patience, he will have such a report from the General Staff.

Mr. PEPPER. Will the gentleman permit another question? There was some discussion here yesterday as to two schools of thought, one believing that Congress should have the responsi-bility placed upon them in the matter of legislation with reference to the Army. Another school, referred to, I think by the gentleman from Illinois, was that the committees of Congress should go to the departments and ascertain their wishes. I would like to inquire, if the gentleman wishes to commit him-

self, in which school, if either, he places himself?

Mr. ANTHONY. I believe that the average Member of Congress should possess himself of sufficient information to decide

himself upon general questions of policy.

Mr. PEPPER. That is a proposition, I think, we can all agree upon, but as to the proposition of views, does the gentleman believe we should rely upon the departments-the War Department in this case-or should we go ahead and work upon

our own initiative and upon our own judgment?

Mr. ANTHONY. Not entirely. I think the Members of this House should rely somewhat on the professional knowledge of men who make the military profession the study of their lives. Now, in turn I would like to ask the gentleman from Iowa a question, and I look upon the gentleman from Iowa as one of the very best authorities in this House on the subject of the National Guard.

Mr. PEPPER. If the gentleman's judgment upon that point is to be considered as a criterion, I am afraid his judgment

would be discredited on other propositions.

Mr. BUTLER. Is the gentelman from Iowa a soldier?

Mr. PEPPER. No one has ever accused me of being one. Mr. BUTLER. I am glad to know that.

Mr. ANTHONY. I know that the gentleman happens to have made a considerable study of National Guard matters, and I want to ask him the question if my statement is not correct that there is not to-day in our National Guard any cavalry

to speak of.

Mr. PEPPER. I think that is practically correct, but I wish to say I do not believe very much to be necessary in the National Guard to-day, although I think a reasonable amount of Cavalry could be developed if the proper attention of the Government was given to this subject, and I want to suggest that I do not believe that the proposition to maintain in the Regular Army Cavalry sufficient in proportion to balance up with the National Guard could be maintained, because on that proposition the Government of the United States should maintain in this country Cavalry sufficient to take care of and balance up any army that might be called into the field, Volunteers, Na-

tional Guard, or whatever it may be.

Mr. ANTHONY. Is it not true, I will ask the gentleman from Iowa, that on account of the great expense that is involved in the National Guard organization of Cavalry that the National Guard in most of the States is unable to-day to main-

tain a proper proportion of Cavalry?

Mr. PEPPER. I think that is true. Mr. ANTHONY. Therefore we must rely upon the Cavalry of the Regular Army to supply the need in time of war.

Mr. PEPPER. Whatever is necessary.

Mr. ANTHONY. Therefore it is incumbent upon us to maintain the necessary Cavalry organization in the Regular Army.

Mr. PEPPER. But that question of what is necessary is a

question of fact which I think we can well consider.

The CHAIRMAN. The time of the gentleman has expired. Mr. PRINCE. Mr. Chairman, I am opposed to the amendment to the amendment, as I understand it, now pending. Here is an illustration of a reorganization of the Army without any knowledge whatever. [Laughter.] The Committee on Military Affairs has brought in a supply bill and also a reorganization plan. At this moment of the discussion of the bill a proposition is made to dispose of one-third of the Cavalry of the United States, a proposition not considered by the Committee on Military Affairs, no hearings had upon it, no discussion in the proper committee, no provision made in the bill-a catch-as-catch-can we are now trying to load upon the great military establishment of this Government. What conclusion does it lead us to-that we ought to legislate on a supply bill as a supply bill?

We ought to take up the question of the reorganization of the Army as a separate and distinct proposition. We have an authorization for the enlistment of 100,000 men for the Army. We have thought, as evidenced by former legislation, that it should be composed of certain parts, and the tactical forces of the Army should be adjusted into so many Infantry, so many Cavalry, and so many Field Artillery, and other branches of the service. Now, without any knowledge, without any advice, or without any judgment of men who ought to know something about it, the proposition is made here to reduce the Cavalry by one-third. There is no provision made with reference to the Infantry-no provision made with reference to the Field Artillery, which is one of the most potent and powerful of the fighting portions of the Army-but the Cavalry is to be reduced without any knowledge or without any judgment.

Mr. PEPPER. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. PEPPER. I refer to the statement that you made that no advice from those in authority or those having charge of the military establishment had been received. I wish to inquire as to your opinion upon this proposition. Do you believe that, even though it could be demonstrated scientifically that the Cavalry should be reduced by five regiments, and even though it was apparent to every man in this House that such is the fact, we could call together 10 men, or say 20 men, or

any number of men, out of the Army of the United States, and have them testify under oath before a committee, approving the proposition of reducing the Cavalry by five regiments or any other amount? Do you believe they would go before the committee and advocate that-either the Secretary of the Chief of Staff, or any man in the War Department? Do you think they would offer that advice to our committee?

Mr. PRINCE. I will answer the question as best I can. If

I believed, as the gentleman says I believe, that I was in favor of reducing the Cavalry, I would reduce the Cavalry. What would I do? What is the proper thing to do? Present this as a proposition to the Committee on Military Affairs here from the War Department and call the Secretary of War before us. Remember, the Secretary of War is a civilian. The man who is Commander in Chief of the Army is a civilian. He has to go to the people to be elected to the distinguished office which he hopes to hold. The Cabinet he appoints are civilians. That Cabinet, together with the President, are responsive to the wishes of the people, and I do not believe there is any President of the United States or any Cabinet that he gathers around him who will be controlled by the War Department proper. Remember, the hand above all these officers is the hand that comes from the ranks of all the people. The officers are merely men who are to carry out the wishes of these civilians, and if the civilian President would recommend that the Army should be reduced, if his judgment should be the other way, and after a full and fair hearing it should be the judgment of the members of the Miliary Affairs Committee that it should be reduced,

I would go with my colleague on that proposition. Mr. PEPPER. Will the gentleman further yield?

Mr. PRINCE. Yes.

Mr. PEPPER. The gentleman from Illinois has had a great deal more experience on the Committee on Military Affairs than I have, and while the question I just asked was a hypothetical question, I would like to ask him a practical one.

Mr. PRINCE. Certainly; but do it briefly as you can, because my five minutes are going and may have already gone.

Mr. PEPPER. During all the time you have been on the Military Affairs Committee did you ever hear an Army officer advocate a reduction of either officers or men in the United States Army?

Mr. PRINCE. I do not know whether I have or have not. It makes no difference to me one way or the other. I have stood up in the Military Affairs Committee against the wishes of officers. I have stood upon the floor of this House against the wishes of officers. If there be one man more than another, perhaps, who has stood up in order to bring the Army down to a fighting machine and make it effective, I am he. I do not think the gentleman's criticism is fair.

Mr. BUTLER. Assuming that the military men would be

against this suggestion, would it not be well to know the reasons

why they are opposed to it?

Mr. PRINCE. I do not believe—
Mr. BUTLER. Would it not be well for us to know? I am looking for light. I do not know what is the right thing to do

The CHAIRMAN. The time of the gentleman has expired. Mr. PRINCE. Well, Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman from Illinois [Mr. PRINCE] may have his time extended five minutes. The CHAIRMAN. The gentleman from Pennsylvania [Mr.

BUTLER] asks unanimous consent that the time of the gentleman from Illinois [Mr. PRINCE] be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON rose.

I yield to my colleague. Mr. PRINCE.

Mr. CANNON. Mr. Chairman, what I do not know about the Army would make several books. I listened as I came into the Chamber to the statement of the chairman of the Committee on Military Affairs [Mr. HAY] about the Cavalry, and I gathered from what he said and from the information that he furnished to the House that instead of cutting down this Cavalry force one-third we should cut it all off. He cited the experience of the combatants in the Russian-Japanese War, where the Russians were rich in cavalry and the Japanese did not have any cavalry to speak of, and stated that the Russians suffered. Now, if we are to go upon his information, I should vote for this bill and "see" him and "go" him two better. Now, what has my colleague to say touching [Laughter.] that information?

Well, I have been told this by men who Mr. PRINCE. pretend to know that the real fighting force of the Russian Army was never pitted against the Japanese. The main fighting force of the Russian Army had to be retained at home, back in that portion of Russia which was threatened by the then apparent insurrection. I am told that the real fighting force of the Russian Army never fought the Japanese, but was about ready to go to the front when our former President came along with his peace proposals and closed up the war. Whether that is true or not I do not know; but I do know, as to our Cavalry, as it is placed in the Army, and as to our Field Artillery, as it is placed in the Army-that is, as a tactical portion or fighting unit-that the one has a less important place than the other as our Army is now organized, and I fear if we go on and enact legislation by patchwork, as is sought to be done now by this legislation which is pending, we will make confusion worse confounded.

Now, one moment further. I do not believe that the officers of the Army are wholly and solely selfish. Where do they come from? We Members of Congress select bright young men from our districts, young men of good families, well-meaning and honorable young men. We send them to the Military Academy, and they are educated there, and become officers of our Army. We also take the bright young men that are enlisted, coming from the body of our people, young men who can not go through the regular establishment at West Point, and by selection and promotion they are made officers of the Army. When these two means of supply fail to furnish enough, we select young men that we know from different portions of the country and designate that they shall take examinations as civilians for commissions in the Army, and in that way they get in. Now, Mr. Chairman, can it be possible that all these three sources are corrupt? Is it possible that all these three sources of supply are selfish, and seek to do that which would be injurious to the country and against the best interests of the Army?

I am not one of those public men who believe that the Army is corrupt. I am not one of those public men who believe that the officers of the Army would stoop to do things that they ought not to do. I believe they are candid men. I believe they would give their lives, and if need be their honor, for the success of the Government. It may be that they are prejudiced in favor of their own calling or service. They may be, by reason of their peculiar education, prejudiced in behalf of the vocation which they follow. We find that to be the fact in all the Government departments. Every bureau seeks to magnify its importance, and every department does the same. I have seen a little bureau, since I have been a Member of Congress, grow almost into a department in consequence of the efforts of the men connected with it. The lawyer thinks his profession is the only profession. The physician thinks his profession is the only We are becoming specialists ourselves. Why criticize the Army officers for being specialists along their own line? I believe they can give us truthful information. I believe they do give us truthful information.

I heard the gentleman from Kentucky [Mr. Helm], chairman of the Committee on Expenditures in the War Department, state that he had called the Army officers before his committee, from the Chief of Staff down to the lower and less important officers, and he stated publicly on the floor of this House yesterday that he found them anxious to tell all they knew about Army expenditures. He found them willing to submit openly, freely, and frankly all the information they had upon questions of this kind. I have no patience with men, either in or out of Congress, who are opposing the officers of this Government, either in civil or military life. The Army officers have information which is of value to us, and we should use it. I am opposed to this kind of legislation.

"Oh," said the gentleman from Texas, "they are preparing to give us information, and yet never give it." They make They make their reports, they make their recommendations in the various executive communications that come to us. We are more at fault because we do not carry out their recommendations, or at least seek to carry out their recommendations in our own

I think this amendment ought not to prevail. It is not the place or the time to legislate—on an appropriation bill.

You have the power in your hands. You can put through by legislation you want. If the other branch declines to do any legislation you want. it, you have done your duty.

You ought not to load up this appropriation bill, purely a supply bill, with hodgepodge legislation. You ought not to legislate in this way, for it is not fair. We have not had the information that we ought to receive, and we have not fair and just knowledge upon which to base the proper legislation. For that reason we gentlemen of the minority said that this was not the time or place for general legislation of that kind.

Mr. TAGGART. Mr. Chairman, I wish to call attention to the statutes of the United States in this matter. Under the statute 30 regiments of Infantry are provided, and the effective strength of those 30 regiments of Infantry may be raised until each company shall have 127 private soldiers, 6 sergeants, and 10 corporals, and until the whole effective strength of a company is 143 and of each regiment is 1,716 men, and the whole effective strength of the 30 regiments of Infantry may be made 51,480 men. Each one of the 12 troops of Cavalry in a regiment may consist of 76 private soldiers, 8 sergeants, and 8 corporals, making 92 in all, and making the number 1,104 in each regiment. The 10 regiments may then number 11.040 effective men. Then we would have an Army which at least would not have as many officers in proportion as we have now, and would have about 5 infantrymen to 1 cavalryman. That would at least absorb some of the 250 vacancies that we are talking about in the officers of the line of the Army. If these gentlemen who get heated about this matter would read history carefully, they would find out that when Gen. Grant took command of the Army of the Potomac in 1864, the Cavalry Arm of the Army of the Potomac consisted of only 12,000 men, and that was all that was placed under the command of Gen. Sheridan, in March, 1864. The terrible campaign of 1864 was fought out with only a thousand more Cavalry than would be authorized by law in time of profound peace, even with 10 regiments. Now, if these gentlemen have any beloved organization in the Cavalry, the opportunity is here and now to express their preference, and I would be happy to cooperate with them in naming the regiments that they desire to have eliminated from the 15. [Applause.]

The Army wants more Infantry and less Cavalry. In the last 150 years there has not been a battle in history, except the battle of Eylau, under the command of Napoleon, that was won with There was a cavalry attack at Mars la Tour, in the Franco-Prussian war, that turned out to be a horrible butchery and a murder that is a disgrace to the military annals of Europe. Cavalry will never again be ordered to charge upon

infantry or artillery in position.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. TAGGART. I will.

Mr. FINLEY. Has the gentleman read the campaigns of Hannibal in Italy, and if he has, will he continue to repeat his statement?

Mr. TAGGART. I have read the campaigns of Hannibal in Italy; but the infantry that he attacked were not armed with the Krag-Jörgensen rifle. [Applause.]
Mr. BUTLER. Has the gentleman read the campaign of the

Japanese in China in the summer of 1900?

Mr. TAGGART. I have read something about that campaign.

I do not remember any particular thing about it.

Mr. BUTLER. Does the gentleman know that in the battle of Yangstun a thousand Japanese cavalry charged the Chinese with 40 guns in place and captured them, with a loss of 200 of their number?

Mr. TAGGART. I have no doubt that a regiment of cavalry

without arms could ride over Chinamen.

Mr. TILSON. Does the gentleman mean to imply that our Army is now armed with the Krag-Jörgensen rifle?

Mr. TAGGART. Not at all. I did not say they were. They are armed with a much-improved rifle. I simply told the gentle man from South Carolina that the troops which were charged by Hannibal's cavalry were not armed with modern rifles.

Mr. FINLEY. The gentleman used the words "in all history." Now, I ask the gentleman, coming down to later his tory, has he read the campaigns of Gen. Forrest in the Civil

Mr. TAGGART. I have heard and read of some of the movements of Gen. Forrest.

Mr. FINLEY. The gentleman has not read all of them. If he has read them and is familiar with what Gen. Forrest did and the actions he engaged in and the results he accomplished, does the gentleman still wish to let his statement stand?

Mr. TAGGART. Let me answer the gentleman's question by asking another. Would the gentleman say for one moment that cavalry ought to attack trained infantry in open ground in this day of humanity?

Mr. FINLEY. I do say this, that no army corps is complete without a proper complement of cavalry.

Mr. TAGGART. Does not the gentleman think that 11,000 cavalry is something in the nature of a proper complement of cavalry?

Mr. FINLEY. That is a question for debate and difference of opinion.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CALDER. Mr. Chairman, I ask that the gentleman be given five minutes more.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Kansas be extended five min-utes. Is there objection?

There was no objection.

Mr. TAGGART. Mr. Chairman, I wish to say that the unit of the Army is the private soldier. He is the man who does the business. Everything else is grouped about him. Everything that is done is done for him, and every order that is given finally reaches him. The question is, Is he more effective on foot than he is mounted?

Modern small arms and artillery have rendered it utterly impracticable at this date, and has for more than half a century made it impracticable for the cavalry to attack infantry or artillery in position, if the infantry will remain firm and at-

tend to its duty.

One of the most pathetic things in all history is the charge of the Light Brigade at Balaklava. The brigade was ordered to make an attack on certain troops before they removed guns from a hill in the amphitheater in which the British Army was operating. They mistook the order and charged into the Russian Army. One-half of their number was slain in the charge, and that was 60 years ago, when every Russian had to load a muzzle-loading rifle or fieldpiece. I wish to say at this time that there is no pretense anywhere in the world that cavalry has any other function except to be eyes and ears of an army. It has not been used in any war for any other purpose in late years, except at Mars-la-Tour, where there was one of the worst tragedies in military annals in the war that occurred between France and Germany.

Mr. Chairman, I wish to say in conclusion that I think the President of the United States has full authority to place the Infantry at 50,000; that he can raise the Cavalry to 10,000; and that we can have more Infantry than we have now, and as much Cavalry in 10 regiments as we have now under the law as

it stands. [Applause.]

Mr. BURLESON. Mr. Chairman, the real issue here is not the achievements of Hannibal in Italy or the successes or failures of Gen. Forrest as a Cavalry officer during the Civil War, but, as I understand it, the question to be decided is whether the Cavalry arm of our Army as it is shall be reduced by 33½ per cent; and on that proposition I intend to be recorded in the affirmative. Mr. Chairman, as has been said by the able chairman of our Committee on Military Affairs, Mr. HAY, of Virginia, Great Britain maintains a cavalry force constituting only one-seventh of the strength of the infantry she carries, and the military experts of that great country agree that this is amply sufficient. Japan-and we are bound to admit that the Japanese have demonstrated that they are some fighters provides a cavalry in numbers equaling only about one-seventh of the infantry forces she maintains.

Mr. MANN. Will the gentleman yield?

Mr. BURLESON. In a moment. But here in this country the Cavalry arm, as now authorized by law, equals one-half the Infantry in the service of the Army. Now I will yield to the gentleman from Illinois.

Mr. MANN. What was the experience of the British Army in South Africa during the Boer War in regard to cavalry?

Mr. BURLESON. The cavalry was practically of no service to the British in the Boer War. They were practically compelled to abandon the use of cavalry because of the terrific expense involved in its transportation across the seas, and the Boers made but little use of cavalry, as they were always acting on the defensive.

Mr. BUTLER. How about the Cavalry at San Juan Hill? The gentleman must not forget that. [Laughter.]

Mr. BURLESON. I hope to reach that important epoch in

our history before I conclude my remarks.

Mr. Chairman, I now want to direct attention to the fact that during the Russo-Japanese War we sent to the scene of that conflict a number of military experts—the ablest officers connected with the Army of the United States were sent there-to gather information which would be of value to us from a military standpoint, and my understanding is that one of the best informed of all these experts reported on his return that the cavalry arm of the Russian Army was practically valueless in that war, and that when the query was propounded to Russian cavalry officers as to why the cavalry was not more effective, the only defense they could make for the little service they rendered was that the Japanese had no cavalry to pit against them. In other words, the large cavalry force used by the Russian Army was of little value or was ineffective because of the fact that the Japanese did not put up a cavalry force to combat them.

The gentleman from Pennsylvania has asked about San Juan

ill. The truth is there was none but— Mr. BUTLER. Yes; before we go home let us have something

about San Juan Hill. [Laughter.]

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BURLESON. Yes; I will yield to the gentleman from Kansas, but I would like to read further from our military expert who witnessed the Russo-Japanese War.

Mr. ANTHONY. I would like to ask the gentleman why he compares the efficiency of a wild Cossack cavalryman to a

trained American cavalryman?

Mr. BURLESON. Wild Cossack cavalrymen! Mr. Chairman, Russia has produced some of the most brilliant cavalry officers known to history, and the Cossack cavalry of Russia were noted for their reckless bravery and have achieved as brilliant victories in war as any cavalry in the world. plause.

Mr. ANTHONY. Any military authority will tell the gentleman that the Cossack cavalryman of Russia is absolutely un-

trained for modern warfare.

Mr. BURLESON. Mr. Chairman, right in that connection I want to read from the report of one of the military experts, who was sent to the scene of the Russo-Japanese War, as to the need of cavalry in this country and as to the value of the cavalry in that war. I read from his report:

Our own Cavalry, if brought up to its full strength, would be about two-thirds as numerous as the cavalry force that Gen. Kuropatkin con-sidered unnecessarily large for an army of nearly 400,000 men.

Mr. BUTLER. I will ask the gentleman if he had two-thirds

cavalry

Mr. BURLESON. Oh, no; as I have stated, the cavalry of the Russian Army equals only one-seventh of its infantry. Think of it, the cavalry of the Russian Army constitutes oneseventh of its infantry, and at the present time our Cavalry is one-half as large as our Infantry. If this amendment be adopted, it will be one-third as large as the Infantry. My judgment is that the ment is that the gentleman from Illinois [Mr. CANNON], the ex-Speaker of the House, is right when he said that this amendment does not go far enough; that there should be a further reduction of the Cavalry, and instead of reducing the arm by 5 regiments, leaving 10, we should cut out 10 regiments and leave only 5, and then we would have a larger percentage of Cavalry, as compared with Infantry, than is carried by other civilized countries similarly situated. One of the valuable recommendations made by the military expert to whom I referred was that the Cavalry Arm of our Army be reduced, and I am glad to have this opportunity to act upon his advice.

The CHAIRMAN. The question is on agreeing to the amend-

ment to the amendment.

Mr. JACKSON. Mr. Chairman, let us have the amendment

to the amendment reported.
The CHAIRMAN. With Without objection, the Clerk will again report the amendment to the amendment.

There was no objection, and the Clerk again reported the amendment to the amendment.

The question was taken, and the amendment to the amend-

ment was agreed to.

The question now is on agreeing to the The CHAIRMAN. amendment as amended. Does the gentleman from Kansas desire the amendment as first offered to be read?

Mr. JACKSON. Yes. The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. HAY. Mr. Chairman, I move that all debate on this amendment now close.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will withhold his motion for five minutes.

Mr. HAY. Then, Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five

The CHAIRMAN. The question is on the motion of the gentleman from Virginia, that all debate on this amendment and all amendments thereto close in five minutes.

The question was taken, and the motion was agreed to.

Mr. MONDELL. Mr. Chairman, I have a good deal of hesitancy in taking the time of the House at this late hour and in the presence of all of these great military experts from whom we have heard in the discussion of this matter. The question before the House is not whether we have an evenly balanced military organization for war purposes, but, rather, whether we have a military organization suited to the conditions existing in this country.

I was a member of the Military Committee at the time of the reorganization. I remember well the arguments made on

behalf of and in favor of increasing the Cavalry. I remember the arguments made on the floor of the House, and at that time they were convincing. Our Army as we maintain it is not maintained as an evenly balanced organization ready for war. It is maintained as a nucleus upon which we may build in time We all know that the average farmer's boy can be drilled into a good soldier in a comparatively short period of time, but it requires a very considerable time to make a good cavalryman, and it takes even a greater length of time to train a cavalry horse. As has been well said here, in time of actual war we would have to depend upon our citizen soldiery, and we would build our establishment upon the nucleus formed by the regular establishment; but in such an event our present proportion of cavalry is rather too small than too large.

Taking into consideration, Mr. Chairman, the situation as it now confronts us, if we are threatened at all in the near future it is to the south. If we shall have any use for our Army in the near future, it will be along our southern borders, where cavalry rather than infantry is needed. Do gentleman living along the Rio Grande, in New Mexico, Arizona, and southern

California desire to have those borders exposed?

Mr. TAGGART. Will the gentleman yield for a question?
Mr. MONDELL. I have only five minutes, and I regret that I can not yield. I am not a military expert, but it does not require a military expert to know that in these days cavalry can not ordinarily successfully charge infantry or artillery. Any schoolboy knows that, but in scouting service, in covering enormous territory in case that is necessary, there is no arm that is as available or so useful as the cavalry. What if we should be confronted with a condition arising in Mexico, in the near future, necessitating our sending our Army there to protect American lives and property? What portion of our Army would be needed, would be useful, would be immediately available, to scatter abroad through the northern States of that Republic for the purpose of restoring order?

The Cavalry; and we have not a man too many or an organization too many. [Applause.] At any moment might arise the necessity for the only possible use to which our Army might be put for years to come, and yet gentlemen on the other side propose to deprive us of the very arm we shall need, if we

need any portion at all.

Mr. TAGGART. Now will the gentleman yield?

Mr. MONDELL. I am not a militarist, I do not believe in a great army; I do not know but what I would be willing to join in reducing somewhat our armed service after full discussion, but to reduce the Cavalry at this time, without informa-tion, without a committee having gone into the matter, without having heard from the War Department, with a threatening condition on our southern border, is, in my judgment, the rankest kind of folly, and it seems to me that the House may well calmly consider the situation before us. If we want to reorganize the Army in the future and reduce the proportion of Cavalry, the time, place, and way to do it is calmly, dispassionately, after discussion in committee rooms, by hearings, consider the matter fully, and then come here and legislate intelligently with regard to our entire armed force and not as we are proceeding piecemeal at this time. [Loud applause.]

The CHAIRMAN. The question is on the amendment as

amended.

The question was taken, and the amendment as amended was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18956, making appropriations for the Army, and had come to no resolution thereon.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned to meet to-morrow, Saturday, February 10, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MURRAY, from the Committee on the Public Lands, to which was referred the bill (H. R. 19339) granting public

lands to the cities of Boulder and Canon City, in the State of Colorado, for public park purposes, reported the same without amendment, accompanied by a report (No. 313), which said bill and report were referred to the Committee of the

Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, with Senate amendments, reported the same with amendment, accompanied by a report (No. 317), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (S. 3475) extending the time of payment to certain homesteads on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, reported the same with amendment, ac-companied by a report (No. 315), which said bill and report were referred to the Committee of the Whole House on the

state of the Union.

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909, reported the same with amendment, accompanied by a report (No. 316), which said bill and report were referred to the House Calendar.

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 13679) to amend an act entitled "An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911, reported the same without amendment, accompanied by a report (No. 314), which said bill and report were

referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8171) granting an increase of pension to Thomas McDonough; Committee on Invalid Pensions discharged, and

referred to the Committee on Pensions.

A bill (H. R. 13308) granting an increase of pension to Charles B. Ross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15425) granting a pension to Harry M. Haaga; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 18760) granting a pension to Mary McJenkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17891) granting a pension to Thomas Butler; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 2260) granting a pension to William H. Eoute; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19196) granting a pension to Joseph F. Flynn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6971) granting a pension to Ed G. Beal; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12141) granting a pension to William C. Simpson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13310) granting a pension to George S. McGuire: Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13780) granting a pension to Edward Domine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13745) granting a pension to Ann Livingston: Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 13632) granting an increase of pension to William Denham; Committee on Invalid Pensions discharged, and

referred to the Committee on Pensions.

A bill (H. R. 16417) granting an increase of pension to Joseph S. Bogie; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions. PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. TAYLOR of Colorado: A bill (H. R. 19793) to au-

thorize the allowance of second homestead and desert entries; to the Committee on the Public Lands.

By Mr. J. M. C. SMITH: A bill (H. R. 19794) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

By Mr. PETERS: A bill (H. R. 19795) to amend section 17 of the act to regulate commerce; to the Committee on Interstate

and Foreign Commerce.

By Mr. TOWNER: A bill (H. R. 19796) to amend the act of January 12, 1895, and the act of January 30, 1903, relating to the sale and distribution of the Congressional Record; to the Committee on Printing.

By Mr. BROWNING: A bill (H. R. 19797) to provide for the erection of a public building at Woodbury, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: A bill (H. R. 19798) to define procedure in creating forest reserves in the State of New Mexico; to the Committee on the Public Lands.

By Mr. CALLAWAY: A bill (H. R. 19799), to prohibit interference with commerce among the States, Territories, and possessions of the United States and with foreign nations by means of speculative future dealing in farm products, and to prohibit the transmission of messages therefor; to the Committee on Agriculture.

By Mr. RUCKER of Colorado: A bill (H. R. 19800) pensioning the surviving officers and enlisted men (or their widows) who served in the Indian wars of the western frontiers of the several States and Territories from the year 1865 to the year 1898, inclusive; to the Committee on Pensions.

By Mr. CARTER; A bill (H. R. 19801) amending the sundry civil appropriation act approved July 28, 1866; to the Committee on Mileage.

By Mr. HOWARD: A bill (H. R. 19802) to amend an act approved March 3, 1911, relating to the judiciary; to the Committee on the Judiciary

By Mr. RUBEY; A bill (H. R. 19803) to provide for the securing of deposits in postal savings banks in towns and cities of less than 10,000 inhabitants, by personal bonds or the bonds of bonding companies, when such deposits shall be deposited in national or State banks located in such town or city; to the Committee on the Post Office and Post Roads.

By Mr. HARRISON of New York: A bill (H. R. 19804) levying a tax on wines made of pomace or blended with pomace; to the Committee on Ways and Means.

By Mr. FOSS: A bill (H. R. 19805) for the establishment of a new bureau in the Navy Department to be known as the coast guard bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: A bill (H. R. 19806) to fix the times and places of holding district court for the district of New Mexico and creating divisions thereof; to the Committee on the Judiciary.

By Mr. AYRES: A bill (H. R. 19807) to provide for the examination and survey of Westchester Creek, N. Y.; to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 19808) for erecting a suitable memorial to John Ericsson; to the Committee on the Library.

By Mr. HEFLIN: A bill (H. R. 19809) to require agents,

brokers, and members of cotton exchanges and other persons in reporting or publishing notices of interstate or foreign sales of cotton to state specifically whether the sale is that of cotton futures or of actual cotton; to the Committee on Agriculture.

By Mr. RUCKER of Missouri: A bill (H. R. 19810) to amend paragraph 1, section 24, of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. PUJO: Resolution (H. Res. 411) to investigate banking and currency conditions; to the Committee on Rules.

By Mr. MARTIN of South Dakota: Joint resolution (H. J. Res. 240) amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 23, 1901, providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 19811) for the relief of Francis L. Flanders; to the Committee on Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 19812) to remove the charge of desertion against John L. Kelly; to the Committee on Military Affairs.

By Mr. CALLAWAY (by request): A bill (H. R. 19813) for the relief of the estate of John Wesley Crowder, deceased; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 19814) for the relief of

William Long, jr.; to the Committee on War Claims. By Mr. CLARK of Missouri: A bill (H. R. 19815) granting an increase of pension to George Hagner; to the Committee on Invalid Pensions

By Mr. CRUMPACKER: A bill (H. R. 19816) to remove the charge of desertion from the military record of Francis M. Helm; to the Committee on Military Affairs.

By Mr. CURRY: A bill (H. R. 19817) for the relief of Emili-

ano Martinez; to the Committee on Claims.
Also, a bill (H. R. 19818) for the relief of the widow and heirs of Francisco Vigil, deceased; to the Committee on Claims.

Also, a bill (H. R. 19819) to authorize the payment of \$2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares v. Luna; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 19820) granting an increase of pension to Sue B. Merrill; to the Committee on Pen-

By Mr. FLOYD of Arkansas: A bill (H. R. 19821) granting an increase of pension to Zachary T. Goldsmith; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 19822) for the relief of Wilber F. Stone; to the Committee on War Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 19823) granting an increase of pension to Joseph A. Jennings; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 19824) granting an increase of pension to James K. Cyphert; to the Committee on Invalid Pensions.

By Mr. LEVY: A bill (H. R. 19825) granting an increase of pension to Henry Reens; to the Committee on Invalid Pen-

By Mr. LLOYD: A bill (H. R. 19826) to correct the military record of John McWhorter; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 19827) granting a pension to Israel Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19828) granting a pension to John Devine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19829) granting a pension to Frances E. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19830) granting a pension to Thomas W. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19831) granting a pension to George Gardels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19832) granting a pension to John W. Snively; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19833) granting a pension to Mary Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19834) granting an increase of pension to James Connelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19835) granting an increase of pension to

Elijah B. Egan; to the Committee on Invalid Pensions. Also, a bill (H. R. 19836) granting an increase of pension to Henry Burcham; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 19837) granting an increase of pension to Benjamin D. Arris; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 19838) granting a pension to Mary W. Alcorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19839) granting an increase of pension to James Reed; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota; A bill (H. R. 19840)

granting a pension to Eliza M. Breed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19841) granting a pension to Rosanna McVoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19842) granting a pension to Laura A. Faught; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 19843) to remove the charge of desertion from the record of Josiah P.

Sanders; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 19844) granting a pension to

John B. Welch; to the Committee on Invalid Pensions. By Mr. PARRAN: A bill (H. R. 19845) for the relief of G. G. Stewart; to the Committee on Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 19846) granting an increase of pension to Herman K. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19847) granting an increase of pension to George W. Brink; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 19848) for the relief of Henry J. Hennigar, alias Edgar Swissberry; to the Committee on Naval Affairs.

By Mr. RUSSELL: A bill (H. R. 19849) granting an increase of pension to George W. Robinson; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 19850) for the relief of Elizabeth F. Snorgrass; to the Committee on War Claims.

By Mr. SLAYDEN (by requset): A bill (H. R. 19851) granting an increase of pension to Josephine Bullis; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 19852) granting a pension to Mrs. M. Lightner; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 19853) granting a pension to Dudley Brown; to the Committee on Pensions.

Also, a bill (H. R. 19854) to correct the military record of Herrmann Pelz; to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 19855) to authorize the President of the United States to appoint Maj. Gen. Daniel E. Sickles, retired, a lieutenant general of the United States Army; to the Committee on Military Affairs.

to the Committee on Military Affairs.

By Mr. UTTER: A bill (H. R. 19856) granting an increase of pension to Elizabeth B. Schofield; to the Committee on In-

valid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Papers to accompany bill for the relief of Lieut. L. M. Rock (H. R. 15480); to the Committee on Claims.

By Mr. BOEHNE; Petition of Thomas Rafferty and nine other representative citizens of Princeton, Ind., asking for a reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. BROWNING: Petitions of St. Paul's Methodist Episcopal Church, of Penns Grove; Methodist Episcopal Church of Hancocks Bridge; Methodist Episcopal Church of Alloway; Woman's Christian Temperance Unions of Alloway, Penns Grove, Hancocks Bridge, and Pitman; Society of Friends of Hancocks Bridge; and other residents of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Indicions

to the Committee on the Judiciary.

By Mr. BULKLEY: Memorial of the Cleveland (Ohio) Printing Pressmen's Union, No. 56, and of the Cleveland (Ohio) Assistants and Feeders' Union, No. 45, indorsing the Smoot printing bill to increase the salaries of printing pressmen employed at the Government Printing Office 10 cents per hour; to

the Committee on Printing.

Also, petition of Tribe No. 156, Improved Order of Red Men, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of Wisconsin: Petition of Price County (Wis.) Union, of the American Society of Equity, praying for the passage of parcel-post legislation and protesting against a reduction of the present rate of letter postage, etc.; to the Committee on the Post Office and Post Roads

mittee on the Post Office and Post Roads.

Also, petition of Wisconsin Agricultural Experiment Association, against 1-cent letter postage and in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, memorials of Wisconsin State Cranberry Growers' Association, favoring passage of House bill 12311, and expressing appreciation of the United States Weather Bureau's work in relation to frost warnings; to the Committee on Agriculture.

Also, petition of merchants of Lowell, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolutions of the Price County (Wis.) Convention of American Society of Equity, favoring parcel post, protesting against reduction of first-class postage rates, and protesting against removal of tax on oleomargarine; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Milwaukee Feeders, Helpers, and Job Pressmen's Union, No. 27, Milwaukee, Wis., favoring the Smoot printing bill in so far as it relates to an increase of 10 cents per hour for pressmen; to the Committee on Printing.

By Mr. COOPER; Petitions of Vandenberg Bros., Jac. Neuwenhuyse, Petersen, Rasmussen & Co., Frank Grasser, George Bainbridge, C. J. Beck, J. D. Schmelling, W. J. Werner, and A. E. Bounsall, all of Kenosha, Wis., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CRUMPACKER: Petition of citizens of Monticello and Independence, Ind., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Indiana Retail Merchants' Association, against parcel post and for reduction of dealers' tax on oleomargarine, etc.; to the Committee on the Post Office and Post Roads.

By Mr. CURRIER: Petitions of the Woman's Christian Temperance Union and other citizens of Sunapee, N. H., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DODDS: Petition of citizens of Greenville, Mich., against House bill 9433, as to Sunday observance in post-office service; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of American Society of Equity, of Price County, Wis., for parcel-post legislation; to the Committee on the Post Office and Post Roads. By Mr. FERGUSSON: Petition of citizens of New Mexico,

By Mr. FERGUSSON: Petition of citizens of New Mexico, protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cerrillos, N. Mex., in favor of House bill 14, for extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Union League Club of New York, for memorial to Peletiah Webster; to the Committee on the Library.

Also, petition of Common Council of Valdez, Alaska, for protection from glacier streams; to the Committee on the Territories.

Also, memorial of New York Custom House Brokers' Association, relative to the recommendation recently made in regard to the work of the naval officers; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Benedict Court, No. 782, C. O. F., of Peru, Ill., in favor of passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

Also, petition of D. M. Fredericksen, president of Scandinavian-Canadian Land Co., of Chicago, Ill., in favor of the passage of the Peters bill for children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. GODWIN of North Carolina: Petition of George C. Worth and 21 others, of Wilmington, N. C., urging passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

on the Judiciary.

By Mr. HENRY of Connecticut: Petitions of First Congregational Church and Grange No. 94, of East Windsor, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HINDS: Memorials of the Free Baptist Church of Falmouth; the Woman's Christian Temperance Unions of Harrison, Westbrook, Gorham, and Falmouth, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the Women's Anthenaum Club of Park City, Utah, in favor of a rigid inspection of dairy products and a thorough investigation of tuberculosis and other diseases originating therefrom; to the Committee on Agriculture.

By Mr. HUGHES of New Jersey: Petitions of the Presbyterian Church of Andover, N. J.; of the Methodist Episcopal Church of Englewood, N. J.; and of the Woman's Christian Temperance Union, the Ladies' Aid Society of the Methodist Episcopal Church, and the official board of the Methodist Episcopal Church, of Hawthorne, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

ciary.

By Mr. KINKEAD of New Jersey: Petitions of the Woman's Christian Temperance Union of Bergen Point, N. J., and of the Palisade Methodist Episcopal Church, of Jersey City, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Committee on the Judiciary.

By Mr. LAFFERTY: Petitions of citizens of the State of Oregon, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of Fiscus Bros., of Leechburg, Pa., in favor of reduction on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Dayton, Pa., and of the Episcopal Church of Redbank, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Asbury Grange, No. 563, Patrons of Husbandry, of Strattonville, Pa., against the removal of the special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter, etc.; to the Committee on Agriculture.

Also, petition of Asbury Grange, No. 563, Patrons of Husbandry, of Strattonville, Pa., praying for the adoption of certain amendments to the oleomargarine laws; to the Committee

on Agriculture.

By Mr. LAWRENCE: Petition of 60 citizens of Holyoke, Mass., in support of the bills for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: Petition of the Union League Club of New York City, for memorial to Peletiah Webster; to the Commit-

tee on the Library

By Mr. MAHER: Petition of citizens of New York, in favor of the Berger old-age pension bill; to the Committee on Pensions. By Mr. MANN: Petition of New York Customhouse Brokers' Association, regarding the retention of the naval office at the port of New York; to the Committee on Naval Affairs.

Also, petition of Chicago Newspaper Web Pressmen's Union,

No. 7, in favor of increase of 10 cents per hour for pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. MARTIN of South Dakota: Petitions of citizens of the State of South Dakota, protesting against the passage of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Goldfield, S. Dak., for passage of House bill 14: to the Committee on the Post Office and Post

By Mr. MOORE of Pennsylvania: Petition of the Civic Club of Philadelphia, Pa., for erection of Lincoln memorial in Washington on site chosen by the park commission; to the Committee on the Library.

Also, memorial of German-American Alliance, of Philadelphia, Pa., against passage of any pending interstate-commerce

liquor measures; to the Committee on the Judiciary.

Also, petition of Pennsylvania State Board of Agriculture, for investigation of the chestnut blight; to the Committee on Agriculture.

By Mr. MORSE of Wisconsin: Petition of Board of Trade of Sacketts Harbor, N. Y., against abolishment of Madison Barracks; to the Committee on Military Affairs.

Also, petition of merchants of Medford, Wis., protesting

against passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Price County (Wis.) Union, American Society of Equity, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY: Petitions of citizens of Gray County, Kans., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Kansas, for old-

age pensions; to the Committee on Pensions.

By Mr. PALMER: Petitions of citizens of the State of Pennsylvania, urging passage of Berger old-age pension bill; to the Committee on Pensions

By Mr. PARRAN: Papers to accompany bill for the relief of Fred D. Tillman (H. R. 17552); to the Committee on Pensions. By Mr. PATTON of Pennsylvania: Petitions of citizens of

Grass Flat and Westover, Pa., for parcel-post legislation; to the

Committee on the Post Office and Post Roads.

Also, petition of R. D. Neff, of Smith Mill, Pa., for investigation of conditions in the Navy, etc.; to the Committee on Naval Affairs.

Also, petition of the Woman's Christian Temperance Union of Post Allegan, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Bigler, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on

Ways and Means.

Also, petition of Grange No. 808, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. POWERS: Petition of citizens of the eleventh congressional district of Kentucky, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: Petition of Reformed Church of Manito, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to

the Committee on the Judiciary.

By Mr. RAKER: Petition of citizens of California, favoring the passage of the Berger old-age pension bill; to the Committee on Pensions

By Mr. REYBURN: Petition of Local Union No. 1, International Steel and Copper Plate Printers' Union of North America, protesting against Smoot printing bill; to the Committee on

Also, petition of the Civic Club, of Philadelphia, Pa., for Lincoln memorial as recommended by National Fine Arts Com-

mission; to the Committee on the Library.

By Mr. SCULLY: Petitions of citizens of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill: to the Committee on the Judiciary.

Also, petition of New Jersey State Federation of Women's Clubs, for passage of Federal children's bureau bill; to the

Committee on Interstate and Foreign Commerce.

Also, petition of New Jersey Woman Suffrage Association, for passage of Esch phosphorus bill; to the Committee on Ways

and Means.

By Mr. J. M. C. SMITH: Petitions of Woman's Christian Temperance Union of Kalamazoo County; Woman's Christian Temperance Union of Albion; 22 citizens of Marshall; 34 citizens of Ceresco; Woman's Christian Temperance Union of Coldwater; First Wesleyan Church, Coldwater; First Baptist Church, Coldwater; George A. Brown and others, Kalamazoo; and 182 citizens of Albion, all in the State of Michigan, requesting passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of S. R. Chamberlain, of Litchfield, Mich., protesting against parcel-post legislation; to the Committee on the

Post Office and Post Roads.

Also, petition of Clover Leaf Creamery, of Charlotte, Mich., against reduction of tax on colored oleomargarine; to the Committee on Agriculture.

Also, petitions of Detroit Steel Products Co., Buhl Malleable Co., Warren Motor Car Co., Murphy Iron Works, and Roberts Bros. Manufacturing Co., all of Detroit, Mich., protesting against eight-hour law; to the Committee on Labor.

By Mr. SMITH of New York: Petition of Buffalo (N. Y.) Web Pressmen's Union, No. 30, for increased compensation for pressmen in the Government Printing Office; to the Com-

mittee on Printing.

By Mr. SULZER: Petitions of citizens of New York City, asking that the duties on raw and refined sugars be reduced: to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of citizens of the State of New York, urging passage of old-age pension bill; to the Committee on Pensions.

Also, petition of Utica (N. Y.) German-American Alliance, protesting against prohibition legislation; to the Committee on Alcoholic Liquor Traffic. Also, petition of citizens of Utica, N. Y., for total elimination

of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TUTTLE: Petitions of First Baptist Church of Morristown, First Methodist Episcopal Church, of Roselie Park, and Methodist Episcopal Church of Washington; Woman's Christian Temperance Union of Rahway; and other citizens of the of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary,

By Mr. UTTER: Petitions of the Woman's Christian Temperance Unions of Apponany, Ocean View, and New Shoreham, R. I.; of the Willard Woman's Christian Temperance Union of Providence, R. I.; of the First Baptist Church, the Society of Friends, and the Methodist Episcopal Church of Woonsocket, R. L., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. WEBB: Petitions of A. K. McCleod and 5 other citizens of Charlotte, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Menns.

By Mr. WEEKS: Petition of Christian Endeavor Society of N. J., for passage of Kenyon-Sheppard interstate Foxboro. liquor bill; to the Committee on the Judiciary

By Mr. YOUNG of Kansas: Petition of citizens of Atwood, Phillips County, and Barnard, Kans., asking for a general parcel-post law, etc.; to the Committee on the Post Office and Post Roads

Also, petition of citizens of Jewell County, Kans., asking for a law to prevent importation of liquor into prohibition terri-

tory; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petitions of G. A. Wheeler and sundry citizens of Wood County, Tex., and of W. C. Alexander and sundry other citizens of Wood County, Tex., in favor of the Berger old-age pension bill; to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

Saturday, February 10, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

O Lord, our God and our Father, from whom nothing is hid, cleanse our hearts from all guile and open our eyes to the beauty of holiness that we may resist the temptations which allure. That with firm and steadfast steps we may walk worthy of the vocation wherewith we are called. In the spirit of the meek and lowly Jesus; author and finisher of our faith.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. DIES. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DIES. The question has to do with an article in the newspaper called the Commoner, of which I send a copy to the Clerk's desk and ask that the extract which I have marked be considered in connection with the entire article.

The SPEAKER. The Clerk will read the extract.

The Clerk read as follows:

The 13 Democrats opposing the law give the benefit of the doubt to the predatory interests. If the 13 had their way about it, the courts would have no chance to decide the question on the side of the people.

A man who really believes that the President should be permitted to make his appointments on secret recommendations can not be trusted to represent a Democratic constituency.

Mr. DIES. Mr. Speaker, a few days ago the gentleman from Indiana [Mr. Cullor] offered an amendment to a bill reported from the Judiciary Committee, which amendment was in these

Hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant.

At the time this amendment was proposed it was clear to my mind that it attempted an unconstitutional interference with the powers and duties of the executive department of the Government, and having sworn to support the Constitution, I felt it my duty to vote against the proposition. I did not at that time suppose that it would ever be seriously contended that the Constitution gave to Congress, directly or by implication, any such power as that proposed to be exercised by the Cullop amendment. The language of the Constitution is so clear and explicit upon the matter, and its interpretation has always been so uniform and unequivocal, that I felt justified in taking it for granted that even the author of that resolution was without respect for its constitutional warrant. The Constitution provides that the President-

Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

This, Mr. Speaker, is the fundamental law of the land. The Constitution further requires that-

Senators and Representatives shall be bound by oath or affirmation to support this Constitution.

Mr. W. J. Bryan, in a recent issue of his newspaper, has seen fit to blacklist my name, together with the names of other Democratic Representatives, for voting against the Cullop amendment. In his article of condemnation he says:

The opponents of the amendment say it is unconstitutional. I jection is ridiculous, but suppose it were a doubtful question? not let the court decide the question of constitutionality?

If this statement had proceeded from the pen of a person of less importance than Mr. Bryan it could very well be treated as the ranting of an ignorant demagogue, but coming from a man licensed to practice law and who has been three times defeated for the Presidency, it is entitled to patient, if not reverential, consideration. If Mr. Bryan had devoted as much of his time to reading the Constitution and the decisions of the higher courts in its interpretation as he has to assaults upon the integrity of these high tribunals, he would have known that the article of the Constitution in question had been many times passed upon by the Supreme Court. And wherever, Mr. Speaker, the Supreme Court has shed light upon the provision of the Constitution under consideration, it has made it plain that there is no warrant in the Constitution for interference on the part of Congress with the powers and duties of the Executive. But I shall not rely alone upon the decisions of the Supreme

Court of the United States. I am not unaware of Mr. Bryan's contempt for that august tribunal. One of the early Congresses of the United States passed a resolution very similar to the Cullop amendment. That resolution was drawn under the identical section of the Constitution with which the Cullop amendment sought to deal. George Washington was President, His message to Congress declining to respect the demands of the resolution is a fitting answer to Mr. Bryan's article, and I quote the exact language:

UNITED STATES, March 30, 1796.

To the House of Representatives of the United States:

With the utmost attention I have considered your resolution of the 24th instant, requesting me to lay before your House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed. In deliberating upon this subject it was impossible for me to to lose sight of the principle which some have avowed in its discussion or to avoid extending my views to the consequences which must flow from the admission of that principle.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made by them we have declared and they have believed that, when ratified by the President with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

As therefore it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request.

George Washington. GEORGE WASHINGTON.

Mr. Bryan says that our objection to the Cullop amendment as being unconstitutional is absurd. Andrew Jackson would not have taken that view of it. Old Hickory had a demand made upon him while President very similar to the Cullop amendment. His answer to that demand was more vigorous than polite, but it is well worth Mr. Bryan's consideration as touching the question of the absurdity of our contention that the Cullop amendment is without the shadow of warrant in the Constitution. President Jackson's message is in full as follows:

WASHINGTON, D. C., December 12, 1833.

To the Senate of the United States:

Washington, D. C., December 12, 1853.

To the Senate of the United States:

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate "a copy of the paper which has been published, and which purports to have been read by him to the heads of the executive departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

The Executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct, and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the appropriate duties confided to them.

Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them agreeably to the provisions of the Constitution and the solemn oath I have taken to support and defend it.

I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the Executive branch of the Government to decline a compliance with your request.

Andrew Jackson.

[Applause.]

[Applause.]

If Mr. Bryan wants a case more directly in point, it can be found in a message to the House of Representatives delivered by President Tyler. That message fits the Cullop amendment with mathematical precision, and is in full as follows:

Washington, D. C., March 23, 1842.

To the House of Representatives of the United States:

A resolution adopted by the House of Representatives on the 16th instant, in the following words, viz, "Resolved, That the President of the United States and the heads of the several departments be requested to communicate to the House of Representatives the names of such of the Members, if any, of the Twenty-sixth and Twenty-seventh

Congresses who have been applicants for office, and for what offices, distinguishing between those who have applied in person and those whose applications were made by friends, whether in person or by writing," has been transmitted to me for my consideration.

If it were consistent with the rights and duties of the executive department, it would afford me great pleasure to furnish in this, as in all cases in which proper information is demanded, a ready compliance with the wishes of the House of Representatives. But since, in my view, general consideration of policy and propriety, as well as a proper defense of the rights and safeguards of the executive department, require of me, as the Chief Magistrate, to refuse compliance with the terms of this resolution it is incumbent on me to urge for the consideration of the House of Representatives my reasons for declining to give the desired information.

All appointments to office made by a President become, from the date

terms of this resolution it is incumbent on me to urge for the consideration of the House of Representatives my reasons for declining to give the desired information.

All appointments to office made by a President become, from the date of their nomination to the Senate, official acts, which are matter of record and are at the proper time made known to the House of Representatives and to the country. But applications for office or letters respecting appointments or conversations held with individuals on such subjects are not official proceedings and can not by any means be made to partake of the character of official proceedings unless, after the nomination of such person so writing or conversing, the President shall think proper to lay such correspondence or such conversations before the Senate. Applications for office are in their very nature confidential, and if the reasons assigned for such applications or the names of the applicants were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble, without accomplishing of vending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

But there is a consideration of a still more effective and lofty character which is, with me, entirely decisive of the correctness of the view that I have taken of the question. While I shall ever evince the greatest readiness to communicate to the House of Representatives all proper information which the House shall deem necessary to a due discharge of its constitution and laws of the United States, to protect the executive department from all encroachment on its powers, rights, and duties. In my judgment, a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has c

For these reasons, so perfectly convincing to my mind, I beg leave respectfully to repeat, in conclusion, that I can not comply with the request contained in the above resolution.

JOHN TYLER.

[Applause.]

President James Madison, the father of the Constitution, was in perfect accord with the other eminent authorities I have quoted upon the question. President Madison went so far as to refuse to confer with a committee of the Senate upon the subject of nominations, declaring that, such a conference was unwarranted by the Constitution.

If I cared to take up the time of the House I could add to this list of authorities the messages of Presidents Grant, Hayes, Cleveland, and others of our Presidents, but I shall content myself with a brief extract from the message of President Buchanan:

Except in this single case (impeaching power) the Constitution has invested the House of Representatives with no power, no jurisdiction, no supremacy whatever over the President. In all other respects he is quite as independent of them as they are of him. As a coordinate branch of the Government he is their equal. Indeed, he is the only direct representative on earth of the people of each and all of the sovereign States. To them, and to them alone, is he responsible whilst acting within the sphere of his constitutional duty, and not in any manner to the House of Representatives. The people have thought proper to invest him with the most homorable, responsible, and dignified office in the world, and in the individual, however unworthy, now holding this exalted position, will take care so far as in him lies, that their rights and prerogatives shall never be violated in his person, but shall pass to his successors unimpaired by the adoption of a dangerous precedent. He will defend them to the last extremity against any unconstitutional attempt, come from what quarter it may, to abridge the constitutional rights of the Executive and render him subservient to any human power except themselves.

Mr. Speaker, an attempt was made by the Senate during the first term of President Cleveland to encroach upon the constitutional powers of the Executive in very much the same fashion as proposed by the Cullop amendment. That attempted usurpation was combated by every Democrat who sat in that body. Among the Democratic Senators who then announced a doctrine which Mr. Bryan now says is absurd, I may mention Coke and Maxey, of Texas; Pugh, of Alabama; Vest, of Missouri; and Jackson, of Tennessee, who later became an associate justice of the Supreme Court of the United States. Time forbids me to quote from all of the speeches and reports of these learned expound-

ers of the Constitution, but at the risk of tiring the House I shall read from the speech of Senator Coke, of Texas: Senator Coke said:

Shall read from the speech of Senator Coke, of Texas:

Senator Coke said:

Think for a moment, Mr. Presideat, of the condition in which the President would be placed under the operation of the rule laid down by the Senator from Vermont. The President has vested in him all the executive power of the Government—that power which enforces the laws and appoints and removes officers. Who would write to the President recommending the removal of a dishonest officer? Who would write him of suspicions that an officer was faithless? Who would write him warning him against a bad man seeking an appointment? Who would advise him of anything going wrong if all these letters were to be open to the public and liable at any time upon the suggestion of partisan malice to be published to the world? The President would be isolated; his sources of information would be cut off, and his efficiency as an executive officer greatly impaired. In all our courts certain confidential communications are protected on grounds of public policy, and where is a higher public policy than that which protects the President in withholding his private and personal papers from the public gaze when through that means the entire executive department of a great government receives increased vigor and efficiency?

In refusing courteously but firmly to deliver upon demand of the Senate papers referring to the suspension of officers, a matter resting solely within the discretion of the President, with which the Senate has no concern and over which it has no jurisdiction, and in refusing to deliver copies of private, unofficial, and personal papers, while tendering to the Senate promptly all public and official papers and documents in the departments, the President has walked in the path trodden by all his predecessors. George Washington, the first President, established the first precedent in a similar case, and the record has been read in this debate to establish it.

Andrew Jackson more than once maintained the prerogatives of the presidential office by ref

Mr. Speaker, if I cared to do so, I could fill a volume of the Congressional Record with decisions of the Supreme Court of the United States, messages of Presidents, and speeches of learned exponents of the Constitution in support of my position. Indeed, the question is so clear, the language of the Constitu-tion so explicit, and the authorities so agreed that, but for Mr. Bryan's weighty opinion, I would have felt it an insult to the intelligence of this body to engage in a discussion of the question. But with Mr. Bryan no question is ever settled until it is settled wrong, and no position is ever certain until he makes it so. [Applause and laughter.] But, Mr. Speaker, aside from the fact that the Cullop amendment was a flagrant attempt to violate the Constitution, it was and is a dangerous and indefensible proposition. It carries to the American people the false and sinister assumption that the Presidency and the Supreme Court are corrupt. I do not believe that is true, sir, and I refuse to teach that doctrine. No corrupt man has ever occupied the White House, and no corrupt judge has ever sat when the bench of the Supreme Court. upon the bench of the Supreme Court. [Applause.] If I be-lieved that damnable doctrine I would join a revolution to over-throw the Republic. Neither Mr. Bryan nor the author of this resolution, nor any other power upon this earth, can drive me to teach the people that there is corruption in the heads of these great departments of the Government. If those who seek to destroy the confidence of the people in the patriotism of the President and purity of the Supreme Court should succeed the people would be amply justified in blotting this free Government from the face of the earth. There are no greater enemies of the people in a free Government than those who teach the people to distrust honest and faithful public servants. plause.]

Mr. Bryan's insinuation that I am a servant of predatory interests, and his statement that I can not be trusted to represent a Democratic constituency, are but the harmless vaporings of a discredited demagogue. [Applause.] I neither fear his power nor respect his judgment. I am accountable alone to those whose commission I hold. Mr. Bryan has led the Democratic Party to three disastrous defeats. Like the Bourbons of old, he has learned nothing and forgotten nothing. He has profited nothing from the lessons of Moscow, Leipzig, Waterloo, but, hovering upon the flanks of the Democracy like an evil genius, he points our columns straight to the rock of

St. Helena. Mr. Speaker, under your able leadership the shattered forces of our party have been restored to power in one of the branches of Congress. [Loud applause on the Democratic side.] Under the wise and statesmanlike leadership of the gentleman from

Alabama [Mr. Underwood] [applause on the Democratic side] we are moving forward with steady step and unbroken front to complete victory. We have passed bills reducing the tax bur-dens of the people. We have shown the country that the Democratic Party is capable of cohesive effort and constructive statesmanship. The people are ready to give us more power. In this situation, sir, it is a calamity, if not a crime, for Mr. Bryan to sow seeds of discord in the ranks of the party—his I am almost persuaded to join Gov. Wilson party and ours. in his desire to find some decent and orderly method of knock-

ing him into a cocked hat. [Loud applause and laughter.]
Whatever we do here displeases him. The prospect of Democratic success seems to anger his very soul. For myself I prefer to follow the leadership of the gentleman from Alabama. That leadership promises victory and reform. I have followed the Don Quixote of Nebraska until I am weary with a war upon windmills. [Laughter.] I demand to be led against the flesh-and-blood enemies of Democracy. If there be Sancho Panzas on this side of the Chamber who still hug the delusion of the governorship of an island, let them continue to follow the vagaries of their master. But I bid them chase their follies in peace and leave the disillusioned hosts of Democracy to the attention of more serious and sensible employment.

CONTESTED-ELECTION CASE OF WILEY V. HUGHES.

Mr. ANSBERRY. Mr. Speaker, I desire to submit a privileged resolution from the Committee on Elections No. 1.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 412.

House resolution 412.

Whereas the contested-election case of Rankin Wiley v. James A. Hughes, from the fifth district of West Virginia, was referred to the Committee on Elections No. 1, and after the testimony and briefs of counsel were filed with said committee, and after counsel had fully argued and commented upon the same, counsel for the contestee requested leave of said committee to take the testimony of sundry witnesses and to produce additional evidence relative to the said contestee ic citizenship: Now therefore be it

*Resolved by the House of Representatives, That the Committee on Elections No. 1 shall be, and hereby is, authorized and empowered to permit the taking of such testimony as it shall deem relevant to better enable the said committee to determine the question of citizenship involved in the contested case of Wiley v. Hughes, from the fifth congressional district of West Virginia, and that the expenses incurred in taking such testimony shall be paid in the same manner as the other expenses incurred in the taking of testimony in this and similar cases.

The SPEAKER. The question is on agreeing to the resolu-

The SPEAKER. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to.

COAL AND ASPHALT LANDS OF THE CHOCTAW AND CHICKASAW NATIONS.

Mr. STEPHENS of Texas. Mr. Speaker, by direction of the Committee on Indian Affairs I ask unanimous consent to take up the act (H. R. 14055) to provide for the sale of the surface the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, as passed by the Senate, and which has been acted upon by the Committee on Indian Affairs and amended, and to concur in the amendment proposed by the Senate with an amendment.

Mr. MANN. Is that the Carter bill?

Mr. MANN. Is that the Carter bill? Mr. STEPHENS of Texas. This is the Carter bill. It is reported by the Committee on Indian Affairs this morning.

The SPEAKER. The gentleman from Texas [Mr. Stephens] asks unanimous consent to take up House bill 14055, with a Senate amendment, and to concur in the Senate amendment with an

Mr. FITZGERALD. Mr. Speaker, what is the bill?

The SPEAKER. The bill is to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in the State of Oklahoma.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve the right object. Why does the gentleman desire to take up the bill at this time?

Mr. CARTER. If the gentleman from Texas [Mr. Stephens] will permit, Mr. Speaker, I will say to the gentleman from New York [Mr. Fitzgerald] that the bill passed the House several weeks ago, it went to the Senate, and in the Senate it was amended by striking out everything except the enacting clause. In that form it came back to the House and was again referred the House Committee on Indian Affairs. on Indian Affairs has acted on the Senate amendment and now recommends concurrence in the Senate amendment with an amendment, and on that we now ask action by the House.
Mr. FITZGERALD. Has it been reported and printed?

Mr. CARTER. Yes. Mr. MANN. That is proposed in place of sending it to con-

Mr. CARTER. Yes.
The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (H. R. 14055) to provide for the sale of the surface of the egregated coal and asphalt lands of the Choctaw and Chickasaw ations, and for other purposes.

Mr. MANN. Mr. Speaker, I understand the gentleman's motion is to concur in the Senate amendment with an amend-

The SPEAKER. The motion of the gentleman from Texas is to concur in the Senate amendment with an amendment. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the value of the coal and asphalt lands of the Choctaw and Chickasaw Na-

Mr. MANN. Mr. Speaker, the Senate amendment is long and so is the amendment to the amendment. I ask unanimous consent that, instead of reading the Senate amendment, the Clerk shall read the amendment proposed by the committee to the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk read the amendment to the Senate amendment suggested by the Committee on Indian Affairs of the House. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the amendment to the Senate amendment proposed by the Committee on Indian Affairs of the

The Clerk read as follows:

neendment proposed by the Committee on Indian Affairs of the House.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to sell at not less than the appraised price, to be fixed as hereinafter provided, the saw Nations in Okishoma segregated and reserved by order of the Secretary of the Interior dated March 24, 1903, authorized by the act approved July 1, 1902. The surface herein referred to shall include the entire estate save the coal and asphalt reserved. Before offering such surface for sale the Secretary of the Interior, under such légulations as he may prescribe, shall cause the same to be classified and appraised by three appraisers, to be appointed by the President, at a compensation of the surface shall be by tracts, according to the Government survey of said lands, except that lands which are especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be subdivided into lots or tracts containing not less than 1 acre. In appraising said surface the value of any improvements thereon belonging to the Choctaw and Chickasaw National seased for mining purposes, shall be taken into consideration. The surface shall be classified as agricultural, grazing, or as suitable for town lots. The classification and appraisement provided for herein shall be completed within six months from the date of the passage of this act, shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior. Provided, That in the proceedings and deliberation of said appraisers in the process of said appraisers and shall become effective when approved by the Secretary of the Interior: Provided, That in the proceedings and deliberation of said appraisers in the process of said appraisers and secretary of the Interior in the choice of the land covered by his lease to embrace improvements actually used in present mining operat

third arbitrator within 30 days, then and in that event, upon the application of either interested party, the United States district judge in the district within which said land is located shall appoint the third arbitrator: Provided, That the owner of such mineral deposits or lessee thereof shall have the right of entry upon the surface so to be acquired for mining purposes immediately after the failure of the parties to agree upon a fair valuation and the appointment, as above provided, of an arbitrator by the said owner or lessee.

Sec. 4. That upon the expiration of two years after the lands have been first offered for sale the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder for cash the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price, without regard to the appraised value thereof: Provided, That the Secretary of the Interior is authorized to sell at not less than the appraised value to the McAlester Country Club, of McAlester, Okla., the surface of not to exceed 160 acres in section 17, township 5 north, range 15 east: Provided further, That the mineral underlying the surface of the lands condemned for the State penitentiary at McAlester, Okla., under the Indian appropriation act approved March 3, 1909, shall be subject to condemnation, under the laws of the State of Oklahoma, for State penitentiary purposes: And provided further, That the sales herein provided for shall be at public auction.

tiary at McAlester, Okla., under the Indian appropriation act approved March 3, 1900, shall be subject to condemnation, under the laws of the State of Oklahoma, for State penitentiary purposes: **And provided further,** That said mineral shall not be mined for other than State penitentiary purposes.

Sec. 5. That the sales herein provided for shall be at public auction under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed 160 acres, and deeds shall not be issued to any one person for more than 160 acres of agricultural land, grazing lands in tracts not to exceed 640 acres, and lands especially valuable by, reason of proximity to towns or otties may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than 1 acre each. All deferred payments shall bear interest at 5 per cent per annum, and if default be made in any payment when due all rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease, and the lands shall be taken possession of by him for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Thebes of Indians.

SEC. 6. That if the mining trustees of the Choctaw and Chickasaw Nations and the three appraisers herein provided for, or a majority of the said trustees and appraisers, shall find that such tract or tracts can not be profitably mined for coal or asphalt and can be more advantageously disposed of by selling the surface and the coal and asphalt together, such tract or tracts may be sold in that manner, in the discretion of the Secretary of the Interior, and patents issued for said lands as provided by existing laws: *Provided*, That this section shall not apply to land now leased for the purpose of mining coal or asphalt within the segregated an

Mr. CARTER. Mr. Speaker, I have one committee amendment to be added.

The SPEAKER. The gentleman from Oklahoma has an amendment. This pending amendment, as the Chair understands, is proposed by the committee, and the amendment to the amendment is also from the committee. The Clerk will re-

The Clerk read as follows:

After the word "six," in line 10, page 22, add the words "and the Indian appropriation act approved March 3, 1911."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The question is on the motion to concur in the Senate amendment with the amendment of the Committee on Indian Affairs.

The question being taken, the motion was agreed to.

On motion of Mr. Carter, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, with Mr. SAUNDERS in the chair.

Mr. ANTHONY. Mr. Chairman, I offer the following amend-

ment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a new paragraph:

"Provided, further, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Infantry, Field Artillery, Coast Artillery, Engineer and Signal Corps, according to their relative commissioned personnel strength; and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service: And provided further, That no officer shall be reduced in grade: Provided further, That there shall be no promotion from a lower to a higher grade in any branch of the military service until the officers in that grade shall have been reduced below the number now provided by law for that grade."

Mr. HAY. Mr. Chairman, reserving the point of order, I

should like to hear from the gentleman.

Mr. ANTHONY. Mr. Chairman, the amendment which was adopted just previous to this provides for cutting off five regiments of Cavalry. It provided that the surplus officers of those five regiments should be assigned to the other branches of the service. This amendment which I offer provides that these surplus officers shall be proportionately assigned to the different branches of the service according to the relative personnel strength of those branches. It also provides that in the assignment of these surplus officers they shall be assigned according to their length of service in the Army. That would be a measure which would insure absolute equity in the dis-

tribution of these surplus officers.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. ANTHONY. Certainly.

Mr. FITZGERALD. Will this increase the number of officers authorized in the other branches of the service?

Mr. ANTHONY. The amendment is drawn so as not to

Mr. ANTHONY. The amendment is drawn so as not to

Mr. ANTHONY. The amendment is drawn so as not to increase the number of officers in the various grades.

Mr. FITZGERALD. Now authorized by law?

Mr. ANTHONY. Now authorized by law.

Mr. HAY. I do not care to make the point of order, and I have no objection to the amendment.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

HOSPITAL CORPS.

For pay of enlisted men, \$850,000.

Mr. KAHN. Mr. Chairman, I move to amend by striking out, in lines 10 and 11, the words "eight hundred and fifty thousand" and inserting in lieu thereof the words "nine hundred and forty-four thousand nine hundred and seventy-six."

Mr. HAY. I would like to ask the gentleman for his reason in offering that amendment?

Mr. KAHN. I understand that the estimates are based upon the enlisted strength.

Mr. FITZGERALD. Mr. Chairman, let us have the amendment reported.

The Clerk read as follows:

Page 9, line 10, strike out the words "eight hundred and fifty thousand" and insert in lieu thereof the words "nine hundred and forty-four thousand nine hundred and seventy-six."

Mr. KAHN. Mr. Chairman, the estimates were based upon an enlisted strength of 3,500 men in the Hospital Corps. I understand it, the corps is practically full up to that number of men. It is a mathematical computation to determine just how much money is required to pay that number of men. I sincerely hope the amendment will prevail. I feel confident that if it does not prevail and the figures now in the bill be allowed to remain, there will be a deficit in this item for the next fiscal year.

Mr. HAY. Mr. Chairman, this item, like all other items providing for the pay of enlisted men, is based on a calculation or estimate that all the enlisted men now allowed will be in the service during the next fiscal year. As a matter of fact there will probably not be that number of men, and the small cut that has been made in this item, in my judgment, will not operate in any way to produce a deficiency. Moreover, the entire pay for the whole Army is in one fund, so that if there should be a deficiency in any one item here it can be made. should be a deficiency in any one item here it can be made up from some other item where we may have appropriated too I therefore hope that the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. KAHN) there were 32 ayes and 60 noes.

So the amendment was rejected.

The Clerk read as follows:

Additional pay for length of service, \$160,000.

Mr. KAHN. Mr. Chairman, I move to insert, after the word "sixty," in line 13, page 9, the word "eight," so that it will read "one hundred and sixty-eight thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 13, page 9, after the word "sixty," insert the word "eight." Mr. KAHN. Mr. Chairman, the estimates for service pay were very carefully made, and unless the full amount asked for be allowed I feel confident that there will be a deficiency in this item, and for that reason I offer the amendment.

Mr. Chairman, it is hardly necessary for me to go Mr. HAY. over again what I said before, and I hope the amendment will

not be agreed to.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Virginia a question?
Mr. HAY. I will yield to the gentleman.
Mr. MANN. May I ask the gentleman v

Mr. MANN. May I ask the gentleman why the item in ref-erence to five first-class sergeants is omitted from the bill?

The item now under consideration is the additional pay for length of service for men enlisted in the Hospital

Mr. MANN. I know it; but this item that I refer to should

follow that.

Mr. HAY. As soon as we get through with this amendment we will consider that. What is the gentleman's question?

Mr. MANN. In the current law following this item we are now considering is pay of sergeants of the first class of the Hospital Corps and another for the pay of certain privates. What I wished to know was whether the omission of those items in this bill was intentional or not.

Mr. HAY. The bill was made up according to the estimates submitted by the War Department, and I think the gentleman will find that provision in another part of the bill.

Mr. MANN. I see; that is in the service-school detachment. Mr. HAY. Yes; and it is carried in the bill at some other point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. KAHN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sixty messengers, at \$720 each per annum.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that the number of messengers under the Chief of Staff, as well as the number of clerks, is considerably re-Were those reductions recommended by Gen. Wood?

Mr. HAY. Mr. Chairman, some of them were. We reduced them six or seven more than was recommended by the Chief of Staff, upon a statement made by him, and upon a statement made by the Secretary of War in his annual report. I will state that the Secretary of War, on page 12 of his report, states that by a change of the Territorial departments and divisions there could be saved \$445,000 each year. Among other things, he mentioned the fact that messengers and clerks could be cut That order carrying out the new Territorial departments and divisions went into effect on the 1st day of July, 1911.

It has therefore been in operation for over six months. this was an appropriation for the fiscal year ending June 30, 1913, we assumed that this could be done in that year. Chief of Staff, in a statement made to the United States Senate in Senate Document 42, Sixty-second Congress, stated that they could reduce the number of clerks. I will read what he stated:

The territorial administrative work of the Army can be at least as well done under the new organization as under the present and the tactical work required of department commands far better. The personnel required to carry on the work under the new organization will be from 40 to 50 officers, 130 to 140 clerks, and 30 to 40 messengers less than are now required by the present organization, and the consequent annual saving to the Government will be from \$200,000 to \$300,000. \$300,000.

Mr. MANN. Then this reduction, in the main, at least, is on account of some reorganization in the department.

Mr. HAY. A reorganization of the territorial divisions and

departments.

Mr. KAHN. Mr. Chairman, I would state for the information of the gentleman from Illinois and the members of the Committee of the Whole House that the number of clerks reduced in the bill is somewhat larger than that recommended by the department at this time. The department, as the chairman of the committee has just stated, said that by reason of a change of the divisions of the War Department a considerable saving

would be made to the country; and I want to say in that connection that the department has manifested every desire to reduce the expenses of the War Department. Furthermore, the testimony before the committee shows that quite a large number of changes are in contemplation that will reduce the expenses of the military establishment by several millions of dollars. The committee, however, in considering the bill, decided to cut off more clerks and messengers than the department had asked for at this time. I understand that the work of the department will not be crippled, and therefore the minority members of the committee do not propose to endeavor to raise the number to the number that were estimated for by the department.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield

for a question?

Mr. KAHN. Certainly.
Mr. FITZGERALD. The gentleman will acquiesce in this reduction, I understand, because the work of the department will not be impaired. Is that the position of the gentleman?

Mr. KAHN. If I thought that the work of the department would be impaired I certainly would try to have the number of clerks increased to the number that the department asked for, but I believe that the work will not be impaired.

Mr. FITZGERALD. And, therefore, the gentleman acquiesces, although he does not advocate.

Mr. KAHN. I do not oppose it, and I shall vote for the provisions as they stand in the bill.

Mr. HELM. Mr. Chairman, will the gentleman yield? Mr. KAHN. Certainly.

Mr. HELM. For a statement along the line the gentleman has made.

Mr. KAHN. Yes. Mr. HELM. I understand that the subject immediately at hand now is the question of the number of clerks? I wish to say to the gentleman from California that one of the highest officials in the War Department was before the Committee on Expenditures in the War Department.

Mr. KAHN. A reduction in the number of clerks and mes-

Mr. HELM. While this statement was made by one of the highest officials in the War Department-not in the hearings or the sitting of the committee-yet I do not think I transgress any rule of propriety in saying that one of the very highest officials in the War Department said that the number of employees could be reduced very, very considerably, and the way to do it was to cut off the supplies; that an annual reduction of 10 per cent for several years would work no inconvenience to the department and the service, but an absolute benefit to the service.

Mr. KAHN. I want to say to the gentleman that he simply states what I stated a moment ago, that the War Department itself has announced that it is trying to work out a plan whereby it will be able to save many hundreds of thousands of dollars to the people of this country by reducing the number of unnecessary employees. They are trying to simplify the thing that the gentleman himself spoke of several days ago, namely, the paper work at the department. The department is en-deavoring in good faith to do that.

Mr. HELM. Mr. Chairman, I move to strike out the last two words. Along the line I have been speaking I wish to make a statement to square myself with the statement I made on the occasion to which the gentleman from California has just referred, namely, the paper work in the War Department. Perhaps the inference might be drawn from the statement I made on the floor that steps had not been taken to eliminate these supernumerary employees and clerks. My criticism, perhaps, was not well taken in that regard, and I was to some extent wrong in so far as my statement might tend to be understood that the department had not taken steps and given this matter consideration. The fact of the case is that they have for some time been giving this matter attention and have succeeded in accomplishing much that has redounded to the benefit of the department and its efficiency; and I wish to make this statement in order to square myself along that line.

The CHAIRMAN. Without objection, the pro-forma amend-

ment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and position in which they are to serve: Provided, That no clerk, messenger, or laborer at head-quarters of divisions, departments, posts commanded by general officers, or office of the Chief of Staff shall be assigned to duty with any bureau in the War Department.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is a provision in the bill which has been carried for several years. Would this affect the assignment of these clerks who would be dropped under the appropriations act? There are clerks now in the service who are not appropriated for next year, and I take it that the department will take care of them if they have vacancies where they can be fitted in.

Mr. HAY. Yes; I suppose so. I suppose they could be taken care of in those positions if there are any places for them there.

Mr. MANN. But here is a prohibition that has been carried for years to prevent the transfer of clerks. The question I raised was whether that prohibition ought to be in this bill where, if we cut down the number of clerks, it may be desirable to fill vacancies by transfers. I simply call it to the attention of the gentleman.

Mr. HAY. The purpose of the provision, of course, was-

Mr. MANN. I understand; and I am in sympathy with the purpose of the provision.

Mr. HAY. If any of these clerks are going to be dropped under this bill, why, I would be very glad to see them taken care of anywhere they can be taken care of-

Mr. MANN. I take it everyone would agree to that.

Mr. HAY. And if the gentleman can offer any proposition which looks to that I would be very glad to accept it.

Mr. MANN. Of course that provision is subject to the point of order, and I could have made the point of order; but instead of that I called it to the attention of the gentleman, as I know he means to deal fairly with these clerks, in whom I am not personally interested. If they are to be dropped from one place and fitted into another, it would be a very proper thing.

Mr. HAY. I think so; yes. The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Subsistence Department: For pay of officers in the Subsistence Department, \$123,800: Provided, That so much of section 1261 of the Revised Statutes as pertains to additional pay for acting commissaries be, and the same is hereby, repealed.

Mr. MANN. Mr. Chairman, I make the point of order on the

Mr. HAY. I will state to the gentleman that that is a statute which is repealed providing for additional pay to these officers of \$100 a year.

Mr. MANN. I understand the department advised it, but what was the reason for having that provided for in the first

instance, if the gentleman can tell?

Mr. HAY. It was provided for many, many years ago, and presume the reason was they had additional duties to perform, which now can be performed by the extra officers in the various battalions and commands under the organization act of 1901.

Mr. MANN. Are these acting commissaries commissioned officers?

Mr. HAY. They are line officers. They are not detailed to the Subsistence Department, but they are line officers at their

posts, as I understand it.

Mr. MANN. Well, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, \$2,800,000.

Mr. KAHN. Mr. Chairman, on page 14, line 4, I move to strike out the words "eight hundred thousand" and insert the words "nine hundred and eleven thousand five hundred and seventy-five.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report. The Clerk read as follows:

Page 14, line 4, strike out the words "eight hundred thousand" and insert the words "nine hundred and eleven thousand five hundred and seventy-five."

Mr. KAHN. Mr. Chairman, the estimate for the pay of retired officers is a mathematical calculation, and the only hypothesis upon which you could reduce the amount is that a larger number of officers are going to die during the current year, or, rather, during the year for which this appropriation is made. As against that hypothesis there is always a possibility of more officers going on the retired list. The estimate has been carefully made, and unless it be restored in accordance with the amendment I have offered, I feel confident that a deficiency appropriation will be asked for.

Mr. HAY. Mr. Chairman, the amount provided for for the pay of officers on the retired list in this bill is ample, in my

judgment, to meet whatever may be required. It is a wellknown fact that you can not make a mathematically exact computation of how many people are going to be on a list who are subject to die at any time, and it is also a well-known fact that most of the officers on the retired list who die are those of advanced grade and who are drawing the highest pay. The appropriation has not been cut in a haphazard way, and I believe that we are making ample provision, and I hope the amendment will not be adopted.

Mr. MANN. I would like to ask the gentleman whether the reduction in the bill from the estimates on this item is caused in any way by the provision in section 7 of the bill proposing to eliminate the provision for the four years' service at West Point?

Mr. HAY. Somewhat. There are a good many officers on the retired list who are enjoying that pay by reason of their service at the Military Academy.

Mr. MANN. Does the gentleman think it is quite fair to those officers who have been retired to cut off a portion of their compensation?

Mr. HAY. Well, it was very difficult to make a distinction between them and those on the active list.

Mr. MANN. I can see it is not an easy matter.
Mr. HAY. It would not be fair, in my judgment, to apply a principle to one class and not apply it to the other. It may work a little hardship, but I do not think it would work any great hardship, because most of the men have served the 20 years under which they are entitled to receive the additional compensation, not counting the 4 years at the academy.

And I want to call the attention of the committee to this particular proposition, that it was stated in the hearing that all the retirements by age were anticipated, but the deaths were not anticipated. So that you see the reason for the cut, so far as providing for those who die, on the retired list,

The CHAIRMAN. The Clerk will report the amendment. Mr. HAY. The amendment pending is the amendment that has already been reported, offered by the gentleman from

California [Mr. KAHN].

The CHAIRMAN. There has been some discussion on it, and thought it was advisable to have it read again. The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. Kahn: "Page 14, line 4, strike out the words 'eight hundred thousand' and insert in lieu thereof the words 'nine hundred and eleven thousand five hundred and seventy-five.""

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, \$2,150,000. Mr. KAHN. Mr. Chairman, I desire to offer an amendment, to strike out in line 15 the words "one hundred and fifty thousand" and insert in lieu thereof the words "two hundred and forty-nine thousand nine hundred and forty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 15 strike out the words "one hundred and fifty thousand" and insert the words "two hundred and forty-nine thousand nine hundred and forty."

Mr. Chairman, I offer that amendment for the Mr. KAHN. same reasons that I offered the former amendment. I fully believe that the entire amount of the estimate will be required to pay the enlisted men who are on the retired list, and unless the amount of the estimate should be appropriated there will be a deficiency in the item.

Mr. MANN. Mr. Chairman, does the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. Certainly. Mr. MANN. The gentleman has offered a number of amendments to increase the amounts appropriated by the bill, in order to conform with the estimates of the department, to pay officers and men where the amount of the pay is fixed by law?

Mr. KAHN. Exactly.
Mr. MANN. Does not the gentleman think, however, that
the amounts provided in the bill will be sufficient to provide the necessary pay until next December, after the election in Novem-

man from Illinois, and I believe that in December there will be estimates from the department calling for deficiency appropriations to make good the reductions in this bill.

Mr. MONDELL. The gentleman realizes that these deficiency

estimates will come to a Republican House?

Mr. FOSTER of Illinois. Not next December. [Laughter on the Democratic side.]

Mr. KAHN. They will come to a Democratic House in

Mr. MONDELL. Oh, yes, in December; but— Mr. KAHN. But, of course, after the 4th of March of next year we on this side will appropriate, so that there will be no necessity for deficiency appropriations. [Applause on the Republican side.]

Mr. PAYNE. There will be an end, then, to this sham reform.

[Laughter on the Republican side.]
Mr. HAY. Mr. Chairman, I want to say in response to the insinuations of the gentleman from Illinois-

Mr. BURLESON. They were made jokingly-

Mr. HAY. That the cuts made in this bill were not made for any political purpose; but if they had been so made, we would simply have been following the example set by the gentlemen on the other side, who two years ago did make cuts which did result in deficiency appropriations. [Applause on the Democratic side.]

Now, the cuts which have been made here were made because it was believed that they could be made safely, without in any way interfering with or impairing the efficiency or stopping the pay of any man in the Army. As to the prophecy of the gentleman from California and the gentleman from Wyoming, I am glad to know that they are having some consolation in their hearts in thinking what they hope will come to pass—
Mr. BURLESON. "Hope springs eternal in the human breast"

breast"

Mr. HAY. But which, in the present temper of the country, will never come to pass. [Laughter and applause on the Democratic side.1

The CHAIRMAN. The question is on the amendment offered

by the gentleman from California [Mr. KAHN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. KAHN. A division, Mr. Chairman.

The committee divided; and there were-ayes 26, noes 22.

Mr. KAHN. Tellers, Mr. Chairman. Tellers were ordered, and the Chairman appointed Mr. Hay

and Mr. KAHN. The committee again divided; and the tellers reported-ayes 30, noes 54.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. The item in reference to retired pay of enlisted men is one that involves a great expenditure of the public money under this bill, and it has involved a great expenditure of the public money for many years past. In this bill the amount appropriated under this item is 14-per cent of the entire appropriations for enlisted men. In the hearings had before the committee on the question of the service corps, which is contemplated in the legislative features of this bill, it was stated that in the computation made to show the savings to the country by reason of the enactment of the section providing for the service corps, the matter of retired pay had been considered and that retired pay would probably go to approximately 4 per cent of the number of men in the corps, because the number of men who were drawing retired pay among the enlisted men was about 4 per cent of the Army; and I submit that, like many of the other statements with reference to the savings to be made, the figures are misleading.

Four per cent can not be the proper percentage in the Army as constituted, with a maximum enlisted force of 80,000 men. Up to 1898 the Army was comprised of 25,000 enlisted men. Then came the Spanish-American War, and there was a considerable increase. Finally, in 1901, the law was changed, and from that time we have had an Army with a maximum strength of 80,000 enlisted men. So that, as a matter of fact, the 4 per cent can not refer to the 80,000 men, because they could not have gone on the retired list. All of the men who are now on the retired list must have begun their service when the strength of the Army was only 25,000 men. Therefore I desire to point out to the committee that the figures given to the Committee on Military Affairs are erroneous, and that the savings that were contemplated can not be made; that is, the savings will not be as great as was figured out upon the basis of a 4 per cent list of retired men.

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read:

The Clerk read as follows:

For pay of 10 contract surgeons, at \$1,800 each per annum, \$18,000. Mr. MANN. I reserve a point of order on that paragraph

for the purpose of asking the gentleman in charge of the bill whether the pay of contract surgeons is fixed by law at \$1,800.

Mr. HAY. Yes; it is. It always has been. Mr. MANN. Heretofore there have been 20 of them.

Mr. HAY. Yes. We cut them down one-half, because under the present arrangement in that corps they have a large number of reserve surgeons who can serve whenever they are ordered to do so, and they have been employing them; and when the Medical Corps was increased it was stated that they would do away entirely with the contract surgeons. They have been gradually cutting them down. We thought, in view of the fact that the corps has been increased, and that they are adding to the corps this year a considerable number of that increase, we could do away with one-half of these contract surgeons in

Are they adding to the commissioned officers? Mr. HAY. Yes; under the law so many of them go in every ear for five years. This, I believe, is the third year, and they year for five years.

are adding to them this year.

Mr. SLAYDEN. Mr. Chairman, will the chairman of the committee state, if he remembers, how many men there now are in the Medical Corps from this reserve corps that was created a few years ago?

Mr. HAY. I do not know, Mr. Chairman. I can not answer

that. There are a considerable number of them.

Mr. SLAYDEN. Is it not true that the medical reserve officers have pretty nearly superseded the contract surgeons?

Mr. HAY. That is what I have stated. They are allowed to employ them, and they have practically taken the places of these contract surgeons.

Mr. SLAYDEN. They absorb them into the regular line?

Mr. HAY. Into the line; yes.
Mr. MANN. I withdraw the point of order.
The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For pay of 15 Army paymasters' clerks, retired, \$24,750.48.

Mr. MANN. I reserve a point of order on that paragraph. Mr. HAY. I will state to the gentleman that this is in ac-

cordance with a law passed at the last session of Congress giving to Army paymasters' clerks the same privileges as are

now enjoyed by paymasters' clerks in the Navy.

Mr. MANN. Yes; I remember the act of Congress, which I very strenuously opposed when it was up for passage. that, as I understand it, since the passage of the act of Congress 15 or 16 paymasters' clerks, who were purely civilian employees prior to that time, have been placed on the retired list at three-quarters pay. I remember, I think, the statement that was made on the floor of the House at the time was that there were very few of these paymasters' clerks who were of

sufficient age and service to be retired. Mr. HAY. I do not recollect what was said on the floor of the House, but this provision was put in the bill in accordance with that law. The gentleman may remember that the provision was put on the Army appropriation bill not in this House, but in the Senate.

Mr. MANN. But it was discussed in the House. Mr. HAY. Yes; of course, it was discussed in the House.

Mr. MANN. And I am calling attention to it as an illustration of what happens whenever you create a retired list in any branch of the service. Congress is led to believe, and under that belief enacts legislation, that there are only a few that will be retired and that there never will be very many retired. But here, the first crack out of the box, we find 16, which is a large percentage of these paymasters' clerks, going on the retired list. Just what will happen when we add four or six thousand more enlisted men in the Army in place of the civilian employees I do not undertake to say, but I apprehend that 20 per cent of them will get on the retired list sooner

or later. I do not know that I am opposed to that, but Congress is up against the proposition whether it will create a civil pension list, and also whether, being opposed to that, it allows the department to—what you might almost call sneak in and put certain classes of civilian employees on the retired list, without treating them all alike. There is no more reason for putting Army paymasters' clerks on the retired list than there is of putting all the clerks in the War Department on the retired list.

Mr. KAHN. Mr. Chairman, as I recollect the matter, it was up before the Military Committee of the House, and the committee did not take favorable action on the bill. As the gentle-

man from Virginia [Mr. HAY] has stated, the measure to make the paymasters' clerks officers of the Army was put on in the other branch of Congress. As I recall, in the hearings before the committee it was stated that not more than three or four clerks would go on the retired list at the beginning. I have in mind now the section of this bill the gentleman from Illinois has referred to. Five thousand civilian employees are to be incorporated in the service corps—noncombatants. It was stated to our committee that some of these men are 68 years old, and I believe the language of the bill would allow these men to be enlisted under such regulations as the Secretary of War may make.

Now, I believe confidently that if that section of this bill be enacted into law these men will be enlisted—at any rate, those that the department desires to have enlisted—and that next year there will come in a large appropriation for the pay of retired service-corps employees. That is one reason that impelled the minority members of the committee to oppose this provision of the pending bill.

Mr. MANN. Mr. Chairman, I withdraw the point of order. Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I was gratified to hear the gentleman from Illinois [Mr. Mann] say what he did about the growth of the retired list, particularly in connection with the law enacted two years ago retiring the paymasters' clerks. I am pleased to say that my skirts are clean as to that particular invasion of the retired list. I did not believe in it when it was done, and stated that it was a civil-service pension, and as such I opposed it, and to all such legislation I am in uncompromising hostility.

I do not believe, however, that the cases are parallel-that the corps of enlisted men or the service corps is parallel with that provision. We have had a large number of employees, and it is not intended to increase them. It is intended to put them into the service corps and subject them to military regulations. Gen. Aleshire and others testified as to the probable results of it, and my recollection is that that opinion was concurred in by all of them—that it would effect an important annual saving to the Government. They are enlisted men. I remember asking the question if in the event of an emergency these enlisted men, who were doing noncombatant service, could be used for other purposes. The answer was, as I remember it, that they were on the same plane as the Hospital Corps men and would render most efficient and valuable service that should be done by somebody. I believe in an enlisted service corps to dis-place the service corps of high-priced civil employees, and I believe it will result in a large annual saving to the Government.

Mr. KAHN. Does the gentleman recall that when the measure was before the Committee on Military Affairs to make the Army pay clerks officers of the Army it was stated by Gen. Whipple, I believe, that very few would go on the retired list? Mr. SLAYDEN. No; but if the gentleman says he said that I accept the gentleman's statement about it.

Mr. KAHN. I have that impression. Instead of very few,

Mr. KAHN. I have that impression. Instead of very few, 16, I believe, have gone on the retired list the first year.
Mr. SLAYDEN. Some, I think, went on in 20 days.
Mr. KAHN. I dare say that is so; I do not doubt it for a moment. Probably the ink was scarcely dry before some of them made application to be retired. The point I desire to make at this time, however, is this: That in the organization of the service corps, provided for in this bill, opportunity will be given to all clerks and employees in the various departments consolidated in the supply corps to enlist in the service corps.

The Secretary of War will be able to make such regulations as he may desire to enable those men to enlist, and it was stated before the committee that many of those clerks are ad-

Mr. SLAYDEN. Let me ask the gentleman, in that connection, if it is the intention to include them in the service corps? Mr. KAHN. The Secretary has authority to do it, and I am positive it is intended to do it, for, if the gentleman will recall, I think it was Geft. Sharpe who stated that he had some

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KAHN. I ask unanimous consent that the gentleman

may have five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from Texas may be extended for five minutes. Is there objection? [After

a pause.] The Chair hears none.

Mr. KAHN. I believe Gen. Sharpe stated to the committee that he had some men who were well along in years, but whose services were exceedingly valuable to the department. I do not know whether any other staff officer testified on that point, but I believe Gen. Sharpe did.

Mr. HAY. Let me ask the gentleman a question. What does the gentleman propose to do with these old clerks?

Mr. KAHN. If you do not have a service corps? Mr. HAY. If you continue them until they die or resign or are removed for cause?

Mr. SLAYDEN. Then they get paid a pension-

Mr. KAHN. They do not get a pension at all.
Mr. HAY. Draw a salary while they are unable to perform their duties?

Mr. KAHN. On the contrary, Gen. Sharpe's statement was that they were exceedingly efficient and that if the servicecorps provision were enacted into law he would want a number of these old men to enlist because of their value as employees to the department, and I want simply to call to the attention of the gentleman from Texas that if this service corps be established many of these old employees will be retired.

Mr. HAY. And if they are not retired, they will be kept in the service until they die, as we all know, and therefore be a much greater expense to the Government than they would be on the retired list.

Mr. MANN. That is the whole question of a civil-pension

Mr. HAY. I am not talking about a civil-pension list. The gentleman is talking about the enlisted men.

Mr. PRINCE, Will the gentleman permit a suggestion on that point?

Mr. PRINCE. Look on page 54 of the bill, about the center of the page, beginning line 10, and you will find this language:

Provided further, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the terms of this act may enlist in the supply corps.

Evidently a clear suggestion to the Secretary of War without fixing the limit of age within which civilian employees were actually employed by the Government; in other words, the right to put them on the retired list. We might as well face it first

Mr. HAY. What does the gentleman propose to do with them now; propose to keep them in the service?

Mr. PRINCE. I propose you leave the whole service corps-Mr. HAY. I am not talking about that; I am talking about the men who were there before-

Mr. PRINCE. Let them stay where they are now.

Mr. HAY. Exactly; they are not pensioned. Paymasters' clerks and a few men doing clerical work put on the retired list at retired pay as against other clerks who are receiving nothing.

Mr. SLAYDEN. Mr. Chairman, let me ask the gentleman

from Illinois a question. You say you are proposing to keep

them there until they die?

Mr. PRINCE. I did not say that. I said to let them stay where they are. Let the operation of law go on.

Mr. SLAYDEN. It is presumable that people who are on the retired list sometimes die.

Mr. PRINCE. Some of them die, and some of them are removed for cause.

Mr. SLAYDEN. No clerk who is physically and perhaps otherwise disqualified from rendering adequate service in return for his monthly stipend resigns because a kind-hearted Government and a kind-hearted administration permits him to continue on the pay roll, even though the salaries they receive are virtually a pension, despite the opinion of the gentleman from Illinois [Mr. PRINCE] to the contrary. What I mean by that is that they draw the salary of the place but render very little service. Now, which will cost the Government the greater sum of money-to retire the enlisted man after he has reached an advanced age at three-quarters of the pay of an enlisted man, or to keep incapable clerks on the list as employees until they die of old age?

It is a pure speculation on my part as well as Mr. PRINCE. upon yours, but I would say at the period of 15 or 20 years there would be more people on the retired list as the result of a service corps, and the expense would be greater to the Government, than a like number in the civil service and keeping them employed when they are practically useless.

MONDELL. Mr. Chairman, I am somewhat surprised to hear the gentleman from Texas [Mr. SLAYDEN] and the gentleman from Virginia [Mr. HAY] admit that apparently the controlling argument which they have in favor of the proposed service corps is the establishment of a system of civil pensions.

Mr. HAY. I deny that I said anything of the sort. Mr. MONDELL. And for the purpose of establishing-

Mr. HAY. The gentleman can not put words in my mouth. Mr. SLAYDEN. I can not permit the gentleman to interpret my language in that way.

Mr. MONDELL. I regret that I misunderstood the gentlemen. I will state it in another way. They are defending the establishment of a service corps as they would defend a bill for the establishment of a civil pension list, giving exactly the same reasons for the establishment of this corps that they would for the establishment of a civil pension list, if they favored it. Now, if we are going to establish that kind of a policy in the country we ought to reach it with regard to the entire Government service and not by piecemeal with reference to certain employees of the Government.

Mr. SLAYDEN. I would like to interrupt the gentleman for just a moment. The gentleman makes a mistake in assuming that this is a civil-service corps. It is to be a part of the Army, and the rate of wages paid in the Army for enlisted men of

the same rank.

Mr. MONDELL. The civil employees are to be civil employees of the military service.

Mr. SLAYDEN. But the soldiers who are doing civil work now are not civil employees.

Mr. MONDELL. They are enlisted men, and enlisted under conditions which make them fit for the performance of military duties. But this service corps might be constituted of men most of whom could be retired in a very brief period. We have here an illuminating illustration of what would occur under the operation of your provision for a service corps. illuminating because, within a year after we pass a bill to place on the retired list certain civil employees of the military establishment, we find that 12 to 14 per cent of the entire appropriation for that corps is to be paid to men who are now performing no service. We have heard for a long time that the pen is mightier than the sword. Here is apparently proof that the pen is deadlier than the sword, for more men who wield the pen are placed upon the retired list, I presume because of disability incurred in the service, than we have of the fighting corps of the Army, proportionately. It seems to me that it would be well, and that has always been the view I have taken in regard to all of these matters, that we should keep our military establishment as a fighting force. If it is good policy to establish a civil pension list, let us do it, having in view the necessities and the condition of our entire civil establishment. It certainly can not be justified in connection with the military establishment alone.

Every man who draws a pension or who is on the retired list of the Army should be a man who, while rendering the service for which he is pensioned or for which he secures the retired pay, was ready and prepared at any time to expose himself to the bullets of a hostile force. We ought to know, when we salute a man who wears the uniform of the United States Army, that he is really a fighting man, that he obtained his title and

his emoluments as a fighting man.

I think we ought to maintain the military establishment as a military establishment strictly, as an efficient fighting force, and that every man who has a title in our Army should acquire that title as a fighting man, and that any man who receives emolument by reason of service should receive it by reason of his service as a part of a fighting force. This includes, of course, the men of the Medical Corps who are liable at any time to be called to do dangerous duty. My thought is that we should keep the military and civil services separate.

The CHAIRMAN. The time of the gentleman has expired. Mr. HAY. Mr. Chairman, the gentleman from Wyoming is entirely mistaken as to the character of this proposed service The gentleman says you must maintain an army as a fighting machine. I would like to know how we are going to maintain it as such if we are not to have teamsters and wagonmasters and mechanics and all the other various branches of semimilitary service which must be performed in connection with the Army.

Mr. MONDELL. That is true, of course; and they are very honorable occupations. But the gentleman would not say that these men ought to be given military titles or be paid pensions

or retired pay as fighting men?

Mr. HAY. No; I am not advocating that at all. matter of fact during the last six years the veterinarians of the Army have been given pay and allowances by this Congress. The dental surgeons have been made into a corps and given title by this Congress, and have been permitted to go on the

Now, it is all very well to say that it ought not to have been done, but as a matter of fact it has been done, and it is a part of the law to-day, and, so far as I know, the gentleman from Wyoming helped to do it. This service corps is intended, among other things, to replace certain men who are now detached from their commands and who are now performing duties not of a military character at all; not the duties of a

soldier, strictly speaking, but the duties of teamsters and wagonmasters and clerks and stenographers and all the various kinds of duties that ought to be performed not by soldiers but by men in a service corps.

The gentleman says that nobody ought to have a pension who does not fight. Yet if the pensions were taken away from all the people who now enjoy them but did not fight, it would be a very great saving to this country, and I believe it ought to be

Mr. MONDELL. But the gentleman realizes, does he not, that all of those men placed themselves in a position where they could have been called upon to fight at any time, and it was not their fault that they were not called on to fight and did not fight?

Mr. HAY. I did not say anything of the kind. Mr. MONDELL. Oh, if the gentleman is referring to dependents of fighting soldiers, that is a very different thing.

Mr. HAY. No; I am not referring to the dependents of fighting soldiers, but I am referring to the soldiers themselves who never fought.

Mr. MONDELL. But they enlisted to fight.

Mr. HAY. Some of them enlisted to fight, and some of them enlisted not to fight. The gentleman knows that the Hospital Corps of the Army is an organization composed of noncombatants, men who do not fight, and yet the members of that

Mr. MONDELL. Oh, the gentleman knows also that the

Hospital Corps is often exposed to hostile fire.

Yes; and so is the teamster and the wagonmaster. Mr. HAY. and so are all the other people employed with the Army when-ever it goes into the field. They are many times liable to receive the hostile fire of the enemy, so far as that is concerned.

This service corps is a comparatively small corps. It saves money. It saves a large amount of money. I can not see that any objection has been made to it, except because it does save money.

Mr. MONDELL. Was not the argument made for this retirement of paymasters' clerks that it would save money?

Mr. HAY. Never on earth that I have heard of. I never heard anybody make any such argument.

Mr. SLAYDEN. Who was responsible for that legislation?

[Applause on the Democratic side.]

Mr. MONDELL. Not the gentleman from Texas or myself. Mr. HAY. It has been shown that this service corps will save money; and therefore I do not see any reason why men who are in the service of the Army should not be paid as enlisted men. They are not civilians.

Mr. MANN. Mr. Chairman, I do not wish to be understood as being opposed to a civil pension list, nor do I wish to be understood as being opposed to the creation of a service corps. The matter having been brought up, the proposition in the bill for the creation of a service corps will operate to put a certain class of employees now on the civilian side onto the military side and provide a pension for them, or, rather, provide retired

pay for them.

In the consideration of bills which necessarily will soon come before Congress for the creation of a civil-pension list or a civilretirement list, it is essential that Congress give consideration to the length of service which will allow retirement and to the amount of pay which the retired officers or employees shall re-The most insidious method of legislation is to offer propositions to a body opposed to a general principle, which involve the general principle, and obtain the acquiescence of the body, so that in the end the general principle itself will be acquiesced in. A man now a clerk or a stenographer in the Army will, under this bill, be placed in the military service, and after he has had 30 years' service, when he is 50 years old, if he enters at the age of 20, he will go on the retired list for life at three-quarters pay and allowances. I ask the gentleman how much that will amount to, to the highest paid noncommis-sioned officer? If anybody can tell me I should like to have the information.

Mr. HAY. I can tell the gentleman. Mr. MANN. My information is that it amounts to in the neighborhood of \$100 a month.

Mr. HAY. Oh, no.
Mr. MANN. The gentleman says "Oh, no." How much are the allowances?

Mr. HAY. I will tell the gentleman in a moment.
Mr. MANN. I will call the attention of the gentleman to the fact that the 15 Army paymasters are to receive \$24,750 in pay alone, and that does not include their allowances. The total would amount to \$200 a month.

Mr. HAY. That is a different proposition. Mr. MANN. I know it is.

Mr. HAY. I will give the gentleman the figures in a moment. Mr. MANN. The highest paid noncommissioned officer receives, I believe, \$1,400 a year, with allowances.

Mr. HAY. What noncommissioned officer is that? I will

undertake to say there is no noncommissioned officer who re-

ceives \$1,400 a year.

Mr. MANN. That amount may be with the allowances. think they receive in the neighborhood of \$100 a month, some of them, with allowances for quarters, lights, heat, fuel, subsistence, and so forth.

Mr. HAY. I have the figures here. The largest pay of any

noncommissioned officer is \$900 a year.

Mr. MANN. That is the pay?
Mr. HAY. That is the pay; yes; but when he gets on the retired list he only gets three-fourths of the pay and no allow-

Mr. MANN. He does not get any allowances?

Mr. HAY. No.
Mr. MANN. Then I am mistaken about that, if the gentleman is correct, but I do not think he is.

Mr. HAY. I have the Paymaster General's report as my

anthority

Mr. MANN. Ni Mr. HAY. Yes. Mr. MANN. Is Nine hundred dollars a year is the flat pay?

Is there any increase on account of extra service?

Mr. MANN. Is there any increase on account of extra service: Mr. HAY. Yes.

Mr. MANN. How much does that amount to? I will not detain the gentleman. I have been informed, and I believe the information is correct, that some retired enlisted men receive over \$100 a month as retired pay and allowances. But, be that as it may, I have no objection to it. To take a clerk or stenographer under the Government and give him retired pay at the mad of 20 years' service or if he serves in the Philippines at end of 30 years' service, or if he serves in the Philippines at that time at the end of 15 years' service, to give him threequarters pay and allowances for life is not a proper consideration in the creation of a civil pension list.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. SLAYDEN. I ask unanimous consent that the gentle-

man be allowed two minutes more.

The CHAIRMAN. The gentleman from Texas asks that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. MANN. I think we are coming to the creation of a civil pension list. I do not want to see Congress, if it can avoid it, for the purpose of creating a service corps, which may be desirable and necessary; I say, I do not wish to see the Government give these clerks or other civilian employees of the Government, after only a few years service, when they are in the very prime of life, a higher retired pay proportionate to the regular pay that will induce them to go on the retired

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Illinois a question. What is the allowance of a retired enlisted man-he speaks of retired pay and allow-

They have no allowances on the retired list, as I understand it. I want to state to the gentleman from Illinois that the highest pay of the highest grade of noncommissioned officers is \$99 a month, which is in his seventh enlistment, so that if a man has served 30 years in the Army in the highest grade he gets \$99 a month or \$1,188 a year.

Mr. SLAYDEN. Can the gentleman tell us now how many

enlisted men are on the retired list?

Mr. HAY. I stated that the other day. I think it is 3,200

and a little over.

Mr. PRINCE. Mr. Chairman, I think the gentleman from Virginia, chairman of the committee, has given this informa-tion in his statement the other day. On February 3, on page 1697 of the RECORD, he said this:

1697 of the Record, he said this:

Mr. Mann. I take it that if they were working with the clerks they would work with citizens.

Mr. Hay. Yes; for a while.

Mr. Mann. Will the gentleman incorporate in his remarks a statement showing the total amount that would be received by each of these classes, both pay and commutation or allowance?

Mr. Hay. I will read it to the gentleman now. Master electricians would receive \$1,143.81 a year; sergeants of the first class would receive \$1,113.81 a year; sergeants would receive \$1,010.81 a year; corporals would receive \$51.81 a year; privates would receive \$788.31 a year; and cooks, \$933.31 a year.

Mr. Mann. Does that include commutation or subsistence?

Mr. Hay. That includes everything—pay, commutation for quarters, food, clothing, and everything that the enlisted men of the Signal Corps now receive.

now receive.

I will ask the chairman if that includes longevity pay? Mr. HAY. Longevity pay depends on the number of years they serve. I have just stated to the gentleman from Illinois

that a man serving his seventh enlistment gets \$99 a month, or \$1,188 a year. That is the highest pay of a noncommissioned officer.

Mr. PRINCE. In other words, it is practically \$100 a month.

Mr. HAY. Yes.
Mr. PRINCE. Under the provisions of this bill the Secretary of War can fix the limit——

Mr. HAY. Oh, the gentleman is assuming that everybody will get into the place of the highest noncommissioned officer, which is impossible, for there are only 15 provided for in the

Mr. PRINCE. Yes; but it is quite likely that those 15 will receive the highest pay and be put on the retired list about the time that the ink is dry.

Mr. HAY. I think that would be hardly possible, presume that there is any dishonesty among the officers who are going to carry out the provisions in this act, and surely they would not put a man as master electrician on the retired list who was only a wagoner or a teamster.

Mr. PRINCE. I do not think they would, but I have before me an illustration of less than one year. I remember distinctly that I asked how many men would be affected by the retirement provision for paymasters' clerks, and it was estimated that there would be four or six. Sixteen are now there at retired pay of about \$200 a month. The old soldier who fought four years in the Civil War is given \$12 a month against \$200 for men working in comfortable quarters as paymasters' clerks. That is a fair sample of what a civil pension list for clerks will amount to.

The men who do the service for their country receive but little, and the men who do but little, except in the clerical sense, will receive the large pay. I am not going to subscribe to the civil-service pension list yet, and I am opposed to it in this shape.

Mr. HAY. Mr. Chairman, I do not know anybody who is in favor of a civil-service pension list, and surely I am not. am not advocating anything of the sort, nor is there anything of that sort in this bill.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, military commissions, and compensation of reporters and witnesses attending the same, \$35,000: Provided, That hereafter enlisted men may be detailed to serve as stenographic reporters for general courts-martial, courts of inquiry, military commissions, and retiring boards, and while so serving shall receive extra pay at the rate of not exceeding 5 cents for each 100 words taken in shorthand and transcribed, such extra pay to be met from the annual appropriation for expenses of courts-martial, etc.

Mr. PRINCE. Mr. Chairman, I reserve a point of order against that provision beginning on line 5 of page 16, for the purpose of having the chairman explain to the committee the reason for it.

Mr. HAY. Mr. Chairman, the provision on page 16 of the bill providing that enlisted men may be detailed to serve as stenographic reporters is recommended by the War Department, as it will decrease the expense of these trials. The letter of the Secretary of War recommending this legislation is as fol-

War Department,

Washington, December 9, 1911.

Dear Mr. President: I have the honor to transmit herewith a proposed amendment to the Army appropriation bill for the fiscal year ending June 30, 1913.

The purpose of the amendment is to effect an economy in the expenses of general courts-martial, courts of inquiry, military commissions, and retiring boards.

The employment of a stenographic reporter to record the proceedings, testimony, etc., of such courts and boards is frequently necessary to conserve the time of the numerous officers sitting thereon. Such duty not being of a strictly military nature, it is fitting that a small compensation should be paid to enlisted men performing it, as is done in all other cases of extra duty not of a military nature performed by enlisted men.

The law at present forbids the payment of compensation to enlisted men for clerical work on courts-martial.

Stenographic reporting requires the services of a specially trained man, and it is deemed proper to pay to an enlisted man performing such duty a modest compensation, which will enable the War Department to utilize the services of soldiers skilled in this class of work and obviate the payment of a much higher rate to civilian stenographers.

Very respectfully,

H. L. Stimson.

The PRESIDENT.
The White House.

That is the only explanation I have to make.

Mr. PRINCE. Mr. Chairman, I withdraw the point of order.
Mr. MURRAY. Mr. Chairman, may I inquire whether or
not there was any further consideration given by the committee
to the proposition than the mere receipt of the letter from the Secretary of War?

Mr. HAY. Yes. We questioned the Paymaster General in

Mr. MURRAY. It seems to me that this provision brings up a question of whether or not it is proper to have enlisted men do a kind of high-grade special work that men in ordinary private life are paid not 5 cents a hundred words for doing, but in my city-and, I think, in most cities of the country-at the rate of 25 cents per folio of 100 words. It does not seem to me, as one who had some service in the Army during the War with Spain, to be proper to have enlisted men brought in direct competition with men who are making a living out of this kind of high-class skilled work. Of course, if the committee has considered that phase of the thing, I do not mean to be insistent against it, but the chairman says that about all there was to it was the letter of the Secretary of War.

Mr. HAY. Mr. Chairman, I will say to the gentleman that it is the custom in the Army to employ soldiers for all kinds of work, and to pay them extra-duty pay, ranging from 25 to 50 cents a day, in accordance with the character of the work which they perform. This is simply in line with the practice in I do not think that it could be called coming into competition with men in civil life, because it is Army work, and if we have men in the Army who are capable of performing it there is no reason why we should not employ them to do it.

Mr. MURRAY. I think there is a reason, if I may suggest it to the chairman, and it is not this case alone that has been called to my attention as a Member of the House. In the navy yard in Boston, in the district that I have the honor to represent, they recently took enlisted men from the ships and had them do the work that the civilian employees of the navy yard had been doing for a long time—ordinary laboring work and electrical work, both skilled and unskilled mechanical work of one sort and another. Men in the military or naval establishment may have a peculiar kind of skill that would equip them to do work that has so long been done by civilians, but to bring these enlisted men into direct competition with civilian employees raises a question of policy whether or not that is a kind of economy to which this House should commit the Government. I think they are parallel cases. I wondered if the matter had been gone into with sufficient care to justify us in this House in voting for a thing that may establish a new policy on the part of the Government.

Mr. KAHN. Mr. Chairman, will the gentleman from Massa-

chusetts yield?

Mr. MURRAY. Certainly.

KAHN. As the gentleman has suggested, there is no doubt but that considerable money will be saved in the pay of stenographers.

Mr. MURRAY. Yes; but is it a wise economy?

Mr. KAHN. I do not agree that it is; but it is in line with what the gentleman's party has done at the present session of Congress, in cutting down the fees of the stenographers to com-

Mr. MURRAY. Of course I do not mean to make this a partisan question. I might retort in kind that a Republican Secretary of War has recommended this to the chairman of this committee. Let us not get off on a tangent.

Mr. KAHN. A Republican Secretary of War—

Mr. MURRAY. I raised the question in all sincerity—

Mr. HAY. I read the Secretary's letter.

Mr. MURRAY. Let us not get into that, because the gentleman knows, of course, a Republican Secretary of War does it in this case just the same as a Republican Secretary of the Navy does it in the navy-yard case that I mentioned; but let Navy does it in the navy-yard case that I mentioned; but let us not go into the political aspect of the thing. Let us treat it upon a broader basis than that. Now, is it wise for the heads of the Army and Navy Departments of the Government to establish these things, which I grant are money savers? There is no question about that feature of the plan. But are they wise economies? Is it wise to pay stenographers one fifth of the amount that is allowed in Boston and, I suppose, is allowed

Mr. MANN. Fifteen cents is paid by the House now.

Mr. KAHN. The rate paid is nearly the same all over the

Mr. MURRAY. By the way, I want to suggest, as one who knows something about the intelligence that is required to do shorthand work, that I do not believe there is a class of men in the world that have to display a higher amount of intelli-gence than the men who take these notes and transcribe them.

The time of the gentleman from Massa-The CHAIRMAN.

chusetts has expired.

Mr. MURRAY. I ask for three minutes. Mr. SLAYDEN. Mr. Chairman—

Mr. MURRAY. I ask for five minutes, as the gentleman from Texas wants to ask me a question.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. The man who takes these shorthand notes

not only must hear what is said and get it clearly into his mind, but he must also possess the mechanical skill to put the thought quickly on paper and then be able to read his notes. I do not believe it is wise economy to have enlisted men drawn in the service not for fighting purposes but for shorthand writing. Men are brought in the service, as the gentleman from Wyoming aptly stated here to-day, for fighting purposes and for the preservation of peace, and I do not believe it is wise to attempt to train here within the Army a class of shorthand writers, or in the Navy a class of men to compete with men in civilian employ. I understand the gentleman from Texas desires to ask me a question.

Mr. SLAYDEN. I am not able to find the hearings at this

moment-

The CHAIRMAN. Does the gentleman from Massachusetts

yield to the gentleman from Texas?

Mr. MURRAY. Certainly; but I do not understand that any hearing was given on the subject, but simply the recommendation of the department taken.

Mr. SLAYDEN. As the chairman of the committee stated, for many years it has been the custom to have soldiers paid for extra-duty work-

Mr. MURRAY. Yes, I understand that.
Mr. SLAYDEN (continuing). Thirty-five or 50 cents a day.
There are enlisted men, at least there are said to be, who are capable stenographers. capable stenographers. Now, they ask, and there is no reason I can see why they should be denied, the privilege of earning more money by doing this work, and if it can be done in a satisfactory manner at less cost, or the same cost to the Government, I fail to see why it should not be done.

Mr. MURRAY. Well, there is this reason: It is bringing enlisted men into competition with men in legitimate, wellrecognized professions and employments outside of the enlisted

service.

Mr. SLAYDEN. Suppose you had a court-martial at Fort Huachuca, Ariz., and there was no stenographer there, you would not want to send to Boston for one, would you?

Mr. MURRAY. Of course not; that question answers itself.

Of course, I am not asking that.

Mr. SLAYDEN. What would you do if you had in the ranks stenographer who was competent; would you not use him?

Mr. MURRAY. I would in that case— Mr. SLAYDEN. That is all that is wanted.

Mr. MURRAY. No—
Mr. SLAYDEN. That is all they want to do.

Mr. MURRAY.. Pardon me, I will state what this bill

Mr. SLAYDEN. That is all the item seeks to do. Mr. MURRAY. What does this bill do? Does not this commit our Government to a policy of bringing enlisted men in competition with men in private employment? And it is the same sort of thing that was done in the Navy Department in the illustration which I cited. Is that a wise policy? It is not enough to say to me what you would do in a post off on the frontier. If you believe it is a wise policy, I would like to hear something so that I can vote for it. I simply meant to raise the question.

Mr. HAY. It is a policy which has been adopted in all the

other branches of work in the Army. That is one strong argument for this service corps. There are 2,400 men that are doing work at garrisons throughout the country that ought to be done by service-corps men. Personally I do not care anything about

this proviso.

Mr. SLAYDEN. It is a money saver.
Mr. MURRAY. The gentleman from Texas [Mr. SLAYDEN]

says it is a money saver. But is it wise?

Mr. SLAYDEN. Well, as I was going to say, it was put in on the recommendation of the Secretary of War, who says there are certain men in the Army who have the ability to do this work and they want to have the detail to do it. As to the broad policy of whether or not we ought to permit competition with men in civil life, I agree with the gentleman from Massa-chusetts [Mr. Murray]. I do not believe we ought to do it.

Mr. MURRAY. Does not this bring them into competition?
Mr. SLAYDEN. I do not believe this is the kind and character of competition to which he refers. It is not like your case in the navy yard, where enlisted men are brought in to do the purely civilian employee's work. It is military work, and they simply want a private soldier or an enlisted man to do the work before a military board. It is true if they do not

do this, they will have to employ a civilian to do it, and therefore it may be said this man would come in competition with the civilian employee. I do not think it is a parallel case. course, the paragraph is subject to a point of order.

The CHAIRMAN. The time of the gentleman has expired.
Mr. MURRAY. I will not insist on the point of order.
Mr. PRINCE. Mr. Chairman, I reserved a point of order for

the purpose of hearing an explanation by the chairman, but since he has ceased his remarks I renew the point of order.

Mr. BURKE of Pennsylvania. Mr. Chairman, I move, then, to strike out the last word. My objection to this proviso is one that has not been suggested by the gentlemen who have heretofore discussed it. In the first place, I do not believe there are many enlisted men in the Army who are competent to perform this service. Nor do I believe that if there are competent men to do the work such as is required in these cases

the allowance made is anything like adequate.

Let us understand, Mr. Chairman, what this means. A man is on trial by court-martial. His honor is at stake and the honor of the American Army may be at stake, and you bring in, as has been suggested by gentlemen on the other side of the House, a man who has been in the backwoods for years doing military service, who has, no doubt, forgotten everything he ever knew in a practical way about his profession as a shorthand writer, and he is placed at the desk in the presence of a man who has raised his hand and taken an oath to tell the whole truth for or against a soldier who may be on trial for Now, it is important not only that the whole truth be told but that the whole truth be recorded. And the incompetent man can not record the whole truth under those circumstances. All experienced stenographers will verify this That record is taken up for review in many cases by the Secretary of War, and in a number of cases by the President of the United States as Commander in Chief of the Army; and I do not believe, Mr. Chairman, that any man in the enlisted force of the Army, who, if he had ever been competent, has retired from the business of writing shorthand, is competent to do that work and do it efficiently and reliably.

Mr. BUCHANAN. Will the gentleman yield?

Mr. BURKE of Pennsylvania. I will.

Mr. BUCHANAN. As I understand, it leaves it optional with the Secretary of War as to whether he shall select an enlisted

man. It says he "may do it."

Mr. BURKE of Pennsylvania. I understand it is optional. but if the proviso amounts to anything it is dependent upon their taking advantage of it. If they do not take advantage of it, the proviso is useless. If they do take advantage of it, they

incur the very risks I have pointed out.

Mr. BUCHANAN. One further question. Mr. BURKE of Pennsylvania. Yes,

Mr. BUCHANAN. Is it not a fact now that enlisted men do

mechanical work?

Mr. BURKE of Pennsylvania. Yes; enlisted men do mechanical work, as any man in this House can do mechanical work; but to do this work requires the rarest kind of skill and constant practice.

Mr. BUCHANAN. Are they not paid extra for doing that

in the Army at times?

Mr. BURKE of Pennsylvania. Yes; that is true; but, aside from the usual objections that are made to that policy—

Mr. BUCHANAN. I was asking the questions as a matter

of information.

Mr. BURKE of Pennsylvania. My high regard for the gentleman assures me that the gentleman is not entering into a useless controversy, and I want to answer his questions re-

Mr. COOPER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Pennsylvania

yield to the gentleman from Wisconsin?

Mr. BURKE of Pennsylvania. Yes.

Mr. COOPER. I would like to ask the chairman of the Committee on Military Affairs, if the gentleman from Pennsylvania [Mr. Burke] will permit, wherein the making these enlisted men do this stenographic work differs in principle from permitting the Marine Band or any other military band receiving pay from the United States Treasury to compete with other musicians? You know there has been a very great deal of discussion about that, about what is alleged to be the injustice of permitting it. These men already receive pay and are assured of enough to keep them well. Then when an opportunity comes up, if they are permitted to play for any company or gathering, they can underbid musicians practicing their profession in civil life. It has met with a very serious protest, and very justly so, I think.

Mr. HAY. I do not think, Mr. Chairman, that it is a parallel case. I think this was intended merely for cases of emer-

gency, and, anyway, it is not recommended by the Secretary of War or insisted upon by him. Personally I do not care anything about the provision. It will save very little money, if any, and if the point of order is insisted on, it will not meet with opposition from me.

Mr. BURKE of Pennsylvania. I was not taking issue with

the gentleman from Virginia.

The CHAIRMAN. The point of order is withdrawn, as the Chair understands.

Mr. COOPER. I make the point of order, Mr. Chairman. Mr. BURKE of Pennsylvania. I understand, Mr. Chairman, that it is too late to make a point of order. Otherwise I would make it myself.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin [Mr. Cooper] that it is too late now to make the point of order.

Mr. BURKE of Pennsylvania. Now, Mr. Chairman, I move to amend, by striking out the proviso, beginning on line 5, down to and including line 13, on page 16.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. Burke].

The Clerk read as follows:

On page 16, line 5, strike out the proviso beginning on line 5, down and including line 13.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Pennsylvania.

Mr. KAHN. Mr. Chairman, I hope that the amendment will In those places where it is impossible to get a civilian stenographer, if there be an enlisted man who can do the work, I presume the department now, under existing law, can employ him for that purpose and give him extra-duty pay. The prevailing rate for stenographic work is pretty nearly the same all over the country. The average rate, I think, is about 30 cents a folio. This proposition would take away opportunities for employment for civilians.

I think the amount of saving that would be made by the enactment of this legislation would be so small that it is hardly worth while to consider it. At any rate, I do not think that the enlisted men should be thrown into competition with

civilian stenographers.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. KAHN. Certainly.

Mr. BUTLER. Does not this secure to the enlisted man his pay? If you leave it to the option of the court-martial he may get no pay at all. He might be required to perform the service without having any additional pay. Do you not take the certainty away from him if you strike out this provision of the law?

Mr. KAHN. There is an item in this bill for extra-duty pay to soldiers who are given employment other than military em-

ployment.

Mr. HAY. Will the gentleman permit me a moment? Mr. KAHN. Certainly.

Mr. HAY. The Secretary of War states, as to the employment of stenographic reporters, that the law at present forbids the payment of compensation to enlisted men for clerical work on courts-martial, so that under the law as it is now it would be impossible to detail a man to do this work.

Mr. BUTLER. I understand that he would get nothing.

Mr. HAY. But you can not detail him for it.

Mr. BUTLER. If the service is performed, it is performed voluntarily, and he can receive no compensation for it.

Mr. HAY. They can not volunteer. They can not employ an enlisted man on this work. The purpose of this proviso was to give them the authority to do it.

Mr. BUTLER. I understand, and I quite agree with the gentleman; but is it not lawful for an enlisted man to volunteer to perform such service?

Mr. HAY. No; it is not. It is so stated.
Mr. BUTLER. I accept the gentleman's statement. He is Mr. BUTLER. better informed than I am on this question.

Mr. PRINCE. Mr. Chairman, I think we had better strike this provision out.

Mr. HAY. I would say to the gentleman that I have no objection in the world to striking it out. I am not opposing the striking out of the proviso.

Mr. PRINCE. The objections that I have to it are these: First, it looks as if the Government of the United States is fixing the amount of compensation per hundred words for short-hand writing and transcribing notes at 5 cents for each 100 words. The next objection is that it is having a soldier come in competition with a civilian. Both of these objections are minor, in a sense, and yet quite important to the civilian who enters into competition with the soldier.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. PRINCE.

Mr. FITZGERALD. Would it not be just as proper to prohibit the efficers of the Army from appearing as counsel in these cases, thereby depriving members of our learned profession of the opportunity to do these things?

Are any of them here now interfering with us? Mr. FITZGERALD. No; but Army officers appear as counsel in all these court-martial cases, and come in competition with, and indeed exclude, lawyers from that class of work.

Mr. BUTLER. It is the worst kind of competition, because they do the work for nothing.

Mr. FITZGERALD. Does not the gentleman think we should

prohibit that outrageous abuse?

Mr. BUTLER. Yes; I think so, and I think we ought to take

care of ourselves.

Mr. PRINCE. The gentleman can offer an amendment to

that effect if he wishes to.

The CHAIRMAN. The time of the gentleman has expired. Mr. HAY. I move that all debate on this paragraph close in five minutes. We have consumed 20 minutes on a provision that we all agree can go out of the bill.

Mr. MANN. I am opposed to its going out of the bill. Mr. HAY. Then I move that all debate on this amendment Mr. HAY. Then I m be closed in 10 minutes.

The CHAIRMAN. The gentleman from Virginia moves that debate be closed in 10 minutes.

The question being taken, the motion was agreed to.

Mr. PRINCE. The main objection is that here are men who have not kept abreast with the profession, a very technical and exacting one, of shorthand reporting. These enlisted men will be called upon to take down the charges made, the words spoken, and all the proceedings in the trial of officers. An officer's life in a sense is at stake. His honor is at stake, and it seems to me that in cases of that kind the most skillful men should be employed in the performance of that duty. It is of as great importance in its way as having stenographers here in the House of Representatives. It requires as much skill and knowledge on the part of a stenographer to do the work as in any court proceeding, because this is a kind of court proceeding. If there are clerical errors in the proceedings as transcribed, how can either side correct them? If a mistake is made by the shorthand reporter, that mistake, perhaps, has to go clear up to the President of the United States. If this be a saving of money at all it is, as the chairman very well says, at the expense of too great an interest to the officers on trial and to the Army as a whole. I hope the Committee of the Whole will strike out this proviso and leave the law as it is, forbidding enlisted men being assigned to this duty. must be a good reason for that, and this is simply another innovation. It is true that the Secretary of War has asked it, but he may have done so at the suggestion of some one else, perhaps not thinking how far-reaching it would be. we can unite upon this proposition of striking this provision from the bill.

Mr. MANN. Mr. Chairman, did the gentleman consume his five minutes?

The CHAIRMAN. He consumed four minutes.

Mr. MANN. Mr. Chairman, this provision in the bill was recommended by the Secretary of War, and it seems to me for very sufficient reasons. If I had not thought the provision a proper one, I should have made the point of order against it and it would have been stricken out, as it is clearly subject to a point of order.

What are the facts? Courts-martial are constantly being held at places where civilian stenographers are not available. The question is, first, whether you can employ an enlisted man without paying him anything to perform stenographic work or whether you will do without the stenographic work, take the testimony in longhand, and prolong the services of the officers working on courts-martial to three times as long as would otherwise be occupied. I think the reasons given by the Secretary of War in his communication to the President on the subject, which were referred to Congress, are extremely cogent and sufficient for including this provision in the law. Whether the extra 5 cents which is provided is sufficient compensation or not, it is not much more than is authorized by law. At present the courts-martial, held as they are constantly at outlying points, must be without a stenographer or else require the enlisted man to work without any extra pay. All this provision asks is to give the enlisted man who serves as stenographer an extra 5 cents for every 100 words he takes and transcribes. This is fair to the stenographer, to the enlisted man, and in the large cities where they seldom have courts-martial it may be that they will employ more expert stenographers. But as long

as we are holding courts-martial throughout the world, I think we ought to provide for the payment of the enlisted man who performs the service.

Mr. COOPER. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman. Mr. COOPER. As I understand it, men enlist in the United States Army to stand up and be shot at if called upon to do so in defense of the country. What authority is there to compel the enlisted man who may be an expert portrait painter to paint portraits or, if he be a stenographer, to take stenographic work? Are either of these things that can be required of him under the terms of his enlistment as a soldier in the United States Army?

Mr. MANN. I do not know whether the law would require any enlisted man to serve or not. I know that all through the Army enlisted men are detailed to perform extra duty and are paid extra-duty pay. It runs all through the service. It is in the interest of the service and for the interest of the enlisted

man who does the work.

Mr. COOPER. Does the gentleman from Illinois think that an enlisted man, a stenographer, who protested against being compelled to report the proceedings of a court-martial when the mercury was 90 or 100 in the shade and to accept pay at the rate of only 5 cents for receiving and transcribing 100 words, could nevertheless be compelled to do the work, although other stenographers receive 30 cents per 100 words? Why should be, if he be an expert and makes such protest, be required to do the work for 5 cents when he enlisted only to be a soldier? I do not think there is any authority to compel him to do it.

Mr. MANN. I do not know whether there is any authority to

require an enlisted man to black an officer's boots.

Mr. BUTLER. He ought not to be permitted to do it, and the officer who would compel him to do it should be courtmartialed.

Mr. MANN. It makes no difference. When a man performs extra duty he should receive extra-duty pay. The question is not whether he should receive 50 cents or 5 cents for 100 words; he ought to be paid something where he now receives nothing, The War Department says he ought to be paid something. I regret to disagree with gentlemen in regard to this, but I believe it is an important provision in the bill in the interest of both the service and the enlisted man.

Mr. BUTLER. Mr. Chairman, will it be in order for me to

submit an amendment? The CHAIRMAN. It will.

Mr. BUTLER. I move to amend by striking out the word five," in line 10, and inserting the word "twenty."

Mr. MANN. That is more than we pay in the House of Representatives.

Mr. BUCHANAN. Will the gentleman yield?
Mr. BUTLER. If I have any time to yield.
Mr. BUCHANAN. Why not make it the prevailing rate of

Mr. BUTLER. I thought I was making it at the prevailing rate of pay. Mr. HAY.

Mr. HAY. Mr. Chairman, I demand the regular order. The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

On page 16 strike out the proviso beginning with line 5 and ending with line 13.

And the amendment offered by the gentleman from Pennsylvania, Mr. Butler, is:

In line 10, page 16, strike out the word "five" and insert the word

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania, Mr. BUTLER,

The question was taken, and the amendment was rejected. CHAIRMAN. Now the question is on the amendment offered by the gentleman from Pennsylvania, Mr. Burke.

The question was taken, and the amendment was rejected. The Clerk read as follows:

For travel allowance to enlisted men on discharge, \$900,000.

Mr. HAY. Mr. Chairman, I move to strike out, in line 21, page 16, the word "nine" and insert the word "eight."

The Clerk read as follows:

Page 16, line 21, strike out the word "nine" and insert the word "eight."

Mr. HAY. Mr. Chairman, I do that by reason of the amendment adopted yesterday afternoon. I am informed that the travel pay on discharge of 3,980 men is \$120,000. In order to be conservative we only move to strike out \$100,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For clothing not drawn due to enlisted men on discharge, \$800,000.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 24, page 16, add the following proviso:

"Provided, That hereafter the allowance of clothing for enlisted men shall be the same for all enlistment periods, and, exclusive of blankets and other articles that are or may be issued or supplied gratuitously, shall be as prescribed for the first enlistment by a War Department general order, No. 67, and bearing date May 25, 1911."

Mr. PRINCE. Mr. Chairman, I reserve the point of order on

Mr. HAY. Mr. Chairman, there is no question but that the proviso is subject to the point of order. It will be observed that this item is \$200,000 more than is submitted in the Book of Estimates. The proviso that I have just offered was pro-

posed at one time to be inserted in the bill.

Under the order referred to in that proviso the amount of clothing on discharge was the same for the second enlistment as for the first enlistment. The order reduced this clothing allowance from \$69 down to, I think, \$33 on the second enlistment. I spoke about this the other day when the question was up. The purpose of this proviso is to give back to the enlisted man an amount which has been taken from him by an order of the War Department, and I hope the point of order will not be made. Of course if it is made there is no doubt but that it is subject to the point of order. If the point of order is sustained I shall move to reduce the sum in the bill to the amount estimated for by the department.

Mr. MANN. Mr. Chairman, I think we can understand with little fuller explanation on the part of the gentleman from

Virginia.

Mr. HAY. I will be very glad to answer any questions that may be asked.

Mr. MANN. I do not know enough about it to ask a question. Mr. HAY. I will say this, Mr. Chairman: Last year, after the bills were introduced by myself for the purpose of bringing about these economies, and particularly the five-year enlistment bill, the War Department issued that order, which they had the right to do, because under the law the President fixes the clothing allowance. Heretofore the clothing allowance has been the same for enlistments, the same for the second enlistment as for After this bill was introduced an order was issued reducing the clothing allowance upon the second enlistment, so that they were thereby enabled to save, as was stated by the Chief of Staff, half a million dollars; but I observe they have cut the appropriation only \$200,000.

That in effect is a reduction in the pay of the Mr. MANN.

enlisted man?

Yes. Mr. HAY.

After the first enlistment?

Mr. MANN. After the first enlistment? Mr. HAY. Yes. Mr. MANN. And that was for the purpose of discouraging—

Mr. HAY. Reenlistment, as I understand it. Mr. MANN. Possibly.

Mr. HAY. It was said it was done for economy, but unquestionably when you decrease a man's pay and the emoluments which he has been in the habit of getting, it will not encourage him to reenlist.

Mr. MANN. An enlisted man under the regulations before this last order, reenlisting, received first an increase in his pay.

Mr. HAY. Yes.

Mr. MANN. And would receive the same clothing allowance as on his first enlistment.

Mr. HAY. Yes. Mr. MANN. Under this order on reenlistment he receives his increase in pay

Mr. HAY. Yes. Mr. MANN. But does not get the same clothing allowance that he used to get.

That is right. Mr. HAY.

Mr. MANN. I never have thought that the enlisted man got any too much.

Mr. HAY. Nor have I. Mr. BUTLER. I understood the chairman to say in answer to a question submitted to him by the gentleman from Illinois that the real purpose of this order was to discourage reenlistment.

Of course that is my interpretation of it.

Mr. BUTLER. Oh, I know the gentleman is not committing the department on it.

Mr. HAY. No; I could not commit the department to anything. [Laughter.]

Mr. BUTLER. I am asking the gentleman's opinion, and I think he is capable of giving us accurate information. not understand, and I am groping around trying to learn, why the allowance for clothing should be reduced on the second enlistment. I thought the department always encouraged a second enlistment.

Mr. HAY. I will say to the gentleman that the department

heretofore has always encouraged reenlistment.

Mr. BUTLER. Yes.

Mr. HAY. But under the present régime they propose to discourage reenlistment, save noncommissioned officers and a few privates who have some technical skill in different branches of the service.

Mr. BUTLER. Does the gentleman have any reason that he

could give me why that discouragement is made?

I do not know, except they want to create a reserve in this country; they want to have a reserve, and they do not want men to stay in the Army more than three years, but want them to go back to the body of the people.

Mr. BUTLER. Well, I know nothing except the gentleman's statement surprises me. I know it is accurate, but his reasons

for it surprise me.

Mr. HAY. I stated my judgment was this allowance was taken away from these men because they wanted to discourage reenlistment. The department has never admitted that that is the reason for it. They said they did it to bring about economy. I think it is a bad place to bring about economy.

Mr. BUTLER. If the gentleman's amendment should prevail, I understand it will restore to the enlisted men that which was

taken away by this order. Mr. HAY. That is right.

Mr. BUTLER. Then, I hope no point of order will be made against it.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. KAHN. As I understand the purpose of the amendment, it is to restore to the enlisted man the clothing allowance that was given him under General Order No. 119, which was dated June 25, 1910?

Mr. HAY. It is to restore to him the allowance which was taken away from him by the last order of the War Department,

fixing the clothing allowance.

Mr. KAHN. Now, in discussing this matter the other day the gentleman from Virginia also stated that he would offer an amendment later on in the legislative features to also restore the clothing allowance.

Mr. HAY. No; I propose to offer it here now, because this is the place where it belongs. I said I would offer it later on in the bill. This is the amendment to which I referred. the bill.

Mr. KAHN. The gentleman replied to some figures which I submitted, in which he endeavored to show that the saving to the country would be much larger if the five-year enlistment plan was put into effect if the order of June 25, 1910, regarding the clothing allowance of soldiers would be restored.

Mr. HAY. Well, no; I did not do that. I said the basis upon which the calculation was made of a saving of \$2,230,000 a year in favor of the five-year plan over the three-year plan was upon the basis of the clothing allowance which was in operation when the bill was introduced, and I said if the present clothing allowance as fixed by the War Department remained as it is now the saving would be much greater.

Mr. KAHN. As a matter of fact, if the clothing allowance were to be restored in accordance with the amendment now pending, the figures on page 44 of the committee's report would

be entirely erroneous.

Mr. HAY. No; they would be exactly as they are, because they were made on that basis.

Mr. KAHN. Well, on page 44-Mr. HAY. What page?

Mr. KAHN. It is page 44 of the committee report, showing the saving made to the country in case the five-year enlistment plan is adopted. I have figures here which show that this amendment will increase the clothing allowance by \$463,625.534 per annum, so that instead of showing a saving at all, if the five-year enlistment plan be adopted, there will be an absolute loss to the country; the expense will be materially increased, and the figures on page 44 are erroneous to the extent of \$1,346,119.13. I ask unanimous consent that I may be permitted to insert the figures in the RECORD.

The CHAIRMAN. The gentleman from California submits a request for unanimous consent that the figures indicated by him may be inserted in the Record as a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

5)221.70

The figures referred to are as follows: CLOTHING ALLOWANCE FOR THE ARMY ANNUALLY, EXCLUSIVE OF THE PHILIPPINE SCOUTS. The following are figures which show the clothing allowance of a soldier at the present time under the three-year plan, based on General Orders, No. 67, War Department, May 25, 1911: Clothing allowance based on 15 years of service.

Ciotaing alionance based on 15 years of servi Initial allowance, first enlistment—Allowance for 3 years, at \$12.175 semiannually—Initial allowance, second enlistment—Allowance for 3 years, at \$12.175 semiannually—Initial allowance, third enlistment—Allowance for 3 years, at \$12.175 semiannually—Initial allowance, fourth enlistment—Allowance for 3 years, at \$12.175 semiannually—Initial allowance, fifth enlistment—Allowance for 3 years, at \$12.175 semiannually—Initial allowance for 3 years, at \$12.175 semiannually—Initial allowance, fifth enlistment—Initial allowance, fifth \$69. 39 73. 05 30. 56 73. 05 30. 56 73. 05 - 30. 56 73. 05 30. 56 73. 05 Total allowance for 15 years_____ 566, 88 Average allowance per man per year_____

Allowance for a year for the Army of 76,912 men____ 2,906,658.304 The following are figures based on the order previously in effect, General Orders, No. 119, War Department, June 25, 1910, and the clothing allowance is worked up on the basis of the five-year plan of enlist-

Clothing allowance based on 15 years of service.

Initial allowance, first enlistment. Allowance for 5 years, at \$13.54 semiannually. Initial allowance, second enlistment. Allowance for 5 years, at \$13.54 semiannually. Initial allowance, third enlistment. Allowance for 5 years, at \$13.54 semiannually.	\$83, 70 135, 40 83, 70 135, 40 83, 70 135, 40
Total allowance for 15 years	657. 30
Aranaga allamanas nos mos mos	49.00

llowance per man per year_____ Allowance for a year for the Army of 76,912 men______ Deduct allowance for the Army under the 3-year plan, as at present allowed______ 3, 370, 283, 84

2, 906, 658, 304 Excess cost of clothing allowance for the Army under the 5-year plan, if based on General Orders, No. 119, June 25, 1910 463, 625, 536

CLOTHING ALLOWANCE FOR THE PHILIPPINE SCOUTS ANNUALLY.

The following are figures which show the clothing allowance of a Philippine scout, at the present time, under the three-year plan, based on General Order 67, War Department, May 25, 1911:

Clothing allowance based on 15 years of service. Initial allowance, first enlistment...
Allowance for 3 years, at \$10.80 semiannually...
Initial allowance, second enlistment...
Allowance for 3 years, at \$10.80 semiannually...
Initial allowance, third enlistment...
Allowance for 3 years, at \$10.80 semiannually...
Initial allowance, fourth enlistment...
Allowance for 3 years, at \$10.80 semiannually...
Initial allowance, fifth enlistment...
Allowance for 3 years, at \$10.80 semiannually...
Initial allowance, fifth enlistment...
Allowance for 3 years, at \$10.80 semiannually... \$30, 60 64, 80 15, 30 64, 80 15, 30 64, 80 15, 30 64, 80 15, 30 64, 80 Total allowance for 15 years_____ 415, 80 Average allowance per man per year_____

Yearly allowance for 5,732 scouts, the authorized strength. 158, 891.04 The following are figures based on the order previously in effect, General Order No. 119, War Department, June 25, 1910, and the clothing allowance is worked up on the basis of the five-year plan of enlistment:

Clothing allowance based on 15 years of service.

Initial allowance, first enlistment	\$30, 60 108, 00 30, 60 108, 00 30, 60 108, 00
Total allowance for 15 years	415. 80
Average allowance per man per year	27. 72

Yearly allowance for 5,732 scouts, the authorized strength. 158, 891, 04

Yearly allowance for 5,732 scouts, the authorized strength. 158, 891, 04

From the above it will be seen that the clothing allowance for the Philippine Scouts would be exactly the same under the five-year plan if General Order No. 119 of 1910 is put into effect as it is now under the three-year plan with general order 67, 1911, in effect.

From page 1 it will be seen that a change to the five-year plan and the putting into effect of the clothing order, General Order No. 119, June 25, 1910, which is the proposition of the chairman of the committee, instead of saving anything to the Government on clothing furnished to enlisted men will actually cost the Government \$463,625,536 more per year than it does now. Counting this as an increased cost to the Government, which it would really be, and adding it to the \$882,493.60, shown as a saving in the first two items in the table at the top of page 44, report of committee on Army appropriation bill. it will be seen that the figures in those two items alone are in error, or will be if the proposed amendment is put into effect, in the sum of \$1,346,119.136.

The error in the two items referred to alone would make the sum total at the bottom of the table at the top of page 44, report of the committee on the Army appropriation bill, \$884,647.184 instead of \$2,230,766.32 as shown.

Mr. HAY. Mr. Chairman, in reply to what the gentleman

Mr. HAY. Mr. Chairman, in reply to what the gentleman has said, I will state that this calculation was made on the 9th

day of May, 1911, by the Quartermaster General of the Army, showing that if the 5-year enlistment was had, based upon the number of 76,912 men, that the saving on the clothing would be \$859,107.04. The gentleman had some figures here the other day which were based, as I understand it, on the present allowance of clothing, and I desire to ask unanimous consent to file in the RECORD a memorandum with reference to the table which the gentleman put in the RECORD the other day, showing that he was entirely erroneous in his figures which he

then gave the House. [Laughter.]

The CHAIRMAN. The gentleman from Virginia submits a request for unanimous consent that the figures indicated by him may be put in the Record as part of his remarks. Is there objection? [After a pause.] The Chair hears none.

The figures are as follows:

Memorandum with reference to the table submitted by Mr. Kahn, con-cerning savings under five-year enlistment bill and printed in the CONGRESSIONAL RECORD of February 8, 1912, pages 1938 and 1939.

On page 505 of the hearings before the Military Committee, House of Representatives, volume 1, on the appropriation for support of the Army for the fiscal year 1913 the following figures are given as savings due to the five-year enlistment period:

Army transportation _____Clothing and equipage_____ \$198, 272, 72 656, 884, 13

By reference to the hearings on H. R. 5949, a bill to fix the term of enlistment in the Army, etc., beginning May 9, 1911, before the Committee on Military Affairs, House of Representatives, it will be noted that these reductions were estimated as follows:

Army transportation Clothing and equipage \$198, 272, 72 882, 493, 60

It will thus be seen that the comparison in the CONGRESSIONAL RECORD of February 8, 1912, pages 1938 and 1939, has been made with the original figures and not with the revised amounts.

It will also be noted that the figures in the CONGRESSIONAL RECORD of February 8, 1912, above referred to, are based upon every enlisted man in the Army reenlisting for a period of 15 years, which is an unreasonable assumption and not borne out by the records of the War Department.

reasonable assumption and not borne out by the records of the War Department.

The figures published in volume 1 of the hearings referred to above, so far as relates to clothing and equipage (the correctness of those under Army transportation not having been disputed), were arrived at in the following manner:

5-year enlistment:

Initial allowance

Allowance for 5 years, at \$24.35 per year

121.75 Total for 5 years under 5-year plan_____ 5) 191, 14 38, 228 Average for 1 year under 5-year plan ___ 3-year enlistment:
Initial allowance
Allowance for 3 years, at \$24.35 per year
Initial allowance on reenlistment
Allowance for 2 years, at \$24.35 per year 69. 39 73. 05 30. 56 48. 70

Cost for 5 years under one 3-year enlistment and 2 years of reenlistment

Average for 1 year under one 3-year enlistment and 2 years of reenlistment_____ 44.34 Allowance, first enlistment (3 years)_____ Initial allowance, first enlistment_____ Allowance for 2 years, at \$24.35 per year (2 years)____ 142. 44 69. 39 48. 70

Cost for 5 years under 1 complete first enlistment and 2 years of another first enlistment (5 years)_____ 5)260 53 Average for 1 year_____

15 years' service under 3-year enlistment and reenlistment:
Allowance, first enlistment (3 years)
Allowance, reenlistment (3 years)
Allowance for 3 reenlistment of 3 years each, at
\$103.61 per reenlistment (9 years) 310, 83

(15 years) 15)556.88 Average for 1 year_____ 15 years, 5 first enlistments, at \$142.44_ 15 years' allowance, \$712.20, divided by 15 (average 1 year) 712 20 47.48

81, 023 11, 000 First enlistments __ Number of Philippine Scouts, 38 per cent of whom reenlist_ 5. 732

Under General Orders, No. 67, War Department, 1911, considering 15 years' service, viz, 3 years in first enlistment and 12 years in 4 reenlistments, total clothing allowance is \$556.88; average for 1 year, \$37.125.

Under General Orders, No. 67, War Department, 1911, considering 15 years' service, viz, 5 first enlistments, no reenlistments, total clothing allowance is \$712.20; average for 1 year, \$47.48.

Under General Orders, No. 67, War Department, 1911, considering reenlistments only, the total clothing allowance for 3 years is \$103.61, and the average for 1 year of reenlistment is \$34.5366.

	Cost per average year on basis of 3-year enlistment and no reenlistments, 70,023, at \$47.48	\$3, 324, 692. 04
	Cost per average year of reenlistments on basis of 3-year period, 11,000, at \$37.125	408, 375. 00
i i	Total cost under 3-year period	3, 733, 067. 04
	Cost per average year on basis of 5-year enlistment, 81,023, at \$38.228	3, 097, 847. 244
	Total cost under 3-year period	3, 733, 067. 04 3, 097, 347. 244
y	Reduction in favor of 5-year period, Regular Army	635, 719. 796
	Reduction in favor of 5-year period, Philippine Scouts, figured on same basis as for Regular Army	21, 164, 34
	Total reduction on account of Regular Army and Philippine Scouts	656, 884. 136

Mr. HAY. Now, I hope that the point of order will not be insisted upon and that these enlisted men, whether they be under the three-year or the five-year term, will have restored to them this allowance which they have had so long.

Mr. BUTLER. Mr. Chairman, may I have one minute?

Mr. HAY. Certainly.

Mr. BUTLER. I would like to have made plain that which I do not understand, and some of you gentlemen who are well informed can put me straight. I understand that this amendment offered by the gentleman from Virginia, if adopted by this committee, will restore to the enlisted men a certain amount of money as allowance for clothing which was taken from them by reason of an order of the War Department. Certain men did reenlist, notwithstanding this order, as I understand.

Mr. HAY. That order was only issued on the 25th of last May. Of course some men may have reenlisted since, perhaps.

Mr. BUTLER. If the amendment of the gentleman from Virginia is accepted by this committee it will pay to those men who have reenlisted that which has been withheld from them by reason of this order?

Mr. KAHN. It will not.

Mr. BUTLER. What is the purpose of the amendment, then?

Not to pay any man who has retired from the service?

Mr. KAHN. As I understand it, it will give the man who reenlists after this should be adopted the allowance that prevailed in 1910.

Mr. HAY. It reestablishes the old clothing allowance. Mr. KAHN. But it does not give the man who reenlisted between May 25, 1911, and the present time any back allowance. Mr. BUTLER. It does not do that?

Mr. KAHN. That is what the gentleman from Pennsylvania was trying to find out, as I understand it.

Mr. BUTLER. This affects only the men who have reenlisted

Mr. KAHN. The man who will reenlist after this amendment is adopted, if it be adopted.

Mr. BUTLER. I understand it pretty well. I am satisfied

other gentlemen understand it, too.

Mr. PRINCE. My objection is that here is an attempt at violation of the rules of the House to pass by one coordinate branch of the Government a law which takes the place of an administrative act of another coordinate branch of the Government. That is all there is to it.

Mr. HAY. Will the gentleman allow me to ask him a ques-

tion?

Mr. PRINCE. Yes.

Mr. HAY. Did the Congress confer upon the President the right to fix clothing allowance?

Mr. PRINCE. Yes.

Mr. HAY. And has it not the same right to take it away from him?

Mr. PRINCE. It may have that right. Congress can do as it pleases. You have given that authority, and they have acted in good faith under the authority you have given them.

Mr. BUTLER. Was that not taking away something we in-

tended to give them?

Mr. PRINCE. No, sir.
Mr. BUTLER. Did not we intend to give them the money if they would reenlist, and did we not take away from them that which we had agreed ourselves we would give them?

Mr. PRINCE. Wh Mr. McKELLAR. Why, no.
R. Will the gentleman yield?

Mr. PRINCE. I yield. Mr. McKELLAR. Is not the whole question one of whether we shall encourage reenlistments or whether we shall discourage reenlistments? In other words, if we are going to encourage reenlistments, ought not this clothing allowance to be had in order to do so?

Mr. PRINCE. That question will come up later on in the

a bonus at the end of three years' enlistment, of extra pay, and you give him an extra clothing allowance, is he not more likely to reenlist at the end of three years than at the end of five years, and then give him the extra pay and bonus for extra clothing? That is a question that comes up later. That is a question as to the merits. Here is a proposition that is clearly in violation of the rules of the House-professedly so. I have a right to make a point of order against it, and I have made the point of order. I have stated, in addition to that, that it is legislation by one coordinate branch of the Government to displace the administrative rules of another coordinate branch of the Government, and a good many of us listened with pleasure to the gentleman from Texas when he told how Presidents heretofore have viewed their functions as Chief Executive and their constitutional prerogatives. I insist upon the point of

Mr. MANN. Will my colleague yield? Mr. HAY. Will the gentleman from Illinois permit me to ask him a question?

Mr. PRINCE. Yes.

Mr. HAY. Is there a possible parallel between this case, where Congress has conferred upon the President certain power, and a case where the power is conferred upon the President by the Constitution? Is there any parallel at all?

Mr. PRINCE. Are you not seeking to effect an administrative act made by full authority of the Chief Executive?

Mr. HAY. Not at all. I am simply seeking to have Congress do what Congress at one time did, but which in its wisdom it chose to confer on the President. Now, I am simply asking that Congress take back its full authority.

Mr. PRINCE. You have given by legislation full authority to the President to do a certain thing?

Mr. HAY. Yes.

Mr. PRINCE. He has acted on that authority, and now you propose to have a legislative act curative of his executive act? Mr. HAY. Yes. Mr. PRINCE. I object.

Mr. MANN. Can my colleague or anyone else tell me how

much the clothing allowance is?

Mr. HAY. The first year, exclusive of blankets, it is \$69. blankets and some other articles were excluded it was \$83.

Mr. MANN. That was under the old plan? Mr. HAY. Yes; that was under the old plan.

Mr. MANN. Is that for the reenlistment or for the first

Mr. HAY. For the first enlistment. It was also for the second enlistment. Since this order was issued they gave the blankets free. Has the gentleman from California the order

Mr. KAHN. I have not the order; but in addition to what the gentleman has stated, the enlisted man is allowed a semiannual allowance of \$12.17%.

Mr. HAY. But that is not the initial allowance given to him on enlistment?

Mr. KAHN. No. The initial allowance is \$69.89.

Mr. HAY. Yes; and it used to be \$83. Now it is reduced to \$33 on the second enlistment.

Mr. KAHN. But he gets, in addition to that, as I stated, for clothing, \$12.17\frac{1}{2} semiannually.

I understand that; but we are talking about the Mr. HAY. initial allowance on enlistment.

Mr. KAHN. That is true; but the gentleman from Illinois, as I understood it, wanted to know what the clothing allowance was per annum.

Mr. HAY. I thought he meant what was allowed under this order.

Mr. KAHN. No; what was allowed per annum. Mr. MANN. Mr. Chairman, a few moments ago we had under discussion here the amount of retired pay which an enlisted man receives, and the question was raised at that time whether the enlisted man received any allowance for subsistence, clothing, or otherwise, in addition to his pay.

Mr. HAY. That was the enlisted man on the retired list.

Mr. MANN. Yes; and my distinguished friend from Virginia [Mr. Hay], to whom I pay a great tribute as a military expert, on this particular occasion fell down, and that old and established expert in the House, the gentleman from Texas [Mr. SLAYDEN], also fell down. [Laughter.] Having no expert knowledge whatever in regard to the military service of the Government, I stated that it was my belief that a retired enlisted man received pay and allowances, and my distinguished friends on the other side of the aisle assured me that I did discussion. If a man enlists for three years, and you give him not know anything about it, and I acquiesced in that opinion

until I obtained from my colleague [Mr. KAHN] a copy of the statutes upon the subject and the regulations. I now quote from the Military Laws of the United States, page 515:

When an enlisted man has served as such 30 years in the United States Army or Marine Corps, either as private or noncommissioned officer or both, he shall, by application to the President, be placed on the retired list hereby created with the rank held by him at the date of retirement; and he shall receive thereafter 75 per cent of the pay and allowances of the rank upon which he was retired.

Mr. HAY. I will acknowledge the corn. That is all right.

Mr. BUTLER. That ends the dispute, then. Mr. HAY. I would say to my friend from Illinois that I do not pretend to have all the knowledge that exists on this sub-

ct. [Laughter.] Mr. MANN. But I understand that the gentleman from Virginia has as much knowledge on that subject as any other Member of the House, if not more; and I would include in that my colleague from Illinois [Mr. PRINCE] and the gentleman from California [Mr. Kahn] and some others of the experts of the Committee on Military Affairs. But once in a while even Homer nods.

The CHAIRMAN. In the opinion of the Chair the provision makes no retrenchment, but, on the contrary, makes an increase in the compensation of enlisted men under certain conditions. The gentleman from Illinois [Mr. PRINCE] makes the point of order against it and the point of order on that ground is sus-

tained.

Mr. HAY. I move to amend the bill, on page 16, line 24, by striking out "eight" and inserting "six."

The CHAIRMAN. The gentleman from Virginia offers an

amendment, which the Clerk will report. The Clerk read as follows:

Amend, line 24, page 16, by striking out the word "eight" and inserting in lieu thereof the word "six."

The amendment was agreed to. The Clerk read as follows:

For extra pay to enlisted men of the line of the Army and to enlisted men of the Signal Corps employed in the Territory of Alaska on the Alaskan cable and telegraph system, for periods of not less than 10 days, at the rate of 35 cents per day, \$32,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I should like to ask the gentleman whether this provision for extra pay in Alaska would be affected if the provision of the bill repealing the extra pay outside of the

United States becomes effective.

Mr. HAY. No; it would not. This is for extra-duty pay, and

has nothing to do with the pay for foreign service.

Mr. MANN. Is the gentleman quite correct about that?

Mr. HAY. Yes. Section 3 of the bill, to which the gentleman refers, has reference to pay for foreign service.

Mr. MANN. That applies to Alaska? Mr. HAY. Yes; but this is for extra pay to enlisted men in the line of the Army who are employed in the Territory of Alaska on the cable and telegraph system there for periods of not less than 10 days, and has nothing to do with foreign-

Mr. MANN. I notice in the gentleman's very able report the statement in reference to the extra pay for service outside of continental United States. The statement, as I recall it, was that section 3 applied practically only to the Philippines.

Mr. HAY. It does practically; but it also applies to troops serving in Alaska, in Panama, and to all military attachés. Therefore I should have included that statement in the report. It applies to troops serving in Alaska, Panama-

Mr. MANN. Cuba?
Mr. HAY. No; not Cuba.
Mr. MANN. To Cuba, and to the military attachés.
Mr. HAY. It would apply to Cuba if we had any troops there, but we have no troops there.

Mr. MANN. We have four officers there. Mr. HAY. They are there as instructors under a provision in some one of the Army appropriation bills.

Mr. MANN. My recollection is that we have some officers

Mr. HAY. I think those officers are in the employ of the Cuban Government, and I think the act providing for sending them there also provided that we should not pay them anything while there

Mr. KAHN. I believe they are there as instructors.
Mr. HAY. This applies to Panama, where we have troops;
to the Philippines, to Alaska, and to the military attaches at the various embassies.

Mr. MANN. Is the gentleman able to give us information about the Alaska cable, as to how profitable it is? I ask that in connection with this item, and in connection with the

message just received from the President, asking for the establishment of a like wireless system in the Philippines.

Mr. HAY. I can give the gentleman some information about Gen. Allen, the Chief of the Signal Corps, has charge of that branch. Mr. Chairman, this is a cut from last year; from \$75,000.

Mr. MANN. No; last year this item was \$36,000. Mr. HAY. This item—but I am talking about the military cable.

Mr. MANN. That is, the extension of the military cable.
Mr. HAY. Yes. I supposed the gentleman was talking about the receipts from the use of the military cable.

Mr. MANN. Yes. Mr. HAY. We cut the appropriation for that from \$125,000 down to \$50,000.

Mr. MANN. Not the expenses, but the extension of the cable. Mr. HAY. No; not the expenses. Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes. Mr. KAHN. As I remember it, the evidence before the committee was that the service made a profit of about \$200,000 per annum, which was turned into the General Treasury.

Mr. HAY. No; the evidence is that the receipts were about \$200,000 a year; but that did not pay the expenses of the line. They charged 35 cents a word, and say that the receipts do not pay the expenses.

Mr. MANN. The commercial receipts.
Mr. HAY. Yes; they get no receipts from the Government.
Mr. MANN. I understand that; but the Government may receive the benefit. How much use does the Government make of this line?

Mr. HAY. Well, the Government uses it a good deal because there are several military posts up there-three, I think-and they use it in connection with those garrisons and other governmental activities in that part of the country. It never has paid anything above expenses.

Mr. MANN. Does not the gentleman include in the expense the extension of the cable and not merely the operation? My impression is that the cable does more than pay actual running expenses. Last year, of course, we appropriated \$125,000 for extension, but that is not a part of the cost of operation.

Mr. HAY. No; but I asked him what revenue they got, re-ferring to this military cable, and he said that the receipts run about \$200,000 a year; but that that did not pay the expenses of

Mr. MANN. I think when he referred to expenses he included the extension. My impression is that the cost of operation is

more than made up by the receipts.

Mr. ANTHONY. Will the gentleman yield?

Mr. HAY. I will.

Mr. ANTHONY. The gentleman will, perhaps, remember that representations were made to us that the cable rates were too high. What is the gentleman's opinion about that?

Mr. HAY. I do not think they are too high.

Mr. ANTHONY. Does the gentleman think that it is within our province to regulate the commercial rates to be charged on that line?

Mr. HAY. I do not think it is. Now, Mr. Chairman, I will call the attention of the gentleman from Illinois to the statement on page 537 of the hearings, giving the cost of the maintenance and operation of this cable. It is as follows:

Average per annum, fiscal years 1907-1911. MAINTENANCE AND OPERATION.

MAINTENANCE AND OPERATION.

Salaries of civilians on cableship Burnside and at different points on the system from appropriation Signal Service of the Army.

Cost of enlisted men employed on the system, including all additional pay, cost of clothing and rations, but not for transportation or medical attendance.

Pay of 6 officers.

Supplies and material from appropriation Signal Service of the Army. \$21, 403. 30 201, 133. 45 19, 828. 00 Total _

The Clerk read as follows:

For six months' additional pay to the beneficiaries of officers and enlisted men who die while in active service from wounds or disease not the result of their own misconduct, \$60,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the Military Committee what is the reason for the reduction of the item from \$100,000 to \$60,000. It is an item which no one can tell in advance what amount will be expended. It is an appropriation in the nature of insurance for the beneficiaries of soldiers dying abroad, that they shall receive some allowance. The fact that the money may not have been expended last year, or in any one year, is not a very good criterion.

Mr. HAY. My impression is that we gave the department all that was estimated for.

Mr. MANN. If so, I can make no complaint, although I think the department made a mistake. I want to say that while I sincerely hope that there will be no immediate occasion for the use of the Army abroad, I am very fearful that such an occasion may arise; and if it does, all appropriations of this sort ought to be amply sufficient to meet contingencies.

Mr. HAY. I agree with the gentleman from Illinois about that, and in such an event I would join with him in asking for

an additional appropriation.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For amount required to make monthly payment to Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, as per act of Congress approved May 23, 1908, \$1,500.

For amount required to make monthly payments of \$100 to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Infantry Volunteers, also late of the Hospital Corps, United States

Infantry Volt Army, \$1,200.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word that I may ask the chairman of the committee a question. Why reduce the allowance made? Who are these people?

Mr. HAY. They are the beneficiaries of people who gave their lives in the experiments with respect to yellow fever.

Mr. BUTLER. Were not those experiments made a long time

Yes. Mr. HAY.

Mr. BUTLER. Why is there any delay in making such payment?

Mr. HAY. Two of these cases have been in the bill for some years. The last case was provided for in an act passed last year.

Mr. BUTLER. Has the gentleman any objection to telling who would move to take such a provision out of the bill?

Mr. HAY. Nobody has done it that I know of. Mr. BUTLER. Why were they not paid earlier? Why

Mr. MANN. The gentleman from Pennsylvania himself moves to strike out the word "dollars," and there would not be anything left of the item if that word went out.

Mr. BUTLER. I shall certainly withdraw that. That amendment of mine is only a joke. To me this is strange; I

do not see why there should be any delay in the payment.

Mr. MANN. This is not delay. This is to carry out acts of Congress

Mr. BUTLER. These experiments were made years ago.

Mr. MANN. Yes; and these acts of Congress were passed years ago.

Mr. BUTLER. Then these are yearly payments?

Mr. MANN. Yes.

Mr. BUTLER. Mr. Chairman, I make haste to withdraw my amendment to strike out the last word.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made). Indians employed with the Army, without pay, as guides and scouts, and military convicts at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties, and applicants for enlistment while held under observation; authorized issues of soap, candles, matches, toilet paper, salt, vinegar, flour, and towels; authorized issues of toilet articles, barbers', laundry, and taliors' materials, for use of military convicts confined at military posts without pay or allowances, and applicants for enlistment while held under observation; for issues of toilet kits to recruits upon their first enlistment; ice for issue to organizations of enlisted men at such places as the Secretary of War may determine; for sales to officers and enlisted men of the Army; coffee roasters and cooking apparatus in the field, and when traveling (except on transports), bake ovens and apparatus pertaining thereto; scales, weights, measures, utensils, tools, stationery, blank books and forms, office furniture, commissary chests and outfits, and field desks of commissaries: Provided, That the sum of \$12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Reguiar Army and the Organized Millita who may be competitors in the national rifle match: And provided further, That no competitor shall be entitled to commutation of rations to the cadets at the United States Military Academy in lieu of the regulation allowances of commutation in lieu of rations to the

rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and military convicts sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration, and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge; of compensation of civilians employed in the Subsistence Department; of extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than 10 days, at rates fixed by law; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots, who are to be graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for printing, advertising, commercial newspapers, and use of telephones; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, \$8,869,273, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund.

Mr. HAY. Mr. Chairman, I offer the following amendments,

Mr. HAY. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 24, line 5, strike out the word "eight" where it occurs the second time in the line and insert in lieu thereof the word "six."

Page 24, lines 5 and 6, strike out the word "sixty-nine" and insert in lieu thereof the word "five."

Mr. HAY. So that it will read \$8,605,273. I make that amendment, Mr. Chairman, because it is computed by the Commissary General that it will take that much money to subsist five regiments of Cavalry. I make the amendment in order to conform to the amendment adopted by the House on yesterday.

Mr. MANN. Mr. Chairman, may I ask the gentleman whether the bill carries the amount of the estimate for this branch of

the service?

Mr. HAY. I think it does very nearly, if not altogether. estimates were \$8,988,807, and the amount carried in the bill is \$8,869,273. The cut was made by reason of the legislation heretofore carried in the bill.

The CHAIRMAN. The question is on agreeing to the amend-

ments offered by the gentleman from Virginia.

The question was taken, and the amendments were agreed to. The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

The Clerk read as follows:

QUARTERMASTEE'S DEPARTMENT.

Regular supplies, Quartermaster's Department: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, lospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts, and repair and maintenance of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and contract dental surgeons when stationed at and occupying public quarters at military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for extra-duty pay of enlisted men and hire of employees; for the onessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and osen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses, mules, and osen of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers horses, including bedding for the animals; for seeds and implements required for the traising of forage at remount depots, and for labor and

and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, \$7,731,773.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. HAY. Mr. Chairman, I would like to know to what particular part the point of order is reserved.

Mr. MANN. I think the gentleman will be able to explain,

possibly.

Mr. HAY. There is some new language in the bill. There are new authorizations in this item which, I think, probably may be subject to a point of order.

Mr. HAY. I do not think they are, but I shall be very glad

to explain any of the new items

Mr. MANN. I am quite willing to discuss that question with He is trying to make an authorization for the gentleman. something that the comptroller says is not warranted by law, and I doubt whether he will be able to get the Chairman to hold that it is warranted by law.

Mr. HAY. The first new language is where provision is made for the extra-duty pay of enlisted men and the hire of employees. As I understand, the comptroller has decided that no extra-duty pay can be paid to enlisted men from any appropriation unless the item carrying that appropriation specifi-

cally provides for the payment of the extra-duty pay.

Mr. MANN, That item is satisfactory to me.

Mr. HAY. Hence the Quartermaster General has been paying this out of other ing this out of other appropriations-incidental expenses, for example-and he thinks that when the extra duty is done with reference to items carried under this appropriation the extraduty pay ought to come out of it. It does not increase the appropriation at all.

Mr. FOSTER of Illinois. What about the remounts'

Mr. HAY. The explanation of that is that under the comptroller's decision the Quartermaster's Department could not forage the animals which they buy, and all the forage that has been purchased for these young animals; that is, for these animals to be placed at the remount stations, and all expenditures of that kind, have been charged against the disbursing officers by whom the expenditures were made. I asked the Quartermaster General:

As a matter of fact, the purchase of these young animals is a saving?

He replied:

Yes, sir; we have decreased the appropriation for horses from \$514,678 down to \$300,000 under this system of remounts.

Mr. MANN. This "remounts," line 17, page 25, is for the

purchase of animals, not forage?

Mr. HAY. For the purchase of forage and remounts, and the reason for that is the comptroller has decided that no purchases could be made of horses unless they were up to the standard fixed by the War Department for Cavalry horses.

Mr. MANN. That is under existing law.
Mr. HAY. That is under existing law.
Mr. HAY. Now, this includes a departure from the past theory of the War Department up to within a year or two ago, or a short time ago.

Mr. HAY. About three years ago remount stations were established for the purpose of permitting the department to buy

young horses and train them for the Army Mr. MANN. Has this station in Virginia been established

yet? Mr. HAY. It has, and also one in Montana and one in Okla-

homa. Mr. MANN. Is the gentleman able to tell us from knowledge

in reference to the remount station in Virginia? Mr. HAY. You mean how many horses are there?

Mr. MANN. Whether it has proved successful or not. Mr. HAY. I understand from the Quartermaster General it

has proved successful and will be successful.

Mr. MANN. Is it to be the policy of the War Department, then, to endeavor to purchase entirely young horses and train

them instead of purchasing mature animals?

Mr. HAY. It is the policy to buy 2½ and 3 year old animals

and train them for the Army. Mr. MANN. Does the gentleman himself believe that Army officials could train these animals at less expense and more efficiently than the people who raise them?

Mr. HAY. That is what the Quartermaster General says, and if the gentleman will look at my report he will find-

I have looked at the gentleman's report.

Mr. MANN. I have looked at the gentleman Mr. HAY. The average price was \$136.65. Mr. MANN. I could see very little difference Mr. MANN. I could see very little difference in the cost, according to the figures in the report. I notice that the gentleman said they were much higher, but when you examined into the actual figures there was very little difference. There is quite a little difference in the policy of the Government. We and on the other public domain of the United States?

have in this bill now authorizations to run laundries, ice machines, and everything else almost that you can think of in connection with the Army. I am afraid it would greatly shock my friend from Massachusetts [Mr. Murray], who has been called out of the Chamber, to know that the Army in its work goes way outside the employment of a stenographer. It seemed to shock him to think they could employ a stenographer in courts-martial, and now they are really engaged in all kinds of commercial enterprises which may or may not be profitable.

Mr. HAY. There are posts where they will either have to

do it themselves or not have it at all, and I will say in regard to the remount stations which are established that that question is gone into very fully in the report of the Quartermaster General, and it is contended that where we buy the young horse and train him he will last six years longer in the Army than the matured horse, and that is one place the economy

Mr. MANN. And we have only been doing that for three

Mr. HAY. Oh, well, but they have been doing it in other armies of the world for many years.

Mr. MANN. Now, is the gentleman from Virginia so innocent and bland and childlike that he believes that a horse trained by the Government 2½ or 3½ years of age will last six years longer than a horse he has trained during that same period of age?

Mr. HAY. For use in the Army; yes.

Mr. MANN. That is the reason I suspect the whole thing when officers put forward statements that are unbelievable.

I must give these officers credit of knowing what Mr. HAY. they are talking about, and they make a special business of knowing about these matters. Now, I do not know personally whether it is the fact or not, but I think they are expert enough and have had experience enough to know what they are talking about.

Mr. MANN. I believe that the officers themselves believe what they are talking about, but it is contrary to the experience of mankind, and we all have had experience enough to know something about it, and to believe that because an Army officer trains a horse from the age of 2½ to 3½ years of age that that horse is going to last six years longer in the service than if some other competent person trains him is absurd on the face

But you must understand the matured horse is not trained for the Army by the person who raises it.

He is not trained for the Army at all. He is bought as a

matured horse, 5 years old.

Mr. MANN. I understand perfectly well that the average horse is not trained at all.

Mr. HAY. Exactly.

Mr. MANN. Either in or out of the Army, while it is a colt. Mr. FOSTER of Illinois. I think the gentleman from Illinois [Mr. Mann] is mistaken.

Mr. MANN. I have raised horses ever since I was that high

Mr. FOSTER of Illinois. You never raised them right, then. Mr. MANN. They were sold at expensive prices, and that is the test. Having gone into the business with everything else, we now propose to raise our hay and other forage.

Mr. HAY. That is for the reason that at these remount stations there is a large amount of land upon which they can raise a certain amount of forage, and it was thought wise to give them the privilege of utilizing this land.

Mr. MANN. We bought this land in Virginia? Mr. HAY. Not only in Virginia.

Mr. HAY. Not only in Virginia.

Mr. MANN. We bought land in Virginia?

Mr. HAY. Yes.

Mr. MANN. Did we buy enough on which to raise timothy hay, that we have no use for otherwise?

Mr. HAY. No; we did not do that. We have not land enough in Virginia or elsewhere on which to raise all the hay we want, nor do we propose to go into that business. But on the land it has the Government simply asks the privilege, or at least the department asks the privilege, of utilizing it to the extent that it will go. It is a matter of economy, I will say to the gentleman, if we should do it, to raise this little amount of hay. It will not amount to a great deal. Still it will be economy.

Mr. MANN. I do not know how much it will amount to. We have great areas of pasture land belonging to the Government of the United States. We lease those lands for the grazing of cattle, sheep, horses, and so forth.

Mr. HAY. We do not lease the land.
Mr. MANN. Now it is proposed to go into the business of tising hay. Why should we not do it on the forest reserves raising hay.

Mr. HAY. But that is not the question. The gentleman is going off on something else.

Mr. MANN. I think it is a very pertinent question. Mr. HAY, There is a service detachment provided by law Mr. HAY. There is a service detachment provided by law which is stationed at each one of these remount stations, and they can very easily do this work in connection with their duties with respect to the horses. It is thought it would be economical and wise to do it. We are not engaging in agriculture in the sense of competing with the agricultural people of the country in any way. It is just simply utilizing what we

have. That is all.

Mr. MANN. Well, Mr. Chairman, the gentleman from Virginia persuades me, as I think he has been persuaded by the department, and we both bow with deference—

Mr. PRINCE. To their superior knowledge.

Mr. MANN. Not their superior knowledge. They may have

it, but I doubt it. I withdraw the point of order.

Mr. HAY. Mr. Chairman, I offer an amendment, on page 27, line 4, by striking out the word "seven" and inserting the word "four" and striking out the word "thirty-one" and inserting the word "thirty-six," so that it will read "\$7,456,773." I offer that amendment in order to reduce the supplies by reason of the amendment adopted yesterday as to the five regiments of Cavalry.

Mr. MANN. What is the estimate on this item? Mr. HAY. The estimate on this item was \$7,900,000. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 4, strike out the word "seven," and insert in lieu thereof the word "four." Strike out the word "thirty-one" and insert in lieu thereof the word "fifty-six," in the same line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 27, line 3, after the word "paid," insert: "Provided further, That no part of this appropriation shall be expended for the installation of an electric-lighting plant at Fort Niagara."

Mr. HAY. Mr. Chairman, I offer that amendment in accordance with the letter of the Secretary of War, stating that Fort Niagara should be abandoned.

I notice in the hearings, in the evidence submitted by the Quartermaster General, that he had set aside \$20,000 of this appropriation, to be expended for the purpose of installing an electric-lighting plant at Fort Niagara. If that post is to be abandoned, that sum will not be needed. There is no reason why If that post is to be we should spend that amount of money at a post that we are not going to use. That is my reason for offering the amend-

The CHAIRMAN. The Chair would ask the gentleman if this amendment would properly come in at the end of line 5?

Mr. MANN. The gentleman offered it aright. Mr. HAY. How have I got it, Mr. Chairman?

The CHAIRMAN. In line 3, after the word "paid," between that and the appropriation.

Mr. HAY. I think that is all right. I did not cut the appro-

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 27, line 3, after the word "paid," insert: "Provided further, That no part of this appropriation shall be expended for the installation of an electric-lighting plant at Fort Niagara."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to. Mr. HELM. Mr. Chairman, I move to strike out the last

Mr. Chairman, this particular appropriation is one that I think the attention of the committee should be directed to. Here is a lump sum of \$7,000,000, in round figures. Included in this appropriation of \$7,000,000 for "Regular supplies" are 32 different items. If any member of the committee feels concerned enough and will turn to page 36 of the hearings had before the Committee on Military Affairs—
Mr. KAHN. Which volume?
Mr. HELM. Volume 1, I presume—the large one.
Mr. KAHN. There are three volumes of the hearings.

Mr. HELM. Volume 1, page 36, of the hearings before the Committee on Military Affairs. There you will observe how this lump sum of \$7,000,000 is divided or apportioned among

these several items that are included under the appropriation for "Regular supplies." I will read the items and amounts:

Comparison of the estimates for the Ascal year 1913 with the apportion-ments for the Ascal year 1912.

RECAPITULATION.

No.	Item.	Apportion- ments, 1912.	Estimate, 1913.	Estimate 1913 compared with 1912 apportionments.	
				Increase.	Decrease.
1 2 3 3 4 4 5 6 6 7 8 9 10 11 12 13 11 14 15 16 17 18 119 20 12 22 22 23 24 25 5 26 6 27 28 29 30 31 32	Care and protection Stoves Heating apparatus. Ranges Stoves, cooking. Appliances. Repairs and maintenance. Heat. Light. Fuel for modern batteries. Engine supplies. Post bakeries. Lice machines. Ice machines. Ice machines, maintenance. Cold storage. Laundries, construction of. Laundries, maintenance. Furniture. Textbooks. Paper. Equipment. Tableware. Mess furniture. Forage Bedding. Straw. Stationery. Typewriters. Blank books. Certificates. Blank forms. Printing.	\$77,196.00 10,000.00 133,486.00 27,000.00 25,000.00 25,000.00 234,623.00 1,305,662.57 135,000.00 13,000.00 14,000.00 115,003.00 92,000.00 9,500.00 6,000.00 1,255.17 1,762.93 534.67 8,455.92 23,691.14 14,444.23 3,473,113.28 160,708.95 2,485.00 10,000.00 16,500.00 16,500.00 16,500.00 1,844.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00 16,500.00	\$125,000.00 6,000.00 95,260.00 34,000.00 27,000.00 159,800.00 1,979,750.00 1,124,200.00 131,000.00 14,000.00 14,600.00 1,450.00 1,6500.00 1,650.00 7,250.00 23,620.00 7,500.00 3,448,000.00 155,000.00 3,448,000.00 155,000.00 155,000.00 17,500.00 3,448,000.00 17,500.00 3,448,000.00 17,500.00 3,448,000.00 17,500.00 3,448,000.00 17,500.00 3,448,000.00 17,500.00 3,500.00 17,500.00 19,000.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00 17,500.00	\$47,804.00 7,000.00 2,000.00 6,000.00 78,600.00 1,497.00 5,400.00 2,000.00 191.83 1,005.00 2,500.00 284.53	\$4,000.00 38,226.00 100.00 74,823.00 208,100.00 181,462.57 4,000.00 27,000.00 27,000.00 72.93 84.67 1,205.92 71.14 6,944.23 25,113.23 5,708.95 2,500.00 444.00 6,100.00
	Total	8, 333, 387. 33	7,900,000.00	162,069.36	595, 456, 69 162, 069, 36
	Net decrease				433, 387. 33

What I have read shows how this sum of \$7,000,000 is

handled by the Quartermaster General.

Now, if I am not correct in the statement that I am going to make I would like to be corrected. Under existing law, when the bill that we are now considering becomes a law, the apportionment which the Quartermaster General is required to make for each separate item above mentioned can, with the consent of the Secretary of War, transfer any one of these sums that have been apportioned—any one of these 32 different sums for each item—from any one item to the other. I would like to have some one say whether or not I am correct in that statement.

Mr. KAHN. I did not catch the gentleman's question. The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HELM. I ask unanimous consent to be permitted to continue for 10 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky submits a request for unanimous consent to continue for 10 minutes further. Is there objection?

There was no objection.

Mr. HELM. If the gentleman from California will give me his attention, I will say that the Quartermaster General takes this sum of \$7,000,000, in round figures, and divides it up, and did so, as indicated on page 36 and in the estimate, into 32 separate accounts. I stated that he can transfer any sum of money from any one of these impersonal accounts to another

with the consent of the Secretary of War. Is that correct?

Mr. KAHN. That is true.

Mr. HELM. The criticism that I have to make of this method of appropriating is this, that Congress does not know what sum of money or what portion of the \$7,000,000 may be used by the Quartermaster General for any particular item. will take, for instance, this question of seed.

For seed and implements required for the raising of forage at remount stations, and for labor and expenses incident thereto.

I take it that as soon as this appropriation bill passes, the Quartermaster General will apportion a certain part of this \$7,000,000 to that impersonal account. It is an unthinkable thing, I admit, but under this method of appropriation in this lump sum, I ask the gentleman from California could not the Quartermaster General apportion \$1,000,000 or \$5,000,000 of this \$7,000,000 for that purpose, if he could get the consent of the Secretary of War?

Mr. KAHN. I think he could, if it became necessary to do so.

Mr. HELM. If it became necessary

Yes. Now, I should like to explain that. Mr. KAHN.

Mr. HELM. We will take the second item-stoves. So, out of this lump sum of \$7,000,000 the Quartermaster General, with the consent of the Secretary of War, can take \$1,000,000 and buy stoves with it. He can take any amount out of the \$7,000,000 for any of the items mentioned. Not that he will do it, but that he can do it; that he is permitted to do it.

Mr. KAHN. He is permitted to do it.

Mr. HELM. He is permitted to do it. Take, for example, the item of stationery in 1912. There is an expenditure of \$110,000 for stationery, which I understand to mean pens, paper,

Mr. KAHN. I was going to ask the gentleman if he thought anybody would want to swim in a million dollars' worth of ink?

HELM. think a man could swim very easily in \$110,000 worth of ink, the amount estimated, and take a bath very easily in it. He could go in over his head, even though he was over 6 feet tall. The thought I have, which I want to bring to the attention of the Committee of the Whole, is that the Committee on Military Affairs, instead of appropriating \$7,000,000 and leaving it to the Quartermaster General, with the consent of the Secretary of War, to divide up into these impersonal accounts and shift and transfer from one item to the other, in view of the statement of the Quartermaster General before the Committee on Expenditures in the War Department that they have finally reached a point where they can say with some degree of accuracy and certainty what these expenses amount to annually, why would it not be more satisfactory to Congress, instead of appropriating \$7,000,000, to say that for care and protection they shall have \$125,000, for stoves \$6,600, and so on down the line? I understand that the Quartermaster General is opposed to my plan, for the reason that it will require just that many more appropriations and an additional force of clerks to handle these appropriations; but I do not believe his position is tenable. In a recent message of the President of the United States he stated that there were 400,000 men employed in the executive branches of this Government, Surely that is a sufficient army of employees to manage any additional work that the change would necessitate. This is not a sufficient reason why there should be a lump appropriation. can see how convenient it is for the War Department to handle 1 appropriation instead of 32 or 33, but if I am not badly mistaken it can be done as easily as a banker can handle 33 accounts of 33 different depositors. Unless I am altogether afield on this proposition, a banker can handle 33 accounts as cheaply as he can bandle 1.

Mr. KAHN. Does the gentleman want an answer to that?
Mr. HELM. If a banker only wants one depositor, I would say my argument is bad; but if a banker wants to do business with many depositors, and is willing to handle their separate accounts, then there is no reason why these appropriations

can not be handled separately.

The reason why these accounts are included in Mr. KAHN. this lump sum is this: The Quartermaster General divides the lump-sum appropriation into these smaller items; and it sometimes happens that an unusual condition occurs wherein he needs \$3,000 or \$4,000 more for a particular item than he him-

self had provided for.

Mr. HELM. If the gentleman will allow me right there. To obviate that difficulty, it seems to me that it would be an easy matter to have something in the nature of a reserve fund, a limited fund on which he could draw. My idea is that if you limit the specific appropriations, hold them down, it would obvious these chieftons. For instance, obviate these objections. For instance, there are Members serving on the floor who know something about the cost of cookstoves; there are Members who ought to know something about the cost of heating ranges, the cost of forage, and the cost of typewriters, the cost of stationery-every single item appropriated for in this lump sum. It not unfrequently happens that in discussions on this floor features are brought out that there is some man engaged in a particular line of business who can shed a flood of light on

I am very much of the opinion, which almost amounts to a conviction, that while it would lengthen the appropriation bill to some extent, in a very short time, by specific appropriations, it would be possible to cut this appropriation down. As I stated a day or so ago on the floor, it is the difference between a state-ment rendered for a sum total and an itemized account. Congress ought to know where these sums of money are going.

Mr. COOPER. Will the gentleman yield?

Mr. HELM. Yes.

Mr. COOPER. I agree with what the gentleman says about the great evils of lump-sum appropriations covering many items. I do not know why these appropriations could not be made much more specific and much more in detail than they are. lump-sum appropriation, in my judgment, often affords the greatest opportunity for lax administration and for extravagance. The time of the gentleman from Ken-The CHAIRMAN.

tucky has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the

gentleman from Kentucky have five minutes more.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Virginia, the chairman of the committee, how much longer he intends to run this evening?

Mr. HAY. I had intended to stop as soon as the gentleman from Kentucky closed after reading one more paragraph, which is only four lines.

Very well; I do not object.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Kentucky have five minutes more. Is there objection?

There was no objection.

Mr. HELM. Mr. Chairman, sanctioning and fully agreeing with the statement of the gentleman from Wisconsin, I want to instance what I consider one of the most glaring examples of the evils of this lump-sum appropriation; that is, in regard to barracks and quarters. While the appropriation in this bill is much smaller than it has been heretofore, it has frequently amounted to between ten and twenty million dollars for barracks and quarters at mobile army and Coast Artillery posts. Under a lump-sum appropriation for barracks and quarters the Quartermaster General can take any portion of that lump sum and spend it wherever he sees proper, with the consent of the Secretary of War.

Of course, when the bill is made up they come before the Committee on Military Affairs and certain specific propositions are outlined, but from my investigation I have seen these sums that have been asked for for specific projects not used as was outlined to the committee when the bill was made up, but used for an entirely different purpose and at a different place. As an illustration, I have in my mind a fort that has been converted

from a log fort into a \$5,000,000 proposition.

Now, the responsibility rests here. It is up to this House to decide. When you ask an officer of the department why this thing is done he comes back at you and says, "Congress authorized it; you conferred the authority; you stood for it, and

we have used the money.'

Now, that has resulted in building up these unnecessary posts that have been specified in response to the resolution introduced by the gentleman from Ohio [Mr. Bulkley]. I want to say that there is being carried in this very bill you are going to pass \$5,500,000 that the Secretary of War says need not be spent, except for the mobile army posts that the Chief of Staff states are an absolute injury to the Army. That is under these lump-sum appropriations for these posts that are slated to be

If they are cut out I want to see the proposition passed up fairly and squarely to Congress, and see if this Congress has the courage to act. While the authority of the Secretary of War is sufficient to do it on his own initiative, it is here, and I say it stands this House in hand to courageously meet that proposition. As I say, here is \$5,500,000 that the Secretary of War says is in here needlessly.

Mr. ANTHONY. What appropriation is the gentleman speak-

ing of?

Mr. HELM. I am now referring to barracks and quarters.

I have linked these two lump-sum appropriations together in order to make as good an object lesson as I possibly can to show what I believe to be one of the errors, to put it mildly, in the methods of handling lump-sum appropriations.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. HELM. Certainly.

Mr. COOPER. I think the gentleman stated the evil of this lump-sum appropriation quite concisely when he told of itemestimates coming in for this project so much, another project so much, another project so much, and still others, each so much, and all together aggregating a large amount—the lump-sum appropriation is for the aggregate amount-

Mr. HELM. Yes.

Mr. COOPER. But when the money comes to be expended it frequently happens that little attention is paid to some of these itemized estimates and that the money is used for some-thing else, in the discretion of a Government official.

Mr. KAHN. Oh, I think the gentleman is mistaken.

The CHAIRMAN. The time of the gentleman from Kentucky

has again expired.

Mr. KAHN. Mr. Chairman, the purpose of appropriating in a lump sum is to enable the chief of the bureau to so segregate the amount as to enable him to use a certain amount for each one of the commodities that he is to purchase under the lumpsum appropriation.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. KAHN. One moment, please. If you were to appropriate for each amount separately and the amount should fall forty or fifty dollars short during the year, you would have to come to Congress every time with a deficiency appropriation bill. In addition to that, it is cheaper, in my judgment, to appropriate the entire amount in a lump sum. So far as the information of Members is concerned, you can invariably get information from the hearings before the committee. The information from the hearings before the committee. gentleman from Kentucky himself read to the House a few moments ago from the hearings before the committee on the present bill, and he shows that for stoves there is an estimate of \$6,000. If there is anybody in the House who is interested in the matter, who wants to know how much is being expended for stoves, all he need to do is to go to the committee and get a copy of the hearings and then he can find out.

Mr. HELM. Go to the committee?

Mr. KAHN. Yes

Mr. HELM. Will the gentleman yield for a moment?

Mr. KAHN. Yes.

Mr. HELM. How many Members outside of the Committee on Military Affairs does the gentleman suppose know of that estimate?

The gentleman has referred to Members of the Mr. KAHN. House who might be interested in the matter. If any Member of the House is sufficiently interested, I want to point out to my friend that it is an easy matter for him to get the informa-

Mr. HELM. If these items were in this bill and they were brought to the attention of the House as the bill is read section by section, would it not bring out this proposition more fully and in a way to be better understood by the Members? Here is a lump appropriation for stoves. There is not a man in the House, outside of the members of the Committee on Military There is not a man in the Affairs, who knows how much of these \$7,000,000 is used for the purchase of stoves.

Mr. KAHN. The gentleman from Kentucky knows, because he was sufficiently interested to take the trouble to get a copy of the hearings to find out. The great danger of specific appropriations to which the gentleman has referred is this: Take an item, for instance, like forage, which is a very important item, and for which \$3,473,113 is estimated out of the lump sum. That estimate is based upon the cost of forage during the past

year or two.

Mr. HELM. Mr. Chairman, will the gentleman yield? Mr. KAHN. Just one moment. If in the meantime forage

should go up in price and it should cost a great deal more to buy hay or oats or any of those food articles for animals, the appropriation that the House might make would be entirely inadequate.

The CHAIRMAN. The time of the gentleman from Califor-

nia has expired.
Mr. KAHN. Mr. Chairman, I ask unanimous consent to pro-

ceed for five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HELM. Mr. Chairman, will the gentleman yield? Mr. KAHN. Mr. Chairman, in a moment. If the price of forage were to go up beyond the expectations of the officials of the department, and we had made a specific appropriation for forage, they would come in here asking for a deficiency appropriation. That would be absolutely certain, and in order to avoid that kind of thing it is deemed advisable to lump the appropriation in one sum and allow the department itself to apportion the money among the various items that the chief of the department has to purchase.

Mr. HELM. Will the gentleman permit?

Mr. KAHN. Yes; I will yield to the gentleman.
Mr. HELM. Is there any absolute necessity of including heat, light, and fuel under the appropriation of regular supplies? There is no reason why these particular items which require larger latitude than the other items under regular supplies should be included under regular supplies. There is nothing kindred; there is no unity in them that can not be divorced from the other items carried under the head of regular sup-

Mr. KAHN. The gentleman is entirely mistaken. It is the duty of the Quartermaster General to furnish to officers and men a certain quantity of fuel, a certain quantity of light,

Mr. HELM. Does not the Quartermaster General control the

appropriation for transportation also?

Mr. KAHN. True; but this specific item is for the regular supplies. Now, transportation is not a regular supply.

Mr. HELM. About as regular as any other.

Mr. KAHN. And there are other things that are of an entirely different class from these regular supplies.

Mr. HELM. Simply made so by custom or sanction of the committee.

Mr. KAHN. It has been the custom for many years, and the experience of many years of administration, that it is cheaper and much more satisfactory to the Government to estimate in that way and to appropriate in that way. It is a saving to the Government.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. KAHN. Certainly.

Mr. MANN. The distinguished gentleman from Kentucky is the chairman of a legislative committee having jurisdiction over the subject

Mr. HELM. Oh, no; we have no legislative power at all;

I wish we had.

Mr. MANN. Oh, he has legislative power.

Mr. HELM. The only thing we can do is to report and recommend.

Mr. MANN. The gentleman is mistaken in his power. I am glad to get that information.

Mr. HELM.

Mr. MANN. He is studying the subject now. Let him prepare the proper bill on the subject, have it referred to his committee, report it back to the House, and take it up for consideration. That is the logical way of doing it.

Mr. HELM. I am satisfied as soon as such a bill is introduced the chairman of the Committee on Military Affairs will

make a point as to the reference of the bill.

Mr. MANN. Well, if the gentleman draws the bill correctly the point will not be any good.

The CHAIRMAN. The time of the gentleman has again ex-

Mr. HAY. Mr. Chairman, I do not want to cut off anybody, but it is pretty late, and I would like to move to rise now. move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18956) making appropriations for the Army, and had come to no resolution thereon.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until Monday, February 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioner of Internal Revenue in regard to his being credited with the value of beer stamps charged to him stolen June 7, 1899, and recommending the enactment of a law for his relief (H. Doc. No. 531); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting

estimate of deficiencies in appropriations to complete the service of the War Department for the fiscal year 1912 (H. Doc. No. 529); to the Committee on Appropriations and ordered to be

printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting supplemental estimate of an appropriation for salaries, office of Judge Advocate General, United States Army, for fiscal year ending June 30, 1912 (H. Doc. No. 530); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting estimate of appropriation for the postal service for the fiscal rear ending June 30, 1913, for labor-saving devices in the Chicago (Ill.) post office (H. Doc. No. 532); to the Committee on the Post Office and Post Roads and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19750) granting an increase of pension to William H. Merritt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memo-

rials were introduced and severally referred as follows:

By Mr. LEVER: A bill (H. R. 19857) for the improvement of grazing on the public lands of the United States, and to regulate the same, and for other purposes; to the Committee on the Public Lands

Also, a bill (H. R. 19858) to regulate and develop the use of water power on the public lands, and for other purposes; to the

Committee on the Public Lands.

By Mr. HOLLAND: A bill (H. R. 19859) to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WARBURTON: A bill (H. R. 19860) to establish a fish-cultural station on Quiniault River or Lake in the State of Washington; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19861) to protect investors in stocks, bonds, and other securities in the District of Columbia; to the Committee on the District of Columbia.

By Mr. VOLSTEAD: A bill (H. R. 19862) to define the boundaries of Government lots abutting on Mud Lake and Thief Lake, Marshall County, Minn.; to the Committee on the Public Lands.

By Mr. FERRIS: A bill (H. R. 19863) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded

lands in Oklahoma; to the Committee on Indian Affairs. By Mr. CARLIN: A bill (H. R. 19864) for the relief of the police and firemen's pension funds, District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of New York: A bill (H. R. 19865) to establish a life-saving station at Niagara Falls, N. Y.; to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. GARNER: A bill (H. R. 19866) to amend section 108 of the Judicial Code of the United States, approved March 3, 1911, by creating the Corpus Christi division in the southern district of Texas; to the Committee on the Judiciary.

By Mr. NEELEY: A bill (H. R. 19867) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, and the amendment to said act approved March 26, 1910; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: A bill (H. R. 19868) providing for the acquisition of a site and the erection of an immigration exposition building at the city of St. Louis, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 19869) to authorize the condemnation of land for highway and park purposes along the Anacostia River in the District of Columbia in connection with the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge to the District line; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced

and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 19870) granting a pension to Angeline W. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19871) granting a pension to Serepta Crumrine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19872) granting a pension to Ellen J. Workman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19873) granting a pension to Ella Fitzsimmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19874) granting a pension to Emma Holland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19875) granting a pension to Elizabeth Boetticher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19876) granting an increase of pension to John L. Nebergall; to the Committee on Invalid Pensions,

Also, a bill (H. R. 19877) granting an increase of pension to Jacob Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19878) granting an increase of pension to Anthony Wink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19879) granting an increase of pension to Barton O'Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19880) granting an increase of pension to Volney H. Doe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19881) granting an increase of pension to Joseph N. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19882) granting an increase of pension to David L. Stouffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19883) granting an increase of pension to William S. Straley; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 19884) granting a pension to Ann Miller; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 19885) granting an increase of pension to William A. Sanderson; to the Committee

on Invalid Pensions. By Mr. BROWN: A bill (H. R. 19886) granting an increase of pension to Marshall Canfield; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 19887) granting an increase of pension to Frank C. Hutchinson; to the Committee on Pensions.

Also, a bill (H. R. 19888) for the relief of Elizabeth Muhleman; to the Committee on Claims.

By Mr. CARLIN: A bill (H. R. 19889) granting an increase of pension to William A. McDonald; to the Committee on Pen-

Also, a bill (H. R. 19890) for the relief of the estate of Benjamin Longerbeam, deceased; to the Committee on War

Also, a bill (H. R. 19891) for the relief of the legal representatives of J. W. Darne; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 19892) granting an increase of pension to Whence Tool: to the Committee on Invalid Parameters.

of pension to Thomas Teed; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 19893) for the relief of Jose Salazar; to the Committee on Claims.

Also, a bill (H. R. 19894) for the relief of Juan Estevan

Vigil; to the Committee on Claims.

By Mr. DAVIS of Minnesota: A bill (H. R. 19895) granting

an increase of pension to Charles H. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19896) for the relief of Fred Klossner; to the Committee on Claims.

Also, a bill (H. R. 19897) for the relief of Edward J. Klossner; to the Committee on Claims.

By Mr. DE FOREST: A bill (H. R. 19898) to remove the charge of desertion against John C. Houghtaling; to the Committee on Military Affairs.

By Mr. DODDS: A bill (H. R. 19899) granting a pension to Mary E. Hilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19900) to correct the military record of Edward Chappell (also borne on the rolls as Edwin Chappell); to the Committee on Military Affairs.

By Mr. DUPRE: A bill (H. R. 19901) granting an increase of pension to William G. McConnell; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 19902) for the relief of Mrs. W. J. Gross; to the Committee on War Claims.

Also, a bill (H. R. 19903) for the relief of the heirs of Edmund B. Gross; to the Committee on War Claims.

Mr. GREEN of Iowa: A bill (H. R. 19904) for the relief of A. M. Ellis; to the Committee on Claims.

A. M. Ellis; to the Committee on Claims.

By Mr. GUERNSEY; A bill (H. R. 19905) granting a pension to Agnes A. Balcom; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 19906) for the relief of Coonell Riveland; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 19907) granting a pension to Eliza P. Cook; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 19908) for the relief of George C. Westfall; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 19909) for the relief of the heirs of William H. Bradshaw; to the Committee on War

By Mr. LLOYD: A bill (H. R. 19910) granting a pension to Ethel White; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma; A bill (H. R. 19911) granting a pension to Daniel B. Voyles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19912) granting an increase of pension to Bowman R. Butcher; to the Committee on Invalid Pensions,

By Mr. McKENZIE: A bill (H. R. 19913) granting an increase of pension to Joseph Graff; to the Committee on Invalid

By Mr. McKINNEY: A bill (H. R. 19914) for the relief of Francis W. Hunt; to the Committee on Claims.

By Mr. MAHER: A bill (H. R. 19915) granting a pension to Margaret Walsh; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 19916) granting pension to William Whiteside; to the Committee on Pensions.

Also, a bill (H. R. 19917) granting an increase of pension to Sarah E. McCann; to the Committee on Invalid Pensions, By Mr. POWERS: A bill (H. R. 19918) granting a pension to

William Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19919) granting an increase of pension to David Elder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19920) for the relief of Patrick Henry

Bridgewater; to the Committee on War Claims.

Also, a bill (H. R. 19921) for the relief of Valentine S.

Brewer; to the Committee on War Claims.

Also, a bill (H. R. 19922) for the relief of Ella J. Vermillion and others; to the Committee on War Claims.

Also, a bill (H. R. 19923) for the relief of Harriet N. Lair: to the Committee on War Claims.

Also, a bill (H. R. 19924) for the relief of William B. Kelly; to the Committee on War Claims.

Also, a bill (H. R. 19925) for the relief of Robert Hardwick; to the Committee on War Claims.

Also, a bill (H. R. 19926) for the relief of Thomas P. Colwell; to the Committee on War Claims.

Also, a bill (H. R. 19927) for the relief of Mary Speak; to the

Committee on War Claims.

Committee on War Claims.

Also, a bill (H. R. 19928) for the relief of Sarah Ann Dobbs; to the Committee on War Claims.

Also, a bill (H. R. 19929) for the benefit of the Presbyterian Church at Somerset, Ky.; to the Committee on War Claims.

Also, a bill (H. R. 19930) for the relief of U. S. Denny; to the Committee on War Claims.

Also, a bill (H. R. 19931) for the benefit of the Baptist Church

at Somerset, Ky.; to the Committee on War Claims.

By Mr. ROBERTS of Nevada: A bill (H. R. 19932) granting
an increase of pension to Edwin F. Hall; to the Committee on

By Mr. RUBEY: A bill (H. R. 1993) granting an increase of pension to Eliza E. Tuttle; to the Committee on Invalid

Also, a bill (H. R. 19934) granting a pension to Charles Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19935) granting a pension to Kelly Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19936) granting a pension to Nancy D. Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19937) granting an increase of pension to Richard F. Nunn; to the Committee on Invalid Pensions.

By Mr. RUSSELLI: A bill (H. R. 19938) granting a pension to Benjamin Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19939) granting an increase of pension to Marion H. Bolerjack; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19940) for the relief of

James A. Hardee; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 19941) granting an increase of pension to Susan E. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 19942) granting an increase of pension to James T. Singleton; to the Committee on Invalid Pensions. By Mr. SMITH of New York: A bill (H. R. 19943) granting

an increase of pension to Henry W. Eno; to the Committee on Invalid Pensions

By Mr. TOWNER: A bill (H. R. 19944) for the relief of Washington M. Knight; to the Committee on Claims. Also, a bill (H. R. 19945) for the relief of H. H. Gilreath;

to the Committee on War Claims.

By Mr. WARBURTON: A bill (H. R. 19946) granting a pension to Margaret Shaser; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of Woman's Christian Temperance Union of Cherry Grove, Minn., for passage of Kenyon-Sheppard interstate liquor bill; to the Com-

mittee on the Judiciary.

By Mr. AYRES: Petition of citizens of the Bronx, in favor of old-age pensions; to the Committee on Pensions.

By Mr. BARTLETT: Petition of the Georgia Breeders' Association, for increased appropriations for agricultural colleges; to the Committee on Agriculture.

Also, Petition of members of the Improved Order of Red Men of Macon, Ga., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on

Public Buildings and Grounds.

By Mr. BOWMAN: Petitions of Paul A. Oliver, of Olivers

Mill, and Tsau Ricketts, of Wilkes-Barre, Pa., for a children's bureau; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Local No. 1168, United Modern Woodmen of America, and Local No. 147, United Association Journeymen Plumbers, Gas Fitters, Steam Fitters, etc., for passage of House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of J. B. Martin, of Uniontown, Pa., in favor of House bill 17017; to the Committee on Expenditures in the Treasury Department.

Also, petition of Sugarloaf (Pa.) Council, No. 517, Junior Order United American Mechanics, in favor of bill to restrict immigration; to the Committee on Immigration and Naturaliza-

Also, petition of Thomas Barnes, of White Haven, Pa., in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of Fred M. Kirby, of Wilkes-Barre, Pa., in favor of plan as outlined by Secretary Meyer in the building of dreadnoughts; to the Committee on Naval Affairs.

Also, petition of Crocker Grocery Co., of Wilkes-Barre, Pa., in favor of 1-cent letter postage; to the Committee on the Post

Office and Post Roads.

Also, petition of the Pennsylvania Dairy Union, of State College, Pa., against any change in the oleomargarine law; to the Committee on Agriculture.

By Mr. BUCHANAN: Petition of J. B. Farnworth and others, of Chicago, Ill., praying for the passage of House bill 16214, providing for the protection of "dry" territory from the importation of liquors for illegal use; to the Committee on the Judiciary.

By Mr. CLINE: Petition of citizens of Ligonier, Md., remonstrating against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Petitions of numerous citizens of the State of Illinois, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. COX of Indiana: Petitions of citizens of the State of Indiana, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of the State of Indiana, protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Petition of Woman's Christian Temperance Union of the State of New Mexico, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of C. H. Andrews and others, of Faribault, Minn., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. DWIGHT: Petitions of Congregational Church of West Groton and Woman's Christian Temperance Unions of Brookton, Leyden, and Trumansburg, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FRANCIS: Petition of Belmont Grange, No. 889, of Barnesville, Ohio, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Bricklayers, Masons, and Plasterers' Union, No. 11, of La Salle, Ill., favoring the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means

Also, petition of the Common Council of Valdez, Alaska, for an appropriation to protect the town from glacier streams; to

the Committee on the Territories.

By Mr. GARNER: Petition of citizens of Floresville, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of Post No. 62, Grand Army of the Republic, protesting against proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of Grange No. 1423, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. HIGGINS: Petition of Union Baptist Church of Groton, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Connecticut, against regulation of shipment of intoxicating liquors; to the Committee on the Judiciary.

By Mr. HILL: Petition of Dr. D. C. De Wolfe and others, of Bridgeport, Conn., in favor of House bill 16690, for the relief of scientific institutions; to the Committee on Ways and Means. By Mr. HINDS: Petition of Woman's Christian Temperance

Union of South Portland, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Raymond Hill, and Siloam Lodge of Good Templars, No. 151. of Biddeford, Me., for legislation to restrict the interstate traffic in intoxicating liquors; to the Committee on the Judicioner.

diciary.

By Mr. HUGHES of New Jersey: Petitions of the Woman's Christian Temperance Union of Closter, Baptist Church of Netcong, and Village Improvement Association of Ramsey, N. for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of Harris & Filler and others, of Frederick, Md., praying a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the thirty-ninth annual meeting of the farmers of Montgomery County, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee

on the Judiciary.

By Mr. LINDSAY: Petition of the Republican Club of New York, for a department of national health; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Petition of W. D. Hughes and other citizens of Washington County, Nebr., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of Local No. 313, Street Railway Employees, Rock Island, Ill., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Johnson County, Nebr., remonstrating against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MAHER: Petition of the Republican Club of New York, for a department of national health; to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of the Brotherhood of the First Congregational Church of Red Cloud, Nebr., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee

By Mr. O'SHAUNESSY: Petitions of the Woman's Christian Temperance Unions of Central Falls and Woonsocket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Com-

mittee on the Judiciary.

Also, petition of S. Penegarve, of Saylesville, R. I., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of the Union League Club, of New York, for memorial to Peletiah Webster; to the Committee on the Li-

Also, petition of Farmers' Educational and Cooperative Union of America, for children's bureau; to the Committee on Labor.

Also, memorial of Department of Ohio, Grand Army of the Republic, relative to pension legislation; to the Committee on Invalid Pensions.

Also, memorials of Union No. 142, Pawtucket (R. I.) Printing Pressmen and Assistants' Union, and Union No. 12, Providence (R. I.) Web Pressmen, for increased compensation of pressmen in the Government Printing Office; to the Committee on Printing.

on Printing.

By Mr. PARRAN: Papers to accompany bill for the relief of John Ayres (H. R. 15879); to the Committee on Pensions.

By Mr. PATTEN of New York: Resolutions of the Republican Club of New York City, urging the passage of Senate bill 6049, establishing a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: Petitions of citizens of New York, for House hill providing for old-age pensions; to the Committee on

House bill providing for old-age pensions; to the Committee on

By Mr. ROBERTS of Nevada: Petition of citizens of Round Mountain, Nev., for passage of the old-age pension bill; to the Committee on Pensions.

Also, petitions of business men of Carson City, Elko, Lovelock, Reno, and Virginia City, Nev., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of business men of Carson City, Elko, Lovelock, Reno, Sparks, and Virginia City, Nev., favoring legislation that will give the Interstate Commerce Commission further power in the regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: Petition of Baptist Church of Warsaw, Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. SIMS: Petition of citizens of Henry County, Tenn., for passage of an effective interstate liquor law; to the Com-

mittee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petitions of citizens of the State of Nebraska, protesting against the passage of parcelpost legislation; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petitions of citizens of New York City and Brooklyn, N. Y., urging the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Petitions of the First Metho-Episcopal Church of Pennington and Woman's Christian Temperance Unions of Clifton and Frenchtown, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

Monday, February 12, 1912.

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the

following prayer:

Almighty God, our heavenly Father, who hast called us for freedom, as we come before Thee help us to lay aside every weight and the sin that doth so easily beset us that so Thy word of truth may have free course in us. Bound though we be with the chain of our sins, yet speak but the word, O Lord, and we shall be set free and be admitted to the glorious liberty of the sons of God. So may we and this people joyfully submit ourselves to Thee, whom to know is life and whom to serve is perfect freedom. In the name which is above every name hear our prayer. Amen.

JACOB H. GALLINGER, a Senator from the State of New Hampshire, took the chair as President pro tempore under the

previous order of the Senate.

The Journal of the proceedings of Thursday last was read and approved.

PRESIDENT OF THE SENATE PRO TEMPORE.

On motion of Mr. Cullom, it was

Or motion of Mr. Cullom, it was

Ordered, That the Secretary walt upon the President of the United
States and inform him that the Senate has elected Jacob H. Gallinger,
a Senator from the State of New Hampshire, President of the Senate
pro tempore, to hold and exercise the office in the absence of the Vice
President on Monday, February 12, and Tuesday, February 13, 1912.

Ordered, That the Secretary inform the House of Representatives that
the Senate has elected Jacob H. Gallinger, a Senator from the State
of New Hampshire, President of the Senate pro tempore, to hold and
exercise the office in the absence of the Vice President on Monday,
February 12, and Tuesday, February 13, 1912.

AFFAIRS IN INSULAR POSSESSIONS (S. DOC. NO. 306).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting compila-tions prepared by the Bureau of Insular Affairs relating to affairs in American insular and isthmian possessions and territories, which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

CAPT, P. H. UBERROTH AND GUNNER KARL JOHANNSEN (H. DOC. NO. 534).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, requesting that Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Karl Johannsen, United States Revenue-Cutter Service, attached to the United States revenue cutter Gresham, may be authorized by Congress to accept gold watches which it is the desire of the Government of the Dominion of Canada to present to them in recognition of their services in saving the lives of the crew of the wrecked British schooner S. A. Fownes on December 16, 1910, which was referred to the Committee on Foreign Relations and ordered to be printed.

DISTRICT EMPLOYEES (S. DOC. NO. 303).

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 5th instant, certain information relative to employees connected with the District government engaged in political activity in the District, which was ordered to lie on the table and be printed.

RAILROADS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 304).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 7th instant relative to the valua-

tions of the property of railroads in the District of Columbia, that the information called for is contained in the records of the District of Columbia and is not of record in the Treasury Department, which was referred to the Committee on the District of Columbia and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 9, 1912:

S. 3024. An act to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts; and

S. 4339. An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a bridge across the Cumberland River, in the State of Tennessee.

On February 10, 1912:

S. 3580. An act to authorize the change of name of the steamer Henry A. Hawgood;

S. 3869. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer W. R. Woodford to N. F. Leopold;

S. 3870. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer

Arthur H. Hawgood to Joseph Block;

S. 4351. An act to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings; and

S. 4246. An act to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

Senate:

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of

said war; and

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4651) to amend section 171 of the penal laws of the United States, approved March 4, 1909, and it was thereupon signed by the President pro tempore.

MEXICAN COTTON BOLL WEEVIL (S. DOC. NO. 305).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper and illustrations, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, accompanying the manuscript of a report on the "Mexican Cotton Boll Weevil: A Summary of the Results of the Investigation of this Insect up to December 31, 1911." (Bulletin No. 114, Bureau of Entomology.)

The report contains valuable information of great public interest to cotton planters of this country and those dependent upon the cotton-plant industry, and I cordially indorse the recommendation of the Secretary that the report be printed for distribution by Congress, as well as by the department.

WM. H. TAFT.

THE WHITE House, February 12, 1912.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the Chamber of Commerce of Boston, Mass., favoring the

creation of an international commission on the cost of living, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Municipal Council of Valdez, Alaska, favoring an appropriation to provide for the maintenance, extension, and building of new wagon roads and trails in the Territory of Alaska, which were referred to the Committee on Territories.

He also presented a petition of the Christian Endeavor Society of Greenback, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee

on the Judiciary.

He also presented petitions of sundry citizens of Mercer, Tenn.; of Fairgrove, Mich.; of Aberdeen, Md.; and of South Bend, Ind., remonstrating against the extension of the parcelpost system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a petition of the Wholesale Grocers' Association of Danville, Ill., praying for a reduction in the duty on raw and refined sugars, which was referred to the

Committee on Finance.

He also presented memorials of sundry cigar manufacturers of Pekin, Ill., remonstrating against the imposition of a tax on cigars furnished employees by the manufacturers thereof, which were referred to the Committee on Finance.

He also presented a petition of Newspaper Web Pressmen's Union No. 7, of Chicago, Ill., praying for the enactment of legislation to increase the compensation of pressmen employed in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of the State Medical Society of Illinois, praying for the establishment of a department of public health, which was referred to the Committee on Public

Health and National Quarantine.

He also presented memorials of the Woman's Christian Temperance Unions of Galesburg, Elgin, and McLean, and of sundry citizens of Chicago, all in the State of Illinois, remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a memorial of Barbers' Local Union No. 140, of Streator, Ill., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of Painters, Decorators and Paperhangers' Local Union No. 29, of Galesburg, Ill., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Woman's Club of Jacksonville, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agri-

culture and Forestry.

He also presented petitions of the congregations of sundry churches of Chicago, Aurora, Batavia, Montgomery, Quincy, Manito, Reno, and Naperville, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pinckneyville, Enfield, and Aurora, all in the State of Illinois, praying
for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Prairie City, Streator, Chicago, Monticello, Durand, Polo, Steeleville, Springfield, Peoria, and Elburn, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Illinois, New Hampshire, Pennsylvania, and Massachusetts, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Illinois and New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France which were ordered to lie on the table.

and France, which were ordered to lie on the table.

He also presented a petition of Sidney B. Phillips Post, No. 379, Department of Illinois, Grand Army of the Republic, of Litchfield, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Passages.

Mr. OLIVER presented petitions of Local Grange No. 214, of East Smithfield; No. 1311, of Luthers Mills; No. 706, of Mahaffey; No. 1295, of South Abington; No. 1423, of Everett; No. 1166, of Hallstead; No. 250, of Linden; No. 67, of Oxford;

No. 563, of Clarion County; and No. 760, of Montgomery County, all in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the First Presbyterian Church of New Milford; the Methodist Episcopal Church of New Milford; the Methodist Episcopal Church of Pinebank; the First United Presbyterian Church of McKeesport; and of the Union Methodist Episcopal Church, of Pittsburgh; and of the Woman's Christian Temperance Unions of Lawrenceville, Homewood, New Florence, Sharpsburg, Etna, and McKeesport, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of sundry citizens of Duxby, Minn., praying for the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Wesley Methodist Church, of Minneapolis, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of sundry business men of Richardton, N. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Woman's Christian Temperance Union of Jamestown; of the congregation of the Methodist Episcopal Church of Valley City; and of sundry citizens of Grand Forks, all in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Wichita, Haviland, Jetmore, Newton, Agricola, Kensington, and Luca, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Mayetta, Salina, and Culver, all in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Salina, Caldwell, Tully, Osborne, and McPherson County, all in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented a petition of sundry citizens of Sanford, Jonesboro, Colon, and Gum Neck, all in the State of North Carolina, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices

He also presented petitions of sundry citizens of Waxhaw, Wilson, Lewisville Township, Leaksville, and Spray, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented petitions of sundry citizens of Andover and Valley Springs, in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the United Norwegian Lutheran Church, of Lake Preston, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Elizziebeth Frances Jones, of Muskogee, Okla., praying that she be enrolled as a member of the Five Civilized Tribes of Indians, which was referred to the Committee on Indian Affairs.

Mr. BURNHAM presented a petition of the Woman's Christion Temperance Union of Sunapee, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the New Hampshire Peace Society, of Manchester, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Woman's Reading Club, of Henniker, N. H., praying for a reduction of the duty on raw

and refined sugars, which was referred to the Committee on

He also presented a petition of the State Federation of Women's Clubs of Oregon, praying for the repeal of the oleo-margarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Tri-State Grain and Stock Growers' Convention, held at Fargo, N. Dak., favoring an appropriation for the endowment and support of the agricultural colleges of the country, which was referred to the Committee on Appropriations.

Mr. BACON presented a petition of members of the City Council of Augusta, Ga., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. FLETCHER presented a petition of sundry citizens of Florida, praying for the enactment of legislation to prevent the breaking of seals of railroad cars containing interstate or for-eign shipments, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Florida, praying for the repeal of the anticanteen law, which was referred to the Committee on Military

He also presented a petition of members of the Republican Club of New York City, N. Y., praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of members of the conference of the Methodist Episcopal Church in annual session at South Jacksonville, Fla., praying for the enactment of legislation to regulate the manufacture, sale, and importation of-intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of the officers and board of directors of the Ancient Order of Hibernians in America and of the Ladles' Auxiliary of the Ancient Order of Hibernians in America, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Committee on Foreign Relations, which was ordered to lie on the table.

Mr. DU PONT presented a petition of the Center Monthly Meeting of the Society of Friends, of Hockessin, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAGE presented petitions of the congregations of the Methodist Episcopal Church of Winooski; the First Baptist Church of Burlington; the First Congregational Church of Hyde Park; the Young Men's Christian Association of Woodstock; the First Church of Burlington; the Commercial Club of Northfield; the First Congregational Church of Jericho; the Congregational Church of Barre; the Union Meeting of the Protestant churches of Woodstock; the Congregational and Methodist churches of Barton; the Burlington Commercial Club, of Burlington; the Bethany Church of Montpelier; the Church of the Messiah, of St. Johnsbury; F. E. Hayward, of Westminster; the First Congregational Church Society (Unitarian) of Bur-lington; the Randolph Christian Brotherhood, of Randolph; W. J. Van Patten, of Burlington; the Rev. Joseph Reynolds, of Rutland; the First Congregational Church of Cornwall; the First Congregational Church of Bellows Falls; the Center Congregational Church, of Brattleboro; the First Baptist Church of Brattleboro; the Vermont Baptist State Convention; the pastors of the churches of Woodstock; and of the Board of Trade of Brattleboro, all in the State of Vermont; and of the Delaware Peace Society, of Wilmington, Dell; of the Representative Meeting of the Society of Friends for Pennsylvania, New Jersey, and Delaware, held at Philadelphia, Pa.; of the Clothiers' Association of New York City; and of the Massachusetts Peace Society, Boston, Mass., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CURTIS presented petitions of sundry citizens of Logan,

Portis, Concordia, and Jamestown, all in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the congregations of the German Methodist Episcopal Church, the Grace Methodist Episcopal Church, the Seventh-day Adventist Church, the West Side Presbyterian Church, and of the Lincoln Street Presbyterian Church, all of Wichita, in the State of Kansas, remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented petitions of the congregations of the Second Methodist Episcopal Church of Manhattan; the German

Methodist Church of Wichita; the Lincoln Street Presbyterian Methodist Church of Wichita; the Lincoin Street Presbyterian Church, of Wichita; the United Brethren Church of Iola; the First Presbyterian Church of Iola; the Reformed Church of Iola; the Grace Methodist Episcopal Church, of Wichita; the Seventh-day Adventist Church of Wichita; the West Side Presbyterian Church, of Wichita; the Monthly Meeting of Friends of Haviland; the Mothers' Club of Iola; and of sundry citizens of Mount Hope, all in the State of Kansas, praying for the engagement of an interstate liganor law to prevent the for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented a petition of the Woman's Christian Temperance Union of Johnston, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Com-

mittee to the Judiciary.

Mr. BRANDEGEE presented a petition of the congregation of the Union Baptist Church, of Groton, Conn., and a petition of the Christian Endeavor Union of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were re-ferred to the Committee on the Judiciary.

Mr. ROOT presented petitions of the congregations of the Methodist Episcopal Church of Slaterville; the Methodist Episcopal Church of Enfield; the Congregational Church of Danby; and the Baptist Church of Warsaw; of the Woman's Christian Temperance Unions of Brookton, Dryden, and Slaterville Springs; of the Brotherhood of Pilgrims of the Memorial Congregational Church, of Jamestown; the Christian Endeavor Society of Brookton; and of the Railroad Young Men's Christian Association of Rouses Point, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of members of the Republican Club of New York City, praying for the establishment of a Department of Public Health, which was referred to the Com-

mittee on Public Health and National Quarantine.

He also presented petitions of the congregation of the First Congregational Church of East Windsor; of Local Grange No. 94, Patrons of Husbandry, of East Windsor; and of the Woman's Christian Temperance Union, of Seymour, all in the State of Connecticut, praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented petitions of the congregation of the Methodist Episcopal Church, of Mount Washington; the Woman's Christian Temperance Union; and the Ladies' Aid Society of the Methodist Episcopal Church, of Royal Oak; of the Enterprise Farmers' Club, of Sandy Spring, and a resolution adopted by the thirty-ninth annual farmers' convention, held at Sandy Spring, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the thirty-ninth annual farmers' convention, held at Sandy Spring, Md., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which

was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce, of Baltimore, Md., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

Mr. CRANE presented a petition of the Woman's Christian Temperance Union, of Pittsfield, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the

Committee on the Judiciary.

Mr. SHIVELY presented petitions of Local Post No. 203, of Tipton; and Royal Center Post, of the Grand Army of the Republic, in the State of Indiana; and a petition of Local Post No. 74, Grand Army of the Republic, Department of Iowa, of Maquoketa, Iowa, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of Local Union No. 5, National Brotherhood of Operative Potters, of Evansville, Ind., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred

to the Committee on Printing.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a petition of the Farmers' Educational and Cooperative Association, of Heltonville, Ind., and a petition of Local Grange No. 2174, Patrons of Husbandry, of Columbus, Ind., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Indiana Retail Association, in convention at Indianapolis, Ind., Clothiers' remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post

He also presented a memorial of the Business Men's Association of Union City, Ind., and a memorial of sundry citizens of Ligonier, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 12868, American Federation of Labor, of Bedford, Ind., praying for the passage of the so-called eight-hour bill, which was referred to

the Committee on Education and Labor.

He also presented a petition of sundry citizens of Indianapolis, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a memorial of Local Post No. 34, Grand Army of the Republic, Department of Indiana, of Otwell, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the

District of Columbia.

He also presented petitions of the congregations of the Brethren Church, the Lutheran Church, the Methodist Episcopal Church, and the Mennonite Church, and of the Men's Forward Movement Class, all of Nappanee, in the State of In-diana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the Alliance of German Societies of the State of Indiana, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which

was referred to the Committee on the Judiciary.

He also presented a petition of Printing Pressmen's and Assistants' Union, No. 117, of Evansville, Ind., and a petition of Printing Pressmen's Union No. 105, of La Fayette, Ind., praying for the enactment of legislation to increase the compensation of pressmen employed in the Government Printing Office, which were referred to the Committee on Printing.

Mr. CLAPP presented resolutions adopted by the City Council of Two Harbors, Minn., praying that an investigation be made relative to a combination in restraint of trade existing between the wholesale coal dealers operating at Duluth and Superior and between these coal dealers and the retail coal dealers' associations, which were referred to the Committee on Interstate Commerce.

Mr. BROWN presented petitions of sundry members of the Nebraska National Guard, residents of Stanton, Holdrege, and Fremont, in the State of Nebraska, praying for the enactment of legislation to regulate the pay of the Organized Militia, which were referred to the Committee on Military Affairs,

He also presented a memorial of sundry citizens of McCook, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Woman's Club of Omaha, Nebr., praying for the establishment of a department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of sundry citizens of Beaver City, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. O'GORMAN presented a memorial of the Ancient Order of Hibernians in America, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Brooklyn, N. Y., praying for the ratification of the proposed treaties of United States, Great Britain, and arbitration between the France, with the so-called Root amendment, and also favoring the ratification of a similar treaty with Germany, which were

ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Easton, N. Y., and a petition of the Central Christian Mothers' Union, of Albany, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PERKINS presented a petition of Local Union No. 33, Press Assistants, of San Francisco, Cal., praying for the adoption of an amendment to the so-called Smoot printing bill to increase the pay of pressmen in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of the Sacramento Valley Development Association, of California, praying that an appropriation be made for the improvement of the Sacramento River, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the members of the Institute of Art of San Francisco, Cal., remonstrating against the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the Yosemite National Park, in that State,

which was referred to the Committee on Public Lands.

He also presented a petition of the Municipal Council of Valdez, Alaska, praying that an appropriation be made for the construction of wagon roads and trails in Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the deepening of the harbor at that city, which was referred to the Committee on Commerce.

He also presented a memorial of sundry assayers and metallurgists of San Francisco, Cal., remonstrating against the establishment of a Government station at Auburn, Cal., for the investigation of minerals, which was referred to the Committee on Mines and Mining.

Mr. GARDNER presented petitions of the Board of Trade of South Portland, the First Congregational Church of Farmington, the Union Church of Stillwater, the First Congregational Church of Blue Hill, the Congregational Church of Orono, the Maine Teachers' Association, and of sundry citizens of Walnut Hill, Bath, Atkinson, Silvers Mills, Westbrook, and Stroudwater. all in the State of Maine, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the

He also presented a memorial of Local Union No. 27, Pulp, Sulphite, and Paper Mill Workers, of Woodland, Me., and a memorial of Local Union No. 270, International Brotherhood of Stationary Firemen, of Madison, Me., remonstrating against the proposed abolishment of the hand-roller process in the manufacture of paper currency, which were referred to the Committee on Printing.

He also presented petitions of the Woman's Christian Temperance Union and the Union Evangelical Church of Greenville; of the Woman's Christian Temperance Union and the Second Baptist Church of Calis; of the Weman's Christian Temperance Unions of Westbrook; of the Weman's Christian Temperance Union and the Poeple's Methodist Episcopal Church of Ripley; of the Island Avenue Congregational Church, of Skowhegan; of the Friends' Plural Church of Winthrop Center, of Winthrop; of the Woman's Christian Temperance Unions of Harrison, Culberland Mills, West Falmouth, Kennebunk, Gardner, and Marrs Hill; of the Baptist Church and the Adventist's Christian Church of Milltown; and of Rev. J. W. Farrell, of West Falmouth, all in the State of Maine, praying for rell, of West Falmouth, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nulli-fication of State liquor laws by outside dealers, which were re-ferred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of the Christian Union Church of West Epping and of sundry citizens of Sunapee and Tilton, all in the State of New Hamp-

shire, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented the petition of Joseph Madden, of Keene, N. H., and a petition of the Commercial Law League of America, praying for the enactment of legislation extending the right of execution throughout the United States, which were referred

to the Committee on the Judiciary.

He also presented the memorial of Roland H. Boutwell, president of the Standard Horse Shoe Co., of Boston, Mass., remonstrating against placing horseshoes on the free list, which was

referred to the Committee on Finance.

He also presented the memorial of T. F. Schneider, of Washington, D. C., remonstrating against the enactment of legislation requiring a device on passenger elevators to prevent their mov-

ing until the door is closed, which was referred to the Committee on the District of Columbia.

He also presented a petition of the New Hampshire Peace Society, of Manchester, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a resolution adopted by the Robert T. Freeman Dental Society of the District of Columbia, favoring the adoption of a certain amendment to the act to regulate the sale of poisons and narcotics in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the board of directors of Columbia Hospital for Women, in the District of Columbia, favoring an appropriation for the continuance of that hospital, which was referred to the Committee on Appropriations.

THE INITIATIVE, REFERENDUM, AND RECALL (S. DOC. NO. 302).

Mr. BROWN. I present and ask to have printed as a public document a contribution by Senator BOURNE, appearing in the Atlantic Monthly of last month. The subject of the communication is the initiative, referendum, and recall.

The PRESIDENT pro tempore. The Senator from Nebraska presents a paper which he asks to have printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 838) to correct the military record of David R. B. Winniford, reported it with amendments and submitted a report (No. 345) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 8853) for the relief of John L. Baird, reported it without amendment and submitted

of John L. Baird, reported it without amendment and submitted a report (No. 346) thereon.

Mr. HEYBURN, from the Committee on the Philippines, to which was referred the bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippines. Islands, and for other purposes, and to amend an act approved to the affairs of civil government in the Philippines. pine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," reported it with amendments and submitted a report (No. 347) thereon.

Mr. WARREN. The bill (H. R. 18794) to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters, having been referred to the Committee on Appropriations, that committee has considered the same. As the bill does not seek to appropriate money and evidently belongs to the Committee on Territories, the Com-

mittee on Appropriations report it back with the suggestion that it be referred to the Committee on Territories.

The PRESIDENT pro tempore. Without objection, the Committee on Appropriations will be discharged from the further consideration of the bill and it will be referred to the Committee on Territories

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 343), accompanied by a bill (S. 5193) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following pension bills heretofore referred to that committee:

- S. 4. Mary J. Stumpff. S. 42. Robert M. Reynolds. S. 156. Ansil Decatur. S. 157. Hiram Smith. S. 158. Joseph C. Norris.

- S. 196. David H. Burge. S. 197. James H. Baker.
- S. 201. David T. Moneypenny, S. 204. William R. Jones, S. 367. Francis Bills.

- S. 398. Emma Montgomery.
- S. 477. Marcy A. Tyler, S. 479. James Scott.
- Nathan Wakefield.
- S. 490. William H. Amsbury.

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S. 537. Amos T. Phares.
 S. 586. David Bishop.
S. 623. Adoniram J. Goff.
S. 623. Adoniram J. Goff.
S. 638. William A. Sharp.
S. 641. Betsy B. Simons.
S. 643. John W. Watsbaugh.
S. 797. David Cain.
S. 800. John Boler.
S. 810. Bernard F. Morrow.
S. 857. James Y. Kennedy.
S. 858. William E. Brown.
 S. 883. Francis Caux.
S. 914. Henry Worthington,
S. 922. Frederick C. Payne,
S. 941. Thomas Reynolds.
S. 946. Robert H. Keller.
S. 948. John M. Perry.
 S. 1114. John Goldsmith.
 S. 1192. Washington H. Wells.
 S. 1194. Christian Miller.
S. 1195. Albert C. Jefferson,
S. 1367. William J. Perkins,
S. 1670. Jacob P. Buswell.
S. 1884. George S. Putnam.
S. 1912. William S. Hosack.
 S. 1913. William Roberts.
 S. 1963. Alfred Greenstreet.
 S. 1990. William O. Campbell.
 S. 1998. Charles Shabley.
 S. 2015. Michael H. Skinner.
S. 2015. Michael H. Skinner,
S. 2017. Delevan L. Terrill.
S. 2018. Henry M. Willis.
S. 2027. Isaiah Fry.
S. 2089. Abigail J. Fairfield.
S. 2092. John F. Chamberlin.
S. 2093. Charles L. Burgess.
S. 2130. James Smith.
S. 2131. Samuel S. Wilhite.
S. 2138. Edward G. Danforth.
S. 2229. Elizabeth Cleary.
8. 2229. John Stevens.
8. 2230. John Stevens.
8. 2328. Abial S. Loomis.
8. 2715. John R. Littell.
8. 2800. Royal Cranston.
 S. 2827. Thomas Cogar.
S. 2869. Daniel D. Whitney,
S. 2884. David D. Barclay,
S. 2950. Charles L. Hubbs.
S. 3010. Eli Hoyt.
S. 3033. William L. Norton.
S. 3053. Josiah McKirahan.
S. 3054. Josiah H. Gordon.
S. 3102. Clark Colvin.
S. 3103. Emily Fisher.
 S. 3105. George Choron.
S. 3106. William Starry.
S. 3133. Samuel Osborne.
S. 3144. William Boyd.
S. 3172. Michael Crane.
S. 3192. William Boyce.
S. 3192. William Boyce.
S. 3298. Jacob Lantz.
S. 3299. William M. Clark.
S. 3384. Lucy R. Stokes.
S. 3415. Reuben P. McCutchau,
S. 3416. John A. Larimer,
S. 3448. George Gault.
S. 3457. Hiram Souders.
S. 3477. William Simpson,
 S. 3486. Solon Peterson.
 S. 3496. Aaron Hemingway.
 S. 3497. Monroe D. Whitman.
 S. 3498. Robert Thom.
S. 3504. Amos L. Burdick.
S. 3623. Josiah Wood.
 S. 3676. Manlius Holbrook.
 S. 3677. John A. McFeeters.
 S. 3689. Edwin Underhill.
 S. 3706. James L. Lane.
 S. 3708. Sylvester Abbott.
S. 3718. William E. Flesher.
S. 3746. Christopher Miller.
S. 3792. William A. Pierce.
S. 3793. Levi J. Silverthorn,
S. 3822. Allison Olinger,
S. 3836. Theresia Meyer,
 S. 3922. John G. Ward.
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S. 3933. James Gosnell.
S. 3934. Ephraim Hensley.
S. 3957. Maria Hinchcliff.
S. 4117. Thomas Kehoe.
S. 4154. Robert G. Sleater.
S. 4156. William A. Clovis.
S. 4188. William H. Steel.
S. 4225. Enoch Adkins.
S. 4261. William H. Layfield,
S. 4292. William E. Clarke,
S. 4343. William Hodge.
S. 4344. Julius Cohn.
S. 4426. Isaac Cutright.
S. 4429. Lewis H. Ewart.
S. 4469. John W. Whipple.
S. 4530. Harriet B. Nichols.
S. 4592. Mattie H. Miner.
S. 4608. Margaret W. Ide.
S. 4610. George W. Harlow.
S. 4650. William H. Hall.
S. 4657. Nancy A. Searls.
S. 4671. Roswell Bradley.
S. 4771. Dennis Morean.
S. 4775. Mary E. Seaton.
S. 4785. William A. Willis.
S. 4909. John Burton.
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Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 344), accompanied by a bill (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following pension bills, heretofore referred to that committee;

S. 523. James T. Brown. S. 755. John W. Sturm. S. 775. William A. Hamilton. S. 777. Thomas McCavan. S. 877. Archie E. Booth. S. 1134. Albert F. Reynolds. S. 1674. Jacob Adams. S. 1846. John Waalkes. S. 1954. Harriet J. Bockerman. S. 1975. Jacob Korby. S. 2128. James C. Smith. S. 2271. Ralph W. Ingard. S. 2631. Harry McFarlin. S. 3068. Josephine K. Woodson. S. 3123. Vee Aiken. S. 3309. Bert Derendinger. S. 3330. Harry Colpus. S. 3679. Abner E. Armstrong. S. 3680. Mealchie Baughman. S. 3681. Hiram R. McCord. S. 3682. Mahlon Petree. 8. 3688. Andrew McDonal, 8. 3884. George F. Wallet. 8. 4116. Charles Miller. 8. 4529. Jesse Turrentine. S. 4766. William F. Pace. S. 4811. Margaret B. Sherman.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 2512) for the relief of the Snare & Triest Co., reported it without amendment and submitted a report (No. 348) thereon.

Mr. ROOT. On the 5th instant I reported from the Committee on Industrial Expositions Senate bill 180, for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes. I submit a report, No. 311, on the bill and ask that it be printed in connection therewith.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:
A bill (S. 5195) granting an increase of pension to Balaam Fox (with accompanying papers);
A bill (S. 5196) granting an increase of pension to Marvin

Chapman; and A bill (S. 5197) granting an increase of pension to Eri

Guthrie (with accompanying papers); to the Committee on

By Mr. CLARK of Wyoming: A bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west, of the sixth principal meridian; to the Committee on Public Lands.

A bill (S. 5199) granting a pension to Alfred E. Zemp; to the

Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5200) to authorize the President to appoint A. C. G. Williams-Foote, late first lieutenant in the Philippine Scouts, to the grade of first lieutenant in the United States Army and place him on the retired list; and

A bill (S. 5201) to authorize the President to appoint Clarence C. Faw, late second lieutenant in the Philippine Scouts, to the grade of second lieutenant in the United States Army and place him on the retired list; to the Committee on Military

A bill (S. 5202) for the relief of drought sufferers in Colorado;

to the Committee on Agriculture and Forestry.

A bill (S. 5203) for the relief of the Confederated Bands of Ute Indians: to the Committee on Indian Affairs.

By Mr. BURNHAM:
A bill (S. 5204) providing for the promotion of assistant paymasters in the Navy; to the Committee on Naval Affairs.

By Mr. BRYAN:

A bill (S. 5205) directing the Commissioner of Pensions to make report of pensioners on the pension rolls; to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 5206) to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake;

which was read twice by its title.

Mr. DIXON. I wish to make a statement. Ordinarily the bill should go to the Committee on Public Lands, but it is a matter which the Committee on Indian Affairs has heretofore dealt with specifically, and I think it should be referred to the Committee on Indian Affairs.

The bill will be referred to

The PRESIDENT pro tempore. the Committee on Indian Affairs.

By Mr. ROOT: A bill (S. 5207) to provide an American register for the steamer Oceana; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 5208) for the relief of A. D. Gaston; to the Committee on Claims.

By Mr. CULLOM: A bill (S. 5209) granting an increase of pension to John Che-

noweth (with accompanying papers); and A bill (S. 5210) granting an increase of pension to Herman Schroeder (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5211) to require the registration of vital statistics in the Territory of Alaska, and for other purposes; to the Committee on Territories.

By Mr. MARTINE of New Jersey:

A bill (S. 5212) providing for the recognition of the men who served as locomotive engineers during the late War of the Rebellion; and

A bill (S. 5213) to remove the charge of desertion on the first enlistment of Daniel B. Stone, alias Nelson Davis (with accompanying papers); to the Committee on Military Affairs.

By Mr. PERKINS:
A bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States

Navy; and
A bill (S. 5215) to provide a uniform method for fixing the date from which the pay of officers of the United States Navy, when promoted to the next higher grade, shall be computed; to the Committee on Naval Affairs.

A bill (S. 5216) granting an increase of pension to William Quinlivan; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5217) to place on the retired list of the Army the names of the surviving officers who were mustered out under the provisions of the act of Congress approved July 15, 1870 (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 5218) for the relief of Joshua F. Spurling; to the

Committee on Claims.

By Mr. TILLMAN:
A bill (S. 5219) for the relief of the trustees of Beaverdam Baptist Church, of Marlboro County, S. C. (with accompanying papers); to the Committee on Claims.

A bill (8, 5220) granting a pension to Lula B. Hicklin; to the Committee on Pensions.

By Mr. DU PONT: A bill (S. 5221) for the relief of the Delaware Transportation Co., owner of the American steamer Dorothy; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 5222) granting an increase of pension to Joshua Eckman (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5223) granting a pension to Catherine A. Leonard (with accompanying paper); to the Committee on Pensions.

A bill (S. 5224) to grant American registry to the Norwegian

ice breaker Kit; to the Committee on Commerce.

By Mr. CLAPP:

A bill (8, 5225) granting an increase of pension to C. L. Miles (with accompanying papers); to the Committee on Pensions.

A bill (S. 5226) for erecting a suitable memorial to John

Ericsson; to the Committee on the Library.

A bill (S. 5227) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

By Mr. CHILTON: A bill (S. 5228) for the relief of the heirs of James L. Pyne, deceased:

A bill (S. 5229) for the relief of Andrew J. Weese;

A bill (S. 5230) for the relief of the Baptist Church of Sut-

ton, W. Va. (with accompanying paper); and
A bill (S. 5231) for the relief of heirs of Mary A. Rock, deceased (with accompanying papers); to the Committee on

A bill (S. 5232) granting an increase of pension to Enos J. Brownfield;

A bill (S. 5233) granting an increase of pension to Margaret Matheny

A bill (S. 5234) granting an increase of pension to Charles T.

Howard;
A bill (S. 5235) granting a pension to George W. Smith; and A bill (S. 5236) granting an increase of pension to Henry Harris; to the Committee on Pensions.

By Mr. DILLINGHAM:
A bill (S. 5237) granting an increase of pension to Greenleaf D. Farnum (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS: A bill (S. 5238) for the relief of Clarissa Duncan and Charles E. Duncan; and A bill (S. 5239) for the relief of the estate of Joseph S.

Rogers, deceased; to the Committee on Claims.

By Mr. BRANDEGEE: A bill (S. 5240) granting an increase of pension to Mary Chappell; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5241) for the relief of the Medawakanton and Wahpakoota Bands of Indians, otherwise known as the Santee Sioux Indians, and for other purposes; to the Committee on Indian Affairs

A bill (S. 5242) granting an increase of pension to Thomas E. Ellis; to the Committee on Pensions.

By Mr. GALLINGER:
A bill (S. 5243) to protect investors in stocks, bonds, and other securities in the District of Columbia (with accompanying papers)

A bill (S. 5244) to regulate the practice of dentistry in the District of Columbia (with accompanying papers);

A bill (8, 5245) to authorize the condemnation of land for highway and park purposes along the Anacostia River in the District of Columbia in connection with the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge to the District line (with accompanying papers);

A bill (S. 5246) to redeem a certain outstanding certificate of indebtedness issued by the late board of audit of the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 5247) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Manufactures.

By Mr. JOHNSTON of Alabama: A bill (S. 5248) granting an increase of pension to Andrew G. McAusland; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5249) granting an increase of pension to Mary

Ryder (with accompanying papers); and A bill (S. 5250) granting an increase of pension to Thomas Southergill (with accompanying papers); to the Committee on Pensions.

By Mr. BAILEY:
A bill (S. 5251) for the relief of the estate of Lemuel Thomas, deceased; to the Committee on Claims.
By Mr. BRADLEY:

A bill (S. 5252) granting an increase of pension to Marcus Connelly (with accompanying paper); to the Committee on Pensions.

By Mr. GRONNA:

A joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries; to the Committee on Finance.

THE PRESIDENTIAL OFFICE.

Mr. REED. I introduce a joint resolution. I ask that it may lie on the table for the present,

The PRESIDENT pro tempore. Does the Senator from Mis-

souri desire to have the joint resolution read?

Mr. REED. I desire to have it read and printed in the RECORD.

The joint resolution (S. J. Res. 76) to amend paragraph 5 of Article II of the Constitution was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein). That the following be proposed as an amendment to the fifth paragraph of Article II of the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, viz:

Add, at the end of paragraph 5, Article II, the following words: "Neither shall any person be eligible to that office who shall have been President two terms, or one term and a part of another, or a part of two terms," so that said paragraph as amended shall read:

"No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President, neither shall any person be eligible to that office who shall not have attained the age of 35 years, and been fourteen years a resident within the United States; neither shall any person be eligible to that office who shall have been President two terms, or one term and a part of another, or a part of two terms."

The PRESIDENT pro tempore. The joint resolution will be printed and lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment, proposing to amend section 4875 of the Revised Statutes relative to the compensation of superintendents of national cemeteries, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment, proposing to increase the number of mechanics at \$1,200 each from three to four; and also for four mechanics at \$1,200, in the office of the Secretary, Department of Agriculture, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. POMERENE submitted the following resolution (S. Res. 214), which was considered by unanimous consent and agreed to:

Resolved. That the Senate Committee on Interstate Commerce be, and they are hereby, authorized to have printed for their use 5,000 coples, or as many thereof as they may deem necessary, of the hearings, under Senate resolution No. 98, entitled "Control of corporations, persons, and firms engaged in interstate commerce."

EULOGIES ON THE LATE SENATOR ELKINS.

Mr. CHILTON. I submit a resolution, and ask that it be

The Secretary read the resolution (S. Res. 216), as follows: Resolved. That the remarks of Dr. Radcliffe on the life of the late Senator Elkins be printed as a part of his eulogies.

Mr. CHILTON. Mr. President, I desire to explain the necessity for the passage of the resolution. I learned to-day that, in order to have these remarks printed as a part of the eulogies, it will be necessary to have a resolution adopted by the Senate. The remarks are very short, and I hope there will be no objection to the present consideration of the resolution authorizing the printing.

The resolution was considered by unanimous consent and

agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

'MUNICIPAL BRIDGE AT ST. LOUIS, MO.

Mr. REED. I ask unanimous consent, if now in order, that the Senate take up House bill 16693. It is simply a bill extending the time for the construction of a bridge across the Mississippi River.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill named by him, which the Secretary will read for the in-

formation of the Senate.

The Secretary read the bill (H. R. 16693) to extend the time for the completion of the municipal bridge at St. Louis, Mo.; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend for three years the time for the completion of the bridge authorized by an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. FRANCIS RIVER BRIDGE AT HODGES FERRY, MO.

Mr. REED. Mr. President, I ask the Senate to grant unanimous consent to consider at this time House bill 16677. It is a bill to authorize Butler and Stoddard Counties to construct a bridge across a small stream in those counties. The stream is not navigable in fact, but is so in law.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill (H. R. 16677) to authorize Butler and Stoddard Counties, in Missouri, to construct a bridge across the St. Francis River at Hodges Ferry, Mo., and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER BRIDGE AT BRANSON, MO.

Mr. KENYON obtained the floor.

Mr. SMOOT. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do. Mr. SMOOT. I was simply going to suggest that the Senate proceed with the calendar under Rule VIII, if the Senator has nothing special to request.

Mr. REED. Mr. President-

The PRESIDENT pro tempore. The Chair did not observe that the Senator from Missouri had addressed the Chair.

Mr. REED. If Senators will indulge me for a moment until can get these little bills out of the way I shall be gratified. The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. I ask unanimous consent for the present consideration of the bill (H. R. 17232) to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo. It is purely a local bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. Mr. President, I shall not object to the consideration of this bill, but I give notice that at its conclusion I shall ask that the calendar, under Rule VIII, be taken up.

The bill was reported to Senate without amendment, ordered to a third reading, read the third time, and passed.

DAM AND TUNNEL ON BIG BEND OF JAMES RIVER, MISSOURI.

Mr. REED. I ask unanimous consent for the present consideration of the bill (H. R. 14484) to amend an act approved February 24, 1911, authorizing J. W. Vance and others to con-

struct and maintain a dam and tunnel on the Big Bend of the

James River, in Stone County, Mo., to create electric power.
The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill named by him, which will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOT. I think I should like to examine this bill a little

more closely before it is passed.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

CHOCTAW AND CHICKASAW COAL AND ASPHALT LANDS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes

The Secretary proceeded to read the amendment of the House

of Representatives to the amendment of the Senate.
Mr. HEYBURN. Mr. President, is this a Senate bill that

went to the House or an original House bill?

The PRESIDENT pro tempore. It is an amendment of the House of Representatives to an amendment of the Senate to a House bill.

Mr. HEYBURN. Then I ask that it go to the calendar. Mr. GAMBLE. Mr. President, if there is objection, I presume it will necessarily go to conference or to the Committee on Indian Affairs.

Mr. HEYBURN. It comes here as an amendment in the nature of a substitute. Some of us who took an active part in this matter have not had time to see it, and we want to read it. I just caught a phrase as the amendment was being read that I do not think has been brought to the attention of the Senator from South Dakota.

Mr. GAMBLE. I will say to the Senator from Idaho that a bill substantially in the same form passed the House and was referred to the Committee on Indian Affairs of the Senate. was very carefully considered by that committee, and a substitute with certain modifications recommended by the Committee on Indian Affairs of the Senate was passed by the Senate and went over to the House. I think there were a couple of amendments made to the Senate substitute by the House of Repre-

Mr. HEYBURN. I ask the Senator if the provision in the House amendment in regard to grazing lands is the same as the provision of the Senate bill? It did not strike me as being the same.

Mr. OWEN. It is the same.

Mr. GAMBLE. The senior Senator from Oklahoma [Mr. Owen] is entirely familiar with it.

Mr. OWEN. There is no change in that respect. Six hundred and forty acres is the maximum of grazing land allowed to be sold. That was the provision of the Senate bill.

Mr. HEYBURN. It was not the quantity; it was the manner of selection within a very short time—the classification. I have no personal interest in this matter, only I propose to be always on the alert against building up a grazing-land trust in this

country. That is all.

Mr. OWEN. As I have said, 640 acres is the maximum of grazing land to be sold under this bill. It is the same as the

bill heretofore passed.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Idaho that the amendment could not well go to the calendar, but should either be agreed to, referred to the Committee on Indian Affairs, or disagreed to and a conference committee appointed.

Mr. HEYBURN. Let it go over for a day.
Mr. BACON. I suggest further that it might lie on the table.
The PRESIDENT pro tempore. Yes; it might lie on the table.

Mr. GAMBLE. I suggest also, as has already been suggested by the Senator from Georgia, that it might lie on the table.

Mr. HEYBURN. I will agree to anything that will give us

an opportunity to examine it.

Mr. OWEN. I have no objection to the amendment lying on

the table.

Mr. WARREN. I want to ask if the entire amendment will be printed in the RECORD?

The PRESIDENT pro tempore. Yes.
Mr. WARREN. I thought the Secretary had not finished reading, and the entire amendment ought to go in the Record.

Mr. OWEN. The matter is already set forth in the report of the House, No. 317. It was printed last Saturday.

The PRESIDENT pro tempore. Without objection, the entire amendment will be printed in the RECORD, and will, for the present, lie on the table.

The amendment of the House of Representatives was to strike out all of the amendment of the Senate after the word "That," on page 1, line 1, and in lieu thereof to insert:

The amendment of the House of Representatives was to strike out all of the amendment of the Senate after the word "That," on page 1, line 1, and in lieu thereof to insert:

The Secretary of the Interior is hereby authorized to sell at not less than the appraised price; to be fixed as hereinafter provided, the surface, leased and unleased, of the lands of the Choctaw and Chickasaw Nations in Oklahoma segregated and reserved by order of the Secretary of the Interior dated March 24, 1903, authorized by the act approved July 1, 1902. The surface herein referred to shall include the entire estate save the coal and asphalt reserved. Before offering such surface for sale the Secretary of the Interior, under such regulations as he may fixed by him, not to exceed for salary and expenses for each appraiser the sum of \$15 per day for the time actually engaged in making such classification and appraisement. The classification and appraisement of the surface shall be by tracts, according to the Government survey of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be subdivided into lots or tracts containing not less than 1 acre. In appraising said surface the value of any improvements thereon belonging to the Choctaw and Chickasaw Nations, except such improvements as have been placed on coal or asphalt lands leased for improvements as have been placed on coal or asphalt lands leased to the classification and appraisement provided for herein shall be completed within six months from the date of the passage of this act, shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior: Provided, That in the process of said propretty.

Sec. 2. That after such classification and appraisement and elaboration of said appraisers in the process of said appraisement and elaboration of said appraisers in the process of said appraisement in a provided for the passage of the Interior and the process of said property.

Sec. 2. That after such purchase shal

said owner or lessec.

SEC. 4. That upon the expiration of two years after the lands have been first offered for sale the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder for cash the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price, without regard to the appraised value thereof: Provided, That the Secretary of the Interior is authorized to sell at not less than the appraised value to the McAlester Country Club, of McAlester, Okla., the surface of not to exceed 160 acres in section 17, township 5 north, range 15 east: Provided further. That the mineral underlying the surface of the lands condemned for the State penitentiary at McAlester, Okla., under the Indian appropriation act approved March 3. 1909, shall be subject to condemnation, under the laws of the State of Oklahoma, for State penitentiary purposes: And provided further, That said mineral shall not be mined for other than State penitentiary purposes.

ther, That said mineral shall not be mined for other than better tentiary purposes.

Sec. 5. That the sales herein provided for shall be at public auction under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed 160 acres, and deeds shall not be issued to any one person for more than 160 acres of agricultural land, grazing lands in tracts not to exceed 640 acres, and lands especially

valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than 1 acre each. All deferred payments shall bear interest at 5 per cent per annum, and if default be made in any payment when due all rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease and the lands shall be taken possession of by him for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Wribes of Indians.

Sec 6. That if the mining trustees of the Choctaw and Chickasaw Nations and the three appraisers herein provided for, or a majority of the said trustees and appraisers, shall find that such tract or tracts can not be profitably mined for coal or asphalt and can be more advantageously disposed of by selling the surface and the coal and asphalt together, such tract or tracts may be sold in that manner, in the discretion of the Secretary of the Interior, and patents issued for said lands as provided by existing laws: Provided, That this section shall not apply to land now leased for the purpose of mining coal or asphalt within the segregated and reserved area herein described.

Sec. 7. That when full purchase price for any property sold herein is paid, the chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser an appropriate patent or instrument of conveyance conveying to the purchaser the property so sold, and all conveyances made under this net shall convey the fee in the land with reservation to the Choctaw and Chickasaw Tribes of Indians of the coal and asphalt in such land, and shall have the right at any time before final payment is due to pay the full purchase price on the surface of said coal or asphalt land, while accurate the reservations, restrictions, covenants, and conditions thereif contained shall have the right at any time before final

Mr. OWEN subsequently said: I move that the Senate concur in the amendment of the House to the amendment of the Senate to the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

Mr. HEYBURN. I desire to withdraw my objection to con-

currence in the amendment.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate concur in the amendment made by the House of Representatives to the amendment of the Senate.

The motion was agreed to.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. From the Committee on Privileges and Elections, to which was referred Senate resolution No. 136, providing for the investigation of charges relative to the election of ISAAC STEPHENSON as Senator from Wisconsin, I submit a report (No. 349). I will say that it is a majority report. There will be one name to add to the majority members. resolution is reported with the testimony.

The PRESIDENT pro tempore. The Senator from Idaho presents a privileged report. What is the request of the Sen-

ator in connection with it?

Mr. HEYBURN. That it go to the calendar, I suppose, Mr. CULLOM. Let the report be read.

The PRESIDENT pro tempore. Does the Senator desire to have it printed?

Mr. HEYBURN. Yes; and I desire to have the report read.

We could not be better employed.

The PRESIDENT pro tempore. The report will be read. The Secretary read the report, as follows:

The Secretary read the report, as follows:

CHARGES RELATIVE TO THE ELECTION OF ISAAC STEPHENSON.

The Committee on Privileges and Elections, to whom was referred certain charges preferred by the Legislature of the State of Wisconsin against Isaac Stephenson, a Senator of the United States from the State of Wisconsin, with instructions to report to the Senate whether in the election of said Isaac Stephenson as a Senator of the United States from the State of Wisconsin there were used or employed corrupt methods or practices, have had the same under consideration and submit the following report:

On August 15, 1911, the Senate adopted the following resolution:

"Resolved, That the Senate Committee on Privileges and Elections or any subcommittee thereof be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against Isaac Stephenson, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said Isaac Stephenson as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to

employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee."

Pursuant to the authority given by said resolution the Committee on Privileges and Elections appointed a subcommittee consisting of Mr. Herburn (chairman), Mr. Sutherland, Mr. Bradley, Mr. Paynter, and Mr. Pombrene, with full powers to investigate said charges.

On January 20, 1912, the subcommittee reported to the full committee as follows:

IN THE MATTER OF THE INVESTIGATION OF THE CHARGES AGAINST ISAAC STEPHENSON, A SENATOR OF THE UNITED STATES FROM THE STATE OF

WISCONSIN. honorable the Committee on Privileges and Elections of the United States Senate:

United States Senate:
Your subcommittee proceeded pursuant to the terms of its appointment to investigate the above-mentioned charges, and in pursuance of said duty met in the city of Washington and, having organized, proceeded to adopt a plan for holding such investigation.

It was agreed by your subcommittee that the investigation should commence on October 2, 1911, at the city of Milwaukee, in the State of Wisconsin

It was agreed by your subcommittee that the investigation should commence on October 2, 1911, at the city of Milwaukee, in the State of Wisconsin.

Accordingly your subcommittee met at the city of Milwaukee on the above-mentioned date, all parties in interest being present. Hon. Charles E. Littlefield, W. E. Black, and H. A. J. Upham, Esqs., appeared as counsel for Senator STEPHENSON.

The governor and the attorney general of the State of Wisconsin were notified by the chairman of your subcommittee of the time and place of the hearing and were invited to indicate to the committee whether or not they desired to be present and participate in any manner in such investigation. The governor of Wisconsin, speaking for the State, informed your subcommittee that no one on behalf of the State would appear at such investigation.

Your subcommittee then proceeded to the examination of witnesses and documents, which examination occupied 25 days, during which time 124 witnesses were sworn, 35 affidavits received, and 2,100 pages of printed testimony taken, which testimony, affidavits, and exhibits are herewith submitted as a part of the report of your subcommittee.

Your subcommittee has given the fullest consideration to all the testimony introduced and has considered its weight and effect under the rules pertaining to the investigation and is of the opinion that the charges preferred against Senator Isaac Stephenson as a Senator of the United States from the State of Wisconsin was not procured by corrupt methods or practices in said election of Isaac Stephenson.

W. B. Hexburn, Chairman, George Suthereland.

W. B. HEYBURN, Chairman, George Sutherland.
W. O. Bradley.
Atlee Pomerene.

Mr. Heyburn, chairman of the subcommittee, submitted a statement of his views in support of the conclusions reached, and on the request of members of the committee further consideration of the matter was postponed to February 3, 1912, on which date a further postponement was had to February 10, 1912, with the understanding that any member of the committee might file a statement of his views to accompany the final report of the committee, and that a vote might be taken on that date

ber of the committee might file a statement of his views to the final report of the committee, and that a vote might be taken on that date.

On February 10, 1912, the Committee on Privileges and Elections met in regular session and received a statement of the views of Mr. Pomerrex and Mr. Sutthernand in support of the report of the subcommittee, and proceeded to the consideration of the report of the subcommittee, together with the views expressed by the members thereof upon a full record of the testimony and proceedings in the case. On motion it was ordered that the report of the subcommittee be adopted and that said subcommittee be discharged.

Whereupon it was ordered that Mr. Heyburn be instructed to report the action of the committee to the Senate, together with a transcript of testimony and of all the proceedings of the subcommittee, including the address of Hon. Charles E. Littlefield before the whole committee, and also the individual views presented by members of the committee, and also the individual views presented by members of the committee, and also the individual views presented by members of the committee, wherefore your committee, having given full consideration to the law and to the testimony and to all of the facts and circumstances brought to its notice, does find that the charges preferred against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, are not sustained, and your committee further finds that the election of said ISAAC STEPHENSON as a Senator of the United States was not procured by corrupt methods or practices.

WM. P. DILLINGHAM.

ROBERT J. GAMBLE.

W. B. HEYBURN.

GEO. SCTHERLAND.

GEO. SCTHERLAND.

GEORGE T. OLIVER.

GEO. SUTHERLAND. GEORGE T. OLIVER.

Mr. HEYBURN. Mr. President, the Senator from Kentucky [Mr. Bradley], who is absent from the Chamber, desires to be permitted to sign the report as though before the filing.

Mr. SUTHERLAND. Mr. President, the remainder of the report consists of the individual views of certain members of the subcommittee. I suggest that the reading be omitted and that they be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

VIEWS OF MR. HEYBURN IN SUPPORT OF THE REPORT OF THE COMMITTEE,

The subcommittee having reported to the whole committee in favor of ISAAC STEPHENSON, I desire to submit herewith the reasons which actuated me in arriving at that conclusion:

JURISDICTION.

On August 15, 1911, the United States Senate adopted the following resolution:

"Resolved, That the Senate Committee on Privileges and Elections or any subcommittee thereof be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against Isaac Stephenson, a Senator of the United States from the State of Wisconsin, and report to the Scnate whether in the election of said Isaac Stephenson as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the

recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee."

Pursuant to the authority given by said resolution the Committee on Privileges and Elections appointed a subcommittee consisting of Senators Heeburn, Suttierland, Bradley, Paynter, and Pomerrene, with full powers "to investigate said charges preferred by the Legislature of Wisconsin relating to the election of Isaac Stephenson, a Senator from the State of Wisconsin."

MEETING OF SUBCOMMITTEE.

In performance of said duty the subcommittee met at Milwaukee, Wis., on October 2, 1911, in the Federal Building, a quorum of said subcommittee being present.

The chairman announced that the subcommittee would recognize a duly authorized representative of the State of Wisconsin, in view of the fact that the State had submitted through its governor to the Senate of the United States the charges to be investigated. No one appearing, the chairman then instructed the secretary of the subcommittee to communicate with the governor and attorney general of the State and advise them that the committee was in session in Milwaukee for the purpose of investigating the charges aforesaid, and to inquire whether or not the State desired to be represented at the hearing, and, pursuant to such instruction, the secretary sent the following communication to the governor:

MILWAUKEE, WIS., October 2, 1911.

Hon. Francis E. McGovern,

Governor of Wisconsin, Madison, Wis.:

A subcommittee of the Committee on Privileges and Elections of the United States Senate, duly appointed, with instructions to investigate the election of Isaac Stephenson as a Senator of the United States from the State of Wisconsin, as recommended by the Legislature of Wisconsin as provided in joint resolution 58 of said legislature, has entered upon the investigation in the Federal Building, in the city of Milwaukee. As the State appears to be unrepresented by counsel, you are requested to advise the committee whether or not it is the desire of the State to be represented by counsel before this committee; and, if so, designate in writing such person to represent the State.

W. B. Heyburn, Chairman.

To which communication the governor replied as follows:

EXECUTIVE CHAMBER, Madison, Wis., October 3, 1911.

To which communication the governor replied as follows:

EXECUTIVE CHAINBER,

Madison, Wis., October 3, 1911.

Hon. W. B. Heybern,

Chairman Subcommittee of the United States Senate

Committee on Privileges and Elections, Milwankee, Wis.

My Dear Sir: In reply to your telegram of yesterday, in which you request me to advise your committee "whether or not it is the desire of the State to be represented by counsel" before your subcommittee, permit me to say that I find there is very serious doubt that I have any power to act in the matter. Joint resolution 58, to which you refer, confers no such authority. It simply requests the United States Senate "to investigate the manner, means, and methods by and through which ISAAC Steptenson secured his election to the United States Senate," recommends to the district attorney of Dane County that prosecutions be commenced against all persons shown to have committed perjury in the senatorial inquiry in this city, and suggests that prosecutions be commenced against all persons shown to have committed perjury in the senatorial inquiry in this city, and suggests that prosecutions be commenced against all persons shown to have committed perjury in the senatorial inquiry in the state for such violations of the corrupt practices or bribery statutes as the evidence may justify.

In the absence of any specific authority conferred by this joint resolution, the only other possible source is chapter 268 of the laws of Wisconsin for the year 1911. Careful consideration of this statute leaves me in doubt as to whether it confers power upon me to employ at the expense of the State counsel to attend the Investigation your subcommittee is now conducting. Nor can I see that much good is likely to come from such employment. Your invitation comes so Jate as practically to preclude the possibility of anyone whom I might select rendering any real service to your committee or materially assisting in the investigation now in progress. That investigation has already begun. The transactions to be

The chairman inquired whether or not counsel were present to represent Mr. Stephenson. Whereupon Hon. Charles E. Littlefield, Mr. W. E. Black, and Mr. H. A. J. Upham appeared on his behalf and were recognized by the committee.

The joint resolution and specific charges certified to the United States Senate by the governor of Wisconsin were then read. (Transcript, pp. 4 and 5.)

Before entering upon the examination of witnesses by the committee Hon. Charles E. Littlefield, of counsel for Mr. STEPHENSON, requested leave to make a statement, which leave was granted. (Transcript, pp. 6-23.)

leave to make a statement, which leave was granted. (Transcript, pp. 6-23.)

The subcommittee then proceeded to the examination of witnesses and documents, which examination occupied 25 days, during which time 116 witnesses were sworn and examined, 36 affidavits received, and upward of 2,100 pages of printed testimony taken, which testimony, affidavits, and exhibits are herewith offered as a part of the report of the subcommittee.

The subcommittee was directed to investigate certain charges preferred by the Legislature of Wisconsin against Mr. Stephenson. These charges were set forth in the communication of the governor of Wisconsin, and the papers accompanying the same, certified to the United States Senate, among which was the joint resolution adopted by the Legislature of Wisconsin on June 26, 1911, which is found on page 2 of the transcript.

The charges referred to in the resolution under which the subcommittee acted are as follows:

Legislature of Missons which was the Joint resolution anopted by the transcript.

The charges referred to in the resolution under which the subcommittee acted are as follows:

SPECIFIC CHARGES.

1. That ISAAC STEPHENSON, of Marinette, Wis., now United States Senator and a candidate for reflection, did, as such candidate for reflection, gift on the control of the c

edge and consent and under the direction of said Isaac Stephenson, his agents, and employees, contrary to chapter 492, Laws of 1905.

14. That in further pursuance of the purposes and design above set forth said Isaac Stephenson, by and through his agents, did, in addition to paying certain sums as above set forth, offer and agree to pay to electors of this State, prior to said primary, a premium or bonus to those who in his employ carried their respective precincts in such primary for said Isaac Stephenson as such candidate.

15. That said Isaac Stephenson, if claiming an election by virtue of receiving a plurality of votes at such primary, then said Isaac Stephenson has violated chapter 502 of the Laws of 1905 by failing and neglecting to file his expense account as provided by said chapter.

16. Charging generally the primary nomination or election of said Isaac Stephenson was obtained by the use of large sums of money corruptly and illegally, by the violation of sections 4542b, 4543b, and 4478b of the statutes relating to illegal voting, bribery, and corruption, and other laws above set forth relating to elections and primary elections.

and other laws above set forth relating to elections and primary elections.

John J. Blaine, a State senator, who made the said 16 specific charges, which constituted the basis of the legislative investigation, was examined in detail as to each of such charges and falled to sustain any of them, either by his own testimony or by reference to the testimony of others. The charges were made on information and belief according to his own testimony. He seemed upon examination to have no information upon which any belief as to their trith could be based.

An inspection of his testimony (Transcript, p. 592, etc.) will fully justify the conclusion of the subcommittee that such charges were not sustained.

These charges were investigated by two legislative committees; first. by a joint committee which submitted a report which was not finally acted upon; second, by a committee of three members of the State senate, only one member of which was a member of the legislature when the report of that committee was made.

The time within which the joint legislative committee might take testimony and report was limited by the legislature to expire on the 13th day of April, 1909, and on that day the said committee met and adopted a resolution that each member make an outline of his proposed report and submit it at a later day for discussion before the committee.

Said committee then adjourned subject to the call of the chairman of the senate or assembly committee.

committee.

Said committee then adjourned subject to the call of the chairman of the senate or assembly committee.

This ended the work of the joint investigating committee.

The State senate, acting independently of the assembly and in view of the expiration of the time within which the joint committee might finish its work, adopted a resolution on March 25, 1900, authorizing the president of the senate to appoint a committee consisting of three members to complete the investigation that had been carried on by the joint committee and to "further fully, fairly, and thoroughly investigate the campaign and election of ISAAC STEPHENSON as a United States Senator, and the campaign and election of members of the legislature so far as their election in any way pertains to or affects the election of ISAAC STEPHENSON as a United States Senator.

SPECIFIC QUESTIONS PRESENTED FOR CONSIDERATION.

In the order of their importance the duties of the subcommittee may

SPECIFIC QUESTIONS PRESENTED FOR CONSIDERATION.

In the order of their importance the duties of the subcommittee may be classified as follows:

First. To investigate the proceedings by the legislature, including the action of Senator Stephenson and those representing him, during the session of the legislature.

Second. To investigate the campaign and election of members of the legislature so far as their election in any way pertains to or affects the election of Isaac Stephenson as a United States Senator.

Third. The primary election and the campaign.

ELECTION OF A SENATOR BY THE LEGISLATURE.

Third. The primary election and the campaign.

ELECTION OF A SENATOR BY THE LEGISLATURE.

The law providing for the election of Senators by the legislature is as follows, being chapter 1, title 2, of the Revised Statutes of the United States:

"SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organizing thereof, proceed to elect a Senator in Congress.

"SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At 12 o'clock m. of the day following that on which proceedings are required to take place as aforesaid the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has falled to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at 12 o'clock m. of each succeeding day during the session of the legislature and shall take at least one vote until a Senator is elec

PROCEEDINGS IN THE LEGISLATURE.

The Forty-ninth Legislature of Wisconsin consisted of 33 senators and 100 assemblymen, and convened at the capitol at Madison on January 13, 1909, at 12 o'clock m.

On Thursday, January 14, 1909, the organizing of both houses was complete, and the assembly adjourned until Tuesday, January 19, at 10 o'clock.

The senate organized on January 13, 1909, and on January 14 Senator Husting introduced foliators and the senate organized on January 13, 1909, and on January 14 Senators Husting introduced foliators and the senate organized on January 13, 1909, and on January 14 Senators Husting introduced foliators and the senate organized on January 13, 1909, and on January 14 Senators Husting introduced foliators and the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 13, 1909, and on January 14 Senators and 100 assembly ment of the senate organized on January 14, 1909, and 1

The senate organized on January 13, 1909, and on January 14 Senator Husting introduced joint resolution 3, providing for the investigation of the primary election, which was laid over until the next session, and the senate adjourned until Tuesday, January 19, at 10 o'clock a. m.

On Tuesday, January 26, the senate considered joint resolution 3, and a substitute was introduced by Senator Blaine. (Senate Journal, pp. 72-77.) This substitute contains the specific charges.

On January 26, 1909, a vote was taken on the election of United States Senator, each house voting separately.

In the senate the total number of votes cast was 17. Mr. Stephenson received 12 votes, Brown 4, Rummel 1. (Senate Journal, pp. 78-79.)

On the same day, January 26, upon the call of the roll in the assembly, the total number of votes cast for Senator was 84. Mr. Stephenson received 60, Neal Brown 16, Jacob Rummel 3, S. A. Cook 2, H. A. Cooper 1, J. H. Stout 1, and John J. Esch 1, which result was announced by the speaker. (Assembly Journal, pp. 74-75.)

On Wednesday, January 27, resolutions were introduced in the senate, among others joint resolution 8, being an arraignment of the United States Senate and a demand for its abolition, introduced by Senator Gaylord. (Senate Journal, p. 86.) It was referred to the committee on Federal relations. This is mentioned in passing only to show the temper of the legislature on the day of the first joint ballot for United States Senator.

At 12 c/clock noon of January 27, 1909, the two houses met in joint

States Senator.

At 12 o'clock noon of January 27, 1909, the two houses met in joint convention. The lieutenant governor, presiding, stated:

"Gentlemen of the joint convention, you are assembled here for the purpose of expressing your choice for United States Senator. In order to comply with the Federal law the clerk of the senate and the clerk of the assembly will read from the journal of each house, respectively, the proceedings of the preceding day with reference to the election of united States Senator."

The senate journal (p. 94) and the assemble in the senate in

The senate journal (p. 94) and the assembly journal (p. 80) records as follows:

"The chief clerk of the senate read the journal of the senate of January 26, 1909, and the chief clerk of the assembly read the journal of the assembly of January 26, 1909.

"The president then said: 'The clerk will call the roll. As your names are called you will arise from your seats and announce the candidate of your choice.'"

Senator Hudnall said:

Senator Hudnall said:

"I rise to protest against any other proceedings being taken in the joint assembly at this time except the announcement of the presiding officer that Hon. Isaac Stephensons is elected to the United States Senate for the term commencing March 4, 1909. I do that for the reason that it appears from the journal of the senate that the total number of votes cast for persons were 17, of which Isaac Stephenson received 12, Neal Brown 4, Jacob Rummel 1, and the journal of the assembly shows that of the members who voted for persons there were 60 for Stephenson, 10 for Brown, and 3 for Jacob Rummel; and it further appears from both journals of senate and assembly that Isaac Stephenson received a majority of all the votes cast in each house.

"It devolves then upon the president of this joint assembly to declare Isaac Stephenson duly elected to the United States Senate, and then the duty devolves upon the president of the senate and speaker of the assembly to certify his election to the United States Senate. Any other proceeding is out of order and nugatory."

Senator Hudnall stated that he made this statement as a protest and as a point of order. The president held the point of order not well taken and held that Senator Hudnall was out of order in his protest.

The presiding officer then directed the nomination of conditates.

and as a point of order. The president held the point of order not well taken and held that Senator Hudnall was out of order in his protest.

The presiding officer then directed the nomination of candidates, and the joint assembly proceeded to vote for a United States Senator. There were 131 votes cast, of which Isaac Stephenson received 65, and the presiding officer announced that "it appears from the records of the convention that no person has received a majority of the votes cast for United States Senator." Whereupon the joint convention dissolved.

On no other day until the 4th of March, 1909, did anyone receive a majority of the votes cast in joint assembly. On that day (the 4th of March) upon the twenty-fourth ballot of the joint assembly there were 123 votes cast, of which Isaac Stephenson received 63. Whereupon the chairman of the joint assembly announced the election of Isaac Stephenson, and the joint assembly announced the election of Isaac Stephenson, and the joint assembly announced the protest against such proceedings upon the grounds that, Mr. Stephenson having received a majority of the votes cast in each house voting separately, no other or further duty remained for the joint assembly than that of reading the journals of the two houses of the proceedings in each relative to the election of a United States Senator on the day previous. These journals were read and the fact disclosed that in each house Mr. Stephenson had received a majority of all the votes cast. It remained only that "he shall be declared duly elected Senator." The statute does not prescribe who shall declare the person receiving a majority of the votes in each house elected Senator, nor in what form such declaration shall be made.

From the reading of the law it would seem that when the two houses voting separately each gave Mr. Stephenson a clear majority and haying met in joint session on the day following the vote in the separate houses, the journal of the proceedings of the two houses voting separately being read in joint co

separate votes.

The failure to make a specific deciaration of his election was not vital. The action of the governor and secretary of state in deferring the certificate of his election or in misstating the time of his election could not affect that election.

could not affect that election.

If we are correct in assuming that the election of ISAAC STEPHENSON was accomplished when the record of the two houses was read and announced in the joint assembly, then the failure or delay of the executive officers to perform their duty could in no way defeat his election as of the date of the meeting of the first joint assembly.

ACTS OF BRIBERY CHARGED.

Charges of bribery in the interest of Mr. Stephenson's election had been freely made both before the subcommittee and before the legislative investigating committee. Not one of these charges have been sustained by the testimony.

The word "bribery" has been applied to many acts that do not constitute bribery.

The procurement of advertising space or editorial comment in the newspapers upon the payment of money by or on behalf of a candidate for office can not under any construction of law be held to be bribery.

The procurement of the services of men to speak either publicly or personally on behalf of any candidate, or to canvass the electorate on his behalf, is not bribery under any reasonable construction of the law. If the testimony were true that money was ofered to Assemblyman Leuch to go upon the floor and vote for the purpose of effecting a quorum, it would not constitute bribery. It was the duty of such member to go upon the floor and vote.

The charge of an attempt to bribe H. R. Pestalozzi utterly failed of proof before your committee.

The charge of unlawful dealings with the Milwaukee Free Press utterly failed of proof. It was conceded that Mr. Stephenson owned a controlling interest in that paper, and he was certainly entitled to have its support and to sustain his interest in it.

The charge of an attempt to bribe H. R. Pestaloxi utterly failed of proof before your committee allians with the Milwauke Free Press Technique of unlawful callings with the Milwauke Free Press Technique of unlawful and accontrolling interest in that paper, and he was certainly entitled to have its support and to sustain his interest in the control of the control o

held for the purpose of nominating any person or persons to be voted for at any such election to make him the nominee of any such convention or meeting and the candidate to be voted for for any office at such election, or who shall so give or promise any such thing to any such person for the purpose of inducing or influencing any person to sign any nomination paper which seeks to have him nominated as a candidate for any office to be so voted for; and any such elector or other person who shall ask, solicit, or receive any money or thing of value or any pecuniary advantage or benefit from such candidate as a consideration or inducement for his vote at any such convention or meeting of the people, or his signature to any such paper, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500.

"SEC. 296. Belbery in connection with caucus (sec. 4542b). Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any preliminary meeting or caucus mentioned in sections 11a to 111, or who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate whose office is therein created, or who shall give or offer to give any valuable thing or bribe to any elicetor as a consideration for some act to be done in relation to such preliminary meeting, caucus, or convention, held under said provisions, shall be punished as provided in section 4542a.

"SEC. 298. Bribery of voter; disturbance at caucus or convention: Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention, or who shall interfere with or in any manner disturb any

CHARGES OF CORRUPTION IN THE LEGISLATURE.

On page 2271 of the report of the State senate investigating committee an attempt is made to summarize the corruption alleged to exist in connection with the election by the legislature, and the first objection is that Mr. Stephenson was elected by the legislature by a majority of 3 votes while the charges of corruption against him were being investigated by the legislature. This charge seems hardly worthy of serious consideration. It was admitted that he was elected by the legislature, and there is no law or rule that would invalidate the election because of the pendency of these charges. That was a matter for the members of the legislature to consider in determining whether or not they would vote for him.

ABSENT MEMBERS ON MARCH 4.

the members of the legislature to consider in determining whether or not they would vote for him.

ABSENT MEMBERS ON MARCH 4.

The next charge is that the election of Mr. Stephenson was made possible by three members, who, it is claimed, at the instigation of Mr. Stephenson's managers and agents, absented themselves from the joint assembly when it became known that their presence would prevent the election of Mr. Stephenson, and it was charged that the absence of these three members had been procured by frandulent or wrongful means by or on behalf of Mr. Stephenson. It was the only charge of corruption in connection with the election of Mr. Stephenson by the legislature worthy of consideration.

The result of the vote on March 4 consequent upon the absence of these three members is made plain in the testimony of Richard J. White (p. 1324) and by an examination of the journal of

Farrell or Towne?

There has been much sensational testimony introduced before the subcommittee, which was heard largely because such testimony had been received by the legislative investigating committee for the purpose of showing bribery or corrupt methods in connection with the absence of Ramsey, Farrell, and Towne. It was not shown that any money had been traced to either of these men from any source in connection with the matter; but it was claimed that a fund had been raised to be used for corrupt purposes, and that, on the assumption that such fund had

been raised, it must at least in part have been used to bring about the absence of these three members of the legislature.

It was claimed that Senator Stephenson had entered into an arrangement with Edward Hines and R. J. Shields for using money for corrupt purposes, to be furnished by Mr. Stephenson, and much hearsay testimony was introduced for the purpose of establishing such fact. There can be no question but what the effort to establish any such charge utterly failed. There was no evidence upon which any reasonable conclusion that such corruption fund had been either raised or used could be based.

The charge as to a meeting between the three absentees or some of them and Mr. Regan and Mr. Puelicher at the Plankington House in Milwaukee centered about the testimony taken before the legislative investigating committee of a witness, Frank T. Wagner, who was utterly discredited both at the legislative investigation and by testimony introduced before the subcommittee. It was shown that he is now under sentence in the penitentiary for perjury for having testified to seeing these men in the Plankington Hotel and hearing a conversation upon which the charge that they had entered into a corrupt bargain at that time rested. All the testimony in regard to such a transaction fell to the ground, and was so manifestly without foundation as to call for no consideration except its dismissal.

CHARGE OF BRIBERY OF OTHER MEMBERS.

CHARGE OF BRIBERY OF OTHER MEMBERS.

There seems to have been some remark on the part of Mr. Damochowski and Mr. Lyons as to the tender of money being made them in connection with this election, but on the witness stand they both stated that whatever statements they made in that regard were made in jest and that there was no foundation in truth for them.

Some sensational testimony was introduced in regard to statements made by Mr. R. J. Shields as to having received money or handled money in the interest of Mr. Stephenson in a corrupt manner in dealing with members of the legislature, and members of the senate legislative investigating committee had gone to the office of a certain attorney in Chicago and there met Mr. Wirt Cook, of Duluth, Minn., who recited to them some hearsay statements as to conversations and acts, which were fully investigated by the subcommittee and found to be entirely without foundation.

We may therefore safely dismiss the charges of corruption in connection with the action of the legislature in electing Mr. Stephenson, whether such election is held to have been on January 26 or on March 4, 1909.

GENERAL CAMPAIGN AND ELECTION.

GENERAL CAMPAIGN AND ELECTION.

It appears that Mr. Stephenson contributed \$2,000 to the Republican State central committee. Against this contribution no legitimate objection can be urged. It was not in violation of any law nor for other than general election purposes.

It was also shown by testimony that Mr. Stephenson before the primary gave money to C. C. Wellensgard, Levi H. Bancroft, and Thomas Reynolds, who were candidates for the legislature. These men testified that they used the money in the interest of Mr. Stephenson at the direct primaries. If we eliminate Mr. Stephenson from the direct primaries, the contributions which he made to these candidates for nomination and election to the legislature would be in violation of no law. It appears from the testimony that they were at the time voluntary and ardent supporters of Mr. Stephenson regardless of any money which they may have received or which may have been placed in their hands by him for any purpose.

There is not sufficient evidence upon which to base a charge of bribery or any other charge that would affect the validity of the election of Mr. Stephenson in either of these cases.

DIRECT PRIMARY.

DIRECT PRIMARY.

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DIRECT PRIMARY.

The subcommittee, in determining the scope of the investigation, was confronted with the question as to how far, if at all, the charges affecting the candidacy of ISAAC Stephenson before the direct primary should be considered.

The State legislative committee had directed its attention principally to the direct primary and the conduct of the candidates therein.

It was doubtless competent for the legislature to provide for direct primaries for the nomination of candidates for the legislature and to piace legal restrictions about them to secure the integrity of their elections, but, as herein elsewhere more fully stated, it is not competent for the legislature to provide for the nomination of candidates for the United States Senate at direct primaries.

The status of Mr. Stephenson at such primaries is not comparable to that of candidates for the legislature or for any State office.

The language of the resolution under which the subcommittee acted directs it to report whether "in the election of ISAAC STEPHENSON there were used or employed corrupt methods or practices," and the language of the last paragraph of section 1 of the resolution, bringing the matter to the attention of the United States Senate, strictly construed, refers only to the election.

When we speak of the election of a United States Senator under existing constitutional and legislative provisions we contemplate only the election by the legislature of the State. There is as yet no recognition to be given extra-legislative proceedings in the nature of what is termed "direct primaries," no such method of selection being recognized by any law of the United States.

The subcommittee has, however, brought to the attention of the Senate in the record of its proceedings all the facts obtainable relating to the conduct of the primary. Should it be the judgment of the Senate that such facts are irrelevant, then the c

law, in the absence of power to so legislate, could not affect the validity of an election by the legislature made pursuant to national law; this must be obvious from the fact that the legislature was not in duty bound to elect anyone or consider anyone a candidate for election because of the action of the direct primary. It might have ignored such action altogether, and its having done so would not in any way affect the validity of its action.

There is no law of the United States recognizing such a thing as "candidacy" for the United States Senate, and no legal status is given to the frame of mind constituting an intention on the part of a man or his friends that he become a candidate before the legislature.

The question also arises as to the period when a man can be charged with responsibility for his acts so as to affect the validity of his subsequent election by the legislature.

It frequently occurs that none of the men who are avowed candidates are chosen. The matter rests solely with the legislature, and under existing laws one legislature can not dictate the rule governing a subsequent legislature in the manner of its procedure relative to matters resting entirely within its discretion.

It would be entirely within the power of a legislature, charged with the responsibility of electing a United States Senator, before proceeding to elect a Senator, to repeal any legislation enacted by a previous legislature which placed a limit upon or directed its action.

It seems from this consideration of the question we must conclude that the direct-primary proceedings can not be held to affect the validity of an election by the legislature.

FAILURE TO FILE PROPER EXPENSE ACCOUNT.

The fifteenth specific charge is based upon the failure or neglect of ISAAC STEPHENSON to make and file an expense account under the laws of Wisconsin. This requirement is under section 270 of the election laws, which provides that every person who shall be a candidate before any convention or at any primary or election to fill an office for which a nomination paper or certificate of nomination may be filed, shall, within 30 days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place a statement in writing, etc., and that any person failing to comply with this section shall be punished by fine of not less than \$25 or more than \$500. This being a penal statute, the validity of an election could not be affected by the failure to comply with it,

GENERAL COMMENT.

son falling to comply with this section shall be punished by fine of not less than \$25 or more than \$500. This being a penal statute, the validity of an election could not be affected by the fallure to comply with it.

GENERAL COMMENT.

The rule adopted by the several candidates for said office seems to have been unanimous in regard to filing expense accounts. S. A. Cook's expense account was \$42,203,207,703.05.

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S. A. Cook's expense account was \$42,003,207,703.05.

Neal Brown's expense account was \$42,013,603.88.

Neal Brown's expense account was \$1,075.97.

The total expenditures of all candidates for the office of United States Senator before the primary election was \$1,075.97.

The total rependiture of the content of the total primary vote cast by all political parties for Senator. The total vote cast in the Democratic Party for United States Senator was \$2,045. being the states of the total primary vote cast by all political parties for Senator.

The total vote cast in the Democratic Party for United States Senator was \$2,449,000 and the states Senator was \$2,445. being the states of the total primary vote of all parties cast for Senator, and about 23 per cent of the total Democratic vote cast for Senator, and about 23 per cent of the total Democratic vote cast for Senator, and about 23 per cent of the total Democratic vote cast for sovernor at the general election.

Mr. COOK, a Republican candidate, received 47,825 votes.

Mr. McGovern, a Republican candidate, received 42,631 votes.

Mr. Hown, a Democratic candidate, received 42,631 votes.

Mr. Hown, a Democratic candidate, received 44,947 votes.

On the basis of the total vote received by each senatorial candidate and the total cost of each candidate's campaign:

Mr. Symmel, Socialist Democratic candidate, received 4,047 votes.

On the basis of the total vote received by each senatorial candidate and the total cost of each candidate's campaign:

Mr. Hoty spent \$6,16 for every vote cast for him.

Mr. H

unusual and mysterious circumstances. These letters are not out of the ordinary political correspondence of campaign managers and citizens whose votes, influence, or services are solicited in behalf of a candidate. The letters transmitting and acknowledging the receipt of money have been considered separately from those giving information in regard to political conditions and instructions in regard to how political work shall be done. There is nothing in the letters transmitting or acknowledging the receipt of money that would seem to add anything to the information given by witnesses in explaining these expenditures so far as they could explain them. The subcommittee has not thought it necessary to print this correspondence, which is in evidence and might be held to constitute a part of the record of the investigation. In our judgment, it would add nothing in the way of assistance to the committee in ascertaining the facts necessary and proper to be considered in connection with the investigation.

Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. Stephenson, and of other men who sought election to the United States Senate, were conducted, it would be very difficult to justify such conduct under the laws of the State.

The joint senatorial primary investigating committee in its report (submitted Mar. 18, 1910, but never acted upon), after reviewing the testimony, says:

"Your committee believes that the Republican senatorial candidates and their managers did not deliberately plan to violate the law, but in their desire to win these candidates, particularly Stephenson, Cook, and Hatton, conducted their campaigns with the idea of getting results, and men were hired and money spent, and State officials and employees and members of the legislature were used without much regard to propriety. All of the Republican candidates probably spent all they could afford and the amount spent by the different candidates was probably limited more by their ability t

The testimony clearly shows that the candidates felt compelled to spend more money than they wanted to spend. The pressure upon them from those who were undertaking to manage their campaigns seems to have been very great and persistent, but I can find nothing in the testimony nor in the circumstances or conditions surrounding the senatorial contest which resulted in the election of Mr. Stephenson that in my judgment would justify the committee in recommending that the seat be vacated, or that he be declared not legally elected to the United States Senate; and therefore I recommend that the Senate find that the charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, are not true, and that ISAAC STEPHENSON be acquitted of such charges.

W. B. Heyburn. W. B. HEYBURN.

VIEWS OF MR. POMERENE AND MR. SUTHERLAND.

VIEWS OF MR. POMERENE AND MR. SUTHERLAND.

The Senate Committee on Privileges and Elections authorized and directed its subcommittee "to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report whether 'there was used or employed corrupt methods or practices' in his election."

Without intending to specifically enumerate the charges made or to review in extenso the evidence in support or in refutation thereof, it will be sufficient for our purpose to classify the charges and evidence pertaining thereto, as follows:

First, those connected with the proceedings of the legislature affecting the election; and,

Second, those growing out of the primary election.

PROCEEDINGS OF THE LEGISLATURE.

First, those connected with the proceedings of the legislature affecting the election; and,

Second, those growing out of the primary election.

PROCEEDINGS OF THE LEGISLATUE.

Each house, pursuant to the Federal statute, convened for the election of the United States Senator on January 26, 1909. The senate consisted of 33 members and the assembly of 100 members. Thirty-three members of the senate were present, and, before balloting, passed a resolution providing that "any senator who does not wish to vote for a candidate may vote by answering 'present.'" The roll was called, and 17 senators voted for candidates, 12 of whom voted for ISAAC STEPHENSON. The 16 other senators simply voted "present." In other words, a quorum, in the language of the statute, voted for "one person for Senator in Congress." and of this quorum ISAAC STEPHENSON received a majority. While the vote "present" of the 16 senators was in accordance with the resolution passed, we do not believe it could either add to or detract from the requirements of the statute. All members, no doubt, should have voted for "some person," but 16 voted "present." which was equivalent to a blank vote.

In the language of the majority of the committee in Ransom v. Abbott, "Senate Election Cases." page 400. "The vote must be for a person, not a blank—in fact, not for a myth, but for a person."

Without intending to review the authorities it is clearly established that "votes knowingly cast for a candidate who can not possibly exercise the function of the office if elected are thrown away." (State ex rel. Bancroft v. Frear, 144 Wis., 87.) And, if this be true, it must follow that a mere vote of "present" is nothing more than a vote for "no person," or, in other words, a "blank," and should not, therefore, be counted in determining whether Senator Stephenson received a majority of the quorum of those who voted for "one person for Senator," and thereby complied with the letter and spirit of the statute.

For other authorities bearing upon this proposition see Sawye

the duty of the presiding officer to declare Senator Stephenson duly elected. This was purely a ministerial duty, and the mere fact that he failed to perform that duty could not, under any legal principle, undo that which was legally done in the separate and joint sessions, and, except for this failure of the presiding officer, was completely done. Instead of declaring the result, over the protest of Senator Hudnall, a ballot was ordered and taken on that day and on each succeeding day until and including the 4th day of March, 1909. Prior to March 4 no one in any of the sessions received a majority of the votes cast. On March 4 there were 123 votes cast, of which ISAAC STEPHENSON received 63, and he was then declared duly elected.

CHARGES OF CORRUPTION IN ACTION OF GENERAL ASSEMBLY.

Charges of corruption were made to the effect that—

(a) Assemblyman Leuch was offered money to go upon the floor and vote for the purpose of effecting a quorum;

(b) That Assemblyman Joseph Damochowski had been offered \$1,500 for his vote; and

(c) That Assemblymen Farrel, Ramsey, and Towne absented themselves from the joint session of the joint assembly on March 4 through corrupt influences

corrupt influence

CHARGE AS TO ASSEMBLYMAN LEUCH.

He testified that David H. Davies, on March 1, 1909, said: "I have authority to tell you that you can have anything you want if you will stay in the joint convention to-day and vote." Mr. Davies denied having any such conversation and swore that he neither authorized nor was in a position to pay or promise Mr. Leuch anything whatsoever. Whether this conversation occurred or not, there is no evidence connecting it directly with Senator Stephenson, or even indirectly through any authorized agent.

CHARGE AS TO ASSEMBLYMAN DAMOCHOWSKI.

There was testimony to the effect that Joseph A. Damochowski had said to several parties that he had been offered \$1,500 for his vote in the assembly. He admitted that he had so stated upon several occasions, but in explanation thereof said that any statements he made to that effect were in jest, and that no such offer was in fact made. Outside of these admitted statements, there was no evidence either that any bribe had been offered to or received by him, and no evidence tending to connect Senator Stephenson or his managers with this alleged attempt to bribe.

MEMBERS ABSENTING THEMSELVES ON MARCH A

On March 4, 123 members of the joint assembly were present and voting. Sixty-three members, being a majority of those voting, cast their ballots for Mr. Strephenson, and, having for the first time received a majority of those voting in the joint session, he was duly declared elected.

We think it is fair to say that the record shows that an effort was made by some of the friends of Mr. Stephenson either to pair some of those who were opposed to Stephenson's election with those who were absent and favorable to his election, or to secure the absence of those who were opposed to his election, for the purpose of reducing the number who might be in the joint session and voting, and thereby enable those who were favorable to his election to have a majority of the votes cast.

those who were favorable to his election to have a majority of the votes cast.

Richard J. White, a friend of Mr. Stephenson, succeeded in pairing Ramsey, a Democrat who was opposed to Stephenson's election, with Mr. Fenelon, who was a supporter of Mr. Stephenson and because of sickness was not able to attend the session.

Towne, a Democrat, left the chamber just before the voting began and was taken into a cloakroom by C. C. Wayland, one of Mr. Stephenson's lieutenants, and there held in conversation while the balloting was going on, and we have no doubt that Wayland purposely detained him, and Towne, to say the least, was indifferent about the situation.

Farrell left the assembly room before the roll was called and went to a café for luncheon, and did not return until some time after the result of the election had been declared. The absence of Towne and Farrell while the joint assembly was in session is not consistent with their duties as assemblymen, nor is their explanation satisfactory. But whatever the facts may be, there is no evidence in the record, nor any obtainable, so far as the committee knows, which would justify the conclusion that the absence of any of these three men was secured by corrupt means. It was necessary for Ramsey, Farrell, and Towne all to have been present and voting in order to prevent Stephenson from having a majority vote in the session. The other seven absentees were satisfactorily accounted for, and no suspicion, so far as we know, attaches to them.

We therefore conclude:

First, that the election in fact occurred on January 26, 1909; and Second, that there is no evidence justifying the conclusion that corrupt "methods or practices" were employed in securing the vote on March 4.

PRIMARY ELECTION IRREGULARITIES.

Senstor Stephenson's account filed with the secretary of state

PRIMARY ELECTION IRREGULARITIES.

on March 4.

PRIMARY ELECTION IRREGULARITIES.

Senator Stephenson's account filed with the secretary of state shows that there was expended by him and through his committee in connection with the primary election \$107,793.05. He received 56,909 votes, which cost him \$1.89 for every vote cast.

These expenditures, for the purpose of this report, may be divided into the following classes:

First, moneys paid out to persons employed by him or in his behalf to circulate nomination papers in order to get the number of signatures required by the Wisconsin statutes before his name could be placed upon the ticket.

Second, money, paid out as follows:

(a) To newspapers for political advertising;

(b) For editorial support;

(c) For lithographs, campaign material, postage, telephone, telegraph, and express charges; and

(d) Office expenses, including rent, clerk hire, and assistants.

Third, payment for services of speakers, hall rent, music, and for men devoting their time and efforts in cultivating Stephenson sentiment throughout the State;

Fourth, moneys expended for workers at the polls, and for conveyances and services in getting out the voters;

Fifth, for drinks and cigars;

Sixth, money given to C. C. Wellensgard, L. L. Bancroft, and Thomas Reynolds, who were candidates for the legislature, to be used by them in the interest of Senator Stephenson;

Seventh, money paid to the game warden, John W. Stone, for use in the Senator's campaign;

Eighth, \$2,000 contributed by Senator Stephenson to the State campaign committee for general election purposes; and

Ninth, expenses incurred during the session of the general assembly in opening and maintaining headquarters at Madison from the beginning of the session until after March 4, 1909, and for hotel bills and traveling

of the session until after march 4, 1909, and for hotel care expenses.

No part of the contribution to the general campaign committee or the expenses incident to the headquarters during the session of the general assembly were ever reported to the secretary of state.

The above we believe to fairly represent the different classes of expenditure, which were disclosed by the evidence.

There was no evidence before the committee from which it could be fairly concluded that any of this money was expended for "corrupt methods or practices," unless those recited are to be construed as corrupt under the provisions of the Wisconsin statutes.

MANAGEMENT OF THE CAMPAIGN.

MANAGEMENT OF THE CAMPAIGN.

The testimony showed that Senator Strephenson had on deposit in the Marshall & Hisley Bank \$50,000, which was used in the campaign with other added as required. His campaign was in charge of E. A. Edmonds, J. H. Puelicher, and Rodney Sackett.

There are 71 counties in the State and 2.200 election precincts. The method of the managers was to employ a lieutenant or campaign manager in each of the counties. In several instances one man had charge of a number of counties. Arrangements were made with these managers by which sums of money would be placed in their hands varying from \$100 or several hundred dollars to several thousand dollars. In some instances the manager was not given, and would not accept, compensation for his services. In others definite arrangements were made for the amount of compensation the manager was to receive, and in many cases the manager would determine and retain for himself such sum or sums as he deemed proper. It is quite clear that a very substantial part of the money expended in the organization of the several counties never went beyond the pockets of those who received it. The money expended by these managers, so far as the testimony discloses, was for one or more or all of the purposes above described.

WISCONSIN ELECTION STATUTES.

WISCONSIN ELECTION STATUTES.

The Wisconsin statutes defining election offenses are fully set forth on pages 10, 11, and 12 of the views submitted by Senator Heyburn, chairman of the subcommittee, and it will not be necessary, therefore, to insert them here.

APPLICATION OF THE LAW TO THE FACTS--NOMINATION PAPERS

APPLICATION OF THE LAW TO THE FACTS—NOMINATION PAPERS.

Before a candidate for office is entitled to have his name placed upon the ticket at a primary, the Wisconsin statute requires that petitions or nomination papers shall be filed, signed by at least 1 per cent of the voters of his party in at least each of six counties in the State, and in the aggregate not less than 1 per cent nor more than 10 per cent of the total vote of his party in the State.

The testimony shows that Senator Stephenson hired and paid men to circulate his nomination papers in order to get the required number of signatures, but there was no evidence showing that any money was paid, in the language of the statute, to induce anyone to sign his nomination papers, and we do not think it was seriously claimed by those who were interested in the instigation of these proceedings that any money was unlawfully expended for this purpose.

EXPENDITURE OF MONEY DURING THE PRIMARY CAMPAIGN.

EXPENDITURE OF MONEY DURING THE PRIMARY CAMPAIGN.

Was it a violation of the statute to pay out money for political advertising in the newspapers, or for editorial support, or for lithographs, campaign material, or for telegraph, telephone, or express charges, or for office expenses, including rent and hire of assistants, or for the hiring of speakers, halls, rent, music, and for men devoting their time and efforts in cultivating Stephenson sentiment throughout the State, or to pay workers at the polls, or for conveyances and services in getting out the voters, or for money for drinks and cigars given in a social way during the campaign?

A careful examination of the bribery statutes of Wisconsin will indicate clearly that the expenditures of money of the character recited only comes within the inhibition thereof when they are made corruptly, unless section 298 forbids it. This section reads:

"Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any valuable thing or bribe to any officer, inspector, or delegate whose office is created by this act, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention * * shall be deemed guilty of a misdemeanor," etc.

None of these expenditures can come within any of the provisions of this section, unless it be a violation of this language: "or who shall give or offer to give any valuable thing or bribe to any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention."

vention."

It should be stated that by sections 39 and 40 of the election laws of Wisconsin the criminal penalties applying to a caucus and elections are made applicable to primary elections.

If the words "to give any valuable thing" are to be given a comprehensive and literal interpretation, and to prohibit the giving or offering of "any valuable thing" "as a consideration for some act" to be done, it would not have been necessary to write into the statute the words "or bribe," because the former expression would include the latter. The purpose of the statute is evidently to prohibit corrupt giving.

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"Words of a general import in the statute are limited by words of restricted import immediately following and relating to the same subject." (36 Cyc., 1119, Nance v. Southern R. R. Co., 149 N. C., 368.)

"In interpreting a statute, where the language is of doubtful meaning, the court will reject an interpretation which would make the statute harsh, oppressive, inequitable, or unduly restrictive of primary private rights." (Nance v. Southern R. R. Co., 149 N. C., 366.) To the same effect, State ex rel. v. Jackson, 168 Indiana, 389.

Again, section 4543-C requires the filing of accounts of expenditures of a candidate. This must contemplate that there are expenditures which can not in any wise be regarded as a violation of the Wisconsin laws. If a literal interpretation is to be given to the words "any valuable thing * * * as a consideration for some act to be done," and some expenditures be prohibited, whether morally corrupt or incorrupt, would the legislature require the candidate to convict himself by filing an account? This is a criminal statute, and it must be strictly construed against the State and in favor of the defendant when charged with its violation.

Applying these rules, therefore, it would seem that the statute prohibited the giving of any valuable thing corruptly or in the nature of a bribe.

We have no sympathy whatever with the expenditure of money in

a bribe.

We have no sympathy whatever with the expenditure of money in excessive amounts, whether in a senatorial or any other political cam-

paign. That an expenditure of \$107,793.05 is an excessive amount to be spent in the candidacy for the office of United States Senator, which pays a salary for six years' service amounting to \$45,000, goes without question; that it is demoralizing and should be prevented can not be denied; that some of this money might have been spent corruptly may, for the sake of the argument, be conceded, but it is not sufficient that possible or even probable corruption or bribery exists. The evidence must show it, and this case, like all other cases, must be determined from the facts as they are disclosed in the trial and under the law as it then existed. The committee, proceeding upon the assumption that the expenditure of so large a sum of money required the fullest investigation and explanation, probed every rumor and followed every clue which was brought to its attention, with the result that no evidence was discovered which would justify the conclusion that any of this sum of money was corruptly or illegally spent.

At the time of this primary there was no statute, either State or National, limiting the amount of expenditures. There is no judicial or legislative decision, so far as we are advised, limiting the amount which may be legally expended. Can we, in the face of the fact that the Congress of the United States and the General Assembly of the State of Wisconsin prior to this election falled to limit election expenditures, now arbitrarily determine that because this sum was spent it was illegally and fraudulently expended, and therefore vacate the Senator's seat? Can it be said that the expenditure of such a sum is in contravention of a public policy which must be given the force and effect of a statute? If so, where does public policy draw the line between what shall be a legal and an illegal amount? The situation is unfortunate, but the Congress and the State legislature are to blame for not having limited the expenses by statute. Laws can not be enforced retroactively, and surely this case must be decided in ac

what the law ought to be. Since that election the State of Wisconsin has limited the amount of expenditure in a senatorial campaign to \$7,500 and the Federal Government has limited it to \$10,000.

EFFECT OF THE PRIMARY LAW.

It is strenuously argued on behalf of Senator STEPHENSON that even if the primary law of Wisconsin was violated its provisions are unconstitutional, because section 3 of Article I of the Federal Constitution provides that Senators shall be chosen by the legislature and because section 4 gives Congress the right to prescribe the time and manner of holding elections for Senators and that this power has been exercised by the Congress in the manner prescribed by sections 14 and 15 of the Revised Statutes of the United States.

The Wisconsin primary law, in substance, provides (chap. 451, Laws of 1903) as follows:

"Party candidates for the office of United States Senator shall be nominated as other State officers. (Subdivision 3 of sec. 2.) Nomination papers for candidates for the office of United States Senator shall be filed in the office of the secretary of state. (Subdivision 1 of sec. 6.) The person receiving the greatest number of votes at the primary as the candidate of the party for the office voted for shall be the candidates of that party for such office (subdivision 1, sec. 18), and the secretary of state is required to publish in the official State paper a statement of the result of the canvass of the primary as soon as the same is certified to him."

These are all of the requirements found in the Wisconsin law pertaining to the nomination of party candidates for the office of United States Senators.

May the people of a sovereign State not provide for a method of expressing their sentiment in the selection of a Senator who shall represent that State in the United States Senator had fit is their desire to so petition, may they not prescribe the method of petitioning so as to make the result of this petition, whether it be in the form of a letter to the members of the general assembl

ing its application to matters other than the election of United States Senators."

It will be conceded that while the result of a primary election, under the present constitutional provisions, could not control the State senators and representatives in their choice of a United States Senator, would not an expression of the will of the people at a primary election have great weight with their representatives in casting their votes? And, if this be so, ought not the primary election held to declare this choice be carefully guarded by suitable penalties? We have no hesitancy in saying that if the evidence disclosed the use of corrupt methods at the primarles, it would affect the result of the election by the general assembly, and the Senate would be justified in taking cognizance of that fact and unseating any Senator who was thus delinquent.

MONEYS GIVEN TO CANDIDATES FOR THE LEGISLATURE.

MONEYS GIVEN TO CANDIDATES FOR THE LEGISLATURE.

The testimony disclosed that Senator Stephenson, before the primary, gave money to C. C. Wellensgard, L. H. Bancroft, and Thomas Reynolds, who were then candidates for the legislature. They did not live in the same district or county with Mr. Stephenson. They were his personal friends. The money was given them to be used in behalf of Senator Stephenson for the nomination as the Republicae candidate for Senator.

It may be said that this money was probably used by these men to further their own interests, as well as to further the interests of Mr.

STEPHENSON. But, whether it was so used or not, there is no evidence that it was so used, or that it was given to them for that purpose.

On the contrary, the affirmative and uncontradicted testimony is all to the effect that this money was used strictly in the interest of Mr. Stephenson and none of it to further the interest of any of the legislative candidates.

MONEY PAID TO GAME WARDEN JOHN W. STONE.

MONEY PAID TO GAME WARDEN JOHN W. STONE.

Mr. Stephenson's campaign managers gave to John W. Stone, the game warden of the State, \$2,849.50 for campaign purposes. This was distributed among a number of the deputy game wardens; he retained some portion of it himself, and in testifying before the legislative committee. falsely stated the amount he had paid out.

Section 990-28 (sec. 28, ch. 363, 1905) provides:

"No officer, agent, clerk, or employee under the government of the State shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution, or political service, whether voluntary or involuntary for any political purpose whatever from any officer, agent, clerk, or employee of the State."

This statute makes it an offense for any officer, agent, clerk, or employee under the government of the State to solicit or receive any assessment, subscription, or contribution or political service from any officer, agent, clerk, or employee of the State. It is clear that this statute was not violated by Senator Stephenson, since he was not an officer, agent, clerk, or employee of the State. Moreover, the statute makes it an offense on the part of the recipient of the fund only. No offense is committed by the donor. It is true, the money should not have been paid to the game warden, and the giving of it does not show that fine discrimination which ought to be characteristic of men who are engaged in a campaign of this character. No law was violated by the donor, and this election can not be declared illegal because this expenditure was made.

FILING OF ACCOUNTS.

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FILING OF ACCOUNTS.

Section 4343—C of the Revised Statut of the wave violated by the donor, and this election can not be declared illegal because this making out and filling with Revised Statut of the sate as tatement in writing, an secribed and swom to by the candidate 'setting forth in detail each item in excess of \$5\$ in money or property contributed, disbursed, expended, or promised by him, and to the best of his knowledge, and belief by any other persons or persons for him, or in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in the owner of the persons to whom, and the purpose for which all said sums were paid, expended, or promised by such candidate in any sum or sums whatever."

No account whatever was filed of the amount contributed by Mr. Stranger, and the persons to whom the purpose for which expended the amount expended during the session of the general assembly. The account which was demanded to the general assembly. The account which was demanded to the session of the general assembly. The account which was demanded to the session of the general assembly. The account which was demanded to the session of the general counsel of Mr. Strangers and the session of the general assembly. The account where we have expended. The account as paid to the dates when expended, nor as fully as contemplated by the statutes the purposes for which expended. The account as filed was approved by the general counsel of Mr. Strangers and the sex of the property of the declar of the sex of the property of the section of the sex of the property of the sex of the sex of the property of the sex of the sex of the sex of the sex of the

expenditures. They destroyed all original records of accounts, though they kept what purported to be copies. They grouped these items and amounts in such a way that they gave no knowledge whatever to the public except the totals of each class of expenditures. The account was not filed until the last moment permitted by the statute.

Mr. Puelicher, a banker, acted as treasurer. He did not open an account as depositors usually do. He received remittances, kept private memoranda, paid out cash, and made disbursements of these funds, but kept no record thereof upon the bank's books. No other customer's funds, either before or since, were received or disbursed in a similar way. There was an air of mystery about the entire affair.

After the investigation by the committee of the general assembly was started Mr. Stephenson's local counsel had such records and correspondence as had not already been destroyed moved out of the State for the purpose of keeping them beyond the jurisdiction of the general assembly.

for the purpose of keeping them beyond the jurisdiction of the general assembly.

It may be said in passing, however, that the accounts were kept on card indexes, and Mr. Sacket gives as a reason for destroying them that they were made with lead pencil in many cases, and the writing was practically obliterated, so that he made copies and then destroyed the originals (Record, p. 161) because they were cumbersome and inconvenient (p. 523). And it may be further said that there seems to have been no substantial reason for moving the correspondence out of the State. It was all before the committee, and an examination failed to disclose anything of an inculpatory or improper character which would render any concealment necessary.

Can there be any wonder that the public became suspicious and the members of the general assembly, out of a decent sense of self-respect, should demand a thorough investigation?

If Mr. STEPHENSON has been put to great expense and trouble it is due, first, to the reckless expenditure of this large sum of money, and, second, to the studied and mysterious efforts of his managers and local attorneys to conceal the facts up to and during the investigation before the joint committee of the general assembly and the separate committee of the State senate.

But out of all this scandal and trouble much good has come. Public sentiment was aroused. The unlimited use of money has been condemned, and stringent corrupt-practices laws have been adopted, both by the General Assembly of the State of Wisconsin and by the Congress of the United States.

Atlee Pomerene,

ATLEE POMERENE. GEO. SUTHERLAND.

Mr. HEYBURN. Mr. President, I offer the following resolution and ask for its present consideration.

The Secretary read the resolution (S. Res. 215), and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 1,000 additional copies of the report and accompanying papers presented by the Committee on Privileges and Elections, who were directed to investigate whether corrupt methods and practices were used or employed in the election of ISAAC STRPHENSON as a Senator of the United States from the State of Wisconsin, be printed for the use of the Senate, and that 450 additional copies of the report, together with the hearings held before the committee, be printed for the use of the Senate.

Mr. KENYON. Mr. President, I desire to say that the minority report from the committee is not yet signed, owing to the absence from the city of some of the Senators. But it will be signed and presented later in the week.

Mr. REED. When signed, will the minority report be printed under the resolution just reported?

Mr. HEYBURN. Certainly; the minority report will be

The PRESIDENT pro tempore. It is customary to print the

views of the minority as part 2 of a report.

Mr. HEYBURN. I desire to say that at an early day after the incoming of the minority report I shall ask the Senate to take up this matter for consideration and final disposition. Of course, it is a matter of the highest privilege and takes precedence over any other business.

The PRESIDENT pro tempore. The matter will go to the calendar.

LIGHTHOUSE DEPOT AT SAN JUAN, P. R.

Mr. REED. On the Sth instant I reported favorably from the Committee on Commerce the bill (S. 4364) to provide for the use as a lighthouse depot of such part of the naval reservation at San Juan, P. R., as may be useful for such purpose, being Order of Business 287. On behalf of the committee, I ask that the bill be taken from the calendar and recommitted to the Committee on Commerce.

The PRESIDENT pro tempore. Without objection, it is so

ordered.

PROPOSED PENSION LEGISLATION.

Mr. KENYON. Mr. President, I desire to occupy a few moments of the time of the Senate in some observations upon

a subject which, it seems to me, should receive the serious consideration of this body.

On this day when the thought and heart of the Nation is turned toward a humble grave at Springfield, Ill., I deem it not inappropriate to submit some suggestions as to the manner of treatment by the Nation of the men Lincoln called in the days of '61 to '65.

Last December the House of Representatives, in a spirit not of politics but of patriotism, passed what is known as the Sherwood pension bill. That measure came to the Senate and has been in committee ever since. Other general pension bills are before that committee, one of which I introduced on the second day of the session. All of these bills provide in more

liberal way for the Union soldier of the Civil War. It had been hoped that before this time the Senate, in the same spirit of patriotism that actuated the House of Representatives, might have passed the Sherwood bill-not as a present to these men, not as a charity, but as a mere act of justice. I am well aware that any man who stands on this floor and advocates more liberal pensions for the survivors of the Civil War is accused of "playing politics," but I do not propose to be deterred by any such charge.

After the passage of the Sherwood bill some of the great metropolitan journals published articles from editors who, sitting in easy leather chairs, surrounded by all the comforts of modern life, wrote, without much thought, that this bill was a "pension graft"; that it was enacted for the purpose of "playing politics"; and I fully realize that anyone who champions that measure must subject himself to the criticism of these great metropolitan paper's. It is very easy in the comfortable surroundings of one of these editorial sanctums to denounce this measure. It is easy to talk about "pension grabs." These men who so talk have never known what it was to stand and face an oncoming bayonet charge, to pace on lonely picket duty, or to engage in any conflict of battle. Their battles have been of the pen, not of the sword. Five minutes of war would effectually change their minds as to the method of treatment the Government should accord the Union soldier. Some of the opposition now manifested to this bill comes from those who remained at home and fattened on the prosperity won by national arms. John McCutcheon, the great cartoonist, a short time ago pictured a Memorial Day parade—broken veterans in blue marching along, feeble and bent and gray; and near the line of march gentlemen in high hats and long-tailed coats, fat, slick, prosperous, pompous, and contented, well fed, well groomed, well satisfied with themselves and with the world. The argument there portrayed is as powerful as it is pathetic. On the one side those who went to war; the other, those who remained at home. In my boyhood days and every year since then I have watched on Memorial Day the old veteran in the somewhat faded uniform

as under the flag he marched down the street to the music of fife and drum. There was a flash in the eye, a pride in the step, that made the heart of the watcher beat a little faster. have observed, year by year, that these ranks were growing less, and the old veteran as he marches now steps with a stride ever less alert and with shoulders stooping more and more under the weight of advancing years. As I have observed that little bronze button of the Grand Army of the Republic it has often flashed through my mind that I would rather be able to wear it and know that the right to wear it had been won in honorable sacrifice for my country than to wear the most royal diadem of any earthly power.

Are we, as a Congress, to do anything for these men? The hour has now struck for action. Either we should pass a liberal pension law or say to these men that we will not do so. To further delay is to deny them justice. Let us do something or else stop talking about it. They are passing away at the rate of a hundred a day, and since this bill was enacted by the House 5,000 of them have gone to their reward. We spend plenty of time over child-labor laws; a whole session over Canadian reciprocity; but we do not seem to be able to find time to deliberate upon and carry through to a successful conclusion a righteous pension enactment, and all the while time is flitting by. Physical forms fade quickly as the fleeting clouds.

These men with broken constitutions are standing in the twight hour waiting the last summons. When 10 years shall light hour waiting the last summons. have passed away no more will the old soldier be seen upon our streets, and, except in rare instances, he will be a memory. It is commendable to raise monuments to them when they are gone and to place flowers upon their graves; but food upon their tables in life is far preferable to flowers upon their graves in death. It is far better to give them the necessities of life, to make easy their few remaining years, than later to erect great monuments to their memory. May the time never be that upon those monument should be inscribed, "They were neglected by the Republic they saved."

The Commissioner of Pensions, I understand, estimates the cost of the Sherwood bill at \$75,000,000 a year above the present payments. This estimate has been analyzed by that gallant old soldier, Gen. Sherwood. This analysis appears in one of his speeches in the House, in which he shows the cost to be about \$43,000,000 more than expenditures under existing laws. I prefer to accept his estimate. The cost of this bill, then, would be about \$43,000,000 in addition to present pension expenditures. Suppose it does cost as much as is estimated by the Commissioner of Pensions. Even then we should not hesi-tate. While there may be men who will receive pensions which, possibly, they do not need, it is far better that some receive pensions to which they may not be entitled than that deserving soldiers fail to receive that to which they are entitled. The

pension roll is not one of charity but one of honor. Pensions are given in part payment of that debt of endless gratitude-still paying, still to owe. No liberality of the Nation could ever pay that obligation.

In my humble judgment the Sherwood bill does not go far enough, in that it makes no provision for the widows of sol-They had the harder life. How tender and gentle they were. With smiling face that hid a breaking heart she urged him on, and when he was gone-after he had proudly marched down the street to the music of fife and drum, with the old flag floating over him, supported by the benediction of her smileback to the little home she ran, broke down, and wept the tears of bitter anguish. Then came the struggle with poverty. She could only work and hope and pray. Breathless she awaits the news of every battle, sending up her supplication for her soldier's safety; and yet she hopes he was at the front. Spartan-like she widows herself for her country's salvation. "It is the type of an eternal truth that the soul's armor is never well set unless a woman's hand has braced it, and it is only when she braces it loosely that the honor of our manhood fails." How full of struggle, hardship, sacrifice, and sorrow the fateful years of the war were for her only her own heart knows.

The wife who girds her husband's sword,
'Mid little ones who weep and wonder,
And bravely speaks the parting word,
Although her heart be rent asunder;
Doomed, nightly, in her dreams to hear
The bolts of war around him rattle,
Has shed as sacred blood as e'er
Was poured upon the plain of battle.

Every advance toward human liberty, every great movement which has marked an epoch in the history of the world has been made possible by the courage and sympathy of woman. That courage and sympathy put inspiration and iron into the men at the front and was not the least of all the factors con-

tributing to the success of the Union arms.

Why do we not pass the Sherwood bill? But one answer. "We must practice economy." We have increased in material wealth in this country until our national resources stagger mankind-an industrial prosperity the like of which the world has never known. If we must practice economy let us practice it in some other direction. Let us not raise the cry of "economy" only when the soldier is involved. It must be remembered that the purchasing power of the soldier's pension under the Sherwood bill would probably not be greater than the purchasing power of the present pension at the time when the various laws were enacted. Expense of living has grown as much for the soldier as it has for anyone else. Congress has raised the salary of its Members. It has raised the salary of the President. It has entered into an expense running into the hundreds of millions for constructing the Panama Canal. It has even retired Admiral Peary on rear admiral's pay for discovering something known as the North Pole, which no one cares anything about.

We might economize in the House and Senate in the matter of mileage. There could be a saving in this item of \$125,000 a year and yet leave 10 cents per mile for traveling expenses. We could economize by getting rid of some of the commissions that surround us on every hand with enormous expense. Possibly a few expeditions like that to Lake Champlain, recently exposed in the House, might be dispensed with in the interest of economy. We have river and harbor bills running into the millions for the purpose of creating harbors where the Almighty forbade them and rivers where nature prohibited them. Perhaps these might be dispensed with on the same ground. Public buildings might wait a few years, even though it might injure the chances of a few men to go back to Congress because they could not secure a public building at an enormous expense where none is needed. Many more millions go for the maintenance of navy yards so absolutely chaste that their waters have never yet embraced the form of a seagoing battleship; dry docks that are a constant challenge to the word of God, because they are so dry that the only possible chance for them to ever be used for docking ships is confined to the remote prospect that we will see a repetition of the flood described in the Scripture. So glaring is the abuse in this direction that the Secretary of the Navy, in his last annual report, is constrained to remind us that "navy yards exist for the fleet and that the fleet is not for the support of the yards." Then there are the free barber shop and the free bath rooms. They might, possibly, be abolished, although I realize that I am treading on sacred and dangerous ground in making this revolutionary recommendation.

A Republican Senator, a few months ago, said one thing that is absolutely true when he said that this Government can be conducted for \$300,000,000 less per year than it is now. When he said this he spoke an absolute truism. Every man here knows it to be correct. One-seventh of this sum would carry the pensions provided by the Sherwood bill,

I have no patience with the assertion that pension legislation is charity legislation. There was an implied contract with this Government when these men marched away, and that contract was that when they needed help from the Government they should have it. They did not go to war for the \$13 per month in depreciated currency—worth, in gold, but \$9. They did not place blood against gold. They would have gone had there been no compensation. Life was precious to these men. They could look ahead through the open door of opportunity and see a future where possibly they as well as those who stayed at home might surround themselves and their families with the luxuries and splendors of life. But they closed the door of opporunity just at a time when the tenderest and most sacred associations of life were forming. They gave up ambition gladly to serve their country. They were not victims of greed for territory, and in those red years of our national calendar they never They never thought of themselves; they thought of reward. thought only of their country. And now their country ought to be thinking of them. Pension legislation, it seems to me, should be based somewhat upon the advantages which accrued to the

Nation and the ability of the Nation to compensate therefor.

Think of what these men did! Their patriotism will inspire the manhood of the Republic to duty and deeds of valor if danger in the future shall ever threaten the Nation. Some were with Grant at Vicksburg and Donelson; some in the hornets' nest of Shiloh; some with "Old" Farragut, damning the torpedoes in the Mississippi; some in the bloody battle of Franklin; some on the field of Nashville. Others were with "Pap" Thomas in the gloomy woods of Chickamauga, others following "Old" Joe Hooker up Lookout Mountain above the clouds until the stars of the flag twinkled side by, side with the stars in the heavens. Some were with Hancock and Sickles at Gettysburg; some stood against that most magnificent charge of all history across Seminary Plain of the valor of Virginia chivalry; some followed Sherman to the sea; others stood at Appomattox with the great commander, who sleeps to-day by the banks of the Hudson and who proclaimed, "Let us have peace."

They met likewise disease and pestilence. They had to combat not only the force of arms but the fever demon springing from the swamps of the South; and they met it all with the same spirit of heroism with which they have met the problems since the war. It should not require any request or urging

upon us to take care of them now.

It is to be hoped that in this body there may be help from the South in passing this bill or some liberal pension bill. All the strife and clamor of that period has ceased. We are now one people, preaching the gospel of peace and good will to men from the westward slope of the Pacific on to where the Southern Cross blazes above the southern seas. No more inspiring period will ever come to this country than we experienced during the Spanish-American War. Then we observed Gen. Wheeler, who wore the gray, and Gen. Wilson, who wore the blue; Fitzhugh Lee, than whom no more gallant ever marched under the Stars and Bars, and William McKinley, than whom no braver ever fought under the Stars and Stripes, and the sons of the men who fought with Sherman and the sons of the men who fought with Lee, standing shoulder to shoulder in a common cause—nne flag, one country, one glorious and triumphant destiny.

The great struggle of 1861–1865 is sanctified to both North and South in the blood and valor of a common heritage. The green grass, nature's forgiveness, covers many a ruined fort. The blue and gray are sleeping side by side on every battle field of the Civil War. Throughout the Southland the wheels of machinery are singing the songs of a prosperity and commercial activity little dreamed of in the dark days of the war. The march of trade and commerce has produced a great Southgreat in its industrial achievements, great in its prosperity, and splendid in all that makes for good citizenship.

No better token of the united spirit which characterizes the Nation to-day could be given than for the Southland to reach over and help, by its vote, the passage of this measure. The complete reunion of the sections of this country was beautifully expressed by a soldier at Chickamauga a few years ago at a reunion of the Blue and the Gray, when he wrote:

We met at Chickamauga; I hadn't seen him since; We looked across the trenches and his bullets made me wince; We both shook hands in friendship as hearty as could be, Though he had marched with Sherman and I had marched with Lee.

We walked across the battle field where once the bullets flew, And the green and waving blades of grass felt the fall of crimson dew. We talked the whole thing over where the flag was waving free, How he had marched with Sherman and I had marched with Lee.

The drums have ceased their beating; I see no sabers shine;
The hair falls on his forehead as snowy white as mine,
And voices seem to call us across the far, eternal sea,
Where the boys who marched with Sherman are in camp with those of
Lee.

We are living to-day in a busy, rushing, commercial age, in which we seem to have but little time for the sentiments of life, but in all of our prosperity and progress let us not forget the work of these men. Let us not forget their need in these later years. The greatest crime of a republic is to forget its defenders in their hour of need. It has been said—and I think possibly on this floor—that patriotism is its own reward, and some people, who are surrounded by all the luxuries of life, seem to think that that is the only reward necessary. Patriotism does not buy bread and clothes or pay the rent. Its inspiration is, of course, in itself a great reward, and around the firesides of the future the story of that struggle will incite to deeds of valor our children and our children's children.

Dickens, in his Tale of Two Cities, portrays Sidney Carton meditating in the prison cell on the night before the morn when he is to give up his life for his friend, and there he pictures the reward of such sacrifice; that his friend some day will lead to his grave a little child who bears his name, and he will tell this little child the story of the love and devotion of the man who lies sleeping there. That is, indeed, a great reward for valor and virtue. But we are in position to see patriotism rewarded and not merely to assume that the memories of that contest, the deeds of valor and heroism, are sufficient. We will have these as the heritage of tife years to come, because it is true—

"they never die who fall in a great cause. The block may soak their gore, their heads may sodden in the sun, their limbs be strung to city walls and castle gates, and yet their spirit walks abroad."

The veterans of both armies are rapidly passing to the shoreless sea. Immortal honors will soon be theirs. Their heads are crowned with the snows that never melt. Their steps are faltering with increasing age. No more for them the bugle call; no more the tattoo shall beat; no more the flame, and death, and hell of battle. They shall all soon pitch their tents on the plains of peace and be welcomed in the home of the Prince of Peace. The future, indeed, of our dead is safe. Let us make safe the present and future of our living.

present and future of our living.

In that splendid novel of Justin McCarthy, "If I Were King," Old Villon is made to exclaim, "Where are the snows of yesterday; the winds have blown them all away." No winds of commercial activity should be permitted to blow these memories away. They are as pure as the spotless snow. No emergency of the hour, no false pretense of economy, should deny them justice. The spirit that sent them forth, mere boys, willing to give up their lives, let us not forget. Amid the prosperity, the achievement, and the grandeur of the morning hours of this splendid century, let their glory not be dimmed or the cause for

which they fought be minimized. Let us not forget.

Mr. HEYBURN. Mr. President, I think it appropriate on this day and at this particular time to call attention to a fact in addition to those facts referred to by the distinguished Senaknown that in July, 1864, when Early's army was within the limits of the District of Columbia, overlooking the Capitol—and perhaps all Senators have gone to view that spot—at that hour when the Government had tried to raise, first, \$60,000,000 of the money lenders, and had been refused, on a 7 per cent basis, and then had tried to raise \$50,000,000 of the money lenders and had been again refused because of the darkness of that hour, the soldiers in the field loaned the Government of the United States \$20,000,000 out of their pay at the paymaster's wagon. That money came into the Treasury of the United States and tided the Government over that dark hour. These men are those referred to by the Senator from Iowa. They did that at the expense of the comfort of their families and homes. The great mass of the American people to-day have forgotten, if they ever knew it, that the fighting soldier on the battle field at the paymaster's wagon contributed out of his pittance \$20,000,000 that came into the Treasury of the United States as a rebuke to those who stayed at home and hoarded their wealth and refused to buy Government bonds or to loan the Government money upon even better terms. Let that not be forgotten, regardless of what pension bill is under considera-tion. Remember that those men were ready not only to sacrifice their lives that this country might live, but that they were more ready to contribute to the expense of maintaining the Government than were these mock heroes at home, many of whom were preaching doctrines against the principles for which those men contended.

I only felt impelled in this hour and upon this patriotic day

I only felt impelled in this hour and upon this patriotic day to record here in the RECORD of this body the recollection of real patriotism, this monument to soldiers who are forgotten to-day because they are out of sight, suffering perhaps in the hospitals and with the ills of old age. I merely recall this as an additional tribute to those men. Of course we should see to it that their lives are made as comfortable as they can be and that

the pledge which the greatest of all commanders made at Gettys-

burg shall be kept.

Abraham Lincoln, the anniversary of whose birth we celebrate to-day, was a soldier. All the great deeds of his life were those during war and pertaining to war. He knew no great civil career separated from the conduct of the war. Washington, the prototype, made the great name that has lived after him in war. Freedom, liberty, were never born in any other cradle than that of war. Nobody ever obtained freedom, unless it be a slave by manumission, except at the end of a struggle; no nation ever liberated itself from the bonds that cramped it and its people except at the end of a war. This is the anniversary of the birth of a man whose greatness was wholly that of war and of the things pertaining to it.

I have only added this word because of the sacred anniversary of his birth, and I have only referred to these heroic acts of the soldiers whose commander he was and to whom he made the appeal in order that they may not be forgotten and that they may not be counted among the worthless of mankind.

THE CALENDAR.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order.

Mr. SMOOT. Let that bill go over.
The PRESIDENT pro tempore. The bill goes over.
The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The concurrent resolution (S. Con. Res. 4) instructing the Abtorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

The PRESIDENT pro tempore. There is a motion pending to refer the resolution to the Committee on the Judiciary,
Mr. POMERENE. I ask that it be passed over.
The PRESIDENT pro tempore. The concurrent resolution

will be passed over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. BRISTOW. I should like to have the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

was announced as next in order.

Mr. SMOOT. Mr. President, that goes over with the other pension bill on the calendar.

The PRESIDENT pro tempore. Under a previous arrangement all pension bills on the calendar will, as they are reached, be passed over be passed over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France, touching the arbitration of justiciable controversies or disputes, was announced as next in order.

Mr. BURTON. I think that that should go over, as the Senator from Iowa, who introduced it, is not now present.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. NELSON. Let that go over until the chairman of the committee who reported the bill is present.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 2243) to correct the military record of John L.

O'Mara and grant him an honorable discharge was announced as next in order.

Let that bill go over, Mr. President. Mr. SMOOT.

The PRESIDENT pro tempore. The bill goes over.
The bill (S. 3045) to provide for agricultural entries on oil lands was announced as next in order.

Mr. SMOOT. I ask that that go over, as the Senator from West Virginia desired to be present when it was considered. The PRESIDENT pro tempore. The bill goes over.

THOMAS HARRISON.

The bill (S. 548) retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes, was considered as

in Committee of the Whole. It proposes to retire Thomas Harrison, a clerk in class 4 at the United States Naval Observatory, now over 80 years of age, who has served in the Naval Observatory for 60 consecutive years, and that in consideration of his long and faithful service he be paid \$100 per month during the remainder of his natural life.

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in

Let that go over, Mr. President. The PRESIDENT pro tempore. The bill goes over.

The bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President. The PRESIDENT pro tempore. The bill will go over.

EQUIPMENT OF LIGHT VESSELS.

The bill (S. 4362) to provide for the construction and equipment of additional light vessels for general service was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to construct and equip additional light vessels for general service, at a cost not to exceed \$250,000.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

FOG-SIGNAL STATION AT THIMBLE SHOAL, VA.

The bill (S. 4518) to provide for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to complete the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., at an additional cost not to exceed \$39,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time.

and passed.

CARL KRUEGER.

The bill (S. 104) for the relief of Karl Krueger was considered as in Committee of the Whole. It proposes to pay \$500 to Carl Krueger, of Denver, Colo., on account of injuries received in the United States mint in Denver, Colo., on February 27, 1906.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. WAITE.

The bill (S. 547) for the relief of Sarah A. Waite was considered as in Committee of the Whole. It proposes to pay \$1,050 to Sarah A. Waite, widow of George B. Waite, who at the time of his death was a first sergeant on the retired list of the United States Army and a civilian employee in the Quartermaster's Department, as full compensation for his death, ' resulting from injuries received while in the discharge of his duty as a teamster in the employ of the post quartermaster at Vancouver Barracks, State of Washington, on the 3d of December, 1907.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIVERSARY OF EMANCIPATION ACT.

The bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, was announced as next in order.

Mr. ROOT. That bill was introduced by the Senator from Kentucky [Mr. Bradley], and I understand that he would like to be present when it is taken up. I therefore ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

NAVIGATION AIDS IN PUGET SOUND.

The bill (S. 4471) to provide for the establishment of aids to navigation and for the improvement of existing aids in Puget Sound, Wash., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to establish aids to navigation and improve existing aids in Puget Sound, Wash., at a cost not to exceed \$45,000. The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

POINT PINOS LIGHT STATION, CAL.

The bill (S. 4415) to provide for making necessary improvements at Point Pinos Light Station, Cal., was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to make necessary improvements at Point Pinos Light Station, Cal., at a cost not to exceed \$30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

AGRICULTURAL ENTRIES ON COAL LANDS.

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands, was announced as next in order, and the Secretary proceeded to read the bill.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLAIMS UNDER NAVY DEPARTMENT.

The bill (S. 4860) to satisfy certain claims against the Government arising under the Navy Department was considered as in Committee of the Whole. It proposes to appropriate the sums hereinafter stated as a full and final release and discharge of the following claims arising under the Navy Department:

sums hereinafter stated as a full and final release and discharge of the following claims arising under the Navy Department:

To pay the owner of the barge Ellie for damages suffered by his barge while discharging coal alongside the U. S. S. Birmingham at the navy yard, Philadelphia, Pa., on June 23, 1910, \$112.93.

To pay the New England Navigation Co., Newport, R. I., on account of certain timbers belonging to said company used and destroyed by a party of enlisted men from the Navy while unloading an anchor from a railroad car on the company's wharf at Newport, on August 20, 1910, \$9.84.

To pay the Delaware, Lackawanna & Western Railroad Co., New York, N. Y., damages on account of the collision between their steam lighter Bloomsburg and the U. S. S. Pawnee in the East River, N. Y., on April 9, 1910, \$2.028.39.

To pay the Southern Pacific Co. on account of damage to their dock at San Pedro, Cal., as a result of being struck by the U. S. S. Lawrence on September 13, 1909, \$148.40.

To pay damages in each instance arising out of the collisions between the U. S. S. Samar and the fort gas-lighted buoy in the Woosung River, China, and with a Chinese junk anchored near this point on April 10, 1910, \$562.33.

To reimburse Carl F. Deichman, who in December, 1909, was United States consul at Nagasaki, Japan, for the payment by him of the cost of repairs to a Japanese postal launch as the result of a collision with a Navy launch from the U. S. S. Maryland in the harbor at Nagasaki on December 28, 1909, \$7.97.

To pay the owners of the Norwegian steamship Jethou for damages on account of the collision between their vessel and a Navy coal barge in tow of the U. S. S. Active at the navy yard, Mare Island, Cal., on June 14, 1910, \$7.290.31.

To reimburse Paymaster William B. Rogers, United States Navy, on account of the payment by him of the cost of repairs to the wharf of the Seaboard Wharf & Warehouse Co. at Portsmouth, Va., damaged by the U. S. S. Brutus on June 7, 1909, \$201.76.

To pay upon the presentation of satisf

I.135.83.
To pay the cost of repairs to Norfolk & Western Railroad Co. freight car No. 53259, on account of damages suffered at the navy yard, Charleston, S. C., on May 22, 1911, \$12.24.

To pay the owners of the schooner Dorothy B. Barrett for damages to their schooner on account of the collision with the U. S. S. Mayrant off Cape Cod, Mass., on August 30, 1911, \$338.40.

To pay the owners of the British steamship Harpallon for damages to their steamer suffered while discharging coal at the navy yard, Puget Sound, Wash., in September, 1911, \$23.70.

To pay the owners of the British steamship Hampton for damages suffered by their steamer while discharging coal at the naval coal depot, Tiburon, Cal., in May, 1911, \$750.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVIGATION AIDS, ST. MARYS RIVER, MICH.

The bill (S. 4459) to provide for repairs and improvements to aids to navigation in the St. Marys River, Mich., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to make repairs and improvements to aids to navigation in the St. Marys River, Mich., at a cost not to exceed \$60,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ZION'S COOPERATIVE MERCANTILE INSTITUTION.

The bill (S. 412) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah was considered as in Committee of the Whole. It proposes to appropriate to the corporations hereinafter named the amounts respectively placed opposite their names, the amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district 1

of Utah in 1879 as a tax on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: Zion's Cooperative Mercantile Institution, of Bountiful, Utah, \$123.30; Logan Branch of Zion's Cooperative Mercantile Institution, of Logan, Utah, \$4,852.42.

Mr. BACON. Mr. President, I should like to inquire of the Senator when the decision that is spoken of in the bill was

rendered?

Mr. SMOOT. The Secretary of the Treasury, Hon. Franklin MacVeagh, writes to the chairman of the Finance Committee, in a letter dated December 16, 1911, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, December 16, 1911.

The Chairman Committee on Finance, United States Senate.

The Chairman Committee on Finance,

United States Senate.

Sir: In reply to your letter of the 12th instant, inclosing copy of a bill (S. 412) to provide for the refunding of certain moneys lilegally assessed and collected in the district of Utah, by appropriating to Zion's Cooperative Mercantile Institution \$123.30 and to the Logan Branch of Zion's Cooperative Mercantile Institution \$4.852.42 as amounts collected in 1879 as tax on notes used for circulation by said companies, the tax subsequently having been held illegal by the Supreme Court of the United States, and asking that your committee be supplied with an opinion regarding the merits of the bill, I have the honor to advise you that a similar bill (S. 9970) was introduced in the last Congress, referred to this department, and a full report made thereon. It appears from the records in the office of the Commissioner of Internal Revenue that in March, 1879, an assessment was made against Zion's Cooperative Mercantile Institution, of Bountiful, Utah, on account of notes used for circulation for the three months ended August 31, 1877, amounting to \$123.30. On the same list also appears an assessment against the Logan Branch of Zion's Cooperative Mercantile Institution, based upon the same subject matter, for the sum of \$4.852.42, both of which assessments were paid on August 20, 1879.

By virtue of an act approved February 28, 1901, there were refunded to other corporations or associations in the State of Utah certain taxes collected upon notes circulated under apparently the same conditions. It appears from an examination of the records in the commissioner's office that the amounts sought to be recovered by the pending bil were not included in the terms of said act and have not been otherwise refunded, and therefore that claims for said sums are equally meritorious with those included in said refunding act.

Franklin MacVeagh, Secretary.

FRANKLIN MACVEAGH, Secretary.

will say to the Senator that I do not remember the date of the decision of the Supreme Court, but I do know that the Supreme Court decided that the tax was illegal.

Mr. BACON. I suppose it is admitted that there was this Issue; but what are the facts which it is claimed relieve the

institutions from liability?

Mr. SMOOT. The amount was illegally collected. I can explain the mater to the Senator in this way: These stores were issuing circulating notes. The Commissioner of Internal Revenue held that there should be a 10 per cent assessment on the circulation of the notes issued by these particular stores. The matter was taken up through the inferior courts to the Supreme Court. The Supreme Court held that the assessment was preme Court. The supreme Court held that the assessment was illegal and that it was illegally collected. Congress, in years past, has refunded over \$80,000 of such assessments, but the two items covered by this bill were not included in the refund that has been made. The claimants, therefore, are simply asking that there be a refund to them the same as in the case of the other institutions which paid the tax that was illegally collected.

Mr. BROWN. Mr. President, I observe that the letter from the department does not say that these bills or claims have any merit at all. The letter says that, on their face, they are equally meritorious with the others. The Secretary evidently has, with some intention and deliberation, failed to answer "yes" as to the merits of this bill.

I apprehend the Secretary is unable to answer one way or the other, because, I suppose, the facts were not before him as to whether this tax was on the same credit as that which was held to be illegal in the Zion's Cooperative Mercantile Institu-

tion case, reported in One hundred and eleventh United States.

I should like to ask the Senator himself if he or the committee has any information on the nature and character of the tax now said to be illegal. If the tax was on currency notes, at 10 per cent, it was legal. If it was on circulating orders between merchants for merchandise, the court said it would be illegal.

What I want to ascertain is, What are the facts on which the committee bases its report that this tax was identical with those that were refunded by the act of 1901?

Mr. SMOOT. Mr. President, the Senator asked me if I knew personally whether or not the claims are the same. I will state to him that I do know positively that they are the same. I will call the attention of the Senator from Georgia to the report. It refers to "the decision of the Supreme Court of the United States in the case of O. J. Hollister, collector, v. Zion's Cooperative Mercantile Institution, One hundred and eleventh United States, page 62." I am positive that they are exactly. Mr. BACON. Mr. President, I will concede that; but I want to know, being the same, what they are. There is no doubt about the fact that the law imposes a tax of 10 per cent upon all bills issued to be circulated as money by institutions other than the national banks. In this particular case I presume there is no dispute as to the fact that these bills were issued. But what were the facts which relieved them from liability under the act? The statement that they were the same as in another case does not give us any information unless we knew what that other case was.

Mr. SMOOT. These are the facts, Mr. President: The stores, in exchange for produce, issued what was called scrip. If a man brought to a store a bushel of wheat that was worth \$1, they would issue a dollar's worth of scrip. O. J. Hollister, then collector of internal revenue, decided that that was a circulating note, and came under the law requiring a 10 per cent But when the matter was brought to the Supreme Court it held that that scrip was not taxable, and that the amount of money which had been collected by the Bureau of Internal Revenue was illegally collected. This bill simply provides for refunding to the stores that paid this tax, without any interest whatever, the amount that was illegally collected from them. That is all there is in it.

Mr. BACON. Has the Senator examined the case in 111 United States, to see whether the Supreme Court has decided that?

Mr. SMOOT. I will say I know that they did, because I was manager of the Provo Woolen Mills at the time, and a similar claim was made on the part of the Provo Woolen Mills, and a refund was made by the Government to the Provo Woolen Mills in the same way. But these two items were not included in the original claim made against the Government. It was an oversight.

Mr. BACON. I remember the fact that there have been decisions on the subject, but they were rendered so long ago that I can not recall what the precise ruling was. Of course if this bill falls within the ruling, and the facts justify the refund, I have nothing more to say. But I think the report ought to have set out a little more in detail, and with greater minuteness, the facts upon which this proposed action is to be based.

Mr. OVERMAN. When was the claim made? Mr. SMOOT. The tax was illegally collected in 1879.

Mr. OVERMAN. But when was the claim presented to Congress?

Mr. SMOOT. The claim was not presented until three or four years ago, I think.

Mr. OVERMAN. I do not believe in waiving the statute of limitations. Is not the claim barred by that statute?

Mr. SMOOT. I do not think there is any question about that, Mr. President; but it could not have been paid without a special act of Congress, even if it had not been barred.

Mr. OVERMAN. I understand; but the statute provides that all claims not presented within a certain time shall be barred.

Mr. SMOOT. I do not think it applies to this class of claims, Mr. President. This is a claim against the Government.

Mr. OVERMAN. I simply wanted to know whether a precedent is going to be made, and whether the statute of limitations is going to be waived. If it is going to be waived in this case, it ought to be waived in others.

Mr. SMOOT. The Secretary of the Treasury says this claim should be paid if the others were paid; and they were paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

Mr. BACON. Mr. President, before this matter passes from the Senate I simply want to say that I have not endeavored to obstruct the bill, but I do think that where a claim has been allowed to slumber as long as this one has very definite information should be given in regard to it. As the matter has to have consideration elsewhere, I presume the attention which has been called to it will be sufficient.

REDEMPTION OF GOVERNMENT OBLIGATIONS.

The bill (S. 2151) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over. The PRESIDENT pro tempore. The bill will be passed over.

CHARLES A. DAVIDSON AND CHARLES M. CAMPBELL.

The bill (S. 2199) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell was considered as in Committee of the Whole. It proposes to pay \$750 each to Charles A. Davidson and Charles

M. Campbell, late clerks of United States courts in Indian Territory, in pursuance of the findings of fact reported to the United States Senate by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHANNA S. STOECKLE.

The bill (S. 4189) for the relief of the estate of Johanna S. Stoeckle was considered as in Committee on the Whole. It proposes to pay the estate of Johanna S. Stoeckle, late of Wilmington, Del., \$1,753.99, taxes erroneously collected from said estate under the war-revenue act of June 13, 1898, on legacies passing by the last will and testament of Joseph Stoeckle, he having deceased prior to the passage of said act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS.

The bill (S. 3579) to amend section 1 of the Revised Statutes of the United States in relation to oaths, was announced as next in order.

Mr. SMOOT. There seems to be an adverse report. I ask that the bill go over.

Mr. BURTON. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

SALE OF PUBLIC OR INDIAN LANDS IN TOWN SITES.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHOCTAW AND CHICKASAW LANDS.

The bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nation, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

PUBLIC UTILITIES COMMISSION.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside, the hour of 4 o'clock having arrived.

Mr. BACON. What is the unfinished business?

The PRESIDENT pro tempore. It is Senate bill 3812 to regulate public utilities in the District of Columbia.

HOMEOPATHIC PHARMACOPCEIA.

The bill (S. 4856) to amend sections 6 and 7 of the purefood act of June 30, 1906, and for other purposes, was considered as in Committee of the Whole.

Mr. BURTON. I should like to hear some explanation of the scope of the bill.

Mr. HEYBURN. It merely adds the homeopathic formulary to those enumerated in the present pure food and drugs act, and puts it on the same footing, recognizing the homeopathic publication of standards. We have the pharmacopæia and the standards of the different schools, and the homeopathic school was not recognized. This puts homeopaths in with the others. That is all it does.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HURON PLACE CEMETERY, KANSAS CITY, KANS.

The bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land be, and the same is hereby, repealed, was con-

sidered as in Committee of the Whole.

Mr. POINDEXTER. I should like to understand something of the purpose of the bill from the Senator in charge of it.

Mr. CURTIS. I would ask that the report, which is a very

short one, be read. It fully explains the bill, and I think after

it is read the Senator from Washington will have no objection to its passage

The PRESIDENT pro tempore. The report will be read. The Secretary read the report submitted by Mr. Curtis on the 8th instant, as follows:

The Committee on Indian Affairs, to which was referred the bill (S. 3952) in regard to the Huron Place Cemetery, in Kansas City, Kans., after having given the same careful consideration submit the following

after having given the same careful consideration submit the following report:

By the terms of the treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, the Wyandotte Nation ceded certain lands situated in the forks of the Missouri and Kansas Rivers, but by the terms of the treaty the portion then inclosed and used as a public burying ground should be permanently reserved and appropriated for that purpose. The tract referred to contains 2 acres of land.

In the cest of June 21, 1006 Concrete authorized the Scaretage of the

and appropriated for that purpose. The tract referred to contains 2 acres of land.

In the act of June 21, 1906, Congress authorized the Secretary of the Interior to sell the above tract of land under such rules and regulations as he might prescribe, and authority was given said Secretary to provide for the removal of the remains of the persons interred in said burial grounds and their reinterment in the Wyandotte Cemetery at Quindaro, Kans., and to purchase and put in place appropriate monuments, and the bill further provided that after paying certain claims the residue of the money derived from said sale should be paid per capita to the members of the Wyandotte Tribe of Indians. It is estimated that the lands have a value of \$75,000.

At the time of the provision providing for the sale of the above tract of land it was understood that the members of the tribe favored such action, but it has since been ascertained that a number of members of the tribe who had relatives buried in said cemetery objected to the removal of the remains, and under the circumstances your committee believe a mistake was made and a great injustice was done by the act of June 21, 1906, and your committee believe that the feelings of the relatives should be respected, and therefore recommend the passage of the bill (S. 3952) without amendment.

It is believed that it would be better to retain the cemetery as a national monument to the Wyandotte Tribe of Indians than to sell it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN LANDS IN OKLAHOMA.

The bill (S. 4754) to dispose of certain lands for town-site purposes was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to set aside for townsite purposes the northwest quarter of section 30, township 2 north, range 11 west, Indian meridian, Comanche County, adjoining the city of Lawton, Okla., and to survey, lay out, and plat the said land into town lots, streets, alleys, and parks; and said lots shall be surveyed, appraised, and disposed of as provided in section 2381, United States Revised Statutes. The proceeds derived from the sale of the lots shall be deposited in the Treasury of the United States to the credit of the Kiowa, Comanche, and Apache Tribes of Indians, and may thereafter be used for the benefit of the said tribes of Indians for such purposes and in such manner as the Secretary of the Interior may direct. The expenses incident to the survey, appraisal, and sale, and any other expenses in connection therewith, shall be paid by the Secretary of the Interior out of any moneys in the

United States Treasury belonging to said Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The joint resolution (H. J. Res. 194) granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co. was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

The preamble was agreed to.

AMERICAN NATIONAL RED CROSS.

The bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

The bill was reported from the Committee on Military Affairs with an amendment to the preamble, to insert after "1864" the words "now replaced and superseded by the Geneva Convention of July 6, 1906," so as to make the preamble read:

Whereas the American National Red Cross was incorporated by act of Congress, approved January 5, 1905, "to furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of " the treaty of Geneva of August 22, 1864," now replaced and superseded by the Geneva convention of July 6, 1906: Therefore

The amendment was agreed to.

The preamble as amended was agreed to.

LANDS IN IMPERIAL COUNTY, CAL.

The bill (S. 4786) to amend an act entitled "An act to provide for the sale of isolated tracts of public lands in Imperial County, Cal.," approved March 3, 1909, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, line 7, after the word "those," to insert "vacant and unappropriated," and on page 2, line 4, after the word "lands," to strike out "shall" and insert "may," so as to read:

That an act to provide for the sale of isolated public lands in Imperial County, Cal., approved March 3, 1909, be, and the same is hereby, amended to read as follows:

"That all of those vacant and unappropriated portions of townships 13, 14, 15, and 16, south of ranges 11, 12, 13, 14, 15, and 16, and of fractional township 17, south of ranges 15 and 16, all east of San Bernardino meridian, which are 10 chains or less in width and lie between entered or patented lands, may be sold at private sale for cash at such price and under such regulations as the Secretary of the Interior shall prescribe, but not at less than \$2.50 per acre."

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the word months," to insert the following additional proviso:

And provided further, That any entryman or owner of such entered or patented lands shall have the preference right for such period of six months to purchase, under the terms of this act, any portions of the above townships which would be subject to sale under the provisions of this act but for the occupation or claim of such entryman or owner, and thereafter such portions shall be subject to sale under the provisions of this act as if vacant and unappropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF DECEASED INDIANS.

The bill (S. 3570) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 855), was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE DEPOT AT SAN JUAN, P. R.

The bill (S. 4364) to provide for the use as a lighthouse depot of such part of the naval reservation at San Juan, P. R., as may be useful for such purpose was next in order on the calendar.

Mr. SHIVELY. I think the Senator from Missouri [Mr. Reed] some time ago made a motion to have Senate bill 4364 recommitted.

The PRESIDENT pro tempore. The bill has been recommitted to the Committee on Commerce.

Mr. NELSON subsequently said: I move to have Senate bill 4364 referred back to the Committee on Commerce. It is a bill reported by that committee, but since the report was made a letter has been sent in stating that the ground for the light-house depot will be acquired through the Navy Department.

The PRESIDENT pro tempore. The Chair will suggest that the Senator from Missouri [Mr. Reed] at an early hour to-day made a motion that the bill be recommitted to the Committee on

Mr. NELSON. The bill has been recommitted?

The PRESIDENT pro tempore. The bill has been recommitted.

Mr. NELSON. Very well.

CALUMET RIVER BRIDGES.

The bill (H. R. 16675) to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninetysecond Street, in said city, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 16676) to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES RIVER DAM, MO.

The bill (H. R. 14484) to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power, was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has been heretofore

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. This completes the Calendar of General Orders under Rule VIII.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the con-

sideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1912.

SECRETARY OF EMBASSY.

H. F. Arthur Schoenfeld, of the District of Columbia, now confidential clerk to the Assistant Secretary of State, to be third secretary of the embassy of the United States of America at Constantinople, Turkey, vice William Walker Smith, appointed secretary of the legation at Berne.

SECRETARY OF LEGATION.

Edward Bell, of New York, now secretary of the legation at Teheran, to be second secretary of the legation of the United States of America at Habana, Cuba, vice William K. Wallace. RECEIVER OF PUBLIC MONEYS.

Victor A. Corbett, of Kenmare, N. Dak., to be receiver of public moneys at Minot, N. Dak., vice Robert Gorman, term expired.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Paul Stanislaus Wagner, of Minnesota, to be first lieutenant in the Medical Reserve Corps, with rank from February 9, 1912. PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Fred M. Perkins to be a lieutenant in the Navy from the 22d day of December, 1911, to fill a vacancy.

POSTMASTERS.

ALABAMA.

Carter R. Bibb to be postmaster at Warrior, Ala. Office became presidential January 1, 1912. Samuel E. Clark to be postmaster at Florala, Ala., in place of Daniel E. Ewing, resigned.

Joe S. Franklin to be postmaster at Alabama City, Ala., in place of Joe S. Franklin. Incumbent's commission expired December 11, 1911.

CALIFORNIA.

Thomas J. Thorp to be postmaster at Soldiers Home, Cal., in place of George A. Dills, resigned.

John Moe to be postmaster at Ossian, Iowa, in place of Cor-

nell Riveland, resigned.

John W. Reed to be postmaster at Waucoma, Iowa, in place of John W. Reed. Incumbent's commission expired February

Eugene S. Talcott to be postmaster at Valley Center, Kans. Office became presidential October 1, 1911.

KENTUCKY.

Eugene C. Stockwell to be postmaster at Trenton, Ky. Office became presidential January 1, 1912.

MASSACHUSETTS.

Frank H. Fales to be postmaster at Framingham (late South Framingham), Mass., in place of Frank H. Fales, to change

MICHIGAN.

Ernest J. Chart to be postmaster at Plainwell, Mich., in place of Frank P. Heath. Incumbent's commission expired December 11, 1911.

Hiram E. Hardy to be postmaster at Big Rapids, Mich., in place of Hiram E. Hardy. Incumbent's commission expired February 10, 1912.

Margaret C. Harry to be postmaster at Hubbell, Mich., in place of Joseph Wise. Incumbent's commission expired Decem-

ber 11, 1911.

John N. McCall to be postmaster at Ithaca, Mich., in place of John N. McCall. Incumbent's commission expired February 10,

MINNESOTA.

Philip E. Schoeneman to be postmaster at Buffalo Lake, Minn. Office became presidential January 1, 1912.

MISSOURI.

Richard Collier to be postmaster at Shelbyville, Mo., in place of Richard Collier. Incumbent's commission expired February 6, 1912.

John C. Wharton to be postmaster at Omaha, Nebr., in place of Benjamin F. Thomas. Incumbent's commission expired February 4, 1912.

NEW YORK.

Robert G. Anderson to be postmaster at Freeport, N. Y., in place of Robert G. Anderson. Incumbent's commission expired February 10, 1912.

William Mattson to be postmaster at Croghan, N. Y. Office

became presidential January 1, 1912.

William J. Steele to be postmaster at Baldwin, N. Y., in place of William J. Steele. Incumbent's commission expires February 19, 1912.

OHIO.

Cary A. Watts to be postmaster at Peebles, Ohio, in place of Cary A. Watts. Incumbent's commission expired December 16,

VERMONT.

William E. Denison to be postmaster at Pittsford, Vt., in place of William T. Denison, resigned.

WASHINGTON.

Thomas J. Atwood to be postmaster at Sultan, Wash. Office became presidential January 1, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1912.

CONSUL.

Walter C. Hamm to be consul at Newcastle-on-Tyne, England. COLLECTORS OF CUSTOMS.

George F. Roth to be collector of customs for the district of Genesee, N. Y.

Chester W. Hill to be collector of customs for the district of Philadelphia, Pa.

PROMOTION IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Nelson Duval Brecht to be assistant surgeon in the Public Health and Marine-Hospital Service.

APPOINTMENTS IN THE ARMY.

PAY DEPARTMENT.

Col. George R. Smith to be Paymaster General, with the rank of brigadier general.

COAST ARTILLERY CORPS.

Philip Guillon Blackmore to be second lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. Henry C. Cabell to be lieutenant colonel. Capt. Joseph Frazier to be major. First Lieut. Frank B. Davis to be captain. Second Lieut. Charles H. Rice to be first lieutenant.

POSTMASTERS.

MONTANA.

Thomas Nicholson, Hobson.

NEBRASKA.

John C. Wharton, Omaha.

PENNSYLVANIA.

Harry C. Valentine, Bellefonte.

HOUSE OF REPRESENTATIVES.

Monday, February 12, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O God, our Father, how great are Thy mysteries, how inscrutable are Thy ways, yet Thy holy influence touches the hearts of men and inspires to deeds of heroism and glory. The day of miracles will never end. Abraham Lincoln, born as lowly as the Savior of men, with little or no opportunity for an education and few books to guide him, increased in wisdom and knowledge and became the exponent of all that is purest and best. Surely he was the man of God, chosen to guide our ship of state through the terrible storm which broke upon it to a safe harbor, "with malice toward none and charity for all." He has builded for himself a monument more grand and imposing than the mind of man has yet conceived, which reaches from the earth beneath to the heavens above. Grant as the years come and go it may grow more stately, shine more brightly, a beacon light to guide us and future generations till the genius of our Republic shall be fulfilled in a union of brain and brawn and heart, to the glory and honor of Thy holy name.

The Journal of the proceedings of Saturday, February 10, 1912, was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill and resolutions of the following titles:

On February 9, 1912: H. J. Res. 184. Joint resolution authorizing the Secretary of War to loan certain tents and cots for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912

On February 10, 1912:

H. J. Res. 238. Joint resolution making an appropriation to supply a deficiency in the appropriation for support of the workhouse of the District of Columbia for the fiscal year 1912; and

H. R. 1618. An act amending paragraph 6 of the act relating

to the Metropolitan police force.

REGULATION OF LOANS, ETC.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up as the unfinished business, this being District day, the bill H. R. 8768.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, or corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real estate brokers in the District of Columbia.

The SPEAKER. Is a separate vote demanded on any amend-

Mr. DYER. Mr. Speaker, I ask for a separate vote upon the amendment changing the rate of interest from 2 per cent to

per cent.
The SPEAKER. The gentleman from Missouri demands a separate vote on the amendment indicated.

Mr. DYER. It is found on page 6, line 10.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The question was taken, and the other amendments were

agreed to.

The SPEAKER. The Clerk will report the amendment indicated by the gentleman from Missouri.

The Clerk read as follows:

Line 10, page 6, strike out the word "two" and insert in lieu thereof the word "one."

Mr. DYER. Mr. Speaker, this provision to disagree to the amendment offered and adopted in the Committee of the Whole is to put the matter back as it was when the bill was reported to the House by the Committee on the District of Columbia.

The Committee on the District of Columbia believes that 2

per cent is the proper rate to go into this proposed law.
Mr. CAMPBELL. What is the rate now?

Mr. DYER. Not only is the Committee on the District of Columbia of that opinion, but it is the opinion of different organizations of citizens and ladies in patriotic organizations,

also the Central Trades and Labor Union, that the rate shall

be 2 per cent, and there are—

Mr. CAMPBELL. Mr. Speaker—

The SPEAKER. Will the gentleman from Missouri [Mr. Dyer] yield to the gentleman from Kansas [Mr. Campbell]? Mr. DYER. Certainly.

Mr. CAMPBELL. You say that there is a general agreement among people in the District interested in this legislation that the rate of interest shall be 2 per cent? Is that 2 per cent per annum?

Mr. DYER. Two per cent per month. Mr. CAMPBELL. Twenty-four per cent per annum.

Mr. DYER. Yes.

Mr. CAMPBELL. I think the House should understand what you mean by 2 per cent. Does it not occur to the gentleman that 24 per cent per annum is a pretty stiff rate of interest?

Mr. DYER. Mr. Speaker, the gentleman understands, of course, the business that it is desired to regulate. It desires to regulate the loan companies that loan money for a month, or two months, or three months at a time. They do not loan money for a year, and if you borrow it is borrowed in small amounts, say \$25 or \$50, and if you do not permit them to charge at the rate of 2 per cent per month for the one month, or two months, or three months, it would be impossible to regulate this business at all, because no person or no concern could handle the business and carry it along for less.

Mr. CAMPBELL. Is it not a fact that the legal rate of interest is 6 per cent in the District of Columbia?

Mr. DYER. Yes.

Mr. CAMPBELL. And that law is being violated?

Mr. DYER. It is being violated by every one of these com-

Mr. CAMPBELL. Then what is to prevent the law from being violated which provides for 24 per cent?

Mr. DYER. Mr. Speaker, this bill provides, and if the gentleman has read the bill-

Mr. CAMPBELL. I have read it very carefully. Mr. DYER (continuing). He will know it provides, in the first place, that these companies shall be licensed, and that they shall keep their books open for inspection and make reports to the Commissioners of the District of Columbia, of persons to whom they have loaned, the amounts, and securities.

Mr. CAMPBELL. What evidence has the committee, which it can submit to the House, that the law fixing the rate at 6 per cent has been violated, and what rates have been charged in

violation of the law?

Mr. DYER. The information which we have, Mr. Speaker, I will say to the gentleman, is that about \$2,000,000 are loaned out regularly by these different companies here in the District of Columbia, and that none of the money is loaned at a less rate than 2 per cent per month; that the bigger portion—I will say two-thirds of it—is loaned at 2 per cent, and more than 2 per cent, and as high as 10 per cent, and we want to get this fixed at a reasonable basis so that we can regulate these concerns and protect the people who have to borrow money from them.

Mr. CAMPBELL. Let me ask if this is not a fact, that an average of about 2 per cent has been charged, or 24 per cent per annum, so far, but that a certain line of gentlemanly bankers have refrained from making loans of that kind, and that the object of this law is to make a legal rate of 24 per cent per annum, that will permit gentlemen now engaged in banking to loan money at 24 per cent who do not care to take chances on loaning in violation of law?

Mr. DYER. The gentleman, I am sure, does not seriously believe that. In the first place—

Mr. CAMPBELL. I would like to have information upon the

subject.

Mr. DYER. I say, in the first place, the maximum amount that can be loaned under the provisions of this proposed law is \$300, and no one could loan anything under the provisions of this law unless they first take out a license, for which they pay \$500 a year, and submit to all the regulations which are in detail enumerated in the bill, where the person has to put in the various items.

Mr. JACKSON. Mr. Speaker, will the gentleman yield? The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. DYER. Yes; I will yield.

Mr. JACKSON. Referring to the point made by my colleague [Mr. CAMPBELL], would not the effect of section 1 be not only to make a legal rate of 24 per cent, but also to establish a monopoly in the hands of the persons who take out this license, which costs them \$500? In other words, will not the bill pre-

vent a clerk in a department loaning money to another clerk, say, at 7 or 8 per cent? In order to comply with the provisions of this law he would first have to take out a license of \$500.

Mr. DYER. That is the provision in the bill, that they must take out a license and give a bond.

And the license will cost them \$500? Mr. JACKSON.

Mr. DYER. Yes. There are, perhaps, approximately 100 concerns or companies engaged in this business in Washington, and I think it would be a blessing to the people here if that number could be reduced to a much smaller number.

Mr. JACKSON. Does the gentleman think it would be a benefit to limit the privilege of loaning money solely to the people who take out a license of \$500 and permit those people to charge 24 per cent?

Mr. DYER. Oh, the gentleman speaks of 24 per cent. He means 24 per cent a year.

Mr. JACKSON. Certainly.

Mr. DYER. But the gentleman knows, if he knows anything about the lending of money by these concerns in large cities, that they never loan it for a year, but only for two or three months at a time.

Mr. JACKSON. And a bank does not loan always for a year, either. But would you gentlemen advocate the fixing of interest at 2 per cent by banks here in the District of Columbia?

Mr. DYER. Oh, no. The security offered in these cases, Mr. Speaker, is generally of questionable value. Sometimes the security is not really worth anything. These people in loaning money take great risks, and they have to have some kind of remuneration therefor.

Mr. NORRIS. Mr. Speaker, I want to ask the Chair if it is not true that the previous question was ordered on this bill the last time it was before the House?

The SPEAKER. The Chair understands not.

Mr. NORRIS. Then I want to inquire of the gentleman from Missouri, if we are going to debate this question to-day, whether we can not make some arrangement about the division of time?

Mr. DYER. Does the gentleman desire some time? Mr. NORRIS. I would like to have some; oh, yes. Does the

gentleman intend to move the previous question? Mr. DYER. I do; but I do not want to deprive the gentleman

of time if he wants it.

Mr. NORRIS. I think the time ought to be divided between those who are for the bill and those who are opposed to it.

Mr. DYER. We can not do that as a committee. The members of the Committee on the District of Columbia are in favor

Mr. NORRIS. I understand that; but there are some Members in the House who are in favor of the amendment that has been adopted, which reduces this interest charge from 24 per cent to 12 per cent.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the debate upon this bill be limited to 40 minutes-20 minutes to be consumed by those in favor of the amendment and 20 minutes by those who are opposed to it—and that at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent that the debate on this amendment be limited to 40 minutes, one-half to be used by those in favor of the amendment and the other half by those opposed to it.

Mr. MANN. I suggest that one-half be controlled by the

gentleman from Missouri [Mr. DYER] and one-half by the gentleman from Nebraska [Mr. NORRIS].

The SPEAKER. One half to be controlled by the gentleman from Missouri [Mr. DYER] and the other half by the gentleman from Nebraska [Mr. Norris], and that at the end of the 40 minutes the previous question shall be considered as ordered on the bill and the amendments thereto to its final passage.

Mr. LONGWORTH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he does not think he had better ask for a little more time? I do not know whether other gentlemen have asked for time, but I myself would like five minutes.

Mr. DYER. Does the gentleman desire to speak in favor of the amendment?

Mr. LONGWORTH. I desire to speak in opposition to the amendment.

Then, I would state to the gentleman that I will Mr. DYER.

see to it that he gets some time.

Mr. LONGWORTH. All right, then.

The SPEAKER. Is there objection?
Mr. NORRIS. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Missouri if he will not include in his request that other amendments, in case this amendment is voted down, may be made? It is just possible that this amendment might be voted down, and unless a modification of the request is made it would be impossible to make any other

amendments. It would have to be either 12 per cent per annum or 24 per cent. There are those who favor 14 per cent. would be precluded from making an amendment to that effect.

Mr. DYER. I will not agree to that, Mr. Speaker, because we have had that matter up and discussed it fully in the Committee of the Whole when this bill was under consideration before, and it is desirable to decide the question now as to whether the rate shall be 12 per cent or 24 per cent per annum.

Mr. NORRIS. Under those conditions I will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. Peters].

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. PETERS. Mr. Speaker, the interest of the poorest class of borrowers demands the immediate pessage of this bill. Designed for their protection, the bill seeks to limit the amount which can be secured by unscrupulous money lenders from those unfortunates who are forced, through poverty or sickness, to borrow money from them.

The amendment before us seeks to provide that the rate of not more than 1 per cent shall be charged. The bill itself eliminates the old fee system and seeks to allow but a limited charge at a rate which the borrower will know and understand at the time the loan is made. This bill has the unanimous support of the people of Washington, the approval of its philanthropic institutions, and of a large number of individuals who have studied the question and on whose judgment it is safe to

The result of passing an amendment to forbid an interest rate in excess of 1 per cent must be to render the act absolutely without effect, and, though plausible in sound, the real effect of those supporting this amendment is to prevent rather than aid the protection of the small borrowers. So greatly impressed were the committee of the House that it was necessary to allow the lenders 2 per cent that all its members of both parties agreed on 2 per cent as that rate which would prove most effective in checking evil practices

The bill, in brief, makes it illegal to engage in the business of loaning money at a rate of interest greater than 6 per cent per annum without procuring a license, and it further provides that no loan shall be made at a rate greater than 2 per cent per month on the actual amount of the loan, "and this charge shall cover all fees, expenses, demands, and services of every character." It is further provided that an inspection should be made of these associations, and that they should be held strictly to the letter of the law.

The opposition to the bill seek now to destroy it, not by being opposed to the bill itself, but by claiming that the rate of 2 per cent per month is too great. At present there is a limit of 3 per cent per month in the District, but the great abuse comes from indiscriminate charges for attorneys' fees, for making out papers, for notarial and other fees, which bring up the poor victim's cost until he pays, in many instances, several hundred per cent on the original loan.

It has been shown by a letter from Bartholomew's Loan Association of New York, which was read by my colleague from Rhode Island [Mr. O'SHAUNESSY] to the House on January 8, that it was their opinion that it was impossible to do a loan business at 1 per cent per month. Those who do not hold this view are anxious to see 1 per cent passed by this House, believing that in that way the purpose of this bill will be thwarted; that associations will give up attempting to do business at 1 per cent per month, and that perhaps eventually the business will be turned over to the loan sharks operating outside of the District or that the law itself with such a provision will fail to pass the other branch of Congress.

Many of the Members who are supporting the rate of 1 per cent per month seem to believe that all Congress has to do is to enact a strict law forbidding a higher rate of interest than, say, 6 per cent, and so end the loan-shark business. not been the experience in any of our cities. In New York City, where until recently a higher rate than 6 per cent per annum has been prohibited, investigation revealed that more than 300 loan sharks are charging from 120 to 500 per cent per annum; and in Pennsylvania, where the 6 per cent law is also on the books, the conditions are most unfortunate. In one instance it was found that more than 700 per cent was being collected by one loan-shark man on his loans. These Members who so stoutly oppose this proper provision seem to forget that in the last year in 22 State legislatures similar bills were introduced, all allowing higher rates on small loans than the regular banking rate. In my own State of Massachusetts such a bill was introduced and became a law. This bill provides for a maximum not to exceed 3 per cent per month, and its enactment, providing for a supervisor of loan agencies, has been received with universal approbation by our people, and is one of the acts to which our Democratic governor, in his contest for reelection, pointed to with pride.

Banking rates of interest can not be imposed by statute on loans made on a security not acceptable to banks and where the return on each loan is but a small amount. The American workingman with a small annual wage, whenever he is met by misfortune, sickness, or ill luck in his family, must in some way tide over the necessity. Too proud to receive assistance, the only things he can borrow on are his small personal effects or his salary. Taking full advantage of the urgency of the situ-ation, the loan-shark man gets his poor victim in his clytches and then wrings from him the last dollar. Far greater evils have been reached in the United States by the small-loan system than in any other country. This is not because of the American's lack of thrift, but because our country has been conspicuously lacking in enacting social legislation, and particularly in recognizing the duty of the community toward its laboring portion. In England and the continental countries the evils of this system are fully recognized, and in France, England, and in Germany municipal or semipublic loan associations are in existence which advance money on household effects, jewelry, clothing, or other property at reasonable rates of interest to their

The fact that this loan evil has grown so rapidly shows the need that exists for this assistance. This need can not be successfully met by prohibiting loans. It exists as a real need and can only be properly met by provisions that allow the money to be obtained on small loans at reasonable rates of interest and the owner protected from the iniquities of the unregulated small-loan system. Those thoroughly interested in the movement to remedy the loan evil all agree that the unanimous report of the committee placing the rate at 2 per cent should be supported. To render this bill effective and to give to the people of the District of Columbia the best protection against loan sharks your committee urges this bill.

Mr. NORRIS. Mr. Speaker, in order that we may first get an understanding of the parliamentary situation now confronting the House, I want to state that on the last District day, when this bill was up, the amendment upon which we are now to have a separate vote was adopted in the Committee of the This amendment amended the bill as it came from the committee by changing the rate of interest that these loan people can charge from 24 per cent per annum to 12 per cent per annum. The amendment we are now about to vote upon provides for 12 per cent as the maximum amount of interest that can be charged. The Committee on the District of Columbia are trying to defeat that amendment, so that the bill will remain as it was introduced, and provide for 24 per cent per annum.

So much for the parliamentary situation. Now, I want to call the attention of gentlemen to the fact that when this bill was up before the House the last time this amendment was discussed at great length. We devoted a good share of the afternoon to this identical question, and after a full and fair debate and full consideration of the question, the Committee of the Whole House adopted the amendment fixing the rate at 12 per cent per annum.

Now, this morning the committee ask for a separate vote on this amendment in order to defeat it. I do not care at this time to recapitulate the argument that has been made.

We have been over it, we have considered it and discussed it from all points of view, and after that consideration and disposition by a large majority this particular amendment was put in the bill. Twelve per cent per annum is as much as anybody ought to be allowed to charge, and it is all that any man can afford to pay in any legitimate business or occupation. [Ap-

It is to my mind. Mr. Speaker, no argument to say that there are men who can not get accommodations, who can not get loans unless the rate is fixed at 24 per cent per annum. There is not a man in this city to-day but that would be better off if he was refused a loan at the rate of 24 per cent than he would

if he succeeded in getting it.

Mr. CULLOP. Will the gentleman yield?
Mr. NORRIS. I will.
Mr. CULLOP. If this 24 per cent rate should be adopted, would not it furnish a splendid opportunity for banks to decline to loan their funds under the legal rate of interest and put their capital into the hands of the loan shark, where he could exact 24 per cent?

Mr. NORRIS. I have no doubt that that might often occur. But, without regard to that. on the simple proposition of 12 per cent per annum as a rate of interest, every man who has had any experience in business knows that it is an extremely high

rate, and that no man can afford to pay even that in any legitimate business and keep it up for any length of time. I believe that the House ought to stand by the action which it took two or three weeks ago and vote for the amendment, and unless some sufficient argument is offered by those who are in favor of 24 per cent per annum, I am in favor of retaining the amendment as adopted the other day. Mr. Speaker, I reserve the

balance of my time.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentlemen from Ohio [Mr. Longworth].

Mr. LONGWORTH. Mr. Speaker, I was one of those who voted in favor of this amendment the last time the bill was up for consideration. I agree with the gentleman from Nebraska [Mr. Norms] on the general proposition that 12 per cent is a high rate of interest. I would still vote for this amendment had I not been convinced that, as a matter of fact, the rate under this provision will not be 24 per cent a year for the reason that the contract under which these loans are made requires the extinguishment of the principal every month. So that if \$100 were borrowed for a year, under this provision as reported by the committee, the final amount to be paid would not be \$24, but would be \$13 or 13 per cent.

Mr. NORRIS. Will the gentlman yield for a question? Mr. LONGWORTH. Certainly.

Mr. LONGWORTH. Certainly.

Mr. NORRIS. I desire to ask my friend from Ohio if, as a matter of fact, in practice it does not result in the payment of a greater sum than \$24, for he pays that money at the end of the month and that interest will commence to draw interest again for the next month.

Mr. LONGWORTH. I think not, and for the purpose of showing that I will read some figures that I think will make clear to the House the general proposition as it has been made

I referred the other day, but I did not speak from accurate knowledge, to a concern in my native city which limits the interest charged to only 8 per cent a year, and yet that concern pays 5 per cent to its stockholders. Now, that is true, but I neglected to say, and I did not remember at that time, that under the law of Ohio 10 per cent of the amount loaned is added to the interest.

It is interesting to observe a comparison of these loans under this bill if it should become a law, with the interest limited to 2 per cent, and those loans under the Ohio law. For instance, the cost of borrowing \$10 for three months, the smallest amount loaned by this company, is \$1.20. That is 10 per cent of the loan plus the interest at 8 per cent. Under this bill, should it pass, the cost of borrowing \$10 for three months would only be 42 cents, whereas the present loan-shark rate now is something over \$3.

Now, coming down to the average sum, \$40, borrowed for 9 months, under the Ohio system would cost \$4.65, and under this bill it would be about the same. When you get to \$100, in Ohio it would cost for 12 months \$11.50, and under this bill it will be \$13. Two hundred dollars under the Ohio system would be

\$23 and under this bill only \$22.

So that under this bill, in which no allowance is made for fees or any cost for filing the papers, with a limit of 2 per cent per month, the actual cost of borrowing small sums would be a good deal less than in Ohio, and when you get to the large sums it would be about the same.

The SPEAKER. The time of the gentleman has expired.

Mr. NORRIS. I will yield the gentleman one minute more, and would like to have him answer a question.

Mr. LONGWORTH. Very well.

Mr. NORRIS. When this bill was up before, did not t gentleman from Ohio offer an amendment to reduce the rates? When this bill was up before, did not the

Mr. LONGWORTH. I did, and have so stated; but since then it has been made clear to me from figures that have been brought to my attention by people interested in this bill from humanitarian standpoint only, and who have been working for years trying to relieve conditions under which the loan sharks have charged such outrageous interest, that the bill would not be effective if the amount is cut to less than 2 per cent. Under the circumstances I think the bill had better be passed as originally reported.

The SPEAKER. The time of the gentleman has again expired.
Mr. SLAYDEN. Mr. Speaker, I would like to ask a question
of the gentleman from Nebraska [Mr. Norris], if he will yield? The SPEAKER. The time of the gentleman from Ohio has

expired.
Mr. DYER. Mr. Speaker, I will ask the gentleman from Nebraska to use some of his time now.

Mr. NORRIS. Mr. Speaker, I will yield one minute to the

gentleman from Texas.

Mr. SLAYDEN. I desire to ask the gentleman a question. Is it not true that the people who have been endeavoring to break up these conditions of excessive interest rates are in favor of

Mr. NORRIS. I think some of them are and some of them are not.

Mr. SLAYDEN. I will say to the gentleman from Nebraska that the communications that I have had indicate that the people who are proposing to abolish the loan sharks, so called, are the people who are behind the amendment which will authorize a monthly charge of 2 per cent.

Mr. NORRIS. But the gentleman has not received any communication from the borrower, has he, that is in favor of fixing

the rate of 2 per cent?
Mr. SLAYDEN. I have not.

Mr. KAHN. Mr. Chairman, will the gentleman from Texas yield?

Mr. SLAYDEN. Yes. The SPEAKER. The time of the gentleman from Texas has expired.

Mr. KAHN. Will the gentleman from Nebraska yield for a question?

Mr. NORRIS. I will when I get the floor.
Mr. DYER. Mr. Speaker, I will ask the gentleman from
Nebraska to use some of his time.
Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. Campbell.]. In that connection I
will say to the gentleman from California [Mr. Kahn] that when I get the floor again I will be glad to yield to him.

Mr. CAMPBELL. Mr. Speaker, this is very important legistion. It deals with a very serious subject. Twenty-four per lation. It deals with a very serious subject. Twenty-four per cent is a high rate of interest to legalize. The man is most unfortunate who has to go to a pawnbroker's office to borrow money. He is unfortunate even is he has to pay 12 per cent.

Mr. KAHN. Mr. Speaker, will the gentleman yield? Mr. CAMPBELL. He is more unfortunate if he has to pay 18 per cent, but he is hopelessly unfortunate if he has to pay 24 per cent interest. I decline to yield, Mr. Speaker.

Mr. KAHN. But this is not a bill for pawnbrokers.

Mr. CAMPBELL. Oh, no; it is not for pawnbrokers. It is to gentlemanize the pawnbroker. It is to legalize high rates of interest that are now unlawful. The man who charges 24 per cent per annum looks just the same to me whether he has three balls in front of his establishment or a brass plate advertising a company that loans money at 24 per cent per annum.

The fact is, Mr. Speaker, that any rate of interest above 12 per cent is unreasonable and works a greater hardship upon the borrower than if he were permitted to go to a friend and get money at a reasonable rate that might be agreed upon. This bill makes it absolutely impossible for one friend to go to another and get accommodation. The fact is that this bill creates a monopoly in the lending of money to unfortunate people who are hard pressed for money and legalizes that monopoly in charging 24 per cent per annum for the accommodations given. To-day one clerk may go to another and get a loan at 10 per cent or at 12 per cent. He is not violating any law when he makes that loan. If this bill should pass, he violates the law by making a loan at any rate of interest if he has not taken out a license and paid the sum of \$500 therefor.

Mr. PETERS. Mr. Speaker, will the gentleman yield? Mr. CAMPBELL. Yes.

Mr. PETERS. Does the gentleman consider that such a clerk may properly be considered as one engaged in the business of loaning money, the only people who are affected by this bill?

Mr. CAMPBELL. He may do that. There are clerks I will say to the gentleman from Massachusetts who are making more than their salaries in lending money out at reasonable rates of interest to their coemployees. I am told they are lending money at reasonable rates, some at as high a rate as 12 per cent and some at 18, but none as high as 24 per cent.

The SPEAKER. The time of the gentleman has expired. Mr. NORRIS. Mr. Speaker, I will ask the gentleman from Missouri to use some of his time now.

Mr. DYER. Mr. Speaker, how much time have I used? The SPEAKER. The gentleman from Missouri has 5 minutes remaining and the gentleman from Nebraska has 12 minutes

Mr. DYER. I will ask the gentleman from Nebraska to use the balance of his time.

Mr. NORRIS. Is the gentleman going to use all of his time in one speech?

Mr. DYER. I do not know yet.

Mr. NORRIS. I will use some of mine now. I yield four minutes to the gentleman from Illinois [Mr. Fowler].

Mr. FOWLER. Mr. Speaker, the proposition of this bill is to create by law a money-lending monopoly, a thing unheard of in America among decent people.

Mr. PETERS. Mr. Speaker-

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. FOWLER. I yield to nobody but God and my constituency. [Laughter and applause.] I have only four minutes. The proposition to pay into the treasury of the District of Columbia \$500 for each man licensed, thereby creating a moneylending monopoly, is something that every man in this House ought to be ashamed to vote for. Such a scheme would necessarily result in a monopoly, for no one but the big loan shark would be able to pay the license fee; all others would be shut out and the people would be dominated by a money-lending monopoly. It is said that there are people who have been bringing to bear certain pressure in order to license this moneylending business at 2 per cent per month. I have received a number of letters from different parties in this city, but I have received none from the money borrower; it is always from the money lenders and in the interest of money lenders that these letters are written.

Mr. Speaker, I would be ashamed to go back to my district and tell the people of the State of Illinois, even a single man, that I voted for a bill to license the lending of money at the rate of 24 per cent per annum [applause], and I do not intend to do it; that is more. [Applause.] Now, Mr. Speaker, there has always been an effort among what is called the better class of people to secure legislation to better their condition, and every time a law is passed for that purpose it works a hardship upon the poor people, the people who are the producers and the creators of the wealth of this country. On all occasions I intend to register my vote during my short stay here in this Hall against such a proposition. I desire to say to the money sharks of this city, in the language of Holy Writ:

Let him that stole steal no more; but rather let him labor, working with his hands the thing which is good, that he may have to give to him that needeth.

Now, Mr. Speaker, this question was thrashed out when we had this bill under consideration in the Committee of the Whole House, where due consideration was given it, and it was amended by limiting the rate to 1 per cent per month or 12 per cent per annum, and every decent man on earth knows that 12 per cent is twice as much as any man should get for the lending of money.

The SPEAKER. The time of the gentleman has expired. Mr. NORRIS. Mr. Speaker, I yield four minutes to the gen-

tleman from Ohio [Mr. SHARP].

Mr. SHARP. Mr. Speaker, in the brief time which is allotted to me I do not expect to give anything like a thorough discussion of this amendment. If I was to write an amendment which seems to me would be more in accordance with the justice of the proposition it would be to allow the larger rate for the lending of small sums—say \$50 or under—on account of certain necessary charges which involve as much expense as for amounts 10 times as large.

Mr. KAHN. Will the gentleman yield?
Mr. SHARP. For a brief question.
Mr. KAHN. If the gentleman will investigate the matter he will find that a great number of loans in the District do not aggregate over \$50 at the maximum, and the majority are for

sums anywhere from \$10 up to \$35.

Mr. SHARP. I recognize that the chattel mortgage loan institution is just as much a necessity, and, perhaps, more to the people of limited means with small salaries than are banking institutions, because in the larger financial institutions it is almost impossible for the small borrower to get any accommodation whatever; but as between the amendment calling for 1 per cent a month, or 2 per cent a month, I certainly favor the 1 per cent rate. It strikes me that 2 per cent a month, whether the amount is large or small, is altogether excessive. glad that this bill, in addition to fixing the rate, throws about it more rigid restrictions protecting the borrower, because, if there has been any one abuse more than any other-and the same is applicable also to the institutions of like character in other cities-it has been in the loaning on chattel mortgages, so much so that only the other day I had the pleasure of reading a news item stating that one of these unconscionable loan sharks, a millionaire, out in the city of Milwaukee had been set to work upon a stone pile for three months in expiation of the sin of charging excessive interest rates to the poor people who unfortunately fell into his clutches. I do not think, as a general rule, we can enact regulations too severe and too drastic to correct a situation which in many instances has been notoriously bad in this city. One has but to read the advertisements of some of these loan companies appearing any day in our city papers to understand the seductive power

which is exerted over the minds of those who are so unfor-

tunate as to need pressing accommodations.

A poor working woman in this city once told me that she had been actually ordered off her sick bed and commanded to yield up her furniture by an agent of one of these loan-shark concerns, who came to collect the loan on which she had been charged an excessive interest; she told me of other cases nearly as bad. I have no doubt there are creditable associations in this which are doing a legitimate business, and I do not feel like putting any restrictions on that class which are unjust or unreasonable, but if I were to conclude in a word it would be to say, as between the rate of 1 per cent per month, meaning 12 per cent per annum, which is 50 per cent higher than the rate in my own State of Ohio, beyond which it is usury, as against 24 per cent, I am in favor of the smaller rate.

Mr. LONGWORTH. I endeavored to point out that, while it is true that in Ohio the interest is 8 per cent per year, they are allowed to charge 10 per cent on the face value of the amount borrowed in addition. So, that while in Ohio, for instance, the cost of berrowing \$100 for a year would be \$11.50-that is, in the Cincinnati institution I referred to-the rate allowed under

this law under this bill would be \$13, or 13 per cent.

The SPEAKER. The time of the gentleman has expired. There was a mistake made as to the time. The gentleman from Nebraska [Mr. Norris] has 3 minutes and the gentleman from Missouri [Mr. Dyer] had 10. Five minutes were charged against the gentleman from Missouri [Mr. DYER] that should have been charged to the gentleman from Nebraska [Mr. NORRIS]

Mr. DYER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KAHN],
Mr. KAHN. Mr. Speaker, no man wants to allow an exorbitant rate of interest at any time, and 2 per cent per mouth, 24 per cent per annum, does look like an exorbitant rate of interest. But here in the District of Columbia, with hundreds of Government employees in the clutches of the loan sharks, it is a case of regulating the business so that hereafter a man will not be gouged as he is at the present time. Cases have been brought to the attention of the Committee on the District of Columbia to show that unfortunate men and women are held up here for rates of interest varying from 75 to 325 per cent per annum on small loans. It is the effort of the committee to prohibit that sort of thing. The charitably-inclined ladies and gentlemen who have investigated this matter contend positively that the business can not be continued at a less rate than 2 per cent per month. An effort was made here to conduct the business for a less rate and it failed. It is either a case of regulating this at a 2 per cent rate or allowing hundreds of people to borrow this money from the loan sharks and continue at their

The Central Labor Union here, which represents the working people of this District, many of whom during periods of financial distress have to avail themselves of the opportunity to borrow money from these money lenders, recommend 2 per cent.

The SPEAKER. The time of the gentleman from California

has expired.

Mr. DYER. Mr. Speaker, I yield two minutes to the gentle-man from Rhode Island [Mr. O'SHAUNESSY]. Mr. O'SHAUNESSY. Mr. Speaker, I have had occasion heretofore to speak in recommendation of the 2 per cent per month feature of this bill, and I trust that the committee will inderse the stand taken by the Committee on the District of Columbia, which has exhaustively investigated this question. As the gentleman from California [Mr. KAHN] says, no one wants to see an exorbitant rate of interest imposed upon the needy borrowers, but when we consider that 22 States in the Union have remedial legislation of this kind and that the rate of interest in those States varies from 1 to 3 per cent per month-and I believe the general run of them is $1\frac{1}{2}$ to 2 per cent per month—it seems to me we are not going beyond a reasonable limit in defining a rate of interest to those compelled to borrow money under these circumstances.

I have had occasion heretofore to say that an institution in the city of New York, charitable in its nature, free from the expense of rent, light, heat, and telephone service, made an effort to conduct a paying business on 1½ per cent per month, and at the end of a month they had amassed the large sum of \$2.50 as profit. In the face of those experiences and those demonstrations, I ask this committee to be reasonable in the considera-tion of this proposition and not to defeat the purpose which the committee has in view and which these charitable organizations have in view, to lessen the imposition and the hardship of

Mr. BERGER. Mr. Speaker, as long as one lives in a swamp he has to expect mosquitoes, leeches, and other bloodsuckers, and as long as we live under the capitalist system we must expect loan sharks, pawnshops, and other vampires. Twentyfour per cent interest is a hard thing to legalize, I admit, but we are legalizing an average annual wage of \$476, while the value of the average annual product of a wageworker is \$1,151. So long as we have an average wage of \$476 per annum while the value of the average product is \$1,151 per annum, so long the working people will be as poor as they are. They will have no credit in the banks, nor have credit with the landlord, the butcher, the groceryman, or the druggist, and, therefore, they will go to the pawnshop keeper and the loan shark whenever they need money and are in distress. We can not legislate the loan sharks out of the business for that reason.

There is a law limiting the rate of interest to 6 per cent annually in almost every State. We have similar statutes in Wisconsin, New York, and Pennsylvania. And yet the loan sharks in New York get as high as 700 per cent per annum. In Philadelphia they get as high as 500 per cent, and in Milwaukee they used to get 400 and 500 per cent. I remember an instance about 18 years ago where a man paid \$350 in interest money and still owed the original amount of \$60. loan shark wanted to take his furniture away from him. poor fellow came to me for help. I told him to say to the agent or collector that Victor Berger had advised the victim to take a shotgun and shoot the loan shark if he should try to take away the furniture. [Laughter and applause.] When the money lender was told of such eminent legal advice he called the thing square and returned the note. [Laughter.] However, the poor man had paid \$350 interest on a loan of \$60.

In 22 cities of our country, Mr. Speaker, they have founded benevolent associations to remedy the loan-shark evil. In Europe they have municipal loan banks for that purpose. I believe the District of Columbia ought to establish an institution to lend money to those who get hard up without any fault of their own, and I can see no good reason why such persons should not get their loan free of charge; that is, without any interest at all. That would help some, but we can not entirely eradicate the evil under the capitalist system. And until you are prepared to establish a Government institution I hope that you are going to vote for this bill. The labor organizations of the District have asked for it, and all the scientific and charitable societies that have studied the question are also in favor of the bill. I am not afraid to go back to Milwaukee after voting for this bill. And my constituency is more radical and more wide-awake on social questions than that of the gentleman from Illinois. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DYER. Mr. Speaker; I yield two minutes to the gentleman from New York [Mr. Redfield].

The SPEAKER. The gentleman from New York [Mr. Redfield] is recognized for two minutes.

Mr. REDFIELD. Mr. Speaker, this evil of the loan shark is so widely recognized by industrial concerns that many of them make a business of specially loaning money without interest to their employees for the purpose of destroying it. I like to see that done, but I believe it is a fact that business experience has demonstrated that this business can not be done on the short-time loans and the small-volume loans at less than 2 per cent per month and survive.

The borrowers do not look at it as paying high interest. look at it merely as paying a fee for a small loan which they greatly need.* When persons berrow \$20 for four months and pay \$1.60 for the privilege, they think they are mighty well off, for they can get it nowhere else. In my judgment, Mr. Speaker, whoever puts into effect a restriction to 1 per cent per month plays directly into the hands of the loan shark that this bill

aims to destroy. [Applause.]
Mr. DYER. Mr. Speaker, I will ask the gentleman to yield back the rest of his time.

Mr. REDFIELD. Mr. Speaker, I yield back the balance of

my time.

Mr. NORRIS. Mr. Speaker, it seems to me a remarkable coincidence that those Members who favor the 24 per cent rate do it ostensibly in opposition to the so-called loan shark. gentleman from California [Mr. KAHN] says these employees of the Government are in the clutches of the loan shark. Well, if they are we are in rather a poor position to take them out by compelling them to pay this exorbitant rate of 24 per cent per annum. If we want to get the people out from the clutches of the loan shark, let us put the rate down where the

those who are compelled to go to these people for meney.

The SPEAKER. The time of the gentleman has expired.

Mr. DYER. Mr. Speaker, I yield three minutes to the gentleman says that if the rate is fixed at 1 per cent per month it will not be effective; that the men who are engaged man from Wisconsin [Mr. Berger], a member of the committee.

ment answers the argument of the other gentleman who wants to put the loan sharks out of business. If they can not afford to loan money at 1 per cent per month, there is no way to compel them to, and God knows nobody wants them to. It would be better to put the loan sharks out of business by imposing such a rate that the people who are compelled to borrow will at the same time get out of their clutches. Unless you make it reasonably low, they will never be able to do this.

Mr. KAHN. Mr. Speaker, will the gentleman yield? Mr. NORRIS. In just a moment. The gentleman from Wisconsin [Mr. Berger] says that unless we leave the rate at 2 per cent the people who are loaning the money will go out of the business. He says they can not do the business for less than that.

I want to say to my friend from Wisconsin that if when they loan money at 12 per cent per annum they are unable to make enough to stay in the business, it seems to me the best thing this Congress can do is to make it possible for these men to go out of the business. We can get along without loan sharks and pawn shops. The gentleman makes the argument that it will not be as bad at 2 per cent as it is now, when they get 3 per cent. It would be just as reasonable to say that men who have been stealing should in the future be prohibited from stealing unless they confine their thefts to a certain class of property. [Applause.]

The SPEAKER. The gentleman from Missouri [Mr. DYER]

has one minute and a half left.

Mr. DYER. Mr. Speaker, there is a law now in force in the Mr. DYER. Mr. Speaker, there is a law now in force in the District of Columbia, passed by the Congress of the United States, permitting pawnbrokers in the District of Columbia to charge 3 per cent a month, or 36 per cent per annum. This bill, which makes the rate which can be charged by money lenders 2 per cent a month, is less than the rate authorized by Congress for pawnbrokers. If this bill becomes a law, it reduces the amount that pawnbrokers can charge from 3 per cent a month to 2 per cent a month and puts them upon the same class as these money lenders.

In advocating the passage of this bill as originally introduced, providing for 2 per cent a month instead of the 1 per cent proposed in the amendment, I wish to say that the 2 per cent rate has the indorsement in writing and before the committee of the Central Labor Union of the District of Columbia. We have the indorsement of the Woman's Welfare League of the District of Columbia, of the Monday Evening Club, and of the Associated

Charities. Every organization is in favor of this rate.

The SPEAKER. The time of the gentleman has expired.

All time has expired. The question is on agreeing to the amend-

ment.

Mr. LEVY. Mr. Speaker, I demand the yeas and nays. Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the The SPEAKER. The gentleman from finners makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-four Members—not a quorum present. Under the rule the years and the country of the country of the deeps the deeps the deeps the nays are ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. DYER. I ask unanimous consent that the Speaker state

to the House the amendment which is before the House.

The SPEAKER. If you vote for this amendment you vote for 1 per cent a month. If you vote against it you vote for 2 per cent a month.

The question was taken; and there were—yeas 175, nays 82, answered "present" 9, not voting 126, as follows:

YEAS-175 Adair Ainey Akin, N. Y. Alexander Allen Anderson, Minn. Anthony Fergusson Ferris Finley Floyd, Ark. Focht Clark, Fla. Helgesen Claypool Clayton Cline Collier Helm Henry, Tex. Hensley Howard Hubbard Focht Foster, Ill. Fowler Francis French Garner Collier Connell Cooper Cox, Ohio Cullop Curry Daugherty Hull Humphreys, Miss. Jackson Jacoway Austin Barnhart Bartlett Bathrick Beall, Tex. Boehne Garner
Garrett
Godwin, N. C.
Goodwin, Ark.
Gray
Gregg, Pa.
Gregg, Tex.
Gudger
Guernsey
Hammond
Hanna
Hardwick
Hardy
Harrison, Miss.
Haugen Johnson, Ky. Johnson, S. C. Jones Kendall Davenport Davis, Minn. Denver
Dickinson
Dickson, Miss.
Difenderfer
Dixon, Ind.
Doughton
Dupre
Edwards
Ellerbe
Esch
Estopinal
Faison
Farr Denver Kendall
Kennedy
Kent
Kent
Kinkaid, Nebr.
Kopp
La Follette
Langham
Lee, Ga.
Legare
Lever
Levy
Lindbergh
Linthicum Borland Broussard Broussard
Browning
Burgess
Burke, S. Dak.
Burke, Wis.
Burnett
Byrnes, S. C.
Byrns, Tenn.
Campbell
Candler
Carlin Haugen Hay Heflin

RECORD-	HOUSE.	FE	BRUARY 1
Littlepage	Neeley	Rucker Mo	Stone
Lloyd	Nelson	Rucker, Mo. Russell	Sulzer
McGillicuddy	Norris	Scully	Switzer
McHenry	Padgett	Shackleford	Talbott, Md.
McKellar	Page	Sharp	Thayer
McKenzie McKinley	Patton, Pa.	Sherley	Tribble
McKinney	Payne Porter	Sherwood Simmons	Vreeland Warburton
Macon	Post	Sima	Watkins
Madden	Pou	Sims Sisson	Watkins Webb Wickliffe
Maguire, Nebr. Martin, Colo. Martin, S. Dak.	Raker	Smith, N. Y. Smith, Tex.	Wickliffe
Martin, Colo.	Randell, Tex.	Smith, Tex.	Wilson, Pa.
Moon, Tenn.	Ransdell, La.	Speer	Witherspoon
Morgan	Rauch Reilly	Steeman Col	Woods Jowe
Morrison	Roberts, Nev.	Stephens, Cal.	Woods, Iowa Young, Kans. Young, Tex.
Moss, Ind.	Rodenberg	Stephens, Nebr. Stephens, Tex.	Young, Tex.
Murray	Rubey	Sterling	
		S—82.	
Aiken, S. C.	Dent	Humphrey, Wash	n. Peters
Ames	Draper	Kahn	Pickett
Anderson, Ohio Ansberry	Dyer Evans	Knowland Konig	Plumley
Ashbrook	Flood Va	Lamb	Prouty Rainey
Ayres	Flood, Va. Foster, Vt.	Lee, Pa.	Redfield
Bartholdt	Fuller	Lenroot	Sabath
Berger	Gallagher	Longworth	Saunders
Bingham	Gardner, Mass.	Loud	Steenerson
Blackmon Bowman	Gillett Green, Iowa	McCoy McCreary	Sulloway Toloott N V
Bradley	Greene, Mass.	McDermott	Taylor Ala
Buchanan	Greene, Mass. Hamilton, W. Va.	McMorran	Talcott, N. Y. Taylor, Ala. Taylor, Ohio
Bulkley	Harris	Moore, Pa.	Towner
Burleson	Harrison, N. Y.	Mott	Turnoull
Butler Carter	Hartman Hayes	Needham O'Shaunessy	Underhill
Catlin	Henry, Conn.	Palmer	Volstead White
Crumpacker	Higgins	Parran	Young, Mich.
Currier	Hill	Parran Patten, N. Y.	8,
Danforth	Howell	Pepper	
		PRESENT "-9.	
Adamson	Hobson	Lobeck	Moon, Pa.
Glass	James	Mann	Rothermel
Hamlin	NOT VO	ring—126.	
Andrus	Fitzgerald	Lewis	Sheppard
Barchfeld	Fordney	Lindsay Littleton	Slayden
Bates Ball Ca	Fornes Foss	McCell	Slemp Sloan
Bell, Ga. Brantley	Gardner, N. J.	McGuire, Okla.	Small
Brown	George	McLaughlin	Smith, J. M. C.
Burke, Pa.	Goeke	Maher	Smith, J. M. C. Smith, Saml. W
Calder	Goldfogle	Malby	Smith, Cal.
Callaway	Good Gould	Matthews Mays	Sparkman
Cannon Cantrill	Graham	Miller	Stack Stanley
Cary	Griest	Mondell	Stephens, Miss.
Cary Conry Copley Covington	Hamill	Moore, Tex. Morse, Wis.	Stephens, Miss. Stevens, Minn.
Copley	Hamilton, Mich.	Morse, Wis.	Sweet
Covington	Hawley	Murdock	Taggart
Cox, Inc.	Heald Hinds	Nye Oldfield	Taylor, Colo. Thistlewood
Crago Cravens	Holland	Olmsted	Thomas
Curley	Houston.	Powers	Tilson
Dalzell	Howland	Prav	Townsend
Davidson	Hughes, Ga. Hughes, N. J. Hughes, W. Va.	Prince	Tuttle
Davis, W. Va. De Forest	Hughes, N. J.	Pujo	Underwood
De Forest	Kindred W. Va.	Rees	Utter Wedemeyer
Dies Dodds	- Kindred Kinkead, N. J.	Reyburn Richardson	Weeks
Donohoe	Kitchin	Riordan	Whitacre
Doremus	Konop	Roberts, Mass.	Whitacre Wilder Willia
I Dudwooll D A	L'onblu	Dohingon	Willia

Kinkead, I Kitchin Konop Korbly Lafean Lafferty Langley Lawrence So the amendment was agreed to.

The following pairs were announced:

For the session:

Doremus Driscoll, D. A. Driscoll, M. E. Dwight Fairchild

Fields

Mr. Adamson with Mr. Stevens of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. Wilson of New York with Mr. Morse of Wisconsin.

Roddenbery

Rucker, Colo. Sells

Riordan Roberts, Mass. Robinson

Wedesheyer Weeks Whitacre Wilder Willis Wilson, III. Wilson, N. Y.

Mr. Tuttle with Mr. Weeks. Mr. Townsend with Mr. Tilson. Mr. Thomas with Mr. Roberts of Massachusetts.

Mr. TAYLOR of Colorado with Mr. REYBURN. Mr. TAGGART with Mr. REES.

Mr. Sweet with Mr. Powers. Mr. Stephens of Mississippi with Mr. Prince.

Mr. STANLEY with Mr. PRAY. Mr. SMALL with Mr. OLMSTED.

Mr. RUCKER of Colorado with Mr. NYE.

Mr. Rouse with Mr. MURDOCK.

Mr. RICHARDSON with Mr. MILLER, Mr. Moore of Texas with Mr. MATTHEWS.

Mr. MAHER with Mr. McGuire of Oklahoma.

Mr. SLAYDEN with Mr. LAWRENCE.

Mr. Lewis with Mr. Lafferty. Mr. Knapp with Mr. Lafferty.

Mr. KINKEAD of New Jersey with Mr. HOWLAND.

Mr. KINDRED with Mr. HEALD.

Mr. Hughes of New Jersey with Mr. HAWLEY. Mr. HAMILL with Mr. HAMILTON of Michigan.

Mr. Goldfogle with Mr. Griest.

Mr. Fitzgerald with Mr. Good.
Mr. Daniel A. Driscoll with Mr. Gardner of New Jersey.
Mr. Donohoe with Mr. Foss.
Mr. Doremus with Mr. Fordney.

Mr. Dies with Mr. Dodds. Mr. Davis of West Virginia with Mr. De Forest.

Mr. Curley with Mr. Dalzell.
Mr. Brown with Mr. Barchfeld.
Mr. Callaway with Mr. Burke of Pennsylvania.

Mr. CANTRILL with Mr. CALDER. Mr. Covington with Mr. Cary. Mr. Cox of Indiana with Mr. Copley. Mr. Fornes with Mr. Wilson of Illinois.

Mr. SPARKMAN with Mr. DAVIDSON. Mr. Conry with Mr. J. M. C. SMITH.

Mr. RODDENBERY with Mr. MONDELL. Mr. Houston with Mr. Moon of Pennsylvania.

Mr. SHEPPARD with Mr. BATES. Mr. FIELDS with Mr. LANGLEY.

Mr. George with Mr. Malby. Mr. Hughes of Georgia with Mr. Hughes of West Virginia.

Mr. Hughes of Georgia with Mr. Hughes of Mr. Hobson with Mr. Fairchild.
Mr. Stack with Mr. Smith of California.
Mr. Gould with Mr. Minds.
Mr. Graham with Mr. Willis.
Mr. Holland with Mr. Crago.
Mr. Korbly with Mr. Hamilton of Michigan.
Mr. Whitacre with Mr. Sells.
Mr. Mays with Mr. Thistlewood.
Mr. Reantley with Mr. Cannon. Mr. BRANTLEY with Mr. CANNON. Mr. UNDERWOOD with Mr. MANN. Mr. LITTLETON with Mr. DWIGHT.

Mr. CRAVENS WITH Mr. SAMUEL W. SMITH.

For one week:

Mr. GOEKE with Mr. McLAUGHLIN.

Ending February 17: Mr. James with Mr. McCall.

Ending February 16: Mr. Oldfield with Mr. Wedemeyer.

Ending Thursday

Mr. Lobeck with Mr. Sloan.
Ending Wednesday, February 14:
Mr. Hamlin with Mr. Michael E. Driscoll.
Mr. Rothermel with Mr. Wilder.

On this vote:

Mr. Bell of Georgia (for 1 per cent) with Mr. UTTER (for 2 per cent).

Mr. ADAMSON. Mr. Speaker, did the gentleman from Min-

nesota, Mr. Stevens, vote?

The SPEAKER pro tempore (Mr. Clayton). He did not.
Mr. ADAMSON. I voted "yea." I desire to withdraw t
vote and answer "present." I desire to withdraw that

The Clerk called the name of Mr. Adamson, and he answered

"Present," as above recorded.

Mr. MANN. Mr. Speaker, I voted "no" on the roll call. I see that I am paired with the gentleman from Alabama, Mr. Underwood, and I desire to withdraw my vote and be recorded as "present."

The Clerk called the name of Mr. Mann, and he answered

"Present," as above recorded.

The result of the vote was then announced, as above recorded. The SPEAKER pro tempore. A quorum is present; the Doorkeeper will open the doors and further proceedings under the call will be dispensed with. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

and was read the third time.

Mr. DYER. Mr. Speaker, I send to the desk the following motion to recommit.

The Clerk read as follows:

Recommit to the Committee on the District of Columbia, with instructions to report forthwith, the bill H. R. 8768, heretofore ordered to be engrossed and read a third time, with the following instructions, to wit: First, on line 10, page 5, section 6, change the word "one," as heretofore amended, to "one and one half."

Mr. NORRIS. Mr. Speaker, I make the point of order that the gentleman from Missouri is not entitled to be recognized for the purpose of making that motion.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.
Mr. MADDEN. Is it within the rule to offer an amendment to the instructions?

The SPEAKER pro tempore. It is; at this time.

Mr. MADDEN. Then, I move to amend the instructions to the committee so as to make them read "2 per cent up to \$75 and 1 per cent for all loans above that amount."

The SPEAKER pro tempore. The gentleman from Nebraska makes the point of order against the motion to recommit. The Chair is of opinion that the motion made by the gentleman from Missouri is in order, and therefore overrules the point of order

Mr. SHERLEY. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Kentucky moves the previous question on the motion offered by the gentle-

man from Missouri.

Mr. MADDEN. There is an amendment pending to that, Mr.

Mr. SHERLEY. And upon the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it. Mr. MANN. Mr. Speaker, the gentleman from Illinois, my colleague, has offered an amendment to the motion to recommit. Must that not be reported before the previous question can be ordered?

The SPEAKER pro tempore. The Clerk will report the

amendment of the gentleman from Illinois.

The Clerk read as follows:

Strike out "one and a half" and insert in lieu thereof the words 2 per cent up to \$75, and 1 per cent on all loans above that amount."

Mr. SHERLEY. Mr. Speaker, I now renew my motion to order the previous question.

The SPEAKER pro tempore. The question now is on ordering the previous question on the motion submitted by the gentleman from Missouri and the amendment thereto offered by the gentleman from Illinois.

The question was taken, and the previous question was or-

dered.

Aiken, S. C. Ashbrook

Ayres Bartholdt Berger Bingham

Bowman Bradley Buchanan Bulkley Burleson Butler

Cannon Catlin Covington Crumpacker

Currier Danforth Draper

Brantley

Brantiey Broussard Brown Burke, S. Dak. Burke, Wis. Burnett

The SPEAKER pro tempore. The question now is on the amendment offered to the motion.

The question was taken; at the suggestion of the Chair, the House divided, and there were—ayes 41, noes 65.

So the amendment was rejected.

The SPEAKER pro tempore. The question now is on the motion to recommit with instructions.

Mr. MANN. Mr. Speaker, I make the point of order that there is no queryen present.

there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and forty-nine Members present, not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees, and the question will be taken on the motion to recommit with instructions. The Clerk will

The question was taken; and there were—yeas 80, nays 166, answered "present" 10, not voting 136, as follows:

YEA	LS-80.
Dyer	Kahn
Evans	Kent
Flood, Va.	Knowland
Foster, Vt.	Konig
Gallagher	Kopp
Gardner, Mass.	Lamb
Gillett	Lawrence
Green, Iowa	Lee, Pa.
Greene, Mass.	Lenroot
Guernsey	Longworth
Hamilton, W. Va.	
Hanna	McCoy
Harris	McCreary
Harrison, N. Y.	McDermott
Hartman	Morgan
Henry, Conn.	Mott
Higgins	Needham
Hill	Nelson
Howell	O'Shaunessy
Humphrey, Wash	i. Palmer
NAY	8-166

Adair
Ainey
Akin, N. Y.
Alexander
Allen
Anderson, Minn.
Anderson, Ohio
Austin
Barnhart
Barflett
Bathrick
Beall, Tex.
Blackmon
Boehne
Brantley Byrnes, S. C.
Byrns, Tenn.
Callaway
Campbell
Candler
Carlin
Clark, Fla.
Claypool
Clayton
Cline
Collier
Connell
Cooper
Cullop
Curry
Davenport Dickson, Mis Dies Difenderfer Dixon, Ind. Doremus Doughton Dupre Faison Ferris Finley Floyd, Ark. Foster, Ill. Fowler Francis French Fuller Garner Garrett Dickson, Miss. Davenport Davis, Minn. Dent Denver Dickinson

Parran
Patten, N. Y.
Peters
Pickett
Pray
Prouty
Rainey
Redfield
Sabath
Saunders
Simmons
Smith, N. Y.
Sulloway
Switzer
Talcott, N. Y.
Taylor, Ohio
Towner
Tuttle
Underhill
Volstead

Godwin, N. C.
Good
Goodwin, Ark,
Gray
Gregg, Pa.
Gregg, Tex.
Gregg, Tex.
Grdger
Hammond
Hardwick
Hardy
Harrison, Miss.
Haugen
Hay
Hefin
Helgesen Godwin, N. C. Helm Henry, Tex. Hensley Hubbard Hughes, N. J.

McKenzie
McKinley
McKinney
McMorran
Macon
Madden
Maguire, Nebr.
Martin, Colo.
Moon, Tenn.
Moore, Pa.
Moore, Pa.
Morrison
Moss, Ind.
Murray
Neeley Pujo Raker Randell, Tex. Ransdell, La. Stephens, Tex. Sterling Stone Hull Humphreys, Miss. Jacoway Johnson, Ky. Johnson, S. C. Stone
Sulzer
Talbott, Md.
Taylor, Colo.
Thayer
Thomas
Townsend
Tribble
Turnbull
Warburton
Watkins
Wickliffe
Wilson, Pa.
Witherspoon
Wood, N. J.
Woods, Iowa
Young, Kans. Rauch Rees Reilly Roberts, Nev. Rodenberg Jones Kendall Kennedy Kindred Kinkaid, Nebr. La Foliette Langham Lee, Ga. Jones Rubey Rucker, Colo. Russell Scully Shackleford Legare Lever Neeley Norris Padgett Sims Sisson Smith, Tex. Levy Lindbergh Speer Stedman Stephens, Cal. Stephens, Miss. Stephens, Nebr. Patton, Pa. Payne Pepper Post Linthicum Young, Kans. Young, Tex. Littlepage Lloyd McGillicuddy McKellar ANSWERED "PRESENT"-10. Lobeck Rothermel Adamson Dwight Esch Hamlin Mann James Moon, Pa. NOT VOTING-136. Langley
Lewis
Lindsay
Littleton
McCall
McGuire, Okla.
McHenry
McLaughlin
Maher
Malby Andrus Ansberry Anthony Fairchild Sharp Sheppard Sherley Sherwood Fields Fitzgerald Barchfeld Fordney Fornes Bates Bell, Ga. Slavden Booher Borland Gardner, N. J.

Slayden Slemp Sloan Small Smith, J. M. C. Smith, Saml. W. Smith, Cal. Sparkman Stack Stanley Steenerson Borland Browning Burgess Burke, Pa. Calder Cantrill Carter Cory Copley Cox, Ind. Cox, Ohio Crago Cravens Curley Dalzell Daugherty Malby Martin, S. Dak. Matthews Mays Miller Mondell Goldfogle Gould Graham Griest Griest
Hamill
Hamilton, Mich.
Hawley
Hayes
Heald
Hinds
Hobson
Holland
Houston
Howard Steenerson Stevens, Minn. Sweet Taggart Taylor, Ala. Thistlewood Morse, Wis. Murdock Nye Oldfield Olmsted Tilson Underwood Utter Vreeland Webb Plumley Porter Pou Powers Prince Daizen
Daugherty
Davidson
Davis, W. Va.
De Forest
Dodds Howard Howland Wedemeyer Weeks Whitacre White Wilder Reyburn Richardson Riordan Roberts, Mass. Robinson Hughes, Ga. Hughes, W. Va. Jackson Kinkead, N. J. Donohoe Driscoll, D. A. Driscoll, M. E. Kitchin Konop Korbly Lafean Lafferty Willis Wilson, Ill. Wilson, N. Y. Young, Mich. Roddenbery Rouse Rucker, Mo. Sells Edwards Ellerbe Estopinal

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. Pou with Mr. PICKETT.

Until further notice:

Mr. Ansberry with Mr. Utter.

George Goeke

Mr. Bell of Georgia with Mr. Anthony. Mr. Booher with Mr. Browning.

Mr. Burgess with Mr. Hayes.

Mr. CARTER with Mr. HAWLEY.

Mr. Cox of Ohio with Mr. JACKSON.

Mr. WHITE with Mr. HEALD,

Mr. EDWARDS with Mr. MARTIN of South Dakota.

Mr. ELLERBE with Mr. MATTHEWS.

Mr. ESTOPINAL with Mr. Dodds.

Mr. FITZGERALD with Mr. BARCHFELD.

Mr. Howard with Mr. Cary.

Mr. LINDSAY with Mr. PRINCE.

Mr. McHenry with Mr. Reyburn. Mr. Stanley with Mr. Tilson. Mr. Taggart with Mr. Weeks.

Mr. SHERLEY with Mr. PLUMLEY.

Mr. SHERWOOD with Mr. Young of Michigan.

Mr. TAYLOR of Alabama with Mr. VREELAND.

Mr. WEBB with Mr. PORTER.

The result of the vote was announced as above recorded.

The SPEAKER. Proceedings under the call will be suspended and the doors will be opened. The question is, Shall the amended bill pass?

The question was taken, and the bill was passed.

Mr. DYER. Mr. Speaker, I move to amend the title by striking out on the fourth line of the title the word "pawnbrokers."

This is to comply with an amendment heretofore passed.

Mr. MANN. That amendment did not pass; "pawnbrokers" remained in the bill. I would ask the Clerk whether, on page 8, line 23, the committee amendment was agreed to or disagreed to; whether the words "or to the business of pawnbrokers" are in the bill or were stricken out?

The SPEAKER. It was stricken out in the Committee of the Whole, so the Clerk says.

Mr. NORRIS. And the amendment has been approved by the

House.

The SPEAKER. Of course. The question the gentleman from Illinois raised was whether that particular amendment which concerns the motion of the gentleman from Missouri had been stricken out in the Committee of the Whole. The gentleman from Missouri moves to amend the title. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by striking out the word "pawnbrokers" in next to e last line of the title.

The question was taken, and the amendment was agreed to. On motion of Mr. Johnson of Kentucky, his motion to recon-

sider the last vote was laid on the table.

Mr. HAMLIN. Mr. Speaker, I voted upon the roll call just preceding the last one, when I was paired with the gentleman from New York, Mr. Michael E. Driscoll. I do not usually pair and I had forgotten it at the time. I ask unanimous consent that the RECORD and Journal may be corrected so as to let me withdraw my vote and answer "present."

The SPEAKER. The gentleman from Missouri [Mr. Ham-LIN] asks unanimous consent that the roll call preceding this last one shall be corrected so as to show him voting "present"

instead of voting-

Mr. HAMLIN. In the affirmative.

The SPEAKER. In the affirmative. Is there objection?

[After a pause.] The Chair hears none.

RESTORING NAME OF OREGON AVENUE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up the bill S. 4109.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4109) to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes.

Or Columbia, and for other purposes.

Be it enacted, etc., That the name of Oregon Avenue be restored to the street lying between New Hampshire Avenue and Elighteenth Street NW., in the District of Columbia, and said avenue shall be extended so as to include Cedar Place, and shall hereafter be known and designated as Oregon Avenue: Provided, That the name of the highway leading from North Capitol Street to Rock Creek Park, now known as Oregon Avenue, shall hereafter be known and designated as Concord Avenue.

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield the remainder of my time to the gentleman from Rhode Island [Mr.

O'SHAUNESSY

Mr. O'SHAUNESSY. Mr. Speaker, in this bill it is designed to restore the name of Oregon Avenue to the street lying between New Hampshire Avenue and Eighteenth Street NW., the District of Columbia, and extended so as to include Cedar Place, so that it shall hereafter be known as Oregon Avenue. This is a question where the District Commissioners, under some authority which has been questioned, changed the name of Oregon Avenue to Swann Street, and, as generally occurs in such cases, inconvenience has arisen through confusion in delivery of goods and other annoyances, which, I might say, are generally incidental to changes of this kind. The Senate bill restores the name of the street to Oregon Avenue, and I understand that the residents along the street are in favor of the change restoring the name. In a conversation I had the other day with Senator Bacon, of Georgia, who happens to live on Oregon Avenue, he told me of a case where some of this confusion arose. A man had an order to deliver coal on a very bitter day to a resident of the avenue, and the Senator seeing the man was going away with the coal, acting as a good Samaritan, inquired if he was looking for somebody on Oregon Avenue. The man said he was looking for somebody on Swann Street; the confusion of names was going to result in a temporary loss to the tenant of the coal which he had ordered and an unnecessary labor for the driver of the wagon.

I am glad to make mention of this fact, in order to show that there is such a goodly feeling in the breast of the Senators and to show that they are so kindly disposed to do an act of humanity. There has not been any overwhelming demand for this change to Swann Street, and in response to an inquiry by the Senate of the District Commissioners, they have entered into a lengthy dissertation on the reasons and the laws which give them the right to change the names. The Senate committee having charge of the bill made a report, from which I quote:

In this view and because of the fact that the residents on the original Oregon Avenue desire to retain the name that the highway has borne for so long a time, your committee is of opinion that the name ought to be restored. Furthermore, it seems desirable that the avenue should be extended from Eighteenth Street to Nineteenth Street by the elimination of Cedar Place, and with that end in view your committee favor the restoration of the name and the extension of the avenue as provided in the bill introduced by the chairman of this committee.

The reason assigned by the Senate committee seemed suffi-cient to your Committee on the District of Columbia, and it has taken up that report and made it practically their own.

Mr. MANN. Will the gentleman yield for a question?

Mr. MANN. Will the gentleman yield for a question?
The SPEAKER. Will the gentleman yield?
Mr. O'SHAUNESSY. I will.
Mr. MANN. Will the gentleman state why the name was changed from a name that begins with a letter "O" to a name commencing with a letter "S"?

Mr. O'SHAUNESSY. I do not know.

Where streets come in between the lettered Mr. MANN. streets the commissioners, a few years ago, undertook to carry out the plan of the city of Washington by a giving a street that came north of a lettered street a name commencing with that So anyone could tell where Swann Street is, and it is the first street north of S Street. When you come down to O Street you will find the same thing there, and as to W Street and every street except Corcoran Street and Church Street. They have not all been changed, but in recent years they have been changing them up in that part of the city to conform to that idea. If it was not for the peculiar circumstances in this case, I should say to change the name back was exceedingly bad policy. But as this bill has already passed Senator Bacon, I think we can not help ourselves.

The SPEAKER. The Chair desires to call the attention of the gentleman from Rhode Island [Mr. O'SHAUNESSY] to the fact that the amendment reported by the House is already in

the Senate bill

Mr. O'SHAUNESSY. No amendment was reported by the committee.

The SPEAKER. The question is on the third reading of the

The bill was ordered to be read a third time, was read the

third time, and passed.
On motion of Mr. Johnson of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase of the necessary instruments, office furniture, stationery, and other authorized articles required for the equipment and use of the officers' schools at the several military posts, \$6,000.

Mr. HAY. Mr. Chairman, I move to strike out the word "six," in line 9, page 27, and insert the word "four," so that it will read:

Four thousand dollars.

I make that motion because the Quartermaster General, on page 80 of the hearing, volume 1, says that item can be cut

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 9, strike out the word "six," and insert in lieu thereof the word "four."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY]. The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Incidental expenses, Quartermaster's Department: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than 10 days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for the United States military prison guard; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; authorized office furniture, hire of laborers in the Quartermaster's Department, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or cltizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the follow-

ing expenditures required for the several regiments of Cavalry, the batteries of Light Artillery, and such companies of Infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and naterials, horseshoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, \$1,736,337.

[At the request of Mr. Helm, the foregoing paragraph was

again read.]

Mr. HELM. Mr. Chairman, the paragraph which has just been read at the Clerk's desk represents the form in which this appropriation is made. I now send to the Clerk's desk and ask to have read in my time the form in which I think this appropriation could, with more satisfaction to Congress, be made. I ask that the paper I have sent to the Clerk's desk be read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

	The state of the state of
Postage	\$4, 400. 00
Telegrams	123, 760, 00
Telegrams Extra duty, barracks and quarters	4, 836, 00
Extra duty, roads	67, 005, 00
Extra duty, roadsExtra duty, clerks	15, 860, 00
Extra duty, overseers	10, 835, 00
Extra duty, overseersExtra duty, noncommissioned officers	15, 110, 00
Office furniture	21, 000, 00
Laborers	84, 000, 00
Interpreters	23 304 00
Gnides	1, 350, 00
Guides Clerks, Quartermaster's Department Other employees Clerks, United States military prison	785, 910, 00
Other employees	352, 000, 00
Clarks United States military prison	9, 280, 00
Foremen, United States military prison	7, 300, 00
Watchmen, United States military prison	
Organist, United States military prison	1, 440. 00 104. 00
Organist, United States minitary prison	104.00
Recruiting Deserters, apprehension of	75, 000. 00
Deserters, apprenension of	71, 800. 00
Donation of \$5	15, 400, 00
Veterinary surgeons	26, 000. 00
Medicines, horses and mules	
Picket rope	2, 700. 00
Blacksmiths' tools	
Horseshoes	45, 000, 00
Tools, cavalryShoeing horses and mules	985. 00
Shoeing horses and mules	50, 000, 00
Additional expenses	130, 931, 00

The CHAIRMAN. The time of the gentleman has expired. Mr. HELM. May I have one more minute? I ask unanimous consent, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. HELM. My purpose in having the last paper read is not that I stand for or youch for the amount of each item, because the items exceed the total amount of the appropriation, but simply in order that it may appear in the RECORD and illustrate the manner in which I think appropriations of this character should be made.

Mr. KAHN. Mr. Chairman, as I stated last Saturday, when the bill was up before, the purpose of omitting the specific amounts for each item contained in this paragraph and placing them in the bill, as suggested by the gentleman from Kentucky, is this: It frequently happens that in the segregation of the lump sum one of the particular items for which the estimates are made may require an amount largely in excess of the original estimates; in fact, a number of the commodities that have to be provided out of this lump-sum appropriation may require a considerable sum in excess of the original estimates. Now, if the bill provided the specific amount for every one of these estimates, the consequence would be that the department would be coming in here continually with deficiency estimates, and, in my judgment-

Mr. SHERLEY. Will the gentleman permit an inquiry?

Mr. KAHN. Certainly.

Mr. SHERLEY. Why could not that objection be avoided absolutely by a provision allowing 10 per cent of any one item to be used for another item? That is frequently done in the bills that are passed by this House, coming out of the Committee on Appropriations.

Mr. KAHN. Possibly a 10 per cent increase might meet the situation. But it might require a larger percentage. As I pointed out to the gentleman from Kentucky on last Saturday, many of the items that are purchased by the department vary in price from month to month. Take the question of forage, of which I spoke on Saturday. The department makes an estimate upon the prices that have prevailed during the last year or two. If there is a shortage in the production of any one of those articles that go into the forage ration the department has to pay a very large amount in excess of the figure which the department estimated upon, and therefore the department should be allowed to transfer the amount from one item to another.

That is one reason why the department should be allowed to exercise some discretion in the matter.

Now, if the department should not be permitted to exercise that discretion, this is what happens to the tradesman: He furnishes his supplies to the department, and it may be a year or more before he can get his money, and that is not fair to That is, he will have to wait until a deficiency appropriation is passed by Congress. No hardship has ever come from the fact that appropriations are made in this way, and so far as the items themselves are concerned, the officers of the War Department who come before the committee state specifically what they want the money for. In my judgment they should have a certain amount of latitude, so as to avoid deficiency.

Mr. SHERLEY. Mr. Chairman, I do not desire to delay the committee by any lengthy discussion of this proposition, but the difference between the contention of the gentleman from California [Mr. Kahn] and that of my colleague [Mr. Helm] lies in this, that one seems to think that a detailed presentation before the committee originally presenting the bill to the House is all that is necessary to prevent undue expenditure by the department, and the other does not think so.

Now, I agree with the gentleman from California that it would be impracticable and unwise to make an arbitrary division of the items that go to make up this total. But it is a thing that is perfectly practicable to do, as is constantly done as to items aggregating large totals, to permit of a transfer of, say, 10 per cent of the amount allowed for any one item to another item. The advantage of presenting the matter to the House in some degree of detail is that the attention of the House-not simply of the Committee on Military Affairs, but of the House itself-may be called to where the money goes, because it often happens-and the gentleman himself is aware of it-that the average Member has neither the time nor the information that would enable him to refer to the hearings and ascertain what a committee dealing with a subject knows. But when it is presented in the bill it will immediately attract the attention of some Member of the House and call forth explanation and defense.

My criticism of all the departments-and it is particularly true of both the War Department and the Navy Department-is not that we maintain too large establishments, but that the methods by which they are maintained are unnecessarily extravagant and expensive. Inasmuch as there seems to be but little disposition to get correction from the administrative end, it follows that Congress must continue to insist, as it has been doing in the recent past, upon having the estimates so itemized and presented here on the floor that we can exercise an individual judgment that might not be necessary if more judgment were exercised somewhere else. And while we realize that it is impracticable to make the change in this bill at this time, I think the suggestion is well worth the attention of the Committee on Military Affairs, and wherever a gross appropriation is made, amounting to \$1,000,000 or more, if it is possible to divide it and present it in segregated parts it ought to be done.

I should like to ask the chairman of the com-Mr. KAHN. mittee a question. The original estimates were for \$2,000,000?

Mr. HAY. Yes. Mr. KAHN. Can the gentleman inform the committee just

why the reductions are made?

Mr. HAY. A reduction of \$20,000 was made upon the recommendation of the Quartermaster General, which you will find on page 89 of the hearings. The other reduction was made by reason of sections in the bill providing for a supply corps and a service corps.

The CHAIRMAN. If there be no objection, the pro forma

amendment will be considered as withdrawn, and the Clerk will

read.

The Clerk read as follows:

The Clerk read as follows:

Horses for Cavalry, Artillery, Engineers, etc.: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War, for remounts, for officers entitled to public mounts, for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: Provided, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all millitary posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts, or for instruction of cadets at the United States Military Academy: Provided further, That the accounting officers of the Treasury are hereby authorized and directed to re-

move any suspensions or disallowances in the accounts of quarter-masters for the fiscal years 1910, 1911, and 1912, for the purchase, care, and foraging of horses, because of age, sex, or size, and for the purchase of seeds, machinery, and for labor and other expenditures in connection with the raising of forage at remount depots, from appro-priations of the Quartermaster's Department, \$300,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HAY. I will explain the new language to the gentleman,

if that is what he desires.

Mr. MANN. Just a word, and then the gentleman can ex-ain. As I understand from this paragraph, it is now proposed that the Government shall engage in the breeding of horses. I do not know that I have any objection to that.

Mr. HAWLEY. It is already so engaged.

Mr. HAY. I did not understand the gentleman.

Mr. MANN. I understand from this paragraph as presented that the Army proposes to engage in the breeding of horses.

Mr. FOSTER of Illinois. The provision that was contained in last years' bill in reference to that matter is out of this one. Mr. MANN. Heretofore for some years we have carried a

That no part of this appropriation shall be used for breeding

That is left out of this paragraph, and in its stead, not at the same place, is inserted a provision authorizing the Secretary of War to buy horses of ages and sexes as he may desire, I suppose plainly for breeding purposes. I do not wish to say that I am opposed to that proposition, but'I should like to inquire in regard to it.

Mr. HAY. The words at the beginning of the paragraph:

For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War—

were put in, not with any view of buying horses for breeding purposes, but because the Comptroller of the Treasury has decided that the department could not pay for the young horses. He has also disallowed some vouchers because of the sex and size of the animals. A number of suspended and disallowed accounts against officers who have made such purchases are pend-

ing before the comptroller.

The provision which was heretofore carried in the bill providing that no part of this appropriation should be expended for breeding purposes was left out to give the department the opportunity of buying a few stallions for breeding purposes. Now, so far as I am concerned, I have on objection to that proviso going back if anybody is opposed to the proposition. I think myself this is a good idea, but I am not sufficiently interested in and I do not think the department is sufficiently interested in it to make a point of it. But the other new language in the paragraph is made necessary for the reason that if the law is not changed the remount stations will have to be done away with and we will have to cease buying young horses.

Mr. MANN. I should like to ask the gentleman if there is anything in the Army regulations in force under the law at this time that prevents the Army from using mares in the Cavalry

service?

Mr. HAY. No; I think not. Mr. MANN. How does the question of sex arise? Mr. HAY. Perhaps there may be such a regulation, but I do not know how that arises.

Mr. MANN. I am quite confident that if there is such a

regulation it has been very frequently violated.

I know that the Comptroller has in several cases refused to allow vouchers for the purchase of horses of a certain

Mr. MANN. I do not know but that it would be a good thing for the Government to engage in this work of breeding the young mares that it may have for remounts.

Mr. HAY. I do not agree with the gentleman.
Mr. MANN. It is perfectly plain that that is what is going to happen.

Mr. HAY. That is not the intention.

Mr. MANN. It may not be the intention of the committee. Mr. HAY. It is not the intention of the department as dis-

closed to the committee.

Mr. MANN. I have frequently observed that where you confer power on a department and there is some one in that department that is anxious to have that power exercised, it is quite likely to be exercised. This certainly gives that power to the department.

Mr. HAY. It gives power to the department to buy mares for the purpose of using them as remounts or Cavalry horses. Mr. MANN. An

And stallions?

Mr. HAY. Yes. Mr. MANN. Well, you do not need anything more for the purposes of breeding.

Mr. HAY. It is not intended to breed horses for cavalry emounts. The stallions would be bred to farmers' mares.

That is the purpose.

Mr. MANN. On the other hand, there are a large number of mares at the remount station, and it is very easy to breed them there with stallions purchased under this appropriation, and it undoubtedly will be done. If the committee or Congress wants to do it, I do not object.

Mr. HAY. I do not object.

Mr. HAY. I do not want it and I should object to it.

Mr. KAHN. If the gentleman will yield, I want to say that in the hearings, volume 1, page 124, Gen. Aleshire said:

Gen. Aleshire. Mr. Chairman, in the bill, page 34, at the bottom of the page, the last line, you will find the words, "for the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts," and those words are all new language, but are not printed in Italies.

horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts," and those words are all new language, but are not printed in Italies.

The CHAIRMAN. Why do you change that?

Gen. ALESHIEE. The Comptroller of the Treasury has decided we could not pay for the young horses. He also disallowed some vouchers because of the sex and of the size of the animals. We have a number of suspended and disallowed accounts against officers who have purchased them.

I understood from what was said that the original intention was to buy geldings, but some of the officers bought these animals when quite young, expecting they would attain the proper size according to the regulations within a reasonable time, but that the horses had not grown to the full size and allowances have been stopped accordingly. That is my recollection of it.

Mr. MANN. Mr. Chairman, I will withdraw the point of

order.

Mr. HAY. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

On page 30, line 11, strike out the word "three" and insert the word "two." After the word "hundred" insert the word "seventy-five," so that it will read "\$275,000."

Mr. MANN. Mr. Chairman, I suppose that the offering of this amendment is the logical and consistent result of the course of the gentleman from Virginia heretofore in the bill. But I am not in favor of striking down the Army of the United States. We have now a proposition to cripple the Navy, but here is a proposition to cut off one-third of the Cavalry at a time when we may need it. I think-it is a wrong policy, dettime when we may need it. I think-it is a wrong policy, detrimental to the interests of the Government and of the country, and ought not to be pursued. Just what fine distinction has been offered by somebody to say that we could dispense with 5 Cavalry regiments out of 15, instead of 4 or 6 out of 15, has not been explained. It is pure guesswork, and, in my judgment, without a sufficient knowledge of the appreciation of the needs of the country. I hope the amendment will not be agreed to.

Mr. HAY. Mr. Chairman, I may say for this side of the House that it has no more intention or purpose of striking down the Army of the United States than has the gentleman from Illinois, and the abolition of five regiments of Cavalry is dictated solely for the purpose of trying to get some decrease in the expenditures without impairing the efficiency of the

It has always seemed to me that when the Army or Navy bill was under discussion somebody somewhere discovered a war scare, which seems to be thrown at us for the purpose of trying to get us to maintain the expenditures at the height which they are now.

Now, we do not propose to impair the efficiency of the Army. We do not want to strike it down. If these five regiments of Cavalry are not to be maintained, this amendment ought to be adopted, because the money can be saved, and I hope, therefore, that the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. Mann) there were 37 ayes and 18 noes.

So the amendment was agreed to.

Mr. FOSTER of Illinois. Mr. Chairman, I move to amend
by inserting, after the word "war," line 21, page 29, the words:

Provided further, That no part of this appropriation shall be used
for breeding purposes.

Mr. HAY. Mr. Chairman, I have no objection to that amend-

Mr. SLAYDEN. Mr. Chairman, may I interrupt the gentleman for just a moment?

Mr. FOSTER of Illinois. Certainly.

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman that in this country there is a great lack of horses that are suitable for military purposes. That has been recognized throughout the country. Tremendous effort has been made to equip the Army with proper horses, but the Government has not been able to find them. The race track has been abolished nearly everywhere, and its abolition has put a stop to the breeding of suitable horses. A few high-grade horses, horses that

Congress would never consent to purchase, have been presented to the Government, and I hope that no amendment will forbid the use of those horses for the general welfare of the country and of the service. I think that the language of the amendment offered by the gentleman from Illinois would put a stop to the use of horses that are worth, I am told, in one or two instances as much as fifteen or twenty thousand dollars each, which horses have been given to the Government by patriotic gentlemen who are or have been horse breeders.

Mr. HELM. Mr. Chairman, can the gentleman tell the com-

mittee where those horses came from?

Mr. SLAYDEN. Mr. Chairman, they probably came from Kentucky.

Mr. FOSTER of Illinois. This is the same provision that was put in the bill last year after quite a spirited discussion on the floor of this House.

Mr. HAY. It has been in the bill a long while.

Mr. FOSTER of Illinois. It was talked about a good deal at any rate. It occurs to me that the Government does not desire to go into business of this kind and that we ought to still carry this provision in the bill; that it is not the intention to buy these remount farms and then go into the business of

Mr. HUGHES of New Jersey. Mr. Chairman, it seems to me that there is a great deal in the contention of the gentleman from Texas [Mr. Slayden]. As perhaps all of the members of the committee know, a great change has taken place in the industry of breeding horses. The number of horses bred annually that are suitable for this particular purpose will be reduced a great many thousand each succeeding years and I know duced a great many thousand each succeeding year, and I know it is true that a number of horses of great reputation, horses which sometimes to my sorrow have not lived up to their high reputation [laughter], have been presented to the Government.

Mr. HELM. The gentleman does not mean that they have not lived up to their reputation, but that they have not performed

up to it.

Mr. HUGHES of New Jersey. Mr. Chairman, I have seen some Kentucky horses perform in such a way that I would be ashamed to admit that they came from the State of New Jersey. [Laughter.] I have seen them perform in such a manner as would be calculated to bring the blush of shame to the cheek of any gentleman from Kentucky. However, seriously, the United States Government has been donated a number of these horses. Thousands of them are being sent out of the country to France and Belgium or to England. There is grave danger that the Army, particularly the Cavalry branch, will be affected by this change in the condition of affairs. I do not see any prospect of a reaction against this wave of legislation which has swept across the country and made this tremendous change. I would like to have the members of the committee consider seriously whether it would not be wise to leave this limitation out of the bill.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES of New Jersey. Certainly.

Mr. SLAYDEN. I will say to the gentleman that perhaps he knows that it was not the purpose of the War Department in the use of these horses that have been presented to the Government to go into breeding in competition with farmers; but it is their purpose, where farmers bring mares to these remount stations and other places where these valuable stallions are kept, to breed them. The farmer will own the progeny, but the Government will have an option, with the privilege of purchasing at a certain age, if suitable. Am I not right in that?

That is correct. Mr. HAY.

Mr. SLAYDEN. At least the amendment offered by the gentleman from Illinois ought to be amended to the extent of providing that the provision shall not deprive the Quartermaster's Department, where stallions are owned by the Government, of breeding them to mares belonging to farmers who live in the vicinity and who bring them there for that purpose. That is the suggestion I wish to make to the gentleman, so the Government would not be deprived of the use of these valuable animals that are now in the actual possession of the Quartermaster General's Department.

Mr. SHERLEY. Mr. Chairman, the gentleman from New Jersey [Mr. Hughes] is, I think, unfortunate in his experience with Kentucky horses. His misfortune grows out of his inability to distinguish between different kinds of Kentucky horses. We have both the good and the bad there. Addressing myself seriously to this proposition of the gentleman from Illinois, Mr. Chairman, the amendment would be a mistake, in my judgment. There have been some public-spirited men in America who have seen fit to donate to the Government stallions of great value that they might be used for breeding purposes, in order that the standard of horses suitable for Army purposes might be raised.

It does not entail any expense on the Government; it does not put the Government in the business of raising horses in competition with the people outside of the Government; but it does afford an opportunity that would not come by individual initiative and could never be expected to come from Government appropriations, of having sires of very great value for horses that may subsequently be used in the Army; and I can see no reason that will be beneficial in preventing the proper use of those animals which have been generously donated, and I can see very serious harm that will come from it.

Mr. JACKSON. Will the gentleman be kind enough to point out, for I have not paid very close attention, where this amendment of the gentleman from Illinois will prevent the thing of which the gentleman speaks?

Mr. SHERLEY. The very purpose of the amendment is to

do that, as I understand it.

Mr. JACKSON. I did not follow the reading very closely— Mr. SHERLEY. And if that be not its purpose, there is no reason, as I understand it.

Mr. JACKSON. I had this idea: That the purpose of offering the amendment was that it was only to prevent the pur-

Mr. SHERLEY. It would prevent the breeding, and the gentleman from Illinois confirms my understanding of his purpose. Now, it so happens that stallions have been presented, and I have reason to believe that several others will be, some of them imported stallions of very high value and worth.

Mr. JACKSON. I quite agree with the gentleman about that, but it seems to me this limitation of the gentleman from Illinois would only go to the use of horses purchased by this appro-

priation, the way it is worded.

Mr. SHERLEY. That is certainly not the intention of the gentleman from Illinois; and I assume, knowing him, that he has properly worded his amendment to bring about what he had desired, which was the prevention of use of those horses for breeding purposes

Mr. FOSTER of Illinois. Mr. Chairman, I will state to the committee that the intention of this amendment, which is just the same as it has been in the law for some time, was in last year's law, was to prevent the Government from going into the business of breeding horses. Now, by leaving out this provision, and the buying of remount stations which was authorized in last year's bill, there is nothing to hinder the Army from purchasing horses of ages, sex, and size as may be prescribed by the War Department for remounts. Now, I take it, the language in this provision is such that it would enable them to go and buy all kinds of horses that might seem to them necessary to buy and we would have breeding farms wherever we have these remount stations.

Mr. HAY. Will the gentleman yield?

Mr. FOSTER of Illinois. In a moment. Now, we have denied this sort of undertaking for several years. Now the question is whether Congress wants to authorize the War Department to go into that sort of business again. I have not thought it was a proper thing for the War Department to engage in and do not believe that it ought to do it now, and for that reason I believe that this proviso ought to go into this bill. As stated here, this provision is not to prevent them from owning stallions which have been given, as suggested by my friend from New Jersey and by my friend from Kentucky. They have not dis-Jersey and by my friend from Kentucky. They have not disposed of them, but with this provision in here it does not change the law from what it was in the past, but it would prevent them from going into this business. Now, I do not believe it is a proper thing for the Government to engage in.

Mr. HAY. I want to call the attention of the gentleman to the fact that this provision about the purchase of horses of ages, sex, and size, as may be prescribed by the Secretary of War, are for remounts, which means horses to be used in the Cavalry and Artillery and by officers for mounts, not for breeding purposes. They are only allowed to buy them for remounts, that is all. And I may say to the gentleman there is no intention to buy any mares for the purpose of using them for breed-

ing purposes.

Mr. FOSTER of Illinois. The gentleman from Virginia, as I understand it, is perfectly willing for this provision to go in

Mr. HAY. As far as I am personally concerned, but I think it is much wiser to leave it out.

Mr. FOSTER of Illinois. What was the object in leaving it

Mr. HAY. The object in leaving it out, as I told the gentleman before, was to permit the department to buy stallions of such character that would enable them to breed them to farmers' mares to raise horses for future use in the Army.

Mr. FOSTER of Illinois. Is there anything in this bill to prevent them under these conditions from raising horses at these remount stations?

Mr. HAY. Why, yes; there is no— Mr. FOSTER of Illinois. Breeding mares-

Mr. HAY. No; there is no provision in the bill to use them for any such purpose. You can not use the remount station for a breeding station. As I say, I have been told repeatedly by the Quartermaster General and other officers who were in charge of these remount stations, that they are going to use them, not for the purpose of breeding, but as remounts, and that is what the bill prescribes.

Mr. FOSTER of Illinois. I think that is what they ought to do. Mr. MOORE of Pennsylvania. The gentleman from Illinois [Mr. Foster] suggests that he does not think it good business for the Government of the United States to go into the breed-

ing of horses?

Mr. FOSTER of Illinois. Yes, sir.

Mr. MOORE of Pennsylvania. Suppose the price of horses should be so high that it might be advisable for the Govern-

ment to enter into the business?

Mr. FOSTER of Illinois. That is a question I can not tell anything about, but I do not believe the Government could go into the raising of them any cheaper than they can get them as private property. Then, I want to say this to the gentleman from Pennsylvania: The gentleman is opposed to the Government ownership of those things where they come in competition

with private parties, is he not?

Mr. MOORE of Pennsylvania. Generally speaking; yes.

Mr. FOSTER of Illinois. Now, you want to advocate going into a business where you come in competition with private

parties.

Mr. MOORE of Pennsylvania. I am very glad the gentleman has turned the question upon me, but he has not quite permitted me to get through with him. I would like to ask whether the gentleman would hold to that same policy of not going into the question of the breeding of horses by the Government if it applied to the business of making ammunition or arms in competition with private manufacturers?

Mr. FOSTER of Illinois. We do that on account of trusts and corporations which try to gouge the Government. The farmer is not doing that. There is no combination among farmers to try to gouge the Government as to the price of horses, as there is with the Powder Trust of the country. gentleman does not compare the selling of horses with the

Powder Trust, does he?

Mr. MOORE of Pennsylvania. The gentleman is growing quite eloquent in answer to my question. The difference that I see, so far as the gentleman's position has been stated, is this, that he is entirely in favor of protecting those who raise horses in the farming districts, but he is entirely against those who manufacture commodities in the manufacturing districts.

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Foster] has expired.

Mr. MOORE of Pennsylvania. The question is put squarely;

Mr. FOSTER of Illinois. Mr. Chairman, I ask for two

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I am satisfied not to be answered.

Mr. FOSTER of Illinois. I want to say this to the gentleman from Pennsylvania, that there is no combination between the farmers and the selling of horses, but the Government goes out and has competition in buying these horses of the farmer.

Mr. MOORE of Pennsylvania. Is not there an understand-

Mr. FOSTER of Illinois. Just one minute, please. Mr. MOORE of Pennsylvania. Is not there an understanding between those who raise potatoes and those who raise tobacco

Mr. FOSTER of Illinois. I want to say this

Mr. MOORE of Pennsylvania (continuing). About this matter?

Mr. FOSTER of Illinois. I want to say this, that when the Government goes out to purchase horses they do not purchase them from a great trust or combination-

Mr. MOORE of Pennsylvania. I may agree with the gentle-

Mr. FOSTER of Illinois (continuing). But they go where there is competition among the farmers and try to get them as cheaply as they can, and get them from the farmers and not from the head of a great trust.

Mr. SHERLEY. I would like to suggest that while there is

no combination in horses there is a difficulty in getting the right

kind of horses, and the whole purpose in this is to raise the standard of horses that are required by the Army. Now, let me ask the gentleman this question: Does he think it unwise for the Government, through the breeding of these stallions, to so raise the standard of horses sold by farmers to the Army as to provide the Army with suitable equipment for Army purposes?

Mr. FOSTER of Illinois. I will say to the gentleman from Kentucky that if we are going to engage in this new enterprise I suggest that we establish these stations in Illinois, Indiana, Iowa, Kentucky, Mississippi, and all of the other States. Why should we go into only two or three places in the United States and engage in that kind of business? That is the proposition

Mr. SHERLEY. We are not going into any place. Mr. FOSTER of Illinois. That is the proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the time of the gentleman be extended one minute.

Mr. HAY. Mr. Chairman, I move that all debate be closed on

· this paragraph in one minute.

The CHAIRMAN. The gentleman from Virginia [Mr. Hay] moves that all debate be closed on this paragraph and amend-ments thereto in one minute. The question is on agreeing to that motion.

Mr. Chairman, I will amend my motion, and move Mr. HAY. now that all debate on this paragraph and all amendments thereto close in seven minutes, four minutes to be occupied by the gentleman from Mississippi [Mr. Sisson] and three minutes by the gentleman from Texas [Mr. SLAYDEN].

The CHAIRMAN. By unanimous consent, the gentleman's first motion is withdrawn, and the question now is on agreeing

to the modified motion.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want one

minute.

Mr. HAY. I move, then, Mr. Chairman, that all debate on this paragraph close in eight minutes, one minute to be occupied by the gentleman from Pennsylvania [Mr. Moore], four minutes by the gentleman from Mississippi [Mr. Sisson], and three minutes by the gentleman from Texas [Mr. Slayden]

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph and amendments thereto be closed

at the expiration of eight minutes.

Mr. MANN. I understood that the gentleman asked unanimous consent to divide the time.

The CHAIRMAN. The time to be divided as indicated. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. Moore.]

Mr. MOORE of Pennsylvania. Mr. Chairman, the question

Mr. MOORE, of Pennsylvania. Mr. Chairman, the question that was raised a moment ago by the distinguished gentleman from Illinois [Mr. Foster] was a question of very great interest. But it works both ways. It is very clear that the Member who comes from the district made up very largely of agriculturalists, as is that of the gentleman from Illinois, is interested in protecting the industries of that district. So by the same token am I interested in protecting the industries of my district. If it happens that people are raising horses in his district, he stands naturally for the protection of horses on account of the very large private interests which prevail there, with a view to selling them to the best customers that can be obtained, including the Government of the United States. The gentleman from Illinois speaks of the great trusts and monopolies that arise among the manufacturing industries of the country. It is true that a man who erects a mill and produces a line of manufactured goods which others do not produce may have what may be termed a monopoly until competition develops in the production of those articles; but I call the attention of the gentleman to the fact that a man who owns a prize stallion, particularly in the district represented by the gentleman from Illinois, has in fact a monopoly with which there can be no competition. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I am through, Mr. Chairman. Mr. Chairman, the proposition that is presented here now is that the Government of the United States shall go into a very peculiar character of business. I do not recollect myself just when the proviso first went into the bill; the chairman of the committee said it went into it several years ago; but I do recollect that the last time this bill was up for consideration there was quite a good deal of discussion about the proviso, and the reason the proviso was put into the bill was because the Government had indicated that it would go quite extensively into this business. But as I understand it now the proposition is not to own a stock farm, but to own a certain number of stallions, and to give the farmers the special

privilege of breeding their mares to the stallions that might be in their neighborhood.

Now, I do not think it is wise at all for the Government to embark on this new character of business. The Congresses prior to this time, as soon as their attention was called to the matter, put in the proviso. With that preliminary explanation, my understanding is that some persons have given some good horses to the Government for the purpose of allowing them to be used for breeding purposes. This amendment would not prevent that being done. It simply means that the Government should not go into the business of buying mares and stallions for the purpose of raising and breeding horses.

As suggested by another gentleman, it seems that this thing is getting in by indirection, and the Government then will be permitted to do that which the gentleman now says they do not intend to do. How does he know? I understand that there was no positive authority given to the War Department to go into this business at first, and the proviso was put in for the purpose of preventing the enlargement of this character of

I agree fully with the gentleman from Illinois that it is rather unwise for the Government to embark in any particular kind of business to obtain things that the Government ought to I do not believe it would be wise to raise corn or wheat, or go into the business of raising forage or producing milk and butter or other food for the soldiers in the Army. I think that ought to be left to private individuals, and the Government ought to stay out of business as much as possible, and not em-bark in too much business. I think this is a step in the wrong direction.

Mr. KAHN. How does the gentleman feel in regard to ammunition?

Mr. SISSON. As far as I am personally concerned, if the Government can procure the ammunition at a reasonable price, I would not be in favor of the Government establishing large powder factories; but under the present régime we only make just enough powder to try to keep the price down by competition, so that we can obtain powder at a reasonable price.

Mr. SLAYDEN. I hope the amendment offered by the gentleman from Illinois [Mr. Foster] will not prevail. It is to

reinsert in the bill this language:

That no part of this appropriation shall be used for breeding purposes,

As I said a while ago, the Government has had presented to it some exceedingly valuable stallions. These horses must be foraged, stabled, kept, and cared for. They are exceedingly valuable property, and some part of this appropriation will be necessary in order to provide for them.

I regret very much that this amendment has been offered, because, as a representative of the farmer, and a man who is jealous of the farmers' interest and wants to protect that interest, I regret the offering of this amendment, because it happens that the farmers in the vicinity of these remount stations where these stallions are are exceedingly anxious to have the privilege of breeding their mares to them, the Government merely retaining the option of buying such horses when they reach the age of two or three years, at which period in the life of the animal the Quartermaster's Department proposes to buy them and train them for the Cavalry service.

Everybody knows that horses have grown to be very scarce in the last few years. Twelve or fifteen years ago the Government was able to supply its Cavalry and Artillery horses at prices ranging from \$90 up to \$125. Now, I think the last figures indicated that the average price paid was about \$175. Something must be done, or in a short time the horses necessary

for the Army will not be available in this country. We have authorized the Government to construct a powder plant. I myself introduced a bill to provide for that. Not that I believe the Government ought to supply all of its own powder, but that I believe it ought to be in a position to exercise some influence in the manufacturing and in the fixing of the price, and in such a way that the people will not be robbed by combinations or excessive prices. I am not afraid that the farmers are going to form any combination. They are not going to.

They are not in a position to do it. As a matter of fact, they have not a supply of horses sufficient to furnish the Government with what it needs in that line. But we must have these horses. They are a military necessity, and if the farmers will not breed them we must. They want the use of these stallions at these remount stations, and I think, as a friend of the farmers, it would be very cruel of the gentleman from Illinois [Mr. Foster] to insist on his amendment and deprive them of that privilege. The Government is not going into breeding on a large scale.

Mr. FOSTER of Illinois. Do you know that the Government has raised these race horses and that they have been put into

Total cost to

4, 925, 486, 15

races? Does the gentleman know they have been put into running races? Are we to engage in that sort of business?

Mr. SLAYDEN. I do not feel so outraged at that. Mr. FOSTER of Illinois. They have been entered in races where money has been bet on them and where the bookmakers have been at work.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will report the amendment.

The Clerk read as follows:

Uage 29, line 21, add after the word 'war" the following: "Provided, That no part of this appropriation shall be used for breeding purposes."

The question being taken on the amendment, on a division (demanded by Mr. Foster of Illinois) there were-ayes 9, noes 31.

Accordingly the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for extraduty pay to enlisted men and hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and officers, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' warriers at military posts as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents: Provided, That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: Provided further, That the number of and total sum paid for civilian employees in the Quartermaster General's Department, including those paid from the fund appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than \$150 per month, except upon the approval of the Secretary of War: Provided further, That of the

Mr. FITZGERALD. Mr. Chairman, I wish to reserve a point of order to line 20, 21, and 22, on page 31. The language is "that of the amount herein appropriated the sum of \$25,000 shall be immediately available for the construction of barracks and quarters." I would like to ask the gentleman from Virginia, chairman of the committee, why that provision is put in—what is the deficiency?

Mr. HAY. I will say to the gentleman that \$25,000 is supposed to be spent on the barracks and quarters in the Territory of Alaska. They have to have it as soon as possible so they can

use it in the spring.

Mr. FITZGERALD. Then it is not a deficiency?

Mr. HAY. Oh, no.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order.

Mr. HAY. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

The Clerk read as follows:

Provided further, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Ariz.; Boise Barracks, Idaho; Fort Brady, Mich.; Fort Clark, Tex.; Fort George Wright, Wash.; Fort Jay, N. Y. (mobile garrison only); Fort Lincoln, N. Dak.; Fort Logan H. Roots, Ark.; Fort McIntosh, Tex.; Fort Mackenzie, Wyo.; Madison Barracks, N. Y.; Fort Meade, S. Dak.; Fort Nagara, N. Y.; Fort Ontario, N. Y.; Fort Wayne, Mich.; Whipple Barracks, Ariz.; Fort William Henry Harrison, Mont.; Fort Yellowstone, Wyo.; Fort Ethan Allen, Vt.; Plattsburg Barracks, N. Y.; Fort Robinson, Nebr.; Fort Missoula, Mont.; Fort Logan, Colo.; Fort Douglas, Utah; Fort D. A. Russell, Wyo.

Mr. HAY. Mr. Chairman, I offer that amendment to carry out the views of the Secretary of War, which he transmitted to Congress in answer to House resolution 343. On page 14 of that report the Secretary of War states as follows:

The names and cost of all Army posts which would have to be abandoned in order to put an end to the extravagance and inefficiency resulting from improper distribution of the mobile army:

(a) The following posts should be abandoned as soon as suitable provision can be made elsewhere for their garrisons:

Total cost to

Fort Apache, Ariz. (a this post still exists	of Indian	trouble	near
Boise Barracks, Idaho_ Fort Brady, Mich	 		

Fort Brady, Mich
Fort Clark, Tex
Fort George Wright, Wash
Fort Jay, N. Y. (mobile garrison only; not sultable for
mobile troops, but should be retained as headquarters
of the eastern division and the site of the Eastern
Military Prison)
Fort Lincoln, N. Dak

213, 592. 84 618, 459. 27

anter
\$73, 639. 07
\$73, 639. 07 398, 049. 73 445, 104. 17 138, 748. 23
445, 104, 17
138, 748. 23
694 854 32

	date.
Fort Logan H. Roots, Ark	\$428, 136, 67
Fort McIntosh, Tex	224, 028, 50
Fort Mackenzie, Wvo	1 218 966 00
Madison Barracks, N. Y	652, 934, 39
Fort Meade, S. Dak	1, 225, 787, 93
Fort Niagara, N. Y	428, 547, 85
Fort Ontario, N. Y	337, 637, 50
Fort Wayne, Mich	542, 354, 62
Whipple Barracks, Ariz	602, 015, 69
Fort William Henry Harrison, Mont	478, 882, 58
Fort Yellowstone Wyo	806 511 51

(b) The following posts are not located with a view of securing economy of administration and supply or a full measure of military effectiveness. Their garrisons should not be increased and should ultimately be withdrawn to such concentration centers as Congress may authorize:

Fort Ethan Allen, Vt	\$1,007,459.61
Plattsburg Barracks, N. Y	938, 647, 33
Fort Robinson, Nebr	1, 071, 122, 28
Fort Missoula, Mont	593, 941, 00
Fort Logan, Colo	819, 253, 85
Fort Douglas, Utah	919, 229. 71

Fort Douglas, Utah

(Salt Lake City is a strategic point on account of the railway radiation, but this in itself is not sufficient reason for stationing a regiment at Fort Douglas. Such a regiment must forfeit opportunities of field training in combination with the other arms (Cavalry and Field Artillery), except at heavy expense for rail transportation.)

Fort D. A. Russell, Wyo.

(This post is not located with a view to maximum economy or strategic effectiveness. Its position in a sparsely settled region involves an increased cost for transportation of manufactured supplies, and its distance from recruiting centers makes the recruitment of its garrison more costly. But there are sufficient quarters at the post for a detachment of all arms, with ample facilities for training. There is an abundant water supply at the post, and climate and sanitary conditions are excellent. There is a large maneuver ground within easy marching distance of the post.)

I find on examination of this appropriation the

I find on examination of this appropriation that \$173,000 of the appropriation is allotted to be expended at the posts included in the amendment which I have offered. I do not propose to cut off the appropriation, but my idea is that the money can be expended upon those posts where they propose to concentrate the troops, instead of being wasted and dissipated in posts which they do not propose to occupy.

Mr. SHERLEY. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. SHERLEY. Are there any estimates at these posts for

the expenditure of the money that would be saved?

Mr. HAY. No; the estimate is for the whole item; but, as the gentleman knows, the appropriations can be spent upon the posts where they propose to concentrate, and it would be much cheaper for the Government to do that than it would be to come to us in the future for a large appropriation to be expended on those posts where they intend to concentrate.

Mr. SHERLEY. But the gentleman proposes to give it to these posts without any knowledge as to what it is to be ex-

pended for.

Mr. HAY. It is proposed that the amount saved at these posts shall be expended at the posts at which they propose to concentrate.

Mr. SHERLEY. I agree with the gentleman as to the saving at these posts mentioned, but why give them a free hand at the other posts? I think the expenditure for barracks and quarters of these amounts is indefensible. Congress ought not to appropriate a dollar for the expenditure in any place without full and detailed estimates by the department and a full and detailed hearing on that appropriation. [Applause.]

Mr. HAY. I will say that the hearings in this case show where every dollar is to be spent, for what building, for what purpose it is to be spent; every dollar of the appropriation is itemized, and it is pointed out where it is to be spent.

Mr. SHERLEY. But the gentleman proposes that these sums that are to be saved at the posts that he is going to prohibit the expenditure upon shall be turned over without knowing where it is to be expended or how much is to be expended.

Mr. HAY. It is only to be used on the posts that they are compelled to build up in order to concentrate the troops.

Mr. SHERLEY. I want to say that the extravagance has been of two kinds, not only at the place where the expenditure has been made but the character of the expenditure itself.

The CHAIRMAN. The time of the gentleman from Virginia

has expired.

Mr. SHERLEY. I ask that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks that the gentleman from Virginia have five minutes more. Is there objection?

There was no objection.

Mr. SHERLEY. While you are eliminating places you are not eliminating the absolute discretion on the part of the depart-

ment as to the additional sums of money.

Mr. HAY. I do not agree with the gentleman from Kentucky that the department can not be trusted to wisely expend this money at the posts which they are going to occupy in the future. I believe it will be much better to build up these posts out of current appropriations than to come to Congress for a large appropriation, and they will have to have them if they are going to pursue the concentration policy; and if that policy is going to be adopted by Congress, as seems to be the view of Congress to-day, we have got to spend millions of dollars to build up these posts after the abandonment of the old ones.

Mr. KAHN. Will the gentleman yield?

Mr. KAHN. Will the gentleman yield?
Mr. HAY. Yes.
Mr. KAHN. Is it not a fact that one of the reasons why the posts have not been abandoned heretofore is that there was no place to put the troops that are there in other barracks and

quarters?

Mr. HAY. Of course that is one reason, but it is not the main reason. The main reason has been that certain posts have not been abandoned because the political influence—as suggested by the Secretary of War in his report-has been great enough to compel the department to keep the posts whether they wanted to keep them or not. The department is now undertaking to shift its responsibilities on to Congress. The department has the power to abandon any post, but they say they can not do it for the reasons given, and they ask us to do it for them. I am willing to assist, so far as I can, in that direction, because I believe it is well to do it.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. BUTLER. I understood the gentleman to say that the department concedes, or rather admits, that it has the power to abandon any post it pleases.

Mr. HAY. It does not have to admit it. That is the law.

Mr. BUTLER. While the appropriations are made for the posts they are disposed to occupy them with the troops. If this amendment prevails, there will be no appropriation for those points enumerated in the amendment.

Mr. HAY. There will be no appropriation for the upkeep or

improvement of those posts.

Mr. BUTLER. But it does not follow from this that the posts

will be abandoned?

Mr. HAY. Oh, not at all. Mr. FITZGERALD. Mr. Chairman, I offer the following amendment to the amendment:

The Clerk read as follows:

Provided, That the Secretary of War be, and he is hereby, authorized to negotiate with the city of New York for the sale of Governors Island, New York Harbor, for park purposes, and to report to Congress at the beginning of the next regular session as to the terms upon which said property may be sold to the city of New York.

Mr. Chairman, on that I reserve a point of order. Mr. FITZGERALD. Mr. Chairman, the amendment is subject to the point of order, but I trust that the gentleman from Virginia will not insist upon it. This amendment does not do any more than permit the War Department to enter into negotiations with the city and to report to Congress the terms upon which a sale may be made. The Secretary of War has recommended that Fort Jay be abandoned, so far as the maintenance of part of the mobile army is concerned. Fort Jay is the official name of Governors Island. The department desires to retain this island, however, as the headquarters for the Department of the East. Those who are familiar with its location, right in the harbor of New York, within five minutes by ferry from the Battery and an equal length of time from the Borough of Brooklyn, will appreciate the desirability of obtaining for park purposes for the congested districts of the great metropolis of the Western Hemisphere this ideal place. Mr. MANN. Metropolis!

Mr. FITZGERALD. If it be not utilized for the mobile army, it is indefensible to utilize it simply as a desirable place of residence for high officers of the Army.

Mr. HAY. I understand they are going to use it for a military

prison.

Mr. FITZGERALD. Yes; they have a military prison there. Old Fort Columbus, the original fort built during the Revolution, is so used. A few years since the Legislature of the State of New York permitted the Federal Government to enlarge this island by some 110 acres, if I recall correctly, in the belief that it was to be utilized for the mobile army.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield? Mr. FITZGERALD. Yes.

Mr. SLAYDEN. I would like to ask the gentleman if he can express an opinion, capitalizing it practically on the rate of 2

per cent, of about how expensive such headquarters or offices

Mr. FITZGERALD. I have not the slightest idea of the value of the property

Mr. SLAYDEN. Many millions.

Mr. FITZGERALD. My colleague, Mr. PATTEN, endeavored to obtain an estimate, but was unable to do so in the time at his disposal.

Mr. SLAYDEN. Expensive at least for a prison or head-

Mr. FITZGERALD. A few years since the Legislature of the State of New York authorized the Federal Government to enlarge the island. Three years ago the department submitted to Congress estimates for an appropriation of \$110,000 to pay architects' fees for the preparation of plans of buildings to be erected upon the island in connection with the mobile Army, and now we have this recommendation that it be abandoned for the use of the mobile Army. Some gentlemen are not familiar, perhaps, with that estimate, because it did not go to the Committee on Military Affairs, but properly went to the Committee on Appropriations.

If this property is not to be utilized for the mobile Army, if it is to be retained merely as a delightful headquarters for high officials of the Army for whom accommodations could be found in many of the numerous places about the city of New York essential for the defense of the city, it seems to me this petty excuse for wishing to maintain a military prison is too ridiculous to have the Government retain such valuable property practically in idleness. It ought to be utilized by the city of New York, and it is very greatly needed for the purposes

mentioned-

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield to the gentleman. Mr. MANN. The city of New York wants the island, I suppose; why should not they make the proposition; why should we make the proposition to the city to see if they will buy it from us?

Mr. FITZGERALD. I am making this suggestion, Mr. Chairman, because it seems to be the proper way for the Federal Government to proceed. Here is property practically useless, so far as the Federal Government is concerned, that would be highly beneficial to the city and useful to it. The Government has indicated that it only desires to retain it as a residence for high officials in command of the Department of the East. But a short time ago another department of the Government, controlling another piece of property with an institution of the utmost value to the Government and that would be of practically no value whatever to the city of New York, suggested or intimated to the officials of New York that the Federal Government would be pleased to negotiate for the acquisition of that property by the city. Between selling a navy yard, which is the only check which the Government has upon the Shipbuilding Trust of the country, and for which the Government has imperative use, to the city which could not possibly have any use whatever for it, and selling property for which the Government has no use at all and which could be utilized in a most beneficial manner by the city, I prefer to enter into a transaction which will result beneficially to both parties. Those who are familiar with the conditions in the city of New York will appreciate that if the Government does not need this property for military purposes it could best be utilized for park purposes. In no place in the United States is there a more appalling condition during the heated months of the summer than in the great congested districts of the city which are located very close to this island. With adequate ferry service it would be of a very great advantage to the poor people of the city if they could have access to that island during the hot summer months. If desirable, it could be turned over to the city with a provision giving the Federal Government the right to utilize it for military purposes in time of war-

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois makes the request that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. If this were turned over to the city even upon the condition that it should be utilized only for park purposes, and that in time of war or other difficulty of any kind the Federal Government should have the right to reoccupy it and utilize it for purely military purposes, even then all the advantages from the occupation of the property by the Federal Government would be reserved and at the same time it could be utilized beneficially in the way suggested.

Mr. PEPPER. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. PEPPER. I am not familiar with the island of which the gentleman speaks-Mr. FITZGERALD. The gentleman is familiar with its

situation, perhaps; it is just south of the Battery.

Mr. PEPPER. How many acres are there, or what is its

area? Mr. FITZGERALD. Several hundred acres; I am not sure

of the exact acreage. Mr. PEPPER. What is the character as to elevation?

Mr. FITZGERALD. It is a few feet above sea level.
Mr. PEPPER. How is it utilized at the present time, what

is there on the island?

Mr. FITZGERALD. The headquarters of the Department of the East and some of the mobile army and old Fort Columbus, the original old stone fort which was built in the Revolutionary period, if I recall correctly, and which has been converted into a military prison.

Mr. HUGHES of New Jersey. Fort William? Mr. FITZGERALD. No, Fort Columbus; certain military prisoners are detained there.

Mr. HUGHES of New Jersey. Do not they call it Castle

William?

Mr. FITZGERALD. I believe not. It is located, I suppose, half a mile south of the Battery. There is a ferry to it, and it is very accessible to the congested portions of the city of New York.

If it is not to be utilized for the mobile Army, there are a number of places about the city of New York where the department headquarters could be established. I appreciate, of course, that it is a desirable place for the general commanding the Department of the East and his staff to live. It is quite accessible to the city. It makes it easy to participate in New York social life and it makes it a most congenial assignment for military officers, but if it is not to be utilized except for residences for Government officers it might much better be utilized in a manner where a large number of persons would obtain some benefit.

Mr. ANTHONY and Mr. CULLOP rose.

Mr. FITZGERALD. I yield to the gentleman from Indiana. Mr. CULLOP. What is the character of the Government buildings there, whether new, old, valuable, or of little value?

Mr. FITZGERALD. I am not able to inform the gentleman. Mr. CULLOP. I have been informed by the gentleman from New York [Mr. PATTEN] that they are principally old buildings

and not of much value.

Mr. FITZGERALD. I think there are some new officers' quarters. My recollection is that there are some modern buildings. What I desire, if possible, would be to have the opinion of the department on this matter as to the necessity for retaining the island as a military institution, if not for the use of the mobile Army, and upon what terms it could be disposed of.

The gentleman from Kentucky [Mr. Helm] has handed me

the following memorandum:

The original area of the reservation was 68.76 acres; land reclaimed, 105.24 acres, making a total of the present area within the sea wall 174 acres; submerged land, 30.50 acres, making the complete total 204.50 acres.

Mr. KAHN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. KAHN. How many prisoners are in the military prison there?

Mr. FITZGERALD. I do not know, but they could easily be disposed of elsewhere.

Mr. KAHN. Where could they be transferred to.

Mr. FITZGERALD. There are a number of military prisons. I happened to have the fortune, or misfortune, to visit that military prison at one time. My belief is that it would be much better from every standpoint, whatever is done with this island, that the men be quartered elsewhere. I have seen a good many prisons, from the outside mostly [laughter], and I do not think that this is quite a desirable one.

Mr. ANTHONY. Will the gentleman permit an interrup-

tion?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Kansas?

Mr. FITZGERALD. I yield.

Mr. ANTHONY. I want to say that my information is that that place is not used as a permanent military prison. It is used as a place in which to assemble the local prisoners, from which the are transported to other prisons.

Mr. FITZGERALD. Some men are confined there for terms of a year or two.

Mr. ANTHONY. I want to say that I am entirely in accord

with the object of the gentleman's talk.

Mr. FITZGERALD. If this island, right in the center of the city, of 204 acres, is not needed for military purposes, except for desirable residences for the officers, and if the city of New York should desire to acquire it and utilize it for park purposes, I believe it would be a proper thing for the Government to turn it over. If there be any special reason in the time of war for the occupation of it, let the right be reserved and the Federal Government take it in time of war.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOORE of Pennsylvania.

Mr. FITZGERALD. I yield.

Mr. MOORE of Pennsylvania. Has the gentleman confined his thought in the resolution to the consideration of the ground for park purposes only?

Mr. FITZGERALD. That is all.

Mr. MOORE of Pennsylvania. And not for commercial purposes?

Mr. FITZGERALD. Oh, no; I do not think it would be desirable to turn it over for commercial purposes. I think the city of New York would pay as much for it for park purposes as would be paid for it for commercial purposes.

Mr. HELM. Mr. Chairman, I move to strike out the last word. The Committee on Expenditures in the War Department, from which emanated House resolution No. 343, offered by a member of that committee, the gentleman from Ohio [Mr. Bulkley], has been investigating since last summer, and giving close attention to what I believe to be perfectly legitimate lines of investigation, this mobile army post evil. As soon as the letter of the Secretary of War in response to said resolution was sent to the House, or soon after it was sent, my attention was attracted to the statement in the letter which showed, among other things, that Fort Jay, on Governors Island, was one of the mobile army posts which the Secretary of War thought was not necessary for that purpose.

I got in communication with the Judge Advocate General for the purpose of making some inquiries in regard to this particular post. I had ascertained that there was some possible defect in the Government's title to it. I now send to the Clerk's desk a communication from the Judge Advocate General, which I received from him, bearing upon that particular feature of the proposition, and I ask that it be read in my time.

The CHAIRMAN. Without objection, the Clerk will read the

document indicated.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, February 9, 1912.

Hon. Harvey Helm, M. C., House of Representatives.

Washington, February 9, 1912.

Hon. Harvey Helm, M. C.,

House of Representatives.

Dear Sir: In reply to your letter of the 8th Instant, requesting information as to what proportion, if any, of the territory of Governors Island, New York Harbor, would revert to the State of New York in the event of the abandonment of the use of the same for military purposes, I have the honor to state that under date of February 7, 1912, this office, in a report regarding this reservation, said:

"According to the records of this office, Governors Island (Fort Jay), N. Y., along with other Islands in the harbor of New York, was donated to the United States by act of the legislature of the State passed February 15, 1800. By act approved May 7, 1880, and patent from the governor thereunder, dated May 26, 1880, title to lands covered by water around this Island, inter alla, was granted to the United States; and by acts of February 27, 1901 (ch. 46, Laws of 1901), and March 6, 1903 (ch. 18, Laws of 1903), and patents thereunder, dated March 7, 1901, and June 5, 1903, respectively, title was granted to additional water-covered lands for the enlargement of the reservation. The reservation includes the whole Island and submerged lands contiguous thereto within limits containing an area of 204.5 acres. The Quartermaster General's office map of May, 1908, shows the limits of the several conveyances of submerged lands as specified above.

"The area of the Island prior to recent filling operations was 68.76 acres, but this office has no information as to the number of acres reclaimed by filling operations or as to the 'cost of the bulkhead and filling in."

By act of May, 1880, "all the right and title of the State of New York" to certain "lands covered with water" adjacent to this reservation, inter alia, "and jurisdiction over the same, are hereby released and ceded to the United States * * for the purpose of erecting and maintaining docks, wharves, boathouses, sea walls, batteries, and other needful structures and appurtenances" upon

as the same shall televant to political longer."

It will be noted that this provision applies only with respect to the exemption of the property from taxation and the matter of political

jurisdiction, and it is not understood to provide for any reversion of title in the event of the abandonment of the property for military

of title in the event of the abandonment of the property for military purposes.

The act of March 6, 1903 (ch. 18, laws of 1903), in authorizing the conveyance "to the United States of America for a nominal consideration," of the submerged land described therein, provides, in section 2, that upon the issuing of letters patent thereto "the jurisdiction of the State of New York in and to said lands under water shall be considered as ceded to the United States of America." Section 3 of said act provides for the reservation of the right to serve process, and section 4 for the exemption of the property from taxation, and, further, that "the jurisdiction hereby ceded and exemption from taxation hereby granted shall continue in respect to said property so long as the same shall remain the property of the United States and no longer." It is not understood that there is any reversion of title to the lands acquired under the authority of this statute in the event of the abandonment of their use for military purposes.

Answering your inquiry as a whole, it is not understood that any part of the reservation of Governors Island would revert to the State in event of its abandonment for military purposes.

Very respectfully,

E. H. Crowder,

E. H. CROWDER, Judge Advocate General.

The CHAIRMAN. The time of the gentleman has expired. Mr. HELM. Mr. Chairman, I ask unanimous consent that my time be extended 10 minutes.

Mr. HAY. Does anybody on the other side desire time? Mr. MANN. There are several gentlemen here who want

HAY. How much time? MANN. There are sever There are several gentlemen here who want time, but I do not know how much.

Mr. HAY. I do not want to cut off the time, but I want to

ascertain how much time is desired.

Mr. MANN. Several gentlemen are interested in this matter who were not here when it was first taken up, and they have been sent for.

Mr. HAY. I do not want to cut off debate, but I am anxious

to proceed.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes longer. Is there objection?

There was no objection.

The CHAIRMAN. Helm] is recognized. The gentleman from Kentucky [Mr.

Mr. PEPPER. Mr. Chairman, will the gentleman yield? Mr. HELM. Certainly.

Mr. PEPPER. Mr. Chairman, I wanted to ask the chairman of the Committee on Expenditures in the War Department if he has any data at hand with reference to the expenditures upon this post within the last few years?

Mr. HELM. The total cost of the buildings, and so forth, to June 30, 1911, was \$322,000 plus. The total sum expended in

the last five years for repairs was \$39,000.

Mr. PEPPER. I wanted to call the gentleman's attention to the hearings, on page 210, where the expenditure is set down as \$56,244.96.

Mr. HELM. That is cost of construction for some year, I

suppose. The \$39,000 is for repairs.

Mr. Chairman, I have been very much interested in this subject, and I am heartily in favor of the amendment offered by the gentleman from New York. I believe that it is an incon-trovertible fact that this island the title to which the Adjutant General now says there is no doubt about, located as it is within a stone's throw of Wall Street, at the very entrance of New York's harbor, containing two hundred and some odd acres of land, is of almost priceless value. I do not believe there is a man on this floor who can estimate the value of that little spot of ground with any degree of accuracy. I do not believe that the Waldorf-Astoria is to be compared with it in value. I would put it this way, that there is not a spot of equal size on the Western Hemisphere that can compare with it in value.

Some men have undertaken to form some conception or estimate of its value. I have heard that one of the leading papers in New York said its real estate agent had stated it would require 30 days in order to reach any approximate estimate of the value of the land. It can be connected with the city by tunnel or by bridge, so as to throw it into immediate connection

with the very heart and pulse of New York City.

As to the absolute folly and absurdity of the Government maintaining an Army post on that island I will not undertake to speak, because I have not the remotest idea of its exact value. I have seen it stated more than once in the papers that the value of Central Park, in New York City, while it is far, far larger than this island, and is for that reason, among others, more valuable than this island, the estimates as to the value of Central Park run into the billions. But here the United States Government is the owner of and in possession of this island, maintaining a little out-of-date Revolutionary prison on it, with some elegant quarters also on it. If there is a Member within the sound of my voice who can form any estimate of its value I would like to hear an expression from him.

The cost to the Government of maintaining that Army post there is the interest-earning capacity of the proceeds of the sale price of that island. If you were to say it is worth \$100,000,000 at 2 per cent, you would get the cost of the maintenance of the post.

If you go higher or lower you can see what it costs the Government, this joke of a post. As a business proposition, I would say it would be far cheaper to rent an entire floor in the best-equipped hotel in the city of New York as headquarters for these military dignitaries that are located on Governors Island, because the interest on the proceeds of the sale price of this island would pay the rent of that floor and then turn in a handsome profit to the Treasury of the United States.

This, to my conception, is but one of the many instances

where the War Department has shown more concern for the comfort and ease of its officers than it has shown for the business side of its administration; and I want to say, with nothing but the kindest feeling toward the War Department,

that the time has come when-

The CHAIRMAN. The time of the gentleman has expired. Mr. AMES rose and was recognized.

Mr. HELM. Mr. Chairman, I should like some more time. I ask unanimous consent for 10 minutes more.

Mr. HAY. I hope the gentleman will not insist on that.

Mr. AMES. Mr. Chairman, I believe I was recognized. I desire to offer an amendment and have it considered as pending. Mr. BUTLER. I ask unanimous consent that the gentleman

from Kentucky [Mr. Helm] may proceed for 10 minutes.

Mr. MANN. Reserving the right to object, I should like to ask whether it is the intention of the gentleman from Virginia to cut off debate soon on this proposition. There are a number of gentlemen on this side who desire to be heard upon it.

Mr. HAY. I am anxious to get along with the bill, and I wanted to fix a time to close the debate, and to include everybody who wanted to speak, if possible. If I can do that, I should like to do so.

Mr. MANN. I do not think it is practicable to close the debate just now.

army that is a real fighting machine.

Mr. HAY. I do not propose to cut off anybody. The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Kentucky [Mr. Helm] be extended 10 minutes. Is there objection?

There was no objection. Mr. HELM. Mr. Chairman, I may be a little bit zealous or enthusiastic on this proposition, but I am earnest and serious in my statements. I do not believe a more vital proposition has been presented to the House for consideration for a very considerable time. Certainly there is no one particular feature connected with this bill of more importance than this question which is now under discussion nor more far-reaching in its effect; this method of quartering the Army is a double evil, it is a wicked waste of money, and it prevents all possibility of an

I assert that this Governors Island post is but an exaggerated specimen of one of the unbusinesslike methods of the War Department. Why, that prison is a joke. I may be inexperienced, and may be all wrong, but not living in New York, and far remote from it, I have an opinion that the value of this island runs up into many millions of dollars. Here the Government of the United States is in the ridiculous position of maintaining a fort on a piece of property that I dare say there is not a Member on this floor who would venture to estimate the value of.

There are to-day 49 of these mobile army posts in the United Thirteen have been abolished. That makes 62 in all, on which the Government of the United States has expended between \$50,000,000 and \$60,000,000. Now, look at the proposition. There comes in a resolution in which the Secretary of War says that 41 of the remaining 49 posts should be abolished. That is a proposition that ought to address itself to the most serious consideration of the membership of this House. Here, in this letter from the Secretary of War, is a statement that you are carrying in this bill right here the sum of \$5,500,000 that you need not have carried except for these unnecessary, superfluous Army posts. There is a statement by the Chief of Staff in the hearings before the Committee on Expenditures in the War Department in which he says, in substance, that these 49 Army posts are an absolute injury to the Army; that they are working harm and disaster to your Army; that they are, in fact, disorganizing it. That is the statement; that they do not make for efficiency; that if you would abolish them, and save the Government millions of dollars, you would also have a more efficient Army.

I want to say, in all kindness, that the time has come when the people of the United States are going to demand better results for their expenditures for military and naval purposes; and unless the War Department makes up its mind to give the people better results for the millions that they are expending on the military and naval forces, in my opinion, there is going

to be a revolt against these heavy expenditures.

I am not a military man, but it is a most serious proposition to me to be expending \$100,000,000 annually and getting no better results than officers who are acquainted with the facts in the case are bound to admit. The best place to begin the operation of cutting down these expenses is on these mobile army posts. The department says it can get along with eight of them, and with eight they can build up efficiency in the Army that it is impossible to do now.

I want to make this statement, and I believe it is the correct one: You can not have an army without money, but you can not build up an army or organize an army with money alone. It takes something more than money to make an army.

You may spend a billion dollars annually, but unless the money is well spent, unless there is an organization and teamwork, some good headwork being used instead of spending money lavishly and extravagantly, you never will have an Army. I do not believe the people are unwilling to spend liberal sums for the Army, but I do believe that if they ever come to realize the fact that we are spending millions upon millions and not getting reasonable results, that the time will come, and come soon and speedily, when they will revolt against such lavish expenditure and waste of money.

Somebody has asked, What are you going to do with the 41 posts? My remedy for that situation is to sell them. I have some figures here. There are 13 posts that have already been abandoned. Some say when you abandon them you have to have quarters in which to put and keep the Army. True, but you do not have to sell the posts to-morrow and give possession the next day. Sell them and retain possession of the posts sold until, with the proceeds of the sale, after having decided upon some strategic, suitable, and proper places, then sufficient quarters in which to house the Army can be constructed with the money derived from the sale of the posts. Get the troops to-gether in much larger bodies. Sell Governors Island; it will pay for all additional construction that will be required and have millions left.

There is Fort Assiniboine, that has been abandoned, and in that reserve there are 704,000 acres of land. My information is that this reservation contains very valuable land. I called up the office of the Secretary of the Interior, and I was informed that that land has not been sold. There are some squatters or some people on it claiming rights. But here are 704,000 acres of land at one Army post. Suppose it is worth only \$1 an acre, that would be \$704,000 that can be used where it may be found best to establish a concentration post.

Then here is Fort Duschene, with 3,480 acres; Fort Niobrara, with 34,560 acres; Fort Wingate, with 83,200 acres.
Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. HELM. Yes.

Mr. KINKAID of Nebraska. Fort Niobrara has already been abandoned.

Mr. HELM. I understand that; I am only showing the House the amount of land that these abandoned posts have.

Mr. KINKAID of Nebraska. Fort Niobrara has 64,000 acres. Mr. HELM. The record furnished by Gen. Aleshire shows that there are 34,000.

Mr. KINKAID of Nebraska. But there has been an addition put on since then. Some of it is worth a dollar or two an acre, and some of it not worth more than 50 cents an acre

Mr. HELM. Now, Mr. Chairman, in the list of posts that the Secretary of War has slated for abandonment here is Fort Apache, with 7,421 acres.

The CHAIRMAN. The time of the gentleman has expired.
Mr. CULLOP. I ask unanimous consent that the gentleman

may have 10 minutes more.

Mr. HAY. Mr. Chairman, I am compelled to object. The gentleman has already occupied 25 minutes, and there are other Members desirous of speaking.

Mr. HELM. I will take five minutes.
Mr. HAY. I will not object to five minutes.
The CHAIRMAN. The gentleman asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. HELM. Now, here are Boise Barracks, with 636 acres; Fort Clark, 3,965 acres; Fort Root, 1,022 acres; Fort Logan, 1,072 acres; Fort McKenzie, 6,280 acres; Fort Whipple, 1,730 acres; Fort William Henry Harrison, 1,040 acres; Fort D. A.

Russell, 22,000 acres; Fort Douglas, 8,895 acres; Fort Robinson, 23,400 acres.

I submit to this House that if you can get \$1 an acre or 50 cents an acre for these tracts of land, you can get a sufficient sum of money to construct sufficient quarters at pivotal or strategic points and not take a single additional dollar out of the Treasury. Sell this land; get rid of it. It is costing you to-day \$5,500,000 that it ought not to cost. I have some figures here that show that since May 1, 1908, the War Department has cost the United States Government over \$2,000,000,000. I ask unanimous consent to extend my remarks by inserting these figures in the RECORD.

Now, I submit to this House if, when the Secretary of War said you have no need for these posts, that they are working injury to your Army, that it is costing you \$5,500,000, the time has not come to sell them. I say it seems to me that this House, with such facts as these before it, should not continue to vote these sums of money that are demoralizing the Army and which, as long as you do vote for them, you can not have the Army. It is an impossibility. The Chief of Staff said that the recent mobilization on the Texas border was a failure as a division proposition. He said there was no division there; and officers have been before the Committee on Expenditures in the War Department and have vouched for the statement that, under the present arrangement and disposition of the Army, efficiency is impossible. The American Army to-day -I shall not use exactly the term that is in my mind, but will content myself with saying that it is not an army such as the term ought to imply.

The methods you are pursuing here to have an Army are the very things that are going to continually keep you from having an Army, and under the plans you are working, work as long as you will, though millions and hundreds of millions of dollars be expended, you will still have no Army. You have not a division that you can put into the field as a division proposition-not one. The only attempt to have such a thing was in Texas, and I wish I had the license to state what I have heard about that mobilization. The whole thing traces back largely to the way you are housing your Army. You are keeping them scattered out at different places of the country. Officers testify and the records show that you are keeping two or three companies here and there all over the country, and that frequently they can not get more than 20 or 30 men out on drill work. What are you going to do when the time comes when you have got to throw a division together to meet an opposing force in battle? Troops that have never seen each other could do as well; troops that know as little about fighting together as a bunch of college boys, who have not been trained in team work on a football team. You might just as well go around to the different colleges in the country and get a champion football player out of one college, one out of another, and so on, put them into a match game and expect them to win against a team that has had real team work. You can not do it. I do not believe there is a Member on this floor who can successfully deny that as long as you persist in the methods you are now pursuing it is

impossible to ever have an Army. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing certain documents which I have in

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the documents indicated by him be printed as a part of his remarks. Is there objection?
Mr. MADDEN. Are they maps?
The CHAIRMAN. Will the gentleman fro

Will the gentleman from Kentucky indicate what they are?

Mr. MADDEN. I object to them if they are maps.

The CHAIRMAN. The gentleman from Kentucky can give that information.

Mr. HELM. They are figures.

The CHAIRMAN. The Chair hears no objection, and it is so

The documents referred to are as follows:

The documents referred to are as follows:

WAR DEPARTMENT,
Washington, February 7, 1912.

Sir: I have the honor to forward herewith statements containing the information called for by paragraphs 1, 2, and 4 of your letter dated November 17, 1911.

Statement A shows the total amounts appropriated by all acts and resolutions passed by Congress for the support of the Army and the maintenance of the War Department from May 1, 1808, to June 30, 1911, inclusive, and statement B shows the expenditures made annually, by fiscal years, from these appropriations during the same period for the support of the Army and the maintenance of the War Department. These two statements contain the information called for in paragraph 1 of your letter, classified as requested in paragraph 4.

Statement C shows the total amounts appropriated annually and the title and date of the acts of appropriation from May 1, 1898, to June 30, 1911, inclusive, and statement D shows the amounts expended

from these appropriations annually during the same period. These two statements contain the information called for in paragraph 2 of your letter, classified as requested in paragraph 4.

The recapitulation on statement B is a summary of the figures contained on all the statements.

This furnishes all the information called for in your letter above referred to except that requested in paragraph 3, viz, the total amount appropriated and expended for and on account of the Spanish-American Volunteer Army for all purposes whatsoever since May 1, 1898.

By department letter of December 27, 1911, you were advised that in the absence of anything in the appropriation acts showing what portion of the funds appropriated by Congress was intended to cover the expenses of volunteers, the records of the department were not kept so as to show the expenditures separately for the Volunteer Army and the Regular Army, and that consequently any statement of appropriations and expenditures on account of the Spanish-American Volunteer Army that could be made would involve a very considerable expense of time and labor, and at best would be only an approximation. Work upon this feature of your request has therefore been suspended pending the receipt of your reply as to whether such a statement is still desired by the committee, in view of the conditions set forth in my letter above mentioned.

Very respectfully,

ROBERT SHAW OLIVER,

Assistant Secretary of War.

ROBERT SHAW OLIVER, Assistant Secretary of War.

Hon. Harvey Helm,
Chairman Committee on Expenditure in the War Department,
House of Representatives.

STATEMENT A.—Showing the date of, and the total amounts appropriated by all regular, public, private, and deficiency acts and resolutions passed by Congress during the period from May 1, 1898, to June 39, 1911, both dates inclusive, for the support of the Army and the maintenance of the War Department, classified under "military" and "civil" establishments.

Military estab-lishment. Civil estab-Date of Act. Deficiency.
Fortification.
Private.
Deficiency.
Urgent deficiency.
Private.
do
do
Sundry civil.
Private.
do
Deficiency.
Private. \$35, 569, 945, 41 9, 377, 494, 00 15, 000, 00 50, 000, 00 5, 845, 000, 00 \$35,569,945.41 9,377,494.00 15,000.00 May \$50,000.00 5, 845, 000.00 June 132.10 21, 130, 834.51 212.50 1, 273.00 181, 668, 396.75 200, 000.00 132. 10 6, 131, 298. 95 212. 50 1, 273. 00 181, 044, 764. 43 200, 000. 00 14, 999, 535. 56 July 623, 632, 32 1399. 426, 992, 50 500, 00 2, 600, 00 65, 000, 00 1, 000, 00 23, 781, 712. 66 500. 00 2, 000. 00 65, 000. 00 23, 354, 720. 16 Jan. Feb. 21 21 24 1,000.00 1,965,906.00 1,965,903.00 575, 774. 47 80, 430, 204. 06 575, 774. 47 80, 430, 204. 06 15, 091, 841. 94 4, 909, 902. 00 15, 915, 243. 24 15, 265, 464. 25 Military Academy
Army...
River and harbor...
Fortification.
Sundry civil.
Deficiency
Bowman and Tucker
claims act.
Public. 15,091,841,94 4, 909, 902. 00 6, 132, 064. 24 15, 254, 984. 00 9, 783, 179. 00 10, 480. 25 121, 642. 34 3, 630. 15 16, 587. 49 138, 229, 83 3, 630, 15 3 1900. an. 31 4,000.00 324,449.63 1,000.00 2,095,455.88 5,000.00 Public resolution..... Urgent deficiency..... Public resolution..... 4,000.00 192,500.00 1,000.00 2,095,455.88 Jan. Feb. Mar. 19 Public resolution
Public.
Private.
Public.
Legislative, executive, and judicial.
Private.
Public.
Private.
Private.
Private.
Private.
Private.
Private.
Private.
Private. 100,000.00 100,000.0 Apr. 17 2,110,946.00 2,21301.34 6,000.00 3,700.00 7,383,628.00 2,885.81 114,220,095.55 3,718.52 32,000.00 23,256,908.76 674,306.67 151,024.05 450,000.00 2,110,946.00 22,301.34 6,000.00 Мау 3,700.00 7,383,628.00 2,865.81 114,220,095.55 Fortification
Private.
Army
Private.
do.
Sundry civil.
Military Academy
Deficiency.
Public.
Private.
do 3,718.52 32,000.00 6,869,135.01 674,306.67 133,275.55 16, 387, 823.75 June 17,748.50 450,000.00 300.00 195.00 5,389.86 195.00 5,389.86 100.00do...... 100.00 5,000.00 5,000.00 8,000.00 5,595.48 8,000.00 5,595.45do..... Dec. 19 Urgent deficiency..... Private....do.... Public... 66, 150.00 2, 000.00 265.20 250, 000.00 66,150.00 2,000.00 Jan. 265, 20 250, 000. 00 28 | Public 250,000.00 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 10,000.00 10,000.00 241.00 7,364,011.00 10,200.00 Feb. Mar. 115, 734, 049. 10

STATEMENT A.—Showing the date of, and the total amounts appropriated by all regular, public, private, and deficiency acts, etc.—Cont'd.

-1		and the second second second second			
	Date of act.	Act.	Military estab- lishment.	Civil estab- lishment.	Total.
1	1901.				
	Mar. 2	Military Academy Private	\$772,653.68	\$542.68	\$772,653.68 642.68
9	2 3	Legislative, executive,	3,000.00		3,000.00
i		and judicial		2,118,066.00 7,828,941.00	2,118,066.00
	3 3	Deficiency	6, 802, 134. 00 756, 340. 09	1,266.67	14, 631, 075, 00 757, 606, 76
5	1902.		STATE OF THE PARTY		
5	Feb. 14 27	Urgent deficiency	2, 465, 372. 31 50, 000. 00	22,083.50	2, 487, 455. 81 50, 000. 00
r	28 Mar. 15	Public	6,000,00		6,000.00 417.00
ì	18 20	do	10,000.00	500.00	10,000.00 500.00
K	Apr. 7	Additional urgent de-	10,000,00	000.00	10,000.00
	28	ficiency Legislative, executive,	10,000.00	0.074.010.00	
	29	and judicial		2,074,216.00	2,074,216.00 500.00
8	May 7 27	Omnibus claims act	1,002,277.31	15,000.00 225,795.95	15,000.00 1,228,073.23 9,702.00
1	27 13	Publicdo		200,000.00	200, 000, 00
	28 29	do d	11,500.00 170,000.00		170,000,00
B	June 6	Fortification	7, 298, 955.00	26,771,442.00	7,298,955.00 26,771,442.00
S	18 23	Private	15,845.41		7,298,955.00 26,771,442.00 15,845.41 2,000.00
	28	Public	2,000.00	25,000.00 3,000.00	25,000.00 3,000.00
1	28 28	do .	57, 131, 71	3,000.00	57, 131, 71
0	28 28	Military Academy Sundry civil Public resolution	8,479,913.00	7,330,408.50	2,627,324.42 15,810,321.50
0	30 30	Private		100,000.00	100,000.00 50.00
0	July 1	ArmyPublic	75,000,00		91, 730, 136, 41 75, 000, 00
0	1	Deficiency Urgent deficiency	450.00 3.685.770.65	81,021.31	450.00 3,766,791.96
0	Dec. 22 27	Urgent deficiency Private		8,000.00 2,427.84	8,000.00 2,427.84
5	1903.	111111111111111111111111111111111111111		2,	3,200
9	Jan. 24	Public resolution	5,683.00	10,000.00	5,683.00
6	Feb. 5	Private	5,000.00		10,000.00 5,000.00
0 0	7	Privatedo		3,850.00	3,850.00 5,500.00
0 0	9 9	do	200.00		500.00 200.00
0	12 18	Public	2,000.00	61,500.00	2,000.00 61,500.00
7	18 25	Private	700.04		766.64
4 0	27	Legislative, executive, and judicial		2,012,986.00 100,000.00	2,012,986.00 100,000.00
4 5	Mar. 2	Army	77 888 752 83		77,888,752.83 652,748.67
3	3 3	Military Academy Fortification	652,748.67 7,188,416.22 10,343,130.50	24 155 060 00	7,188,416.22 34,499,091.49
5	3	Sundry civil Deficiency	5,309,451.39 1,020.00	24,155,960.99 101,906.15	5, 411, 357. 54
	3 3	Privatedo	135.60		1,020.00 135.60
3	1904.				
8	Feb. 18 Mar. 3	Urgent deficiency Public	20,545.70		20, 545. 70
0	15 18	Public Private Legislative, executive,	241.60		241.60
0	Apr. 15	and judicial	269.76	1,925,716.00	1,925,716.00 269.76
4 0	21 23	Private. Legislative, executive, and judicial. Private. Fortification. Army. Deficiency. Military Academy. Public. Sundry civil. Public. Private.	7,518,192.00 77,070,300,88		7,518,192.00 77,070,300.88
0	27 28	Deficiency	1,843,508.45 973,947,26		1,843,508.45 973,947.26
1	28 28	Public	9 597 557 75	3,000,000.00	3,000,000.00 17,428,512.75
5 2	28	Public	2,500.00	500.00	2,500.00 500.00
6	28	Private		300.00	000.00
7 5	1905. Jan. 5	Urgent deficiency		2,500.00	2,500.00
0	12 18	Urgent deficiency Privatedodo	7,000.00		1,142.70 7,000.00
0	18 23	Public	99.00 4,000.00		99.00 4,000.00
0	Feb. 3	Legislative, executive, and judicial		1,868,766.00 35,805.42	1,868,766.00
0	Mar. 2	do do Public Legislative, executive, and judicial Omnibus claims act Army Military Academy River and harbor	865, 994, 11 70, 396, 631, 64	35, 805. 42	1, 868, 766, 00 901, 799, 53 70, 396, 631, 64 673, 713, 38 16, 133, 149, 75 6, 747, 893, 00
Š.	3 3	Military Academy River and harbor	673, 713. 38	16, 133, 149. 75	673, 713, 38 16, 133, 149, 75
0	3 3	I KOLUBIOATION	D. 141, 893, U.	11, 315, 887. 00	6,747,893.00 19,296,536.50
0	3	Deficiency	2,798,655.30	15, 224. 40 1, 500. 00	2,813,879.70 1,500.00
0	3	Sundry civil. Deficiency Public. Privatedo.	05 000 00	60.82	60.82
0	3	do	25,000.00		25,000.00
0	1906. Feb. 26	Public	000 700 81	50,000.00	50,000.00
0	Mar. 9	Public	200,000.00	27,431.88	1,017,225.12 200,000.00
0]	27	00		4,350.00	4,350.00

STATEMENT A.—Showing the date of, and the total amounts appropriated by all regular, public, private, and deficiency acts, etc.—Cont'd.

STATEMENT A.—Showing the date of, and the total amounts appropriated by all regular, public, private, and deficiency acts, etc.—Cont'd.

Date of act.	Act.	Military estab- lishment.	Civil estab- lishment.	Total.	Date of act.	Act.	Military estab- lishment.	Civil estab- lishment.	Total.
1906.		01 470 17		01 450 17	1909. Jan. 21	Privatedo	\$13,460.00		\$13,460.0
Mar. 31 Apr. 9	Private	12, 405. 08		\$1,456.17 12,405.08	Feb. 1	do	1,500,00	\$427.75	1,500.0
16	Additional urgent de- ficiency	25,500.00		25, 500. 00	A I	and the second s	1 212 45		1,312.4
18 19	Private Public resolution	119, 11		119.11	6	dododododo	268.02		268.0
21 24	do	\	\$2,500,000.00	2,500,000.00	8	do	150.00	185.00	185. 0 150. 0
une 30	Deficiency				9	Urgent deficiency	1,000.00 1,003.18	25,000.00	26,000.0 1,003.1
pr. 23 23	Private	200.00		65. 00 200. 00	11 13		291.37		291.3 300.0
23 23	Prone	200.00	400,000,00	200.00 400,000.00	13	do		286.35	286.3
28	Private	5,000.00		5,000.00 7,561.80	16 23	dodododo	109.87	2,727.05	2,727.0 109.8
une 5	do	400.00		400.00	24 24	do	100.00	128.00	128.0
8	Public resolution		4,000.00 50,000.00	4,000.00 50,000.00	25 Mar. 3	dododoArmy. River and Harbor	101 101 009 01	96. 40	96.
8			20,000,00	50,000.00 30,000.00	Mar. 3	River and Harbor	101, 195, 883. 34	9, 435, 750.00	101, 195, 883. 9, 435, 750.
8	do		40,000.00	40,000.00	0	Delmata	0, 110, 111.00	70.00	8, 170, 111.
12 16	Public	71,817,165.08	30,000.00	71, 817, 165, 08 30, 000, 00	3		1 700 00	3, 185. 00	3,185.0
20 20				35, 000. 00 150. 00	3	do	300.00		1,702.2
25	Private. do Legislative, executive, and judicial. Fortification. Public resolution.		200.00	200.00	3 3	do	447.81 1.788.48		1,788.4
22	and judicial		1,988,103.00	1,988,106.00	4	dodo Deficiency. Sundry civil. Legislative, executive, and judicial. Military Academy. Public resolution.	5, 860, 439. 32	104.16	0,000,010.1
25 28	Fortification	5,053,993.00	10,000.00	5, 053, 993. 00 10, 000. 00	4	Legislative, executive,	11,008,794.10	20, 748, 564. 00 2, 014, 868. 00	32, 417, 358. 2, 014, 868.
28	Public resolution. Private. do. Military Academy. Public.	150.00	20,000.00	150.00	4	and judicial. Military Academy	2,531,521,33		2, 531, 521,
28 28	Military Academy	1,664,707.67	155. 65	155. 65 1, 664, 707. 67	4	Public resolution		10,000.00	2,531,521.1 10,000.0 300.0
29 29	Public	5,000,00	50,000.00	50,000.00 5,000.00	4	Private		1,848.55	1,848.
29	da	0,000.00	8 000 00	6,000.00	4 4	do		1 556 70	1,556. 100.
29 30	Private	350.00	3, 250. 00 67, 847. 35	350.00 3,250.00	4	do	3,000.00 3,390.00		3, 000. 3, 390.
30 30	Deficiency	2,600,872.38	67,847.35 18,535,800.04	2,668,719.73 26,847,988.04	Aug. 5	Urgent deficiency	226, 714. 66	36, 600. 00	263, 314.
ec. 19	Urgent deficiency	150. 000. 00	20,000,000.02	150,000.00	1910.				
1907.	Private				Jan. 19	Public resolution		10,000.00	10,000.
n. 25 25	Privata	3,000.00		3,000.00 2,000.00	Feb. 25 Mar. 23	Urgent deficiency Army	1, 928, 263. 08 95, 440, 587, 55	38, 006. 10	1, 966, 269. 95, 440, 567.
25	do	2,000.00	850.13	850. 13	Apr. 15	Public	1 058 040 07	25,000.00	25, 000. 1, 856, 249.
eb. 7	do	300.00	6,000.00	6,000.00 300.00	21	Military Academy Privatedo	49, 372. 50		49, 372.
8	dododo	553.00 721.86		553. 00 721. 86	May 6	Publiedo	10,000.00	1,800.00	1,800.0 10,000.0
8	do	878.57		878, 57	9	Private	5 542 68	100,000.00	100,000.0 5,543.0
9	Additional urgent de- ficiency		65,000.00	65,000.00	17	do	4, 000. 00		4,000.0
16 16	Privatedo	100.00 325.00		100.00 325.00	June 17	do Legislative, executive, and judicial. Private		2,026,248.00	2, 026, 248.
26	Legislative, executive,				17 23	Private	5 617 200 00	1, 200. 00	1, 200. 5, 617, 200.
27	Legislative, executive, and judicial Private. do		2,008,856.00 1,269.45	2,008,856.00 1,269.45	23	Fortification Public River and harbor Sundry civil Deficiency Private	42, 423. 21		42, 423.
27 27	do	1,998.50		1,998.50 1,079.00	25 25 25 25 25	Sundry civil	8, 163, 430. 82	41, 329, 113, 50 8, 989, 253, 00	41, 329, 113. 17, 152, 683.
27	do	1, 150.00	105.00	1, 150. 00 125. 00	25 25	Deficiency	1, 308, 562. 10	223, 645. 77 2, 350. 00	1,532,207. 2,350.
27 27	do		1,548.27	1,548.27	25		************	1,077.74	1,077.
27 28	do		1,653.00	247. 63 1, 653. 00	25	do	202.11	200.00	200.
28	do			88.50 434.55	25 25	do	80.14 432.50		80. 432.
ar. 1	Army	78, 634, 582. 75	434. 33	78, 634, 582, 75	25	do	375.00		375.
2 2	Military Academy	1,929,703.42	37, 108, 083. 00	1,929,703.42 37,108,083.00	Dec. 23	Urgent deficiency	8,007.04		3,357.
2	Army. Military Academy. River and harbor. Fortification. Private.	6, 898, 011. 00		37, 108, 083, 00 6, 898, 011, 00 1, 148, 00	1911. Jan. 13	Private		1,500.00	1,500.
2 2	Privatedo	004.10	1,148.00	684. 15	14	dodo	237.36	1,000.00	237.
2	do	5,000.00		5,000.00 5,000.00	Feb. 13	do	68.06	1,704.18	1,704. 68.
3	Deficiency. Sundry civil. Public resolution.	5,040,857.81	19,523.46	5,060,381.27 17,101,732.00	13 15	dododododo	532. 45	1,186.25	532. 1,186.
4	Public resolution	9, 008, 002. 00	7,443,030.00	10,000.00	18	Public		50,000.00	50,000.
4	do		10,000.00	100,000.00	18 20	Privatedo	50.00	4,942.28	4,942.5 50.0
4	do		12,500.00	12,500.00 25,000.00	20 20	dododoRiver and harbor	1,584.00		1,584.0 850.0
4	do		20,000.00,	20,000.00	27	River and harbor		23,855,342.00 758.75	23,855,342.
1908. eb. 15	Tregent deficience	4, 105, 539, 90	25. 10	4, 105, 565. 00	27 28	Privatedodo			758. 14,582.
20	Urgent deficiency Private		20.10	7,500.00	Mar. 2	Army	93,374,755.97	1,056.00	1,056. 93,374,755.
pr. 7	Additional urgent defi-	50,000.00		50,000.00	3	Military Academy	1,163,424.07		1,163,424.
ay 11	Army	95, 382, 247. 61	250,000.00	95, 382, 247. 61 250, 000. 00	3 4	Private Sundry civil	7,316,179.82	26,985.63 8,261,127.00	26, 985. 15, 577, 306.
11 19	Public resolution Private		230,000.00	186.00	4	Deficiency	1,325,603.57	469.80	1,326,073.
22	Legislative, executive, and judicial		2,014,748.00	2,014,748.00	4	Legislative, executive, and judicial		2,041,008.00	2,041,008.
27	Fortification	9,316,745,00		9,316,745.00	4	Fortifications	5, 473, 707.00		5,473,707. 1,080.
27 28	Sundry civil. Military Academy Joint resolution	11,082,920.72 845,634.87	19,071,865.00	30, 154, 785. 72 845, 634. 87	4	do	150,00		150. 537.
29 30	Joint resolution Deficiency	1,610,231.09	4,000.00 10,750.00	4,000.00 1,620,981.09	4	TO BE STORY OF THE REAL PROPERTY.		. 537. 40	
		,,			th Xele	Total Balances, May 1, 1898	1,704,460,482.15	392, 291, 029, 59	52,524,254.
1909. n. 7	Private		1,742.66	1,742.66		Total			
11	do	749.92		749. 92 215, 820. 89		Total	**************	*************	2, 149, 210, 700.

STATEMENT B.—Expenditures for the support of the Army and the maintenance of the War Department since May 1, 1898, to and including June 30, 1911, showing expenditures by fiscal years, classified under "military" and "civil" establishments.

STATEMENT B.—Expenditures for the support of the Army and the maintenance of the War Department since May 1, 1898, etc.—Continued.

RECAPITULATION.

	Military estab- lishment.	Civil establishment.	Total.
Expended: May 1, 1898, to June 30, 1898. July 1, 1898, to June 30, 1899. July 1, 1899, to June 30, 1900. July 1, 1990, to June 30, 1901. July 1, 1901, to June 30, 1902. July 1, 1902, to June 30, 1903. July 1, 1903, to June 30, 1904. July 1, 1904, to June 30, 1905. July 1, 1904, to June 30, 1905. July 1, 1905, to June 30, 1907. July 1, 1907, to June 30, 1908. July 1, 1908, to June 30, 1908. July 1, 1908, to June 30, 1909. July 1, 1909, to June 30, 1909. July 1, 1909, to June 30, 1909.	\$25, 108, \$27, 70 201 514 673, 64 110, 175, 380, 51 120, 070, \$34, 25 93, 974, 727, 25 91, \$91, 533, 81 80, 910, 099, 54 94, 119, 947, 28 85, 962, 396, 26 93, 525, 946, 76 100, 431, 384, 52 118, 204, 778, 06 118, 903, 603, 75	\$2,572,466.15 17,371,779.18 20,767,628.21 21,009,985.61 16,097,725.52 25,890,167.03 24,752,916.85 25,317,532.48 26,593,955.79 26,040,132.51 31,293,690.95 35,691,467.27 29,740,612.39	\$27, 681, 293. 85 218, 886, 452. 82 130, 943, 098. 72 141, 080, 819. 85 110, 072, 452. 77 117, 481, 700. 84 113, 763, 016. 39 119, 437, 479. 76 112, 556, 352. 075. 48 153, 896, 245. 33 148, 694, 216. 14
Total. Reverted to surplus fund Balance, June 30, 1911. Appropriation available July 1, 1911, for fiscal year 1912	116, 741, 705. 38 1, 459, 385, 838. 71	34, 558, 969. 43 337, 699, 029. 38	151, 300, 674. 81 1, 797, 084, 808. 09 148, 718, 143. 48 65, 205, 755. 31 138, 206, 999. 23 2, 149, 275, 766. 11

	Military estab- lishment.	Civil establish- ment.	Total.
Total appropriated by regular annual appropriation acts Total appropriated as result of	\$1,704,460,482.15	200000000000000000000000000000000000000	\$2,096,751,511.74
TotalBalances May 1, 1898	84,567,083.81 1,789,027,565.96	23, 071, 473. 07 415, 362, 502. 66	2, 204, 390, 068, 62 55, 617, 884, 01
Total			2, 260, 007, 952. 63
Total expended from regular annual appropriation acts Total expended from funds ac-	1, 459, 385, 838. 71	337, 699, 029. 38	1,791,779,340.62
cruing from permanent legis-	77, 237, 566. 20	22,570,994.56	105, 114, 088. 23
Total	1,536,623,404.91	360, 270, 023. 94	1,896,893,423.85 150,336,519.35 74,571,005.20
Appropriations available July 1, 1911, for fiscal year 1912			138, 206, 999. 23
Total			2, 260, 007, 952. 63

STATEMENT C.—Showing appropriations made pursuant to permanent legislation, during the period from May 1, 1898, to June 30, 1911, inclusive, classified under "military" and "civil" establishments.

						Appropriated			
Title of appropriations.	Date of acts.	Balances May 1, 1898.	May 1, 1898, to June 30, 1898.	July 1, 1898, to June 30, 1899.	July 1, 1899, to June 30, 1900.	July 1, 1900, to June 30, 1901.	July 1, 1901, to June 30, 1902.	July 1, 1902, to June 30, 1903.	July 1, 1903 to June 30, 1904.
MILITARY ESTABLISHMENT.	R. S. 1661							Edward of	
Arming and equipping the militia (permanent annual)	Feb. 12,1887 Aug. 18,1894 June 6,1900 Jan. 21,1903 June 22,1906 May 27,1908	\$186,717.49		\$400,000.00	\$400,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.0
Ordnance material, proceeds of sales (special fund)	Mar. 3,1875	98, 549. 90	\$14,463.06	39, 295. 66	129,550.18	596, 824, 58	244, 789. 52	113, 662. 02	69, 275. 0
National defense war (special emergency appropriation)	Mar. 9,1893		4, 242, 090. 55	8,889,291.81	1, 269, 546, 58	900, 233. 00			
Powder and projectiles, proceeds of sales (special fund)	Mar. 3,1881 R. S. 1178	1,818.47	5,000.00	5,003.00	4.00 8,314.69	8,000.00	99. 15 6, 003. 00	6,343.00	5, 761. 9
Transportation of the Army and its supplies, Pacific railroads (indefinite)	R. S. 5260 May 7, 1878 Mar. 3, 1879	}	3, 438. 76	67, 555. 61	531, 173. 58	626, 991. 13	861, 435. 58	234, 543. 03	347, 781. 3
Claims of officers and men of the Army for de- struction of private property (indefinite)	Mar. 3,1885			266.81		226.58	497.72	3,799.71	3,018.3
Soldiers' Home (indefinite)	R. S. 3689 R. S. 4818 Feb. 26, 1889	2,718,578.58	62, 160. 99	217,882.51	247, 926. 62	492,610.71	536,045.62	743, 139. 39	687, 653. 4
Bounty to the Fifteenth and Sixteenth Missouri Cavalry Volunteers (indefinite)	June 16,1880			99.99	137.56	1,000.00			
Extra pay to Regular Army, War with Spain (indefinite)	Mar. 3,1899			665,000.00	24, 696. 55		17,254.26	25, 408. 55	
Extra pay to Volunteers, War with Spain (in- definite)	Jan. 12,1899 Mar. 3,1899 May 26,1900	}		2,340,000.00	915,624.82	249, 324. 61	65, 284. 59	21,985.00	228, 435. 4
Transportation of Volunteers, War with Spain (indefinite)	Mar. 3,1899			38, 988. 57	37,673.00	1,657.06	142.16	362.50	
Reimbursement to States and Territories, ex- penses of raising troops for War with Spain (indefinite)	July 8, 1898 Mar. 3, 1899 Apr. 27, 1904 Mar. 11, 1908 (R. S. 3689	}		1,281,878.07	1,131,881.04	964, 186. 77	599, 431.34	217, 852. 35	39,305.7
Soldiers' Home, interest account (indefinite)	R. S. 4818 Mar. 3, 1883 Feb. 26, 1889 (R. S. 3689	}			96, 970. 21	79, 923. 29	90, 430. 10	100, 913. 11	84, 260.3
Soldiers' Home, permanent fund (trust fund).	R. S. 4818 Mar. 3, 1883 Feb. 26, 1889	}			266, 444. 04	492, 623. 66	536,045.62	743, 139. 39	642, 403. 3
Reimbursement for bringing home remains of officers and others (indefinite)	Mar. 3,1899				1,051.85	801.08	154.76		
Extra pay to officers and men who served in the Mexican War (indefinite)	Feb. 19,1879					1,212.00	21.00		
Supplying new arms and equipments for Organized Militia (indefinite)	Jan. 21,1903								1,652,022.2
Arms, uniforms, equipments, etc., Organized Militia (indefinite)	May 27,1908								
definite)	Apr. 23,1904 June 12,1906								
		3,005,664,44	4, 327, 153, 36	13, 945, 262. 03	DESCRIPTION OF THE PROPERTY OF	AND DESCRIPTION OF STREET		2000	4, 759, 920, 2
CIVIL ESTABLISHMENT.		*	-,321,333100	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		, ,		
Operating snag and dredge boats on Upper Mississippi, Illinois, and Minnesota Rivers	Aug. 11,1888 Mar. 2,1907	5,500,00		25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	25,000.0
(permanent annual) Gauging waters of the Mississippi and its tribu- taries (permanent annual)	Mar. 3, 1909 Aug. 11, 1888	1 145 09		U 0 - 8 8 8	6,000.00	6,000.00	6,000.00	9,600.00	9,600.0

STATEMENT C .- Showing appropriations made pursuant to permanent legislation during the period from May 1, 1898, to June 30, 1911, etc.—Continued.

						Appropriate	d.		
Title of appropriations.	Date of acts	Balances May 1, 189		8, July 1, 189 to June 30 1899.	8, July 1, 189 to June 3 1900.			July 1, 1902, to June 30, 1903.	July 1, 1903, to June 30, 1904.
CIVIL ESTABLISHMENT—continued.									
Removing obstructions in Mississippi, Atcha falaya, and Old Rivers (permanent annual)	Man. A. 180	7 \$26,578.3	36	\$100,000.0	\$100,000.0	00 \$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
Examinations and surveys at South Pass Mississippi River (permanent annual)	Mar. 3,187	2,389.	50	10,000.	00 10,000.0	00 10,000.00	10,000.00	10,000.00	10,000.00
Constructing jetties and other works at South Pass, Mississippi River (indefinite) Operating snag boats on the Ohio River (per manent annual) Maintenance of channel, South Pass, Missis sippi River (permanent annual) Operating and care of canals and other work of navigation (indefinite) Removing sunken vessels or craft obstructing or endangering navigation (indefinite) Permanent International Commission of Congresses of Navigation (permanent annual)	May 13,187 - {Sept. 19,189 - June 3,189 - } - June 6,190 - June 13,190 - June 13,190 - June 14,188 - June 14,188 - June 28,190	9 52,351.1 60 52,351.1 60 60 60 60 60 60 60 6	131, 496. 4	50,000.0 0 779,456.4 0 78,291.	50,000.0 43 851,629.1 74 37,345.1	50,000.00 100,000.00 84 859,602.89 39 47,582.00	0 50,000.00 100,000.00 9 1,056,323.31 0 43,797.28	45,887.30	102, 542. 93
Wagon roads, bridges, and trails, Alaska fun- (special fund)	1 Mor 3 100)5							
Total civil establishment		87, 965. 3 3, 005, 664.	20 172, 406. 4 44 4, 327, 153. 3	1,136,248. 36 13,945,262.	17 1, 204, 975. 03 5, 060, 994.	23 1,800,268.25 72 5,415,614.47	2 1,391,120.59 7 3,957,635.42	1,568,961.30 3,211,148.05	1, 433, 392, 81 4, 759, 920, 20
Total		3, 093, 629.	34 4, 499, 559. 7	76 15,081,510.	20 6, 265, 969.	95 7, 215, 882. 69	5, 348, 756. 01	4, 780, 109. 35	6, 193, 313. 01
					Appro	priated.			
Title of appropriations.	Date of acts.	July 1, 1904, to June 30, 1905.	July 1, 1905, to June 30, 1906.	July 1, 1908, to June 30, 1907.	July 1, 1907, to June 30, 1908.	July 1, 1908, to June 30, 1909.	July 1, 1909, to June 30, 1910.	July 1, 1910, to June 30, 1911.	Total appropriations.
manent annual)	(R. S. 1661 Feb. 12, 1887 Aug. 18, 1894 June 6, 1900 Jan. 21, 1903 June 22, 1906 May 27, 1908	\$1,000,000.00	\$1,012,405.08	\$2,000,000.00	\$2,000,000.00	\$2,000,000.00	\$2,000,000.00	\$2,000,000.00	\$16, 812, 405. 08
Ordnance material, proceeds of sales (special fund)	Mar. 3,1875	172, 473. 61	132, 826. 00	217, 706. 52	123, 835. 57	206, 362. 73	114,341.67	111,078.00	2, 286, 484. 14
appropriation). Powder and projectiles, proceeds of sales (special fund). Trusses for disabled soldiers (indefinite) Transportation of the Army and its sup-	Mar. 9,1898 Mar. 3,1881 R. S. 1178 (R. S. 5260 May 7,1878	5,000.00	6, 500. 00 127, 047. 75	73,395.44 4,000.00 136,623.95	141. 35 6, 003. 00 296, 103. 28	1,809.00			73,639.94 67,737.59 3,388,896.19
Claims of officers and men of the Army for destruction of private property (indefi- nite).	Mar. 3, 1879 Mar. 3, 1885 R. S. 3689 R. S. 4818	6,178,31	13,627.58	31, 513. 48	27,701.28	9, (82. 97	4, 247. 04	12, 462. 18	113, 222. 00 4, 310, 146. 01
Bounty to the Fifteenth and Sixteenth Mis-	Feb. 26, 1889	1 120, 102.20	010,301,10						
sourf Cavalry Volunteers (indefinite) Extra pay to Regular Army, War with Spain (indefinite) Extra pay to Volunteers, War with Spain	Mar. 3, 1899 Jan. 12, 1899 Mar. 3, 1899	490, 592, 23	106, 216. 51	73, 467. 74	40, 924. 92	13, 566. 62	657, 33 10, 508, 47	£66.06 6,245.94	1, 237. 55 733, 682. 75 4, 562, 176. 86
(indefinite)	May 26,1900 Mar. 3,1899								78, 823. 29
Reimbursement to States and Territories, expenses of raising troops for War with Spain (indefinite)	July 8, 1898 Mar. 3, 1899 Apr. 27, 1904 Mar. 11, 1908 R. S. 3689	200, 060. 93	218, 065. 23	260, 815. 85	562,710.50	130, 253. 66	218, 796. 86	214, 836. 11	6,040,074.43
Soldiers' Home, interest account (indefi- nite)	R. S. 4818 Mar. 3, 1883 Feb. 26, 1889	152, 142. 48	126, 666. 49	127, 882. 87	121, 613. 45	100, 123. 78	100, 479. 19	102, 731. 84	1, 284, 137. 12
Soldiers' Home, permanent fund (trust	R. S. 3689 R. S. 4818 Mar. 3, 1883 Feb. 26, 1889	789, 039. 39	578, 936. 53	556, 455. 00	438, 312. 10	446, 245. 47	811, 162. 50	627, 212. 88	6, 928, 022. 93
of officers and others (indefinite) Extra pay to officers and men who served in the Mexican War (indefinite)	Mar. 3,1899 Feb. 19,1879		81.00	21.00	42.00	46.00	279.00	40.00	2,007.69 1,742.00
Supplying new arms and equipments for Organized Militia (indefinite). Arms, uniforms, equipments, etc., Organized Militia (indefinite).	Jan. 21,1903 May 27,1908	384, 643. 66	147, 557. 93	73, 616. 52	665, 613. 70	2, 250, 908. 60 1, 114, 213. 19	8, 441. 64	1, 765, 615. 56	5, 182, 804. 33 5, 349, 321. 72
Replacing ordnance and ordnance stores (indefinite)	Apr. 23,1904 June 12,1906			4, 585, 386. 60	1, 653, 632, 27	214.37 1,879,395.36	1. 18 1, 859, 888. 94		215. 55
			3,048,864.53	8,140,884.97		8, 152, 821. 75	7,598,296.79		84, 567, 083. 81
CIVIL ESTABLISHMENT. Operating snag and dredge boats on upper Mississippi, Illinois, and Minnesota Rivers (permanent annual). Gauging waters of the Mississippi and its tributaries (permanent annual).	Aug. 11, 1888 Mar. 2, 1907 Mar. 3, 1909 Aug. 11, 1888 Lune 12, 1888	25,000.00	25,000.00	25, 000. 00 9, 600. 00	25,000.00 9,600.00	25, 000. 00 9, 000. 00	25, 000, 00 9, 000, 00	25, 000. 00 9, 000. 00	325,000.00 110,400 00

STATEMENT C .- Showing appropriations made pursuant to permanent legislation during the period from May 1, 1898, to June 30, 1911, etc. - Continued.

		Appropriated.										
Title of appropriations.	Date of acts.	July 1, 1904, to June 30, 1905.	July 1, 1905, to June 30, 1906.	July 1, 1906, to June 30, 1907.	July 1, 1907, to June 30, 1908.	July 1, 1908, to June 30, 1909.	July 1, 1909, to June 30, 1910.	July 1, 1910, to June 30, 1911.	Total appropriations.			
CIVIL ESTABLISHMENT—continued.				NAME OF	BEE							
Removing obstructions in Mississippi, Atchafalaya, and Old Rivers (permanent annual)	Aug. 11, 1888 Mar. 2, 1907 Mar. 3, 1909	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$1,300,000.00			
Examinations and surveys at South Pass, Mississippi River (permanent annual)	Mar. 3, 1875 Aug. 11, 1888 June 13, 1902	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	130,000.00			
Constructing jetties and other works at South Pass, Mississippi River (indefinite). Operating snag boats on the Ohio River	May 13, 1879 (Sept. 19, 1890	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	852,083.33 650,000.00			
(permanent annual)	June 3, 1896 June 6, 1900 June 13, 1902	100,000.00	100,000.00	200,000.00	150,000.00	100,000.00	100,000.00	140,000.00	1,365,000.00			
sissippi River (permanent annual) Operating and care of canals and other works of navigation (indefinite) Removing sunken vessels or craft obstruct-	July 5, 1884 Mar. 3, 1909	1,067,223.50	1, 201, 549. 36	1, 461, 238. 85	1, 595, 210. 78	1,777,080.48	1,880,416.86	1,841,913.39	16, 683, 865. 97			
ing or endangering navigation (indefinite). Permanent International Commission of	June 14, 1880	49, 605. 98	72, 269. 96	50, 937. 91	51, 382. 27	54, 840. 52	108, 148. 60	65, 613. 05	811, 654, 93			
Congresses of Navigation (permanent annual)	June 28, 1902 (Jan. 27, 1905	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	27,000.00			
Wagon roads, bridges, and trails, Alaska fund (special fund)	Mar. 3, 1905 Feb. 6, 1909	28, 120. 56	112, 462. 19	115, 259. 30	144, 041. 55	108, 713. 67	182, 028. 17	122, 843. 40	813, 468. 84			
Total civil establishment Total military establishment		1, 442, 550. 04 4, 100, 124. 00	1, 683, 881. 51 3, 048, 864. 53		2, 138, 234. 60 5, 936, 633. 42	2, 238, 234. 67 8, 152, 821. 75	2, 468, 193. 63 7, 598, 296. 79	2, 367, 969. 84 6, 911, 730. 10	23, 071, 473, 07 84, 567, 083, 81			
Total	.,	5, 542, 674. 04	4, 732, 746. 04	10, 165, 921. 03	8,074,868.02	10, 391, 056. 42	10, 066, 490. 42	9, 279, 699. 94	107, 638, 556, 88			

STATEMENT D.—Showing the total amounts expended annually during the period from May 1, 1893, to June 39, 1911, from funds derived from sources other than the regular annual appropriation acts, classified under "military" and "civil" establishments.

					Expen	ded—	*		
Title of appropriations	Date of acts.	May 1, 1898, to June 30, 1898.	July 1, 1898, to June 30, 1899.	July 1, 1899, to June 30, 1900.	July 1, 1900, to June 30, 1901.	July 1, 1901, to June 30, 1902.	July 1, 1902, to June 30, 1903.	July 1, 1903, to June 30, 1904.	July 1, 1904, to June 33, 1905.
MILITARY ESTABLISHMENT.	(R. S., 1661	1							
Arming and equipping the militia (permanent annual)	Aug. 18, 1894 June 6, 1900 Jan. 21, 1903 June 22, 1906 May 27, 1908	\$1,699.65	\$265, 180. 91	\$367,034.30	\$723, 858. 43	\$727,714.47	\$696, 139. 84	\$1,005,460.25	\$1, 103, 013. 78
Ordnance material, proceeds of sales (special fund)	Mar. 3,1875	4,909.65	56, 652. 25	64, 917. 26	42,276.57	75, 948. 01	66, 289. 23	74,927.86	74,986.80
National defense, war (special emergency ap-		4, 242, 090. 55		1, 269, 546. 58	900, 233. 00	347,743.38	192, 705. 30	63, 225, 22	12,953.60
propriation). Powder and projectiles, proceeds of sales (special fund).	Mar. 3, 1881					170.00		1,751.62	
Trusses for disabled soldiers (indefinite)	R. S., 1178 (R. S., 5260	5,000.00	5,003.00	8, 314. 69	8,000.00	6,003.00	6, 343. 00	5,761.90	5,000.00
Transportation of the Army and its supplies, Pacific railroads (indefinite)	May 7,1878 Mar. 3,1879	3, 438. 76	67, 555. 61	531, 173. 58	626, 991. 13	861, 436. 58	234, 543. 03	347,781.38	156, 201. 14
Claims of officers and men of the Army for de- struction of private property (indefinite)	Mar. 3,1885		266. 81	151.29	377.87	497.72	3,799.71	3,018.34	6, 178. 31
Soldiers' Home (indefinite)	R. S., 3689 R. S., 4818 Feb. 26, 1889	61,978.72	310, 143. 97	247, 926. 62	492, 610. 71	536, 045. 62	743, 139. 39	687, 653. 49	743, 792. 25
Bounty to the Fifteenth and Sixteenth Missouri Cavalry Volunteers (indefinite)	June 16,1880		99.99	137. 56	1,000.00	1888			
Extra pay Regular Army, War with Spain (indefinite)	Mar. 3,1899		665,000.00	24,696.55	48,495.74	17, 254. 26	25, 408. 55	19,738.32	5, 190. 40
Extra pay to Volunteers, War with Spain (in- definite)	Jan. 12,1899 Mar. 3,1899	}	2,340,000.00	915, 624. 82	249, 324. 61	65, 284. 59	21, 985. 00	228, 435. 41	490, 592. 23
Transportation of Volunteers, War with Spain (indefinite).	May 26,1900 Mar. 3,1899	,	38, 988. 57	37,673.00	1,657.06	142.16	362, 50		
Reimbursement to States and Territories, expenses of raising troops for War with Spain (indefinite)	July 8,1898 Mar. 3,1899 Apr. 27,1904 Mar. 11,1908	}	1, 190, 394. 29	1, 223, 364. 82	964, 186. 77	599, 431. 34	217, 852. 35	39, 305. 72	200, 060. 93
Soldiers' Home, interest account (indefinite)	R. S. 3689	}		77,977.62	78,032.77	87,661.27	98, 638. 37	110, 186, 99	152, 142, 48
Soldier' Home, permanent fund (trust fund)	R. S. 4818 Mar. 3,1883 Feb. 26,1889	}		317,000. 00	248,000.00	236, 000. 00	254,000.00	331,800.00	519, 100.00
Reimbursement for bringing home remains of officers and others (indefinite)	Mar. 3,1899			1,051.85	801.08	154.76			
Extra pay to officers and men who served in the Mexican War (indefinite)	Feb. 19,1879				1, 212.00	21.00		729.00	52, 50
Supplying new arms and equipment for Organ- ized Militia (indefinite).	Jan. 21,1903							1,652,022.28	384, 643. 66
Arms, uniforms, equipments, etc., Organized Militia (indefinite)	May 27,1908								
definite)	Apr. 23,1904							190,985.72	542,947.02
Replacing medical supplies (indefinite) Pay of the Army, deposit fund (trust fund)	June 12,1906								
TotalLess repayments in excess of payments		4,319,117.33	13, 828, 577. 21	5, 086, 439. 25 151. 29	4, 338, 562. 00 43, 495. 74	3, 213, 764. 78 547, 748. 88	2, 561, 206. 27	4, 551, 330. 46 211, 403. 04	3,853,908.08 542,947.08
Total military establishment	1								3,310,961.06

STATEMENT D .- Showing the total amounts expended annually during the period from May 1, 1898, to June 30, 1911, etc. - Continued.

	,		Expended—									
Title of appropriation:	s.	Date of acts.	May 1, 1898, to June 30, 1898.	July 1, 1898, to June 30, 1899.	July 1, 1899, to June 30, 1900.	July 1, 1900, to June 30, 1901.	July 1, 1901, to June 30, 1902.	July 1, 1902, to June 30, 1903.	July 1, 1903, to June 30, 1904.	July 1, 1904, to June 30, 1905.		
CIVIL ESTABLISHMENT												
Operating snag and dredge boats on upper Mississippi, Illinois, and Minnesota Rivers Mar.		Aug. 11,1888 Mar. 2,1907	\$5,500.00	\$25,000.00	\$25,000.00	\$24,944.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00		
Jauging waters of the Mississippi and its trib- /A		Mar. 3, 1909 Aug. 11, 1888	998.39	6,001.61	6,000.00	5, 470. 19	5, 994. 20	9,077.58	8,712.66	7,662.0		
Aug		June 13, 1902 Aug. 11, 1888 Mar. 2, 1907		88, 917. 74	88, 923, 15	86, 355. 29	96, 710. 05	73, 055, 27	86, 763. 07	77,819.5		
falaya, and Old Rivers (permanent annual). Mar. 3.		Mar. 2,1907 Mar. 3,1909 Mar. 3,1875 Aug. 11,1888	1 500 00	9, 939, 61	Town 1	THE WAY						
Mississippi River (permanent a constructing jetties and other wo	Mississippi River (permanent annual)		1,500.00	8, 809. 61	9, 878. 45	5,745.50		10,000.00	16,000.00	8,000.0		
Pass, Mississippi River (indefin perating snag boats on the Ohio	River (per-	May 13, 1879 (Sept. 19, 1890	37,500.00	87,500.00 37,252.02	125,000.00 34,889.85	602, 083. 33 39, 058. 07	49, 248, 45	28,018.14	37,043.66	35, 428. 1		
manent annual)	Pass, Missis-	June 3,1896 June 6,1900 June 13,1902				37,541.80	104, 559, 91	174, 545. 77	80,000.00	104,820.0		
sippi River (permanent annual) perating and care of canals and of navigation (indefinite)	other works		131, 496. 40	779, 456. 43	851, 629. 84	859, 602. 89	1,056,323.31	1,150,474.00	1,033,249.88	1,067,223.		
Removing sunken vessels or craft or endangering navigation (inde	obstructing efinite)	June 14,1880	3,410.00	78, 291. 74	37, 345. 39	47, 582. 00	43,797.28	45,887.30	102, 542. 93	49, 605. 9		
Permanent International Commis- gresses of Navigation (permaner	nt annual)	June 28,1902 (Jan. 27,1905						3,000.00	983. 21	1,197.8		
Wagon roads bridges, and trails, (special fund)		Mar. 3,1905 Feb. 6,1909	}							5,000.0		
Total civil establishment Total military establishmen	The second second		202, 404. 59	1,112,359.15 13,828,577,21	1, 178, 666. 68 5, 036, 287, 96	1,708,383.07 4,295,066.26	1,381,633.20 2,866,021,40	1,519,058.06 2,561,206,27	1,384,300.41 4,339,927,42	1,381,757.1 3,310,961.0		
Total				10.0					-33	4, 692, 718. 1		
		1		P								
				Expe	nded—			Total net ex	Reverted to			
Title of appropriations.	Date of acts.	July 1, 1905, to June 30, 1906.	July 1, 1906, to June 30, 1907.	July 1, 1907, to June 30, 1908.	July 1, 1908, to June 30, 1909.	July 1, 1909, to June 30, 1910.	July 1, 1910, to June 30, 1911.	penditures.	surplus fund.	June 30, 1911.		
MILITARY ESTABLISHMENT.	(R. S. 1661	,				112.58						
Arming and equipping the militia (permanent annual)	June 6, 1900 Jan. 21, 1903 June22, 1906		\$1,696,954.55	\$1,831,997.55	\$2,163,269.12	\$1,993,438.52	\$2,032,841.56	\$15,994,131.10	\$187,311.77	\$817,679.7		
Ordnance material, proceeds of sales (special fund)	May 27, 1908 Mar. 3, 1875	09,043.14	75,000.00	51, 582. 63	26, 653. 30	92, 428, 29	74, 486, 47	850, 101, 46	921, 019, 54	613, 913. (
National defense, war (special	Mar. 9,1898		9,997.51	3,693.52	13, 754. 85		- 27 2000 27	15,294,185.90	The American			
emergency appropriation) Powder and projectiles, proceeds of sales (special fund)	Mar. 3,1881			39,064.88	4,000.00	19,500.00	1,500.00	65, 986. 50		9,471.		
Crusses for disabled soldiers (in- definite)	R. S. 1178 (R. S. 5260	6,500.00	4,000.00	6,003.00	1,809.00			67, 737. 59				
its supplies, Pacific railroads (indefinite)	May 7,1878 Mar. 3,1879	127,047.75	136, 623. 95	296, 103. 28				3,388,896.19				
Army for destruction of private property (indefinite)	Mar. 3, 1885 (R. S. 3689	13,627.58	31, 513. 48	27, 701. 28	9, 682. 97	4, 247. 04	12, 402. 18	113, 222. 00				
Soldiers' Home (indefinite)	R. S. 4818 Feb. 26, 1889	578, 934. 43						4, 402, 225. 20				
Bounty to the Fifteenth and Six- teenth Missouri Cavalry Volun-			1004				15'00	I have		4/15		
teers (indefinite) Extra pay to Regular Army, War with Spain (indefinite)	June 16, 1880 Mar. 3, 1890		2 022 44	9 594 90	1 144 60	657.33	666.06	687, 495, 61				
Extra pay to volunteers. War	Jan. 12, 1896 Mar. 3, 1896	9 1	3, 923. 44 73, 498. 54	2,584.86 40,924.92	1, 144. 60 13, 566. 62	10, 508. 47	6,245.94	4, 562, 176. 86				
with Spain (indefinite) Transportation of Volunteers,	May 26, 1900			1,38				Carrier Carrier				
War with Spain (indefinite) Reimbursement to States and Territories, expenses of raising	Mar. 3,1898 July 8,1898 Mar. 3,1898	3 1)						. 78,823.29)			
troops for War with Spain (in- definite)	Apr. 27, 190 Mar. 11, 1908	215,000.23	260,815.85	562,710.50	130, 253. 66	218, 796. 86	214, 836. 11	6,040,074.43				
Soldiers' Home, interest account (indefinite)	Mar. 3,1883 Feb. 26,1883	95, 179.01	159, 370. 35	93,277.95	104,502.46	98,831.62	102, 832, 91	1,258,633.80	j	. 25,503.		
Soldiers' Home, permanent fund (trust fund)	R. S. 3689 R. S. 4818 Mar. 3, 188 Feb. 26, 1889	410, 100. 00	470, 700.00	1, 163, 000.00	909,000.00	640, 400.00	555, 900.00	6, 054, 100.00		. 3,500,422.		
Reimbursement for bringing home remains of officers and								0.007.00		11.24		
others (indefinite) Extra pay to officers and men who served in the Mexican	Mar. 3, 1899							2,007.69				
War (indefinite) Supplying new arms and equip-	Feb. 19,1870	81.00	21,00	42.00	46.00	279.00	40.00	1,065.50	076.50			
ment for Organized Militia (in- definite)	Jan. 21,190	3 147,557.93	78,616.52	665,613.70	2, 250, 908. 60	8, 441. 64		5, 182, 804. 33	3			
etc., Organized Militia (in- definite)	May 27, 1908	3			1, 114, 213. 19	2, 469, 487.57	1,765,518.06	5, 349, 218. 82	102.90			
nance stores (indefinite)	Apr. 23,190	4 153, 478. 59	143,924.00	780,815.98	831,077.49	5,531.14	976, 778. 29	1,364,974.4	1,973.04	1,363,216.9		

STATEMENT D .- Showing the total amounts expended annually during the period from May 1, 1898, to June 30, 1911, etc .- Continued.

Title of appropriations.										
	Date of acts.	July 1, 1905, to June 30, 1906.	July 1, 1906, to June 30, 1907.	July 1, 1907, to June 30, 1908.	July 1, 1908, to June 30, 1909.	July 1, 1909, to June 30, 1910.	July 1, 1910, to June 30, 1911.	Total net ex- penditures.	Reverted to surplus fund.	Balances June 30, 1911.
MILITARY ESTABLISHMENT-CON.						His by				
Replacing medical supplies (in- definite)	June 12,1906		\$50, 271. 21	\$13,486.91	\$5, 118.36	\$15,307.56	\$9,242.07	\$66,452.29	\$49.76	\$66, 402. 53
(trust fund)	June 12,1906		540, 195. 27	2,962,455.98	1,335,209.63	1,542,536.40	2,894,471.86	9,274,869.14		2,774,275.56
TotalLess repayments in excess of payments		\$3,359,969.50	The state of	7,760,242.96 780,815.98	8,078,014.00 836,195.85	7,099,552.74 20,838.70	8,637,679.44 9,242.07	78, 668, 992. 96 1, 431, 426. 76	100	
Total military establishment		3, 359, 969. 50	3,342,035.25	6, 979, 426. 98	7,241,818.15	7,078,714.04	8, 628, 437. 37	77, 237, 566. 20	1, 144, 296. 69	9, 170, 885. 36
CIVIL ESTABLISHMENT.			200							
Operating snag and dredge boats on upper Mississippi, Illinois, and Minnesota Rivers (perma- nent annual	Aug. 11, 1888 Mar. 2, 1907 Mar. 3, 1909	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	330, 444. 00	56.00	
Gauging waters of the Mississippi and its tributaries (permanent annual).	Aug. 11,1888 June 13,1902	8,706.13	7, 646. 89	8, 630. 26	7,860.04	9, 628. 59	8, 953. 82	101, 342. 45	. 8,557.20	1,646.18
Removing obstructions in Mis- sissippi, Atchafalaya, and Old Rivers (permanent annual)	Aug. 11,1888 Mar. 2,1907 Mar. 3,1909	81,174.80	93, 373. 16	97,992.15	96, 368. 82	100, 584. 26	99, 530. 98	1,167,568.27	158, 351. 27	658. 82
Examinations and surveys at South Pass, Mississippi River (permanent annual) Constructing jetties and other	Mar. 3, 1875 Aug. 11, 1888 June 13, 1902	12,000.00	10,000.00	9,000.00	11,000.00	9,000.00	11,000.00	117,063.56	15, 325. 94	
works at South Pass, Missis- sippi River (indefinite)	May 13, 1879							852, 083. 33		
Operating snag boats on the Ohio River (permanent annual)	Sept. 19, 1890 June 3, 1896	32, 491. 31	33, 655. 66	37,071.61	35, 680. 88	34, 456. 67	36, 633. 73	492, 933. 16	181,852.08	27, 566. 27
Maintenance of channel, South Pass, Mississippi River (per- manent annual)	June 6,1900 June 13,1902	100,000.00	149, 985. 02	127, 329. 98	134, 850. 77	109, 100. 89	85, 323. 25	1,208,057.43	84, 462. 97	72, 479. 60
Operating and care of canals and other works of navigation (in- definite)	July 5,1884 Mar. 3,1909	}1,201,549.36	1, 461, 238. 85	1,595,210.78	1,777,080.48	1, 880, 416. 86	1,841,913.39	16, 686, 865. 97		
obstructing or endangering navigation (indefinite) Permanent International Com-	June 14,1880	72, 269. 96	50, 937. 91	51, 382. 27	54, 840. 52	108,148.60	65, 613. 05	811, 654. 93		
mission of Congresses of Navi- gation (permanent annual)	June 28, 1902	2,928.51	1,900.00	3, 116. 71	3,000.00	2, 400. 00	3,000.00	21, 526. 28	5, 473. 72	
Wagon roads, bridges, and trails,	Jan. 27, 1905 Mar. 3, 1905 Feb. 6, 1909	83,500.00	148, 584. 00	117, 750. 00	145, 428. 27	74, 881. 67	206, 311. 24	781, 455. 18		32, 013. 66
Total civil establishment Total military establish-	THE PROPERTY OF STREET		- Andrews - Street	2,072,483.76	Contract of the Contract of th	2, 353, 617. 54	2, 383, 279. 46	22, 570, 994. 56	454, 079. 18	134, 364. 53
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Total		4, 979, 589. 57	5, 324, 356. 74	9,051,910.74	9, 532, 927. 93	9, 432, 331. 58	11,011,716.83	99, 808, 560. 76	1,598,375.87	9, 305, 249. 89

Mr. AMES. Mr. Chairman, I have an amendment that I wish to offer to the amendment offered by the gentleman from New York [Mr. FITZGERALD]. Every word that the gentleman from Kentucky [Mr. Helm] has said in the last 20 minutes applies with equal force to the amendment which I propose, and I ask that it now be read, and then I ask unanimous

consent that it may be considered as pending.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

And provided further, That the Secretary of the Navy is hereby authorized to negotiate with the city of New York for the sale of the Brooklyn Navy Yard, and to report to Congress at the beginning of the next regular session as to the terms upon which said property may be sold to the city of New York for park purposes.

Mr. HAY. Mr. Chairman, I reserve a point of order upon

Mr. SHERLEY. Mr. Chairman, I make the point of order. Mr. MANN. It is not subject to a point of order. The gentleman asked unanimous consent to have it considered pending. Mr. SHERLEY. Then I object.

Mr. FITZGERALD. Let the gentleman bring that up when we consider the naval bill.

Mr. SHERLEY. I want to discuss this bill. Mr. MANN. Mr. Chairman, I do not wish to let go by the right to make a point of order on the amendment offered by the gentleman from New York.

The CHAIRMAN. Does the gentleman from Massachusetts desire his amendment to come in under unanimous consent?

Mr. AMES. Mr. Chairman, I will yield the floor if an objection is made to my amendment.

Mr. FITZGERALD. I object.
Mr. KINKAID of Nebraska. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have

Mr. MANN. Mr. Chairman, an amendment is not in order at

Mr. KINKAID of Nebraska. As an amendment to the amendment.

Mr. MANN. That is not in order.

The CHAIRMAN. The gentleman's amendment is not in order at this time.

Mr. KINKAID of Nebraska. Then I will offer it as a sub-

stitute.

Mr. MANN. That is not in order.
Mr. HAY. Mr. Chairman, I reserved the point of order on the amendment offered by the gentleman from New York. I now withdraw the point of order.

Mr. MANN. I reserve the point of order, Mr. Chairman. Mr. KINKAID of Nebraska. I ask unanimous consent that the amendment I offered be read.

Mr. MANN. I wish the gentleman would wait until we dispose of this other.

The CHAIRMAN. The gentleman from Nebraska will be

given an opportunity to present the amendment indicated.

Mr. MANN. Mr. Chairman, I reserve the point of order upon

the amendment offered by the gentleman from New York, or rather from Brooklyn, the chairman of the Committee on Appropriations.

I appreciate the delicate position in which the gentleman from New York finds himself in the House, and it is no wonder that the gentleman is now seeking to sell the property of the Governthe gentieman is now seeking to sent the property of the Government, in order to raise money to pay the current expenses of the Government [applause on the Republican side], which will soon be needed if the policy on that side of the House is carried out on tariff legislation. [Applause on the Republican side.] But I notice that the gentieman from New York, who is always careful of his constituents, who never misses an opportunity to take care of those whom he represents on the floor of this House, while

he is perfectly willing for us to sell or give Governors Island to his constituents for use as a park, is not at all willing to dispense with the useless navy yard in his district, or close to his district, and dispose of that property. Always watching the interest of his constituents, he wants to keep the navy yard, where they work there, close at home. He is perfectly willing to take away the navy yard or Army posts of gentlemen in other parts of the country, but not willing to deprive his constituents of the right to work in the navy yard at Brooklyn. He is perfectly willing for us to dispose of Governors Island. I notice in his resolution the gentleman provides that the Army shall ascertain the terms upon which they can sell Governors Island. I do not know whether the gentleman means terms in regard to cash or time, but if the city of New York keeps on in the next few years the way it has been running in the last few it would need to be time and not cash if we made the sale to it. [Laughter.] Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Certainly.
Mr. FITZGERALD. I think the statement is accurate in that if the fusion board of estimate and apportionment is continued beyond its present term, I think the city would speedily become bankrupt.

Mr. MANN. I suppose that was a bright remark, but I did not catch what the gentleman said.

Mr. FITZGERALD. I will repeat it. At present in the city of New York there is what is known as the fusion or antidemocratic board of estimate and apportionment which controls the finances of the city, and if it were continued beyond its present term the city unquestionably would speedily become bankrupt.

Very likely; it is very certain if it is not continued beyond its present term the city will become bankrupt Now, why should we propose to the city of New York to buy the Brooklyn-

A MEMBER. Bridge.

Mr. MANN. Not the Brooklyn Bridge, but Governors Island. If the city of New York wants it, let them come up and see if we want to sell it, and I can see no reason why just at present we should undertake to sell the principal of the Government in order to pay the current expenses of the Government, because the threats which you gentlemen are making against the continued prosperity of the country will soon cease. You will not be in power much longer [applause on the Republican side], and this threat to prosperity will be ended and the need of selling Governors Island to raise money to pay current expenses will have passed away. [Applause on the Republican side.] Mr. FITZGERALD. Mr. Chairman, I simply wish to say this

to the gentleman from Illinois: In 1900 I initiated a movement to construct Government ships in Government yards, and after considerable discussion the Congress adopted that policy. As a result of that policy warships were built in the United States for the first time in its history within the time fixed by contract. Contract time had been limited from 36 to 44 months. Ships had never been delivered to the Government much inside of seven years until the private shipbuilders were placed in competition with Government yards. [Applause on the Democratic side.] We have as a result of that policy not only obtained ships in one-half the time, but we have very greatly saved in the cost of the ships and have obtained much better ships. I know that private shipbuilding plants, everybody interested in ship-building plants not controlled by the Government, has been devising or trying to devise some means of getting rid of the only institution controlled by the Government that actually controls the Shipbuilding Trust. If gentlemen on that side wish to take that attitude, I am glad to have it made public—

Mr. MANN. But you are not going to build any more ships.
Mr. FITZGERALD. So far as I am concerned, regardless of
whether ships are built by the Government at Brooklyn or
Philadelphia or any of the other yards, that should have been
abandoned years ago, I believe it is wise governmental policy to have some construction done under the supervision of the Government itself. The results have shown this policy to be beneficial and advantageous.

Mr. MOORE of Pennsylvania. After the gentleman's laudable efforts in 1900 in establishing a Government-controlled yard was accomplished, did not the gentleman's efforts in that behalf cease?

Mr. FITZGERALD. In what behalf?

Mr. MOORE of Pennsylvania. In behalf of Government After one yard was established in Brooklyn, did not the gentleman become inactive with regard to the other sections of the country?

Mr. FITZGERALD. The gentleman did not advocate the establishment of a yard there. At a meeting of the Institute of Naval Architects in the city of New York in 1899, if I recall correctly, Mr. Baxter, one of the naval constructors, made a

lengthy address upon the construction of war vessels in Government yards. He showed such to be the policy of every other maritime nation on the face of the earth, excepting the United States. At the conclusion of the address the gentleman who is now the president of the Fore River Ship & Engine Co., who was then a constructor in the Navy and later chief constructor, made a statement that if he were given an opportunity he could build ships more quickly and cheaply at the Government yard in Brooklyn than they could be built at any other place in the United States. Based upon the statement of these two gentlemen, a hearing was had by the Committee on Naval Affairs, at which the naval constructors from all the Government yards were brought here, and so convincing were the statements they made that some of the construction should be done in the Government yards that the policy was initiated. The "gentleman from New York" in his activities never was controlled by where a ship would be built. It immediately became apparent that by the acquisition of one large crane, which cost \$110,000, and the expenditure of the necessary money to equip the ways in the yard, that the Brooklyn yard was fully equipped to build ships. And for the reason alone that it was the best equipped yard the Government had the construction was placed there. It was advocated that these ships should be built there, not merely that labor might be employed, because in that yard there can be done what can not be done in any other part of the United States, namely, 1,500 to 2,000 mechanics discharged in one week without any appreciable effect upon the community, but because it was a distinct service to the United States. And I still favor the policy.

Mr. MANN. Mr. Chairman, I make a point of order against

the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to speak in opposition to the amendment of the gentleman from Virginia [Mr. Hay] which is now pending, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from South Dakota [Mr.

MARTIN] asks unanimous consent that on the amendment offered by him to the amendment of the gentleman from Virginia he may proceed without interruption for 10 minutes. objection?

There was no objection. Mr. MARTIN of South Dakota. Mr. Chairman, in the paragraph of the bill we are now considering is an item inserted by the committee to the effect that no part of this appropriation which is for barracks and quarters for the coming fiscal year shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service. The chairman of the committee, the gentleman from Virginia [Mr. Hav], now offers an amendment in which he practically enumerates 26 Army posts to which he seeks to apply this proviso. I suggest upon the merits of the amendment that if the committee is inclined to limit this appropriation in any way it ought to be limited not in the manner of the amendment now proposed by the gentleman from Virginia, but in the language of the section as it has been reported by the committee.

I want to say that this entire plan of abandoning numerous Army posts-some 26-in contemplation, so far as this appropriation or denial of appropriation is concerned, involves certainly some serious questions, and questions that ought not to be disposed of upon the meager information that is now before the committee. I am not an expert in war matters nor even a member of the General Staff, and still I think there are some considerations that must appeal to any layman who will give attention to this subject that will make it appear that it is not by any means a one-sided proposition. The theory of the present Chief of Staff of the Army, which is reflected in the report of the Secretary of War in reply to the resolution re-cently passed by the House, is to the effect that a very great improvement in military efficiency and a very great saving of expense in the handling of the mobile army could be made by abandoning our 49 Army posts in different parts of the country and concentrating our forces in 8 Army posts, 3 along the Atlantic seaboard, 3 along the Pacific seaboard, and 2 in the intermediate country.

Upon the subject as to the strategic importance of the pro-

posed plan, perhaps I am not competent to speak. It is a military question. But I do make these two observations upon that

This entire revolution in the matter of housing and sustaining our standing Army in time of peace appears to proceed upon the theory that greater efficiency could be had if the Cavalry, the Field Artillery, and the Infantry Arms of the service are all kept together in one set of barracks and quarters in order that they may have the union of drill, and in order that

they may go through the combined maneuvers that they are supposed to go through in time of actual warfare upon a large

The other theory upon which the consolidation of our Army posts along our coasts and border lines is predicated is that our standing Army has for its main purpose the protection of the country from foreign invasion, and therefore you should have the greatest number of our troops stationed on the borders and along the seacoast in order to repel invasion by a hostile enemy. I am not qualified to speak as to whether it is more important as a mere matter of efficiency to keep the Cavalry by themselves or to merge them with the Infantry and the Field Artillery for habitual practice. As to the other theory, however, which I suggest is purely a theory—that we need the concentration of the troops of the standing Army along our seacoast in order to protect this country from foreign invasion-if my recollection of history is correct, it is 100 years this current year since any nation has undertaken to make an invasion of our territory, and in my humble opinion it will be at least another hundred years before we shall meet a like

Therefore the idea that we will need our standing Army upon the seacoast to protect the country against foreign invasion is based upon a very remote contingency and is hardly a sufficient reason for making an entire change in the policy heretofore pursued by the Government.

It is currently reported in the newspapers that these Army posts that are proposed to be abandoned are what are called "political" posts. As to most of them I deny the suggestion. "political" posts. As to most of them I deny the suggestion. The only post that I have any immediate knowledge of is not a "political" post. It was established on the recommendation of Army officers themselves, upon their own volition, and it has been maintained as necessary for many years. In the past decade, upon the recommendation of the War Department itself and to meet the requirements for the proper handling of the Cavalry Arm of the Army, it has been improved from a temporary to a permanent post, with an expenditure of something like \$1,225,000.

Now, I will pass from those considerations to the financial side of this problem. What is the scheme? The proposed scheme is to dispose of our 49 Army posts and build 8 new Army posts at 8 other places, as suggested. The present Army posts have cost, including buildings, water supply, and other appurtenances, something like \$95,000,000. The great bulk of these expenditures have been for the erection of new quarters and buildings in the last 10 years. The theory is that these quarters and these lands may be disposed of and a fund created from the proceeds by which the new 8 enormous barracks and quarters may be established. As a practical business proposition, I think we, as practical men, know that it will not work out at all as outlined.

Take, for instance, the Army post with which I am familiar, Fort Meade, in South Dakota. That Army post was established at that point because of the favorable climatic conditions, because of the health conditions for the troops, because of the close proximity to the natural supply of Cavalry horses, and proximity to the great Indian reservations of the Northwest. What are the facts? The improvements at that post have cost in the past 10 years \$1,225,000. Those improvements are up to date and modern, exactly what are required for the proper housing of cavalrymen and their mounts.

For what could it be disposed of? There are 7,680 acres of

and there, practically 600 acres of which are bottom land, worth \$25 an acre. The remainder is grazing land, worth not to exceed \$10 an acre. The lands of that post, on that basis, would bring a little less than \$100,000. The buildings would be of no value or any consequence, except to be torn down and taken elsewhere. The effort to get any profit out of buildings under those circumstances would meet with a negligible result entirely.

It is only a few years since it was proposed to dispose of a building in the city of Atlanta, Ga., a building costing something like \$300,000; and the committee of the House having charge of those matters reported the opinion of the Supervising Architect that the highest sum he could get for that building, constructed of brick and stone, was \$2,500, on the theory that it would have to be removed, and the expense of tearing it down, when a building is made of that sort of material, is really so great that only a small sum could be realized out of it. So that this conception that we can dispose of Army posts, with that this conception that we can dispose of Army posses, with the lands and the buildings thereon, and with the proceeds build new ones, is chimerical. It will not be realized in actual prac-tice. Many of those buildings and improvements were made for strictly Army purposes, and would not be available for other purposes. If the Government would realize \$100,000 out of a post costing \$1,000,000, it would be doing well.

Now, it is stated further in behalf of this plan that \$5,500,000 could be saved annually by the keeping of the troops of the Army in the 8 great centers that I have spoken of in preference to keeping them in the 49 Army posts as at present.

The CHAIRMAN. The time of the gentleman has expired. Mr. MARTIN of South Dakota. Mr. Chairman, I would like to have five minutes more. Then I will not detain the committee longer.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for question?

The CHAIRMAN. Does the gentleman from South Daketa yield to the gentleman from Illinois?

Mr. MARTIN of South Dakota. Yes.

Mr. MADDEN. Has the gentleman any idea of what it will cost to establish these eight Army posts?

Mr. MARTIN of South Dakota. I suppose it would cost us just as much to build the barracks and quarters to house these men at the eight new Army posts that are proposed as it cost to build the old posts, if not more, because the cost of building has not decreased, but rather increased in the last decade; and if you have to buy the land for these new posts in the large centers of population you will have to pay much more for the ground than you would get out of the sale of the grounds in the remote rural districts. In other words, Congress might just as well face the fact, if we are going to abandon these 49 posts and build new barracks and posts near the large population centers, we will have to expend at least as much to build the new posts and buy new land as the cost of the old ones. The buildings at the existing posts cost \$95,000,000, and, as a rule, they were built upon land which the Government already had, and which therefore cost the Government nothing, so far as the land itself was concerned.

Now, in the remaining four minutes I have I want to address myself to the proposition that the suggestion set forth in the report from the General Staff to the Secretary of War, that \$5,500,000 could be saved in the operation and maintenance of the Army in these proposed new localities, is absolutely, to my mind, absurd as a business proposition. It only requires an examination of these items in detail, I think, to demonstrate

For instance, it is proposed to save a million dollars and over upon the regular quartermaster's supplies at these new stations, as against the supplies for the same men in the old stations. One of these items is heating barracks and quarters. It is proposed to save 50 per cent, or \$556,000. Upon what basis can it be said that it will require any less fuel to warm 20,000 men in barracks near the large population centers than it costs to warm them out in the districts where these posts are now situated? It is purely a question of the cost of fuel and its transportation, and when you remember that the Army posts out in the intermountain West are near the great coal supplies of that section you will understand that this item will not be realized. It will cost just as much for fuel as it costs to warm the same number of men in their present posts.

In the next item it is proposed to save 50 per cent of the cost of lighting, or \$309,000. Is that upon the theory that it will take any less lights for the convenience of men in large barracks than in small barracks? It goes without saying that if we build new barracks, near the populous centers, we will be building modern barracks, with electric lights and all of those appliances. Indeed, the life of the Army does not increase in simplicity as you get away from the rural districts and into the centers of population.

Take other items here. It is proposed to save 60 per cent on transportation charges, or \$711,000, under this new system. Upon what theory will it cost any less to transport the Army, if they are in these eight posts and you have any use for them elsewhere, than to transport them from the present posts? The whole theory of the saving of transportation is based upon the idea that you will not transport the Army after you get them to these eight posts. If that is so it will be because there If we have use for them we will have to is no use for them. transport them. Take the case of the recent trouble along the Mexican border. Could we have transported the mobile army from these proposed new stations any more cheaply than from their present stations to the Mexican border?

Mr. SHERLEY. Will the gentleman permit a question right

Mr. MARTIN of South Dakota. I have no time. If I may have the time, I shall be delighted to do so.

Mr. SHERLEY. The House has been reasonably liberal.

Mr. MARTIN of South Dakota. The gentleman may ask his

Mr. SHERLEY. I should like to have the gentleman tell the committee how many men had to be kept at these posts to protect the property of the Government, when it was desired to mobilize troops?

Mr. MARTIN of South Dakota. I can only speak of the one post with which I am personally familiar. At that post one man was left behind.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MARTIN of South Dakota. May I have two minutes

Mr. KAHN. I ask unanimous consent that the gentleman may proceed for two minutes.

There was no objection.

Mr. MARTIN of South Dakota. I thank the committee for its liberality. I was only trying to demonstrate that the whole proposition to save is based on the idea that we are to bring these men from all these different Army posts, put them into

eight centers, and keep them there.

Why, it is proposed here to save on the transportation of quartermaster's stores other than clothing 90 per cent of the current expenses, \$476,000. That is a part of the five and a half million. I undertake to say that whether you save 90 per cent or 10 per cent will depend upon what you transport, and as to the Cavalry posts, you will have more expense in the transportation. If you bring them away from the rural West where forage is cheap and take them to the great cities, you will have to bring your hay and fodder and grain by trainloads across the country. Every financial argument in this connection is based upon a false hypothesis, and I think it will be a long day before the Congress of the United States, if it proceeds to investigate it with that thoroughness that is usually exercised in a proposi-tion of this magnitude—I say it will be a long day before Con-gress will abandon \$95,000,000 of modern improvements and embark on this large problem of building new quarters of equal proportions for the Army. Another important consideration must not be overlooked. Our chief use of the Cavalry in recent years has been in the Philippines. One, two, or three years is as long as our men and horses can remain in the service in that tropical climate. Many men in that period become broken down in health. After from one to three years they are brought home and placed in the healthy, invigorating Cavalry posts of the plains country and mountains of the West and rapidly recuperate. The Army statistics show that Fort Meade is the healthiest post of the entire list. The death and sick rate there is the lowest. It would not be possible to recuperate the Cavalry branch of the Army as well in the low altitudes along the seacoasts. We have none too many Cavalry posts at present, and the best of these in the intermountain West should be permanently preserved as a part of the Army Establishment whatever may become of this new plan for the concentration of troops.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. Floyd of Arkansas having taken the Chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles

H. R. 16693. An act to extend the time for the completion of

the municipal bridge at St. Louis, Mo.;

H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.; and

H. R. 16677. An act to authorize Butler and Stoddard Counties, in Missouri, to construct a bridge across the St. Francis River at Hodges Ferry, Mo.

The message also announced that the Senate had passed the

following resolution:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected Jacob H. Gallinger, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, on February the 12th and 13th, 1912.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. Mr. Chairman, I secured recognition for the purpose of offering an amendment to the amendment of the committee. But it is really in the district of my colleague [Mr.

GARNER], and I yield to him.
Mr. GARNER. Mr. Chairman, I intended to offer the amendment, and my name appeared second on the list, but I am obliged to my colleague for yielding his preferential right of recognition by the Chair for the purpose of offering the amendment. I ask that my amendment be read.

The Clerk read as follows:

Provided, That the Secretary of War be, and he is hereby, authorized to transfer and convey to the State of Texas, for the purpose of a State tuberculosis sanitarium, such portion of Fort Clark Military Reservation, in the State of Texas, as the governor of the State, or his representative, and the President of the United States, or his representative, may agree upon: Provided, That should the State of Texas in any event refuse or fall to use the abandoned property herein authorized to be conveyed, or any portion thereof, for the purpose designated, then such property shall revert to the United States and become a part of the public domain thereof.

Mr. Chairman, I reserve a point of order.

Mr. GARNER. Mr. Chairman, I will state to the committee that this is in substance a bill unanimously reported by the Committee on Military Affairs and passed by the House by unanimous consent at this session of Congress. It seeks to give the President of the United States the power or authority to convey to the State of Texas for a tuberculosis sanitarium such portion of Fort Clark, which is to be abandoned, as the President and the governor of the State may agree upon. There are valuable buildings there now which will be placed in the hands of a caretaker, and if they are not used for some purpose they will become practically useless. They ought to be used for this laudable purpose.

Mr. Chairman, I might go on and explain the matter more thoroughly to the committee, but I am sure that everyone here who heard the matter discussed when the bill was up before the House is thoroughly familiar with the necessity for this transfer. It is for the best interests not only of the United States

Government but for the State of Texas.

Mr. FITZGERALD. Mr. Chairman, when this bill passed the House there was a limitation in it as to acreage to be conveyed. I understand this reservation consists of several thousand acres. Under the persuasion of the gentleman from Texas I think we finally got the limit up to about 600 acres. Unless there is some limitation put in this amendment, so that we may know just how much we are going to give to the State of Texas, when we could not even arrange to negotiate to sell something in another section of the country, I shall have to object. I will not object if the gentleman will include in his amendment the limitation that was put in the bill by the House.

Mr. BURLESON. We are willing—
Mr. GARNER. One moment, Mr. Chairman. I had this amendment drawn with a 640-acre limitation in it. But it was suggested to me by others who were interested in the matter that that provision be stricken out. I was entirely willing to leave it to the President of the United States and to the governor of Texas to determine the number of acres to be conveyed. The main thing I am anxious to get is an opportunity for the President of the United States and the governor of Texas to exercise their judgment as to the advisability of transferring a portion of this post to the State of Texas for a tuberculosis sanitarium.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. GARNER. Certainly. Mr. BURKE of South Dakota. I desire to ask the gentleman if this is one of the 49 posts it is proposed to sell for the purpose of recouping the loss that the Government will sustain by

abandoning these posts and building 8 new ones?

Mr. GARNER. I will say that this is one of the posts that it is proposed to abandon. This bill was unanimously reported by the Committee on Military Affairs and was passed through

the House by unanimous consent.

Mr. BURKE of South Dakota. Does not the gentleman think that if this proposition of discontinuing these posts goes through and the posts are finally abandoned, the gentleman's proposition here will set a precedent that will be liable to be followed in practically every other case; that the States will be coming here and asking that these posts be conveyed to the States for

some public purpose?

Mr. GARNER. I do not think it will, and for this reason: There is no State in the Union, so far as I know, that has taken the forward step that Texas has taken in regard to tuberculosis patients. From all over the United States they flock to that section of the country on account of the climatic conditions, and it is an absolute burden on the State. They not only come from the northern and eastern portion of the State of Texas, but possibly from the gentleman's own State, and especially I know they congregate there from the Eastern and Northern States of this Republic. It is nothing but proper and right, and as outlined in the President's letter to the Committee on Military Affairs, it was such an undertaking that he was glad of the opportunity for the United States Government to assist in this splendid work.

Mr. BURKE of South Dakota. Then it is the gentleman's opinion that this is the only instance where there will be any

effort made to have the post that is to be discontinued given to

the State in which it is situated?

Mr. GARNER. I have no opinion about that. I submit this, if the gentleman from South Dakota [Mr. Burke] should come in with a meritorious proposition for the utilization of one of these posts which was going to be abandoned, to be utilized for the sake of humanity, I for one would be in favor of turning it over to his State for that purpose.

Mr. BURKE of South Dakota. The gentleman probably gives

the gentleman from South Dakota credit for having sufficient ingenuity to find some kind of a scheme by which he could

induce this House to give the State that post.

Mr. GARNER. I imagine that if the gentleman from South Dakota should come before the Committee on Military Affairs, he would present a case that would justify that committee in reporting his bill, else he would not undertake it.

Mr. BURKE of South Dakota. And I think that would hap-

pen in every other case.

Mr. GARNER. And I want to say in connection with the abandonment of these posts that I for one, with originally five posts in the district that I have the honor to represent, three of them having already been abandoned and two others proposed to be abandoned-I am not going to try to interfere. The military should know what is best for the Army, and they say it will be better and cheaper to concentrate them. I believe the Government ought to save money by putting the Army in large posts in place of distributing it all over the country, mainly through the influence of Representatives or United States Senators.

Mr. BURKE of South Daketa. It is the only time that the gentleman from Texas has ever neglected his district that I

recall

Mr. GARNER. I disagree with the gentleman as to the

neglect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the time of my colleague may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER. Mr. Chairman, I ask unanimous consent to amend the amendment which I have offered by inserting after the word "reservation," in line 7 of this bill, the words "not to exceed 640 acres." That was the number of acres included in the bill that passed the House.

The CHAIRMAN. If there is no objection, that will be

inserted in the amendment. There was no objection.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman from Texas yield?

Mr. GARNER. Certainly.

Mr. MARTIN of South Dakota. Will the gentleman inform

the committee as to the value of this land?

Mr. GARNER. It is very difficult to say what the value of the land is. The value of this property for a tuberculosis sanitarium, I should say, would be worth somewhere in the neighborhood of \$150,000. For the purpose of sale I do not imagine that 640 acres would bringe more than twenty-five or thirty thousand dollars, for I can not imagine any purpose it could be used for except as a military training school.

Mr. BUTLER. How about agriculture?

Mr. GARNER. How can you use 640 acres in agriculture

when it is occupied by post buildings?

Mr. BUTLER. Are all of the 640 acres covered with houses?

Mr. GARNER. I do not suppose all of it. For agricultural

purposes it is worth \$5 or \$6 an acre.

Mr. BURLESON. It is not suitable for agricultural purposes.

Mr. MARTIN of South Dakota. Do I understand that the 640 acres that the gentleman proposes to ask the Government to convey to the State of Texas have buildings covering them?

Mr. GARNER. It has the post there.

Mr. MARTIN of South Dakota. What have the buildings cost the Government?

Mr. GARNER. I have no idea. Some of them were built from 50 to 75 years ago of adobe, of the character of buildings that were constructed at that time.

Mr. MARTIN of South Dakota. Does the gentleman think the property for the purpose to which he desires it to be placed is worth \$200,000?

Mr. BURLESON. For the lives to be saved it might be worth a million, but for agricultural purposes I doubt whether it could be sold for what the gentleman stated, \$2 or \$3 an acre.

Mr. GARNER. The department estimates the entire tract is worth \$138,000.

Mr. FITZGERALD. The department says they have expended \$138,000 on improvements.

Mr. BURLESON. I will ask the gentleman from California Mr. KAHNI not to press his point of order, because this matter has passed practically by unanimous vote.

Mr. FITZGERALD. Mr. Chairman—

Mr. MANN. I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order. I wish to call the attention of the gentleman from Illinois to this condition

Mr. MARTIN of South Dakota. Mr. Chairman, I reserve the

point of order

Mr. FITZGERALD. Mr. Chairman, I reserve the point of

order for a moment. The CHAIRMAN. The gentleman from Texas has the floor. Does the gentleman desire to ask a question? Does the gentleman from Texas yield to the gentleman from New York?

Mr. GARNER. Certainly.

Mr. BULKLEY, Mr. Chairman—
The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Ohio?

Mr. BULKLEY. No; I want to be heard when the gentleman has finished. I thought he had finished.

Mr. BURLESON. I ask the gentleman not to insist upon his

point of order. Mr. MARTIN of South Dakota. Mr. Chairman, I withdraw

the point of order.

Mr. FITZGERALD. I reserve the point of order. I desire the attention of the gentleman from Illinois, so that after he hears this statement he may then be able to act in accordance with the information.

The CHAIRMAN. Does the gentleman from Texas yield? Mr. GARNER. I yield to the gentleman from New York, but

I can hardly hear my own ears.

Mr. FOSTER of Illinois. Mr. Chairman, I understood I had reserved the point of order; so that there will not be any misunderstanding

The CHAIRMAN. The gentleman from Texas had the floor. Mr. FOSTER of Illinois. The gentleman will recognize the difference between his proposition and the one of the gentleman from Texas, to which the gentleman might call attention, and that is that this is a benevolent proposition, a proposition for helping those who go into that community.

Mr. FITZGERALD. I understand that all the Representa-

tives from tubercular-stricken Illinois seem to favor this pro-

position.

Mr. BUTLER. They do from everywhere.

Mr. FITZGERALD. I would be glad to be informed by the gentleman from Illinois why the United States should attempt to force this property on the State of Texas. If the State of Texas finds it desirable to acquire this property for a tuber-culosis sanitarium, why should not Texas apply—

Mr. MANN. Texas has applied.

Mr. FITZGERALD. Of course the gentleman from Illinois says that Texas has applied. It has applied for it in just the way the city of New York applied for Governors Island for park purposes. It has applied through its Representatives offering this amendment on the floor to this bill. A little earlier it applied by having one of them introduce a bill for the same purpose. There was only this mistake made by myself, Mr. Chairman, as I have seen here time and again: If I had suggested that the Federal Government give Governors Island to the city of New York for a park, this House would have arisen unanimously in favor of the proposition, but simply because I suggested that the Secretary of War ascertain whether the city would be willing to purchase it for a park and report to Congress the terms upon which it would be willing to make that purchase, gentlemen oppose the proposition and insist that if the city desires the property it should apply for it. The land involved in the pending amendment is a particularly valuable tract of land. When the Federal Government is asked for it, it shrinks perceptibly in value, but its value will be apparent later. It contains 3,900 acres of land, fine grazing land, and on the portion of the reservation that is proposed to be turned over to the State of Texas is the water supply. Once the water supply is turned over to the State of Texas, the other land will not be of much value to anybody else. These Texans, astute gentlemen that they are, understand that the giving of 640 acres does not affect the result desired, because it means practically applying the entire reservation to the purposes of the

This land, however, is so located that it is peculiarly desirable as a place for the treatment of persons affected with tuberculosis, and it is recognized by medical authorities as specially adapted for that purpose. There is a wide movement in this country for the establishing of sanitariums of this character. So far

as I am personally concerned, I shall not interfere with the House having an opportunity to vote upon it. I know that it will be adopted. It seemed to me, however, that the gentleman from Illinois, usually so well informed, should not be permitted to have this point of order withdrawn and this amendment adopted, which will be an invitation to the State of Texas to take this property, without at least having an opportunity to exercise the right to make this point of order, as he did on an earlier occasion, with full information in his possession. gentleman will refer to the amendment, he will find this provision:

That should the State of Texas in any event refuse or fail to use or shall abandon the property it shall revert to the United States.

I know that Texas will get the property. It seems to me that the same rule should apply to all these posts. I withdraw the point of order.

Mr. MANN. I reserve the point of order, Mr. Chairman.

Mr. KINKAID of Nebraska. Mr. Chairman— Mr. MANN. Mr. Chairman, just a word. The difficulty with my friend from New York [Mr. FITZGERALD] is that he often bases his arguments upon faulty facts. He offers an amendment to have the Government ask the city of New York if it will purchase Governors Island. The State of Texas proceeds in quite a different manner. So far from the bill introduced by the House heretofore and reported upon being the first instance where the State of Texas showed its desire to acquire this property, they proceeded in regular manner and indicated their desire to the executive department of the Government, that in case this property should be abandoned, they might be enabled, by Government authority, to establish a sanitarium upon the property. Subsequently, an alert and astute Representative from that State introduced a bill and had it considered by the department and by a committee of this House and by the House itself, showing that they were attending to their business in a proper and businesslike manner. That bill was considered by the House, amended at the suggestion of the gentleman from New York [Mr. FITZGERALD], and agreed to by the House.

Mr. FITZGERALD. The gentleman is mistaken. It was not amended at my suggestion. At the suggestion of the gentleman from Illinois [Mr. Mann] the limitation was increased from

300 acres to 640 acres.

Mr. MANN. Very well. I accept the responsibility. the gentleman complains about this because this is different. gentleman from New York [Mr. FITZGERALD], with his manifold duties in the House, has not had the time heretofore to give the attention to the sale of Governors Island that these gentlemen from Texas have to acquiring this other property for a sanitarium.

Mr. FITZGERALD. The gentleman is mistaken. The War Department has only within a very few weeks suggested for the first time that Fort Jay be abandoned as a place for the use of the Mobile Army. Thereupon I suggested it would be desirable.

Mr. COOPER. How many acres in Governors Island? Mr. FITZGERALD. Two hundred and four. Mr. MANN. All this is aside. The State of Texas is willing to establish a sanitarium at this old fort, which sanitarium will be a benefit to the people in this country, in and out of the State of Texas. It would be a good thing if we had more of them established. I would be willing to give them the whole 3,900 acres if they can use them. I hope when this becomes a law the President will give them the buildings and the water, although that is not provided for in the proposition now pending before the House.

I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. KINKAID of Nebraska. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "Fort Robinson."

Mr. KINKAID of Nebraska. Mr. Chairman, I offered the amendment for the purpose of calling particular attention to how prodigal it would be for the Government to abandon such military posts as that to which the amendment refers. I think it is a very poor way to enter upon such a policy of economy as to have to clear the base, to begin with, by squandering so much. I think it is a poor way to inaugurate a policy by tear-ing down your houses for the purpose of building greater, and then again tearing down your houses for the purpose of building greater, and throw away the former houses.

Mr. SHERLEY. Will the gentleman permit an inquiry?

Mr. KINKAID of Nebraska. Yes, sir.

Mr. SHERLEY. Does not the gentleman also think it is rather foolish to make additional expenditures at a place when you have not determined to keep it?

Mr. KINKAID of Nebraska. It depends, I will say to the gentleman from Kentucky [Mr. Sherley], how far you have gone in tearing down your houses and building greater. Now, eight years ago or nine years ago, Mr. Chairman, it was the declared policy of the then administration, as it seems to be now, to abandon a number of military posts, having reference generally to the smaller military posts; and at that time the War Department took an inventory of the status of the military posts and reached a determination as to preferences for many of the posts, and determined upon an abandonment of some of them. And at that time appropriations were made for some of the posts which it was preferred to be continued and enlarged and made permanent, and erecting permanent buildings of a good class of material, buildings that would last as long as it was possible to have buildings last. Some of the posts in the West, included in this amendment, are of that class.

Now, my amendment refers to Fort Robinson, situated in my When I became a Member of Congress first there were district. two military posts in my district—Fort Niobrara and Fort Robinson. Fort Niobrara has been abandoned, and the determination was reached some six years ago to give Fort Robinson. son the preference, not merely between it and Fort Niobrara, but the preference over many other posts, and that it be made a permanent post on account of the great natural advantages which it possesses for a military post, one of the first being the climatic conditions, and another being the natural facilities in general, including as good spring water as can be found anywhere in the world. Again, it is located at the junction of two great railroads, which are among the leading railway systems of this country—the Northwestern and the Burlington; so that the facilities for the transportation of troops in most any direction that it is at all likely the troops should go are very good indeed.

Now this post, together with other posts in the same zone, can support the Army much more cheaply than other posts in the United States. The statistics of the War Department show that in this very zone, running across the United States north and south, including this military post, the soldiers of the Regular Army are maintained most cheaply of any place in the United States; and not only the men are maintained most cheaply, but the horses also.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKAID of Nebraska. Mr. Chairman, I ask unanimous

consent to proceed two minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that he may proceed for two minutes more. Is there objection?

There was no objection.

Mr. KINKAID of Nebraska. Now, it was determined that Fort Robinson would be enlarged to a regimental post. That was determined upon by those best qualified to judge. Gen. Chaffee, then Chief of Staff, was familiar with the post, he having been stationed there for several years, and he reported most favorably upon its merits. Since that time \$700,000 has been expended in the construction of permanent buildings and improvements. I think it would be very prodigal for the Government now to tear down those buildings, which were constructed with the idea that they should remain there permanently, constructed of the very best quality of materials, in the very best climate in the United States, with the best railroad facilities, and undertake to sell out that reservation for what you could get for it. It is as good a place for soldiers to be located as anywhere. It is the best place for soldiers brought from the Philippines and from the Tropics generally to be rehabilitated. It would be extreme prodigality to throw this away and pay 10 times as much for another site for a new military post. That would surely be the case, because the values would be put up the instant the new site or sites are de-termined upon. It would surely cost 10 times as much.

I am opposed to the proposition broadside, and I favor the

adoption of my amendment. [Applause.]

Mr. BULKLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes on the amendment offered by the gentleman from Virginia.

The CHAIRMAN. The gentleman from Ohio [Mr. BULKLEY] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BULKLEY. Mr. Chairman, I desire to correct certain misconceptions regarding Army posts which seem to be cherished by the gentleman from South Dakota [Mr. Martin]. He has suggested that the concentration plan advocated by the Secretary of War would involve the abandonment of some \$95,000,000 worth of posts. If the gentleman would do me the honor to read the remarks which I made here last Thursday he would see that the total investment which would have to be abandoned to carry out the proposed concentration plan of the Secretary of War is not more than about \$31,000,000 or \$32,000,000.

The gentleman hastens to assume that no such annual saving as \$5,500,000 can be made by the proposed concentration I submit that the Quartermaster General and the Subsistence and the Medical and Pay Departments have carefully worked out these figures, and have submitted the best results

that they can get.

Of course, it is a matter of opinion. In many cases it is a matter of guesswork, but the guesses are made by experts. It is the best information we can get, and without hearing these officers or having an opportunity to question them and find out how they arrive at their results, it seems to me premature to

assume that their guesses are wrong.

I will say in that connection that the Chief of Staff told me personally that he believed this estimate is very conservative, and that, as a matter of fact, the savings will be greater than

are estimated by the officers in question.

But, Mr. Chairman, if there were no money economy whatever, the concentration plan is worth while for the sake of the great increase in military effectiveness in the Army. The best military authority we have tells us that we must concentrate the Army into larger posts in order to promote the proper discipline and training of our forces. This concentration has been in the minds of officers in the War Department for years,

but they have not pressed it hard enough.

The Secretary in his recent letter calls attention to the fact that "in 1901 Secretary Root decided that a more concentrated system of garrisoning the mobile Army was necessary for economical administration and efficient training." That was 10 years ago. At that time it was impossible to carry into effect his ideas in respect to concentration on account of the large number of troops returning from the Philippine Islands, who overcrowded the barracks that would have been abandoned had the plan been put into operation at that time. This resulted in further expenditures on posts which ought to have been abandoned long ago. Now, the Secretary goes on to say:

The amounts expended upon these posts became an argument against their abandonment. It seemed wrong to spend large sums of money to make a post habitable, then to withdraw the troops. Throughout the last 10 years records show this argument recurring to prevent recommended concentration being effected, while good money as thrown after bad, perpetuating the very conditions which it was desired to avoid, the pressure of immediate needs being always greater than the pressure for a distant and more or less indefinite policy. Doubtless this argument will again be used to prevent the concentration desired by the present Secretary of War, and unless approached in the spirit of a great business corporation which ruthlessly tears down a 6-story building no longer suited to its needs to erect the 20-story building found necessary, the present movement for an efficient and economically administered Army will fail as have preceding efforts.

Mr. Chairman, had this policy of concentration been put into force 10 years ago when it was suggested by Secretary Roor, a great deal of this money which has been put into posts that are now useless need not have been expended.

The CHAIRMAN. The time of the gentleman has expired. Mr. BULKLEY. I ask unanimous consent that I may have

The CHAIRMAN. The gentleman asks unanimous consent to

proceed for two minutes more. Is there objection?

There was no objection.

two minutes more.

Mr. BULKLEY. Mr. Chairman, the Secretary of War has now recommended for abandonment 18 army posts. The total cost of these posts is about \$10,000,000. Within the past 10 years, or since the time when Secretary Root advocated the policy of concentrating the Army, there has been expended on these posts seven and a quarter millions, and within five years nearly three millions has been expended on these very posts which are now declared to be useless.

There are 7 other posts which the Secretary of War recom-mends for abandonment at some later time. The total cost of these 7 posts is ten and a quarter million dollars, of which five and one-half millions has been expended in the last 5 years and over eight millions in the last 10 years. Taking the total of all these 25 posts which it is proposed to abandon, the total cost is about \$20,250,000, of which more than \$15,000,000, or 75

per cent, has been spent in the last 10 years, and more than 40

per cent, eight million and some odd thousands, has been spent in the last 5 years.

Mr. Chairman, the gentleman from Virginia [Mr. Hay] proposes to stop the expenditure on these posts, and stop it now. submit that in the view of past experience good money having been thrown after bad to such an extent, as I have related, it is important that we should take this action and stop now the ex- absence for one day, on account of illness.

penditures on these posts which are useless to the Army. [Ap-

Mr. Chairman, I ask to extend my remarks, so that I may incorporate tables showing the expenditures on these posts during the last 5 and 10 years.

The CHAIRMAN. The gentleman asks unanimous consent that he may extend his remarks in the RECORD, and that the tables indicated by him may be included as a part of the same. Is there objection:

There was no objection.

The tables are as follows:

Table showing total cost of land and buildings and cost of construc-tion work during 5 years ending June 30, 1911, and during 10 years ending June 30, 1911, at the 18 mobile army posts which the Secretary of War has recommended for immediate abandonment.

	Cost of con- struction work during 5 years ending June 30, 1911.	Cost of con- struction work during 10 years ending June 30, 1911.	Total cost of land, buildings, etc., to June 30, 1911.
Fort Apache, Ariz	\$2,320.00	\$40, 112. 62	\$73,639.07
	352,699.05	361, 625. 48	398,049.73
	31,774.63	211, 088. 28	445,104.17
	6,400.73	18, 679, 55	138,748.23
Fort George Wright, Wash	90, 099. 34	530, 989, 78	694, 854, 32
Fort Jay, N. Y.	66, 969. 84	213, 592, 84	322, 313, 83
Fort Lincoln, N. Dak	122, 542. 22	536, 839, 34	618, 459, 27
Fort Logan H. Roots, Ark	40, 885. 22	212, 257, 99	428, 136, 67
Fort McIntosh, Tex	35,318.05	162, 937, 55	224, 028, 50
	243,975.37	1, 120, 268, 50	1, 218, 966, 00
	147,184.32	331, 285, 92	652, 934, 39
	569,509.38	995, 335, 36	1, 225, 787, 93
Fort Niagara N. Y. Fort Ontario N. Y Fort Wayne, Mich. Whipple Barracks, Ariz.	30, 210. 86 84, 024. 90 154, 645. 47	272, 012, 50 548, 907, 30 331, 954, 95 568, 130, 60	428, 547, 85 857, 484, 04 542, 354, 62 602, 015, 69
Fort Wm. H. Harrison, Mont Fort Yellowstone, Wyo	73, 656. 37 577, 105. 54 2, 899, 771. 79	137, 972, 02 659, 604, 02 7, 253, 594, 60	478, 882, 58 806, 511, 51 10, 156, 818, 40

Table showing total cost of land and buildings and cost of construc-tion work during 5 years ending June 30, 1911, and during 10 years ending June 30, 1911, at the 7 mobile army posts which the Secretary of War has recommended for future abandonment.

	Cost of con- struction work during 5 years ending June 30, 1911.	Cost of con- struction 10 years ending June 30, 1911.	Total cost of land, buildings, etc., to June 30, 1911.	
Fort Ethan Allen, Vt. Plattsburg Barracks Fort Robinson, Nebr Fort Missoula, Mont. Fort Logan, Colo. Fort Douglas, Utah Fort D. A. Russell, Wyo.	\$81, 442. 76 146, 971. 36 518, 235. 82 467, 888. 94 47, 568. 78 422, 210. 52 3, 873, 158. 29	\$937, 674, 97 253, 822, 99 648, 903, 88 551, 478, 30 198, 349, 18 730, 123, 72 4, 893, 164, 29	\$1,007,458.61 938,647.33 1,071,122.28 593,914.08 819,253.85 919,229.71 4,925,486.15	
Total	5, 557, 476. 47	8, 213, 517. 33	10, 275, 112. 01	

Mr. HAY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The motion was agreed to.

Mr. HELM. Mr. Chairman, I desire to offer an amendment

and have it considered as pending.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to offer an amendment and have the same considered as pending to be voted upon when other amendments are voted upon. Is there objection?

There was no objection.

The Clerk read the proposed amendment as follows:

On page 32, line 2, strike out the period and insert a comma and add the following: "Provided further, That no part of the sum appropriated by this act shall be used to construct a mobile Army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post."

Mr. KAHN. Mr. Chairman, to that I reserve a point of order.

Mr. HAY. Mr. Chairman, I move that the committee do now

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under further consideration House bill 18956, making appropriations for the Army, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. Roddenbery, by unanimous consent, was given leave of

MEXICAN COTTON-BOLL WEEVIL (S. DOC. NO. 305).

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Printing.

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a communication from the Secretary of Agriculture, accompanying the manuscript of a report on the "Mexican Cotton-Boll Weevil: A Summary of the Results of the Investigation of this Insect up to December 3, 1911." (Bull. No. 114, Bureau of Entomology.)

The report contains valuable information of great public interest to cotton planters of this country and those dependent upon the cotton-plant industry, and I cordially indorse the recommendation of the Secretary that the report be printed for distribution by Congress as well as by the department.

WM. H. TAFT.

THE WHITE HOUSE, February 12, 1912.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of

the following titles, when the Speaker signed the same: H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.;

H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis River at Hodges Ferry, Mo.; and

H. R. 16693. An act to extend the time for the completion of

the nunicipal bridge at St. Louis, Mo.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4651. An act to amend section 171 of the penal laws of the United States, approved March 4, 1909.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 13, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were

taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting estimate of deficiency in appropriation for postal service for fiscal year ending June 30, 1912 (H. Doc. No. 533);

to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of State, requesting authority of Congress for Capt. P. H. Uberroth and Gunner Karl Johannsen, of the Revenue-Cutter Service, to accept gold watches from the Government of the Dominion of Canada, for services in saving lives of the crew of the British schooner Fownes (H. Doc. No. 534); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New Haven Harbor, Conn. (H. Doc. No. 535); to the Committee on Rivers and Harbors and ordered to be printed

with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. OLDFIELD, from the Committee on the District of Columbia, to which was referred the bill (S. 238) to authorize the extension of Lamont Street NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 318), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19488) granting a pension to Albert McMichaels, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 19947) to provide for the introduction of village mail delivery; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Michigan: A bill (H. R. 19948) to authorize the establishment of a life-saving station at Mackinac Island, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 19949) for erecting a suitable memorial to Gen. William Tecumseh Sherman, United States Army; to the Committee on the Library.

By Mr. CAMERON: A bill (H. R. 19950) to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers on the White Mountain or San Carlos Indian Reservation, in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 19951) granting right of way over certain sections of the Grand Canyon National Monument Reserve to the Grand Canyon Scenic Railway Co.; to the Committee on the Public Lands.

By Mr. FOSTER of Illinois: A bill (H. R. 19952) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication be-tween States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. PLUMLEY: A bill (H. R. 19953) for placing certain general officers of volunteers in the Civil War on the retired list of the Army; to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 19954) to provide an American register for the steamer Oceana; to the Committee

on the Merchant Marine and Fisheries.

By Mr. WARBURTON: A bill (H. R. 19955) to place the wagon road to Mount Rainier National Park, constructed under the direction of the Secretary of War, under the jurisdiction of the Department of the Interior; to the Committee on Appropriations.

By Mr. SHACKLEFORD: A bill (H. R. 19956) providing for the establishing of a Weather Bureau station at Columbia,

Mo.; to the Committee on Agriculture.

By Mr. STEPHENS of Texas: A bill (H. R. 19957) for the relief of the Winnebago Indians of Wisconsin; to the Committee tee on Indian Affairs.

By Mr. AIKEN of South Carolina: A bill (H. R. 19958) providing for delivery of mails in towns, etc.; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: A bill (H. R. 19959) prohibiting an owner or beneficiary of any letters patent of the United States making it a condition that the purchaser, lessee, or licensee thereof shall not buy or lease or use machinery, implements, appliances, or merchandise of any person, firm, corporation, or association other than such vendor, lessor, or licensor; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: A bill (H. R. 19960) construing the reclamation act to authorize the Secretary of the Interior to afford relief from resulting seepage; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 19961) providing for extension of time in which to make water-right payments on account of inability, caused by loss of crops or other misfortune, to make payment at maturity; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 19962) to amend section 9 of the act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, to permit the taking of the depositions of witnesses residing a long distance from the court; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 19963) for the relief of certain homesteaders in the State of Nebraska; to the Committee on the Public Lands.

By Mr. HUGHES of West Virginia: A bill (H. R. 19964) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 19965) to regulate the practice of dentistry in the District of Columbia; to the Committee on the District of Columbia.

By Mr., PADGETT: A bill (H. R. 19966) making available until used certain unexpended balances of appropriations for the Naval Establishment; to the Committee on Naval Affairs.

By Mr. CAMERON: A bill (H. R. 19967) to authorize the

Secretary of the Treasury to pay to the board charged with canvassing the returns of the election held in the Territory of Arizona December 12, 1911, the sum of \$2,019.65, and for other

purposes; to the Committee on Claims.

Also, a bill (H. R. 19968) fixing the times and places of helding court for the district of Arizona; to the Committee on the

Judiciary.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 413) to investigate the proposed change in the method of the payment of interest on registered bonds and expenses involved; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. ADAIR: A bill (H. R. 19969) granting a pension to Michael H. W. Jameson; to the Committee on Invalid Pensions. Also, a bill (H. R. 19970) granting a pension to Manford G. W. Tucker; to the Committee on Invalid Pensions.

By Mr. AIKEN of South Carolina: A bill (H. R. 19971) granting a pension to Ernest Howard; to the Committee on Pensions.

Also, a bill (H. R. 19972) granting a pension to Walter O.

Hester; to the Committee on Pensions.

Also, a bill (H. R. 19973) granting a pension to D. Jasper Sentell; to the Committee on Pensions.

Also, a bill (H. R. 19974) granting a pension to Medicus F. Day; to the Committee on Pensions.

Also, a bill (H. R. 19975) granting a pension to Robert M. Jones; to the Committee on Pensions.

Also, a bill (H. R. 19976) granting an increase of pension to James A. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 19977) granting a pension to John L. Taggart; to the Committee on Pensions.

Also, a bill (H. R. 19978) granting a pension to Ernest Howard; to the Committee on Pensions.

Also, a bill (H. R. 19979) granting a pension to Eliza T. Henderson; to the Committee on Pensions.

Also, a bill (H. R. 19980) granting a pension to Medicus F. Day; to the Committee on Pensions.

Also, a bill (H. R. 19981) granting a pension to Luther H. Hester; to the Committee on Pensions.

Also, a bill (H. R. 19982) granting a pension to D. Jasper

Sentell; to the Committee on Pensions. Also, a bill (H. R. 19983) granting an increase of pension to

Adam Laskoski; to the Committee on Pensions.

Also, a bill (H. R. 19984) for the relief of James C. Duncan; to the Committee on Claims.

Also, a bill (H. R. 19985) for the relief of Kelly Johns; to the Committee on Claims,

Also, a bill (H. R. 19986) for the relief of Thomas G. Williams; to the Committee on Claims.

Also, a bill (H. R. 19987) for the relief of Thomas G. Wil-

liams; to the Committee on Claims. Also, a bill (H. R. 19988) for the relief of R. Smith Bailey;

to the Committee on War Claims. Also, a bill (H. R. 19989) for the relief of W. M. Gibson; to

the Committee on War Claims. Also, a bill (H. R. 19990) for the relief of John W. Simpson;

to the Committee on War Claims.

Also, a bill (H. R. 19991) for the relief of W. F. Parker; to

the Committee on War Claims.

Also, a bill (H. R. 19902) for the relief of Mira Crumley; to

the Committee on War Claims. Also, a bill (H. R. 19993) for the relief of Jeremiah Looper;

to the Committee on War Claims. Also, a bill (H. R. 19994) for the relief of J. M. Ellison; to

the Committee on War Claims. Also, a bill (H. R. 19995) for the relief of Mary Norris Keith;

to the Committee on War Claims. Also, a bill (H. R. 19996) for the relief of Mrs. R. N. Pharr

and Mrs. H. B. Faut; to the Committee on War Claims Also, a bill (H. R. 19997) for the relief of M. C. Dickson; to the Committee on War Claims.

Also, a bill (H. R. 19998) for the relief of Edwin Calhoun; to

the Committee on War Claims.

Also, a bill (H. R. 19999) for the relief of Ellen F. Carter; to the Committee on War Claims.

Also, a bill (H. R. 20000) for the relief of the heirs of Joseph T. Fretwell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20001) for the relief of the estate of Samuel Chapman; to the Committee on War Claims.

Also, a bill (H. R. 20002) for the relief of the estate of James H. Ambler; to the Committee on War Claims.

Also, a bill (H. R. 20063) for the relief of Confederate soldiers and citizens of the Confederate States; to the Committee on War Claims.

Also, a bill (H. R. 20004) for the relief of the heirs of Mary Wilson, deceased: to the Committee on War Claims.

Also, a bill (H. R. 20005) granting a pension to Dugan Hargrove; to the Committee on Pensions.

Also, a bill (H. R. 20006) granting a pension to Charles F. Power; to the Committee on Pensions.

Also, a bill (H. R. 20007) granting a pension to Charles S. Gibert; to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 20008) granting an increase of pension to J. M. Dunham; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20009) granting a pension to Thresia A. De Long; to the Committee on Invalid Pensions. By Mr. BARTHOLDT: A bill (H. R. 20010) granting a pen-

sion to Margaret Shea; to the Committee on Invalid Pensions

Also, a bill (H. R. 20011) granting an increase of pension to

Thomas B. Chapman; to the Committee on Invalid Pensions. Also, a bill (H. R. 20012) granting an increase of pension to

Annie D. Page; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 20013) granting a pension to Henry Lottner; to the Committee on Pensions.

Also, a bill (H. R. 20014) granting a pension to Frank J.

Harner; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 20015) granting an increase of pension to Elbert E. Hill; to the Committee on Pensions.

Also, a bill (H. R. 20016) granting an increase of pension to George Croft; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 20017) granting an increase of pension to George W. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20018) granting an increase of pension to Daniel King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20019) granting an increase of pension to Charles Reynolds; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 20020) granting an increase of pension to Arminta Williams; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 20021) to promote on the retired list of the United States Army Brig. Gen. David S. Gordon, United States Army, retired; to the Committee on Military Affairs

By Mr. FRANCIS: A bill (H. R. 20022) granting an increase of pension to John M. Potts; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 20023) granting an increase of pension to Edward Burquin; to the Committee on Invalid

By Mr. HANNA: A bill (H. R. 20024) granting an increase of pension to John Krisher; to the Committee on Invalid Pen-

By Mr. HULL: A bill (H. R. 20025) for the relief of the heirs of John W. Spradlin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20026) for the relief of the legal representatives of Isaac W. Baker; to the Committee on War Claims.

By Mr. KENT: A bill (H. R. 20027) granting a pension to Frederick R. Merchant; to the Committee on Pensions.

By Mr. KINDRED: A bill (H. R. 20028) granting a pension to Annie McGreevey; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 20029) for the relief of N. W. Gow; to the Committee on Claims.

Also, a bill (H. R. 20030) granting a pension to Mary Herman; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 20031) for the relief of Jose Maria Valdez; to the Committee on Claims.

By Mr. PLUMLEY: A bill (H. R. 20032) granting a pension to Marcia H. Russell; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 20033) granting an increase of pension to Samuel T. Wolf; to the Committee on Invalid

By Mr. REILLY: A bill (H. R. 20034) granting an increase of pension to Dennis O'Neil; to the Committee on Invalid

By Mr. RUSSELL: A bill (H. R. 20035) granting an increase of pension to Whitmill Herrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20036) granting an increase of pension to John M. Bunn; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 20037) granting an increase of pension to Andrew Smith; to the Committee on Invalid Pensions

By Mr. SIMMONS: A bill (H. R. 20038) granting an increase of pension to John Howard; to the Committee on Invalid

By Mr. SMITH of Texas: A bill (H. R. 20039) for the relief of Thomas B. Brumley; to the Committee on Claims.

Also, a bill (H. R. 20040) for the relief of Frank M. Malone; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 20041) to correct the military record of James M. Stroud; to the Committee on Military Affairs.

By Mr. WARBURTON: A bill (H. R. 20042) granting a pension to John F. Simonsen; to the Committee on Invalid

Also, a bill (H. R. 20043) granting an increase of pension to George M. Spencer; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: Resolution (H. Res. 414) referring certain claims to the Court of Claims for a finding of facts under the terms of the Tucker Act; to the Committee on War

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the municipal council of Valdez, Alaska, urging an appropriation of \$1,000,000 to maintain, extend, and build new wagon roads and trails in the Territory of Alaska; to the Committee on the Territories.

By Mr. ANDERSON of Minnesota: Petition of George W. Hoffmann and 52 others, of Winona, Minn., for passage of House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Papers to accompany House bill 16857, to remove the charge of desertion now standing against the

record of Silas D. Kain; to the Committee on Military Affairs.

Also, petition of the Woman's Welfare Department of the National Civic Federation, favoring the passsage of House bill

8768; to the Committee on the District of Columbia.

Also, petition of the Cleveland Stove Fixture Co., of Cleveland, Ohio, asking for the passage of the Weeks 1-cent postage bill; to the Committee on the Post Office and Post Roads.

Also, petition of the University of Kansas, asking for the passage of House bill 6304, granting Federal aid to State mining

schools; to the Committee on Mines and Mining.

By Mr. AYRES: Petition of citizens of the city of New York, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce of Milwaukee, Wis., protesting against abolishing the Revenue-Cutter Service; to the

Committee on Interstate and Foreign Commerce.

Also, memorial of the Municipal Council of Valdez, Alaska, for certain improvements in that Territory; to the Committee on the Territories.

By Mr. BARTHOLDT: Petition of St. Anthony's Benevolent Society, of St. Louis, Mo., in favor of Esch bill, preventing "phossy jaw": to the Committee on Ways and Means.

Also, petition of German-American Alliance of Kansas City, Mo., protesting against interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of the Actoid Remedy Co., Anheuser-Busch Brewing Association, and Antikamnia Chemical Co., of St. Louis, Mo., protesting against House bill 14060; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. & L. Chase Bag Co., of St. Louis, Mo., in favor of certain amendments to the tariff acts; to the Committee on Ways and Means.

Also, petition of Cigar Makers' Union No. 241, of St. Louis, Mo., in favor of House bill 17253, exempting "smokers" from internal-revenue taxation; to the Committee on Ways and

Also, petition of State Board of Charities and Correction of Missouri, in favor of House bill 16807; to the Committee on the Post Office and Post Roads.

Also, petition of the Warner-Jenkenson Co., of St. Louis, Mo., in favor of a drawback on alcohol; to the Committee on Ways and Means.

Also, petition of Merchants' Exchange, of St. Louis, Mo., for Lincoln memorial in accordance with the Park Commission plan; to the Committee on the Library.

Also, petition of W. W. McCann, of St. Louis, Mo., in favor of passage of Missouri war claims bill; to the Committee on War Claims.

Also, petition of Evens & Howard Fire Brick Co., of St. Louis, Mo., for erection of a building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of St. Louis, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Charles J. Doran and other citizens, of St. Louis, Mo., for the total elimination of the duty on sugar; to the Committee on Ways and Means.

Also, petition of Garrison No. 113, of the Army and Navy Union, of St. Louis, Mo., in favor of giving preference to the

soldiers of all wars in Government employment; to the Committee on Reform in the Civil Service.

Also, petition of Charles Arndt and other citizens of St. Louis, Mo., in favor of bill granting old-age pensions; to the Committee on Pensions.

By Mr. BATES: Petition of the Pennsylvania Dairy Union, H. E. Van Norman, secretary, State College, Pa., protesting against any change in the present law regulating the manufacture and sale of oleomargarine and especially urging against anything which would permit the sale of oleomargarine in imitation of butter of any shade of yellow; to the Committee on Agriculture.

Also, petition of German-American Alliance, of Philadelphia, Pa., protesting against any prohibition or interstate commerce liquor measure now pending; to the Committee on the Judiciary.

Also, petition of Garrison No. 113, Army and Navy Union, United States of America, for passage of House bill 15471; to the Committee on Naval Affairs.

By Mr. CALDER: Resolution of the Milwaukee (Wis.) Chamber of Commerce, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Republican Club of New York City, urging the passage of Senate bill 1, establishing a department of health; to the Committee on Interstate and Foreign Com-

Also, resolution of the Medical Society of the County of Kings, Brooklyn, N. Y., in favor of Senate bill 1, establishing a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Brooklyn, N. Y., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, resolutions of the municipal council of Valdez, Alaska, urging an appropriation of \$1,000,000 to maintain, extend, and build new wagon roads and trails in the Territory of Alaska; to the Committee on the Territories.

By Mr. CANNON: Petition of Zink H. Arterburn and others, of Kansas, Ill., praying for the enactment of House bill 16313, providing-for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. COOPER: Petition of members of the German-American Nationalbund, Deutsche Gesellschaft, and Securities Verein, No. 20, G. U. G. G., of Monroe, Wis., against enactment of certain bills relative to interstate commerce in intoxicating liquors; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petition of citizens of the State of

Ohio, for old-age pension bill; to the Committee on Pensions.

Also, petition of the Dayton (Ohio) Turngemeinde, protesting against interstate liquor legislation; to the Committee on the Judiciary.

By Mr. CRAVENS: Resolution of the First Methodist Church of Van Buren, Ark., for the passage of the Kenyon-Sheppard interstate liquor bill, etc., to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of members of the Improved

Order of Red Men, of Monroe County, N. Y., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DODDS: Petition of citizens of Elk Rapids, Mich., for passage of Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the Union League Club of New York City, for memorial to Peletiah Webster; to the Committee on the Library.

Also, petition of the Republican Club of New York City, for establishment of a department of health; to the Committee on

Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the third judicial division of the Territory of Alaska, relative to affairs in the Territory; to the Committee on the Territories.

By Mr. DYER: Petitions of the Illinois Manufacturers' Association, and Christian Bernst, Otto L. Techmann, C. H. Albers Commission Co., Bert H. Lang & Co., and William D. Orthwein Grain Co., of St. Louis, Mo., against abolishment of the Remsen Board; to the Committee on Agriculture.

Also, memorial of the dairy interests, relative to oleomargarine legislation; to the Committee on Agriculture.

Also, petitions of Missouri Board of Agriculture and the Missouri State Fair, for passage of House bill 18005; to the Committee on Agriculture.

Also, petition of H. H. Hastings, of St. Louis, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on

Also, petition of the Ballard Snow Liniment Co., of St. Louis, Mo., protesting against House bill 17593; to the Committee on

the Judiciary

Also, petitions of Geller, Ward & Hasner Co. and Norvell-Shapleigh Hardware Co., of St. Louis, and Webb Freyschlag Mercantile Co., of Kansas City, Mo., protesting against parcelpost legislation; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 11520; to the Commit-

tee on Pensions.

Also, memorial of the American Protective Tariff League, relative to tariff legislation; to the Committee on Ways and Means

Also, petition of A. L. Darrow, of Sacramento, Cal., for changes in the banking laws; to the Committee on Banking and Currency.

Also, memorial of the Sempervirens Club, of California, for greater California redwood park; to the Committee on the

Public Lands.

By Mr. ESCH: Petition of St. Joseph's Society, of Titusville, Pa., praying for passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of citizens of Wisconsin, against extension of the parcel-post service; to the Committee on the Post Office and

Post Roads

Also, resolutions of the Milwaukee (Wis.) Chamber of Commerce, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Anton Heretsmiller and 11 others, of Eau Claire, Wis., in favor of a reduction of duty on raw and refined

sugars; to the Committee on Ways and Means.

By Mr. FERGUSSON: Petition of citizens of Stone Haven, N. Mex., for amendment to the homestead laws; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: Petition of citizens of Washington County, Ark., in support of House bill 13114, to grant old-age pensions; to the Committee on Pensions.

By Mr. FOCHT: Papers to accompany bill for the relief of 7. Walter Branyan (H. R. 19571); to the Committee on Invalid Pensions.

Also, petition of Grange No. 914, Patrons of Husbandry, of James Creek, Pa., for amendments to the oleomargarine laws; to the Committee on Agriculture.

Also, petitions of Methodist Episcopal and Presbyterian Churches of Reedsville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FRANCIS: Petition of Andrew Crowl and 30 others, of Oneida, Ohio, in favor of House bill 14, to extend the parcelpost service; to the Committee on the Post Office and Post

By Mr. FULLER: Petition of Quincy Historical Society, of Quincy, Ill., favoring proposed site in Potomac Park for Lincoln

memorial; to the Committee on the Library.

Also, petition of the Washington Section of the Woman's Welfare Department, National Civic Federation, favoring the passage of House bill 8768, to regulate the rate of loans in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARNER: Petition of citizens of Aransas Pass, Tex., for passage of House bill 16819; to the Committee on the Post

Office and Post Roads.

Also, petition of citizens of the State of Texas, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Floresville, Tex., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. GLASS: Petitions of citizens of the State of Virginia, protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petition of citizens of the State of Virginia, for regulation of express rates; to the Committee on Interstate and For-

eign Commerce.

By Mr. GRAHAM: Petition of members of the Improved Order of Red Men and citizens of Stonington, Ill., for the passage of Senate bill 3953 and House bill 16313, for the erection an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. GREGG of Pennsylvania: Petition of the Woman's Christian Temperance Union of New Florence, Pa., for the pas-

sage of the Kenyon-Sheppard interstate liquor bill; to the Com-

mittee on the Judiciary

By Mr. HAYES: Petitions of San Jose and San Francisco Printing Pressmen's Unions and the San Francisco (Cal.) Pressmen's Assistants' Union, for increased compensation to press-men in the Government Printing Office; to the Committee on Printing.

Also, petition of Mary J. Beasly, of San Jose, Cal., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to

the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of California, favoring the passage of the Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary. By Mr. HENRY of Connecticut: Petition of Hartford (Conn.)

Central Labor Union, protesting against treatment accorded petition of American Federation of Labor presented by the President of the Senate; to the Committee on Printing.

By Mr. HIGGINS: Petition of the Connecticut Christian En-

deavor Union, in favor of the Kenyon-Sheppard interstate liquor

bill: to the Committee on the Judiciary.

Also, petition of United German Societies of New York, against any legislation prohibiting the interstate shipment of

intoxicating liquor; to the Committee on the Judiciary.

Also, petition of German Alliance of Martins Ferry against the Federal regulation of interstate shipment of liquors; to the Committee on the Judiciary.

By Mr. HOUSTON: Papers to accompany bills for the relief John H. Hubbard and Joseph B. McGee (H. R. 5239 and

16150); to the Committee on Military Affairs.

Also, petition of citizens of Hillsboro, Tenn., for parcel-post legislation; to the Committee on the Post Office and Post

Roads.

By Mr. LA FOLLETTE: Petitions of 215 citizens of White Bluffs, Loomis, Nighthawk, Chopaka, and Republic, all in the State of Washington, favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of 73 residents of Hillyard and Spokane, Wash., asking the erection of an American Indian memorial building and museum in the city of Washington; to the Committee on

Public Buildings and Grounds.

Also, petition of Frank Pollock, Murial Gnaggy, C. M. Baker, A. L. Bradley, Mary E. Gnaggy, Mrs. Otto Peterson, Mrs. May L. Baker, Earl Chester, Mrs. A. L. Bradley, Mrs. B. F. Chester, Otto Peterson, John S. Gnaggy, and B. S. Chester, all of Colville, Wash.; H. N. Hande, E. E. Heritage, L. W. Senertson, B. Brown, Ole N. Hande, O. M. Mourey, K. W. Rinke, A. K. Coleman, A. L. Gillett, Valentine Sauvage, and Julius Sauvage, all of Middleport, Wash.; R. D. Krockman, Clyde Kaufman, and Charles M. Kaufman, all of Crystal Falls, Wash.; George Harper, of Rex, Wash.; J. J. Wagner, P. H. Wagner, David Wagner, Conrad Wagner, and Mary Wagner, all of Farmington, Wash., in favor of House bill 1 (Sulzer parcel-post bill); to the Committee on the Post Office and Post Roads.

Also, resolutions of Edwall Local, No. 46, Farmers' Educational and Cooperative Union of America, of Edwall, Wash., favoring Lewis parcel-post bill, direct election of United States Senators, prohibition of gambling in futures on farm products, and restriction of foreign immigration; to the Committee on the

Post Office and Post Roads.

Also, petition of Tom McRae, O. E. Bannister, and C. Bailey, of Rosalia, Wash., asking removal from office of United States District Judge A. B. Anderson, and favoring parcel-post. law; to the Committee on the Post Office and Post Roads.

By Mr. LAWRENCE: Petition of 76 residents of Greenfield,

Turners Falls, and Deerfield, Mass., in support of the bill to provide old-age pensions; to the Committee on Pensions.

Also, petition of 55 residents of Adams, Mass., in support of legislation for old-age pensions; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of

Pittsfield, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of the Woman's Chris tian Temperance Union of Shenandoah, Pa., against House bill 30, to repeal anticanteen law; to the Committee on Military Affairs.

By Mr. LEVY: Resolution of the Republican Club of New York, in favor of Senate bill 1, establishing a department of health; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Sempervirens Club, of California, for a greater California redwood park; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of Buffalo Cooperative Stove o., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of Milwaukee, Wis., protesting against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Flatbush Taxpayers' Association, of Brooklyn, N. Y., in favor of proposed removal of the New York City post office building; to the Committee on the Post Office and Post Roads

By Mr. LLOYD: Petitions of citizens of Canton, Downing, Kahoka, La Grange, and Wayland, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Canton, Downing, Kahoka, La Grange, and Wayland, Mo., favoring the regulation of express companies; to the Committee on Interstate and Foreign Com-

By Mr. LOBECK: Petitions of citizens of the State of Nebraska, remonstrating against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of H. C. Benjamin and 122 other residents of Onaway, Mich., favoring the passage of the parcelpost bill (H. R. 14); to the Committee on the Post Office and Post Roads

By Mr. MAGUIRE of Nebraska: Petition of citizens of the State of Nebraska, remonstrating against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the Milwaukee (Wis.) Chamber of Commerce, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Republican Club of New York, favoring the creation of a department of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of citizens of the State of California, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Turlock, Cal., for old-age pension

bill: to the Committee on Pensions.

Also, petition of San Francisco (Cal.) Chamber of Commerce, for improvement of the Yosemite National Park; to the Committee on the Public Lands.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, urging that the outer harbor of Los Angeles be dredged; to the Committee on Rivers and Harbors.

Also, memorial of the Sacramento Valley Development Association, for control of floods in the Sacramento and San Joaquin Valleys; to the Committee on Rivers and Harbors.

Also, petition of the American Shipmasters' Association of the Pacific coast, relative to opium smuggling; to the Committee on Expenditures in the Treasury Department.

By Mr. NEELEY: Petition of citizens of Hooper County, Kans., for passage of Kenyon-Sheppard interstate liquor bill;

to the Committee on the Judiciary.

By Mr. NELSON: Petition of J. E. Hilgers and 32 other citizens of Middleton, Wis., protesting against the enactment by Congress of any legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the

Post Office and Post Roads.

By Mr. PAYNE: Petition of the common council of the city

of Auburn, N. Y., in favor of coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. PLUMLEY: Papers to accompany a bill granting a pension to Marcia H. Russell; to the Committee on Invalid Pensions.

Also, petition of H. P. Page and other residents of Barre, Vt., for passage of old-age pension bill; to the Committee on Pen-

Also, petition of citizens of Montpelier, Vt., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petitions of Preston & Son and others, of Roxbury, Vt., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions of the San Francisco (Cal.) Chamber of Commerce and of the Merced County Chamber of Commerce, of Merced, Cal., favoring House bill 16841; to the Committee on Appropriations.

By Mr. RANSDELL of Louisiana: Papers to accompany bill

By Mr. RANSDELL of Louisiana: Papers to accompany bin for relief of Robert Johnson; to the Committee on Pensions. By Mr. REILLY: Resolutions of the New Haven (Conn.) Printing Pressmen's Union, No. 74, urging an increase of 10 cents per hour to pressmen employed in the Government Printing Office; to the Committee on Printing.

Also, petition of Cigar Makers' Union No. 129, of Denver,

Colo., in favor of House bill 17253, to exempt from internal-

revenue tax cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

Also, petition of New Haven (Conn.) Trades Council, for the passage of the Lloyd-La Follette bill; to the Committee on Reform in the Civil Service.

Also, petition of the German-American Alliance, of Connecticut, against the passage of interstate liquor laws; to the Com-

mittee on the Judiciary.

By Mr. SHARP: Petition of the Improved Order of Red
Men, Ohenata Tribe, No. 186, of Lorain, Ohio, favoring the
erection of an American Indian memorial and museum building at Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of members of the Ohio National Guard, of Mansfield, Ohio, in favor of House bill 8141 to increase the efficiency of the militia of the United States; to the Committee on Military Affairs.

Also, petition of citizens of Lorain County, Ohio, favoring the Kenyon-Sheppard interstate liquor bill; to the Committee on the

By Mr. SLAYDEN: Petitions of citizens of San Antonio, Tex., praying for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of J. T. Chestnut and 52 others, of Hillsdale, Mich., requesting passage of old-age pension bill introduced by VICTOR L. BERGER; to the Committee on Pen-

Also, petition of Detroit Board of Trade, for the retention of the Remsen board of reference; to the Committee on Agriculture.

By Mr. SMITH of Texas: Petition of citizens of Texas, against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Nebraska: Petition of Capt. Henry A. Jess and others, of Fremont, Nebr., for passage of House bill 8141; to the Committee on Military Affairs.

By Mr. SULZER: Petition of National Drainage Congress, for the reclamation of swamp and overflow lands; to the Committee on the Public Lands.

Also, petitions of New York Produce Exchange and the Illinois Manufacturers' Association, relative to the Remsen Board; to the Committee on Agriculture.

Also, petitions of citizens of the city of New York, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Washington Section of the Woman's Welfare Department of the National Civic Federation, for passage of House bill 8760; to the Committee on the District of Columbia.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. THAYER: Petition of Scandinavian Woman's Christian Temperance Union, of Worcester, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TURNBULL: Petitions of Petersburg Hardware Co. and 64 other firms and citizens of the fourth congressional district of Virginia, protesting against the passage of any bill with reference to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of the Kent Furniture Co., of Petersburg, Va., and 49 other firms and citizens of the fourth congressional district of Virginia, for the enactment of legislation giving to the Interstate Commerce Commission power to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. TUTTLE: Memorial of Plainfield Lodge, No. 167, International Association of Machinists, of Plainfield, N. J., protesting against the removal or lowering of duty on typewriters, sewing machines, machine tools, and printing presses; to the Committee on Ways and Means.

By Mr. VREELAND: Petition of the Brotherhood of Pilgrim Memorial Congregational Church, of Jamestown, N. Y., for passage of Kenyon-Sheppard interstate liquor bill, to remove the Federal shield of interstate commerce from liquors shipped into

any State for illegal use; to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Papers to accompany bill for the relief of Lieut. Richard Philip McCullough (H. R. 19397); to the Committee on Naval Affairs.

By Mr. YOUNG of Kansas: Petitions of citizens of Jewell County, Kans., protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

Tuesday, February 13, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

PRESIDENT PRO TEMPORE OF THE SENATE.

Mr. MARTIN of Virginia. Mr. President, the Vice President has wired that he will be unable to be present to preside over the deliberations of the Senate on Wednesday, to-morrow. I ask unanimous consent that the senior Senator from New Hampshire [Mr. Gallinger] may preside on Wednesday during the absence of the Vice President.

The PRESIDENT pro tempore. Is there objection? The

Chair hears none, and it is so ordered. On motion of Mr. Cullom, it was

On motion of Mr. Cullon, it was

Ordered, That the Secretary wait upon the President of the United
States and inform him that the Senate has elected Jacob H. Gallinger,
a Senator from the State of New Hampshire, President of the Senate
pro tempore, to hold and exercise the office in the absence of the Vice
President on Wednesday, February 14, 1912.

Ordered, That the Secretary inform the House of Representatives that
the Senate has elected Jacob H. Gallinger, a Senator from the State
of New Hampshire, President of the Senate pro tempore, to hold and
exercise the office in the absence of the Vice President on Wednesday,
February 14, 1912.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4109) to restore the name of Oregon Avenue, in the District

of Columbia, and for other purposes.

The message also announced that the House had passed a bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations, other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were

thereupon signed by the President pro tempore: H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis

River at Hodges Ferry, Mo.;

H. R. 16693. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.; and

H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of sundry citizens of Louisiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented petitions of sundry citizens of Illinois and Colorado, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of New York City, residents of the thirteenth assembly district, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against any change being made in the administration of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a memorial of members of the Browning Club, of Greenville, Ill., and a memorial of the Woman's Christian Temperance Union of Cook County, Ill., remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a memorial of Newspaper Web Pressmen's Union, No. 7, of Chicago, Ill., remonstraing against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was ordered to lie on the table.

He also presented a petition of Washington Post, No. 573, Department of Illinois, Grand Army of the Republic, of Chicago, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 1, Com-mercial Telegraphers' Union, of Chicago, Ill., praying for the enactment of legislation providing for the Government ownership of the telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Jacksonville and Vermont, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Federation of Labor, of Springfield, Ill., remonstrating against the establishment of a department of public health, which was referred to the Com-

mittee on Public Health and National Quarantine.

Mr. BRISTOW presented memorials of sundry citizens of Wichita and Madison, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Minneapolis and Konzem, in the State of Kansas, praying for the enactment of legislation for the establishment of a parcel-post system, and also to prohibit gambling in farm products, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lawrence, Kans, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Yates Center and Wichit in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the

He also presented a memorial of sundry citizens of Topeka, Kans., remonstrating against the interstate transportation of intexicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented memorals of sundry citizens of Douglas and Haynes, in the State of North Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lignite and Stowers, in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. NIXON presented a petition of sundry citizens of Rye Patch, Nev., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented resolutions adopted by members of the Turnverein of Lawrence, Kans., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table

He also presented memorials of the congregations of the College Hill United Presbyterian Church, the West Side Baptist Church, and the Fairmount Congregational Church, all of Wichita, in the State of Kansas, remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Bucklin, McLouth, Bonner Springs, and Topeka, and of the Council of Commercial Travelers of Leavenworth, all in the State of Kansas, remenstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Creswell, Dayton, Perrydale, Airlie, Hermiston, Woodville, and Gardiner; of the Woman's Christian Temperance Unions of Hermiston and Woodville; of the congregation of the Methodist Church of Talent; and of the Epworth League of the Methodist Episcopal Church of Hermiston, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of sundry citizens of

Creighton, Nebr., praying for the enactment of legislation to prohibit gambling in farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Woman's Club of Omaha, Nebr., praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of members of the National Guard of Nebraska, praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Woman's Christian Temperance Union of Cherry Grove, Minn., praying for the enactment of legislation to regulate the interstate transporta-

tion of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry merchants of St. Cloud, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Directors of the Commercial Club of Minneapolis, Minn., praying for the enactment of legislation to encourage agricultural, horticultural, and Industrial exhibits in the various States, which was referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN presented a petition of sundry citizens of Rowan County, N. C., praying for the enactment of legislation to prevent the breaking of seals of railroad cars containing interstate or foreign shipments, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Winston Salem, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of the congregations of the First Universalist Church, the Congregational Church, the Free Baptist Church, the First Methodist Episcopal Church, and the First Baptist Church, all of Dexter; and of the Congregational Church of Calais, the Methodist Episcopal Church of Calais, the Baptist Church of Morrill, the Adventist Christian Church of Milltown, and the Baptist Church of Milltown; and of the Woman's Christian Temperance Unions of South Portland, Bethel, Winthrop, Gardiner, Fairfield, Westfield, Bridgewater, and Raymond; and of Local Grange No. 155, Patrons of Husbandry, of Dexter, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented petitions of the congregations of the Trinity Methodist Episcopal Church, the First Baptist Church, and the United Brethren in Christ, of Frederick City; of the Conqueror's Temperance Union of the Grace Baptist Church, of Baltimore; of the Young People's Society of Christian Endeavor of the Methodist Protestant Church of Sandyville; of the Woman's Christian Temperance Unions of Baltimore and Sherwood; and of sundry citizens of Sandyville, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented a memorial of sundry citizens of New York City, residents of the thirteenth assembly district, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 13, American Federation of Musicians, of Troy, N. Y., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented memorials of sundry citizens of Indianapolis, Ind., and Johnstown, Pa., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

He also presented a resolution adopted by the Flatbush Taxpayers' Association, of New York City, favoring the proposed removal of the post-office building in the borough of Manhattan from its present site in City Hall Park, which was referred to the Committee on Public Buildings and Grounds.

Mr. CURTIS presented petitions of the congregations of the West Side Baptist Church, the Fairmount Congregational Church, and the College Hill Methodist Episcopal Church, all of Wichita, in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the Turnverein of Topeka, Kans., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary

Mr. BRANDEGEE presented a memorial of the Woman's Christian Temperance Union of Bantam, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. ROOT presented petitions of the Woman's Christian Tem-

perance Unions of South Danby and Etna and of the congrega-tion of the Methodist Church of Jacksonville, all in the State of New York, praying for the enactment of an interstate liquor

law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PAGE presented petitions of sundry citizens and business organizations of Burlington, Barre, Barton, Bethel, Bellows Falls, East Barnet, Fair Haven, Jeffersonville, Lyndonville, Londonderry, Milton, Montpelier, Middlesex, Newport, Northfield, Orleans, Richford, Rutland, Springfield, St. Johnsbury, Waterville, Williamstown, White River Junction, and Sheldon Springs, all in the State of Vermont, praying that an appropriation be made for the construction of a public highery from tion be made for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

HOMESTEAD ENTRIES.

Mr. CLARK of Wyoming. I present a communication from Cola W. Shepard, United States commissioner for the district of Wyoming, with reference to homestead laws. I ask that it be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the communication was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

to the Committee on Public Lands and ordered to be printed in the Record, as follows:

The Homesteaders' Weekly Coyote, Colony, Wyo., January 30, 1912.

To the Senate of the United States, Washington, D. C.:

Whereas on January 8, 1912, Senator Warren introduced a bill (8, 4240) providing for homestead entries of 640 acres in certain States, which bill, being entirely in the interest of the homesteader of small means who only desires to use his right to obtain a home for himself and family and being opposed to the interests of all who would speculate in public lands, must lack the support of many influential people of the public-land States whose interests are too closely allied to those of the "speculators" or "land grabbers" to permit them to support this measure; and

Whereas by reason of my having been a resident of this country for the past 12 years and an actual settler under the homestead laws for the past 7 years, also a United States devoted exclusively to the interests of homesteaders, I have had abundant opportunity to observe the workings of the various land laws under the various forms of administration which have prevailed during this time, and have made a very thorough study of the legislation most needed to settle this country with a class of home builders and eliminate the speculator who has retarded the development of the West to a great extent: Therefore

I beg to respectfully urge your honorable body to grant the actual homesteader a chance to live on and build up his homestead rather than giving him a chance to get a patent in shorter time so that he may sell it and leave it. This is the purpose of the Warren 640-acre bill—to give the actual homesteader of to-day a law under which he can build a home on the less valuable lands which now remain subject to entry, and to give him assurance that the adjoining lands will not be turned over to nonresident owners under one pretext or another, leaving him without neighbors to help build roads, schools, churches, towns, etc.

It is generally admitte

to entry, and to give him assurance that the adjoining lands will not be turned over to nonresident owners under one pretext or another, leaving him without neighbors to help build roads, schools, churches, towns, etc.

It is generally admitted that the lands now left subject to entry under the homestead laws are vastly less valuable than those to be had at the time these laws were first passed, and that the entryman who gets 640 acres of land to-day does not get as much value as the entryman who took 160 acres of land which he could plow up and raise a good crop on the first year; therefore in permitting the entry of 640 acres at this time nothing additional is being granted, it is merely adapting the existing law to the changed conditions.

In the act of February 19, 1909, permitting the entry of 320 acres in certain States no provision was made for granting patent to those entrymen who went onto their land in good faith, but were prevented by causes beyond their control from performing the required cultivation during the second and third years of the entry. It is a well-known fact that there are thousands of entrymen who have taken land under this act and who will not be able to break one-fourth the area by the end of the third year. If these people give up their land and go back it will tend to greatly retard the settlement of this region, but if they be allowed to avail themselves of the provisions of section 3 of the Warren bill they will in most cases be able to comply with the law and will become permanent residents of this country, also their influence will induce others to come West and take up their homes here.

As this bill would insure the continued cultivation of not less than 100 acres out of every entry for a period of 20 years it would more its provisions and would greatly stimulate the agricultural development of the arid and semiarid region, which would benefit the whole Union. As this bill can not possibly be made use of by speculators or land grabbers and does not repeal any other law, but

Cola W. Shepard, United States Commissioner District of Wyoming. ALICE V. HOUGHTON.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5137) for the relief of Alice V. Houghton, reported it without amendment and submitted a report (No. 351) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. JONES:

A bill (S. 5253) amending the civil code of Alaska and relating to the organization of private corporations; and

A bill (S. 5254) to provide for compulsory education of the children of Alaska, and for other purposes; to the Committee on Territories.

A bill (S. 5255) increasing the compensation of the collector of customs, district of Puget Sound, State of Washington; to the Committee on Commerce.

A bill (S. 5256) appropriating \$100,000 to be used by the Forest Service in constructing a road from the town of Glacier to Mount Baker, in the Mount Baker Forest Reserve; to the Committee on Agriculture and Forestry

A bill (S. 5257) to establish Mount Olympus National Park in the Olympic Mountains, in the State of Washington, and for other purposes; to the Committee on Public Lands.

By Mr. RICHARDSON:

A bill (S. 5258) granting an increase of pension to John R. Megee

A bill (S. 5259) granting an increase of pension to John H. Klingler; and

A bill (S. 5260) granting an increase of pension to John B. Maberry; to the Committee on Pensions. By Mr. BOURNE:

A bill (S. 5261) granting an increase of pension to Henry Marble (with accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 5262) to correct the military record of Capt. Sylvester G. Parker; to the Committee on Military Affairs.

A bill (S. 5263) granting an increase of pension to Joseph

Leonard (with accompanying papers); and A bill (S. 5264) granting an increase of pension to Byron

Standish (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5265) for the relief of the estate of Thomas S. Howard, deceased; to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 5266) granting an increase of pension to Benjamin

F. Charles (with accompanying papers); and A bill (S. 5267) granting a pension to James W. Hughes; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5268) providing for the purchase of a painting of Abraham Lincoln; to the Committee on the Library.

By Mr. BRANDEGEE: A bill (S. 5269) granting a pension to Franklin H. Sage, alias

Alpheus Bigelow; and
A bill (S. 5270) granting an increase of pension to Charlotte

B. Bentley; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5271) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases (with accompanying papers); to the Committee on the District of Columbia.

joint resolution (S. J. Res. 77) authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment to be held at Pullman, Wash., in June, 1912; to the Committee on Military Affairs.

THE PRESIDENTIAL OFFICE.

Mr. WORKS. I introduce a joint resolution and ask that it

be read and referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length and referred to the Committee on the Judiciary, as follows:

Committee on the Judiciary, as follows:

Resolved, etc., That the following be proposed as an amendment to the first paragraph of section 1 of Article II of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely:

Amend said paragraph to read as follows:

"The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years and shall be ineligible to a second term, and, together with the Vice President, who shall hold for a like term and shall also be ineligible to a second term, be elected as follows."

THE CONGRESSIONAL RECORD.

Mr. OLIVER. I offer a concurrent resolution and ask unanimous consent for its present consideration.

The concurrent resolution (S. Con. Res. 14) was read, as fol-

Resolved by the Senate (the House of Representatives concurring). That the Secretary of State is hereby authorized to furnish a copy of the daily and bound Congressional Record to the under secretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Secretary of State for such copy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. SMOOT. Do I understand the resolution to mean that it

is only for one year, or is it to be continuous?

Mr. OLIVER. It is to be continuous. The resolution is offered in response to a letter which I, as chairman of the Committee on Canadian Relations, have received from the Secretary of State, telling me that this arrangement has been made, and it is the desire of the State Department to make the exchange, which must be authorized by law.

Mr. SMOOT. I have no objection to the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

HOUSE BILL REFERRED.

H. R. 8768. An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

THE CALENDAR

The PRESIDENT pro tempore. If there is no further morning business the calendar, under Rule VIII, is in order.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. Let the bill go over.
The PRESIDENT pro tempore. It will go over.
The concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. POMERENE. I ask that the concurrent resolution may

go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. BRISTOW, I ask that the bill may go over The PRESIDENT pro tempore. It will go over. I ask that the bill may go over.

The bill (8, 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was next in order.

Mr. SMOOT. The bill will go over under an agreement applying to all pension bills on the calendar.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France, touching the arbitration of justiciable controversies or disputes, was announced as the next business in order.

Mr. SMOOT. Let that go over. There is an adverse report.

The PRESIDENT pro tempore. The resolution will go over.

The next two bills on the calendar are pension bills and will be passed over.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced

as next in order, and the Secretary proceeded to read the bill.

Mr. SIMMONS. I should like to inquire for what purpose the bill is being read.

The PRESIDENT pro tempore. It is presumably being read for consideration by the Senate.

Mr. SIMMONS. Under unanimous consent?

The PRESIDENT pro tempore. It came up in regular order.

Unanimous consent has not been given. It is being read for , the information of the Senate.

Mr. SIMMONS. I object to its consideration.

Mr. SIMMONS. I object to its consideration.
The PRESIDENT pro tempore. Objection is made, and the bill will go over.

Mr. CULLOM. I was going to state that the Senator who reported the bill is absent, and I do not think it ought to be considered until he is here.

The PRESIDENT pro-tempore. The bill will go over.
The bill (8. 2243) to correct the military record of John L.
O'Mara and grant him an honorable discharge was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over. The bill (S. 3045) to provide for agricultural entries on oil lands was announced as next in order.

Mr. SMOOT. I ask that the bill may go over, because the

Senator who reported it is not present.

The PRESIDENT pro tempore. It will go over. The next bill on the calendar is a pension bill and will be passed over.

The bill (S. 1505) for the relief of certain officers on the

retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. I should like to have the bill passed over. The PRESIDENT pro tempore. The bill will go over. The next two bills on the calendar are pension bills and will be Mr. BRISTOW. passed over.

The bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission was next in order on the calendar.

The PRESIDENT pro tempore. The bill will go over. The bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, was announced as next in order.

Mr. ROOT. That may go over. The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands, was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read.

Mr. HEYBURN. I ask that it may go over.

The PRESIDENT pro tempore. It will go over.
Mr. WARREN. I wish to ask the Senator from Idaho if he is not willing that the bill should come up now.

Mr. HEYBURN. The difficulty with me to-day is that my eyesight is so bad that I can not read and I would like to participate in the consideration of the bill. I will not object to its coming up at any time when I am physically able to participate in the discussion.

Mr. WARREN. Very well.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order, and the Secretary proceeded to read the bill.

Mr. BRISTOW. I should like to know what is the purpose

of this bill?

Mr. ROOT. There is a report which shows. Mr. SMOOT. There is a company There is a complete report showing the purpose of the bill.

The PRESIDENT pro tempore. If Senators will permit the bill to be read in full, that will, in the opinion of the Chair, be the better course.

The Secretary resumed the reading of the bill:
Mr. BACON. Mr. President, I merely wish to say that I do not know whether it is the purpose of the Senate to consider that matter at any length. It will certainly require a very full explanation. Whether or not that can be done under the five-minute rule-

Mr. SMOOT. I have no objection at all that the bill go over,

if the Senator desires to make an examination of it.

Mr. BACON. I want the Senator to explain the bill.
Mr. SMOOT. I am perfectly willing to do that if there is
no objection to the consideration of the bill.

The PRESIDENT pro tempore. Let the reading of the bill

The Secretary resumed, and concluded the reading of the bill.

Mr. CULBERSON. Mr. President, I ask the Senator from
Utah if he desires to make an explanation of the bill now? I

do not think it can be finally disposed of this morning.

Mr. SMOOT. I will say that if there is objection I have no

intention of pressing the bill.

Mr. BACON. The bill will have to be explained. Mr. SMOOT. If the Senator desires the bill to go over, I have no objection.

Mr. CULBERSON. I do not desire to interfere so as to prevent the Senator from Utah making his statement now if he prefers, but I object to the final disposition of the bill or the consideration of it now for that purpose.

Mr. SMOOT. Then, Mr. President, I had just as lief have the bill go over until a time when we can consider it with a view to its passage.

The PRESIDENT

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3579) to amend section 1 of the Revised Statutes of the United States in relation to oaths was announced as next in order.

Mr. CLARK of Wyoming. Mr. President, that bill having been adversely reported from the Committee on the Judiciary, I move that it be indefinitely postponed.

The motion was agreed to.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. HEYBURN. I ask that that bill go over to-day.

The PRESIDENT pro tempore. The bill goes over.

DAVID R. B. WINNIFORD.

The bill (S. 838) to correct the military record of David R. B.

Winniford, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws David R. B. Winniford, who was a first lieutenant of Company D, Eighth Regiment Tennessee Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on October 24, 1864: Provided, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

Mr. BACON. I should like to have the report in that case read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report (No. 345) submitted by Mr.

FOSTER February 12, 1912, as follows:

The FRESIDENT pro tempore. The report will be read.

The Secretary read the report (No. 345) submitted by Mr. Foster February 12, 1912, as follows:

The Committee on Military Affairs, to which was referred the bill (8. 838) to correct the military record of David R. B. Winniford, has carefully considered same and reports it back to the Senate with a recommendation that it do pass, amended as follows:

Strike out all after the enacting clause of the bill and insert in lied thereof the following:

"That in the administration of the pension laws David R. B. Winniford, who was a first lieutonant of Company D. Eighth Tennessee Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on October 24, 1864: Provided, That no pension shall accrue prior to the passage of this act."

Amend the title of the bill so as to read: "A bill for the relief of David R. B. Winniford."

A bill was introduced in the Sixtieth Congress under which a pensionable status was allowed Winniford, and it was favorably recommended by the Military Affairs Committee and passed by the Senate. It was never reported out by the Military Committee of the House: but your committee believes that, by reference to the report submitted to the Senate on that bill, the merits of the present measure will be seen. The report referred to reads as follows:

"It appears from the papers filed in this case that the soldier, sick and unfit for duty, resigned his commission for the good of the service, not knowing that his action would in any way injure his military record. The fact that he was promoted from the ranks to a first lieutenancy within a few months is sufficient proof that he was a good soldier and a brave one.

"Attention is invited to the following statement of the solder's record in the War Department:

"It is shown by the records that David R. B. Winniford was enrolled March 28, 1863, and was mustered into the service to do date the same day at Camp Dick Robinson, Ky. a

"'F. C. AINSWORTH, "'The Military Secretary."

"The Military Secretary."

"Winniford, in his deposition filed in support of the bill, says:

"I tendered my resignation October 2, 1864. "for the good of the service," which was accepted. I further state that I was one of the many east Tennesseeans that went to Kentucky and entered the United States service to avoid conscription into the Confederate service.

"While organizing the regiment we remained at Camp Dick Robinson until October, I believe, when our regiment, with others, was attached to the Twenty-third Army Corps, commanded by Gen. A. E. Burnside, and took up our march to Tennessee.

"We were surrounded and besieged at Knoxville, and after the siege was raised we were transferred to the army of Gen. W. T. Sherman, and was in that long campaign through Georgia to Atlanta. My regiment took part in the many engagements during this campaign, and I was on the firing line in many skirmishes. The soldiers of my company all liked me, and I had the good will of the officers and soldiers of other companies of the regiment.

"After reaching Atlanta, Ga., our regiment was placed under command of Gen. Schofield and was ordered to Nashville, Tenn. I had been unwell for some time, having taken severe cold that left me with throat trouble, which developed into catarrh, and I thought I ought to get out of the Army, as I did not want to go to a hospital, and also to look after the welfare of my wife and child that needed my presence. I felt it would be for the best interest of the service.

"Capt. Berry, who was in command of the regiment for about three months before I resigned, was apparently a good friend. We were on good terms, and I can not understand why he made such a report as he

did, for it was without any semblance of truth. The fact is that our regiment was not in any engagement of consequence during the time he had command until I resigned."

"In the archives of the War Department may be found other data which, taken in connection with the circumstances under which the record was made, must be construed in Winniford's favor. In substantiation of his deposition he files the sworn statements of several members of the regiment, including the colonel, from which the following excerpts are taken:

"'I Evix Alexander Reeve residing in Washington City state that

"'I, Felix Alexander Reeve, residing in Washington City, state that was colonel of the Eighth Tennessee Volunteer Infantry in the War the Rebellion and that David R. B. Winniford was a first lieutenant my regiment. * *

"'I, Felix Alexander Reeve, residing in Washington City, state that I was colonel of the Eighth Tennessee Volunteer Infantry in the War of the Rebellion and that David R. B. Winniford was a first lieutenant in my regiment.

"As I was not with the regiment at the time of Lieut. Winniford's discharge, having resigned on surgeon's certificate of disability in July, 1864, I know nothing of the circumstances of such discharge. I had known Lieut. Winniford well from the time he entered the service, as above stated, until I left it, and can testify to his good character and his merit as a soldier. In fact, it was on account of his excellent record that he was promoted, as above stated. I always regarded him as a brave, intelligent, and faithful soldier and officer, and I hope that any injustice that may have been done to him may be rectified. From my intimate knowledge of his record while under my command I feel that this brave and loyal east Tennesseean is justly entitled to be relieved of the disability under which he has suffered so long."

"William M. Long, Bullsgap, Tenn., late private, Company D, Eighth Regiment Tennessee Volunteer Infantry, says: 'I knew Lieut. David R. B. Winniford, of said company and regiment. He was a dutiful and good officer while in the service and acted honorably at all times, and know that any charge against his honor is unjust.'

"'Edward Bible, of Cocke County, Tenn., who served in the same company, says: "I was well acquainted with Lieut. David R. B. Winniford during his stay with the regiment. I know him to have been a good officer, always ready to perform his duty when called upon. He was with the company on the march from Kentucky to Tennessee, was in the slege of Knoxville, and was in the long campaign from Tennessee through Georgia to Atlanta. Lieut. Winniford, at was mustered out as first sergeant Company D, Eighth Tennessee Volunteer Infantry."

"Alexander Ragan, Cocke County, Tenn., late first lieutenant Company K, Eighth Tennessee Volunteer Infantry, says: "I was acquainted

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of David R. B. Winniford."

JOHN L. BAIRD.

The bill (H. R. 8853) for the relief of John L. Baird was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue a patent to John L. Baird for the lands covered by the Keene Stone Placer, Mineral Survey No. 1947, in Lawrence County, S. Dak., upon the transfer by him to the United States of the east half of the southeast quarter and lot No. 1, in section 4, and lot No. 4, in section 3, all in township 1 south, range 1 east of the Black Hills meridian, containing 155.96 acres, situate in the Black Hills National Forest; but patent shall not issue or the exchange be made until the same is approved by the Secretary of Agriculture, and the lands reconveyed shall thereby become a part of the Harney National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONDED INDEBTEDNESS OF THE PHILIPPINES.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of

civil government in the Philippine Islands, and for other purwas considered as in Committee of the Whole.

Mr. REED. Mr. President-

Mr. HEYBURN. Did the Senator from Missouri ask that the bill go over?

Mr. REED. I did not.

Mr. HEYBURN. I would suggest-while, of course, no objection can be urged to a request of that kind—that this legislation pertains solely to the internal affairs of the Philippine Islands, and that there is a very urgent necessity that this work should be performed. The bill only provides that a certain portion of this fund shall be available each year, and it enables the Philippine Government to let continuing contracts. It is very desirable that the bill should pass at this time. If the Senator could be induced to waive his request, I should be very glad indeed to get this legislation through this body.

Mr. REED. Mr. President, Fam a member of the committee from which this bill has been reported, and two or three days ago when the bill was before the committee an amendment was agreed upon. In the reading of the bill, as I heard it, I was not sure that the amendment had been correctly incorporated.

I merely wanted an opportunity to examine the bill.

Mr. HEYBURN. The amendment has been incorporated in the bill, and if the Secretary proceeds with the reading of the bill it will be apparent to the Senator from Missouri that the bill as presented to be acted upon is in exact conformity with the agreement of the committee. The amendment has not yet

been read by the Secretary.

Mr. REED. Of course I know, Mr. President, that if the amendment was not incorporated it would be a mere matter of inadvertence, but I understood that the matter was coming to

vote. Is there any amendment yet to be read?
The PRESIDENT pro tempore. The Chair was about to announce that the amendment reported by the committee would be read.

Mr. REED. Very well.
The PRESIDENT pro tempore. The amendment reported by

the committee will now be stated.

The Secretary. The amendment reported by the Committee on the Philippines is, on page 3, line 5, after the words "sum of," to strike out the words "fifteen million dollars" and to insert "\$10,000,000 in addition to such indebtedness as may have been heretofore authorized for the purposes enumerated in this section; nor shall a greater amount of indebtedness under this act than \$1,500,000 be incurred in any single year," so as to make the bill read:

make the bill read:

Be it enacted, etc., That section 2 of the act of Congress approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a colnage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"Sec. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than 40 years after the approval of this act, as may be determined by said government, with interest thereon not to exceed 4½ per cent per annum: Provided, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of \$10,000,000 in addition to such indebtedness as may have been heretofore authorized for the purposes enumerated in this section; nor shall a greater amount of indebtedness under this act than \$1,500,000 be incurred in any single year: And previded further, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I now call the attention of the Senator from Missouri to the fact that that was the exact amendment agreed upon in the committee.

Mr. BACON. I will ask, for the benefit of some of us who were not on the committee, that there may be a brief statement

as to the provisions of the bill.

Mr. HEYBURN. Mr. President, for certain reasons I ask

that the Secretary may read the report. The PRESIDENT pro tempore. The report will be read. The Secretary read the report (No. 347) submitted by Mr. HEYBURN on the 12th instant, as follows:

The Committee on the Philippines, to whom was referred the bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide

revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," have given the same a careful consideration and beg leave to submit the following report with the recommendation that the bill pass with the following amendments, viz:

On page 3, line 2, after the words "any one time the sum of," strike out the words "fifteen million dollars," and insert in lieu thereof the following, viz: "ten million dollars in addition to such indebtedness as may have been heretofore authorized for the purposes enumerated in this section; nor shall a greater amount of indebtedness under this act than \$1,500,000 be incurred in any single year."

Under the present law the Government of the Philippine Islands is authorized for the purpose of providing funds to construct port and harbor works bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than 40 years after the approval of the sum of \$5,000,000.

Senate bill 4762, as amended and approved by the committee, confers authority on the Philippine Government to increase such indebtedness to a sum not to exceed \$15,000,000 shall be incurred in any single year.

The Secretary of War, to whom the bill was referred for recommendation and report, replied as follows:

WAR DEPARTMENT, Washington, January 29, 1912.

WAR DEPARTMENT, Washington, January 29, 1912.

War Department, Washington, January 29, 1912.

My Dear Senator, I beg to acknowledge the receipt of your letter of the 24th instant inclosing copy of Senate bill 4762, now in the hands of your committee, amending the act of Congress of February 6, 1905, so as to increase the limit of indebtedness which may be incurred by the Philippine Government from five to fifteen million dollars and requesting that the bill be given consideration and that you be advised of the views of the department regarding it.

The bill conforms to recommendations made by the President, the Philippine Commission, and myself, and I carnestly recommend that efforts be made to secure its early passage. The proceeds of the \$5,000,000 bond issue previously authorized by Congress have been spent in the construction of important public works, notably harbor improvements at Manila, Cebu, and Iloilo, and in the construction and maintenance of highways. The Philippine Government has made plans for an elaborate and much-needed road system in the islands and now has available for the carrying on of this work a large corps of engineers and other men of technical knowledge and valuable experience. This organization, which it has taken years to build up, would have to be practically disbanded and the construction of roads and other public improvements discontinued, except such small amount as may be carried on from the current revenues of the islands, unless means are provided to complete the work. The Filipinos are very enthusiastic over the construction of roads and other public improvements, so much so that the Philippine Government has been unable to meet their demands in this respect, and in addition to the money spent by the General Government in this way the Provinces and municipalities have expended large sums of money.

Bonds can not be issued under this authority except in pursuance of legislation of the Philippine Government approved by the President of the United States. This assures a careful consideration of the subject before any issue

on. Simon Guggenheim, United States Senator, Chairman Committee on the Philippines.

The following is a statement furnished by the Chief of the Bureau of Insular Affairs, showing the expenditures in the Philippines for public works from revenues and public works bond sales, for the fiscal years 1905 to 1911, inclusive:

Statement of expenditures for public works from revenues and public works bond sales, fiscal years 1905 to 1911, inclusive.

Sched- ule.		From revenues.	From bond issue.	Total.
A	Harbor improvements	P2,548,429,14	P6, 604, 978, 17	P9,153,407.31
B	Lighthouses	570,881.41	274, 240. 73	845, 122. 14
C	Roads and bridges	6,588,963.72	650,058.72	7,239,022.44
D	Vessels and launches	3, 112, 918. 57	000,000112	3,112,918.57
E	Public buildings	1,785,474.25	1,715,167.82	3,500,642.07
F	School buildings.	1,106,308,58	2,120,201.00	1,106,303.53
G	Waterworks, irrigation works,	272001000100	Section 12 Control of the	4,200,000,00
u	and artesian wells	1,510,839.88	450, 415, 99	1,961,255.87
н	Real estate	513, 727. 63	5,001.14	518, 728, 77
Ť	Telegraph and telephone	010,121.00	0,001.11	010,120,11
******	lines	558, 530. 69		558, 530, 69
J	Ordnance	169, 165. 70		169, 165, 70
K		444,317.54		444.317.54
	Machinery and tools			
L	Monuments	55, 240. 95		55, 240. 95
M	Luneta extension	110, 263. 38		110, 263. 36
N	Furniture and fixtures	1,129,472.70	***********	1,129,472.70
0	Miscellaneous equipment	1,209,175.85	***************************************	1,209,175.85
P	Public works, unclassified	1,723,846.95	139, 452. 70	1,863,299.65
Q	Improvement of burnt area,			
	Cebu		65,090.00	65,000.00
R	Improvement of Engineers		00 000 00	00 000 07
33.11	Island		30,999.93	30,999.93
8	Maintenance of survey par-	- N		
-	ties		35,901.76	35,901.76
T	Plans for capitol building	************	5,129.06	5,129.06
B. Mills	Total	23, 137, 556. 92	9,976,346.07	33, 113, 902. 99

	Common a A	
	SCHEDULE A. Harbor improvements from revenues.	
1905		P1, 639, 454. 92
		40, 435. 88 74, 114. 30
		74, 114. 30
1909		107, 202, 60
1910		• 58, 813, 15 107, 202, 60 333, 386, 10 295, 022, 19
1911		295, 022. 19
Total		2, 548, 429, 14
	Harbor improvements from bond issue.	
1905		₱870, 050. 80
1907		2, 314, 771, 16 797, 966, 78 1, 248, 585, 18
1908		1, 248, 585, 18
1909		816, 066, 50
		443, 434, 42 114, 103, 33
Total		6, 604, 978. 17
	SCHEDULE B.	
1905	Lighthouses from revenues.	P273, 330, 55
		651. 70
1907		22, 614. 69
		86 524 43
1910		651. 70 22, 614. 69 134, 944. 23 86, 534. 43 (17, 323. 50) 70, 120. 31
1911		70, 129. 31
Total		570, 881. 41
Total	Lighthouses from bond issue.	0.0,001.41
		P67, 076, 56
1906		137, 097, 50
1907		20, 852, 52 4, 973, 42
1910		40, 416, 86 3, 823, 87
1911		3, 823. 87
Total		274, 240. 73
	SCHEDULE C.	
	Roads and bridges from revenues.	
1905		₱783, 716, 13 10, 886, 92 5, 949, 93 331, 569, 37 2, 634, 584, 20 1, 320, 689, 71
1906		5, 949, 93
1908		331, 569, 37
1909		2, 634, 584, 20
1910		1, 523, 341. 30
Total		6, 588, 963. 72
1905	Roads and bridges from bond issue.	P452, 011. 06
1906		128, 714. 66
1907		25, 318. 54
1908		
1911		39, 133, 82
1911		128, 714, 66 25, 318, 54 4, 880, 64 39, 133, 82
Total	Samour D	89, 133, 82 650, 058, 72
	Schedule D. Vessels and launches from revenues.	650, 058. 72
Total	Vessels and launches from revenues.	650, 058. 72
Total	Vessels and launches from revenues.	650, 058. 72
Total	Vessels and launches from revenues.	050, 058. 72 P1, 558, 291. 94 955, 326. 49 82, 245. 64 198. 938. 95
Total	Vessels and launches from revenues.	650, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11
Total	Vessels and launches from revenues.	050, 058. 72 P1, 558, 291. 94 955, 326. 49 82, 245. 64 198. 938. 95
Total	Vessels and launches from revenues.	650, 058, 72 P1, 558, 291, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44
Total	Vessels and launches from revenues. Schedule E.	650, 058, 72 P1, 558, 291, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44
Total	Schedule E. Public buildings from revenues.	650, 058, 72 P1, 558, 201, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57
Total	Schedule E. Public buildings from revenues.	650, 058, 72 P1, 558, 201, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57
Total	Vessels and launches from revenues. SCHEDULE E. Public buildings from revenues.	050, 058, 72 P1, 558, 201, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12
Total	Schedule E. Public buildings from revenues.	050, 058, 72 P1, 558, 201, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12
Total	Vessels and launches from revenues. SCHEDULE E. Public buildings from revenues.	650, 058, 72 P1, 558, 201, 94 955, 326, 40 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57
Total	Schedule E. Public buildings from revenues.	650, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09
Total	Schedule E. Public buildings from revenues.	650, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97)
Total 1905	SCHEDULE E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total 1905	Vessels and launches from revenues. Schedule E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total	SCHEDULE E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total	SCHEDULE E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total	Schedule E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total	Schedule E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total	Schedule E. Public buildings from revenues. Public buildings from bond issue.	950, 058, 72 P1, 558, 291, 94 955, 326, 49 82, 245, 64 198, 938, 95 251, 666, 11 66, 449, 44 3, 112, 918, 57 P52, 748, 81 35, 613, 12 513, 933, 12 734, 959, 08 (216, 132, 97) 664, 353, 09 1, 785, 474, 25
Total 1905	Schedule E. Public buildings from revenues. Public buildings from bond issue. Schedule F.	## 650, 058, 72 ## 7558, 291, 94 ## 955, 326, 40 ## 82, 245, 64 ## 198, 938, 95 251, 666, 11 ## 66, 449, 44 ## 3, 112, 918, 57 ## 52, 748, 81 ## 35, 613, 12 ## 734, 959, 08 ## (216, 132, 97) ## 64, 353, 09 ## 17, 785, 474, 25 ## 12, 235, 20 ## 12, 235, 20 ## 16, 320, 68 ## 18, 230, 058, 64 ## 367, 003, 26
Total 1905	Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total	Schedule F. School buildings from revenues.	650, 058. 72 P1, 558, 291. 94
Total 1905	Schedule F. School buildings from revenues.	## 050, 058, 72 ## 055, 326, 40 ## 82, 245, 64 ## 198, 38, 95 251, 666, 11 ## 66, 449, 44 ## 3, 112, 918, 57 ## 52, 748, 81 ## 35, 613, 12 ## 734, 959, 08 ## (216, 132, 97) ## 64, 353, 09 ## 1, 785, 474, 25 ## 12, 235, 20 ## 2, 235, 20 ## 3, 32, 68 ## 367, 003, 26 ## 1, 715, 167, 82 ## 2, 048, 03 ## 9, 438, 03 ## 9, 438, 03 ## 9, 438, 03 ## 9, 438, 03 ## 9, 438, 03 ## 9, 438, 03 ## 9, 438, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1, 948, 03 ## 1
Total	Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	Schedule E. Public buildings from bond issue. Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	Vessels and launches from revenues. Schedule E. Public buildings from revenues. Public buildings from bond issue. Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	SCHEDULE F. School buildings from revenues. SCHEDULE F. School buildings from revenues.	## 050, 058, 72 ## 055, 326, 40 ## 82, 245, 64 ## 198, 938, 95 251, 666, 11 ## 66, 449, 44 ## 3, 112, 918, 57 ## 52, 748, 81 ## 35, 613, 12 ## 734, 959, 08 ## (216, 132, 97) ## 664, 353, 00 ## 1, 785, 474, 25 ## 12, 235, 20 ## 20, 56, 320, 68 ## 367, 03, 26 ## 1, 715, 167, 82 ## 2, 048, 03 ## 1, 79, 433, 83 ## 18, 707, 64 ## 146, 948, 64 ## 286, 588, 08 ## 196, 588, 08 ## 106, 308, 58 ## 106, 308, 58
Total	SCHEDULE F. School buildings from revenues. SCHEDULE F. School buildings from revenues. SCHEDULE F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	Schedule F. School buildings from bond issue. Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	Schedule F. School buildings from revenues. Schedule F. School buildings from revenues. Schedule F. School buildings from revenues.	650, 058, 72 P1, 558, 291, 94
Total 1905	SCHEDULE F. School buildings from revenues. SCHEDULE F. School buildings from revenues. SCHEDULE G. irrigation works, and artesian wells from	650, 058, 72 P1, 558, 291, 94
Total 1905	SCHEDULE E. Public buildings from bond issue. SCHEDULE F. School buildings from revenues. SCHEDULE F. School buildings from revenues.	## 106, 058, 72 ## 1, 558, 291, 94 ## 955, 326, 49 ## 82, 245, 64 ## 198, 938, 95 ## 251, 666, 11 ## 66, 449, 44 ## 3, 112, 918, 57 ## 52, 748, 81 ## 35, 613, 12 ## 513, 933, 12 ## 734, 959, 08 ## (216, 132, 97) ## 664, 353, 09 ## 1, 785, 474, 25 ## 12, 235, 20 ## 5, 955, 18 ## 3, 327, 68 ## 3, 327, 68 ## 3, 327, 68 ## 3, 327, 68 ## 3, 327, 68 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 719, 88 ## 1, 719, 88 ## 1, 719, 88 ## 1, 903, 84 ## 1, 903, 84 ## 1, 903, 84 ## 1, 903, 81, 83 ## 1, 702, 23 ## 1, 652, 55
Total 1905	SCHEDULE F. School buildings from revenues. SCHEDULE F. School buildings from revenues. SCHEDULE G. irrigation works, and artesian wells from	## 106, 058, 72 ## 1, 558, 291, 94 ## 955, 326, 49 ## 82, 245, 64 ## 198, 938, 95 ## 251, 666, 11 ## 66, 449, 44 ## 3, 112, 918, 57 ## 52, 748, 81 ## 35, 613, 12 ## 513, 933, 12 ## 734, 959, 08 ## (216, 132, 97) ## 664, 353, 09 ## 1, 785, 474, 25 ## 12, 235, 20 ## 5, 955, 18 ## 3, 327, 68 ## 3, 327, 68 ## 3, 327, 68 ## 3, 327, 68 ## 3, 327, 68 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 715, 167, 82 ## 1, 719, 88 ## 1, 719, 88 ## 1, 719, 88 ## 1, 903, 84 ## 1, 903, 84 ## 1, 903, 84 ## 1, 903, 81, 83 ## 1, 702, 23 ## 1, 652, 55

1905	Public works, unclassified, from bond issue	
	Total	1, 723, 846. 9
910		1 573, 712.
1908		421, 085. 31, 709. 39, 886. 1573, 712.
		160 428
1905		P497, 013.
	SCHEDULE P.	
	Total	1, 209, 175.
911_		397, 854.
1910		84, 089. 1 91, 590. 1
1908_		121, 014,
905		P524, 957.
	Schedule O. Miscellaneous equipment from revenues.	
	Total	1, 129, 472.
311		385, 394.
910_		188, 001.
1909_{-}	Furniture and patures from revenues.	P179, 350. 376, 726. 188, 001.
000	Furnitume and fintumen from menonuce	B150 050
	SCHEDULE N.	110, 205.
8 3	Total	110, 263.
908	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	15, 780.
907	Luneta extension from revenues.	P94, 482.
	SCHEDULE M.	
	Total	55, 240.
1911_		17, 066.
1910_		4, 899.
1909_		₱30, 000, 1, 743, 1, 530, 4, 899,
1905_		₱30, 000.
	SCHEDULE L. Monuments from revenues.	
	Total	444, 317.
1911_		123, 444.
1910_		77, 581. 163, 633.
1908_		P79, 658.1
	Machinery and tools from revenues.	
	TotalSCHEDULE K.	169, 165.
1911_		93, 537.
1910_		1, 442.
1908_ 1909_		P37, 271. 8 36, 914.
	Ordnance from revenues.	
	TotalSCHEDULE J.	558, 530. (
	-	
1910_		67, 293. 5 228, 490.
1909_		18 571
1906_		120, 773. 3, 378.
1905_	Telegraph and telephone lines from revenue	P120, 022.4
10101	SCHEDULE I.	10,001.
1010	Real estate from bond issue.	P5, 001.
	Total	513, 727.
		7, 875.
1910_		277, 453.
1907_		7, 001.
1906		P47, 692. 3 21, 028. 7, 001.
1905_{-}	Real estate from revenues.	
1905_	TotalSCHEDULE H.	450, 415.
1905_	Total	450, 415.

1 In	this	amount	is	included	₱466,573.78	expended	for	general	pur-
					enter, Baguio				-

	SCHEDULE S. Maintenance of survey parties from bond issue	
1906 1907 1908		P17, 824, 60 17, 788, 10 289, 06
	Total Schedule T.	35, 901. 76
910	Plans for capitol building from bond issue.	P5, 129, 06
Mr.	OVERMAN Mr President may I ask the	

question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. Does the United States Government indorse these bonds?

Mr. HEYBURN. No-

Is the Senator sure about that? Mr. OVERMAN.

Mr. HEYBURN. Not any more than it indorses the Philippine Government.

Mr. OVERMAN. I should like to ask the Senator what becomes of the \$14,000,000 surplus now in the hands of Gen, Edwards, Chief of the Bureau of Insular Affairs of the War Department?

Mr. HEYBURN. There is another measure before the committee involving that question, a separate piece of legislation, which has been under consideration.

Mr. OVERMAN. Would it not be better to have the two

Mr. HEYBURN. They do not belong together.
Mr. OVERMAN. I remember that when I was on the Military Affairs Committee it was stated that there was held in the hands of Gen. Edwards, of the War Department, a surplus fund of \$14,000,000, I think, that belonged to these islands, and that had been deposited in the banks of New York. Why can not that money be used for this purpose, instead of authorizing the issue of bonds?

Mr. HEYBURN. Mr. President, that money is the basis of circulation. It constitutes a reserve fund in the Philippine treasury. It can not be used for this purpose.

Mr. OVERMAN. It is not in the Philippine treasury, is it?

Mr. HEYBURN. This measure is to provide means for the

Mr. HEYBURN. This measure is to provide means for the purpose of extending a system of public works. The present is an opportune time to do it, because the organization is complete, having just finished the work heretofore authorized. There is no connection whatever between this work and the surplus held

in the Philippine treasury, for which legislation is now pending.

The surplus could not be used for this purpose.

Mr. OVERMAN. The Senator is mistaken about its being held in the Philippine treasury. It is held by Gen. Edwards, Chief of the Bureau of Insular Affairs of the War Department.

Mr. HEYBURN. I suppose the Senator means it is under his

If the Senator had been present at the meeting of the com-mittee held on Saturday, I think he would understand the exact relation of that reserve fund, for the use and preservation of which legislation is being sought. But I can assure the Senator that it is not a fund that could be used for this purpose at all. It is a fund to stand behind circulation. This is to provide money to be expended upon public works.

There would be a very great loss to the Philippine Government and to all concerned, if we were to allow the force now available to be disorganized and dissipated. The work that it available to be disorganized and dissipated. The work that it is proposed to perform under this bill is necessary for the development of the islands. We are merely authorizing the expenditure of the money. It does not come out of our own Treasury. The people of the Philippine Islands and those who are conversant with their needs heartly approve the extension of this system of public works.

Mr. OVERMAN. Whether we authorize it or not, do we not

become responsible in a measure?

Mr. HEYBURN. We do not. The responsibility is nil. The Philippine Government has demonstrated the fact that financially it is quite able to take care of its own liabilities and to keep its own engagements. Nominally, we guarantee the bonds; but that is because of the relation that exists between that Government and ours, under legislation heretofore enacted, in

which doubtless the Senator participated.

Mr. OVERMAN. But, as I understand, whether these bonds

Mr. OVERMAN. But, as I understand, whether these bonds are to be issued under legislation heretofore enacted or under the provisions of this bill, we will indorse them.

Mr. HEYBURN. The relation that exists is by reason of legislation not now up for consideration. I can say to the Senator that this matter has been given the closest attention by every branch of the Government, and it can not now be made operative except under the supervision of the War Department and the President of the United States. There is not the slight-

est danger of any misappropriation or misuse of this fund. It is as safely guarded as it is possible under our system of government to guard the expenditure of a comparatively small sum. Fifteen million dollars, as applied to work of this kind in that country, is a small sum of money; and inasmuch as we do not have to pay the \$15,000,000, we ought to allow the people of the Philippines to advance along the lines upon which they have started.

Mr. OVERMAN. We may have to pay it, though.

Mr. HEYBURN. We have not been bothered so far with any of the bills of that Government, and inasmuch as they have a handsome reserve fund of a good bit more than \$15,000,000, it does not seem probable that we shall. This is not an appropriation out of the Treasury of the United States.
Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I should like to make an inquiry. has not entirely taken us into his confidence. He speaks of a \$14,000,000 reserve, and when the Senator from North Carolina asks him why that reserve is not utilized for the purpose now sought to be accomplished by this bond issue, his reply is that there is another proposition pending which probably will require the use of that \$14,000,000. Without asking the Senator to go into it in detail, I should like at least to know the nature of that enterprise.

Mr. HEYBURN. The reserve is not the only money the Philippine Government possesses. It possesses that and, in addition, it possesses a very large gold reserve. It has a silver reserve, a gold reserve to back it, and a circulation. monetary system. In addition to that, it has available through the ordinary means of taxation and revenue another fund, which should be made available for public improvements upon the islands.

There is no more relation whatever between the money be hind the circulation of the Philippines and the money they receive through their various sources of revenue than there is in our own Government. There is none in ours, We do not take out of the Treasury the money that is held as a basis of circulation or as a reserve and build public works with it.

Mr. OVERMAN. Does the Senator think this \$14,000,000 is

the basis of an issue? Mr. HEYBURN. While doubtless that was the figure at one

time it is a larger sum at present. Mr. OVERMAN. Yes; but the \$14,000,000 in the hands of

Gen. Edwards is not the basis of currency.

Mr. HEYBURN. The Senator speaks of Gen. Edwards as the custodian of this fund. I am at a loss to know just exactly what he intends to convey.

Mr. OVERMAN. It developed at one time, before the Military Affairs Committee, that he had a very large sum of money in his hands

Mr. HEYBURN. The Secretary of the Treasury has a very large sum of money in his hands, for that matter.

Mr. OVERMAN. He is the head of a bureau; and it was

stated that a large amount of money—I think, \$14,000,000—had been deposited by him in a New York bank.

Mr. HEYBURN. Mr. President, that fund is exactly where the law says it shall be. If, in organizing the financial system of the Philippine Government, we did not make proper and sufficient provision for the custody of its funds we could hardly hark back to that question now. The statement that Gen. Edwards had the money was, perhaps, rather a careless use of language. I suppose the idea was that as controller of this fund he deposited it at a certain place.

Mr. OVERMAN. That is what I want to know. I want to know how he held it. He is the head of a bureau in the War Department.

Mr. HEYBURN. He held it officially. Mr. ROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. I think I may be able to give the Senator from North Carolina some information on the subject about which he

Mr. OVERMAN. Information is what I want.

Mr. ROOT. The Senator will remember that when we took the Philippines the islands were upon a silver basis. All the fluctuations and inconveniences which arise from exchange as between the silver basis of the Orient and the gold basis of the Occident oppressed the business of the Philippines. The money changers were taking toll both ways all the time, and legitimate

business always had to be accompanied by speculation upon the

rise and fall of exchange.

Under the authority of Congress we undertook to take the Philippines out of that condition and put them on the same financial basis as the United States. We did so. The operation was eminently successful, and it was conducted in a manner which reflected great credit upon everybody concerned with the

government of the islands.

In the course of that transaction we had, first, to establish a fund by means of which the coinage of the Philippine Islands, which is silver in practical use, could be kept good in gold. It was necessary to keep that fund partly in Manila and partly in the United States, where it would be available for the purpose of supporting the Treasury against any drafts upon it by the purchase of gold here. The fund was deposited in the banks and trust companies which would give the largest return by way of interest upon the amount of the deposit, and which were approved as to solvency by the Secretary of the Treasury. That

is the fund which, I suppose, is referred to.

Gen. Edwards, as the Chief of the Bureau of Insular Affairs, was the officer charged with making the drafts upon the fund whenever such drafts should be necessary. It turned out that the credit that was given by the possession of this fund, and its existence, and the ability instantly to throw it into the support of the new system of finance upon a gold basis, made unnecessary the use of more than a portion of it. The net result was that the Government of the Philippine Islands got more interest on that fund, without losing a dollar of it, than it paid on the securities that were issued to borrow it during the process of the transfer from one system to the other.

Mr. HEYBURN. It was a very profitable operation. Mr. ROOT. It was very profitable and successful.

Mr. OVERMAN. I am not criticizing anyone. know about that fund and why it can not be used.

Mr. ROOT. I have made the explanation.

Mr. HEYBURN. I think the reason it can not be used is obvious.

Mr. OVERMAN. I thank the Senator for the information,

because I did not know about it.

Mr. ROOT. What remains since the completion of that transaction is the reserve fund, which is always to stand behind the value of the Philippine currency, making it certain that it will always be kept good in gold, just as here we always have a reserve fund standing behind the value of our green-

Mr. BACON. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I do. Mr. BACON. I should like to have the permission of the Senator from Idaho to ask the Senator from New York whether it is a fact that the business of the Philippine Islands is con-

ducted on a gold basis?

Mr. ROOT. It is.

Mr. BACON. When I say on a gold basis, I do not mean whether it is exchangeable into gold or not; but are prices quoted in gold in the Philippine Islands? The evidence as to whether a country is on the gold basis is whether prices are quoted in gold.

Mr. ROOT. Prices are quoted in the peso, which is fixed by act of Congress, containing a certain amount of silver, approxi-

mately equal in value to one-half our gold dollar.

Mr. BACON. Exactly.
Mr. ROOT. The currency which is named in the quotations is that silver currency, in which by law each peso is exactly equal to one-half a gold dollar. The maintenance of that fund as equal to one-half a gold dollar is protected by this reserve just as we have a reserve to protect our greenbacks as equal to

a gold dollar. Mr. BACON. I understand the facts to be exactly as stated by the Senator from New York, but I thought, and I still think, that the Senator from New York was not distinguished by his usual accuracy when he made the statement, as I understood him to make it, that the business and financial transactions of the Philippine Islands are upon a gold basis.

Mr. HEYBURN. They are stated in equivalents.

Mr. ROOT. I think I was strictly accurate. The Philippines are on a gold basis, just as Mexico is on a gold basis, and just as we are on a gold basis. Though we quote prices in dollars the prices are good, payable in greenbacks. The greenbacks are kept at a fixed gold valuation by our reserve.

Mr. BACON. I can not agree with the greenbacks are

Mr. BACON. I can not agree with the Senator. there is a wide distinction between being upon a silver basis with the value of the silver coin guaranteed and being upon a gold basis. They are upon a silver basis. It is the common currency of the country, and the prices are quoted in the common currency of that country, in the peso, which is a silver coin corresponding nearly to our dollar, but not exactly. There may be a distinction without a difference, but still I think there is a very wide and a very marked distinction between a country upon a silver basis where that value of the coin is guaranteed to be kept at a certain value and a country upon another basis the unit of which is a gold dollar.

I shall not quarrel with the Senator from Georgia about the sense in which he uses words. He can use

them to please himself.

Mr. BACON. Well, Mr. President, I am sure the Senator from New York indulges himself in that liberty very freely.

Mr. ROOT. When I say a country is on a gold basis, I mean that the currency in which its business is transacted has a fixed and immutable value in gold, and is subject to no fluctuations of exchange because of the difference in the value of gold and silver. I may be wrong about that, but I do not think I am. However, if I am, then let us agree that the Senator from Georgia will use the term as he pleases and that I may use the term as I please.

Mr. BACON. The Senator from New York certainly has that liberty; but, Mr. President, I will take the further liberty of pointing out the inaccuracy of the Senator's analogy between our use of the greenback and the use of the silver peso in the Philippine Islands. When we say a dollar in green-backs we mean a dollar of the value of gold. When we say a peso in the Philippine Islands it means a hundred cents which is guaranteed to be worth one-half of that in gold. There is a very wide distinction between the two.

Mr. HITCHCOCK. Before the Senator from Georgia takes

his seat-

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. I yield.

Mr. HITCHCOCK. I wish to call attention to an error which I think the Senator from New York inadvertently made in comparing our gold reserve with the gold reserve maintained in the Philippine treasury. Our gold reserve of \$150,000,000 is to maintain the credit of the greenback, which is a promise to pay money. The \$10,000,000 kept in the Philippine treasury is kept there not for the purpose of paying any promissory note of the Philippine Government, but is kept there to maintain the value of the Philippine coinage. Something like 30,000,000 pesos, I understand, have been issued and are in circulation pesos, I understand, have been issued and are in circulation either as original silver pesos or as certificates of silver pesos on deposit in the Philippine treasury. This gold reserve is kept as a guaranty to maintain the pesos, whether coin or certificates, upon a certain standard of value. In this reserve some \$10,000,000 of gold have been accumulated, so that for 30,000,000 silver pesos, in coin or certificates, in circulation we have in the Philippine treasury, as I understand it, some 30,000,000 pesos in silver and \$10,000,000 in gold.

In my opinion that is a cash reserve entirely too large, and the fact that it is too large is indicated by the effort now being made by the administration to provide for the investment of a part of that reserve in securities. That is the bill to which the Senator from Idaho refers and which I consider to be a

dangerous bill.

I believe the Senator from North Carolina [Mr. OVERMAN] was justified when he called attention to the evil which exists in the large amount of money kept on deposit under the control of the Philippine or Insular Government. It is an unnecessary amount of money, considering the size of the obligation, because something like \$14,000,000 are maintained on deposit in the banks.

Mr. OVERMAN. May I interrupt the Senator?
Mr. HITCHCOCK. Certainly.
Mr. OVERMAN. It has been some time ago, but it seems to me, if I am not mistaken, that this fund is entirely under the charge of Gen. Edwards, who has been buying bonds with-

Mr. HITCHCOCK. No---Mr. OVERMAN. I am not sure.

Mr. HITCHCOCK. No bonds have been purchased. It is maintained as a cash reserve, as I understand it. The insular government is now asking the Committee on the Philippines to authorize it to invest a part of this reserve in securities, such securities as railroad bonds of the Philippine Islands and such securities as might be accepted by the United States Government for postal deposits.

for postal deposits.

Mr. OVERMAN. I remember that it came out on cross examination, and I was very much astonished at the time to know it, that the Chief of the Insular Bureau of the War Department had that great amount of money under his care.

Mr. HITCHCOCK. I think it is excessive. But in order to

cut this matter short, I will ask that the bill may go over. I

reluctantly concurred in the report. I think I have found a slight inaccuracy in the preparation of the amendment; there is an omission of several words; and in order that I may verify it, I will ask that the bill go over.

Mr. HEYBURN. I suggest to the Senator not to defer it longer than is absolutely necessary. If the bill goes over, I give notice that at a very early day I will ask the Senate to

take it up for consideration.

Mr. ROOT. Mr. President, before the bill goes over, I want to say a single word in regard to what the Senator from Nebraska [Mr. Hitchcock] has said as to the analogy between our reserve to make good a promise to pay in greenbacks and

the Philippine reserve.

I have paid no attention to the subject of Philippine finances for a number of years. I do not know how much the reserve is, or whether it is too large. I do not understand that that question is up in this bill, but on some other bill. However, as to the analogy between the two there is just as binding and solemn a promise to be kept good by the Philippine reserve as there is by the United States reserve, because the Philippine Government is pledged to everyone who takes one of its pesos to make it good in gold, and the promise is just as solemn as if it were stamped upon the piece of silver.

Mr. HEYBURN. I would simply suggest, that it may be in the mind of Senators, that there is a separate proposition of legislation pending, and that it bears no relation whatever to It would be utterly inappropriate to confuse them. this fund.

The PRESIDENT pro tempore. The bill will go over. The next bill on the calendar is a pension bill and will be passed over.

SENATOR FROM WISCONSIN.

The report of the Committee on Privileges and Elections relative to the charges preferred by the legislature of Wisconsin against Isaac Stephenson, a Senator from that State, was announced as the next business on the calendar.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

SNARE & TRIEST CO.

The bill (S. 2512) for the relief of the Snare & Triest Co. was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of the Snare & Triest Co. for reimbursement for all losses to them, including damage to pier, growing out of a collision by the U. S. S. Colorado on the night of February 9, 1905, at League Island Navy Yard, with jurisdiction to hear and determine the same to judgment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

The PRESIDENT pro tempore. This completes the Calendar of General Orders under Rule VIII.

DEERLODGE NATIONAL FOREST, MONT.

Mr. DIXON. From the Committee on Public Lands, I report back favorably without amendment the joint resolution (S. J. Res. 71) authorizing the State of Montana to take timber from the Deerlodge National Forest for certain purposes, and I submit a report (No. 350) thereon. I should like to ask for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, I would ask if the minority report has been prepared in the Stephenson case? I am going to ask to have the case set for a day certain. I call the attention of the Senator from Minnesota [Mr. CLAPP] to it.

Mr. CLAPP (in his seat). I do not know anything about it. Mr. HEYBURN. I will ask at this time that Order of Business No. 299, on the calendar, which is the report of the Committee on Privileges and Elections in the Stephenson investigation case, be taken up on February 20, and that it be disposed of on that legislative day.

Mr. CLAPP. Mr. President, there were five members of the committee, I think, who declined to join in the majority report, and I do not see any of them here.

Mr. HEYBURN. The Senator from Minnesota was one of them.

Mr. CLAPP. I mean none except myself.
Mr. LEA. I was one of those who joined in the minority report.

Mr. CLAPP. Personally, I have no objection to fixing that day, but it should not be done just now, I suggest, as there are very few Senators in the Chamber.

Mr. LEA. I was absent from the Chamber when the Senator from Idaho suggested the fixing of a date. What is the date suggested by him?

Mr. HEYBURN. The 20th of February; a week from to-day.

Mr. LEA. I object.

Mr. LEA. 1 object.

The PRESIDENT pro tempore. Objection is made.

Mr. CRAWFORD. I should like to ask the Senator from Idaho whether the testimony taken in that investigation has been published in such a form that it is accessible to Members of the Senate.

Mr. HEYBURN. Every Member of the Senate has had a copy of the testimony for some weeks, with a digest. It was

sent to every committee room.

Mr. LEA. Will the Senator from Idaho yield for a moment?

Mr. HEYBURN. Yes.

Mr. LEA. I desire to state as one of the five Members who wish to present a minority report that we expect to present a report this week, on Thursday or Friday; and, speaking for myself, after that we will be willing to agree, as far as I know, upon an early vote on the question. But before we present a report, for one I would not like to have a date set.

Mr. HEYBURN. This is not a question that requires unanimous consent. It is a question of the highest privilege, and I give notice that on the 20th of February I will call up this

matter.

Mr. LEA. If the Senator will yield for a moment further, I will state that I understand in the Martin case, from Kansas, it was held that such a question is not one of the highest

Mr. HEYBURN. The Senate has held that it is.

Mr. LEA. The Senate held in that case that under an objection it would go over.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 14, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1912.

UNITED STATES DISTRICT JUDGE.

George M. Bourquin, of Montana, to be United States district judge, district of Montana, vice Carl Rasch, resigned.

UNITED STATES MARSHAI

Rockwell J. Flint, of Wisconsin, to be United States marshal for the western district of Wisconsin. (A reappointment, his term having expired.)

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

Lieut. Col. John Conklin, Sixth Field Artillery, to be colonel from February 8, 1912, vice Col. Charles W. Foster, unassigned,

who died February 7, 1912.

Maj. Peyton C. March, Field Artillery (detailed adjutant general), to be lieutenant colonel from February 8, 1912, vice Lieut. Col. John Conklin, Sixth Field Artillery, promoted.

Capt. Albert J. Bowley, Second Field Artillery, to be major from February 9, 1912, vice Maj. Adrian S. Fleming, l'ourth Field Artillery, detailed as adjutant general on that date.

First Lieut. William F. Morrison, Second Field Artillery, to be captain from February 9, 1912, vice Capt. Albert J. Bowley, Second Field Artillery, promoted.

Second Field Artillery, promoted.

CHAPLAIN.

Chaplain George J. Waring, Eleventh Cavalry, to be chaplain with the rank of captain from February 10, 1912, after seven years' service in the grade of first lieutenant, in accordance with the provisions of an act of Congress approved April 21,

POSTMASTER.

MISSOURI.

Basil B. Kimbrell to be postmaster at Fulton, Mo., in place of Harvey B. Garver. Incumbent's commission expired May 23,

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1912.

UNITED STATES ATTORNEY.

John P. Nields to be United States attorney, district of Dela-

RECEIVER OF PUBLIC MONEYS.

Victor A. Corbett to be receiver of public moneys at Minot,

POSTMASTERS.

FLORIDA.

Charlie H. Stebbins, Manatee.

ILLINOIS.

William D. Abbaduska, Odell. Benjamin W. Belsley, Roanoke, Rollo N. Givler, Naperville. Milton T. Hunt, Warsaw.

LOUISIANA.

Floyd C. Mitchell, Zwolle. Evan J. Roderick, Vinton.

Phoebe Varney, Hartland.

NEBRASKA.

Osmer A. Butler, Newcastle.

NEW HAMPSHIRE.

Horace E. Hurlbutt, Hanover.

NEW YORK.

David Bothwell, Hannibal. Myatt E. Goring, Wappingers Falls, William J. Guthrie, Philadelphia, Charles C. Johnson, Antwerp. Charles McCarty, Gouverneur, Wesley Mulford, Unadilla. John T. Rodger, Hammond. George L. Wiltse, Rensselaer.

VERMONT.

Mary W. Chase, Derby Line.

WASHINGTON.

John W. Blackburn, Ridgefield. Ralph L. Philbrick, Hoquiam. William P. Ward, Rosalia.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 13, 1912.

UNITED STATES MARSHAL.

The nomination of Cornelius P. Swain, of Delaware, to be United States marshal, district of Delaware.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 13, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Eternal God, our heavenly Father, let Thy spirit, we beseech Thee, come mightly upon us, that with all diligence, perseverance, and firmness of purpose we may stand for our honest convictions with patience, humility, gentleness, and brotherly love. That in all our intercourse with our fellow men we may do unto them as we would have them do unto us, and so fulfill the law and the prophets in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIG. GEN. DAVID S. GORDON.

Mr. FOCHT. Mr. Speaker, on yesterday I introduced a bill providing for the promotion on the retired list of the United States Army of Brig. Gen. David S. Gordon to be a major general. I ask unanimous consent to insert in the RECORD a statement with reference to his distinguished military career.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to insert in the Record the military record of Gen. Gordon. Is there objection?

Mr. HAY. Reserving the right to object, Mr. Speaker, I do not think that requests of that sort should be granted. Everybody will be wanting his military career printed in the RECORD. I will ask the gentleman, Is there any particular reason why

this should be printed in the RECORD?

Mr. FOCHT. Only that when this question comes up on the bill you will want to know all about it. Mr. Speaker, I will change my request and ask unanimous consent to extend my remarks in the RECORD.

Mr. HAY. I object.

PRESERVATION OF THE CATARACT OF NIAGARA.

Mr. KENDALL. Mr. Speaker, the Committee on Foreign Affairs is about to propose legislation for the preservation of the scenic beauty of the cataract at Niagara. I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial on that subject which appeared in the recent edition of the Outlook.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record. Is there objection?
Mr. SULZER. Reserving the right to object, Mr. Speaker, I

would like to inquire of the gentleman whether this editorial was written by the editor of the Outlook or the contributing [Laughter.]

Mr. KENDALL. It is a splendid editorial in either instance. The SPEAKER. Is there objection?

There was no objection.

The editorial referred to is as follows:

THE PRESERVATION OF NIAGARA FALLS.

The editorial referred to is as follows:

THE PRESERVATION OF NIAGARA FALLS.

Five and a half years ago Congress decreed that the imposing spectacle of Niagara Falls is a national possession which must be preserved and that the preservation of it is a function of the Federal Government. Four years later the Governments of Great Britain and the United States agreed that the preservation of Niagara is not only a national duty but an international one. By treaty each Government agreed not to permit the diversion from the river above the Falls of water in excess of certain definite amounts. With the promulgation of the treaty, therefore, the waters of Niagara Falls, in so far as the United States was concerned, came under double protection—the international protection of the treaty and the national protection of the Burton Act.

In limiting the diversion of water the Burton Act was more stringent than the treaty—the act permitting the diversion of only 15,600 cubic feet per second, while under the treaty the United States could, if it wished, permit the diversion of 20,000 cubic feet per second. In addition, the Burton Act restricted to certain definite amounts the importation from Canada of electric power generated by the waters of Niagara. This was an important provision, for the reason that there was not, at the time of the act, nor is there yet, a market in Canada for more than a small fraction of the power which could be generated by the amount of water permitted to be diverted under the treaty. The provisions of the Burton Act have twice been extended since the treaty was promulgated; but the act again expires in March next. A joint resolution is now before Congress providing for the further extension of its provisions during the life of the treaty.

This joint resolution should be promptly adopted, for four reasons: First. The American people have determined that the scenic grandeur of Niagara Falls shall be preserved as a precious national possession.

Second, The duty of preserving Niagara is a national du

State.

Third. That the existing diversions have not harmed the Falls, and that no increased diversion possible within the treaty limits would harm

them.

Fourth. That no limitations should be put upon the importation of power from Canada, because the power will be generated there anyway, and American interests might as well have the benefit of the power so

and American interests might as well have the benefit of the power so generated.

The reply to these arguments is plain:

First. The contention of the power companies that they suffer because they have not received all that they were intended to have might conceivably afford the basis for a claim for damages; it affords no basis, however, for a demand which would work further injury to the Falls as an object of natural beauty.

Second. The principle has already been established, both by statute and by treaty, that the regulation of the use of the waters of Niagara is not a State function, but a national and international function. To reverse that position now would be to take a long step backward. Incidentally, it must be remembered that up to the time when the Falls came definitely under the national control no move was made by New York State to preserve their integrity.

Third. In a report by the Chief of Engineers of the United States Army, based on a long and thorough investigation by Army engineers, which was recently transmitted to Congress by the President in a message, the following conclusion is reached: "The existing diversions have already seriously interfered with and injured the scenic grandeur of Niagara Falls at the Horseshoe, which injury and interference will be emphasized by the effects of lower stages sure to recur on Lake Erie and the upper lakes due to natural causes." Upon this point this conclusion of unprejudiced expert observers should be final.

Fourth. The investigation of the Army engineers has shown that less than one-eighth of the power which could be generated in Canada by the amount of water permitted under the treaty is now in use. It has not yet been proved that the Canadian market for power will be large enough in the near future to use any considerable proportion of the

water permitted by the treaty to be diverted on the Canadian side. Unless the power can be imported into the United States, therefore, the use of water on the Canadian side is not likely to increase rapidly.

The reenactment of the provisions of the Burton Act is a national duty, because the people of the United States have determined that the scenic grandeur of Niagara Falls shall be preserved; because that scenic grandeur is already impaired and is in danger of further impairment; because the Burton Act has provided a method by which the integrity of the Falls has been effectively protected; and because no other method which is proposed will accomplish the same result.

ARMY APPROPRIATION BILL,

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CLARK of Florida in the chair.

Mr. CLARK of Florida took the chair amid general applause. The CHAIRMAN. The Clerk will report the amendment to the amendment which is pending.

The Clerk read as follows:

Amend the amendment by striking out the words "Fort Robinson." The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. MARTIN of South Dakota) there were—ayes 52, noes 13.

So the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I now offer an amendment to strike out the word "seven" and insert the word "six" in line 1, page 32.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 1, strike out the word "seven" and insert in lieu thereof the word "six," so that it will read "one million six hundred and twenty-one thousand three hundred and eighty-nine dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, is there not pending an amendment which was offered by the gentleman from Kentucky [Mr.

The CHAIRMAN. The Chair does not recall the amendment referred to, but will ask the Clerk to report it.

The Clerk read as follows:

On page 32, line 2, strike out the period and insert a comma and add the following: "Provided further, That no part of the sum appropriated by this act shall be used to construct a mobile Army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post."

Mr. FERRIS. Mr. Chairman, is there not a point of order pending to that amendment?

Mr. KAHN. Mr. Chairman, I reserved the point of order

when the amendment was offered.

The CHAIRMAN. The point of order is reserved.

Mr. SHERLEY. Mr. Chairman, this is merely a limitation on the appropriation.

on the appropriation.

Mr. KAHN. Mr. Chairman, when I reserved the point of order last evening I did not catch the full import of the amendment. In looking it over I am satisfied that it is simply a limiment. tation-upon the appropriation, and, therefore, I desire to withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The

question is on the amendment.

Mr. FERRIS. Mr. Chairman, is the amendment subject to

debate? The CHAIRMAN. No; all debate was closed by the com-

mittee on yesterday.

Mr. FERRIS. What was the ruling of the Chair as to the

point of order which was reserved?

The CHAIRMAN. The point of order was withdrawn.

Mr. FERRIS. Then I desire to reserve the point of order. Mr. SHERLEY. It is too late.
The CHAIRMAN. The Chair thinks it is too late. The point

of order was withdrawn in the presence of the committee by the gentleman from California.

Mr. FERRIS. No proceedings have taken place since then.
The CHAIRMAN (Mr. SAUNDERS). The Chair was in the act
of putting the question to the committee. There was no haste
about it. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. Helm].

The question was taken; and on a division (demanded by Mr. Ferris) there were-ayes 50, noes 31.

So the amendment was agreed to. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving, either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruiting and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militiar for the permanent equipment thereof; of the necessary agents and other employees; of clothing and equipage and other quartermaster's stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipments and of subsistence stores from places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenais, fortifications, frontier posts, and Army depots; for payment of wharfage tolls and ferriage; for transportation of funds of the Army; for the hire of amployees in the payment of Army transportation law-flux on such languart rallunds as hance with the payment of Army transportation law-flux on the such languart rallunds as hance with the such as the payment of the service with a flux of the Army; for the tail of the contract of the service with a such as a ferriage; for transportation of tunds of the Army; for the public at large, and shall be accepted as in full for all demands for such service; Provided further, That in expending the money appropriated by this act a rallund company which has not received all in bonds of the United States for postal, military, naval, and other Gov

Mr. FITZGERALD. Mr. Chairman, I wish to inquire of the gentleman from Virginia whether it is possible to state how much of this appropriation is expended for mileage?

Mr. HAY. Mr. Chairman, I do not know that any of it is expended for mileage. The appropriation for mileage is under a separate item in the bill—\$500,000. There is no part of this appropriation expended for any such purpose. To what does the gentleman refer?

Mr. FITZGERALD. There are a great many items grouped in this paragraph, and I was endeavoring to ascertain whether

any of this appropriation is available for mileage, Mr. HAY. It is not. The gentleman will find on page 246 Mr. HAY. It is not. The gentleman will find on page 246 of volume 1 of the hearings an itemized statement of what this appropriation is expended for. He will see from that that no part is expended for mileage. Mileage, as I understand it, is for travel expenses of officers of the Army. That is included in an item of \$500,000 on a previous page of the bill.

Mr. FITZGERALD. I would inquire whether the gentleman from Virginia has taken up the question of segregating the various services for which this appropriation is available?

I have not. That matter was called to the attention of the House on yesterday afternoon by the gentleman from Kentucky, Mr. Helm, and by the gentleman from Kentucky, Mr. SHERLEY.

Mr. FITZGERALD. Mr. Chairman, I withdraw the pro

forma amendment.

The CHAIRMAN. The time of the gentleman from New York has expired and the Clerk will read.

The Clerk read as follows:

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster's Department of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, \$598,557: Provided, That \$10,000 of the amount herein appropriated shall be ex-

pended to macadamize the roadway upon the Government property between the United States Government experimental farm and the Arlington Military Cemetery, in the county of Alexandria, Va.

Mr. MARTIN of South Dakota. Mr. Chairman, I make the point of order upon the proviso.

Mr. HAY. Will the gentleman state his point of order?

Mr. MARTIN of South Dakota. I make the point of order against the proviso beginning on page 35, line 15, and concluding with line 19, upon the ground that the authorization is not contained in existing law.

The CHAIRMAN. Does the gentleman from Virginia desire

to be heard on the point of order?

Mr. HAY. Mr. Chairman, I have only to say that this roadway is part of the Government property between the United States Government experimental farm and the national cemetery at Arlington, and it is in order, I believe, because it proposes to continue a public work already in progress.

The CHAIRMAN. Is it contended that this is an appropriation for a public work already in progress—

Mr. FITZGERALD. Mr. Chairman, this bill carries appropriations for the support of the Army, and any public work in progress is not in order on an Army appropriation bill. It must be shown to have some intimate connection with the mobile army. I do not believe these Government experimental farms and the national cemetery come within that category.

Mr. HAY. I will state to the gentleman from New York

that it is intended to improve the road which goes to the Arlington Cemetery and it is only for that reason it is put in the bill. I do not know that any military road is in progress of being built.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAY. Mr. Chairman, I offered an amendment The CHAIRMAN. The gentleman will send it to the desk.

Mr. HAY. I have already sent it to the desk.

The CHAIRMAN. But the gentleman from Virginia had not been recognized in respect to any amendment, and the Chair was not aware of any pending amendment. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 19, after the word "Virginia," insert the following: "Provided further, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Bofse Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Roots, Fort McLotosh, Fort Mackenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell."

Mr. HAY. Mr. Chairman, I would like that amendment to come in line 14, after the word "dollars," as the other language has been stricken from the bill, and I offer it in accordance with the report of the Secretary of War to which I

referred yesterday afternoon.

Mr. HOWELL. Mr. Chairman, the policy of concentrating the Army at certain strategic posts, as outlined in the late communication from the Secretary of War, ought not to be effected hastily on an appropriation bill. Among other posts designated the Secretary is the of Ferre Devider. Utah but in nated by the Secretary is that of Fort Douglas, Utah, but in this connection the Secretary of War notes the strategic features of Fort Douglas for military purposes, but notwithstanding its importance and desirability for a large Army post it is included by this amendment in the wholesale slaughter con-templated. I desire to read a statement of the Commercial Club of Salt Lake City, which gives full and complete information showing the importance of this post as a strategic rendezvous for a large body of troops. Instead of limiting and restricting this fort, it ought to be enlarged to a brigade post. It has all the necessities for such brigade post. It has ample grounds, an abundant supply of pure mountain water, and a climate renowned for its life-giving and invigorating properties. It is in close and immediate communication with the entire country and has ample railroad facilities for transportation with promptness and dispatch to any point required. It is in the center of a rich agricultural section, which insures a low cost of maintenance and support of troops. All these facts are so convincingly and accurately set forth by the statement of the business men of Salt Lake City, which I earnestly commend to the attention of the House:

FACTS AND MEMORANDA ON THE PROPOSED ENLARGEMENT OF FORT DOUGLAS MILITARY POST, SALT LAKE CITY, UTAH, FROM A REGIMENTAL TO A BRIGADE POST.

[Issued by the Commercial Club of Salt Lake City, Utah.] SALT LAKE CITY.

Salt Lake City has 100,000 inhabitants, with the usual quota of banks, hotels, office buildings, and mercantile establishments. Its altitude above sea level is 5,230 feet. Its average winter temperature is 32.1°. Its average summer temperature is 76.2°.

The average annual precipitation is 20.2 inches. It is situated at the western base of the Wasatch Mountains, in latitude 40° 46' and longitude 110° 54'.

TABLE OF DISTANCES.

TABLE OF DISTANCES.

It is distant from Denver 668 miles.

It is distant from Omaha 1,037 miles.

It is distant from Portland 865 miles.

It is distant from Seattle 1,050 miles.

It is distant from San Francisco 803 miles.

It is distant from Los Angeles 781 miles.

It is distant from San Diego 907 miles.

It is distant from El Paso 887 miles.

It is distant from Fort Assinniboine 685 miles.

RAILROAD CONNECTIONS.

It has direct railroad connection with all these cities. With San Francisco it has two railroad lines, the Southern Pacific and the Western Pacific Railroads. With Denver there are two lines, the Denver & Rio Grande and the Union Pacific Railroads.

FORT DOUGLAS RESERVATION.

Fort Douglas Military Reservation of 10,000 acres, lies to the east and a little nearer to the mountains, and a few hundred feet higher than the city. The western boundary of the reservation is the eastern boundary of the city. From the flagstaff at Fort Douglas to the United States post office in the city is 2.75 miles. An efficient electric car system, telephone, and telegraph lines connect the city with the fort. About one-fourth of the reservation is comparatively level land, below the foothills, and three-fourths in the foothills, canyons, and mountains to the east of the level ground.

WATER SUPPLY.

WATER SUPPLY.

The reservation covers the entire watershed of the Red Butte Canyon of about 10 square miles area. From this canyon is available a supply of pure water sufficient to cover the needs of a permanent encampment of at least 5,000 troops and the necessary animals going with that number of men. It also covers the watershed of Dry Creek, a canyon on the north side of the reservation, from which an additional water supply may be obtained. A Salt Lake City water main 36 inches in diameter passes across the reservation from Parleys Canyon. A 12-inch city water main from Emigration Canyon line also passes across the reservation. For additional water supply, in case it should be needed, the city "high line" from City Creek Canyon could furnish a head of 400 feet above the level of the base of the flagstaff at the fort. This extends around the base of the mountain to the north boundary of the reservation.

DRAINAGE AND SEWERAGE.

The entire comparatively level portion of the reservation slopes to the west and there is no opportunity for the gathering of surface water in pools or lakes and the formation of swamps or malariabreeding places. The sewers at the fort are connected with the complete sewerage system of Salt Lake City, whereby all sewage matter is conveyed to and deposited in Great Salt Lake, where it is purified by the exceeding saltness of the lake water.

MAP OF RESERVATION AND SALT LAKE CITY.

A map accompanying this statement, Exhibit A, shows the extent and topography of the reservation and the boundaries of Salt Lake City, the union railroad depots, and the proposed spur, 4 miles in length, from the Park City branch of the Denver & Rio Grande Railroad into the reservation.

MAP OF FORT DOUGLAS AND COUNTRY WEST TO THE COAST.

Another map, Exhibit B, shows the location of Fort Douglas with reference to the Pacific coast, the principal cities on the coast, the Canadian and Mexican boundaries, and the railroads radiating from Salt Lake City to those various points and the distance to each point.

PASSES THROUGH THE MOUNTAINS TO THE WEST.

There are only three passes through the mountains to the west which are available for railroads or wagon roads, and they are occupied by the three railroads extending west from this city.

CLIMATE.

The climate of Salt Lake City is salubrious, without extremes of either heat or cold. Troops coming to Fort Douglas from foreign service, debilitated from the climate, rapidly recuperate and recover health and strength at this station.

HOT SPRINGS.

Inside the city limits and also adjoining it on the north are numerous hot mineral springs, the waters of which are claimed to have all the curative qualities of hot springs elsewhere.

GREAT SALT LAKE,

Great Salt Lake, 90 by 30 miles in size, is situated about 12 miles northwest of the city and is reached by three railroads. The water of this lake contains 16 per cent salt, and besides furnishing most delightful bathing is found to be very beneficial in rheumatism, skin diseases, and other ailments.

SURROUNDING CULTIVATED COUNTRY.

In the area surrounding the city are thousands of cultivated farms and orchards, where all the vegetables, fruits, grasses, and grains of the Temperate Zone are produced in abundance, much of which is now exported from the State. Cattle, sheep, and hogs are raised in the State far beyond the supply needed for consumption by the people of the State.

RAILROADS TO THE EAST.

Two railroads from the east—the Union Pacific and the Denver & Rio Grande—now enter the city, and a third, the Moffat road, it is expected, will be extended from Colorado to this point in the near future.

TARGET, DRILL, AND MANEUVER GROUNDS.

TARGET, DRILL, AND MANEUVER GROUNDS.

The area of the reservation is ample for all necessary buildings, drill and parade grounds, target range for both artillery and infantry. In the Salt Lake Valley and in the mountains surrounding it there are innumerable locations suitable for camp grounds within a day's march from the fort. At various other points in the State other grounds can be reached in from two to five days' march where all requirements in the way of wood, water, feed, etc., can be easily secured. For the annual maneuvers there is a territory in the vicinity of Heber City, reached by the Denver & Rio Grande Rallroad, which has been used by the National Guard of Utah, which is admirably suited in every particular and is large enough for two brigades to maneuver at the same time. This field is 40 miles from Salt Lake City, over good

roads, and an easy three days' infantry march. Among the other excellent fields for maneuvers is Strawberry Valley, 140 miles, or six days' march, from Salt Lake City.

BUILDING MATERIAL.

A good quality of building stone exists on the reservation near to the point where it will be needed. This stone has been extensively used in the erection of the buildings now standing at the fort. Other building material can be obtained here at reasonable prices.

STRATEGIC POSITION OF FORT DOUGLAS.

material can be obtained here at reasonable prices.

STRATEGIC POSITION OF FORT DOUGLAS.

It is thought by those competent to express an opinion that Fort Douglas is admirably located strategically for a base for supplies and troops for the defense of the entire Pacific coast.

Los Angeles, 781 miles distant, is reached by regular trains in 24½ hours. This can be made by special trains, when necessary, in about 18 hours, the restriction placed by competing lines being the only reason for the present schedule of 24½ hours.

San Francisco is 803 miles distant by the Southern Pacific Railroad and a few miles farther by the Western Pacific. Regular trains between Salt Lake City and San Francisco are scheduled at 25 to 29 hours, and this time could be cut, if necessary, at least 5 hours.

Portland and Seattle, 865 and 1,050 miles distant, are made in 31 and 38 hours, respectively, over the Oregon Short Line Railroad and northern connections. The completion of shorter lines now under construction will reduce this time about 5 hours.

A base at Fort Douglas would be safe from attack or capture in case of foreign invasion, and small bodies of troops from this point could quickly occupy and hold the very few mountain passes in the Coast Range against any invading force, and give the required time for preparation and gathering of necessary troops and supplies to meet and overcome a foreign foe.

Maurice M. Kaighn, chairman; Edwin F. Holmes, Heber M. Wells, George D. Alder, Heber J. Grant, F. B. Stephens, C. A. Quigley, D. G. Bolton, L. M. Bailey, D. H. Christensen, L. A. Merrill, R. M. Breeden, John F. Bennett, Joseph Meltzer, Dennis J. Murphy, A. Richter, W. J. Burton, W. J. Meeks, Joy H. Johnson, committee; Joseph E. Caine, secretary.

Salt Lake City, Utah, December 26, 1911.

SALT LAKE CITY, UTAH, December 26, 1911.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was adopted. The CHAIRMAN. The Chair wishes to say to the committee in respect to amendments that gentlemen desiring to submit an amendment must secure the recognition of the Chair for that purpose, and amendments that are simply lodged with the Clerk without a previous recognition are not in a position to be presented to the House. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage; for repairs to water and sewer systems and plumbing within buildings; and for extra-duty pay of enlisted men and hire of employees, \$1,702,595.

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HAY. Well, Mr. Chairman, I will wait until the gentle-

Mr. SHERLEY, I want to ask the gentleman as to the reasons for the language on page 35, line 23, "for the installation and extension of plumbing within buildings where the same is

not specifically provided for in other appropriations"?

Mr. HAY. I will state to the gentleman that that was new language. The Quartermaster General stated:

Gen. ALESHIRE. That has been submitted that we might be prepared for the comptroller. There is no specific provision for the installation and extension of plumbing under this appropriation, although we have done it, and it has been passed.

The CHAIRMAN. Then you just put it in out of abundant caution?
Gen. ALESHIRE. Yes, sir.
The CHAIRMAN. To meet any possible objection on the part of the auditor?
Gen. ALESHIRE.

auditor?

Gen. Aleshire. Yes, sir; also the provision for the including of fire-alarm systems. We have been called upon by the Surgeon General for a fire-alarm system in certain hospitals, and there was no specific provision for it, and the new language is accordingly submitted. Neither of these changes has involved any increase in the appropriation. There is also provision for plumbing within the buildings. We are installing plumbing in every building we construct, but should it become a question of specific authority we would not have that authority.

Mr. SHERLEY. Now, under the paragraph relating to barracks and quarters, is the language "for repairing public buildings at military posts." Would not this provision give you two appropriations for the same work?

Mr. HAY. How does that affect it?
Mr. SHERLEY. It affects it in that it makes it difficult to have a proper check on the department. There ought not to be two appropriations authorizing the same things. Here is an appropriation for barracks and quarters for something over a million dollars, and here is another appropriation of \$1,700,000.

Mr. HAY. I will say to the gentleman that the barracks and quarters provision is entirely different from the water and sewer appropriation, and that the authorization under barracks and quarters is not new, but it is new in the water and sewer appro-

Mr. SHERLEY. Have you not power under the barracks and quarters paragraph now to do this entire work of plumbing?

Mr. HAY. The department thinks not. It has done it, and it has been passed by the comptroller without any question.

Mr. SHERLEY. What the gentleman read, if I understood it wright, was that this language was necessary, or, rather, thought desirable, in order to make the authorization proper, under water and sewer appropriations for military posts. Now, am asking him whether he has not already authority under the barracks and quarters provision?

Mr. HAY. Where is the language?

Mr. SHERLEY. On page 30 of the bill, in line 17, where it refers to repair of public buildings at military posts.

Mr. HAY. That does not give the authority to install plumb-

ing and fire-alarm systems.

Mr. SHERLEY. The point I am coming to is this: As you appreciate, this bill does not carry authorization for buildings that exceed \$20,000 in value, of original construction.

Mr. HAY. I understand that.

Mr. SHERLEY. Here you are undertaking to authorize plumbing and fire-alarm systems.

Mr. HAY. Well, as a matter of fact, ought not that to be an authorization to put plumbing and fire-alarm systems in houses constructed, and in hospitals, where fire-alarm systems are

Mr. SHERLEY. This does not limit you to the buildings you have authority to construct. It gives you the right to do it as to any building.

Mr. HAY. Is it not proper that they should have that

authority?

Mr. SHERLEY. I think that ought to be estimated for along with the buildings when their cost is submitted. What you are liable to do here is to give additional leeway to the department for expensive buildings.

Mr. HAY. When I come to think of it, I do not believe this authority would extend beyond any building which would be built under the appropriation carried in barracks and quarters.

This money is to be spent on buildings constructed under this bill, and it certainly could not apply to buildings to be constructed under some other bill. These buildings ought to have plumbing systems. Plumbing ought to be installed in them, and certainly in hospitals there should be fire-alarm systems.

Mr. SHERLEY. I thoroughly agree with the gentleman as to the advisability of doing particular work, but I am so much opposed to tremendous lump-sum appropriations that I do not like to see the scope of them enlarged by the addition of new

language.

Mr. HAY. I will call the gentleman's attention to the fact that under this bill there could be no building erected costing over \$20,000, and therefore under the language referred to by

him no fire-alarm system or any plumbing could be put in any building that costs over \$20,000.

Mr. SHERLEY. That is as to a new building being erected, but in point of fact what frequently happens is that under the guise of repair they practically build a building over, and here you have in two items nearly \$4,000,000 authorized for the expenditure on harracks and quarters and it is carried in a lump. penditure on barracks and quarters, and it is carried in a lump sum, with no knowledge to the House as to what it shall be expended for. I am not saying but that the committee may have accurate knowledge of it.

Mr. HAY. If the gentleman desires it, I can give him an itemized statement as to how the appropriation is to be spent as well as how the appropriation for barracks and quarters is

to be spent.

Mr. SHERLEY. The gentleman knows that would be of no value to me in the consideration of this bill at this time. will not insist on the point of order, though I did want to call

attention to these large lump-sum provisions.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Provided further, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Roots, Fort Melnesh, Fort Mackenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

Mr. HOWELL and Mr. FITZGERALD rose.

Mr. HAY. Mr. Chairman, I yield to the gentleman from New York

Mr. FITZGERALD. Mr. Chairman, I would like to call to the attention of the gentleman the question as to whether it would not be necessary to modify his amendment slightly. This paragraph provides for the purchase and repair of fire apparatus; also for extra-duty pay of enlisted men and hire of employees. Now, it carries more than mere new installation.

I understand the desire of the gentleman is not to permit any improvements to be made, but there are certain services paid out of this appropriation that should be continued and provided for.

Mr. HAY. I think the gentleman is correct in that. I will change the amendment in accordance with the gentleman's

suggestion.

The CHAIRMAN. Does the gentleman from Virginia desire to withdraw his amendment?

Mr. HAY. I desire to change it in one respect. In the mean-

time I will yield to the gentleman from Utah [Mr. Howell].

The CHAIRMAN. By unanimous consent the amendment offered by the gentleman from Virginia is temporarily withdrawn in order to give opportunity for changing it and resubmitting it later in amended form. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia as amended.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Roots, Fort McIntosh, Fort Mackenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes. \$450,000: Provided, That no part of said sum shall be expended for the construction of quarters for officers of the Army, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of \$8,000; of a colonel or officer above the rank of captain, \$6,000; and of an officer of and below the rank of captain, \$4,000.

Mr. SHERLEY. Mr. Chairman. I reserve a point of order.

Mr. SHERLEY. Mr. Chairman, I reserve a point of order. I would like to ask the gentleman from Virginia about the language on page 36, line 10, relating to the acquisition of title to building sites. What is proposed to be purchased in the way

of sites in the Philippine Islands?

Mr. HAY. I do not understand that anything is proposed to be bought. This is the language that has been in this item for some years past. The question was asked whether any sites were expected to be bought, and it was stated that there were

Mr. SHERLEY. What is the \$450,000 to be expended for

there, if the gentleman can state briefly?

Well, it is to be expended in the Department of Mr. HAY. Luzon and in the various other departments in the Philippine Islands. I will state to the gentleman some of the items that are stated here: Department of Luzon, \$63,922.01; department of the Visayas, \$18,894.42; department of Mindanao, \$57,426.92. Then the various posts are given under which that \$140,000 is to be expended. Then there is to be expended at Camp Wilhelm \$300, and at Quartel de Espana, \$3,180, and various other posts making up the total amount.

Mr. SHERLEY. What is the nature of the expenditure,

aside from the locality in which the expenditure is to be made? Mr. HAY. Well, they are buildings for the use of the troops

and for the shelter of animals and supplies.

Mr. SHERLEY. Last year's bill carried \$600,000 for this purpose. The bill in the year before that carried \$375,000. Now you are asking \$450,000. That makes a total of over \$1,400,000 in three years for this purpose in the Philippines.

Mr. HAY. I would say to the gentleman that the estimate made was \$600,000, and it was cut down by the committee to

\$450,000.

Mr. SHERLEY. I congratulate the committee on that cut. But I am trying to find out what possible expenditure of \$1,400,000 could be necessary inside of three years in the Philippine Islands for barracks and quarters.

Mr. HAY. I can not tell what was expended in the last two

years

Mr. SLAYDEN. Mr. Chairman, if the gentleman from Virginia will permit me, I think I can answer that question. The first barracks and quarters constructed in the Philippine Islands were of timber, which were thought to be much cheaper, and they were; but they have insects out there that eat up these timber quarters in a very short time. Now, all the military posts in the Philippine Islands are being reconstructed with concrete material.

If you will examine the hearings along at page 353 and following, you will find that they have experimented in the Philippines with what they call the cement gun in their architectural construction. They put a framework of wire and other construction to retain the cement, and then they shoot the liquid cement into that and make the wall in that way. They built one house in San Antonio last year that my friend from Connecticut [Mr. Tilson] probably saw. That was very cheap, compared with other construction, and has given satisfaction.

The CHAIRMAN. The time of the gentleman from Kentucky

has expired.

Mr. HAY. I ask unanimous consent that the time of the

gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. HAY. I will state to the gentleman that the general staff have adopted a policy of declaring certain posts in the Philippine Islands to be permanent. These comprise about 21 posts, and the money in this appropriation is to be spent mainly on those posts. For instance, they are proposing to construct a permanent post at Camp Stotsenburg, which is to be a cavalry post, and is eventually to accommodate two regiments of cavalry. This money is to be spent mainly upon these permanent posts and upon 73 posts and garrisoned towns in the Philippine Islands.

Mr. SHERLEY. What I was trying to arrive at here is this: In three years there has been an expenditure of \$1,400,000. Can the gentleman tell how much of that has gone for the acquisition

I can not; but I do not recall that any land has Mr. HAY. been acquired in the last two fiscal years.

Mr. SHERLEY. There is a very large post outside of Manila.

Fort William McKinley.

Mr. SHERLEY. Can the gentleman state how much of that money has gone for an addition to that post?

Mr. HAY. I understand that no money has been expended in the last two fiscal years to buy any land at Fort William McKinley.

Mr. SHERLEY. Was the original project abandoned, which was for the purchase of a large area of land there, or was it carried out?

Mr. HAY. I think it was abandoned. Certainly the land has not been bought up to the present time, and it can not be bought out of this appropriation, because the appropriation is not suf-

Mr. SHERLEY. What is the most expensive building that is proposed to be erected, or can the gentleman state?

Mr. HAY. I can not, because I do not know what every

building that is to be erected is to cost; but I can say to the gentleman that the committee have cut down the amount of money which can be expended for the quarters of officers.

Mr. SHERLEY. I was very glad to see that. I myself offered the original proviso, and at that time made it more liberal than I thought was necessary, in order to assure its adoption. I am very glad to see that in that particular the committee has cut the amount.

Mr. FITZGERALD. Mr. Chairman, some years ago we appropriated \$3,000,000, if I recall correctly, for what were designated temporary quarters for the troops in the Philippine Islands. Since that time annually the War Department has been asking in the neighborhood of \$500,000 for quarters for troops in the Philippine Islands. And yet all the plans of the department are to concentrate a force at Manila, so as to make a last resistance in case of any trouble over there. It seems to me we are expending for these military purposes in the Philippines very much in excess of any amount that can be justified.

Mr. KAHN. Will the gentleman from New York yield?

Mr. FITZGERALD. Yes. Mr. KAHN. Gen. Carter testified before the committee that, with the exception of Fort William McKinley in the Philippines, the barracks and quarters were in an exceedingly bad condition and that it was the purpose of the department to put up permanent buildings in place of the temporary quarters that are now being used. He spoke of the fact that even the windows in the existing buildings were in such a bad shape that in stormy weather the rain blows in and destroys personal property

Mr. FITZGERALD. That is not to the credit of the War

Department.
Mr. KAHN. That is very true; but you have a peculiar condition in the Philippines.

Mr. FITZGERALD. We have had that peculiar condition on the Isthmus of Panama.

Mr. KAHN. Oh, no.

Mr. FITZGERALD. Let me make my statement, and then the gentleman can make any he desires. We had the peculiar condition on the Isthmus of Panama. There is an estimate before Congress now for permanent quarters on the Isthmus for troops for a great many million dollars, and in an explanatory note it states that they are to take the place of the buildings that will be turned over whenever they are necessary to be disposed of, and yet we are utilizing frame buildings there erected by the French company 20 years ago. If the War Department did as effective work in the Philippine Islands as elsewhere these so-called temporary structures, for which \$3,000,000 was appropriated in one bill and more later, they would not be in the dilapidated condition they apparently are, or as it is claimed they are, when an effort is made to obtain additional appropriations. I am inclined to believe that the administration of this fund in the Philippine Islands is marked with the grossest extravagance. This is always the case when conducted far from the observation of the eyes of public officials charged with the responsibility of the collection and disbursement of public money.

I am very glad that the gentleman from Virginia has reduced

the appropriation from that of the current year, and I hope that next year he will make a much more substantial reduction. I believe that after he has effected the reforms for the Army which he is advocating he will be able to give these other matters such careful scrutiny as will result in additional reforms. I have no doubt that the results will be very beneficial.

I have had some experience with gentlemen who can draw distressing pictures as to the condition of Government buildings as a foundation for new appropriations. Much of their statement must be discounted by reason of their interest and en-thusiasm in their work. The figures already mentioned dem-onstrate that there has been an amount of money already expended for barracks and quarters in the Philippines that can not be justified.

Mr. KAHN. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] has referred to the conditions on the Isthmus of Panama. The Philippines are in an entirely different condition. In the first place, they have an insect there—the white ant—which eats up wood almost as rapidly as you can put it down, and you have no such conditions at Panama. The Army officers have told the Committee on Military Affairs that this ant is a great source of destruction to military barracks and

quarters.

It is a condition that no officer is responsible for. Nature is responsible for it, and I am sure the gentleman from New York does not want to see the officers and soldiers of the Army housed in dilapidated buildings. The Army within the last two or three years has discovered a new process, or has been using a new process, for putting up buildings. They are using the process in Honolulu with splendid success. It is a cheap method of putting up buildings. It is done by squirting cement against the sides of a form, and when the work is over you have a perfectly constructed cement building.

Mr. FITZGERALD. Let me call the attention of the gentle-

man from California to the fact that Col. Hogdon writes that contrary to a common impression, concrete construction in the Philippines would not be inexpensive, but on the contrary would be very expensive, and he goes on to point out the rea-sons for that statement. So the gentleman's statement as to the inexpensive process to be adopted is not at all applicable to the

Philippine Islands, about which we were talking.
Mr. KAHN. It is inexpensive in the Hawaiian Islands, and if it be more expensive in the Philippines the additional expense will result in better accommodations for our Army and for the officers. I apprehend that it is worth while to spend a little more money on barracks and quarters to be occupied by the officers and soldiers of the United States in the Philippines. I was in the Philippines in 1901, and I stated on the floor of this House, after I returned, that I saw soldiers quartered in barracks there that you would not put a pet dog in.
Mr. SHERLEY. Will the gentleman yield?

Mr. KAHN. Certainly. Mr. SHERLEY. Can the gentleman tell this committee what this \$450,000 is to be expended for?

Mr. KAHN. On page 362 of the hearings the Quartermaster General gives a specific list of the places where he proposes to use the money.

Mr. SHERLEY. Was there any examination of the Quartermaster General, or anybody else, as to any of these particular items, and the need for the particular amount, whether these were upon an estimated basis upon plans formed, or whether they were simply estimates in a general way?

Mr. KAHN. I will say frankly that I was not at the committee meeting when the Quartermaster General appeared.

Mr. SHERLEY. I have no desire to seem to be a critic of the committee, but the reason for my inquiry is this: Nearly a million and a half of dollars has been appropriated in three years for buildings in the Philippines, and, so far as I can ascertain in the hurried search that I have been able to make, there is no detailed examination as to any of those expenditures. know that it developed in the fortifications hearings that the engineers missed by \$1,000,000 in their estimate in regard to cement work in the Philippine Islands. It seems to me if we are to have these lump-sum appropriations brought in here, we ought to at least have some evidence of a detailed examination of the items in the committee.

The CHAIRMAN. The time of the gentleman from Cali-

fornia has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. I see by the hearings, on page 353, volume 1, that the Quartermaster General has set forth a large number of barracks and quarters in the Philippines, and he tells the committee just how many troops he intends to quarter in each one

Mr. SHERLEY. But the point is this: There is a great deal of difference between a statement submitted by a department and an examination of an official as to that statement. One is an ex parte affair and the other is an ascertainment of the detail. If we are simply to have the department send their statement, and let it go at that, we might as well take the estimates in the first instance.

Mr. KAHN. I shall have to refer my friend to the gentleman from Virginia, the chairman of the committee, who has

charge of it.

Mr. SHERLEY. I am not saying this with any desire to reflect on anyone. I think the committee as a whole is to be congratulated on a great deal of its work, but it does show the evil of these lump-sum appropriations, about which this

House is asked to vote without any knowledge at all.

Mr. KAHN. My colleague from Kansas [Mr. Anthony] says that on page 362 the Quartermaster General has set forth all the repairs that he intends to make, but says nothing about

new construction.

Mr. SHERLEY. Those were made a year ago.

Mr. KAHN. No; they are the estimates for this year.

Mr. SHERLEY. I think the gentleman is mistaken, as he will see if he looks.

Mr. KAHN. Estimate for fiscal year 1913, Philippine Islands, mobile Army, \$119,448.62. Then he speaks of the amount that he expended in 1911.

Mr. SHERLEY. The detail consists of the statement that \$119,448.62 is for the mobile Army service in the Philippine

Islands.

Mr. KAHN. True. He speaks of the increasing age of the old frame buildings, and he says that they demand a much larger expenditure for repairs than has been necessary in the past.

Mr. SHERLEY. Oh, yes; and that is highly illuminating as to how much is to be expended at any particular place! It

gives us all the possible information on the subject!

The CHAIRMAN. Is the point of order withdrawn?

Mr. SHERLEY. Yes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Finley having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4362. An act to provide for the construction and equipment

of additional light vessels for general service;

S. 4518. An act to provide for completing the reestablishment of the light and fog-signal station marking Thimble Shoal,

Chesapeake, Bay, Va.; S. 104. An act for the relief of Carl Krueger S. 547. An act for the relief of Sarah A. Waite;

S. 4471. An act to provide for the establishment of aids to navigation and for the improvement of existing aids in Puget Sound, Wash.;

S. 4415. An act to provide for making necessary improvements at Point Pinos Light Station, Cal.;

S. 4860. An act to satisfy certain claims against the Government arising under the Navy Department; S. 4459. An act to provide for repairs and improvements to

aids to navigation in the St. Marys River, Mich.;

S. 412. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

S. 2199. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

S. 4189. An act for the relief of Johanna S. Stoeckle;

S. 3686. An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nation; S. 4856. An act to amend sections 6 and 7 of the pure-food

act of June 30, 1906, and for other purposes

S. 3952. An act for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said lands be, and the same is hereby, repealed;

S. 4754. An act to dispose of certain lands for town-site pur-

S. 4238. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war;

S. 4786. An act to amend an act entitled "An act to provide for the sale of isolated tracts of public lands in Imperial County, Cal.," approved March 3, 1909; and

S. 3570. An act to amend an act entitled "An act to provide for determining the heirs of deceased Indians for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 855).

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

The message also announced that the Senate had passed the

following order:

Ordered, That the Secretary inform the House of Representatives that the Senate has elected Jacob H. Gallinger, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Wednesday, February 14, 1912.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 14.

Resolved by the Schate (the House of Representatives concurring), That the Secretary of State is hereby authorized to furnish a copy of the daily and bound Congressional Record to the undersecretary of state for external affairs of Canada, in exchange for a copy of the Parliamentary Hansard; and that the Public Printer is hereby directed to honor the requisition of the Secretary of State for such copy.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-

second Street, in said city; H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the

Calumet River at South Chicago, Ill.;

H. R. 14484. An act to amend an act approved February 24, 1911, authorizing J. W. Vance and other to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo.; and

H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservation to the Panama-Pacific Inter-

national Exposition Co.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated

S. 4362. An act to provide for the construction and equipment of additional light vessels for general service; to the Committee on Interstate and Foreign Commerce.

S. 4518. An act to provide for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va.; to the Committee on Interstate and Foreign Commerce

S. 104. An act for the relief of Carl Krueger; and

S. 547. An act for the relief of Sarah A. Waite; to the Committee on Claims.

S. 4471. An act to provide for the establishment of aids to navigation and for the improvement of existing aids in Puget Sound, Wash.; and

S. 4415. An act to provide for making necessary improvements at Point Pinos Light Station, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 4860. An act to satisfy certain claims against the Government arising under the Navy Department; to the Committee on Claims.

S. 4459. An act to provide for repairs and improvements to aids to navigation in the St. Marys River, Mich.; to the Committee on Interstate and Foreign Commerce.

S. 412. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

S. 2199. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell; and

S. 4189. An act for the relief of Johanna S. Stoeckle; to the Committee on Claims.

S. 3686. An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nation; to the Committee on Indian Affairs.

S. 4856. An act to amend sections 6 and 7 of the pure-food act of June 30, 1906, and for other purposes; to the Committee

act of June 30, 1906, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3952. An act for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land he and the same is hereby repealed; and

sale of said land be, and the same is hereby, repealed; and S. 4754. An act to dispose of certain lands for town-site purposes; to the Committee on Indian Affairs.

S. 4238. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of

actual or threatened war; to the Committee on Military Affairs. S. 4786. An act to amend an act entitled "An act to provide for the sale of isolated tracts of public lands in Imperial County, Cal.," approved March 3, 1909; to the Committee on the Public Lands.

S. 3570. An act to amend an act entitled "An act to provide for determining the heirs of deceased Indians for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 855); to the Committee on Indian Affairs.

S. Con. Res. 14. Concurrent resolution authorizing the Secretary of State to furnish a copy of the daily and bound Congressional Record to the under secretary of state for external affairs of Canada, in exchange for a copy of the Parliamentary Hansard; and directing the Public Printer to honor the requisi-tion of the Secretary of State for such copy; to the Committee on Printing.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN (Mr. SAUNDERS). The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

Clothing and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army regulations; for altering and fitting clothing and washing and cleaning when necessary; for equipage, and for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding \$10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$4,913,271.

Mr. HAY. Mr. Chairman, I. offer the following amendment.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 37, line 11, strike out the word "nine" and insert in lieu thereof the word "eight," so that it will read "four million five hundred and thirteen thousand two hundred and seventy-one dollars."

Mr. KAHN. Mr. Chairman, I desire to offer an amendment

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from California?

Mr. HAY. Certainly. Mr. KAHN. I offer to amend by way of substitute by making the sum \$5,431,700.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 37, lines 11 and 12, strike out the words "four million nine hundred and thirteen thousand two hundred and seventy-one" and insert in Heu thereof the words "five million four hundred and thirty-one thousand seven hundred."

Mr. KAHN. Mr. Chairman, for many years the Quarter-master General has been endeavoring to create a reserve in the way of clothing. Up to a year ago he was enabled to do that, but last year's appropriation did not permit him to add anything to the reserve accumulation of clothing. He says that it is a very difficult matter in an emergency to manufacture the clothing. So far as shoes and underwear are concerned there is no difficulty in purchasing them at any time, but clothing is a difficult matter to procure in an emergency. He says, furthermore, that the general administrative charges of his department in the matter of clothing aggregates \$325,-769.83. His total estimate to the committee was \$5,431,700, the amount that I have offered as a substitute for the amount put into the bill by the committee. The clothing for his reserve accumulation was estimated at \$130,700, but unless he receives the amount that he estimated for the administrative charges I feel confident that there will be a deficiency in this appropriation.

Mr. FITZGERALD. Will the gentleman yield for a question? Mr. KAHN. Yes.

Mr. FITZGERALD. How frequently has the clothing equipment of soldiers been changed in the last 10 years?

Mr. KAHN. Well, the matter of clothing has been changed,

Mr. KAHN. Well, the matter of clothing has been changed, I think, two or three times within the last few years.

Mr. FITZGERALD. Every time there is a change a lot of surplus supplies are sold cheaply, are they not?

Mr. KAHN. Oh, no; the change that has been recently made is in the way of economy. If the gentleman will recall, the change that was made in 1910 or thereabout provided for smaller pockets on the blouses of the soldiers in place of the large pockets and stand-up collars in place of turned-down collars, and a number of changes of that kind, all of which added to the saving on the cost of the blouse.

Mr. FITZGERALD. That is not what I have in mind.

Mr. KAHN. The gentleman perhaps has in mind the matter of uniforms, which is another matter altogether. This is clothing, as I understand it, for the enlisted men, and the changes I have indicated to the gentleman have resulted in a material saving to the Government.

Mr. FITZGERALD. Out of this appropriation is bought uniforms for the enlisted men?

Mr. KAHN. That is what I understand. Now, the present uniform provides, I believe, for a stand-up collar instead of a turned-down collar, and the Government saves—
Mr. FITZGERALD. In the change of uniforms, what has

been the practice of disposing of accumulations?

Mr. KAHN. I understand that in making these changes it is done very gradually so that the department itself has not made any material loss on any of this property.

Mr. FITZGERALD. Let me just call the gentleman's attention to this. My attention has been called to the fact that there is a place very close to my district where it is possible to buy all sorts of quartermasters' supplies in the way of harness, clothing, and equipment at very insignificant prices at sales made from time to time following changes in the character of the uniform, and instead of being done gradually, from the information that has been given to me, it must have been a wasteful method.

Mr. KAHN. Well, I have taken up the matter with the Quartermaster General personally a number of times with respect to some one article of clothing allowance and he has invariably told me that it is always the effort of the department to utilize the old material before the new material is issued and that, as a general proposition, there is no material loss to the Govern-

ment by these changes.

Mr. FITZGERALD. I think the statement is hardly accurate, because I know a man who makes the practice of buying his harness in such places—

Mr. KAHN. Well, that is not clothing.

Mr. FITZGERALD. No; he happens to buy harness and such

supplies the same way, and one year there will be tan harness and then they substitute black harness and then change to some other harnes

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FITZGERALD. And this discredited harness can be pur-

chased in that way very cheaply and—
Mr. KAHN. Mr. Chairman, I ask that I may be given five minutes more.

The CHAIRMAN. The gentleman from California asks that he may be allowed to proceed for five minutes. Is there objec-[After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman—
The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. KAHN. Certainly.

Mr. SHERLEY. I have here a statement showing changes in specifications for clothing and equipment made since 1898 from page 381 of the hearings before the Committee on Expenditures in the War Department. This is a table furnished by Gen. Aleshire, and shows that the cost to the Government of the property amounted to \$1,263,521.44.

The receipts from the sales amounted to \$404,278.24, show-

ing an apparent loss to the Government of \$859,243.20.

Was that on clothing? Mr. KAHN.

Mr. SHERLEY. That was on clothing, caps, shirts, trousers, and so forth.

Mr. KAHN. I want to say that the present Quartermaster General, in my judgment, is one of the ablest men who has ever occupied that position. He is a man who is exceedingly careful in his estimates. I think every member of the committee will verify that statement.

Mr. SHERLEY. That is the reason I was quoting him as showing this great loss. He has nothing to do with these changes. He simply obeys orders. Does the gentleman think in view of that fact that this committee is authorized to vote money for reserve in clothing? This bill carries no reserve for ammunition for mobile Artillery; is it not carrying the matter to an extreme to say you want a reserve of clothing, when men can fight in any sort of clothing?

Mr. KAHN. Nevertheless, the soldier should be proud of his uniform, and he should have an adequate one when he goes

marching under the Stars and Stripes. [Applause.]

Mr. SHERLEY. I agree to that; and the gentleman's statement is very pretty. But the proposition is not to supply the soldier with a uniform. It is to lay up a reserve that is not needed, and which has been changed so often that since 1898 you have lost \$800,000 in money by it. I say to you that it is better that the soldier have ammunition than to have a uniform when he is sent into battle. [Applause.]

Mr. MANN.

Mr. MANN. It is necessary to have both.
Mr. KAHN. Exactly so. It is necessary to have both. When
the matter of ammunition comes up on this floor, I shall offer an amendment to this bill. I agree with the gentleman absolutely. We can only manufacture 300 rounds of Field Artillery ammunition a day, with our factories going full blast, and we ought to accumulate a reserve of ammunition in order that

we may be prepared at any moment.

The country has never been so well prepared, so far as reserve supplies are concerned, as at the present time. We have more small arms in reserve than we have ever had before. I think we have a greater quantity of clothing in reserve than we have ever had before, and more ammunition than we have ever had before. But, for all that, I do not think it advisable at this time to begin to cut off the appropriations. I believe in the still further accumulation of necessary reserve clothing, ammu-

nition, and rifles.

The loss of which the gentleman speaks may have been made, and undoubtedly was made, because the Quartermaster General would not testify it was made if it had not been so. I do not know just what percentage that may be of the total amount expended for clothing. It may be a very small percentage of the great amount expended for that purpose. If I recall the statement of the gentleman from Kentucky [Mr. Sherley], the report says that the loss accumulated since 1898. In 1898 occurred the War with Spain. The clothing was all in use, and in equipping the Volunteer regiments they obtained the best they could get in many instances. They were anxious to send the men into the field properly equipped and properly clothed. I dare say that a considerable loss occurred immediately after the war. As my colleague on the committee from Massachusetts [Mr. Ames] suggests, they changed from heavy uniforms to light uniforms when they went into the Tropics, and that no doubt led to a considerable loss to the Government.

The CHAIRMAN. The time of the gentleman has again

expired.

Mr. SHERLEY. Mr. Chairman, I believe in a proper reserve for those things that are essential for the Army when there shall be a demand for it in war and a consequent expansion of it. No man who has ever dealt with appropriations but knows there are relative importances as to reserves of matériel for the Army and the Navy and that we never have and never will give all the things that the departments think will be necessary.

I maintain that the very least important of all the reserves necessary for an army is the reserve of clothing. It is desirable that the reserve be had in some instances, but it would not necessarily cripple the service to any appreciable extent, and yet many other things can not be given because of the necessary limitation, not the limitation placed by this side of the House, but the limitation that would be placed by either side in appropriating for the Army. The amount that can be appropriated makes it necessary to eliminate certain items, and of these clothing is the least important and can be best eliminated.

Now, when, in addition to that fact, we find that by constant changes of the style of uniform there is a great waste in the clothing cost we may well afford to go slow in providing this One of the distinguished Army officers, who has been so highly and properly commended by the gentleman from California, Gen. Aleshire, speaking on this subject, was asked in regard to it and what change can be had to prevent the abuse.

The chairman asked him:

Do you know how that could be remedied? Gen. ALESHIRE. I think it could be remedied to a certain extent if they would adopt a uniform and keep it and not make such material

Now, until they show a disposition to do that, I think Congress can afford to be a little slow in piling up a reserve of clothing, particularly when it is slow, and necessarily slow, in providing a reserve as to other items that would require much time and difficulty to obtain. An Army will never be withheld from being put into the field because of a lack of clothing in a country like this, where the supply of clothing can be had in almost no time, but it will frequently be prevented from being put into the field by an absence either of guns or of ammunition. So I say to the gentleman, realizing, as he realizes, the limitation that must be placed upon these supply bills, that we can well afford to eliminate this increase in this bill.

Mr. KAHN. Mr. Chairman, will the gentleman yield? Mr. SHERLEY. Yes. Mr. KAHN. I tried to point out that the Quartermaster General said that unless we had the item for administrative expenses there would undoubtedly be a deficit upon this item. The matter of clothing reserve takes only about \$131,700 out of the appropriation, as estimated for by the Quartermaster General, but there is an item, I think, of \$325,769.83 for general administrative charges that he says he can not get along without.

Mr. SHERLEY. As to that I have no doubt the chairman

of the committee can more properly answer. But the gentleman's speech in large measure was an appeal to this House to

provide a reserve of clothing.

Mr. KAHN. Oh, I spoke of that and tried to point out to the committee and to the House that that work had been going on for a number of years, and that I thought it would be advisable to continue it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. Mr. Chairman, we ought to provide what is really necessary for the Army. We ought not for political purposes to go to the country on the theory that in reducing expectations of the country of the two weakness will later on penses we should cut down that which we know will later on

come up in the shape of a deficiency.

Now, take the item under discussion. The amount appropriated is \$4,974,000. The amount asked for is \$5,431,000, in round figures. Gen. Aleshire says that it is absolutely necessary to have for general administrative charges \$325,769.83. The discussion seems to be turning upon the reserve proposi-tion, which is \$131,700. We insist that the general administrative charges are absolutely necessary, and they have cut that amount \$325,000, which, the officer in charge says, is needed. How do you make this estimate? Gen. Aleshire, in response to a question to that effect, said:

This estimate, as I explained, for current requirements is based upon the money value of the clothing allowances prescribed for the enlisted man, and on that basis, together with the quantity of equipage required for issue according to past years, there would be required of the entire amount estimated \$5.300.000.

Permit me to explain that in that amount is included \$325,769.83 to meet general administrative charges, salaries, and wages of permanent amplayers.

Now, what is the purpose of the appropriation as presented here? It is to cut it \$325,000. That, the general says, is necessary to meet general administrative charges, salaries, and wages Employees where? In the Quarterof permanent employees. master's Department. What is to be done with that? Make a supply department of it. Will that lessen it? As to the officers proposed, what is to follow? The enlistment of 5,000 service men. Five thousand men must have officers somewhere. Are they to be turned loose without drill? Five thousand men means colonels, perhaps, and lieutenant colonels, and all the full complement of officers. Have they told you anything about that? Yet these men are to take the places of the employees required by law, and it fixes, as the general says, administrative charges for wages and permanent employees.

Mr. SHERLEY. Do these officers all come from Kentucky? notice the gentleman speaks of them as "5,000 colonels."

Mr. PRINCE. A great many of them will no doubt come from there. I know a good many of them came from there over into Illinois, and a good many of them still remain in Kentucky. [Laughter.]

Now, the contention here seems to be over the supply of reserve stock. That amounts to \$131,000. That would leave \$5,300,000 as absolutely necessary to conduct the business of the Government, assuming that the \$131,000 reserve is not needed. But what does the officer say about that on page 365 of the hearings on this appropriation bill: hearings on this appropriation bill:

hearings on this appropriation bill:

Gen. Aleshire. Yes, and it is the idea of the department that supplies of clothing and equipage that are special, by reason of color or manufacture, should be accumulated. Anything like underclothing, that is not special, could be bought on short notice. The necessity for accumulation does not exist in the case of such things. We do not have to accumulate a large stock of shoes. We have a large stock of lasts on hand and now we have many competitors for our shoes. Formerly there were only a few competitors, but now we have a good many, so we can have them made quickly.

Mr. Slayden. Are you still wasting good material by abandoning styles and colors and things of that kind, and thus taking out of use material that is valuable in itself?

Gen. Aleshire. We have not had any changes recently.

It is based upon the uniform of the style and color of clothing.

It is based upon the uniform of the style and color of clothing that the soldier needs to-day. It is based upon the present uniform, for no changes have been made recently, and he says this amount is necessary. I hope the committee will not cut this amount below, perhaps, the \$131,000 that might be cut off. The answer that will be given to us, perhaps, is that we have reduced the Cavalry by five regiments. That is an afterthought. It never was considered by the committee, never appeared in the appropriation bill, and it seems to me that it does not affect

the permanent employees of the department. Mr. HAY. Mr. Chairman, I want to call attention to the fact that last year the sum carried by this item was \$4,901,271. This year there is estimated \$530,000 more than was carried in the bill last year. Last year the gentleman from Illinois [Mr. Prince] thought that \$4,901,000 was ample for this purpose. Before I offered the amendment to strike out the \$100,000, we carried in the bill \$4,913,271, which was more than was appro-

priated last year.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAY. Yes. Mr. MANN. Whether in this item or any other items which might be affected the gentleman has taken into consideration the creation of the supply corps?

Mr. HAY. I have.
Mr. MANN. Which might add 6,000 enlisted men.
Mr. HAY. I did not cut this particular item on that account. The gentleman will see that the committee, in making up the

bill, gave more than was appropriated last year.

Mr. MANN. Yes; I see that. What I wanted to ask about was, what would be the effect, suppose the supply corps is created?

I do not think it will affect this item. Mr. HAY.

Mr. MANN. It would necessarily take a considerable amount of money to provide what is provided for in this paragraph for the new enlisted men.

Mr. HAY. The gentleman does not mean the supply corps.

He means the service corps.

Mr. MANN. You call it the supply corps in the bill, and I call it the supply corps. I mean the enlisted men in the supply corps. You refer to it in the debate as the service corps, but in the bill you call it the supply corps, and I use the language in the bill.

Mr. HAY. I will say to the gentleman that there will not be more than 1,000 men taken into this service corps in the next fiscal year. Therefore I do not think that would affect this appropriation to any material extent.

I want to call attention to the fact that the Quartermaster General stated, in answer to a question which I asked him, as

The CHAIRMAN. What I want to get at is this: If we did not give you all you ask for in this item, whether you would have reserve enough to supply the Army?

Gen. ALESHIRE. We could have plenty to meet the current issues, Mr. Chairman. But the stock in the depots would go down; that is, it would be reduced.

The CHAIRMAN. I understand that.

Gen. ALESHIRE. Answering your question, we could make the current issues.

rent issues.

Mr. Slaxden, But, as a general policy of defense, the idea is to accumulate stocks of reserves in those stores, is it?

In other words, they have money enough to supply all the needs of the Army under the amount that is given in the bill.

I therefore hope the amendment to the amendment will be rejected.

The CHAIRMAN. The vote will first be taken on the amendment offered by the gentleman from Virginia [Mr. HAY]

The question was taken; and on a division (demarded by Mr. KAHN) there were 33 ayes and 19 noes.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. KAHN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, including the extra-duty pay of enlisted men and hire of employees, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War: Provided, That of this amount the sum of \$3,450, or so much thereof as may be necessary, is made immediately available for the purchase of additional land adjoining the military reservation of Fort D. A. Russell, Wyo., for use in connection with the rifle range, \$93,336.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order. Mr. HAY. I will state that this sum of \$3,450 is in the nature of a reappropriation. Two years ago in the Army appropriation bill there was appropriated for the purpose of buying a target range at this point \$18,000. All of that money has been expended except this \$3,450, and this would have been expended had it not been that there was some question about perfecting the title to the land. The Government has agreed to buy this land, but did not pay all of the money over within the fiscal year, because they had not perfected the title to the land, and for that reason this \$3,450 still remains of the appropriation. But contracts have been made by the Government, and the committee thinks that the money ought to be paid.

Mr. FITZGERALD. This is one of the forts recommended to

be abandoned.

Mr. HAY. That is true; but they have already expended something over \$14,000 for the purchase of this target range, and the small tracts of land the purchase of which is to be perfected by this amount of money is included in land already owned by the Government for a target range. I think it would be wise to complete the contract. If you do not, you will practically throw away all the money that has been spent.

Mr. FITZGERALD. What I had in mind was that this was

one of the forts to be abandoned.

Mr. HAY. Yes; and if the land had not already been purchased and the money expended in large part, I would not be in favor of it.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of

order.

The Clerk read as follows:

Contingencies, Engineer Department, Philippine Islands: For contingent expenses incident to the operations of the Engineer Department in the Philippine Islands, to be expended at the discretion of the Secretary of War, \$5,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last

Mr. Chairman, the Secretary of State has just started on a visit to Central America and Mexico. It is distinctly a peace He is followed by the prayers of all peace-loving people. Only those who covet something some one else has and hope to get it through strife and pillage are following him with the "evil eye" and endeavoring to thwart his beneficent

This journey of the Secretary of State, Mr. Chairman, and his effort to promote and maintain peace between nations is in striking contrast to what is being done by others, some of whom are officials in one of the great departments of the Government.

For the last 30 days my attention has been drawn to a series of newspaper publications of the most sensational and alarming or newspaper publications of the most sensational and anathing nature. They have mostly been about affairs in Cuba and conditions in Mexico. They have usually appeared under a Washington date line, a fact that is confusing to people away from this Capital, who look upon nearly everything emanating from this city as official. That is what makes a Washington lie more important and hurtful than one from any other city in the country

Many of these stories in the newspapers claim to report the language of this or that official in the War or Navy Department, or—and this is less excusable—what this or that general or admiral has to say about the menace from Japan, the intrigues of Germany, the volcano in Cuba, or the revolution in Mexico. They tell about preparations for the dispatch of an army of occupation to Cuba or an army of intervention to Mexico.

I have lately seen newspaper dispatches in which it was stated under startling, nerve-racking headlines that preparations had been made to assemble an army of 100,000 men in

Texas; that plans had been made at the War College and by the General Staff for invading Mexico, and had been approved by the authorities; and that a movement to or toward the border was imminent.

That may all be true, but I do not believe that it is.

What I protest against is this inexcusable effort to disturb the peace, this blatant yellow journalism, with official or semiofficial It looks like an effort is being made to say or do things that will involve the country in war, that will bring about a situation in which Congress will be forced into war.

In the Washington Post of this date an officer of the Cavalry criticizes the proceedings of this body in a statement that is ill

timed, if not in bad taste. He says:

In Mexico the lives of many Americans are in deadly peril, and property to the value of hundreds of millions is threatened.

Now, Mr. Chairman, I do not believe it, and the author of that statement can not know it. I have friends and relatives in Mexico, with whom I am in regular communication. Of course they are disturbed by the revolution in Mexico, but more because it hurts business than because they see any personal peril in the situation.

Soldiering is a profession, like law or medicine, with this difference, that the lawyer undertakes by peaceful methods to allay strife and the doctor to heal physical hurts. Soldiering is a vocation that finds its best opportunities, its quickest promotion, and greatest rewards in war, and, very naturally, men of that trade, even though they assume the personal risk, look upon war with less horror than do the rest of us.

When they associate themselves with sensation mongering, the

situation is dangerous.

I have referred to Americans in Mexico. It happens that yesterday I received a letter from an American residing there, a lady who has lived there for 25 years and who is at the head of a great school. She is not alarmed; she appears to be incapable of personal fear, and she does not get excited. In that letter she said:

That letter confirms what she wrote me a year ago under similar conditions, when she said that in her judgment the only danger to Americans was in the talk of intervention-that

she deplored.

Sensational reports that appear to come from the State, War, and Navy Building are hurtful and ought to be stopped. Another source of danger under existing conditions is in the greed of American owners of mining and other properties in Mexico and Cuba. There is much truth in the Mexican contention that certain great interests there do try to foment trouble, secretly, of course, between those countries and ours. They think, and with truth, I believe, that if they were colonies of the United States their properties would have more value. But that is no good reason for the wicked war propaganda against which I am protesting.

Mr. Chairman, I commend what the President of the United States has said in relation to this scandal mongering and what the chairman of the Committee on Foreign Affairs has said in relation to it. It is altogether wicked, and ought to be

stopped. [Applause.]

The Clerk read as follows:

ORDNANCE DEPARTMENT.

ORDNANCE DEPARTMENT.

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; and for publications for libraries of the Ordnance Department, including the Ordnance Office, and payment for mechanical labor in the office of the Chief of Ordnance, \$300,000.

Mr. PRINCE. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out, on page 45, line 10, the words "three hundred thousand dollars" and insert the words "three hundred and thirty-seven thousand dollars."

Mr. PRINCE. Mr. Chairman, I do that for this reason: I want to restore the amount that was appropriated in last year's appropriation bill for the Ordnance Department.

In volume 2, page 634, of the hearings you will find this:

The CHAIRMAN. You do not expect to have any deficiency, however? Gen. CROZIER. We never have any deficiencies, Mr. Chairman, in the Ordnance Department.

Mr. SLATDEN. You hew to the line?

Gen. CROZIER. Yes, sir; we hew to the line. In the beginning of the year I go very carefully over this appropriation, for instance, and allot

to everybody under a carefully considered schedule what is necessary to run him through the year, and I always reserve a certain amount for contingencies, and then I agree that the reserve will only be drawn on at a certain rate; that is, every two months I will allow it to be reduced so much, and if anything is called for which will reduce it below the amount which I have made up my mind I will allow it to be reduced to at that time, I will disallow the estimate unless it is absolutely imperative, as resulting from a disaster or something of that kind. In that way I have been able to run the appropriation through without any deficit.

Now, if this cut is made it will be made at the expense of the general efficiency of the Army. It does seem to me that with as careful an officer as Gen. Crozier, who hews to the line, who never does have a deficiency, that when he comes in and asks this committee for the amount he thinks necessary for the general good of the service we ought to encourage by legislation that kind of an officer's estimate, and not adopt the policy, without knowing the facts, of making a downward cut. effect of that kind of legislation on our part will be to encourage officers to pad their estimates, knowing that we are going to cut the appropriation.

I am inclined to believe that it is far better policy for Congress, when we have an officer that hews to the line and toes the line, who comes up and explains thoroughly and carefully just what he needs and what he ought to have, to give that officer and his department what he asks for when he states that a failure to get it will work against the general efficiency.

Mr. HAY. Mr. Chairman, the gentleman anticipated me in offering this amendment, as I had desired to offer an amendment cutting down the appropriation on a statement which I have from the Chief of Ordnance. I therefore move to amend the amendment by striking out the word "three" in line 10 and inserting the word "two," and inserting after the word "hundred" the words "and fifty"; so that it will read I think that is a very moderate cut, in view of "\$250,000." his statement.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.
Mr. MANN. How can they figure out a cut of \$50,000 in an

item of \$300,000 by the abolition of five regiments?

Mr. HAY. I do not know. I only know, of course, that these ordnance stores and supplies go largely to the Cavalry and the Field Artillery. Gen. Crozier says:

JAMES HAY,

House of Representatives, Washington, D. C. Dear Mr. Hay: Answering your telephonic inquiry of Saturday, I can now say that if the Cavalry regiments of the Army should be reduced by five, and the personnel of the remaining regiments should not be increased, the maintenance of the Cavalry in ordnance equipment would be reduced by the following amounts under the several headings of appropriations:

Small-arms target practice..... Ordnance stores and supplies... Manufacture of arms - \$71,500 - 80,750 - 9,850

_ 162, 100 Total Sincerely yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

Mr. MANN. But this is not for ordnance stores and supplies. Mr. HAY. Yes; it is. Mr. MANN. I beg the gentleman's pardon. This is for main-

tenance of the service in the Ordnance Department.

Mr. HAY. I beg the gentleman's pardon. My amendment ought to come on page 56. I am wrong, and, Mr. Chairman, I withdraw the amendment which I offered and will offer it later on.

However, I do not think that the amendment offered by the gentleman from Illinois [Mr. Prince] should be agreed to. Two or three years ago this appropriation was \$300,000, and it has

gradually been increased every year until now they estimate this year \$337,000. I think \$300,000 is ample.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Virginia will be considered as withdrawn.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. PRINCE].

The question was taken, and the amendment was rejected. The Clerk read as follows:

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and saliors' State homes, \$250,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Change the period to a colon after the word "dollars," in line 23, page 45, and add:
"Provided, That not to exceed 10 per cent thereof shall be expended in the purchase of ammunition."

Mr. HAY. Mr. Chairman, on that I reserve the point of

Mr. GOOD. Mr. Chairman, this amendment and the ones I shall offer on subsequent paragraphs of this bill provide that the Government shall manufacture its military powder. One object of this amendment is to bring the legislative

branch of the Government in harmony with the executive A couple of years ago the Attorney General of the branch. United States commenced an action to dissolve the Powder Trust. Since the last appropriation bill was passed appropriating money for the purchase of powder and ammunition, the Circuit Court of the United States for the District of Delaware has decreed that the Powder Trust is a combination in

restraint of trade and has its dissolution.

We make appropriations for the purchase of ammunition and powder in three separate bills, namely, the Army appropriation bill, the naval appropriation bill, and the fortification appropriation bill. The last Army appropriation bill, under this and other paragraphs, authorizing the purchase of ammunition, carried \$2,300,000. The naval appropriation bill carried \$1,150,000 for smokeless powder alone, in addition to a large appropriation for projectiles, torpedoes, and other ammunition. The fortification appropriation bill carried for ammunition \$865,000, making a total of \$4,315,000. In addition, a large amount was appropriated for projectiles, torpedoes, and mines, where powder is a large ingredient in their manufacture.

The price which the Government has been compelled to pay for powder has varied from \$1.50 per pound to 60 cents per pound; 60 cents per pound being the price at which the last

contract was made.

Will the gentleman permit an interruption? Mr. AMES.

Mr. GOOD. Yes.

Mr. AMES. Does not the Government manufacture almost

one-half of its powder?

Mr. GOOD. It manufactures about one-fourth, so Gen. Crozier testified at the hearings.

Mr. AMES. I thought he said almost one-half in the hear-

ings before our committee.

Mr. GOOD. If the gentleman will look at the hearings before the subcommittee on fortifications he will find he said we purchase about three times as much as we manufacture.

The testimony adduced before the several appropriating committees shows that the Government is manufacturing powder at a cost of about 43 cents per pound, not including overhead charges, most of which charges would be necessary for the Government to bear, whether the officers were engaged in the manufacture of powder or were detailed on some other work. If the Ordnance Department was authorized to increase its manufacture of powder, it could, no doubt, effect economies which would work a great reduction in the cost of powder.

It is not alone the question of unreasonable profits which the powder company has made under its contract with the Government that is objectionable, but also the dual position taken by the executive and legislative branches of the Government on the trust question as it relates to the Powder Trust that is obnoxious. The executive branch is reaching out to crush this monopoly, while the legislative branch is furnishing it with The executive branch is reaching out to crush this lucrative contracts with which to defeat the ends of justice as administered by the Executive. The Executive would have the courts dissolve the Powder Trust. We would pay this unlawful combination unreasonable profits on their product to guarantee their continuance. This, too, notwithstanding the fact that the record of the Powder Trust shows that it is one of the greatest violators of the law upon which the light of publicity has ever

I have been looking into the history of this most remarkable legislation and I have read speeches made on both sides of the House for a quarter of a century, all to one end, namely, that by encouraging private manufacturers in the manufacture of powder in time of peace, when war should come we would then have mills from which we could purchase powder. What are the facts? The facts are that from 1872, at least until 1908, one of the most unconscionable trusts ever known in the history of this Government is the one that is manufacturing powder. By one plan and another, by the organization of one holding company or another, the Du Pont Powder Co. of New Jersey, organized in 1903 with an organized capital stock of \$50,000,000, presents a most remarkable situation. Fifty million dollars of rapitalization! Three men organized this trust, and they put into the treasury of that company the small sum of \$1,500. That is all the cash that was ever paid into the Du Pont |

Powder Co. of New Jersey, yet in the short space of six and a half years that corporation declared dividends to the extent of \$11,000,000 and set aside a surplus of between \$12,000,000 and \$13,000,000, and now we are asked—the fact of the fact that this company has obtained control of all the powder companies of the United States, either by purchase or contractto add to these dividends-

Mr. HAY. Will the gentleman allow me to call his attention to the fact that the amendment which the gentleman has just offered applies to ammunition and does not apply to powder?

Mr. GOOD. I have tried to follow the language of the bill, and the only way we can make a limitation to the paragraph is to apply it to the language of the bill. If you would make your appropriations only for powder and limit expenditure to powder, and then provide that in no other paragraph should the money be used for the purchase of powder, it could be reached directly; but the only way here now to reach it under the language of this bill and be at all sure that the money will not be expended for powder is to place the limitation in the language of the paragraph.

Mr. HAY. I will call the gentleman's attention to the fact that this ammunition is not bought from the Du Pont Co., it is bought from the small-arms manufacturers of the country. The Du Pont people have nothing to do with the manufacture

of small-arms ammunition, as far as I know.

Mr. GOOD. I have before me a statement made by Mr. Buckner, vice president of the Du Pont works, and I was somewhat amazed to read that statement. Mr. Buckner goes on to tell the Committee on Naval Affairs how, when the Spanish-American War broke out, President McKinley sent for him and told him that they had to have at least 25,000 pounds of powder a dav.

Mr. AMES. What I want-

Mr. GOOD. I think I can answer your question in just a few words. Mr. Buckner finally agreed they would turn one of their commercial mills into one for the manufacture of powder, and they did so. The war came to a sudden close, and then the Powder Trust was asked by the War Department what it would require to cancel that contract. But the Powder Trust said, "We want nothing. We have furnished the powder for a hundred years because of our patriotism; we have not made any material amount of money. But you have also a contract with this Dittmar Chemical Co., one of these small manufacturers," and you know that company held the Government up to the tune of \$35,000 to cancel that contract.

Mr. AMES. That company did not make ammunition. [The time of the gentleman from Iowa [Mr. Good] having

expired, he was granted an extension of 15 minutes.]

Mr. HAY. What I want to direct the gentleman's attention to is the fact that this item that he is proposing to amend provides for the purchase of ammunition and the materials that go into the manufacture of it. Now, what I would like him to do would be to state whether or not his amendment will cure what

he wants to get at. I am in sympathy with the gentleman.

Mr. GOOD. Let me ask the chairman of the committee to point out a single paragraph in this bill that authorizes the purchase of powder alone.

Mr. HAY. If the gentleman will change his amendment so as to provide that not more than 10 per cent of powder can be purchased under this appropriation, I think that would accomplish what he desires.

Mr. GOOD. I hardly think so. To conclude what I was saying in regard to the Dittmar While Mr. Buckner was complaining that his company was patriotic and canceled the contract, the Dittmar Co. had collected \$35,000 in damages. But he failed to tell the committee at the time that the Dittmar Co. was owned by the Hazard Powder Co., and the Laffin & Rand Powder Co., that the stock in these companies was owned by the Eastern Dynamite Co., and all the stock of the Eastern Dynamite Co. was owned by the Du Pont Powder Co. The man that was before them was vice president of that organization. Mr. AMES. Will the gentleman

Will the gentleman yield?

Yes.

Mr. GOOD. Mr AMES. Where do you reach the ammunition manufacturer?

Mr. GOOD.

They are all tied up together.
Oh, no. The gentleman is entirely mistaken. Mr. AMES. Mr. GOOD. Mr. GOOD. The gentleman represents one or two little ammunition companies up there in his section, which make a few buckshot and things of that kind.

Mr. AMES.

That may be. But these big concerns that have had the Gov-Mr. GOOD. ernment contracts are the concerns that are a part of the Du Pont Powder Co. As Mr. Buckner testified, their concern was the only concern which furnished the Government powder for a hundred years.

Mr. AMES. I know that the gentleman does not include the Winchester Co., the Metallic Cartridge Co., the United States

Cartridge Co., and the Peters Co. Mr. GOOD. When Gen. Crozier was before the Committee on Fortifications a couple of weeks ago, he testified it was costing the Government from 35 to 54 per cent more to buy guns and fieldpieces than it was to manufacture them, and what is true in the purchase and manufacture of guns and fieldpieces

of material but the Government? No one at all.

Mr. AMES. On the contrary-

Mr. GOOD. As long as that condition prevails, I am unwilling to vote for an appropriation that gives to a powder manufacturer from 35 to 54 per cent profit.

is true in the purchase of ammunition Who is using this kind

Mr. AMES. On the contrary, the gentleman does not want to get misstatements into the RECORD. The amount of ammunition furnished by these small companies amounts to about a million rounds apiece in the last two or three years.

Mr. GOOD. I will yield for a question.

Mr. AMES. It is so small in proportion to their business that they hardly want to take the contract.

Mr. GOOD. I want to give a little of the history of the organization of the Powder Trust. In the Government's case to dissolve the Powder Trust it was shown that practically all of the manufacturers of powder in the United States in 1872 became members of what was known as the Gunpowder Trade Association of the United States.

Mr. AMES. Mr. Chairman, I would like to ask—Mr. GOOD. I can not yield.
The CHAIRMAN. The gentleman declines to yield.

Mr. AMES. I would like to ask the gentleman just one ques-

Mr. GOOD. I will yield for a question.

Mr. AMES. Would the gentleman be willing to sacrifice these ammunition manufacturers in order to hit the trust, as he calls it-the Powder Trust-although they are in no way connected with it?

Mr. GOOD. I am willing that the Government should embark on the manufacture of its own ammunition. I think it ought to do it, and I think no one but the Powder Trust will be injured in the long run.

The object of this association was stated in the preamble in this way:

For the purpose of securing an equitable adjustment of prices and terms for sales of powder throughout the United States.

And one of the articles provides:

That the minimum price for powder of the various sorts required for the trade shall be established and regulated by this association.

Four years later the California Powder Works became a party te this unlawful combination, and an amendment was then made to the association agreement which went further than the original agreement, for it not only regulated the price at which powder should be sold, and provided penalties for violation of the agreement, but it also prescribed and limited the territory in which certain powder manufacturers could sell their powder. The effect which this unlawful combination had on the price of powder can not be better described than by quoting the testimony of Mr. Waddell, an agent for the Hazard Powder Co. at the time. Mr. Waddell testified that-

Immediately on information of the new association or pool, I received a telegram from the Hazard Powder Co. to advance the price of rifle powder—as near as I can now recollect the figures—to \$5 a keg throughout my territory, halves and quarters in proportion, and to advance the price of blasting powder, as I recollect, first to \$1.50 a keg, in a few weeks to \$1.75, and a little later to \$2.10 and \$2.15.

THE SECOND ASSOCIATION AGREEMENT.

The second association agreement was entered into on August 23, 1886, at which time all powder manufacturers in the United States were members of the Gunpowder Trade Association of the United States, excepting only the "Widow Rand Mill," and a few small mills in the anthracite regions of Pennsylvania. The object of this agreement is stated in the preamble of the agreement:

To regulate "in a convenient and desirable manner the business of the parties hereto in such of their sales of powder as are treated in this agreement, including the regulation of the prices at which said powder shall be sold; for the purpose of avoiding unnecessary loss in the sale and disposition of such powder by ill-regulated or unauthorized competition and underbidding by the agents of the parties hereto."

The agreement also provided what proportion of the whole aggregate trade of all the parties to the agreement should be allotted to each of the parties thereto, and also further provided for a supplemental agreement with the California Pow der Co. relative to prices to be maintained for the sales of powder, and the general harmonious arrangement of the powder THIRD ASSOCIATION AGREEMENT.

The third agreement between the powder manufacturers became effective on July 1, 1890-just one day before the Sherman antitrust law was approved-and is known as the "fundamental Under this agreement a board of trade was created in the Gunpowder Trade Association of the United States, with power to "fix prices and to vary or change the same at any time and for any place, to meet contingencies, and for the protection of the common interests." Just what was intended to be conveyed by the expression "for the protection of the common interests," which appeared for the first time in the preamble of the "fundamental agreement" of the Gunpowder Trade Association of the United States, I leave it to the friends of this unlawful combination to explain.

Another vicious agreement of the "fundamental agreement"

is as follows:

That any party hereto who shall suffer excessive loss by an overt act of the board of trade—as, for instance, the reduction of a price at a place in treatment of a local disturbance of trade—shall receive compensation for the damage it shall sustain by payment of money as may be agreed upon at a general meeting of the board of trade.

It is seen, therefore, that the board of trade not only had the power to fix prices at which members of this unlawful combination should sell powder, but it also had the power to direct that a member of the association should carry on a competitive war against a manufacturer not a member of the association, and that the board of trade would compensate such member for any loss sustained in such a warfare. All of the power and all of the money of the trust was to be used to crush out the independent companies. In the light of these facts is it not strange that fat Government contracts are annually demanded by this Many other provisions contained in this agreement might be quoted to show their illegal and unconscionable character. It is sufficient, however, for us to know that when the "fundamental agreement" was entered into practically every powder manufacturer in the United States had either voluntarily joined or by unfair and unlawful competition became a party to an unlawful agreement which regulated the output of powder, prescribed the territory in which certain manufacturers could transact business, and absolutely fixed the price at which powder could be sold; and this condition existed during all these years, the Sherman antitrust law to the contrary notwithstanding.

EUROPEAN AGREEMENT.

But the American powder baron was not satisfied with the limited territory over which he held complete sway. He not only wanted to limit the output and fix the price of all powder in the United States, and prescribe the territory within which certain manufacturers could transact business in the United States, but he desired to prevent competition from without. The protective tariff was not high enough to suit his purpose, and so in October, 1907, the Gunpowder Trade Association of the United States entered into an agreement with the European powder manufacturers.

This agreement was known as the "European agreement." By its terms the civilized world was divided into districts. The United States, with her present and future possessions, Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Colombia, and Venezuela were decreed as the exclusive territory of the American factories, and were designated as "American territory." A few South American countries were designated as "syndicated territory," and the rest of the world was to the exclusive territory of the European factories, with the exception of Canada and the Spanish possessions of the Caribbean Sea. The agreement further provided that the American factories "shall abstain from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the countries of the European territory," and, on the other hand, the "Europeans are to abstain in like manner from manufacturing, selling, or quoting, directly or indirectly, in and for consumption in any of the countries of the American territory." A common fund of of the countries of the American territory." A common fund of \$50,000 was provided for to protect the "common interests against outside competition." This agreement also provided for the payment of penalties for the violation of the terms of the agreement. On December 30, 1903, there had been paid in penalties \$778,277.80, of which the American manufacturers received \$10,586.53 and the European manufacturers received \$767,691.27. The cost of the American manufacturers, then, to preserve their monopoly in the United States from competition in European countries is seen to be \$767,691.27.

This agreement became effective in July, 1897, and was in full force and effect at least as late as February, 1908.

MEXICAN AGREEMENT.

To protect this great monopoly from competition of powder factories located in Mexico, an agreement was entered into between the powder companies of that country and the "Gunpowder Trade Association of the United States," in 1879. agreement contained provisions similar to those found in the

first, second, and fundamental agreements.

Under the operation of the policy of the Powder Trust, as explained in the preamble of the fundamental agreement, "for the protection of the common interests," we find that in April, 1902, competition in the powder trade in the United States had been suppressed. That there were no independent powder factories, except a small mill at Fairchance, Pa., and a few small mills in the anthracite regions of Pennsylvania. Notwithstanding this fact, Mr. Buckner, vice president of the Powder Trust, on Wednesday, June 12, 1910, appeared before the Committee on Naval Affairs of the House, and gave this very remarkable testimony:

Mr. Thomas. As to the cost you start with, the 40 cents, I understand, and a fraction.
Mr. Dawson. 43.21.
Mr. Thomas. You start with that basis. Now, what is your actual

COST?
Mr. BUCKNER. I submit that this is hardly a fair question.

It should be remembered that Mr. Buckner was vice president of this trust, and I want you to get his answer:

I submit that is hardly a fair question. The Government is one customer of ours, and we have competition all over the world.

If there was a place in all the world where the Powder Trust had competition at the time he made that statement, I would like some friend of this trust to make explanation of it now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. I would like to have five minutes more. Mr. CALDER. Mr. Chairman, I ask unanimous consent that

the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from New York [Mr. CALDER] asks unanimous consent that the time of the gentleman from Iowa [Mr. Good] be extended 10 minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Buckner continued:

If I give my costs on this powder I make for you, I give to the world my costs on the other powder and other business.

If the other statements made by Mr. Buckner at these hearings are as unreliable as this one, then that gentleman should have no standing whatever before the House or any of its committees. All competition had been eliminated by these unlawful agreements, and Mr. Buckner knew it; yet he states to us

that they "have competition all over the world."

For a number of years Congress has made large appropriations of money, aggregating hundreds of millions of dollars, for powder and ammunition. Most of this money went to the Powder Trust. Year after year appropriations have been made for the purchase of powder and ammunition, when we knew that the Government of the United States could manufacture cheaper than the price we are compelled to pay for it; but we continue to authorize these purchases on the principle that by encouraging the private manufacturer of powder in times of peace he would build up a large factory which in time of war would be available for Government purposes. We are now brought face to face with the proposition that while Congress has been favoring the Powder Trust for years, while it has helped to make it strong, we now find that it is one of the greatest violators of the law that has ever been brought to justice. The first two American agreements were undoubtedly in violation of the common law, and the fundamental agreement and the European agreement have been declared to be in violation of the Sherman antitrust law.

Yet to this great violator of the law we have been practically intrusting the real protection of the United States. For a great many years it was the only source of supply of military powder. The American agreements were bad enough, but when we turn to the European agreement we find a far worse condition. So far as that agreement related to smokeless military powder, if its provisions were carried out it would place the United States Government absolutely at the mercy of this unlawful combination in time of war. For under its provisions military powder could be secured only from concerns that were members of this unlawful combination, and then only upon the terms, at the price, and in the quantities fixed by the parties thereto. I submit that we are certainly in a bad way when we find that the protection of our property, our liberty, and our lives depend upon a criminal class. For of what value are cannons and guns, of battleships and forts, of armies and navies without ammunition? And of what value are powder mills if they run in open violation of the law under agreements that are not only illegal but disloyal as well? Is it not our patriotic duty to provide for extending our Government powder mills so that we can manufacture all the powder needed for Government purposes?

The statement of Mr. Buckner above referred to, and similar statements from the same source, have for years been relied upon by Members of the House in making appropriations for powder and ammunition. In order to show how the House and its committees have been deceived by this kind of testimony, I desire to furnish the committee with certain facts testified to in the case of the United States of America against E. I. du Pont de Nemours & Co. et al., to which I have just referred. Outside of the Government's powder at the factory at Indianhead and at Picatinny Arsenal, the only concern that has manufactured any military powder in the United States for the past 100 years has been the Du Pont organizations. Under one name or another the Du Ponts and the interests engaged in the manufacture of powder which they control have been parties to these three unlawful American agreements and to the European agreement.

For a number of years the Du Ponts carried on the manufacture of powder under a partnership known as the E. I. du Pont de Nemours & Co. In 1899 the surviving members of this partnership organized under the laws of Delaware a corporation called the E. I. du Pont de Nemours & Co. The business was largely carried on by Eugene du Pont until his death, which occurred in 1902. At the time of his death no stockholder desired to assume the management of the business. At this time HENRY A. DU PONT, Thomas Coleman du Pont, and Pierre S. du Pont entered into negotiations for the purchase of the property of the Du Pont Co.

The result was that they organized a corporation under the laws of Delaware under the name of the E. I. du Pont de Nemours Co., with an authorized capital stock of \$20,000,000. The 1902 Du Pont corporation then purchased all of the property of the 1899 Du Pont corporation for \$23,997,000, payable as follows: Its promissory note for \$12,000,000, stock in the new corporation of the face value of \$11,997,000. In October, 1906, the 1902 corporation issued \$300,000 additional stock for the purchase of capital stock in the E. I. du Pont de Nemours Powder Co. of New Jersey. The only stock issued in the E. I. du Pont de Nemours Co. of 1902 for which any money was paid was 30 shares issued to the three corporations, for which \$3,000 in cash was paid into the treasury of the company.

The property turned over to the E. I. du Pont de Nemours Co.

by E. I. du Pont de Nemours & Co. was largely stock in other powder companies. By this purchase it secured stock in other

powder companies, as follows:

Austin Powder Co., 266 shares, or 32 per cent of its capital stock. Birmingham Powder Co., 203 shares, or 32.5 per cent of its capital

stock.
California Pewder Works, 650 shares, or 20 per cent of its capital

Chattanooga Powder Co., 371 shares, or 29 per cent of its capital

Consumers' Powder Co., 530 shares, or 25 per cent of its capital stock. Eastern Dynamite Co., 1,908 shares, or 9.5 per cent of its capital

stock.
Enterprise Powder Manufacturing Co., 438 shares, or 35 per cent of its capital stock.
Equitable Powder Manufacturing Co., 298 shares, or 29.8 per cent of its capital stock.
Fairmont Powder Co., 446 shares, or 59.4 per cent of its capital stock. Indiana Powder Co., 411 shares, or 20.5 per cent of its capital stock. Lafin Powder Manufacturing Co., 2,091 shares, or 34.8 per cent of its capital stock.
Lake Superior Powder Co., 908 shares, or 22.7 per cent of its capital stock.

Stock.

Mahoning Powder Co., 500 shares, or 50 per cent of its capital stock.

Northwestern Powder Co., 136 shares, or 22.6 per cent of its capital

ock. Ohio Powder Co., 230 shares, or 15.3 per cent of its capital stock. Oriental Powder Mills, 1,255 shares, or 31.3 per cent of its capital

stock.
Phoenix Powder Manufacturing Co., 2,314 shares, or 28.9 per cent of s capital stock. Hazard Powder Co., 10,000 shares, or all of its capital stock.

The Hazard Powder Co., all of the stock of which was now owned by the E. I. du Pont de Nemours Co., at that time owned, in turn, the following powder companies:

Eastern Dynamite Co., 5,164 shares, or 25.8 per cent of its capital

Jock. Hecla Powder Co., 52 shares, or 5.2 per cent of its capital stock. Lake Superior Powder Co., 909 shares, or 15.2 per cent of its capital

Ohio Powder Co., 116 shares, or 7.7 per cent of its capital stock. Oriental Powder Mills, 122 shares, or 30.5 per cent of its capital

stock.
Phoenix Powder Co., 1,104 shares, or 13.8 per cent of its capital

At the time of the trial of said case, Mr. Button, one of the officers of the trust, testified as follows:

In the course of our investigations we found out, or obtained a list of the stockholders of the other corporations, and we then learned that the Lafin & Rand Powder Co. was substantially interested in nearly all of the corporations in which we were interested and that their stock holdings, together with ours, controlled the management of these corporations. * * We determined to purchase the Lafin & Rand Powder Co. with a view of obtaining control of our properties.

stock.

A list of the stock which the Laffin & Rand Powder Co. owned in the other companies at that time is as follows:

The Anthracite Powder Co., 125 shares, or 50 per cent of its capital stock.

Birmingham Powder Co., 149 shares, or 23.8 per cent of its capital

Chattanooga Powder Co., 544 shares, or 21.8 per cent of its capital

stock.
Eastern Dynamite Co., 5,807 shares, or 29 per cent of its capital

Equitable Powder Manufacturing Co., 192 shares, or 19.2 per cent of

s capital stock. Hecla Powder Co., 157 shares, or 15.7 per cent of its capital stock. Indiana Powder Co., 476 shares, or 23.8 per cent of its capital stock. Laffin Powder Manufacturing Co., 2,091 shares, or 34.8 per cent of its

Lake Superior Co., 826 shares, or 20.6 per cent of its capital stock.

Mahoning Powder Co., 500 shares, or 50 per cent of its capital stock.

Marcellus Powder Co., 179 shares, or 29.8 per cent of its capital stock.

Monarch Powder Co., 183 shares, or 91.5 per cent of its capital stock.

Northwestern Powder Co., 143 shares, or 23.8 per cent of its capital

Ohio Powder Co., 224 shares, or 14.9 per cent of its capital stock. Oriental Powder Co., 1,223 shares, or 30.5 per cent of its capital

Phoenix Powder Manufacturing Co., 2,099 shares, or 26.2 per cent of a capital stock.
Schaghticoke Powder Co., 779 shares, or 77.9 per cent of its capital

The control of the Laflin & Rand Powder Co., and hence the control of the powder companies above given, was obtained in the following manner: In September, 1902, Thomas Coleman du Pont, Pierre S. du Pont, and Alferd I. du Pont, the same persons who organized the 1902 Delaware corporation, organized the Delaware Security Co., with an authorized capitalization of \$4,000,000, with a cash paid-up capital of \$2,000. On the same day they authorized the purchase of 5,524 shares of the capital stock of the Laflin & Rand Powder Co., to be paid as follows: \$3,998,000 in stock and \$2,209,000 in bonds of the Delaware Security Co. The only real consideration, however, for the purchase of this stock was the \$2,209,000 in bonds, for practically all of the \$3,998,000 of the stock in the Delaware Security Co., which was paid to the stockholders of the Laflin & Rand Powder Co., was turned over to the E. L. du Pont de Nemours Co. The only consideration moving from the E. I. du Pont de Nemours Co. was the promotion services of Thomas Coleman du Pont, Pierre S. du Pont, and Alferd I. du Pont, in acquiring the stock in the Laffin & Rand Powder Co., and for this it secured a majority of the stock in the Delaware Security Co. In acquiring the stock in the Laffin & Rand Powder Co. it was

discovered that it would be necessary to also secure the stock in the Moosic Powder Co., and so Thomas Coleman du Pont, Pierre S. du Pont, and Alferd I. du Pont organized another holding company, known as the Delaware Investment Co., with a capital stock of \$2,500,000, only \$2,000 of which was paid into the treasury in cash.

The CHAIRMAN. The time of the gentleman has expired. Mr. HAY. Mr. Chairman, the gentleman had half an hour under the five-minute debate. Other gentlemen desire time. How much time does the gentleman from Iowa desire?

Mr. GOOD. I think I can get through in 10 minutes. Mr. HAY. Then, Mr. Chairman, I ask unanimous consent

that the time of the gentleman may be extended 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman may be extended 10 minutes. Is there objection?

There was no objection.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. GOOD. Yes

Mr. McKELLAR. I am a new Member in the House. want to know if the Mr. du Pont whom the gentleman is speaking of is the same Mr. du Pont who used to be treasurer of the Republican national committee?

Mr. GOOD. The du Ponts I have mentioned here are members of the same du Pont family. I do not recognize his initials or name as the person to whom you refer. I do not think I think, however, they may be of the same family.

Mr. McKELLAR. Is it Coleman du Pont?

Mr. GOOD. Thomas Coleman du Pont is the one I men-

Mr. McKELLAR. It is the same one, is it not?

Mr. GOOD. I think not. Now, as to these holding com-

Nine hundred and fifty shares of the capital stock of the Moosic Powder Co. was purchased by the Delaware Investment Co. for \$4,988,000, payable as follows: Two million four hundred and ninety-eight thousand dollars in stock of the Delaware Investment Co. and \$2,500,000 in bonds of the said company; but no soooner had the \$2,498,000 of capital stock of the Dela-

ware Investment Co. been turned over to the owners of the 950 shares of stock in the Moosic Powder Co. than a majority of said stock in the Delaware Investment Co. was turned over to the E. I. du Pont de Nemours Co. in consideration of the promotion work of Thomas Coleman du Pont, Pierre S. du Pont, and Alferd I. du Pont in the purchase of the said stock in the Moosic Powder Co. In this connection it should also be kept in mind that Thomas Coleman du Pont, Pierre S. du Pont, and Alferd I. du Pont received \$8,940,000 of the capital stock of the E. I. du Pont de Nemours & Co. (1902 corporation) without paying anything therefor, and solely for promotion services which they rendered the stockholders of the 1899 corporation in securing a sale to the stockholders of the 1902 corporation at a fabulous sum, a price far in excess of the value of the stock.

The organizers of the Powder Trust doubtless found that the control of the powder business could be better obtained by one large holding company than through several holding companies, for in 1893 they organized the E. I. du Pont de Nemours Powder Co. in the State of New Jersey with an authorized capital stock of \$50,000,000, divided equally in common and preferred stock. This company had a cash paid-up capital of \$1,500. It then caused \$16,000,000 of preferred stock and \$13,600,000 of common stock, or \$30,200,000, a majority of both the common and preferred stock, to be issued to the E. I. du Pont de Nemours Co. of Delaware in consideration of the equity which that company held in the stock owned and controlled by that corpora-By this operation, in 1903, the Delaware corporation of 1902 acquired control of the New Jersey powder company, and the New Jersey powder company, by the same transaction, acquired control, first, of all the capital stock of the powder companies formerly controlled by the 1902 Delaware corporation; secondly, the Hazard Powder Co. and all the powder then controlled by it; and, thirdly, the Laffin & Rand Powder Co. and all the capital stock of the powder companies then owned and controlled by it; and, fourthly, the Eastern Dynamite Co. and all of the capital stock then controlled by it. With this transaction completed, the Powder Trust had brought into one company every powder manufacturing company in the United States except the following: The King Powder Co., the Giant Powder Co., Hancock Chemical Co., American Powder Mills, Miami Powder Co., Ætna Powder Co., and these companies, with the exception of the Hancock Chemical Co., are parties to the fundamental agreement.

The E. I. du Pont de Nemours & Co. of New Jersey, has had a very interesting history. It commenced business in 1903 with an authorized capital stock of \$50,000,000, but with a paid-up capital of only \$1,500. It then transferred to the E. I. du Pont de Nemours Co. of Delaware \$30,200,000 of the capital stock in exchange for stock that that company secured by a system of stock juggling and without the payment of any money therefor. Yet this New Jersey company, in six and one-half years, has paid in dividends \$11,000,000, and in addition has set aside a surplus fund of more than \$12,000,000. Twenty-two million dollars should be considered a good return on an investment of \$1,500 in six and one-half years. Even the \$6,644,000 in dividends which the E. I. du Pont de Nemours Co. of Delaware received on its \$30,200,000 of stock in the New Jersey corporation should be considered as a fair return on the \$3,000 originally invested in that company.

If we believe the statement of Mr. Buckner, vice president of the Du Pont Powder Trust, we are led to believe that the Powder Trust has been losing money on its Government contracts; that it is a sort of eleemosynary institution.

I have not attempted to give the entire history of the organization of the Powder Trust and consequently the control of the powder industry. I have only touched the high places in the history of the powder company's monopolization of the powder and dynamite industry. A great many holding companies were formed and "watered stock" was quite numerous. Under one device or another the independent manufacturer was forced to retire, and his plant was taken over by the trust. The question now is, Do we, as legislators, really want to bring about the dissolution of this unlawful combination, or do we want it to continue to exist in order that we may talk about it? If we are looking for results, and not for campaign material only, let us put a stop to the practice of giving to the Powder Trust lucrative Government contracts aggregating from \$4,000,-000 to \$5,000,000 annually. We will have then taken one step in the direction of a real dissolution of this unlawful combina-

This amendment provides that 10 per cent of the amount appropriated may be available for the purchase of powder. This authorization will permit the Government to purchase powder from domestic and foreign manufacturers, so that we may ascertain whether or not the powder manufactured by the Government is at all times up to a standard test. At present

we purchase a small amount of powder abroad for this purpose,
Mr. MOORE of Pennsylvania. Will the gentleman yield?
Mr. GOOD. Just for a question. I can not yield for a speech.
Mr. MOORE of Pennsylvania. Assuming that the amendment
the gentleman has offered in adopted the specific production. the gentleman has offered is adopted, providing that the Government shall not purchase more than 10 per cent of its powder from private companies, in what position will the Government be with regard to the remaining 90 per cent which it may need in case of emergency?

Mr. GOOD. Let it manufacture it. We now are manufacturing one-fourth of our powder and running our present mill, which cost us only \$516,000, to one-third of its capacity.

Mr. MOORE of Pennsylvania. Is the Government equipped to go on and make the other 90 per cent?

Mr. GOOD. Just as the Du Pont powder factory in the Spanish-American War became equipped in 60 days to go on and manufacture the powder that was needed, so the Government in time of peace can become equipped, so that it will not have to depend upon a criminal class in order to obtain this important part of its military stores in time of war.

Mr. PEPPER. Assuming that this amendment is passed and that the Government can manufacture 90 per cent, what ob-jection has the gentleman to having the Government manu-

facture the other 10 per cent?

Mr. GOOD. I have been very liberal with this trust. The testimony before the committee is to this effect: That the purchasing agent ought to have the power to purchase some powder abroad from European and other mills to see that the kind we are manufacturing is up to standard tests.

Mr. PEPPER. Would the gentleman have any objection,

then, to limiting the purchases so that they shall be for experi-

mental purposes only?

Mr. GOOD. No; I think that ought to be done.
Mr. PEPPER. And cut out the remaining 10 per cent?
Mr. GOOD. I would be perfectly willing to do that.
Mr. SHERLEY. Right at this point, does not the gentleman's amendment provide a limitation as to ammunition and not as to powder?

Yes. I have used the language of the bill. Mr. GOOD.

Mr. SHERLEY. Is the gentleman desirous of putting a

limitation upon anything except powder?

Mr. GOOD. Yes. I should like to put it on ammunition, because my study of the case has convinced me that you can not limit the one without limiting the other, that the powder companies and the ammunition manufacturers are so linked up together that you will never be able to obtain real results until you go to the bottom of the whole transaction.

Mr. SHERLEY. Does the gentleman think the other fellows

are in the trust, too?

Mr. GOOD. I think they are very close to the border line. I realize that when the question is raised of the Government engaging in an undertaking there is a hue and cry raised that it costs the Government more to do this work than it costs private manufacturers to do the same thing.

Mr. HUGHES of New Jersey. I want to ask the gentleman if he knows whether or not the same system prevails with reference to purchases of powder in the Army that prevails in the Navy? That is, that the price is fixed by a board of officers.

Mr. GOOD. Yes; there is a joint board that purchases powder both for the Army and for the Navy. Mr. GOOD.

Mr. HUGHES of New Jersey. And the board knows what it costs to manufacture powder?

Mr. GOOD. Yes.

Mr. HUGHES of New Jersey. Does not that board fix the price with reference to that cost?

Mr. GOOD. Well, we have somewhat; we brought powder down from \$1.60 a pound to 60 cents, and I think that is because

of our experiments in manufacturing.

Mr. HUGHES of New Jersey. Certainly; and that system is in existence now.

Mr. GOOD. If we manufacture powder in a larger way we will manufacture it cheaper than we do now. We are now in the experimental stages.

I was about to say when interrupted that when the question is raised of the Government engaging in such an undertaking that the hue and cry is heard that it costs the Government more to do work of this kind than it does private manufacturers-that Government work is always more expensive than the work done by private contractors. I admit that this was formerly true, and that it is true to-day in some of the departments of the Government; but it is to our everlasting credit that it is not altogether true, and I hope that the day will soon dawn when it will not be true at all. I hope that the time has arrived when the industrious and efficient Government employee

will crowd out of every branch of the Government service the indolent and the inefficient.

In the construction of the Panama Canal Col. Goethals has achieved singular success and distinction. This, the greatest work of the century, is being accomplished as a Government proposition with a degree of industry and efficiency unequaled and unparalleled in any other undertaking. Some of the work of Gen. Crozier at the Government arsenals has been attended with great success. With an expenditure of only \$514,125 in powder mills, he is manufacturing one-fourth of the military powder procured by the Government. This, too, notwithstanding the fact that the plant is being run at only one-third of its capacity. If he was authorized to manufacture practically all of the military powder procured by the Government, I have no doubt but that the cost of 43 cents per pound would be greatly reduced. The lowest price at which the Government has purchased powder is 60 cents per pound, and this comparatively low price was only available in the last contract entered into by the Government.

In the manufacture of guns and fieldpieces Gen. Crozier's record is little short of marvelous. He recently testified that guns and fieldpieces manufactured by the Government were produced at from 35 to 54 per cent cheaper than they can be purchased from private manufacturers. There is no ques-tion about our ability to effect economies in the manufac-ture of powder. We could likewise effect great economies in the manufacture of our guns and cannon at our Government arsenals, for I believe that we should manufacture all our own powder and all our guns and fieldpieces at Government arsenals.

Mr. KAHN. Will the gentleman yield?

Certainly. Mr. GOOD.

Mr. KAHN. Is the gentleman aware of the fact that Gen. Crozier advises the continued purchase of a considerable quantity of ammunition from private concerns?

Mr. GOOD. I know that he says that it is a great question

upon which men materially differ.

The CHAIRMAN. The time of the gentleman has expired. Mr. GOOD. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Iowa asks for an ex-

tension of two minutes. Is there objection?

Mr. MOORE of Pennsylvania. I do not object, but I want to give notice that I shall offer an amendment after the gentleman closes

The CHAIRMAN. The Chair hears no objection.

Mr. GOOD. I am surprised that gentlemen on the other side of this House who have talked so long and so loud against the trusts should, the first time opportunity offers to administer a rebuke to one of the most flagrant violators of the law of the trust variety, instead report a bill giving to the law-defying Powder Trust one of the most lucrative Government contracts This, too, right upon the heels of a deit has ever obtained. cision of the United States Circuit Court for the District of Delaware that this recipient of your bounty and of your good will is an illegal and unlawful combination in restraint of trade.

If this amendment which I shall offer should prevail, we will have at least taken a step forward in the matter of dissolving the Powder Trust, and will at the same time adopt a policy that will save the Government many millions of dollars. [Applause.]

Mr. AMES. Mr. Chairman, I have listened with amazement to this neurotic attack upon a perfectly defensible, honestly conducted industry, the manufacture of ammunition. I endeavored to call the attention of the last speaker to the fact that he was making mistakes, but he soon wearied of the interruption

Gen. Crozier, in his testimony before the Military Committee, page 641 of hearings before Military Affairs Committee, said that the Government makes about half of its powder, or not quite one-half. His testimony was to the effect that the Government made almost half of its powder; but what has that to do with the ammunition manufacturer? The Powder Trust is do with the ammunition manufacturer? The Powder Trust is the producer and the manufacturer of ammunition is the consumer of powder. The manufacturers of ammunition have to buy powder from this Powder Trust. And yet the gentleman sugests that you kill off the ammunition manufacturer in order to hit the Powder Trust. The facts that he has marshaled in good array against the Du Pont Powder Co. have the semblance of verisimilitude, but if he is not more accurate in his facts with reference to the ammunition manufacturer than he is in reference to the powder manufacturer, I would not give much for the paper that his speech is written upon.

Mr. GOOD. Will the gentleman yield?

Mr. AMES. Certainly.

I want to state for the information of the gen-Mr. GOOD. tleman from Massachusetts that the facts upon which my remarks are based are all found in the records of the court of the United States for the district of Delaware.

Mr. AMES. I do not care if they are found in his family Bible at home; they do not alter the facts in the case. I speak advisedly. I am not a stockholder in any ammunition manufactory, but my family are, and I am somewhat interested to that extent. I know that they have to buy their powder from the Powder Trust, and they have to pay the price that the Powder Trust can demand, because it makes the best powder and the only powder that is possible for military cartridges.

In regard to the manufacture of ammunition, Gen. Crozier testified before the Committee on Military Affairs that the Government was making 68,000,000 rounds of small-arms ammunition and only buying 8,000,000 rounds, and that that was divided up among the ammunition manufacturers so that no one got over 2,000,000 rounds, and some less than 1,000,000 rounds. And yet the gentleman from Iowa would propose an amendment like this to prevent the purchase of any ammunition practically for the purpose of killing off the powder trust. That is why I call it a neurotic attack. Give it to the trust if you will, but do not kill off innocent manufacturers.

The Government ought not to enter into undue competition with private industries. The Government ought not to make its boots and shoes when it can buy them, nor its clothing, nor anything else it can buy, and neither ought it to make all of the small-arms ammunition, and for this reason. If in time of necessity, when war comes upon us, the small-arms ammunition manufacturers are not equipped with tools for making Government ammunition and are not blessed with the experience necessary for that particular class of ammunition, they would be of no service to the Government. For that reason, that they may have tools, that they may have experience, that they may learn the manufacture of ammunition to meet the ballistic tests required by the Government, Gen. Crozier decided to recommend that a small part of the ammunition be made outside-8,000,000 out of 68,000,000 rounds, which is a very small proportion.

Yet the gentleman speaks of the ammunition manufacturers as conspiring against the Government. I hope the gentleman will not leave the Chamber. I want to call the attention of the committee to this proposition. The testimony before the Military Affairs Committee is that the Government makes almost half of its powder; that the manufacturers of ammunition make only 8 out of 68, or one-eighth of its ammunition. A proper governmental policy, I believe, would be limited as follows: That the Government make about one-half of its powder. Manifestly it would be absurd to make it all, and equally absurd to buy it all. So, with the ammunition. It would be absurd for the Government to buy all of its small-arms ammunition.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AMES. Mr. Chairman, it would be manifestly absurd for the Government to buy all of its small-arms ammunition. It would be manifestly absurd for the Government to make all of it. Somewhere in between the two is the proper balance for the governmental policy in regard to building up the ammunition manufacturer to be of assistance in time of need. it is one-third or two-thirds or one-half should be left to the discretion of Congress and be determined thereby, and I should recommend that, and I should be satisfied as a Government policy if the Government bought half of what it used and made the other half, and not make sixty-eight millions as against eight millions. The Ordnance Department's figures as to cost are all based on manufacturing sixty-eight million as compared to eight, and of course those figures show lower than the private manufacturer of ammunition. They can not make different sizes of ammunition as cheaply as the manufacturer can, and it is almost a fundamental axiomatic fact that they can not, as a Government, manufacture the small-sized ammunition as cheaply as they could buy it.

In regard to this proposed amendment, it only hits the smallarms manufacturer. I have no difference with the gentleman about the Powder Trust. I know little more about it than he has told us, and I am doubting a great deal of that now. This is a proposition to prevent the Government from buying a reasonable, rational part of its small-arms ammunition, and as the War Department sells small-arms ammunition to the Navy and the Marine Corps, it affects all the small-arms ammunition used by the military establishment. I hope this amendment will not be adopted. It is not germane to the paragraph. It is not the way to get at it. It does not affect the Powder Trust in the slightest degree and will only hurt an innocent class of manufacturers who have broken no law and are doing the best they can by themselves and the Government. [Applause.]

Mr. SLAYDEN. Mr. Chairman, at the risk of being charged with making an argument in support of what is commonly called and what may be a trust, I am going to say a few words in contravention of what I believe to be some of the erroneous statements or deductions of the gentleman from Iowa [Mr. Good]. For several years—indeed, since I became a member of the Committee on Military Affairs-I had been very much interested in this question of procuring munitions of war. A few years ago when we were stirred up by communications received by every Member of this House to a state of actual, open hostility toward powder trusts I became convinced that it would be a good thing for the Government to engage, at least to a limited extent, in the manufacture of powder. I proposed a bill to erect a powder plant, to be conducted by the War Department. A number of other gentlemen, inspired, no doubt, by the same communications, having open to them the same sources of information, introduced other and similar bills. It happened that the bill that I proposed was adopted. That is to say, a bill was adopted which provided precisely the same amount of money that I asked for and for the plant to be operated along precisely the lines I suggested in the bill I offered. It was not my intention then-and I have never seen or heard anything since to change my views-to have the Government manufacture its entire supply of the munitions of war. I believe it would be an extremely unwise thing to do; and in that opinion I have been supported by the testimony of gentlemen in the War Department, upon whose judgment I have come, through years of acquaintance with them and their official records, to place great reliance. So far as I am advised, all of the great Governments of Europe-England, Germany, Austria, and Russia-buy their powder from private manufactur-France, I believe, is the only exception to that rule. France makes all of the powder that she uses in her army and navy and has a governmental monopoly on the manufacture of explosives. Every man here who has familiarized himself with the history of the French military operations for the last few years knows that there has been a series of accidents due, it is alleged, to the defects in powder.

The last great disaster to the French navy, in which there was an internal explosion and great loss of life and loss of a ship, was said to be due to the unsatisfactory nature of the powder. Now, Mr. Chairman, no such accident as that has happened in our Navy, and, so far as I am informed, no such accident as that has happened in the English or the German navies. It may or may not be true that the French powder manufactured by the Government under the Government monopoly is not so good as ours. I have no technical knowledge on that point, but I am inclined to believe that it is very much inferior to that which we make both in our governmental and in our private plants.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. SLAYDEN. Certainly.

Mr. FITZGERALD. Did it not appear that reports had been filed in the department of the marine in France, calling attention to the fact that this powder on this vessel which was blown up was of such a character that it should be withdrawn, and that those reports were suppressed, and after the investigation started it was shown that this explosion was due to the fact they did not observe the precautions that should have been observed if the report of the inspector had been followed?

Mr. SLAYDEN. Mr. Chairman, my recollection is—I read

everything about it that appeared in the newspaper press at the -that the statement of the gentleman from New York is entirely and absolutely accurate.

Mr. FITZGERALD. And the fact is this powder deteriorates, all of these high explosives, and in some instances acquires additional strength and explosiveness so as to be dangerous to handle.

Mr. SLAYDEN. I am so informed, Mr. Chairman.

Mr. Chairman, a comparison between the powder supplied in foreign countries and in ours is all to the advantage of that produced in this country. A few years ago, when we went to the small-caliber rifle—to the .30-caliber rifle—it was found that the powder we were then using and which had been entirely satisfactory

The CHAIRMAN, The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes, or so much thereof as may be necessary to conclude my remarks.

The CHAIRMAN. The gentleman from Texas asks unani-

mous consent to proceed for 10 minutes. Without objection. the request will be granted. The Chair hears none, and the gentleman from Texas is recognized for 10 minutes.

Mr. SLAYDEN. When we changed from the larger to the smaller caliber gun it was found that the powder which had

been entirely satisfactory under the previous conditions was not satisfactory under the new; that it caused such an erosion that the gun would wear out after, my recollection is, about 1,500 rounds had been fired. Of course that was a condition that could not be tolerated; it was too expensive; it destroyed our guns too rapidly, and would have involved an enormous charge upon the Treasury. It greatly disturbed the Chief of Ordnance, and he, wise man that he is, set about bettering the conditions. He had heard of a powder made in Germany, and he was assured by the agent of that powder that he could sell him a product that would increase the life of his guns very considerably, because 5,000 rounds of that powder could be considerably, because 5,000 rounds of that powder could be fired through one of these rifles before it would become unfit for military purposes. A quantity of it was bought; I think 50,000 pounds. It did not give the entire satisfaction that was expected, but it did materially increase the life of our guns, because they could fire 3,000 rounds rather than the 1,500 which had been fired before that. But, Mr. Chairman, even that was not satisfactory. The pride of the American inventors and business men were aroused, the pride and spirit of our Government was aroused, and Gon Croyler took the matof our Government was aroused, and Gen. Crozier took the matter up with this despised Powder Trust that has been referred to here, and in the course of a short time they brought to him a powder, without increase of price, as I remember it, which multiplied the life of that gun by three. In other words, to put it in another way, where the gun would have been exhausted with one shot, for comparison, it was made to stand without apparent deterioration three shots. I think it is 15,000 rounds that may be fired from these guns with this powder without any appreciable deterioration in the weapon. That is without any appreciable deterioration in the weapon. an important fact, Mr. Chairman, and one that should be considered. I heard the gentleman from Iowa [Mr. Good] refer to the hearings before the Committee on Naval Affairs Wednesday, January 12, 1910. It was a statement made by Col. Buckner, who is associated with the Du Pont Powder Co., and who, by the way, is the only man I have ever seen or known in my life who was associated with any powder company.

Col. Buckner made a statement detailing the history of the joint operations of the Government and of his company for a number of years. He told of an interview with Mr. McKinley at the outbreak of the Spanish-American War. On the request of the President that they provide the Government a supply of powder they did undertake to create in 60 days a factory that made powder, not a smokeless product, not this scientific powder that we are compelled to have now, but the brown, prismatic powder that had become almost obsolete. But it was the only thing that could be had at the time and in time to meet the necessities of the Government. They made a contract with the Government to supply some 5,000,000 pounds of that powder. The war came to a much earlier conclusion than had been anticipated, and there remained an unexecuted balance of that That was cancontract of something like 2,500,000 pounds. celed on the request of the Government, with no cost to the Government. Mr. Chairman, I think that is a commendable act, even though it was done by the Du Pont Powder Co.

This document tells of certain scientific developments, processes, and improvements in the manufacture of powder that have been made by the Du Pont and other great corporations engaged in the manufacture of powder, and in every instance, according to my information, the Government has been freely and gratuitously given the benefit of any development along that line, just as the Government was given blue prints and plans for the construction of its own powder plant—the powder plant that I advocated the construction of a few years ago.

Mr. BERGER. Mr. SLAYDEN. Will the gentleman yield for a question?

Yes.

BERGER. Are we to understand that the gentleman would argue that we are to leave the defense of the country to a trust, the Du Pont Co. or whatever it be-a private

Mr. SLAYDEN. Mr. Chairman, if the gentleman understands that I argued any such thing as that he absolutely mis-understands what I have been saying.

Mr. BERGER. I can not understand it in a different way as long as they are to furnish the powder. Powder is one of the main parts of the defense, and if we are to depend on any trust for ammunition, then we are to depend on the trust for our defense.

Mr. SLAYDEN. Now, the gentleman can not state my posi-Mr. SLAYDEN. Now, the gentleman can not state my posi-tion for me. I might risk him doing it if I thought he could do it accurately. I yield no further now. Mr. BERGER. Go ahead. Mr. SLAYDEN. I am opposed to a dependence upon a trust,

as I am opposed to a dependence upon an inadequate source of supply. I am supported in this position by officers of the Navy

and officers of the Army, who believe we ought to buy a considerable part of our munitions of war from private plants in order that we may not be left in a defenseless condition in time of need. What position would we have occupied in 1898 if it had not been for private manufacturers? What position would England or Germany or Austria be in to-day but for their private plants? It is because I do not want to see the Government in a defenseless position in a crisis that I agree to what is recommended by Admiral Mason in his report, and by Gen. Crozier in his hearing before the Committee on Military Affairs, that we should not put these people out of business. I am in favor of buying from private manufacturers a portion of such powder and munitions of war as we may require, just as I am in favor of buying all the other munitions of war that we may require-to a great extent at least-such as equipment of Artillery, Cavalry, and so forth, from private plants.

Mr. PEPPER. Will the gentleman yield? Mr. SLAYDEN. Yes.

Mr. PEPPER. As I understand it, we are only buying about 15 per cent of our ammunition, while we are buying 75 per cent of our powder. Is there any reason why we could buy a greater per cent of powder than we do of our ammunition?

Mr. SLAYDEN. I am sorry to say I can not answer that question. I have not examined into the relative requirements

of these articles.

Mr. SHERLEY If the gentleman will yield to me, I will say that we are actually manufacturing over 25 per cent of the powder that we use.

Mr. PEPPER. It is over half.
Mr. SHERLEY. Twenty-five per cent. It is not half.
Mr. PEPPER. I was saying if we purchased over half.
Mr. SHERLEY. We purchase nearly three-quarters of what

we use.

Mr. PEPPER. I call the gentleman's attention to the fact that, according to the hearing, Gen. Crozier testified that we are only purchasing a very small amount of ammunition. there any reason why we should purchase 75 per cent of our powder and only about 10 or 12 per cent of the ammunition? Is there any reason, either economical or from a military stand-

point, why we should do so?

Mr. SLAYDEN. Mr. Chairman, I do not know where the line of danger would come. I believe it would be dangerous and improper to put these private manufacturers out of business. believe it might be very dangerous to the country in the event of a sudden war, of an unexpected crisis; but whether that danger line be at 25 per cent, 50 per cent, or 75 per cent I do not know. But I am quite sure that it will be before we reach the 90 or 95 per cent proposed by the gentleman from Iowa [Mr. Good], because no private manufacturer, if I know anything about the business could maintain the relation know anything about the business, could maintain the plants to do the work, even in a crisis, if given only that percentage of the business.

The price of powder has steadily declined for a number of years. It has gone down by reason of scientific developments. It has gone down by reason of the reduction in the price of alcohol and other elements that go into the making of gunpowder.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. SLAYDEN. Yes.
Mr. FITZGERALD. It has gone down also, has it not, because of legislation enacted by Congress putting a limit on the

Mr. SLAYDEN. Undoubtedly; but it has also gone down, I will say to my friend from New York, to sportsmen and to the

trade as well as to the Government.

Mr. SHERLEY. Not anything like the extent of the limitation I was instrumental in putting on by provision some years ago of 64 cents for small-arms powder. They were then buying it at 67 cents or a little over. I was told then that we were putting the Government out of the opportunity for getting powder from private manufacturers, but we have obtained powder since then for 60 cents.

Mr. SLAYDEN. Yes; and I think the Government will get it

still cheaper.

Mr. GOOD. Does the gentleman make his statement about the superior quality of our powder with full knowledge of the statement made by Mr. Buckner before the Committee on Naval Affairs? He said:

They know-

That is, the Government-

Mr. SLAYDEN. Pardon me one moment. Is the gentleman reading from hearing No. 13?

Mr. GOOD. Yes; No. 13:

They know what they want, and they make us produce it. They get behind us and discover weaknesses in the powder, and they insist that the powder shall be what they want.

It would seem, then, would it not, that the Government has been demanding that a better grade of powder be made?

Mr. SLAYDEN. Precisely; and I was citing to the House a striking instance of it, as when the Government went to Germany and bought 50,000 pounds of powder the Du Pont people immediately developed a much better powder than that we got

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. I would like to have one minute more.

The CHAIRMAN. The gentleman from Texas [Mr. SLAY-

DEN! asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. SLAYDEN. Before the Committee on Naval Affairs, on January 12, 1910, after that hearing was over and Mr. Buckner, the vice president of the Du Pont Powder Co., had concluded his discussion, Mr. BUTLER, of Pennsylvania, said:

I wonder if any one of these gentlemen wishes to say anything to us before he goes, because these figures will stand here for discussion.

Admiral Masox. I have no criticisms to make concerning Col. Buckner's statements. I think they are very fair and just.

That I look upon, Mr. Chairman, as a certificate of the truthfulness of the statements made therein, and I would have con-tempt for myself as a Member of this House and as a representative of the people if I could not be fair and just, even to a Powder Trust. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment. I think we are at the end of the para-

graph, are we not?

The CHAIRMAN. Is this an amendment to the pending amendment?

Mr. MOORE of Pennsylvania. It is an amendment to the paragraph.

The CHAIRMAN. There is an amendment pending. question is on agreeing to the amendment offered by the gentle-

man from Iowa [Mr. Good].

Mr. SHERLEY. Mr. Chairman, I am in sympathy with the purpose of the gentleman from Iowa, but not at all in accord with him in the remedy proposed. I thoroughly agree that the Powder Trust is deserving of all that he has stated about it, and yet I am not willing to do that which I think would be a mistake on the part of the Government. I believe that we ought to make part of our powder. I do not believe that we ought to make all of our powder, and I do not believe that for two reasons. The first reason is that I want to have private manufacturers making powder, in order that we may have some intelligent method whereby we can compare the cost of Government manufacture with the cost of purchasing the powder, and that we would not have if we made all of our powder. Secondly, I do not believe that it is a wise policy to undertake to rely upon Government-made powder for our entire supply in time of war. I might add a third reason. The inventive genius of men engaged in making powder ought not to be restricted simply to those within the Government employ.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield

to the gentleman from Iowa?

Mr. SHERLEY. Certainly.
Mr. GOOD. The gentleman from Kentucky does not mean to say that we are appropriating money now in time of war, or that this rule would necessarily have to be followed in time of

Mr. SHERLEY. No; but I do mean to say this, that particularly as to cannon powder and to a less degree in smallarms powder, such as is required by the regulations of the Government, there is absolutely no demand for it from outside sources. The demand is purely a governmental demand. If you take away that governmental demand, the private manufacturers will not engage in the manufacture of that kind of powder. And I want to say this, in justice to the Du Pont people-from whom I hold no brief, as I need not tell this House, because heretofore I was instrumental in putting a limitation on the price of powder, and in a few minutes I will offer another limitation—the ability to create a powder factory, the ability to make a high standard of powder, such as is required, and the cheapness of cost at which it has been made, have been largely the result of the discoveries and economies instituted by the Du Pont people and given to the United States, to be taken advantage of by the Government when it established its own powder factory. Now we are making cannon powder for 55 cents a pound and are paying 60 cents. I am inclined to think

that that difference of 5 cents represents no more than a fair profit to an outside manufacturer.

As to small-arms powder, the situation is not the same. are making small-arms powder for 65 cents, and that, I may say in passing, includes all overhead charges of every kind figuring also the value of the money of the Government at 3 per cent interest. We are paying 75 cents for small-arms powder. The same percentage of advance in price to the manufacturer of small-arms powder that exists as to cannon powder would make the proper price 70 cents plus, as I recall it not quite 71 cents; and I should be very glad to see a limitation placed in this bill prohibiting the paying of more than 71 cents for small-arms powder. But I do not believe that it is right or wise simply to say that the Government shall not buy powder from outside sources, which is what this 10 per cent limitation would practically mean.

There is another thing in this connection. I agree with the gentleman in his proposition that we ought not to help trusts to exist. But as the gentleman has pointed out, there has been a suit brought dissolving this trust. Whether the decree of the court will be effective time alone can disclose, but certainly there has been a decree entered ordering a dissolution and the maintenance as independent concerns of various factories that went into the consolidation. Now, with our inability to make the powder that we ought to have and to establish the reserve that we ought to have, it does not seem to me to be wise to have the Government go exclusively into the powder manufacturing business. I want to second the gentleman in every particular necessary in order to prevent the Government being held up as to the price of its powder.

The CHAIRMAN. The time of the gentleman has expired. Mr. SHERLEY. I ask five minutes more. The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. I expect and have a right to expect that the administrative branch of this Government will enforce the law against trusts and monopolies; and inasmuch as in this instance the court has agreed with their view to the extent of entering a decree, I do not believe we ought simply to punish ourselves by excluding the only concern which at present makes this kind of powder, thus depriving ourselves of the benefit that comes from having their inventive genius and their cost with which to compare our own.

Mr. PEPPER. Conceding all that the gentleman says as to the desirability of private manufacture, does not the gentleman think the Government could manufacture more than 25 per cent

of its powder with advantage to all parties?

Mr. SHERLEY. Yes; I say so, and if the gentleman is familiar with the history of the whole affair, he knows that from the Committee on Appropriations there came a provision, just a few years ago, creating this powder factory. He knows that it is only recently that they have been in a position to manufacture even the powder that they are now manufacturing. I think it is a proper thing for the Government to manufacture a larger per cent of its powder than 25 per cent, but that is not the question presented here.

Mr. PEPPER. Is it not also true that the testimony in the hearing was that the present manufacturing plant of the Government is only working one-third of its capacity at the present

time, and has been for some time?

Mr. SHERLEY. If by capacity you mean working three shifts of men 24 hours a day. The testimony is that they are working one-third of a 24-hour three-shift day.

Now, they unquestionably could increase, and I would like to see them increase to the extent of their power, although it ought to be said in fairness that the proposition presented by . the Powder Trust to the Government at first was on a sliding scale, and that the price dropped according to the quantity, and the present price of 60 cents was obtained by giving a sufficient quantity to come within the terms of that proposition. But the proposition presented to this House is not the gentleman's. The proposition here is not simply to limit the powder, but to limit ammunition that shall be purchased to 10 per cent. I do not think that is a wise proposition, and while I want to see the Government protected, I do not want to see it punish itself in a desire to punish the Powder Trust.

Mr. PEPPER. According to the testimony, as far as ammunition is concerned, we are not purchasing much more than 10

per cent now, but we are purchasing more powder.

Mr. SHERLEY. I can not answer the gentleman as to that. Mr. PEPPER. We are purchasing about 12 per cent of the ammunition.

Mr. SHERLEY. I think it would run to considerably more than 12 per cent on all kinds of ammunition.

Mr. PEPPER. As to small arms.

Mr. SHERLEY. It may not as to small arms, but the gentleman must remember that the bill only relates to certain kinds

Mr. PEPPER. The hearings cover all kinds of ammunition. Mr. SHERLEY. Mr. Chairman, that is all I desire to say to the committee. The amendment in its present form ought not to be agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I have been one of the advocates of this policy of having the Government engage in certain lines of manufacture as a salutary check upon combinations of private manufacturers. Congress has adopted that policy with reference to the construction of battleships, and we have managed our affairs so that the Government is in a position, so far as battleship construction is concerned, as to interpose a check against combinations of private individuals

engaged in such construction.

The same policy has been adopted with reference to the manufacture of powder. I have been under the impression that that policy has been fully as successful as it has with reference to the construction of battleships. My observation in the House—and for years I have listened to the debates on this question-is that a splendid start has been made by the Government. As the gentleman from Kentucky [Mr. Sherley] says, a few years ago this policy was commenced and more money was appropriated as years went by, and when in the wisdom of the House it decides that the Government should manufacture a higher percentage of the powder it uses than it now does the method of procedure is plain. It has been marked out, and there is no trouble in going about it in a proper way. The futility of the method proposed here was made apparent

a few years ago by the passage in the naval bill of a provision which was designed to prevent the Government from purchasing any powder from a trust. I think substantially that was the language. The Government officials were of the opinion then that the concern from which it purchased the powder was such a combination that it might fairly be called a trust. There was no denial of the fact, at least, that the various powder-manufacturing concerns were at that time under one ownership and control; so that there was no question as to the duty of the Government officers when it came to the purchase of the powder. But it developed the next year that in the face of that limitation the Government officials had purchased the usual quantity of powder from this concern. They admitted that they had done so, and said there was nothing else for them to do, that they could not at that time with the facilities at their disposal manufacture enough powder for the use of the Government, and were compelled to go to the only manufacturers from whom they could purchase what they wanted. They were placed in that attitude by the hasty action of Congress on an approin that attitude by the hasty action of congress on an appropriation bill. They were charged on the one hand with the duty of not purchasing powder of this trust, and on the other hand they were charged with the duty of purchasing necessary powder for the Government. They were between the devil and the deep sea; they had either to refuse to buy powder for battle-ships or violate this legislative limitation.

Now, I sympathize with what the gentleman from Iowa [Mr. Goop] is trying to accomplish. He wants, as I want, and as we have tried for years to put into effect, to put the Government in a position to purchase such powder as it must purchase from private parties of a proper quality and at proper prices.

Mr. GOOD. The gentleman mistakes my attitude entirely. do not believe, after what we have seen of the case of the Powder Trust, that we can trust that kind of people to manufacture our ammunition for war; that it only costs us about 43 cents to manufacture powder, and the Government ought to manufacture its own military powder, because nobody uses military powder but the Government, and it ought to manufacture it.

Mr. HUGHES of New Jersey. Then the gentleman's amend-

ment does not disclose what he wants to bring about.

Mr. GOOD. It certainly does.
Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.
The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, the amendment that I have offered simply does this: It provides that the Government can procure all of the powder that it is intending to procure, but that of that powder it can purchase only 10 per cent of the quantity, and must manufacture at its arsenal only 90 per cent.

Mr. HUGHES of New Jersey. Then the gentleman is simply

doing what was done on the naval appropriation bill a year or two ago, and he will find the result achieved will be precisely

the same. Instead of permitting the Government to purchase 10 per cent, as the gentleman's amendment does, this limitation of which I speak prevented the Government from purchasing at all. That meant that the Government must supply all of its own powder. The gentleman's proposition is that the Government must supply 90 per cent of its own powder. The Government can not do either of those things at this time. The gentleman must remember now that we are dealing with the Army appropriation bill.

Mr. GOOD. Does the gentleman know how much powder we can manufacture at our arsenal at the present time?

Mr. HUGHES of New Jersey. Yes. I am safe in saying the Government can not manufacture all the powder it needs for the ensuing year and continue to make the powder we are making for naval purposes.

Mr. GOOD. But the gentleman does not understand that we are manufacturing one-fourth of the powder that the Army needs, and that we are only running our mill at one-third of its

Mr. HUGHES of New Jersey. I think I am well within the facts when I say that with all of the facilities the Government has at this time, running to the top of its capacity, 24 hours a the Government would not be able to manufacture the powder it needs for the ensuing year for which we are now appropriating.

Mr. SHERLEY. It is now manufacturing a little over 25 per cent, and that is a third of its utmost capacity as the plant now exists, so that it could manufacture not to exceed 76

per cent.

Mr. HUGHES of New Jersey. That was demonstrated absolutely when the Government officers and agents had to admit that, in the face of a legislative enactment which was put on an appropriation bill, with the intention of preventing them frem purchasing powder from any trust, they were compelled to purchase it because they could not make it, and there was nobody else to purchase it from.

Mr. FOSTER of Illinois. Does the gentleman think that after they put this provision on the naval bill they could have found powder factories where they could have purchased it without going to the trust?

without going to the trust?

Mr. HUGHES of New Jersey. No; that is the reason they went to the people with whom they had been dealing, because they were unable to buy anywhere else.

Mr. BUTLER. Only one concern makes it.

Mr. FOSTER of Illinois. They were permitted to buy it under an extraordinary condition, and I suppose they took this to be an extraordinary condition.

Mr. HUGHES of New Jersey. I suppose it was their duty to buy powder. As a matter of fact, I think it is true that all of that particular class of powder made for the Government is made in a factory in my district.

Mr. MADDEN. It was stated by the gentleman from Iowa

that the Government powder factories were running only one-third of their capacity, and that meant 8 hours out of 24. Mr. HUGHES of New Jersey. Yes. Mr. MADDEN. And that the cost of powder was 43 cents a

pound.

Mr. HUGHES of New Jersey. Yes. Mr. MADDEN, That is what the gentleman from Iowa said, Mr. SHERLEY. That is what he said, though I do not think that is a fact.

Mr. MADDEN. That is what I refer to. I want to ask the gentleman from New Jersey if the Government powder factories work full 24 hours, whether that would not increase the cost, because of the fact that they would be obliged to pay one and one-half times the wage for the extra 16 hours that they are obliged to pay for the 8 hours they now work?

Mr. HUGHES of New Jersey. I do not think so. The gentleman may be correct about that, but I do not think the Govern-

ment pays overtime.

Mr. MADDEN. If it does not, of course that is different. The CHAIRMAN. The time of the gentleman from New

Jersey has again expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUGHES of New Jersey. With all due respect to the gentleman from Iowa, I do not think his is the way to get at this matter. In the first place, he is not dealing with powder. He is embarrassing the officers of the Government when they go to purchase small-arms ammunition. If he desires to broaden the field of the activities of the Government with reference to the manufacture of powder, he knows how to go about it.
Mr. GOOD. Will the gentleman yield?

Mr. HUGHES of New Jersey. Yes.

Mr. GOOD. I will suggest it will embarrass the big corporation in New Jersey, but it will not embarrass the Government

in the least.

Mr. HUGHES of New Jersey. I will not share in the embarrassment of the big corporation in New Jersey. As I stated to the committee, I think the smokeless powder referred to in the naval bill is all manufactured in a factory in my district. think so, but I do not pretend to be accurate about that. They have a tremendous big factory up there; that is, they had the last time I was in that vicinity, but they have a habit of disappearing occasionally, and carrying sections of the landscape along with them; and that is a thing, too, that gentlemen who figure upon the cost of Government operation do not take into consideration. We have not had many explosions, and yet explosions of powder plants are of common occurrence in the district which I represent. Now what we all want to do, I imagine, is to try to be fair. I have done a little trust bursting and trust hunting myself, as members of the committee can testify, but I have always thought I was fair, and I think we ought to try to be fair on this proposition. We build a certain number of battle-ships. We find out what it costs to build a battleship and the time in which they can be constructed, and we manage to get the battleships that have been built by private concerns at a price reasonably approximate to what we know to be the true price. We have also compelled them to deliver their ships in a much shorter space of time than they used to; in other words, we have established a healthy competitive condition between the Government and the private ship constructors. We are in a great measure doing the same thing with reference to the purchase of powder. We have some very efficient plants which are growing more efficient all the time and which are being extended from time to time. We know what it costs, although there is a great divergence of opinion as to what it actually costs the Government on account of the difficulty of getting at the overhead charges, and also because true estimates can not be made until the Government has had these plants in operation for a considerable length of time, so that the damage caused by the explosions can be taken into consideration and charged up against the general cost, but we know in a general way what it costs to actually manufacture, and we have a board of officers who know what the cost of manufacturing is, and, as I am informed, that board of officers absolutely fixes the price at which the powder contracts are made.

Now, it does not seem to me there can be much gouging of the Government so long as that system prevails. of officers, who know what the cost of manufacturing powder is, go to the private concerns from whom we purchase this powder and say the Government will purchase so many pounds of powder at this price or that price, and that has always been

accepted.

Mr. SIMS. May I ask the gentleman a question?

Mr. HUGHES of New Jersey. Certainly. Mr. SIMS. Suppose the amendment was at 75 per cent instead of 90 per cent, what would the gentleman say as to that?
Mr. HUGHES of New Jersey. I am trying to say, and the
burden of my remarks has been that the gentleman from Iowa

can not accomplish the purpose he seeks to accomplish by this

kind of a limitation.

Mr. GOOD. Will the gentleman yield? Mr. HUGHES of New Jersey. Yes.

Mr. GOOD. I think the gentleman wants to be fair. I would like to ask him this question: Suppose an amendment was placed in this paragraph which provided that only 90 per cent of the powder used in this ammunition, or not exceeding 10 per cent of the powder used in this ammunition, should be powder manufactured by private concerns, does not the gentleman see what would happen—that these concerns would hold up then the manufacturer of ammunition, and the manufacturer of ammunition would come back and say, "We are compelled; our hands are tied"—and it would cost the Government three or four times as much to produce this ammunition as it would cost under this provision?

Mr. HUGHES of New Jersey. I do not know that I follow the gentleman's argument very clearly; but I believe that if his limitation did everything he desired it to do, it would prevent the Government from buying 90 per cent of its powder, and when it was tried before it prevented them from buying any powder; that is, in effect, the gentleman's provision now

Mr. HAY. Mr. Chairman, I move to close debate on this

Mr. AMES. Mr. Chairman, I ask unanimous consent for a minute in which to ask a question of the gentleman from Iowa.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AMES. The gentleman from Iowa held up a book. it contain the proceedings in equity against the Powder Trust?

Mr. GOOD. It is an equitable proceeding.

Mr. AMES. You stated that your facts came from that book, Mr. GOOD. I stated that I got my facts from the records in the case. In order that I may not be misunderstood I will say that the book contains the case of the United States of America, petitioner, against E. I. du Pont de Nemours & Co. et al., defendants.

Mr. AMES. The gentleman from Iowa gives the committee to understand that there was some connection between the Powder Trust and the small-arms manufacturers. Is there one scintilla of evidence in that case to show that there is the

slightest connection between the two?

Mr. GOOD. If I said that I got everything I knew about the subject from that book, I misstated the case. The information I received is that the line of demarcation between the Powder Trust and the manufacture of ammunition is not very clearly defined. Mr. AMES.

Will you put in such information in your

remarks?

The CHAIRMAN. The gentleman from Virginia moves that the debate on this amendment be now closed.

The motion was agreed to.

Mr. GOOD. Mr. Chairman, I would suggest the absence of a quorum.

The CHAIRMAN. The Chair will count. [After counting.] There are 72 Members present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll.

The committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 253 Members, a quorum, had answered to their names, and he reported the following absentees:

to their name:
Alken, S. C.
Allen
Anderson, Ohio
Andrus
Anthony
Barchfeld
Bartlett
Bates
Bingham
Boher
Broussard
Burgess Kopp Korbly Lafean Langham Langley Lawrence Edwards Rauch Fields Focht Fordney Reyburn Richardson Riordan Robinson Fornes Rothermel Foss Fuller Lindsay Gardner, Mass. George Goeke Goldfogle Littleton Longworth McCall Rucker, Colo. Sabath Scully Sells McCall
McCreary
McDermott
McGillicuddy
McLaughlin
Maher
Malby
Matthews
Mays
Mondell
Moon, Pa.
Moore, Tex.
Morse, Wis.
Nye Goldfogle McCreary
Gould McDerma
Graham McGillier
Gray McLaugh
Hamill Maher
Hamilton, Mich.
Harrison, N. Y.
Haugen Mays
Hawley Mondell
Hayes Moon, Pa
Heald Moore, T
Helgesen Morse, W
Hill Nye
Hill Nye
Hill Oldfield
Houston Olmsted
Hughes, Ga.
Humphrey, Wash. Payne
Humphreys, Miss.
Jones
Kennedy Porter
Kinkead, N. J.
Kitchin Powers Burgess Burke, Pa. Burnett Campbell Cannon Cantrill Sheppard Sherwood Slemp Sloan Small Small Smith, J. M. C. Smith, Saml. W. Smith, Cal. Sparkman Stack Cantrill
Carter
Carter
Cary
Catlin
Conry
Cox, Ind.
Cravens
Curley
Currier
Dalzell
Danforth
Davidson
Davis, W. Va.
De Forest
Dickson, Miss.
Dodds
Driscoll, D. A.
Driscoll, M. E.
Dwight Stack Stanley Stephens, Cal. Stephens, Tex. Sweet Talbott, Md. Taylor, Ala. Taylor, Colo. Vreeland Wedemeyer Whitacre Kitchin Knowland Konig Konop Powers Pray Pujo Ransdell, La. Wilder Willis Young, Mich.

WITHDRAWAL OF PAPERS,

Mr. Hartman, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of James Bookhamer, Fifty-seventh Congress, no adverse report having been made thereon.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN (Mr. SAUNDERS). The vote is now on the amendment offered by the gentleman from Iowa [Mr. Good].
Mr. GOOD. Mr. Chairman, I ask that the amendment be

again reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 45, line 23, by inserting, after the word "dollars," a colon instead of a period, and add the words "Provided, That not to exceed 10 per cent thereof shall be expended in the purchase of ammunition."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GOOD. A division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 102.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Change the period after the word "dollars," line 23, page 45, to a colon and add "Provided, That not to exceed 25 per cent thereof shall be expended in the purchase of ammunition."

Mr. HAY. Mr. Chairman, I move to close all debate on the paragraph and all amendments thereto.

The CHAIRMAN. A vote was heretofore taken to close debate on the paragraph.

Mr. HAY. No; it was on the amendment. The CHAIRMAN. The gentleman from Virginia [Mr. HAY]

moves that all debate on the paragraph be closed.

Mr. MANN. Mr. Chairman, debate not having commenced on this amendment, is it in order to close debate on it? The rule is very plain, Mr. Chairman, that debate on an amendment can not be closed until debate has commenced in Committee of the Whole.

Mr. SHERLEY. On the paragraph; not on the amendment. Mr. MANN. I understood the gentleman to move to close

debate on the amendment.

The CHAIRMAN. The parliamentary inquiry of the gentleman from Illinois is whether a motion to close debate at this times is in order, the debate not having begun. The opinion of the Chair is that the motion to close debate at this time is out of order.

Mr. SHERLEY. Mr. Chairman, I suggest that the debate has been had on the paragraph, and that the rule does not require that the debate must be had on every amendment in order to move to close debate.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamen-

tary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Do I understand the motion to be that debate shall close on this amendment and all other amendments pertaining to this paragraph?

The CHAIRMAN. That is what the Chair understands the

motion to be.

Mr. MOORE of Pennsylvania. Then, I wish to make this further inquiry: I have an amendment which is entirely foreign to the one that has been discussed so fully-an amendment which I wish to submit in due course. If the point of order is decided favorably by the Chair, that would prevent my offering this motion?

Mr. SHERLEY. Mr. Chairman, if the Chair will permit, I call attention to this further fact, that if the inquiry of the gentleman from Illinois be decided as the Chair indicated, then it might be impossible in committee to cut off debate, because all motions to strike out the last word, after amendments had been discussed, would be subject to debate for five minutes, and in each instance you could continue the debate. But when the paragraph has been discussed, then it is in order to move that the paragraph and all amendments thereto be not debatable.

Mr. MANN. Does the Chair care to hear further from me on

this subject?

The CHAIRMAN. The Chair will hear the gentleman from

Mr. MANN. I think the gentleman from Kentucky is entirely mistaken about the effect of the ruling of the Chair. It is not at all that debate can not be closed upon the paragraph or the amedments thereto, but the only amendment that is offered to the paragraph now is the amendment offered by the gentleman from Iowa, and under the rules he is entitled to the floor for five minutes' debate on that amendment. When he has had the floor upon that amendment it is in order to move to close debate upon the paragraph and all amendments thereto.

Now, of course it is true that debate has already been had on an amendment that has been disposed of, but the rule is

that-

The committee may, by the vote of a majority of the Members present, at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph.

I think a fair construction of the rule is that where debate has not been closed-

The CHAIRMAN. The Chair will not entertain the motion

to close debate at this time.

Mr. GOOD. Mr. Chairman, the amendment I have offered limits the amount which the Government can expend under this authorization to 25 per cent of the \$250,000 for the purchase of Since I made the statement a few minutes ago with regard to the Du Pont Powder Trust several Members

have come into the Chamber, and I trust, therefore, I may be pardoned if I restate some of the facts that appeared in the Powder Trust litigation.

We find ourselves in this position: Last year we appropriated about \$4,000,000 for ammunition. Most of it went directly or indirectly to the pockets of the Du Pont powder people.

In 1903 the E. I. du Pont Powder Co. of New Jersey was organized with an authorized capital stock of \$50,000,000. Only \$1,500 in cash was paid into the treasury of that corporation. Notwithstanding this, that monopoly, which has manufactured all of the Government powder for a hundred years, has paid in six and one-half years \$11,000,000 of dividends and has set aside \$12,000,000 to the surplus. I submit to the Members of this House that that is just a little too big a profit to give to this kind of an organization.

We find ourselves in this position: The Government of the United States has prosecuted this trust. The United States Circuit Court for the District of Delaware has ordered a dissolution of the trust. The President of the United States and the Attorney General are doing all in their power to put the trust out of business, to dissolve it. We are doing all in our power to continue it, namely, to give it these good contracts for Government powder. My proposition is that the Government can only expend 25 per cent of this appropriation for the purchase of powder, so that the other 75 per cent must go for the manufacture of powder by the Government. But gentlemen say, "Ah, we can not manufacture powder as cheaply as we can buy The lowest price for which the Government was ever able to obtain powder was 60 cents a pound. It is costing the Gov-ernment to manufacture powder to-day but a trifle over 43 cents a pound. We are manufacturing one-fourth of the powder we use

Mr. SHERLEY. Will the gentleman yield?

Mr. GOOD. I can not yield. I have not the time. Mr. SHERLEY. The gentleman does not want the statement to go forth that it is costing 43 cents when it is costing 55 cents, including overhead charges.

Mr. GOOD. The overhead charges include the pay of the officers of the Army, and they would be paid whether they were working in the powder factories or some other place. [Applause.

Mr. SHERLEY. The overhead charges include something besides that.

Mr. GOOD. They include depreciation. The 55 cents includes interest on the investment. It includes a great many things. But exclusive of overhead charges, the cost to the

Government is only 43 cents and a fraction. Mr. HAY. I move that all debate on this paragraph and all amendments thereto be closed in five minutes, the five minutes to be occupied by the gentleman from Pennsylvania [Mr.

MOORE L. The CHAIRMAN. The gentleman from Virginia moves that all debate on the paragraph and all amendments thereto be closed in five minutes.

The question was taken; and on a division (demanded by Mr. Good) there were-ayes 58, noes 43.

Mr. GOOD. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. HAY and Mr. Good.

The committee again divided; and the tellers reported that there were 80 ayes and 42 noes.

So the motion was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 45, line 22, by striking out the word "two" and inserting the word "three."

The CHAIRMAN. Is that an amendment to the amendment? Mr. MOORE of Pennsylvania. No; it is an amendment to the paragraph.

The CHAIRMAN. It is not in order now to offer an independent amendment. The gentleman may use his five minutes

now and offer the amendment later.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have been waiting two or three days to offer this amendment; but, unfortunately, owing to the conditions prevailing, it is now impossible to get more than five minutes. Yet the proposition is entirely independent of the Powder Trust question under dis-

My amendment proposes to increase the appropriation for ordnance stores and ammunition, the manufacture and purchase of ammunition materials for small arms for a reserve supply, and so forth, from \$250,000, as in the bill, to \$350,000, the amount recommended by the Chief of Ordnance, Gen. Crozier.

The reason for this is that, while the Chief of Ordnance has been endeavoring for years past to lay by a surplus of small-arms ammunition and has indicated to the committee that he has attained a sufficient surplus to carry him along for several years, it still appears, notwithstanding a cut in the estimate of \$150,000, that he recommended \$100,000 more than the committee has allowed, and that the committee has cut down the actual recommendation of the department so that it will affect not only the surplus of small-arms ammunition, but will result in throwing out of employment, perhaps, 100 hands now engaged in this work at the Frankford Arsenal, Philadelphia. This is the phase of the question that I want to discuss during my five minutes

The Government of the United States in this instance does actually manufacture ammunition cheaper than it is made by private manufacturers. The figures show-and I commend this to those gentlemen who approve of the Government entering into the business of manufacturing—that the actual cost price, with overhead charges included, for the manufacture of rifle ball cartridges at the Frankford Arsenal, where most of them are made, is \$26.95 per thousand, as against \$35.50, the average cost indicated in bids submitted by private individuals.

Mr. AMES. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not; I have only five

minutes. While I realize that there is much discussion in this House and a great difference of opinion as to whether the Government should enter into the business of manufacturing in competition with private manufacturers, here is an instance where the Government actually does that business, under all the laws and restrictions that are imposed by Government control, and does it very much cheaper than it is done by private manufactories. There may be a reason for this, but the facts are as

I give them.

The point I now want to bring out to this House is that in spite of the fact that the Chief of Ordnance has recommended that this work be continued at a cost of \$350,000 for the ensuing year, the committee, pursuing its course of economy, has cut down the final estimate \$100,000, bringing it to \$250,000, which, I am informed, will necessitate the discharge from the Frankford Arsenal at Philadelphia of at least 100 hands. is what I want to bring to the attention of the House. Where are these men to go when the work is taken away from them, when this new policy of economy is fully in force, and they are thrown out upon the streets to seek employment elsewhere?

Will the Government obtain ammunition cheaper by this process? Will it not be better for the Government to continue this system, keep these American workmen employed making the goods cheaper than they can be made at private manu-

factories?

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. Good].

The question was taken; and on a division (demanded by

Mr. Good) there were 52 ayes and 56 noes.

Mr. GOOD. Mr. Chairman, I ask for tellers.
Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia [Mr. HAY] and the gentleman from Iowa [Mr. Good].

The committee again divided; and the tellers reported that there were 54 ayes and 65 noes.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I offer the amendment that I send to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 45, line 22, by striking out the word "two" and inserting the word "three."

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. Moore of Pennsylvania) there were-ayes 35, noes 63.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the close of the paragraph the following: "Provided, That no part of this appropriation shall be paid for small-arms powder at a price exceeding 71 cents a pound."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 23, page 45, after the word "dollars," add:
"Provided, That not to exceed 60 per cent thereof shall be expended in the purchase of ammunition."

The CHAIRMAN. The question is on the amendment. The question was taken, and the amendment was rejected. The Clerk read as follows:

The Clerk read as follows:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prascribe, provided the total value of the stores so issued to the educational institutions does not exceed \$30,000, \$800,000.

Mr. HAY. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, line 9, strike out the word "eight" and insert in lieu thereof the word "seven."
Line 10, page 46, after the word "hundred," insert the words "and forty."

Mr. HAY. Mr. Chairman, I do this in accordance with the communication received from the Chief of Ordnance stating that that amount can be stricken from this appropriation on account of the reduction in the number of Cavalry regiments.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.
Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which is similar to the one I offered a few moments ago.
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 10, after the word "dollars," add: "Provided, That no part of the appropriation shall be paid for small-arms powder at a price exceeding 71 cents a pound."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have

The Clerk read as follows:

Line 9, page 46, after the word "dollars," strike out the word eight" and insert in lieu thereof the word "nine."

Mr. MOORE of Pennsylvania. Mr. Chairman, last year there was appropriated to this item \$1,000,000. The War Department in its estimate recommended that \$900,000 be appropriated this year. The committee has cut the appropriation to \$800,000, and by the amendment just agreed to has cut it to \$740,000, a reduction of \$260,000. For the reason that I do not desire to see the workmen thrown out of the arsenals of the country, I ask that this amendment be adopted.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. Moore of Pennsylvania) there were—ayes 27, noes 71.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the close of line 10, page 46, after the word "dollars," insert the following:

"Provided, That of the amount expended in the procurement of ammunition not to exceed 25 per cent thereof shall be expended in the purchase of ammunition."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected. The Clerk read as follows:

Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, \$600,000.

Mr. PRINCE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, line 13, strike out the words "six hundred thousand" and insert in lieu thereof the words "seven hundred and fifty thousand."

Mr. PRINCE. Mr. Chairman, if this amendment does not prevail it will result in a number of men who are now engaged in Government service being turned out, and at the same time the economy is ill-advised, because we need a supply of arms as a reserve for the use of the Army.

Mr. HAY. Mr. Chairman, I desire to state that there is now a reserve of these guns on hand of 598,000 new service rifles, and the balance, 350,000, of Krag-Jörgensen, so that we have an ample reserve on hand. With this appropriation now car-ried in the bill there will be sufficient to continue to make the reserve as much as #t ought to be. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. PRINCE) there were-ayes 40, noes 71.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk rend as follows:

The Clerk read as follows:

Add at the close of line 13 the following:

"That from and after the passage of this act it shall not be lawful for any department or bureau of the United States to sell any arms of any kind, manufactured or acquired by such department or bureau for naval or military purposes, except as hereinafter provided: And provided further. That whenever any arms of any kind intended for naval or military purposes shall be condemned by any department or bureau of the United States, or shall become unfit for official use by such department or bureau, they shall be so broken or otherwise mutilated as to render them harmless as instruments of warfare or violence, and only when so broken or mutilated shall they be sold or disposed of by any such department or bureau."

Mr. HAY. Mr. Chairman, I make the point of order against the amendment

The CHAIRMAN. The point of order is sustained. It is not a limitation on expenditures, but a limitation of authority, and is an affirmative direction. The point of order is sustained.

The Clerk read as follows:

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavairy, and Artillery equipments, including horse equipments for Cavairy and Artillery, \$700,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk rend as follows:

Add, after the word "dollars," in line 20, page 46, the following: "Provided, That of the amount expended in procuring ammunition not to exceed 25 per cent thereof shall be expended in the purchase of ammunition."

The question was taken, and the amendment was rejected. The Clerk read as follows:

Automatic machine rifles: For the purchase, manufacture, and test of avoidable until the close of the fiscal year ending June 30, 1914, \$100,000.

Mr. PRINCE. Mr. Chairman, I offer the following amendment: On page 47, line 14, strike out the word "one" and insert the word "two," so that it will read "two hundred thousand dollars." Now, the purpose—

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend line 14, page 47, by striking out the word "one" and inserting the word "two."

Mr. PRINCE. Mr. Chairman, the reason I offer this amend-ment is as stated in the inquiries that I asked for recently of the War Department.

The supply of the automatic rifles is at present inadequate. appropriations for its increase ought not to be reduced. A new a better weapon has just been adopted, but the estimates of \$100,000 who provide a sufficient number of rifles. It is necessary to h \$200,000 to provide for that amount by gradual acquisition.

It may be true that we have enough ordinary rifles, but for these automatic machine rifles, which are of a new type and of a very improved character, we ought not to reduce the appropriation from what it was in the last Army bill, and I trust and hope that the committee will vote the amendment to make it

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. PRINCE.

Mr. BUTLER. When did the Army adopt the rifle which it is now using?

Mr. PRINCE.

This is an automatic machine gun.
I thought the gentleman called it a rifle.
It is an automatic machine rifle. Mr. BUTLER.

Mr. PRINCE.

Will the gentleman yield? Mr. GARRETT.

Mr. PRINCE. Certainly. Mr. GARRETT. Do I m Do I understand the gentleman read from a letter submitted to him personally that was not submitted to the committee?

Mr. PRINCE. No. sir. We thrashed this out the other day. Was the gentleman here?

Mr. GARRETT. I asked if the gentleman was reading from a letter that had been submitted to him that had not been sub-

mitted to the committee? Mr. PRINCE. Let me state it again; it has been stated once by me before in answer to a question by my colleague from Illinois [Mr. FOSTER]. This from which I have read was never presented to the committee; the chairman of the committee has no knowledge whatever with regard to it any more than I have knowledge with reference to the reduction of the Cavalry from

15 regiments to 10, but it is perfectly proper to bring that reduction in as the chairman did and of which I make no com-After this bill was prepared I wanted to know, as the ranking Member of the minority side, if there were any cuts here that ought not to be made, and I asked the proper department to give me information along that line. This is a part of the information that I got which never has been submitted to the committee nor to any other Member, so far as I know.

Mr. SLAYDEN. Will my colleague yield?

Mr. PRINCE. Yes.

Mr. SLAYDEN. May I ask him if the item he desires to have

increased was submitted in the estimates?

Mr. PRINCE. Oh, yes; I think it was submitted in the estimates

Mr. SLAYDEN. What is your amendment? I could not

Mr. PRINCE. I want to make the appropriation for automatic machine rifles the same as it was one year ago, namely, \$200,000, instead of \$100,000. The letter was gone over by the committee, but the committee took another view, and I am taking this one.

Mr. HAY. Mr. Chairman, the appropriation last year was \$200,000, and the estimate this year was for \$200,000, and the

committee cut it in two.

Mr. SLAYDEN. What is the object, please?

Mr. HAY. I am going now to read from page 658. I asked the Chief of Ordnance:

How many of these guns will you accumulate for the purpose of the use of the Army?

He said:

We expect to need, altogether, of guns of this general class, 1,626. Of those 1,626, we have aircady 1,176. So the shortage to be provided for at the present time is 450. Of these 450 I am asking this year for enough money to provide 150.

It appears on page 659 that they have 270 guns for the Regular Army now, and the other guns are in reserve, and we thought 75 guns for next year would be enough, and, therefore, we cut the appropriation.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois [Mr. PRINCE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Field artillery for Organized Militia: For the purpose of procuring field artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governers of the several States and Territories or the commanding general of the Militia of the Histrict of Columbia, to issue said artillery material to the Organized Militia; and the sum of \$770,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year 1914, for the procurement and issue of the articles constituting the same: Provided, That hereafter when authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation.

Mr. KAHN. Mr. Chairman— The Clerk rend as follows:

Mr. KAHN. Mr. Chairman-

Mr. MANN. I reserve a point of order.

Mr. KAHN. I was going to offer an amendment.

Mr. MANN. It is subject to a point of order.

Mr. HAY. It is immediately available. Mr. MANN. That is what I wanted to know. Mr. MANN. That is what I wanted to know Mr. HAY. I can explain to the gentleman.

Mr. MANN. What is the reason for carrying every year a provision here making this appropriation immediately available? can understand the reason for carrying it over so as to make

it available for the second fiscal year.

Mr. HAY. I will say to the gentleman that Gen. Crozier stated to the committee that he wanted to have that made immediately available for two years—

Because these articles are of rather slower manufacture than anything I have mentioned to you thus far. The gun and the carriage make a considerable structure, and the capacities of the plants are not very great; and as far as the manufacture at the Rock Island Arsenal is concerned, where a good many of the carriages and limbers and caissons would be made, I would like to have the manufacture continuous, just as I mentioned with the automatic rifles.

And he goes on further and says it would be much cheaper to

do it in that way than to begin and have to stop.

Mr. MANN. That is his point of view, but that gives no in-

formation, unfortunately.

Mr. HAY. I think it does give information.

Mr. MANN. I can understand why you sometimes want to make an appropriation immediately available. I can not under-

stand why you want to make every year the same appropriation immediately available. They have an appropriation for the current fiscal year for this amount that runs until the end of the next fiscal year. They have that now in their hands to expend. but they have not expended it yet. Why should they commence now making immediately available an appropriation which will not run for more than two years?

Mr. HAY Because, as I understand the purpose of it, it is to permit them to continue with the manufacture without any

Mr. MANN. They do not let any contract on this, do they?
Mr. HAY. No; they are manufactured at the Rock Island
Arsenal, as I understand it.

Mr. MANN. They have money enough under the current appropriation to run until the 30th of next June. That appropriation is made available until the end of the next fiscal year after this Now, there is no excuse in a department insisting every year that some appropriation shall run for more than two years when they do not have to make a contract.

Mr. HAY. I can only state the reason given by the Chief of Ordnance, which seems to be a sufficient one.

Mr. MANN. I shall not insist on the point of order, but unless the Chief of Ordnance next year gives a better reason for that, and I am here, I shall take it out on the point of order.

The gentleman can take it out now if he wants

Mr. MANN. No. I am saying this for the benefit of the Chief of Ordnance. If he will reason, he will not do it. I

withdraw the point of order.

Mr. KAHN. Mr. Chairman, I move to amend by striking out, on page 48, line 3, the words "seven hundred and seventy thousand" and inserting in lieu thereof the words "one million." The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 48, line 3, strike out the words "seven hundred and seventy thousand" and insert the words "one million."

Mr. KAHN. Mr. Chairman, the estimate before the committee for the purposes set forth in this item was \$1,500,000. The committee cut it to the figure that was carried in the Army appropriation bill last year, but the evidence before the committee shows that in field artillery our Army is woefully deficient. It is the one great point of weakness in our military force. The Chief of Ordnance, who is a very conservative officer, says that field artillery is also the one war material that it takes a longer time to manufacture than any other used for military purposes, and that at the present rate of manufacture it will take 13 years to furnish the Army, including the Organized Militia, with the proper number of field pieces to which it is entitled under its present organization.

This item refers especially to the field pieces that are to be furnished to the Organized Militia. In the hearings, at page 663, volume 2, Gen. Crozier said:

The subject of field artillery is the most pressing one we have. In regard to all of the other items of which I have spoken to you this morning and yesterday, although we have not all we need of some of them, we are not very badly off; that is to say, we are going along reasonably, and we are reasonably near to a proper supply; but with respect to field artillery and field-artillery ammunition, we are not reasonably near to a proper supply. I have been saying that for several years past. We are not going fast enough in this matter. In everything else I think we are going fast enough.

Now, that is a fair statement from a fair officer, and in view of the fact that it will take so many years to manufacture these guns for the Organized Militia upon the basis of the amount of the appropriation provided in this bill, I hope that an increase in the item will be made in order that the field guns may be turned out more expeditiously, so that the Organized Militia

may be properly equipped.

Mr. HAY, Mr. Chairman, this item appeared for the first time in the bill last year, and it was then stated and agreed that an appropriation of \$770,000 was enough to begin this work with. The committee thought that there was no reason for going beyond that sum this year, particularly as it appears from the statement of Gen. Crozier that there were not enough batteries of the Organized Militia to use the guns if we made them. That statement will be found on page 668 of the hearings. Gen. Crozier there says:

A good many of the States have batteries organized on paper already, but they are only on paper, and just how many such batteries there are I do not know.

We did not think it necessary to provide guns for batteries

that were only on paper.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. Kahn].

The question was taken, and the amendment was rejected. Mr. KAHN. Mr. Chairman, I desire to offer the following amendment, to be inserted after the word "transportation," on line 19, page 48.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

At the close of line 19, page 48, insert the following: "Ammunition for Field Artillery for the Organized Militia: For procuring reserve ammunition for Field Artillery guns of the militia of the several States, Territories, and the District of Columbia, \$500,000."

Mr. HAY. I make a point of order on that, Mr. Chairman.

Mr. KAHN. Will the gentleman reserve the point of order?
Mr. HAY. I will reserve the point of order.
Mr. KAHN. Mr. Chairman, the evidence adduced before the committee showed that there is practically no ammunition for serving the Field Artillery of the Organized Militia. The department itself says that it can manufacture only about 300 rounds of ammunition a day. That would furnish approximately one shot for every gun to which the Field Artillery of the Organized Militia is entitled. In other words, if the factory of the Government is to run right straight along, it could provide only one shot a day for each one of the field pieces to which the Organized Militia is entitled. The members of the committee can readily understand how long it is going to take to get together an amount of reserve ammunition for the field guns of the Organized Militia that will make those organizations effective in time of war.

I sincerely hope that the gentleman from Virginia will not make a point of order on the paragraph, but will allow the department to begin the manufacture of this powder on an adequate scale, in order that the Organized Militia of this country may be placed in a position to go into action if ever the

country should become involved in war.

The CHAIRMAN. Does the gentleman from Virginia withdraw his point of order?

Mr. HAY. I make the point of order.
The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Sec. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments hereafter accomplished five years shall be counted as an enlistment period in computing continuous-service pay: Provided, That, in the absence of express authority hereafter given by Congress, the uniforms of officers and enlisted men of the Army shall hereafter be and remain as prescribed by War Department orders in force on the 25th day of May, 1911, except for such changes as can be made in the uniforms of enlisted men without loss or additional expense to the Government.

Mr. PRINCE. Mr. Chairman, I will make a point of order against that entire paragraph, but I reserve it, so that we can discuss it.

Mr. HAY. Mr. Chairman, I think the gentleman had better make his point of order.

Mr. PRINCE. Very well, I make the point of order.

Mr. HAY. The same question was discussed the other day. Mr. MANN. Mr. Chairman, the paragraph consists of two parts. A point of order is made against the entire paragraph. One part of the paragraph is:

Provided, That, in the absence of express authority hereafter given by Congress, the uniforms of officers and enlisted men of the Army shall hereafter be and remain as prescribed by War Department orders in force on the 25th day of May, 1911, except for such changes as can be made in the uniforms of enlisted men without loss or additional expense to the Government.

That of itself would certainly be subject to a point of order. There is no pretense that it is a reduction of expenditure. Even if the Chair could hold the first part of the paragraph, in reference to enlistments, in order, it does not seem to me that that would carry with it another provision which is out of order. I believe the uniform ruling is that where a paragraph contains a provision which is out of order, then a point of order to the entire paragraph is good.

Of course it is quite true that if the Chair thinks the first part of the paragraph is in order, that could be brought in by

amendment if the entire paragraph should go out.

Mr. HAY. Mr. Chairman, I have only to say that this provision, by preventing changes in the uniforms of officers and enlisted men, will result in a saving of cost. Every time a change is made in the uniforms of enlisted men, the Government necessarily is put to an expense, because the parts of the uniform which are rejected become obsolete, and are a loss by reason thereof. Therefore this proviso does tend to reduce and will reduce expenses, and if it does, I assume that it is in

Mr. MANN. Mr. Chairman, the Chair is a great deal wiser in reference to uniforms than the rest of us if he can tell what In reference to uniforms than the rest of us if he can tell what the effect of a change of uniform will be in advance of that change. I not only can imagine, but I know that in the past some changes of uniform have been made which saved money to the Government. There have been a number of cases where a decided change was made in the interest of economy. It is morely a problematical matter whether a change of wife. purely a problematical matter whether a change of uniform is

going to be an expense to the Government or a saving to the Government.

Mr. KAHN. If the gentleman will yield, the last change made in the uniform was in the interest of economy. It did cut down the expense of the various articles of clothing that made up the uniform of the enlisted men. If this proviso does anything it prevents the department from making further

economies on the uniforms of enlisted men.

Mr. MANN. I will say frankly to the gentleman that, so far as I am concerned, I would have no objection to a proper provision upon this subject; but here is the result: In this bill is a provision for a supply corps and for the coordination of other branches of the service, both of which will require changes of uniform to carry out the provision, if it shall be enacted into law. Before those provisions could be put into effect and before new uniforms could be provided for these new branches of the service, it would require the War Department to come to Congress and ask permission to do it. Now, some gentlemen may believe it is an offhand matter to get legislation; that when the Secretary wants to have a new uniform he telephones the Speaker or the chairman of the Committee on Military Affairs that he would like to have some legislation enacted before night; but we know that that is not the way things are done in this Capitol.

Mr. GARNER. If there was such a pressing necessity for

it we could enact it before night.

Mr. MANN. Yes; if everybody was absent and nobody objected. Now, the result will not only be an expense to the Government in preventing the proper making of uniforms, or the right to change to a uniform which will cost less, but will probably prevent uniforms being provided at all in some cases.

Mr. SLAYDEN. Mr. Chairman, I believe that this legisla-tion will effect a saving in the matter of uniforms supplied to the men by the Government. With each change of uniform a great deal of material is condemned and abandoned, just as in each change of equipment for horses, or for any other paraphernalia of the Army. It involves loss because a certain amount of stuff is condemned and abandoned. But this amendment, which is particularly desired by the officers of the Army, at least all with whom I have spoken, will effect a saving for Frequent changes of uniform for the officers devolve upon them a considerable expense that they do not like to incur. For years I have heard them complain of the fact that there were frequent and unnecessary changes in uniform, and many of them have said that they hoped Congress would enact some legislation to prevent it. It is legislation in the interest of the officers to obviate frequent changes of uniform. I think it is economical and wise, and I believe it is in order.

The CHAIRMAN. The Chair will reserve his decision on

this point.

Mr. HAY. I will ask the Chair if he is prepared to rule upon the five-year-term portion of the paragraph.

The CHAIRMAN. Is any discussion desired upon that por-

tion of the paragraph? Mr. TILSON. Yes. Mr. HAY. Go ahead.

Mr. TILSON. Mr. Chairman, as was stated by me the other day, when a point of order was pending against the amendment proposing a reduction of the Cavalry, it seems to me that it must appear on the face of the paragraph in the bill that it makes a retrenchment in expenditure, and that it must not be a matter for proof or argument. Section 2 of Rule XXI. forbidding legislation on an appropriation, excepts from the prohibition of that rule:

Such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The proposed paragraph does not purport to reduce numbers or compensation of anyone; nor does it purport to reduce any item or amount carried in the bill. Then if the paragraph be in order it must be under the proviso which reads as follows:

That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

This proviso authorizes only amendments to the bill to be in order upon the report of the committee, and it is questionable whether or not it authorizes a committee to report in the bill itself matter otherwise obnoxious to the rules.

Even if the Chair should hold that under the proviso the committee may report in the bill itself such matter as it would be in order to report by way of amendment, still it must ap-pear from the paragraph itself without extraneous aid or assistance that it results in a retrenchment in expenditures. must appear on the face of the bill itself that it will work that result. If it is a matter of debate, if it is a matter of argument, if it requires evidence to prove it, then it does not appear from the bill itself that it would work the retrenchment, and would not be in order.

It seems to me that if the Holman rule is to be preserved, if it is to serve a beneficent purpose, it must, for illustration, enable the House, whenever it desires to reduce a salary, even though it has been fixed by law, the reduction being apparent on the face of the bill; but if each time an amendment is proposed we have to go into the realm of debate, argument, and evidence, then it seems to me it will so involve us in fog and uncertainty that it will be necessary to dispense with the good features of the rule in order to escape from inextricable confusion. Upon the ground, Mr. Chairman, that it does not appear on the face of the paragraph that it will make a retrenchment in expenditures and in view of the actual contention that it would not do so if enacted into law, I contend that it is not

Mr. PRINCE. Mr. Chairman, section 2, as my colleague stated, consists of a main proposition and a proviso. Now, take the main proposition and see whether it falls under the provision of the Holman rule. The Holman rule says:

Such as being germane to the subject matter of the bill shall retrench penditures by the reduction of the number and salary of the officers expenditures by the roof the United States.

First, by reduction of the number. The Army remains the same; there is no reduction in the number of men and none in the commissioned force of the Army, so far as section 2 is concerned, and none will result from it.

Reduction of the compensation of any person paid out of the Treasury of the United States.

Reduction of the commissioned officers, none; reduction of the enlisted men, none. Why do I say "none"? Because the enlisted man gets the same pay that he gets now. He serves for five years at the same rate of pay that he gets now. Following as a sequence of his five years' enlistment, it is contended by one side that he will remain a permanent part of the Army. His time will be nearer toward that when he retires with 30 years' service. If he serves 5 years, or a portion of that time in a foreign service, it is double time—it is 10 years. Three 5-year enlistments might give him 30 years of service. So the chances are decidedly in favor of the man getting onto the retired list earlier than he would with a shorter enlistment. The number that will get upon the retired list will be largely increased over the number that would be retired under the three-year enlistment.

Now, whether that is true or not may be a question of argu-

ment, but on the Cavalry proposition I contended the same number of enlisted men remained, but the chairman said that where we now have 15 regiments we will have 10. That, on its

face, was a reduction.

That looked plausible, and the chairman ruled, basing his ruling upon that. But there is nothing in this section that shows that a single solitary enlisted man will be reduced in compen-There is nothing that shows that the authorized strength of the Army will be reduced, commissioned officer or noncommissioned officer. It seems to me that portion of it is subject to a point of order, because it does not fall within the meaning of the Holman rule.

Suppose the chairman should be inclined to hold that that was a debatable question, that it might reduce expenditures, and that that was a question that the House might determine in its wisdom, and should leave it to the determination of the House. Can it be possible that, having objected to the entire paragraph, the portion beginning with the proviso, which is a part of the section which is out of order, which does not fall within the provision of the Holman rule, can make the other in order? I think it has been well presented by my colleague, the distinguished gentleman from Illinois [Mr. Mann], that this portion is subject to a point of order; and if a part of the paragraph, is subject to a point of order; then the whole the paragraph is subject to a point of order, then the whole paragraph goes out. I submit that this section does not fall within the provisions of the Holman rule, and I confidently expect a decision from the Chair that section 2 as a whole is subject to a point of order.

Mr. HAY. Mr. Chairman, I do not care to repeat what I have already said about the proviso. I understand the position of the gentleman from Illinois is that section 2, referring to the five-year enlistment, would not operate to save anything in expenditures. It seems to me manifest on its face that a five-year enlistment must necessarily be cheaper to the Government than a three-year enlistment, because under the law, with

which the Chairman is familiar, there is a provision for a bonus of three months' pay for reenlistment.

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes. Mr. PRINCE. If it is a matter of argument that it falls within the Holman rule-

Mr. HAY. But it is not a matter of argument. I am simply

stating the facts.

Mr. PRINCE. The gentleman says it appears on the face of it without argument?

Mr. HAY. It does, yes, I say manifestly, taken in connection with the law providing for continuous-service pay and a bonus for reenlistment, that a long term must cost the Government less than a short term. There is no room for speculation about it at all. Under the law a man who enlists for three years, if he reenlists at the end of that time is paid a bonus of \$45. If he reenlists his pay is increased by reason of continuous service. So that I say on its face, without any speculation, taking it in connection with the law providing for enlist-ments in the Army, it must necessarily operate to reduce ex-Therefore it is in order. penses.

The CHAIRMAN. The Chair will dispose of this at the next

session of the committee.

Mr. HAY. Mr. Chairman, before we rise I would like to have some agreement with the gentleman from Illinois about the time which we will devote to this paragraph in the event the Chair holds it to be in order. I understand him to agree that we would take two hours and a half, one hour and a quarter to be controlled by himself and one hour and a quarter to be controlled by myself.

Mr. MANN. Suppose the gentleman makes this agreement, that if the Chair holds the paragraph in order, or holds in order any amendment which may be offered in case the Chair holds the paragraph out of order, that then the debate upon the paragraph or the amendment and all amendments thereto be limited to two hours and a half.

That is right. Mr. HAY.

Mr. PRINCE. That is satisfactory.
Mr. HAY. Then, Mr. Chairman, I ask unanimous consent that in the event the Chair holds the paragraph in order, or if the paragraph be held out of order and the Chair holds any amendment I may offer to be in order, that all debate upon that paragraph or on that amendment and all amendments thereto be limited to two hours and a half, one hour and a quarter to be controlled by the gentleman from Illinois [Mr. PRINCE] and one hour and a quarter to be controlled by myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that in the contingency indicated by him debate shall be limited to two hours and a half, one-half of that time to be controlled by himself and one-half to be controlled by the gentleman from Illinois [Mr. PRINCE]. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18956, the Army appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker

H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway to construct a bascule bridge across the Calu-

met River at South Chicago;

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-

second Street, in said city; H. R. 14484. An act to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River in

Stone County, Mo., to create electric power; and H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co.

The SPEAKER announced his signature to enrolled bill of

the following title:

S. 4109. An act to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16693. An act to extend the time for the completion of

the municipal bridge at St. Louis, Mo.;

H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis River at Hodges Ferry, Mo.; and

H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of the bill S. 295, an act to adjust claims of certain settlers in Sherman County, Oreg., and the same was referred to the Committee on Claims.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, February 14, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting estimate of appropriation for salary of district judges for Arizona and New Mexico (H. Doc. No. 537) Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Department of Commerce and Labor, transmitting part 2 of the annual report of the Commissioner of Lighthouses for the fiscal year ending June 30, 1911 (H. Doc. No. 538); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Nantucket Sound, Mass. (H. Doc. No. 536); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and For-eign Commerce, to which was referred the bill (H. R. 9056) to continue the investigation of water resources, reported the same without amendment, accompanied by a report (No. 319), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20047) for the protection and regulation of the seal fisheries of Alaska, and for other purposes, reported the same without amendment, accompanied by a report (No. 321), which said bill and report were referred to the Committee of the Whole House on the state of

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17239) to authorize the Arkansas & Mexico Railway, Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River, reported the same with amendments, accompanied by a report (No. 320), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11922) granting an increase of pension to George W. Huston, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 20044) for the improvement

of the foreign service; to the Committee on Foreign Affairs.

By Mr. PADGETT: A bill (H. R. 20045) to regulate and increase the efficiency of the personnel of the United States Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 20046) to

grant additional grade to officers and veterans; to the Committee on Military Affairs,

By Mr. FLOOD of Virginia: A bill (H. R. 20047) for the protection and regulation of the seal fisheries of Alaska, and for

other purposes; to the Committee on Foreign Affairs.

By Mr. JONES: A bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States; to the Committee on Insular Affairs.

Also, a bill (H. R. 20049) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March & 1902, entitled 'An act temporarily to provide revenue for the 8. 1902, entitled 'An act temporarily to provide revenue for the l'hilippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the learning learning and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes"; to the Committee on Insular Affairs.

By Mr. BLACKMON: A bill (H. R. 20050) to establish a fish hatchery and biological station in the fourth congressional district of the State of Alabama at or near Currys Station, in the county of Talladega, Ala: to the Committee on the Mer-

the county of Talladega, Ala.; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRIS: A bill (H. R. 20051) to provide for the erection of a public building at Attleboro, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 20052) to amend the first paragraph of section 24 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. HAMLIN: A bill (H. R. 20053) to prohibit the interstate shipment or attempted shipment of convict-made goods or products of mines in which convict labor is employed; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: A bill (H. R. 20054) to pre-

vent the use of trading stamps, certificates, or coupons; to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: A bill (H. R. 20055) providing for the establishment of life-saving stations on St Simons Island and Cumberland Island, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKMON: A bill (H. R. 20056) granting an increase of pension to widows of all soldiers of the Mexican War; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 20057) providing for the erection of a public building at St. Peter, Minn.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. WOODS of Iowa: A bill (H. R. 20058) granting an increase of pension to John James; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 20059) granting

pension to John Bleiweiss; to the Committee on Pensions. By Mr. UNDERHILL: A bill (H. R. 20060) granting a pension to Tina A. Covell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20061) granting a pension to Charles L.

Thornton; to the Committee on Pensions.

Also, a bill (H. R. 20062) granting an increase of pension to Alexander Ogden; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 20063) granting a pension

to Frances Stevens; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 20064) granting an increase of pension to George F. Andres; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20065) granting an increase of pension to Elisha G. Keeling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20066) to remove the charge of desertion from the record of Charles W. Cook; to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 20067) for the relief of Herman W. Reichow; to the Committee on Claims.

Also, a bill (H. R. 20068) granting an increase of pension to Anne Smith; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 20069) granting an increase of pension to Jacob K. Foote; to the Committee on Invalid Pen-

By Mr. RUSSELL: A bill (H. R. 20070) granting a pension to Sarah J. Kissee; to the Committee on Invalid Pensions. By Mr. PARRAN: A bill (H. R. 20071) for the relief of Wil-

liam H. Gambrill; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 20072) granting a pension to Robert R. Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20073) granting an increase of pension to

Deborah A. Baker; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 20074) granting an increase of pension to David H. Mull; to the Committee on Invalid Pensions

By Mr. LENROOT: A bill (H. R. 20075) making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States; to the Committee on Claims.

By Mr. LEE of Georgia: A bill (H. R. 20076) for the relief of the estate of John Lynch, deceased; to the Committee on War

Claims.

By Mr. LANGHAM: A bill (H. R. 20077) granting an increase of pension to Lizzie K. Jackson; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska; A bill (H. R. 20078) for the relief of certain homesteaders in Nebraska; to the Committee on the Public Lands.

By Mr. KENDALL; A bill (H. R. 20079) granting an increase of pension to William B. Griffith; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 20080) for the relief of the estate of Wiley J. Davis; to the Committee on Claims. By Mr. HULL: A bill (H. R. 20081) granting an increase of

pension to Louis Hebert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20082) granting an increase of pension to William R. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20083) granting an increase of pension to Margaret C. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20084) for the relief of the legal repre-

sentatives of John W. Spradlin; to the Committee on War

Also, a bill (H. R. 20085) granting bounty and pay to Rich-

ard A. Winningham; to the Committee on War Claims. By Mr. HUGHES of West Virginia: A bill (H. R. 20086) granting an increase of pension to Elijah Adams; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 20087) granting an increase

of pension to Thomas Cheek; to the Committee on Pensions.
Also, a bill (H. R. 20088) granting an increase of pension to
James T. Steele; to the Committee on Pensions.
By Mr. HILL: A bill (H. R. 20089) granting an increase of
pension to James E. Greene; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20090) for the relief of David F. Ragsdale; to the Committee on War Claims. Also, a bill (H. R. 20091) for the relief of the heirs of Willis

Potter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20092) for the relief of the heirs of Arthur

Also, a bill (H. R. 20092) for the relief of the liefts of Arthur Strayhorn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20093) for the relief of the heirs of L. W. Pritchett, deceased; to the Committee on War Claims.

By Mr. HANNA: A bill (H. R. 20094) granting an increase of pension to William A. Black; to the Committee on Invalid

Pensions. By Mr. EDWARDS: A bill (H. R. 20095) granting an increase of pension to Sallie H. Murphy; to the Committee on

Invalid Pensions. Also, a bill (H. R. 20096) granting an increase of pension to Daniel McLeod; to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 20097) granting a pension to Nellie Green; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 20098) granting a pension to Florence Herman; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 20099) granting

a pension to Simon Lousier; to the Committee on Pensions.

By Mr. COVINGTON: A bill (H. R. 20100) granting a pension to Isalah G. Turner; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 20101) granting a pension to Denver D. Barnes; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 20102) relating to proof of

signatures and handwriting; to the Committee on the Judi-

By Mr. CARTER: A bill (H. R. 20103) for the relief of Mary J. Welsh Pate; to the Committee on Claims.

By Mr. CANTRILL: A bill (H. R. 20104) granting an increase of pension to John L. Eblen; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20105) granting a pension to Margaret Walsh; to the Committee on Pensions.

Also, a bill (H. R. 20106) granting an increase of pension to

John E. Duvall; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 20107) for the relief of Payne, James & Co.; to the Committee on War Claims.

Also, a bill (H. R. 20108) for the relief of the estate of James M. Dunn; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 20100) granting.

By Mr. BURKE of Wisconsin: A bill (H. R. 20109) granting

an increase of pension to Thurman Parmelee; to the Committee on Invalid Pensions.

By Mr. BARNHART; A bill (H. R. 20110) granting an increase of pension to Collins Blake; to the Committee on Invalid

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of C. H. Schafer and 37 others, of Janesville, Minn., against extension of the parcel-post system; to the Committee on the Post Office and

By Mr. ANSBERRY: Memorial of the municipal council of Valdez, Alaska, for building wagon roads and trails in Alaska; to the Committee on the Territories.

By Mr. ASHBROOK: Resolutions of the farmers of Tuscarawas County, Ohio, at a convention held in Mineral City, Ohio, favoring the prompt enactment of a parcel-post measure;

to the Committee on the Post Office and Post Roads.

By Mr. BLACKMON: Memorial of citizens of the State of Alabama, for passage of House bill 16450; to the Committee on

Also, petition of members of the Improved Order of Red Men, of the fourth congressional district of Alabama, favoring the erection of an American Indian memorial and museum building at Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BOWMAN: Petition of Dawson Bros., of Corry, Pa in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of White Haven Council, No. 840, Junior Order United American Mechanics, in favor of more stringent immi-gration laws, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Heights Council, No. 861, Junior Order United American Mechanics, of Wilkes-Barre, Pa., to restrict immigration; to the Committee on Immigration and Naturaliza-

By Mr. BROWNING: Petitions of the Woman's Christian Temperance Union of Clarksboro and Lutheran Church and Woman's Christian Temperance Union of Fishburg, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Com-

mittee on the Judiciary.

By Mr. BURKE of Wisconsin: Papers to accompany bill for the relief of Charlie Strassburg (H. R. 19422); to the Com-

mittee on Pensions.

Also, memorial of Wisconsin Agricultural Experiment Assoasking for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. BUTLER (by request): Petition of citizens of Pennsylvania, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also (by request), petitions of Woman's Christian Temper ance Union of Atglen, Coatesville, Concord, and Parker Ford, Pa.; and of the Methodist Episcopal Church of Spring City, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also (by request), petition of Society of Friends of London Grove, Pa., for the passage of the Kenyon-Sheppard interstate

liquor bill, etc.; to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of citizens of Westville, Okla., for passage of Kenyon-Sheppard interstate liquor bill;

to the Committee on the Judiciary.

Also, petitions of the Socialist Leagues of Haskell and Morse, Okla., asking the passage of the Berger old-age pension bill; to the Committee on Pensions,

By Mr. DAVIS of Minnesota: Resolutions of the Commercial Club of Minneapolis, Minn., indorsing bill for promotion of

agricultural, horticultural, and industrial exhibits in various States; to the Committee on Agriculture.

By Mr. DENVER: Petition of Adota Tribe, No. 19, Improved Order of Red Men, of Sardinia, Ohio, favoring House bill 16313; to the Committee on Public Buildings and Grounds.

Also, petition of Seminole Tribe, No. 155, Improved Order of Red Men, of Franklin, Ohio, favoring House bill 16313; to the

Committee on Public Buildings and Grounds.

By Mr. DIXON of Indiana: Petition of W. M. Green, jr., and other citizens of Rising Sun, Ind., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of N. Kaufman and other citizens of Seymour, Ind., against parcel post; to the Committee on the Post Office

and Post Roads.

By Mr. DONOHOE: Memorial of the Philadelphia Brigade Association, relative to Abraham Lincoln; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Philadelphia, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Memorial of citizens of the third judicial division of Alaska, urging certain recommendations for that Territory; to the Committee on the Territories.

Also, petitions of citizens of the State of New York, asking that the duties on raw and refined sugars be reduced; to the

Committee on Ways and Means.

By Mr. DWIGHT: Petitions of the Woman's Christian Temperance Unions of Brookton and Dryden; Congregational Church of Danby; and Christian Endeavor Society of Brookton, N. Y., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. EVANS: Resolutions of the Chamber of Commerce of the city of Milwaukee, Wis., protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Petition of citizens of Arkansas, in favor of House bill 13114, to grant old-age pensions; to the

Committee on Pensions.

By Mr. FRENCH: Memorial of the Idaho Legislature, urging that the land laws of the United States be amended so that the five years' residence now required of homestead settlers may be limited to a period of three years; to the Committee on the Public Lands.

Also, memorial of the Idaho State Senate, protesting against passage of the bill now pending which reduces the tariff on

lead and zinc ores; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Idaho, for donation of certain premises known as the abandoned Lemhi Indian Reservation School for educational institutions, etc.; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Idaho, for erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Blackfoot, Idaho, in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Christian Temperance Union of Lewiston, Idaho, for the passage of the Kenyon-Sheppard in-

terstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Wendell, Idaho, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Mrs. Lena E. Garren, of Moscow, Idaho, in favor of the passage of an effective interstate liquor law, etc.; to the Committee on the Judiciary.

By Mr. FULLER: Petition of E. T. Bent, of Oglesby, Ill., favoring the appointment of a Federal commission on industrial relations; to the Committee on Labor.

Also, petition of the Illinois Manufacturers' Association, favoring the retention of the Remsen Referee Board in the Agricultural Department; to the Committee on Agriculture.

Also, petitions of citizens of Lasalle County, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Petition of the Woman's Christian Temperance Union of New Providence, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of residents of the State of Maine, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. HAMLIN: Petitions of citizens of the State of Missouri, for old-age pension bill; to the Committee on Pensions.

By Mr. HAMMOND: Petition of C. H. Schaefer and 26 others, of Janesville, Minn., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of M. A. Arens and 22 others, of Dundee, Minn., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, for changes in the land laws; to the Committee on the Public Lands.

Also, petition of citizens of Rugby, N. Dak., for old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of the State of North Dakota, for

passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of North Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Jamestown, N. Dak., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of F. W. E. Memet, of Colgate, N. Dak., ask-

Also, petition of F. W. E. Memet, of Colgate, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HELGESEN: Petition of the officers of the German-American Alliance of North Dakota, protesting against the passage of a Federal law abolishing the shipment of liquors into prohibition territory; to the Committee on the Judiciary.

Also, petition of B. C. Boyd and 64 other citizens of Hillsboro, N. Dak., favoring the passage of House bill \$141, known as the Federal pay bill; to the Committee on Military Affairs.

Also, resolutions of the members of the Tri-State Grain and Stock Growers' Association, indorsing bill prepared by the

Stock Growers' Association, indorsing bill prepared by the National Soil Fertility League; to the Committee on Agriculture.

Also, petition of the Inkster Mercantile Co., of Inkster, N. Dak., and 8 other business firms of Grand Forks County, N. Dak., protesting against the passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the O. J. Delendrecie Co., of Fargo, N. Dak., and 16 other business firms of Cass County, N. Dak., protesting against the passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of the Northwood Hardware Co., of Northwood, N. Dak., and 20 other business firms in Grand Forks County, N. Dak., protesting against the passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of Andrew Graser, of Brinsmade, N. Dak., and 85 other citizens of Benson County, N. Dak., urging the repeal of the so-called Canadian reciprocity pact; to the Committee on Ways and Means.

Also, petition of 109 residents of Pembina County, N. Dak., urging the passage of the Miller-Curtis bill; to the Committee on the Judiciary

By Mr. HENRY of Texas: Petition of citizens of Gatesville, Tex., in favor of the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Petitions of citizens of the State of Missouri, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of Central Woman's Christian Temperance Union of Salt Lake City, Utah, for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciar;

By Mr. HUGHES of New Jersey: Petition of citizens of Andover, N. J., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Congregational and Reform Churches of Haworth and Closter, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. JAMES: Petition of citizens of Kentucky, for the

enactment of an old-age pension law; to the Committee on

Also, petition of citizens of Kentucky, favoring the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of citizens of San Francisco, Cal., for passage of House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of the San Francisco (Cal.) Chamber of Comerce, for passage of House bill 15472; to the Committee on Agriculture.

Also, petition of Chamber of Commerce of San Francisco, Cal., opposing abolition of position of Chief of Coast Artillery, United States Army; to the Committee on Military Affairs.

Also, petition of Dr. W. Ophuls, of San Francisco, Cal., for an appropriation for international congress on hygiene, etc.; to the Committee on Appropriations.

Also, petition of Chamber of Commerce of San Francisco, Cal., for passage of House bill 16841; to the Committee on Appropriations.

Also, petitions of Gantner & Mattern Co. and Hunt Bros. Co., of San Francisco, Cal., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of San Francisco (Cal.) Pressmen's Union, No. for increased compensation to pressmen in the Government Printing Office; to the Committee on Printing.

Also, petition of the Woman's Christian Temperance Union of San Francisco, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of John P. McCabe and others, of San Francisco, Cal., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of W. F. Broderick, of San Francisco, Cal., for appropriation to enforce white slave law; to the Committee on Appropriations.

By Mr. KENNEDY: Petition of J. M. Crawford and other citizens of New London, Iowa, urging the passage of the Griest bill (H. R. 16819); to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of the Sempervirens Club, of California, for a greater California redwood park; to the Committee on the Public Lands.

Also, petition of American League of Associations, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Memorial of Wisconsin Agricultural Experiment Association, protesting against penny post and in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of R. M. Prust and other citizens of Greenleaf, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petition of the Woman's Christian Temperance Union of Blairsville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LLOYD: Petitions of citizens of the States of Illinois, Oklahoma, Kansas, Nebraska, New York, and Pennsylvania, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of South Dakota: Petition of the Bellefourche (S. Dak.) Commercial Club, for free delivery in towns of 1,000 or more population; to the Committee on the Post Office and Post Roads.

Also, memorial of the Bellefourche (S. Dak.) Commercial Club, for passage of Senate bill 4235; to the Committee on Im-

migration and Naturalization.

By Mr. MOORE of Pennsylvania: Resolutions of the Chamber of Commerce of the city of Milwaukee, Wis., protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of German-American Alliance of Reading, Pa., against the passage of any pending interstate-commerce liquor law; to the Committee on the Judiciary.

By Mr. MORGAN: Petitions of citizens of the State of Oklahoma, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Oklahoma, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of Commercial Club of Minneapolis, Minn., indorsing House bill 18005; to the Committee on Agriculture.

By Mr. RAKER: Memorial of Los Angeles (Cal.) Chamber of Commerce, indorsing Senate bill 122; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, relative to the improvement of the harbor at Los Angeles, Cal.; to the Committee on Rivers and Harbors.

Also, memorial of board of supervisors of Monterey County, Cal., favoring eradication of ground squirrels in the forest reserves; to the Committee on Agriculture,

Also, memorial of board of supervisors of Lessen County, Cal., relative to the nonaccessible condition of scrip locations until final proof of such locations by the United States authorities; to the Committee on the Public Lands.

By Mr. RANSDELL of Louisiana: Petitions of the Woman's Christian Temperance Union and of the Trinity Methodist Episcopal Church South, of Ruston, La., for the passage of the

Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of members of the Methodist Episcopal Church South, in favor of the Berger old-age pension bill; to the Committee on Pensions

By Mr. REYBURN: Memorial of municipal council of Valdez, Alaska, urging the building of wagon roads and trails in that Territory; to the Committee on the Territories.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., protesting against passage of House bill 2948; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petitions of citizens of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., praying for the enactment of the Carlin bill (H. R. 16450); to

the Committee on the Judiciary.

Also, petitions of citizens of Llano, Tex., protesting against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Petition of Canal Grange, No. 1348, Patrons of Husbandry, of Utica, Pa., and of Warren Grange, No. 1025, Patrons of Husbandry, of Warren, Pa., praying that certain existing defects in the Federal statutes governing the traffic in

oleomargarine be remedied; to the Committee on Agriculture. By Mr. STEDMAN: Petition of citizens of Burlington, N. C., urging the passage of an effective interstate liquor law; to the

Committee on the Judiciary.

Also, petition of citizens of Mizpah, N. C., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petitions of citizens of New York City, asking that the duties on raw and refined sugars be reduced;

to the Committee on Ways and Means. By Mr. THISTLEWOOD: Petitions of American Baking Pow der Association, of Chicago, and president of the Board of Trade of Cairo, Ill., for retention of the Remsen reference board; to the Committee on Agriculture.

Also, papers to accompany bill for the relief of Charles W. Cook; to the Committee on Military Affairs.

By Mr. TILSON: Petition of New Haven (Conn.) Printing Pressmen's Union, No. 74, for increased compensation for press

men employed in the Government Printing Office; to the Committee on Printing. Also, petition of the Woman's Christian Temperance Union

of Seymour, Conn., for passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary

Also, petition of German-American Alliance of the State of Connecticut, protesting against interstate liquor legislation; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Union League Club of New York, for a memorial to Pelatiah Webster; to the Commit-

tee on the Library.

Also, petition of Chamber of Commerce of Milwaukee, Wis., protesting against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the common council of Valdez, Alaska, for protection from glacier streams; to the Committee on the Terri-

By Mr. VREELAND: Petition of the Methodist Episcopal Church of Jamestown, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILDER: Petitions of residents of the fourth con-

gressional district of Massachusetts, asking for reduction in the duty on raw and refined sugars; to the Committee on Ways and

By Mr. WILSON of New York: Resolution of the Chamber of Commerce of the city of Milwaukee, Wis., protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Republican Club of New York City, for the establishment of a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, against the abolishment of the Remsen Board of Reference; to the Committee on Agriculture.

Also, petition of the Asiatic Exclusion League, San Francisco, Cal., urging the passage of House bill 13500; to the Committee on Immigration and Naturalization.

Also, resolution of the Flatbush Taxpayers' Association, of Brooklyn, N. Y., in favor of proposed removal of the New York City post-office building; to the Committee on the Post Office and Post Roads.

Aso, petition of Wyckoff Heights Taxpayers' Association, of Brooklyn, N. Y., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Associated Clubs of Domestic Science, New York City, for an interstate standardization of weights and measures; to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG of Kansas: Petition of citizens of the State of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of C. F. Mansfield and sundry other citizens of Tyler, Tex., in favor of House bill 16313 providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Henry Studdard and other citizens of Rusk County, Tex., against parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

Wednesday, February 14, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved. ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 4109. An act to restore the name of Oregon Avenue, in the

District of Columbia, and for other purposes;

H. R. 14484. An act to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power;

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-

second Street, in said city;

H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway to construct a bascule bridge across the Calumet River at South Chicago; and

H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of 500 citizens of Flanagan, Ill., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. RICHARDSON presented petitions of the Woman's Christian Temperance Unions of Laurel, Newark, Clayton, Lewes, and Seaford, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Trenton, Mazon, Champaign, and Robinson, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Hinsdale, Ill., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry business organizations of Chicago and Canton, in the State of Illinois, remonstrating against the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Decatur, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Granite City, Ill., remonstrating against existing rules depriving civilservice employees of their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

Mr. THORNTON presented petitions of sundry citizens of Slaughter, La., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. JOHNSTON of Alabama presented a memorial of sundry citizens of Bay Minette, Ala., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENYON presented petitions of sundry citizens of Alden and Iowa Falls, in the State of Iowa, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kirkville, Fort Afkluson, Melrose, Earlville, Fredericksburg, Spirit Lake, West Side, Parkersburg, Edgewood, Davenport, and Richland, all in the State of Iowa, remonstrating against the establishment of a parcel-post system; which were referred to the Committee on Post Offices and Post Reads.

He also presented petitions of the United Presbyterian Church of Des Moines, of the Woman's Christian Temperance Union of Fayette, of the First Baptist Church of Shenandeah, and of the Congregational Church of Winthrop, all in the State of Iowa, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Fayette, Iowa, praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of the Municipal Council of Valdez, Alaska, praying that an appropriation of \$1,000,000 be made to maintain, extend, and build new wagon roads and trails in that Territory, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of Haddam and Jennings, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Bennington and Burns, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the State Society of Labor and Industry of Kansas, praying that an appropriation be made for the maintenance of State mining schools, which was referred to the Committee on Mines and Mining.

He also presented a memorial of sundry citizens of Iola, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the caactment of legislation to increase the compensation of pressmen employed in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of sundry citizens of Lyons, Kuns., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of members of the memorial and executive committee of the Grand Army of the Republic, of Buffale, N. Y., remonstrating against the proposed abolishment of the system of pension agencies, which was referred to the Committee on Pensious.

He also presented a memorial of sundry citizens of Jamestown, N. Y., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Firtheliffe, N. Y., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Danby and Jamestown, in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

the Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry granges, Patrons of Husbandry, all in the State of Pennsylvania, praying for the adoption of certain amendments to the eleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

were referred to the Committee on the Judiciary.

He also presented a memorial of the Ministers' Association of Shenandouh, Pa., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military

Mr. HITCHCOCK presented a memorial of sundry citizens of Holt County, Nebr., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. SHIVELY presented a memorial of members of the Alliance of German Societies of Terre Haute, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Board of Trade of Brattleboro, Vt., praying for the restoration of the appropriation for the establishment of national forests and for the protection of waterways, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CURTIS presented a petition of sundry citizens of Osborne, Kans., praying for the establishment of a purcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. GAMBLE presented the memorial of Mcrle McCain and 9 other business men of New Underwood, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a memorial of the Woman's Christian Temperance Union of Warehouse Point, Coun., remoustrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented memorials of the German-American Alliance of Danbury and of the German-American Alliance of Seymour, in the State of Connecticut, remonsfrating against the adoption of an amendment to the interstate-commerce law affecting the shipment of intoxicating liquors, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Warehouse Point, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

Mr. POMERENE presented a memorial of sundry citizens of Van Wert, Ohio, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Caldwell, Cheshire, Amanda, Ringold, Athens, Ashtabula, Dayton, and Uhrichsyllle, all in the State of Ohio, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Union, Perrysville, Pottsdam, Tippecanoe City, Center, Petersburg, Springfield, and Madisonville, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Carlisle, Marietta, Lima, and Cleveland, in the State of Ohio, and of New York, N. Y., praying for the ratification of the proposed treatles of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians of America, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a memorial of Local Post No. 456, Department of Ohio, Grand Army of the Republic, of Cadiz, Ohio, remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of local orders of Pike; Amsterdam; Springfield; Peebles; South Bloomingville; Miamisburg; Linden Heights; Marshfield; Piqua; Tribe No. 113, Columbus; Wakefield; Dillondale; No. 248, Cincinnati; Adelphi; Rockford; No. 105, Columbus; Marysville; Wapakoneta; Convoy; New Philadelphia; West Union; Antwerp; Covington; Norwalk; Hamilton; No. 141, Akron; No. 171, Columbus; No. 7, Cincinnati; No. 181, Canton; Hue; Aberdeen; Norwood; No. 150, Massillon; Lebanon; No. 98, Dayton; Tiffin; Hemlock; Coalton; East Palestine; Jep; No. 176, Mansfield; Wellston; Lancaster; Salem; St. Marys; Pike; Tremont City; Ray; Gallipolis; Toledo; Marion; Hamden; Gillespienville; and Lorain, all of the Improved Order of Red Men, in the State of Ohio, praying that an appropriation be made for the erection of an American Indian memorial and anuseum building in Washington, D. C., which were referred to the Committee on Indian Affairs.

He also presented a petition of members of the Union League Club, of New York City, praying that an appropriation be made for the erection of a memorial to Peletiah Webster, which was referred to the Committee on the Library. Mr. WATSON presented petitions of the congregation of the Methodist Protestant Church of Morgantown and of sundry citizens of Clarksburg and Harrison County, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of West Virginia, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Albright, W. Va., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Ruffner Bros., of Charleston, W. Va., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a memorial of Local Lodge No. 1, Amalgamated Association of Iron, Steel, and Tin Workers, of Foliansbee, W. Va., remonstrating against any reduction in the duty on tin plates, which was referred to the Committee on Finance.

Mr. JOHNSON of Maine presented a petition of sundry citizens of Jemtland, Me., praying for the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Free Baptist Church, the Congregational Church, the First Methodist Episcopal Church, of Dexter; of the Woman's Christian Temperance Unions of Mapleton and Augusta; and of Local Grange No. 155, Patrons of Husbandry, of Dexter, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the mullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented resolutions in the nature of a memorial adopted by the New York Customhouse Brokers' Association, remonstrating against the enactment of legislation to abolish the title of naval officer, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants' Association of New York City, praying that an appropriation be made for the acquisition of a new site for a post office in borough of Manhattan, New York City, which was referred to the Committee on Public Buildings and Grounds.

Mr. LODGE presented a memorial of the National Guard Association of Massachusetts, remonstrating against the adoption of a proposed provision in the Army appropriation bill to decrease the expense and increase the efficiency of the staff service of the Army, which was referred to the Committee on Military Affairs.

Mr. STEPHENSON presented a memorial of Alonzo Palmer Post, No. 170, Department of Wisconsin, Grand Army of the Republic, of Superior, Wis., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the First Baptist Church of Eau Claire, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Turnverein, of Madison, Wis., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

He also presented petitions of members of the Woman's Club of Lake Mills; the Beacon Lights Club, of Waukesha; the Shakespeare Club, of Tomah; and the South Side Turnverein, of Milwankee, all in the State of Wisconsin, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Printing Pressmen's Union No. 7, of Milwaukec, Wis., and a petition of the Feeders, Helpers, and Job Pressmen's Union No. 27, of Milwaukec, Wis., praying for the enactment of legislation to increase the rate of compensation of pressmen employed in the Government Printing Office, which were referred to the Committee on Printing.

He also presented memorials of sundry citizens of Druce, Menominee, Lowell, and Paimyra, all in the State of Wisconsin, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Hillsdale, Wis., and a petition of the Wisconsin Agricultural Experiment Association, praying for the establishment of a parcel-post system and for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the American Society of Equity, of Price County, Wis., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the American Society of Equity, of Wisconsin, praying for the establishment of a parcel-post system and for a reduction of the tariff on wool, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against any change being made in the personnel of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

Mr. BRIGGS presented petitions of the Woman's Christian Temperance Unions of Shiloh, Bridgeton, Wrightstown, Hightstown, Clarksboro, Hackensack, Haddonfield, Blackwood, Berlin, Closter, Ramsey, Atlantic Highlands, and Camden; the First Presbyterian Church and the Methodist Episcopal Church of Blackwood; the Methodist Episcopal Church of Burlington; the First Methodist Episcopal Church of Burlington; the First Methodist Episcopal Church of Atlantic Highlands; the Presbyterian Synod of New Jersey; the Berean Baptist Church, of Bridgeton; the Eighth Street Methodist Episcopal Church, of Camden; the Baptist Church of Hightstown; the First Baptist Church of Atlantic Highlands; of sundry citizens of Ramsey and Midland; the Woman's Christian Temperance Unions of East Riverton, Hordwille Reverby Hockettstown, France Bases East Riverton, Hardville, Beverly, Hackettstown, Emma Bourne Union, Trenton, Friesburg, Mount Holly, Dividing Creek, Mill-ville, Englishtown, and Matawan; the First Methodist Episco-pal Church and the Trinity Methodist Episcopal Church of Bridgeton; the First Presbyterian Church of Vineland; the Methodist Episcopal Church of Windsor; the First Presbyterian Church and the Trinity Methodist Episcopal Church of Mill-ville; the First Baptist Church of West Hoboken; the First Baptist Church and the Methodist Episcopal Church of Pemberton; St. Paul's Methodist Episcopal Church, of Pointville; the Methodist Episcopal Church of Wrightstown; the First Methodist Episcopal Church of Manasquan; the Lutheran Church of Friesburg; the First Presbyterian Church of Cedarville; the Methodist Episcopal Church of Port Norris; the Baptist Church of Dividing Creek; the First Baptist Church of Summit; the Tennent Church, of Tennent; the Grace Methodist Episcopal Church, of Red Bank; the First Presbyterian Church of Delanco; the Reformed Church of Closter; of sundry citizens of Treuton and Vineland; the Woman's Christian Temperance Unions of Hopewell, Delanco, Cedarville, and Pemberton; the Baptist Church of Alloway; the Presbyterian Church of Hightstown; the Dobbins Methodist Episcopal Church, of Delanco; the Baptist Church of Windsor; the Tabernacle Baptist Church, of Camden; the Baptist Church of Pitman; the Methodist Episcopal Church of Hopewell; the Methodist Episcopal Church of Cedarville; the Methodist Episcopal Church of Pitman; the First Presbyterian Congregation of Einer; the Methodist Episcopal Church of Elmer; the West Baptist Church, of Vineland; the Congregational Church of Vineland; and of sundry citizens of Hopewell and Bayonne, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside

dealers, which were referred to the Committee on the Judiclary. He also presented petitions of members of the Friday Club, of Hightstown; the Anabasis Literary Club, of Elizabeth; and the Woman's Association of Ridgefield, all in the State of New Jersey, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Captain J. W. Conover Post, No. 63, Grand Army of the Republic, of Freehold; of Bayard Post, No. 8, Grand Army of the Republic, of Trenton; of John Hill Post, No. 86, Grand Army of the Republic, of Boonton; A. T. A. Torbert Post, No. 24, Grand Army of the Republic, of Morristown; of John Mecray Post, No. 40, Grand Army of the Republic, of Cape May City; and of sundry citizens of Newark and Point Pleasant, all in the State of New Jersey, praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented petitions of John Mecray Post, No. 40, Grand Army of the Republic, of Cape May City; of A. E. Burnside Post, No. 59, Grand Army of the Republic, of Toms River; of William B. Hatch Post, No. 37, Grand Army of the Republic, of Camden; of Judson Kilpatrick Post, No. 64, Grand Army of the Republic, of Elizabeth; of James B. Morris Post, No. 46, Grand Army of the Republic, of Elizabeth; of Iong Branch; of John Hill Post, No. 86, Grand Army of the Republic, of Boonton;

of Fifteenth Regiment New Jersey Veteran Volunteer Association; of Eleventh Regiment New Jersey Volunteers; and of the New Jersey Association of Union ex-Prisoners of War, of Bloomfield, all in the State of New Jersey, praying for the retention of Civil War veterans in Federal positions, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Hoboken Board of Trade, the Woman's Club of Orange, the Tricounty Medical Society of Woodbury, and the New Jersey State Federation of Women's Clubs of East Orange, all in the State of New Jersey, praying for the establishment of a department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Seventh-day Adventist Church of Jersey City, N. J., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

presented petitions of the Woman's Association of He also Ridgefield Park, the Newark Photo-Engravers' Union, the Woman's Club of Arlington, and the Woman's Club of Millville, all in the State of New Jersey, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee

on Agriculture and Forestry.

He also presented petitions of sundry citizens of Shiloh and Bridgeton, in the State of New Jersey, praying for a reduction of the duty on raw and refined sugars, which were referred to

the Committee on Finance.

He also presented petitions of sundry citizens of Montclair and Moorestown, in the State of New Jersey, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered

to lie on the table.

He also presented memorials of the Independent Citizens' League of Paterson; the Clifton Citizens' League, of Clifton; the Fifth Ward Taxpayers' Association, of Paterson; the Washington Club, of Perth Amboy; and sundry citizens of Passaic and Jersey City, all in the State of New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of the Typographical Union of Jersey City, the National Print Cutters' Association of New Brunswick, and Branch No. 54, Glass Bottle Blowers' Association of the United States and Canada, of Medford, all in the State of New Jersey, remonstrating against the proposed abolishment of the hand-roller process in the manufacture of paper currency, which were referred to the Committee on Printing.

He also presented a memorial of sundry citizens of Dunellen, N. J., remonstrating against placing printing presses and machine tools on the free list, which was referred to the Com-

mittee on Finance.

Mr. GALLINGER (for Mr. Townsend) presented memorials of sundry citizens of Blissfield, Edjetts, Ithaca, and Deckerville, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. Townsend) presented petitions of sundry citizens of Ypsilanti and Bay County and of Local Grange No 1439, Patrons of Husbandry, of Menominee, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. Townsend) presented memorials of certain business firms of Grand Rapids, Albion, and Detroit, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill, which were referred to the Com-

mittee on Education and Labor. He also (for Mr. Townsend) presented a memorial of sundry citizens of Allegan, Mich., remonstrating against the en-actment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered

He also (for Mr. Townsend) presented a petition of the Detroit Life Insurance Co., of Michigan, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also (for Mr. Townsend) presented a petition of the Anti-Tuberculosis Association of Saginaw, Mich., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. Townsend) presented a petition of members of the Turnverein of Grand Rapids, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar

treaty with Germany, which was ordered to lie on the table. He also (for Mr. Townsend) presented a petition of Printing Pressmen's Union No. 12, of Lausing, Mich., praying for the enactment of legislation to increase the rate of compensation of pressmen employed in the Government Printing Office,

which was referred to the Committee on Printing.

He also (for Mr. Townsend) presented a memorial of members of Cigar Makers' Local Union of Albion, Mich., remonstrating against the imposition of a tax on cigars furnished to employees by the manufacturers thereof, which was referred to

the Committee on Finance.

He also (for Mr. Townsend) presented petitions of the congregations of the Wesleyan Methodist Church, of Brighton; the Methodist Episcopal Church of Burr Oak; the Congregational Church of Pittsford; the Methodist Episcopal Church of Brighton; and the Presbyterian Church of Stockbridge; of the Woman's Christian Temperance Unions of Shelby, Birmingham, and Burr Oak, and of sundry citizens of Coldwater, Allegan, Rochester, Ypsilanti, Plymouth, Shelby, Pavilion, Brady, Delton, Burr Oak, Davison, Cambridge, Duffield, and Weston, all in the State of Michigan, praying for the enactment of an in-terstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee

on the Judiciary.

He also (for Mr. Townsend) presented the petition of Henry
J. Mescher, of Portland, Mich., praying for the enactment of
legislation providing for the experimental establishment of a town mail-delivery system, which was referred to the Commit-

tee on Post Offices and Post Roads.

He also (for Mr. Townsend) presented a memorial of the Grand Rapids Machine Tool Co., of Michigan, remonstrating against any reduction of the duty on steel, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. JONES (for Mr. CLARKE of Arkansas), from the Committee on Military Affairs, to which was referred the bill (S. 1043) to correct the military record of James Anderson, reported it with an amendment and submitted a report (No. 354) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 4846) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington, reported it with amendments and submitted a report (No. 356) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the amendment submitted by himself on the 30th ultimo, proposing to appropriate \$15,000 for the necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying letter from the Secretary of State, referred to the Committee on Appropriations; which was agreed to.

ASSISTANT APPRAISER AT PORT OF BOSTON.

Mr. LODGE. I report back favorably, from the Committee on Finance, with an amendment the bill (S. 275) authorizing the appointment of an assistant appraiser at the port of Boston, and I submit a report (No. 352) thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendment of the committee was, in line 7, before the word "rank," to strike out the word "relative."

The amendment was agreed to.

Mr. BRISTOW. I ask that the bill be read again. I did not understand it.

The PRESIDENT pro tempore. The bill will be read as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the special examiner of drugs, medicines, and chemicals in the district of Boston and Charlestown, Mass., shall, in addition to his duties as special examiner, for which he shall be appointed with special reference to his qualifications, perform the duties and hold the rank of an assistant appraiser.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston."

Mr. LODGE. I ask that the report of the committee be

printed in the RECORD.

There being no objection, the report submitted this day was ordered to be printed in the RECORD, as follows:

Mr. Lodge, from the Committee on Finance, submitted the following report, to accompany Senate bill 275, authorizing the appointment of an assistant appraiser at the port of Boston, with the following amendment: In line 7 omit the word "relative."

This measure has the approval of the Treasury Department with the amendment suggested, and the Committee on Finance therefore recommend that the bill do pass as thus amended.

TREASURY DEPARTMENT, Washington, July 17, 1911.

Hon. Boies Penrose, United States Senate.

My Dear Serator: I have the honor to acknowledge receipt of your letter of the 6th ultimo, inclosing a copy of the bill (S. 275) authorizing the appointment of an assistant appraiser at the port of Boston, in which you ask my opinion in regard to its merits. In reply thereto I have to inform you that the above-mentioned bill has my approval. It is suggested, however, that the word "relative," in the seventh line of the bill, be omitted.

Respectfully, Franklin MacVeagh, Secretary.

CUSTOMS BUILDING AT NEWBURYPORT, MASS.

Mr. LODGE. I report back favorably from the Committee on Finance, with an amendment in the nature of a substitute, the bill (S. 278) authorizing the Secretary of the Treasury to give to the city of Newburyport, Mass., the United States customs building in that city and the land upon which it stands, and I submit a report (No. 353) thereon. It is a small bill, and I ask for its present consideration also.

The PRESIDENT pro tempore. The bill will be read for the

information of the Senate.

The Secretary. The Committee on Finance report to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be transferred, as a gift to the city of Newburyport, Mass., the United States customs building in that city and the southwesterly 110 feet of the land on which it stands, and, by quitclaim deed, to relinquish and convey the title thereof to the said city of Newburyport; and the Secretary of the Treasury is further authorized, in his discretion, to sell and convey the remainder of said site (being the portion northeast of said southwesterly 110 feet of land to be given to the said city and extending from thence to the new harbor line of the Merrimac River) in such manner and upon such terms as he may deem to be to the best interests of the United States and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAWFORD. I should like to hear from the author of the bill something about the reason why we should make a donation of this land.

Mr. LODGE. The customhouse at Newburyport has been abandoned by the Government. It is not occupied by Government any longer. The office has been abolished. T

is only a deputy for the port of Boston. The building is closed.

It is a building that was constructed about 100 years ago. It is a very interesting building historically and a very hand-some building architecturally. The land is the only portion of value, and the land is reserved to the Government to sell. The Government will sell the land; but it was very much desired by the city that the building should not be destroyed, for which the Government could get little or nothing except for the old material.

The matter was referred to the Secretary of the Treasury. who recommended that the arrangement be made which is provided for in the bill. In fact, the bill was drafted at the request of the committee by the Secretary of the Treasury. It is simply for the preservation of the old building.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. LODGE. I ask that the letter of the Secretary of the Treasury may be printed in the RECORD.

There being no objection, the letter of the Secretary of the Treasury was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, Washington, August 10, 1911.

The CHAIRMAN COMMITTEE ON FINANCE,
United States Senate.

Sin: I have the konor to acknowledge the receipt of your letter of the 6th ultimo, requesting my opinion of the merits of S. 278, "au-thorizing the Secretary of the Treasury to give to the city of Newbury-

port, in Massachusetts, the United States Customs Bullding in that city and the land upon which it stands."

From the information before the department it appears that this building is not needed for the accommodation of the public service at Newburyport. The post office is in rented quarters because, as the department understands, it is not practicable to properly accommodate it in the present public building; nor can this building be so arranged as to fittingly house the postal service.

The customs receipts for the fiscal year 1910 amounted to only about \$700, and during the same period the expenses of operating the building (custodian's force, fuel, lights, and water, and miscellaneous items for the care of the customs house) were about \$700. The collector of customs resigned because his compensation for the year amounted to only \$21. Now, the customs business at this point is so small that it has been placed in the hands of a deputy collector, who reports through the collector of customs at Boston, and it is stated that it would be much better to rent suitable quarters for his office than to keep this Government building in operation. It is understood that when the new Federal building is constructed on the site contracted for in Newburyport, space will be provided therein for all Federal officials stationed there. It is the judgment of this department that this old building should cease to be used for Government business.

The bill in question is sufficient for the purpose intended, but in view of the fact that under existing legislation the Secretary of the Treasury is authorized to sell and convey the building in question and the site thereof—which site extends a considerable distance in the rear of the building—it is believed that it would be better if the bill were to declare the gift of the building and the southwesterly 110 feet of the land on which it stands to the city of Newburyport, Mass., and authorize the Secretary of the Treasury to convey the title thereto to the said city and, also, to sell

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED PENSION LEGISLATION.

Mr. McCUMBER. From the Committee on Pensions I report back the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, amended by a substitute, and I submit a report (No. 355)

I think it is proper to state in connection with this report that the Committee on Pensions substituted for House bill No. 1 the provisions of Senate bill 4320, modified by subdividing the years into periods of six months, and so modified I report it in place of House bill No. 1.

The PRESIDENT pro tempore. The bill will be placed on

the calendar.

Mr. McCUMBER. Undoubtedly there will be considerable demand for copies of this bill. I therefore ask unanimous consent that 10,000 extra copies of the bill itself may be printed. I shall not ask for the printing of any additional copies of the report at the present time, but may be compelled to do so later on.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that 10,000 additional copies of the bill shall be printed. Is there objection? The Chair hears

Mr. CURTIS. I ask consent that I may be permitted to hand in a report on behalf of the minority of the committee some time during the day. (S. Rept. 355, pt. 2.) The PRESIDENT pro tempore. Without objection, leave

will be granted

Mr. McCUMBER. I will suggest that it would be proper and satisfactory to the Senate that both the majority report and the views of the minority be printed in one document.

Mr. CURTIS. That is very satisfactory.

The PRESIDENT pro tempore. That order will be made.

THE BAPTIST CHURCH OF SUTTON, W. VA.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5230) for the relief of the Baptist Church of Sutton, W. Va., reported the following resolution (S. Res. 217), and it was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 5230) entitled "A bill for the relief of the Baptist Church of Sutton, W. Va.," now pending in the Senate be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

REGULATION OF IMMIGRATION.

Mr. LODGE. I ask that the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, being Order of Business 190 on the calendar, be recommitted to the Committee on Immigration.

The PRESIDENT pro tempore. Without objection, the bill is recommitted to the Committee on Immigration.

Mr. LODGE. I now report from the Committee on Immigration the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States. I make the report with some additional amendments agreed to by the committee, and for the convenience of the Senate when the bill is taken up I ask that the bill retain the place on the calendar of

the bill heretofore reported by me.

The PRESIDENT pro tempore. Without objection, that order

ASSISTANT CLERK TO THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back with an amendment Senate resolution 173, submitted by the Senator from Minnesota [Mr. CLAPP] December 20, 1911, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the

resolution.

The amendment was to strike out after the word "Senate" the words "until otherwise provided by law," so as to make the resolution read:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, authorized to employ an assistant clerk, at a salary of \$1,800 per annum, said salary to be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER TO COMMITTEE ON CUBAN RELATIONS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 208, submitted by Mr. Page on the 5th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved. That the Committee on Cuban Relations is hereby authorized to employ a messenger, at a salary of \$1,200 per annum, to be paid from the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MINES AND MINING.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 211, submitted by the Senator from Washington [Mr. Poindexter] on the 7th instant, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the

resolution.

The amendment was, in line 5, after the word "had," to insert the words "during the present session of Congress," so

as to make the resolution read:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers from time to time to report such hearings as may be had during the present session of Congress in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expenses of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittee thereof may sit during the sessions of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON WOMAN SUFFRAGE.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 213, submitted by the Senator from North Carolina [Mr. Overman] on the 8th instant, to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the

resolution.

The amendments were, in line 4, after the word "stenographers," to insert the words "from time to time," and in line 5, after the word "had," to insert "during the present session of Congress," so as to make the resolution read:

Resolved, That the Committee on Woman Suffrage, or any subcommittee thereof, is hereby authorized, during the Sixty-second Congress, to send for persons and papers, to administer oaths, to employ stenographers from time to time to report such hearings as may be had during the present session of Congress in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the sessions of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5272) appropriating \$75,000 for the protection of Valdez, Alaska, from glacial floods; to the Committee on Commerce.

A bill (S. 5273) granting an increase of pension to Frederick Buckmaster; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5274) to establish a record office; to the Committee

on the Library.

A bill (S. 5275) to amend an act entitled "An act to provide for the reorganization of the Consular Service of the United States"; to the Committee on Foreign Relations.

By Mr. KENYON:

A bill (S. 5276) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, February 10, 1891, February 8, 1895, June 29, 1906, and June 18, 1910; to the Committee on Interstate Commerce.

A bill (S. 5277) granting an increase of pension to John W.

Sperry; to the Committee on Pensions.

By Mr. PENROSE:

(By request.) A bill (S. 5278) to fix the rate of pension of

sailors and soldiers in certain cases; and

(By request.) A bill (S. 5279) extending the benefits of the general pension laws to the members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, the several batteries of Artillery, the several troops of Cavalry, and the several independent companies which comprised the Pennsylvania Volunteer Militia, otherwise known as the "emergency men," who were called into service by the President of the United States of America, officered by United States officers, and sworn into the service of the United States for an indefinite period, the same as if they had been in the service of the United States for a period of 90 days or more; to the Committee on Pensions.

A bill (S. 5280) granting an increase of pension to Susie L.

Sigworth (with accompanying papers);

A bill (S. 5281) granting a pension to Jane Starrett; A bill (S. 5282) granting an increase of pension to William

Lamberton; and

A bill (S. 5283) granting an increase of pension to Alfred Shaffer (with accompanying papers); to the Committee on Pensions.

A bill (S. 5284) to provide for an additional professor of mathematics in the Navy; to the Committee on Naval Affairs.

A bill (S. 5285) to provide for the erection of a new public building at Lancaster, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. DIXON:

A bill (S. 5286) for the protection of game animals and birds in the Snowy Mountains in the Jefferson National Forest, and for other purposes (with accompanying papers); to the Committee on Forest Reservations and the Protection of Game.

By Mr. OLIVER:

A bill (S. 5287) for the relief of Kate Ferrell; to the Com-

mittee on Claims.

A bill (S. 5288) to provide for the grading and improving of Minnesota Avenue SE. from Good Hope Road to Eighteenth Street, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURNHAM: A bill (S. 5289) granting an increase of pension to Allen M.

Ripley; and

A bill (S. 5290) granting an increase of pension to William Norris, jr. (with accompanying papers); to the Committee on

A bill (S. 5291) to further amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works, and for other purposes"; to the Committee on Public Buildings and Grounds.

By Mr. WATSON: A bill (S. 5292) for the relief of Jessie W. Graham, sole heir of Jesse Graham, deceased; and

A bill (S. 5293) for the relief of the heirs of William A. Griffin, deceased; to the Committee on Claims.

By Mr. SMITH of Georgia:

A bill (S. 5294) to establish in the Bureau of Statistics in the Department of Agriculture a division of markets; to the Committee on Agriculture and Forestry.

By Mr. GUGGENHEIM:

A bill (S. 5295) for the relief of Paul J. Sours; to the Committee on Post Offices and Post Roads.

A bill (S. 5296) granting an increase of pension to John A.

Barnhouse (with accompanying papers);
A bill (S. 5297) granting an increase of pension to Josephus

Ewing (with accompanying papers);
A bill (S. 5298) granting an increase of pension to Cora

Joseph (with accompanying papers);
A bill (S. 5299) granting an increase of pension to William
A. Markham (with accompanying papers);
A bill (S. 5300) granting an increase of pension to Emaline

Chapin (with accompanying papers):

A bill (S. 5301) granting an increase of pension to Benjamin

F. Kent (with accompanying papers); and

A bill (S. 5302) granting an increase of pension to Erastus F. Phelps (with accompanying paper); to the Committee on Pen-

A bill (S. 5303) authorizing the homesteading and sale of Federal lands within irrigation districts; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 5304) to authorize the First Savings Bank of Albany, Oreg., to change its name to that of First National Savings Bank of Albany, Oreg.; to the Committee on Finance.

By Mr. PERKINS:
A bill (8, 5905) to regulate and increase the efficiency of the personnel of the United States Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. SHIVELY: A bill (S. 5306) granting an increase of pension to Albert Baner

A bill (S. 5307) granting an increase of pension to John M. Swaim: and

A bill (S. 5308) granting an increase of pension to Daniel W. Beach; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140); to the Committee on Public Lands.

By Mr. BRIGGS:

A bill (S. 5310) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War; to the Committee on Military Affairs.

By Mr. POINDEXTER: A bill (S. 5311) granting an increase of pension to Orlando C. Beck; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5312) granting an increase of pension to Joseph C. Bullock (with accompanying papers); to the Committee on Pensions.

A bill (S. 5313) to correct the military record of John W. Metler, alias John Metler (with accompanying papers); to the Committee on Military Affairs;

bill (S. 5314) granting an increase of pension to Sarah

C. Burdick (with accompanying paper);
A bill (S. 5315) granting an increase of pension to James M. Brown (with accompanying papers);

A bill (S. 5316) granting an increase of pension to Charles W. Botkin (with accompanying papers)

A bill (S. 5317) granting a pension to Christopher Columbus

Curtis (with accompanying paper);

A bill (S. 5318) granting an increase of pension to John
V. G. Price (with accompanying paper);

A bill (S. 5319) granting a pension to George W. Robert-

son (with accompanying papers);

bill (S. 5320) granting a pension to Lillie M. Chilcott (with accompanying paper);

bill (S. 5321) granting an increase of pension to Sidney Hailey (with accompanying papers);

A bill (S. 5322) granting an increase of pension to Martin Overholt:

A bill (S. 5323) granting a pension to Elizabeth M. Lowe;

A bill (S. 5324) granting a pension to William Buck; A bill (S. 5325) granting a pension to Mrs. August Bartz;

A bill (S. 5326) granting a pension to Charles L. Vanderpool;

A bill (S. 5327) granting a pension to Bert W. Gilger; A bill (S. 5328) granting a pension to Carrie L. Rouse; A bill (S. 5329) granting an increase of pension to O. C. Cole-

man; and, A bill (S. 5330) granting an increase of pension to James L. Stroup; to the Committee on Pensions.

A bill (S. 5331) for the relief of E. O. McCain; to the Committee on Post Offices and Post Roads.

By Mr. BAILEY:

A bill (S. 5332) for the relief of the heirs or legal representatives of John C. Gooch, James T. Ward, and Jesse Mercer, of the late firm of Ward & Co., of the State of Texas; to the Com-

By Mr. GALLINGER:

A bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

WITHDRAWAL OF PAPERS.

On motion of Mr. Briggs, it was

Ordered, That leave be granted for the withdrawal from the fles of the Senate of the memorial submitted in the name of the Young Men's Hebrew Association of Perth Amboy, in the State of New Jersey, reia-tive to the pending arbitration treaties, said memorial having been sub-mitted to the Senate on January 30 of the present session.

RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. HEYBURN submitted the following resolution (S. Res. 218), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be directed to advise the Senate of the character, extent, and assessed valuation of the property owned by each of the railroad companies, including street railway companies, operating in the District of Columbia, and the amount of taxes paid by each of said companies during the last calendar year.

SHERMAN ANTITRUST LAW.

Mr. RAYNER. Mr. President, I offer the resolution which I send to the desk and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read. The Secretary read the resolution (S. Res. 219), as follows:

The Secretary read the resolution (S. Res. 219), as follows:

Whereas the Supreme Court of the United States in several decisions that it has lately rendered construing the law known as the Sherman antitrust law has defined what constitutes a combination in restraint of trade, and as a result of its interpretation each case hereafter arising under said law will depend upon the facts that surround it, so that it may occur that the various Federal circuits might arrive at different conclusions in relation to the same state of facts, thus creating doubt and uncertainty as to what constitutes a violation of the law; and Whereas the said decisions of the Supreme Court have shown the necessity of adopting a positive and certain standard by which the violation of the law can be definitely ascertained by the courts, so that legitimate business enterprise and competition shall not suffer at the hands of combinations whose purpose it is to restrain trade and monopolize the business interests of the country: Now be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, directed to report to the Senate what changes in the law, if any, it can recommend, so that by supplemental legislation the existing statute can be strengthened so that it may be clearly defined what acts shall constitute a violation of the law, and what further provisions, if any, are necessary to protect fair competition in interstate trade and commerce and prevent combinations in restraint thereof from monopolizing the business interests of the country: *Provided*, That no expense shall be incurred in carrying out the terms of this resolution, the intent hereof being to obtain a report of the committee as to what changes and improvements in the existing law may be deemed advisable to effect the purposes and objects herein indicated.

The PRESIDENT pro tempore. Is there objection to the

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. Mr. President, that is a very complicated resolution to come to a determination upon from one reading. I should like to have it go over and be printed.

Mr. RAYNER. Will the Senator permit me to make a state-

ment?

Mr. LODGE. Certainly.
Mr. RAYNER. Mr. President, there is nothing complicated about the resolution. Of course, read in the way it has been, I suppose the Senator from Massachusetts really did not catch the drift of the resolution. It is a very simple proposition. It is merely a direction to the Judiciary Committee, without any

is merely a direction to the Judiciary Committee, without any expense, to inquire into this fact. The resolution reads:

That the Judiciary Committee of the Senate be, and it is hereby, directed to report to the Senate what changes in the law, if any, it can recommend, so that by supplemental legislation the existing statute can be strengthened so that it may be clearly defined what acts shall constitute a violation of the law, and what further provisions, if any, are necessary to protect fair competition in interstate trade and commerce and prevent combinations in restraint thereof from monopolizing the business interests of the country: Provided, That no expense shall be incurred in carrying out the terms of this resolution, the intent hereof being to obtain a report of the committee as to what changes and improvements in the existing law may be deemed advisable to effect the purposes and objects herein indicated.

It will be observed that there is to be no expense attending

It will be observed that there is to be no expense attending the investigation. The Judiciary Committee now has before it quite a number of bills upon this subject, and instead of acting upon those bills separately this resolution is merely to enable the Judiciary Committee to examine this question and to report what changes, if any, it deems proper to advise in reference to the subject matter of the resolution. It merely provides for an inquiry by the Judiciary Committee. I can not see why any objection should lie against the resolution, which asks the Judiciary Committee, without expense, to inquire into a fact and to then report the results of its investigation to the Senate.

Mr. OLIVER. Mr. President, I will say that the Committee on Interstate Commerce has been engaged for over two months in investigating this very subject. It has taken something like 3,000 pages of testimony, and is now engaged in making the very investigation which is provided for by the resolution. I do not see why the resolution should be referred to another committee when it is the proper province of the Interstate Com-

merce Committee to consider this question.

Mr. RAYNER. Mr. President, I am aware of that fact. The Committee on Interstate Commerce is examining facts. It is not proposed that the Judiciary Committee shall examine any facts at all, but under this resolution that is the proper committee to report what changes in the law, if any, are necessary. That is a question which does not come within the jurisdiction of the Interstate Commerce Committee. Bills in reference to this matter are before the Judiciary Committee now, and, it being a question of law, it is properly referable to the Judiciary

Mr. LODGE. Mr. President, in the absence of the chairman of the Judiciary Committee, I think I shall insist on my

Mr. RAYNER. If the Senator will allow me, I wish to say that the Sherman law itself came from the Judiciary Committee.

Mr. LODGE. I know that.

The PRESIDENT pro tempore. Objection is made, and, under the rule, the resolution will lie over for one day.

DRAINAGE OF THE UPPER YAZOO DELTA (S. DOC. NO. 307)

Mr. WILLIAMS. I present an address on the Drainage of the Upper Yazoo Delta, by C. G. Elliott, chief of drainage investigations, United States Department of Agriculture, delivered before the semiannual meeting of the Delta Publicity and Improvement Association, December 6, 1911, at Clarksdale, Miss. Accompanying the address is a map of the Yazoo Delta country. I move that the address and accompanying map be printed as a Senate document.

Mr. SMOOT. I ask the Senator from Mississippi what is the

map and his exact request in regard to it?

Mr. WILLIAMS. It is a map of the Yazoo Delta country,

where this drainage project is proposed to apply. Mr. SMOOT. Does the Senator ask that it be printed as a

public document or that it be printed in the RECORD? Mr. WILLIAMS. I ask that it be printed as a Senate docu-

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, I gave notice yesterday that on February 20 I would call up the question of the election of the Senator from Wisconsin [Mr. Stephenson]. I was re-quested by telephone last night by a member of the committee to change the date to February 21, because of the necessary absence on the 20th of that Member. I have no objection to

changing the date to the 21st of February.

Mr. BRISTOW. Mr. President, I understood the Senator from Idaho to state last night that the testimony in this case had been delivered at the offices of the various Senators. inquired when I reached my office, and was informed that no copies of the testimony had been delivered there.

Mr. HEYBURN. I sent them right over to the Senator last night immediately upon being informed of that fact.

Mr. BRISTOW. I inquired as to why they had not been sent, and I was advised that the index had not been completed; that the copies would be first sent, and that the index would

Mr. HEYBURN. I sent the index to the Senator; the digest index accompanied the testimony. They have been sent out to each Senator, and last evening, upon being requested by the Senator from Kansas to furnish him copies, I sent copies of the testimony with the digest index by personal messenger to his committee.

Mr. BRISTOW. I understood the Senator made the statement yesterday that this testimony had been delivered to the

ment yesterday that this testimony had been derivered to the various Senators some three or four weeks ago.

Mr. HEYBURN. I instructed it to be delivered.

Mr. BRISTOW. I do not know whether or not it is the Senator's purpose to bring this question to a definite conclusion so early as next Wednesday, but I want to look into the matter with some care. I do not in any way desire to delay the ultimate decision, but I do not want it to be pressed until I can

have some time to inform myself as to the evidence which was

before the subcommittee.

Mr. HEYBURN. Mr. President, I sincerely hope the Senator from Kansas will find time between now and the 21st instant to make his examination, because it is a matter of justice to the Senator from Wisconsin [Mr. Stephenson] that this question should be disposed of. That will give the Senator a week. The digest index is very complete and is in itself probably as full a consideration of the testimony as the Senator would make under any circumstances.

Mr. BRISTOW. I realize that the time named is a week off, and that if Senators had nothing else to do within the week they might familiarize themselves more or less with the testimony; but I desire to say now that while I will not in any way seek to unduly delay the decision upon the resolution, I shall insist that time be given to those of us who want to look into the testimony to have an opportunity to do so.

Mr. HEYBURN. Mr. President, I had taken into considera-

Mr. LEA. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. HEYBURN. Yes. Mr. LEA. Do I understand the Senator to state that he will ask for a vote on the 21st instant?

Mr. HEYBURN. I said I should ask for the consideration of the matter at that time, and when we are through with considering it we will vote.

Mr. LEA. That we are to vote on that legislative day?

Mr. HEYBURN. Yes. Mr. LEA. Mr. President, yesterday I stated that the report of the minority members of the committee had been delayed on account of the absence from the city of one Senator who is to join in that report. We hope to be able to file the report to-morrow.

The PRESIDENT pro tempore. The Chair did not understand that the Senator from Idaho had made a request for a vote on a particular day. The Senator had given notice that he would call the matter up.

Mr. LEA. I asked the Senator the question, and I so understood him.

Mr. HEYBURN. I gave notice that I would ask to take the matter up for consideration. The Senate at that time, of course, will express its wish in regard to the question, but it should be disposed of at an early date. I am entirely out of sympathy with the method of procedure that has obtained in one other case, at least, dragging out a question involving the title of a Member of this body indefinitely; and, so far as the rules of the Senate will permit, this being a question of the highest privilege, I intend to press it for determination, and I shall not voluntarily yield to any appeals that will result in stringing it out.

Mr. LEA. I heartily concur in the suggestion that an early decision of this question be had; but I do ask that no date be set for voting on it until the minority members of the committee shall have had an opportunity to present to the Senate their

report.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed. The calendar under Rule VIII is in order.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order.

Mr. WARREN. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over. The bill (8, 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order

Mr. HEYBURN. I ask that that bill go over.

Mr. WILLIAMS. Mr. President, I give notice that the next time the calendar is taken up and the request is made by the Senator from Idaho that this bill go over, I shall then move that the bill be considered notwithstanding any objection. I do not want to do so to-day, because I did not give notice to the Senator from Idaho.

Mr. HEYBURN. Mr. President, a question of order. When we are proceeding under Rule VIII, I understand that we deal only with unobjected cases?

The PRESIDENT pro tempore. Oh, no; the Senator is mistaken about that. The Chair would suggest that the Senator from Mississippi has the right under the rule to move to proceed to the consideration of a bill.

Mr. WILLIAMS. I so understand.

The PRESIDENT pro tempore. The bill will be passed over

at the request of the Senator from Idaho.

The concurrent resolution (S. C. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. POMERENE. I ask that the resolution may go over.
The PRESIDENT pro tempore. The concurrent resolution

will be passed over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over. The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from North Dakota if he desires pension bills on

the calendar to go over?

Mr. McCUMBER. I ask that they may go over to-day.

The PRESIDENT pro tempore. Pension bills on the calendar will be passed over as they are reached.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let that bill go over. The PRESIDENT pro tempore. The bill will go over. The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiclable controversies or disputes was announced as next in order.

Mr. LODGE. I ask that the resolution be passed over.

The PRESIDENT pro tempore. The resolution will go over. The next two bills on the calendar, Senate bills 4723 and 4624, being pension bills, will be passed over.

The bill (S. 3175) to regulate the immigration of aliens to

and the residence of aliens in the United States was announced as next in order.

Mr. LODGE. Let that bill go over. The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 2243) to correct the military record of John L. O'Mara and grant him an honorable discharge was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3045) to provide for agricultural entries on oil lands was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President. The PRESIDENT pro tempore. The bill will be passed over. The next bill on the calendar, Senate bill 5045, being a pension bill, will be passed over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next

The PRESIDENT pro tempore. The bill has been twice read. Mr. WARREN. I ask that the bill go to the calendar under Rule IX

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. OLIVER. Mr. President, I hope the Senator will not

insist on that. It is a bill-

Mr. WARREN. Mr. President, I am willing that the bill should come to issue at the proper time, but we are every day going to the calendar, and I do not wish the bill to come up unless opportunity is afforded to explain the effect of it. If it is placed on the calendar under Rule IX it can be taken up at any time by motion.

Mr. OLIVER. I ask the Senator at least to allow it to go over for the present until my colleague [Mr. Penrose], who is greatly interested in the bill, can have an opportunity to be

The PRESIDENT pro tempore. The bill will be passed over,

retaining its place on the calendar. The next two bills on the calendar, House bills 14918 and

17671, being pension bills, will be passed over.

The bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission was announced as next in order.

The PRESIDENT pro tempore. Being the unfinished busi-

ness, the bill will go over.

The bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, was announced as next in order.

Mr. ROOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (8. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, independent school and educational lands, was approunced as next indemnity school and educational lands, was announced as next in order.

Mr. HEYBURN.

Mr. HEYBURN. Let that go over, Mr. President.
The PRESIDENT pro tempore. The bill will go over.
The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing ob-

ligations of the United States, was announced as next in order.

The PRESIDENT pro tempore. The bill was read on yester-

Mr. HEYBURN. Mr. President, let the bill be again read. The PRESIDENT pro tempore. The bill will be again read. The Secretary again read the bill.

Mr. OVERMAN. Mr. President, I object to the consideration

of that bill. Let it go over.

Mr. MARTIN of Virginia. Mr. President, that is a very important bill, and I see that a number of members of the Finance Committee are absent. I therefore ask that it may go over.

Mr. SMOOT. I have no objection.

The PRESIDENT pro tempore. The bill will go over.

DISPOSAL OF INDIAN TOWN-SITE LANDS.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read. The amendments reported by the committee will be stated.

The Secretary. The amendments reported by the Committee on Indian Affairs were, on page 1, line 5, after the word "acres," to strike out the words "out of" and to insert " for"; "in line 7, after the word "withdrawn," to insert the words "for town-site purposes"; and on page 2, line 8, before the words "per centum," to strike out "twenty-five" and to insert "twenty," so as to make the bill read:

"twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall cause to be set apart and reserved for school, park, and other purposes not more than 10 acres for each quarter section of public or Indian lands which may have been heretofore reserved and withdrawn for town-site purposes and not disposed of or which may hereafter be reserved and withdrawn for town-site purposes under any law of the United States authorizing such withdrawal, unless the provisions of such laws shall be repugnant hereto, and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchased price of all town lots sold under the supervision of said Secretary in town sites reserved and withdrawn as above mentioned shall be paid at such times and in such installments as he may direct, and he shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or municipal improvements in the town site in which such lots are located.

The amendments were agreed to

The amendments were agreed to.

Mr. BACON. Mr. President, I do not wish to object at this stage of the proceedings unless I find that I am correct in my understanding; but from the reading of the bill I should say that it seems to embody the exact provision the Senate objected to and condemned the other day in a bill reported by the Senator from South Dakota [Mr. GAMBLE], with reference to taking a portion of the proceeds of the sales of Indian lands and donating them to the town sites for public buildings, schoolhouses, and so forth, and also withdrawing 10 acres of such lands and devoting them to such public purpose

Am I correct in that understanding? I think the Senator from Utah reported the bill, and possibly he can give me the

information desired.

Mr. SUTHERLAND. Mr. President, I was not present when that was done, and I know nothing about it.

Mr. BACON. Does the Senator mean he was not present

when that bill was acted upon?
Mr. SUTHERLAND. If I was present, it escaped my atten-

I have no recollection of it.

Mr. BACON. I do not think I am mistaken in my recollection of that bill as corresponding with the provisions of this bill, except that this seems to be a general bill, and that was a particular one. This relates generally to such matters, while the provisions of the bill to which I refer related to the with-

drawal and sale of certain lands in South Dakota.

The Senator from South Dakota [Mr. Gamble] is not present to tell me whether or not I am correct; but, as I recall, the provisions of that bill authorized the laying out of certain town sites, and devoted a certain percentage of the proceeds of such sales—I think it was nearly 20 per cent—to the erection of public buildings, schoolhouses, and so forth, and they also set apart

10 acres of the land for a public park. That was distinctly objected to and condemned by the Senate. After the bill had been defeated the Senator from South Dakota [Mr. Gamble] moved a reconsideration. He again offered the bill with those features eliminated, and the bill was then passed.

As I understand, this is a general bill to accomplish the exact purpose which was then condemned in that particular case.

Mr. SUTHERLAND. As I said to the Senator from Georgia, my attention had not been called to the bill of which he speaks. But I know Congress has from time to time passed laws of this character having special application to particular Indian reservations. That has been done several times. The proposed bill simply puts in the form of a general law what Congress has been in the habit of doing from time to time in special cases.

Mr. GAMBLE. I will state that this bill was drawn by the

Interior Department and was submitted as a general proposition, and was favorably reported by the committee. The same legislation has been had, especially during the last three or four years, and has been embodied in the particular bills opening

different reservations.

I happened to be out for a moment, but I think the statement made by the senior Senator from Georgia [Mr. Bacon] is substantially correct. This same provision was in the bill for the opening of the Standing Rock Indian Reservation. Subsequently I struck this provision out of it, and this bill was reported by the Committee on Indian Affairs as a general meas-I believe it is wise and wholesome legislation.

Mr. BORAH. Mr. President, if this bill is—— Mr. GAMBLE. While I do not want to make any suggestion to the Senator from Utah, I think the bill might be passed over

for the present, if it is going to provoke discussion.

Mr. BORAH. That is the suggestion I was about to make. I have some data which has been sent to me by parties in our part of the country who are interested in such legislation and which I should like to have here if the bill is going to be discussed at any length. I should prefer, therefore, that the matter go over.

The PRESIDENT pro tempore. The bill will go over on

objection.

BONDED INDEBTEDNESS OF THE PHILIPPINES.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purwas announced as next in order on the calendar.

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. It will go over. The next two bills on the calendar, Senate bill 5193 and Senate bill 5194, are pension bills and will be passed over.

SENATOR FROM WISCONSIN.

The next business on the calendar was Report No. 349, from the Committee on Privileges and Elections, relative to the charges preferred by the Legislature of Wisconsin against Isaac STEPHENSON, a Senator from that State.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. It will go over.

ALICE V. HOUGHTON.

The bill (S. 5137) for the relief of Alice V. Houghton was considered as in Committee of the Whole. It proposes to pay to Alice V. Houghton \$3,500, for injuries received while employed in the Bureau of the Census, Washington, D. C., January 31, 1911. Mr. BACON. I do not mean to be understood as antagoniz-

ing the bill at all, but I would like very much to know some-

thing about the facts in the case.

Mr. CRAWFORD. I suggest that the report of the Committee on Claims be read. It is a short report and fully ex-. plains the facts.

Mr. BRISTOW. I will have to ask that the bill go over. I

want to offer amendments to it.

The PRESIDENT pro tempore. The bill will go over. The Calendar of General Orders, under Rule VIII, is completed.

EXECUTIVE SESSION.

Mr. CULLOM. I desire that there may be a brief executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 15, 1912, at 2 o'clock p. m.

NOMINATION.

Executive nomination received by the Senate February 14, 1912.

POSTMASTER.

MISSOURI.

W. C. Plains to be postmaster at Fayette, Mo., in place of John M. Eaton. Incumbent's commission expired March 2, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1912. PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Fred M. Perkins to be a lieutenant.

POSTMASTERS.

GEORGIA.

William J. Grist, Blakely.

KANSAS.

Eugene S. Talcott, Valley Center.

SOUTH DAKOTA,

Harry E. Barnes, Wolsey. Kate A. Schnacke, Bigstone City.

Frank S. Way, Taylor.

HOUSE OF REPRESENTATIVES.

Wednesday, February 14, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

Our Father in heaven, Author of our being and the Bestower of every gift, we lift up our hearts in gratitude to Thee for all Thy favors, and we most fervently pray that Thy spirit may so completely possess us that it may crowd out of our being all evil desires and sinful propensities; that we may hallow Thy name in all that we undertake this day; that no regrets shall follow in its wake to disturb our peace. And we will ascribe all praise to Thee through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 8853. An act for the relief of John L. Baird.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2512. An act for the relief of the Snare & Triest Co.; S. 838. An act for the relief of David R. B. Winniford; and S. J. Res. 71. Joint resolution authorizing the State of Montana to take timber from Deerlodge National Forest for certain pur-

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below

S. 2512. An act for the relief of the Snare & Triest Co.; to

the Committee on Claims.

S. 838. An act for the relief of David R. B. Winniford; to

the Committee on Military Affairs.

S. J. Res. 71. Joint resolution authorizing the State of Montana to take timber from Deerlodge National Forest for certain purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8853. An act for the relief of John L. Baird; and H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution

H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason Cal.) Military Reservations to the Panama-Pacific International Exposition Co.;

H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the

Calumet River at South Chicago, Ill.;

H. R. 14484. An act to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power; and

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-

second Street in said city.

FORTIFICATION APPROPRIATION BILL.

Mr. SHERLEY, from the Committee on Appropriations, reported the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which was read the first and second times, and, with the accompanying report (No. 322), was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I do not make the point of order that the report can not be presented to-day, Calendar Wednes-

day, but I desire to reserve all points of order.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill which is ordered to be printed and referred to the Committee of the Whole House on the state of the Union. This is Calendar Wednesday, and the unfinished business is the bill H. R. 16571, the fur-seal bill.

PRESERVATION OF FUR SEALS, ETC.

Mr. SULZER. Mr. Speaker, at the request of the Committee on Foreign Affairs, which met this morning to consider the matter, I now ask unanimous consent that when the House goes into the Committee of the Whole House on the state of the Union for the further consideration of the fur-seal bill that the gentleman from Iowa [Mr. Kendall] have 50 minutes for general debate; that then the bill be taken up under the 5-minute rule, and a vote had on the bill and all amendments at

The SPEAKER. The gentleman from New York asks unanimous consent, pending going into the Committee of the Whole House on the state of the Union, that when the House goes into committee the gentleman from Iowa [Mr. KENDALL] shall have 50 minutes and then the bill shall be debated under the 5-minute rule until 3 o'clock, when the committee shall rise and report to the House. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understood the gentleman was going to make a request to vote on the bill at 3.30. I understand there is to be a Democratic

caucus in the House at 4.30-

Mr. SULZER. Yes. Mr. MANN. Whether it is the gentleman's intention to move Mr. MANN. Whether it is the gentleman's intention that the House adjourn after this bill is disposed of? Mr. SULZER. That is my intention.

The SPEAKER. Was the request 3 or 3.30? Mr. KENDALL. We will have no roll call at all.

Mr. KENDALL. We will have no roll call.
Mr. SULZER. Very well; make it 3.30.
The SPEAKER. Which hour does the gentleman make it?

The SPEAKER. Is there objection? [After a pause.] The

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, with Mr. Davis of West Virginia in the chair.

Mr. KENDALL. Mr. Chairman— The CHAIRMAN. The gentleman from Iowa [Mr. KENDALL]

is recognized for 50 minutes.

Mr. KENDALL. Mr. Chairman, I propose to yield my time, but I want to suggest to the gentleman from New York the propriety of having the amendments which will be considered offered now, so that they may be pending.

Mr. SULZER. I have no objection to that.

Mr. KENDALL. The gentleman from Virginia [Mr. Flood] has an amendment to this bill which he desires to present, and I ask that he offer it now, so that it may be considered as pending.

Mr. FLOOD of Virginia. I will do it in a few moments. Mr. KENDALL. House bill 20047 is the amendment which

will be offered.

I now yield 15 minutes to the gentleman from Arkansas [Mr. GOODWIN]

Mr. GOODWIN of Arkansas. Mr. Chairman, I believe it has been agreed by the majority of the committee that this bill, after all, is subject to amendment. Therefore I shall not occupy any time of the committee in reply to that contention. The bill as originally drafted suggested that we might have a domestic or a national control over the seals on the Pribilof Islands.

That fact was predicated upon the treaty itself, article 10, which gives the right of the United States to a closed season, during the life of the treaty, of 15 years. Back of that a memorandum was attached to the treaty, drawn by John Hay and Henry W. Elliott and approved by three distinguished Senators at the other end of the Capitol, was so sent to the Senate February 8, 1911, when it was first ratified there, February 15, 1911, the terms being kept secret till Japan and Russia came into agreement with them July 7 last, and it accompanied the treaty when the high contracting parties signed it. Therefore argument to the effect that the bill could not be amended so as to incorporate domestic control over an international agreement would in the least be far-fetched, and I am glad the majority has withdrawn its specious contention to that feature of the

Mr. Chairman, there is a respectable number of the membership of that committee who are in the minority and not in accord with the majority in reference to a closed season. to call the attention of the committee to the report of the chairman as set forth on page 4. I want to be as diplomatic and parliamentary as possible, but I desire to say that this report is first predicated upon a fiction and not upon a fact; that it is predicated upon a myth and not on a true history of this great Alaşkan seal life; that it is predicated, Mr. Chairman, upon a legend and not on historical data and facts that have come before our committee. If the majority is able to show that this report is predicated upon the truth and upon the facts, it should prevail; and if not, then this report by its own cumbersome weight should fall to the ground.

In this debate, Mr. Chairman, let us have no sidestepping whatsoever. Let us toe the mark, and if we establish that the premise is false then the conclusion is bound to be untrue. I desire to call the committee's attention to page 4 of the report as brought in by the chairman [Mr. Sulzer], but before reading from the report I desire to say that there are two theories entertained by the committee. The majority say that whereas it is an historical fact that that great seal life was practically exterminated between 1817 and 1834, that that fact was due even to the killing of females upon the rookeries or breeding grounds. It is not contended by any faction that pelagic sealing was known to the world until 1886. There can be no contention as to that. Now they seek to make a parallel case between the destruction and the practical extinction of that great natural life on the Pribilof Islands in the early part of the nineteenth century and its present depleted condition, as set forth by recent history and the census of those returns on the Pribliof Islands. We contend that the depletion of the herd in the early part of the nineteenth century was not due to the killing of females to any extent whatsoever, either upon the rookeries or out upon the hilltops of the islands. The breeding grounds were sacred to those people. They had a due and reverential awe and regard for the breeding grounds. They never even trod upon the breeding grounds, and when they were compelled to go near them they put on a different pair of shoes. So sacred were the breeding grounds and superstition of the natives that they even put out the fires when the smoke blew in that direction. They had a reverential regard and a superstition, I say, as to the sacredness of the breeding grounds and the breeding females.

I would like to ask the chairman, or any member of the Committee on Foreign Affairs, or any member of the Committee of the Whole House, upon what he or any Member may predicate a statement that the destruction of that great herd in the early part of the nineteenth century was due to the killing of females? I would like to ask the gentleman from Virginia [Mr. Flood] and the distinguished chairman of our committee, who for 20 years has graced and adorned this floor, upon what authority, so far as the hearings are concerned, does he base the statement that that great fur-seal life was exterminated in the early part of the nineteenth century by the killing of females? I would ask any one of them to put his finger on a line of testimony to that effect, and I pause for an answer.

Mr. FLOOD of Virginia. I will answer in my own time.
Mr. GOODWIN of Arkansas. Doubtless they will predicate their answer upon a statement made by Mr. Lembkey, under whose personal and direct supervision that seal life has become almost extinct during the past few years so far as land killing is concerned.

Now, when Mr. Lembkey was before our committee—and I will not take time to refer to all of this testimony, page by page—he said that Mr. Elliott, the much-despised Elliott, as they would have you to believe, in his great monograph, the greatest history that has ever been written upon that wonder-ful life in the northern Pacific, had stated certain controverted facts; but when he had concluded Mr. Elliott took the floor and pointed out the fact that the references Mr. Lembkey had made to his writings were not the words of Elliott, but the words of an old legend, which the old bishop upon the island had said was untrue, and Elliott himself said that the legend and the writings to that effect were full of errors and inaccuracies. [Applause.]

Let me read what Mr. Elliott said, as shown on page 121 of the hearings. He said:

I introduced Veniaminov in my monograph as the only authority that I can find. I quote him literally, but I say that his figures and his conclusions are altogether erroneous. I give him credit for being sincere and earnest, but I say, in this review of his work, that these figures and statements of Bishop Veniaminov are absolutely valueless.

Those are the statements that Mr. Elliott makes in the way of a footnote, also on page 143 of his monograph, to that legend. What else have we in the hearings with reference to the killing of the females? Why, the old bishop, whose name is almost unpronounceable to an English-speaking man, was interviewed by Prof. Elliott. He was born on the island in 1806, his father having moved there from Kodiak in 1804. His father was an associate with Pribliof, who discovered those islands in 1786, and he had remained constantly there from 1804 until his death, in 1856, on St. Paul Island.

Mr. MADDEN. Does the gentleman mean to state that the man he mentions was Mr. Elliott's father?

Mr. GOODWIN of Arkansas. Oh, no. I mean the father of the old bishop that Mr. Elliott interviewed. He was born at Kodiak and his father was a contemporary of Pribilof and was with Pribilof when the latter discovered those islands which bear his name.

What did he say? I will challenge the gentlemen on that side of the contention to show one statement that any female seal had ever been killed knowingly or purposely at any time upon the rookeries or breeding grounds. He does state in one place only that at some time the nubiles—that is, the female seals that had no pups, those that had not yet bred, and some, perhaps, that had bred and gone among the young males or bachelors perhaps before going out to the high seas about the 1st of November—in strolling from the breeding grounds and rookeries had got out among bachelors and the earlings of both sexes, and in the driving were sometimes killed-a few only. But the old bishop goes on and says they never had killed them on the rookeries or breeding grounds.

Mr. McGUIRE of Oklahoma. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Oklahoma?

Mr. GOODWIN of Arkansas. Yes.
Mr. McGUIRE of Oklahoma. I understand the gentleman used the word "males" and then the word "bachelors." What

is the distinction between the two?

Mr. GOODWIN of Arkansas. It is this: A young male does not propagate until he is 6 years old, whereas the females do at the age of 2. Those we call "bachelors" are between 2 years of

age and the age at which they propagate.

Mr. McGUIRE of Oklahoma. Where does the gentleman get
the information that the male does not propagate until 6 years

Mr. GOODWIN of Arkansas. Oh, that is information that almost everybody knows. It is a matter of common agreement.

Mr. McGUIRE of Oklahoma. I just wished to know where the gentleman got his data. Mr. GOODWIN of Arkansas. Mr. Chairman, I can not put

my finger on all this data here, as to the absolute denial of the proposition I have made, owing to the restriction of time, but I will ask the opposition to put their finger upon one line of reli-

able testimony sustaining their contention.

But that is not all, Mr. Chairman. So great had become the extinction of that seal life in the latter part of the last century that the Imperial Russian Government became desirous to know the cause of that great depletion, because it was a silent

partner of the old Russian-American Co., and had guaranteed its bonds.

So they sent out a special agent, a confidential agent, who, after being on those islands for seven or eight months, made a report to the effect that this great destruction had been caused not by the killing of females, but by the killing of young males, leaving only the old males and the cows to propagate. Let me read that report. It is found in the Congressional Record, volume 36, part 2, Fifty-seventh Congress, second session, beginning at page 1602. This report was confirmed one year thereafter by three directors of that autocratic company that had been given the privilege to bring if it chose practically to its been given the privilege to bring, if it chose, practically to its extinction that great life in the North Pacific Ocean. I will quote from the report of the directors. I want to say that the Ways and Means Committee in that year—June 2, 1902, Mr. Tawney, a member of that committee, brought in this report, Report No. 2303. Therefore it must be official. I read from page 1602 of the volume of the Congressional Record referred to:

In his report, No. 41, of the 25th of February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations of killing seals on the islands of St. Paul and St. George, observes that "every year the young bachelor seals are killed and that only the cows, 'sekatch,' and half 'sekatch' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct."

[Applause.]

[Applause.]

Another astonishing feature of the majority report is a gross absurdity, ridiculous in the extreme, and reads as follows (see

With the return of Pribilof to the islands in 1787 and the arrival of the other vessels which followed in his wake, the killing of seals on land became the chief industry. From 1787 to 1799 as many as six rival companies established stations upon these two small islands, imported native workmen from Unalaska and elsewhere, and vied with each other in securing all the skins they could encourage the natives to deliver to them. In the killing no attention was paid to age or sex, but everything in the way of animal life having a marketable skin was killed. These islands were not then a Government reservation, and no restriction or regulation whatever was placed upon the killing of any animal found thereon. What number of skins was taken by these rival companies prior to 1800 will never be known, but it is supposed to be in the neighborhood of several millions. When in 1799 they were either expelled or consolidated into the Russian American Co., killing of seals continued in the same ruthless manner. Between 1801 and 1804 the company had accumulated in warehouses about 800,000 sealskins, over 700,000 of which spoiled from lack of care in curing and had to be destroyed. In 1805 such unmistakable evidences of scarcity of seal life were found by a visiting court official that he took it upon himself to stop the slaughter entirely and to send nearly all the native hunters away from the islands.

The taking of 800,000 skins in four years is a continuation of

The taking of 800,000 skins in four years is a continuation of this myth upon which the report is predicated, and this was fully exposed by Prof. Elliott in the hearings of the committee, and is not a historical statement made by him, but is taken from the work of Bishop Veniaminov, and often repeated by Tech-namov, who was hired by the old Russian American Co. to write a history of the company i., 1862 so as to make the most vivid impression of the enormous number of seals that were on the islands, and so forth.

Bishop Shaishnikkov quietly and quickly made the following exposé of this legend (see p. 97, Hearings on H. R. 16571, Jan.

4, 1912):

expose of this legend (see p. 97, Hearings on H. R. 16571, Jan. 4, 1912):

The old company in making parchment skins was never able to ship all of its catch in any one season from the islands as the catch is shipped now. It found that waiting in a ship around the islands after October was dangerous, and severe loss had attended the practice. So in this way there were always many thousands of skins "made" and making on the islands, stored in the warehouse. Yes; I know that Technamov, in his history of the company, says that between 1801 and 1804 the old company had accumulated 800,000, many of which were spoiled, cut, and thrown into the sea, and all that. But my father has said that no skins were ever wasted in this way. He had repeatedly heard the full story of the work done by the employees prior to his arrival on the island in 1804; the most that they could take with the men they had was not to exceed 40,000 parchment skins on St. Paul; four such seasons would only show 160,000 skins, even if they were all allowed to lay in the warehouse at Kodlak. That is a mistake—a big one—and I do not understand where he gets the facts; he does not print them. In all the time of their occupation (about 14 years) with 400 workmen between them, against the 45 or 50 which the company retained, even then the employees never could get more than 120,000 to 150,000 skins made up in any one season, and they never left anything behind them.

There were usually 25,000 or 30,000 skins holding over on the islands in the serais there and perhaps as many more in the serais at Kodlak or Sutwik. It was not possible to have any more in stock at any one time on account of the bulk of such a number of bales for safe stowage, to guard against injury. But 800,000 skins accumulated at Sitka or Kodlak! Why, it would take six or eight big warehouses. No; it's an error—a great one—and it is a strange one to get in such a book, but Technamov was only a hired man. He wrote the book for the company's use to help them to renew their charter at St. P

mistakes.

"Oh, yes: I know that Veniaminov has first said this, but see he also says that 'up to 1817 I have no knowledge to rely upon'" (showing the page in the Zapierkie). I myself think that this statement, qualified as it is here by Veniaminov, must have been one of those legends of the wanton waste and excessive slaughter which had been more or less impressed by repetition as the truth and so used by the bishop. Technamov unquestionably took it from the Zapierkie, for he never found any such evidence in the company's lists or books.

The minority of the committee thought it bad enough for Lembkey to constantly misquote Prof. Elliott, putting in his mouth these myths which, he declares in his work, to be wholly erroneous and full of inaccuracies, and so stated by him before our committee in reply to Lembkey, who sat there and did not open his mouth when thus exposed.

What then, Mr. Chairman, must have been our great surprise when the conimittee files a report in the House repeating these legends as matters of fact, and upon these myths constructs a report which, if followed, would leave that great seal life at the mercy of these land butchers. This report of the committee, based not upon fact, but upon fiction, I submit is absolutely indefensible.

Now, Mr. Chairman, we come down to the crux of this whole miserable business of shielding those seal contractors—of serving those private interests which were looting the fur-seal herd

Just as the dope fiends and bogus food jobbers got behind a "scientific board of advisors," with Dr. Ira Remsen at its head, so did those seal butchers get behind a "fur-seal advisory board," with Dr. David Starr Jordan at its head.

Whenever citizens like Prof. Elliott, Dr. Hornaday, or Dr. Charles Sprague Smith, or Dr. William O. Stillman would protest and demand attention and replies that the Departments of State and Commerce and Labor could not answer, but to confess the injustice complained of, then those high officials took shelter behind a "scientific board of advisors."

This high court of reference and advice for the Departments of State and Commerce and Labor was introduced, name by name, with florid eulogium by one of the officials of the Bureau of Fisheries, Dr. Evermann, to the Committee on Foreign Affairs, on the 4th instant, and set up on pinnacles and duly decorated with medals and diplomas, as follows, to wit:

decorated with medals and diplomas, as follows, to wit:

The advisory board, fur-seal service, consists of the following:
Dr. David Starr Jordan, president of Stanford University, who was chairman of the International Fur Seal Commissions of 1896 and 1897, appointed in pursuance of the treaty of February 29, 1892, and whose published report in four volumes is the most comprehensive, thorough, and valuable treatise that has ever been published on all matters pertaining to the fur seal and the seal islands. Dr. Jordan is the most distinguished and best known naturalist in the world.

Dr. Leonhard Stejneger, head curator of biology, United States National Museum, for two years resident on the Russian seal islands, member of the Fur Seal Commissions of 1896 and 1897, as a member of which he visited and studied all the fur-seal rookeries of Alaska, Russia, and Japan. His report on the Russian seal islands is the most critical and thoughtful that has been written.

Dr. C. Hart Merriam, until recently chief of the Biological Survey, member of the Fur Seal Commission of 1890, and the greatest living authority on mammals.

Dr. Frederic A. Lucas, Director of the American Museum of Natural History, member of the Fur Seal Commissions of 1896 and 1897, and one of the keenest, most discerning, and best known naturalists.

Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the fisheries steamer Albatross, member of the Fur Seal Commissions of 1896 and 1897, and one of the keenest, most discerning, and best known naturalists.

Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the fisheries steamer Albatross, member of the Fur Seal Commissions of 1896 and 1897, and distinguished as a naturalist and field investigator. Dr. Townsend made a special study extending over many years of our fur seals and pelagic sealing.

Hon. Edwin W. Sims, United States attorney for the northern district of Illinois, in 1906, when Solicitor for the Department of Commerce an

Since Dr. David Starr Jordan is the president of this board and proclaimed to the committee as "the greatest living authority on fur seals," it is in order to say that no one gives him that credit save those seal contractors whom he has shielded and his official subordinate. His whole record in this fur-seal business is one of the veriest nonsense. He "discovered" nothing true or sensible as to these seals that Prof. Elliott had not published with full detail 26 years before Jordan ever saw a fur seal, and Elliott's biology of that life in 1872-1874 stands to-day absolutely unshaken by all subsequent investigation as published by the Government in 1874, 1884, and 1890.

Dr. Jordan's "joint agreement on conclusions of fact," officially made with the British agents in the State Department November 16, 1897, has been the shield behind which the land November 16, 1897, has been the shield behind which the land and sea butchers have retired when attacked and has been quoted as the reason why they should not be interfered with by the high officialism of Washington and the Ottowan Government whenever good citizens complained of them and demanded the abatement of their work.

I call the attention of this House to that mischievous and improper "joint agreement" which Dr. Jordan has given, to the butchers' delight, and which has secured them in their work from early interruption until Hornaday and Elliott stirred up

from any interruption until Hornaday and Elliott stirred up Senator Dixon's great Committee on Conservation of National Resources in 1910 to the end that Secretary Nagel was pre-vented from renewing their contract May 1, 1910, and their elimination from all consideration in the premises thereafter.

In the Congressional Record of February 2, 1903, as referred to above, is an expose of this wretched "joint agreement," but

I will not delay the House by reading it.

Now, the author of all this self-confessed folly, David Starr Jordan, was presented to the Committee on Foreign Affairs as the highest authority for the plea of those naturalists and officials who claim that they can improve upon the natural law which governs the reproduction of the wild seals.

But Dr. Jordan's "expert" work has not been confined to the fur seals. He has just completed as of the fur seals.

fur seals. He has just completed another job of "scientific regulation," which collapsed the very moment he presented it to the Government. He has been busy as the chief commissioner of our State Department during the last three years in preparing a code of international fishery regulations for the boundary waters between Canada and the United

Look, Mr. Chairman, at the following record of this last fisheries "expert" work of Jordan. It throws a clear light on him as a "fur-seal expert" of such "high authority." It exposes the utter nonsense of that claim.

On the 23d of November, 1909, Dr. Jordan submitted to the President a code of international regulations to control the fisheries that were conducted in the boundary waters between Canada and the United States for the protection and preservation of the food fishes therein.

This code thus given to the President had been the joint work of Dr. Prince, of Canada, and Dr. Jordan during the past two years, under authority of the convention of April 11, 1908, between the United States and Great Britain.

On the 2d of February, 1910, the President sent his Jordan fisheries code to the Senate and House so that due legislation should be enacted to carry the Jordan-Prince regulations into effect. In the meantime the State Department's press agent was busy praising this "successful work of Dr. Jordan, the great authority on fishes"—and seals.

Did the Senate approve and indorse that draft of an act which accompanied the President's message? Did the House? No. Why? Because this work of Dr. Jordan, when first exposed to intelligent criticism by our own people, was found to be absolutely worthless. Was absolutely wrong in its order and grotesque in its conclusions. On the 16th of February, 1910, the Senate Committee on Foreign Relations unanimously rejected the same and ordered it returned to the State Department for amendment. That ends the joh, for the Canadians say they can not amend it, and if they could they would not. It is too awfully botched.

Think of it, gentlemen of the House; think of it, Mr. Chairman; three plain Saginaw Bay fishermen appeared before the United States Senate Committee on Foreign Relations Wednesday afternoon, February 16, 1910, to protest against that section of this proposed Jordan code which related to regulation of their industry in Lake Huron. They had no attorney, no books, no briefs, but just a pail of water in which were a dozen live herring brought from Saginaw Bay with them. They had a section of a net or seine, as used by them in the lake fishing, and a tin dipper; that is all they had to demonstrate

Mr. Chairman, in 30 short minutes they had proved the utter worthlessness of Jordan's regulations for their business and retired. The Senators, in executive session, unanimously voted to send the whole code back to the State Department for revision. It is there yet, Mr. Chairman, and will never come back to Congress.

Since Secretary Nagel authorized his subordinates to appear before the House committee and presented Dr. Jordan as a fit and full authority for his desire to kill seals under the terms of this law which we are about to enact to safeguard the seal treaty, I want the House to listen to this:

CLEVELAND, OHIO, July 28, 1910. Hon. Benjamin S. Cable,
Acting Secretary Commerce and Labor,
Washington, D. C.

Washington, D. C.

Dear Sir: In the course of a studied and deliberate address, which was delivered at Berkeley, Cal., on April 15 last to the Unitarian Club, Dr. David Starr Jordan drew a picture of President Taft. He portrayed Mr. Taft as one who served private interests at the public cost unless strictly enjoined by law from doing so. (See San Francisco Call, issue of Apr. 6, 1910.)

In the course of a studied and deliberate article prepared by you and your associates, in reply to the charges of the Camp Fire Club of America, you quote Dr. David Starr Jordan as your chief authority for killing seals—practically all of the young males as they can be secured on the seal islands of Alaska.

If. Dr. Jordan is correct in his portrait of the President, as above cited, then, of course, he is equally correct in his advice as to the care of the fur-seal herd. But, with all respect, permit me to say that both truth and common sense are wholly lacking in his conclusions.

In the light of the above, what say you, on reflection, as to Dr. Jordan's sanity or common sense?

Very truly, yours,

Henry W. Elliotz.

[From the San Francisco Call, Apr. 16, 1910.]

ANDS TAFT AS INTERESTS' FRIEND-DR. JORDAN, OF STANFORD UNI-VERSITY, SCORES PRESIDENT AND LAUDS ROOSEVELT-CHANGES SUG-GESTED IN FIELD OF POLITICS IN LECTURE AT THE UNITARIAN CLUB.

BERKELEY, April 15.

In a lecture on "Taking politics out of politics," by Dr. David Starr Jordan, at the Unitarian Club last night, the speaker defended the policies of former President Roosevelt and declared that the Roosevelt idea "is to hold every resource for the people unless there is a specific law under which it must be given up."

"The Taft idea," he said, "is to allow the moneyed interests to gain everything unless there is a specific law to forbid."

In line with the Roosevelt idea that nothing should be wasted that can be saved, Dr. Jordan advocated the employment of scientific experts in every department of public work instead of those who are only politically interested in the duties they perform. He continued:

"Our politics are and have been in the past sordid. It is the duty of the present age to lift politics from the slough of corporate greed. It is the proper attitude of the Government to be doing something all the time, to be solving some problem."

Now, Mr. Chairman, if David Starr Jordan has been able to correctly define and locate the unfitness of President Taft for that high office which he holds, then, of course, he can tell us what is fit and proper for us to do in the matter of conducting the business of killing our seals.

But, Mr. Chairman, is he? Do you think Secretary Nagel really knows that Jordan is the best adviser he can get? If Dr. Jordan is an authority on seals or fishes and on Presidents, then Nagel knows best. But I want this House to clearly view the status of Dr. Jordan as a safe and proper authority for any

matter which may be submitted to him for advice.

In concluding, Mr. Chairman, this résumé of that "expert" advice I desire to call the attention of the House to the fact that this man Jordan has been brought before the Committee on Foreign Affairs by the officials of this administration as the highest authority for their work on the islands, when he is the same Jordan whom they have dismissed for this work on the lake fisheries treaty and again for the most potent reason that he has libeled the President. Comment is utterly idle; it is too, too awfully bad!

Touching this "scientific" work of Dr. Jordan and his associates in caring for our fur-seal herd—"protecting it"—I desire

to have this editorial classic put before the House:

[From Brooklyn (N. Y.) Standard Union, Sunday, Aug. 13, 1911.] IN MEMORIAM-THE FUR SEALS.

[From Brooklyn (N. Y.) Standard Union, Sunday, Aug. 13, 1911.]

IN MEMORIAM—THE FUR SEALS.

Remarks concerning the killing of the Alaska fur seals must be, so far as this year is concerned, not only ex post facto but ex post mortem. The official executioner, Fish Commissioner Bowers, through whom Sccretary Nagel carries on the work of destruction told the Townsend committee the other day that the butchery ceased July 31, though he had no idea what the mortality would be. Although the scene of the slaughter is so far away, a touch of local interest has been given to the subject in the last few days by the introduction of ex-Director Lucas of the Institute, now of the American Museum, who, it came out before the committee, had assented to an arrangement, which, if confirmed by his associates on the advisory fur-seal board, would have adjusted the situation, for the time at least, to the satisfaction of all parties and given the seals another lease of life and the chance to live. Whatever Dr. Lucas might say, either as an expert or a citizen, as to the merits of this persistent and much-involved controversy, would have great weight not only in Brooklyn, his home, but throughout the whole community. In this modus vivendi President Jordan, of Leland Stanford University, another member of the board, concurred, but for some unknown reason the other members refused to sign, and so the massacre of 1911 proceeded unimpeded.

The seals being dead, to begin with, and the session "petering out," with the Townsend committee's work unfinished, nothing further can be expected until the next session of Congress. Enough has, however, already been developed to make the prosecution of the inquiry to the end imperative. Bitter personalities have been exchanged, and it is difficult to believe that the cause of all the hard words and bad blood is merely technical and expert differences of theory as to the best way of restoring the depleted and decimated herds. Plain common sense, however, and all experience must be "shown," to use th

The pending treaty, which is now before Congress for that legislation which is necessary to put into effect its terms, is one of mutual concession and joint control, whereby four great powers, Japan, Russia, Great Britain, and the United States, agree for a term of years, and presumably into the indefinite future, to join hands and protect from its complete extermination the fur-seal life which is now surviving in the North Pacific Ocean and Bering Sea.

When we took possession of these rookeries and hauling grounds, or the sealing grounds of Alaska, from the hands of Russia, in 1867, the undisputable record and survey made by the Government in 1872 and 1874 declares the fact that at that time immense herds, aggregating more than 4,700,000 seals, were in existence on those islands. It is a matter of record and officially admitted that to-day less than 100,000 of them survive, and but for the terms which the high contracting powers to this convention have agreed upon that small nucleus would quickly disappear.

This convention has expressed itself and agreed to prohibit pelagic sealing at the hands of its subjects and our citizens for the next 15 years in all of the waters of the North Pacific Ocean above the thirtieth parallel of north latitude, the Bering Sea, the Sea of Japan, and the Okotsk Sea, prohibiting the entry of crews and boats to all ports in those waters other than those having clearances, and to any and all vessels engaged in the business of pelagic sealing and sea-otter hunting making contraband any and all sea-otter or fur-seal skins.

It becomes of the highest importance now, to that restoration of this wonderful marine life whether we act so as to effect the terms of that treaty or not. It becomes highly important for us to understand exactly and briefly what our Government has done since taking possession of this herd and why this loot and ruin and this destruction of that valuable public property has been so well-nigh completed up to date. When our people first acquired Russian America, in 1867, probably not a half dozen of our entire population knew of the existence of that fur-seal herd on those islands; but by 1868 a number of American whaling captains and their crews, and all old employees of the Russian America Co., made a bee line for those islands and went to work on them. They sealed during that summer and fall without any interference on the part of the Federal Govtook an immense number of skinsernment. They 368,000—and only stopped then for lack of salt; and it is creditably reported that when they were through that they did not miss any seals on the hauling grounds, that there was no evidence of their having killed a seal, so many still remained. The news of the slaughter of that immense number of seals quickly traveled to Washington, and Congress, in 1869, put a joint resolution through declaring those islands a public reservation and forbidding trespass and the killing of the seals. 1870 Congress enacted a law whereby for 20 years the exclusive right of taking a certain number—100,000 a year—was given to a corporation, and for that right they were to pay annual taxes, royalties, and rental; and this lease was to run for 20 years, and at its expiration the act enabled its renewal if, in the judgment of the Secretary of the Treasury, it was desirable.

All official reports coming down from the islands spoke of the fine condition of the herds, and, if anything, declared that they were increasing, although 100,000 seals were taken each and every year by the lessees. In 1883-84 the first cloud foretelling the destruction of that herd appeared on the horizon in the form of the sails of the pelagic, or open sea, seal hunter's fleet. It seems that by that time certain quick-witted men sailing out from Victoria, Vancouver Island, San Francisco, Sound, had discovered the fact that this herd-mighty herd passed on a migrating tour in a circuit from those islands south to the coast of California each year, leaving the islands in the latter part of November, and appearing off the coast of California in January and February following; then turning north and working its way back into the Bering Sea so as to arrive in May and June—a great watery circuit of 5,000 miles of migration. These men found that by timing themselves and keeping in the wake of this herd as it progressed up, they could cap-ture the seals as they slept in the water or fed. By 1890 a ture the seals as they slept in the water or fed. By 1890 a fleet of 120 sails, carrying at least 24 to 30 men to the vessel, each a hunter—little vessels they were, 60 to 90 tons, each one schooner rigged, all with canoes, 10 or 12 on deck, and each manned by a couple of hunters—hung on the flanks of this herd from early in December until they reached the Bering Sea, and then they harrassed them the rest of the season around the islands. This aroused the first fur-seal dispute and controversy in 1887 with our Government and Great Britain, This aroused the first fur-seal dispute and conwhich has continued every year since without any amelioration or relief and at the terrible cost of nearly everything that we had at stake, until this convention was ratified last July in What are the reasons for this long-drawn-out and abortive work and negotiation and treaty making and complete failure to accomplish any good results for the preservation of that fur-seal life? There was one great controlling reason. It was the greed of private interests, and the power of those private interests to control the officialdom of our Government so that they were never really interfered with, from 1890 until that day when John Hay and a few of his associates in the State Department agreed to a plan which would eliminate those private interests forever, and which plan is now before you—as this convention which we are to put into effect is known as the Hay-Elliott convention of mutual concession and joint control that was in negotiation at the close of 1905, when it was drawn up in that year and sent by Mr. Hay for the signature and agreement by the British Ambassador. Mr.

Hay fell ill on the 15th of March, left the department that day never to return and resume his duties there, and his successor refused to take up this unfinished work-which could have been finished within a few weeks after it was placed in his hands, October, 1905, at the behest of those private interests whom Mr. Hay has denied. The treaty is here, and it is not necessary to go into the story of how it was completed and brought here; but now it is important that we prevent any repetition in the next 15 years of that killing on the land and in the sea which has wrought this terrible ruin to that fine public prop-

How are we going to bring this about? There is only one way that a wild life, entirely beyond our control over which we have no knowledge of its coming or of its going as it elects to come and go, which we can not confine to certain fields, or even protect from its natural enemies while at sea, where it is nearly half of the time of its existence. There is only one way to restore that life, and that is to throw around it that protection which will keep our own hands from interfering with the natural law which governs its reproduction and its best form of existence.

Before I shall discuss the proper legislation required in this bill, it is well to call attention to the fact that the power of the pelagic sealer to ruin the fur-seal herd was first recognized in 1886 by our Government. To make a long story short, Mr. Bayard, at that time Secretary of State, had a consultation with the Cabinet, and the President decided to abandon the assertion of control over the waters of the Bering Sea and the North Pacific Ocean; he determined upon a plan of international agreement between Great Britain, Russia, and all the maritime powers and ourselves, whereby the fur seal should not be molested during the breeding season in the open sea or on the land. Mr. Bayard made very good progress until tripped up by that unfortunate Murchison letter scandal, the political aftermath of which threatened the defeat of Mr. Cleve-This, of course, ruined Mr. Bayard's influence, and the then British ambassador was compelled to leave Washington, and his negotiations came to a sudden and inglorious ending. The Harrison administration succeeded March 4, 1889. Mr. Blaine at once reversed the action of Mr. Bayard. He renewed the orders for seizure of Canadian sealers on the open waters of Bering Sea, which Mr. Bayard had revoked. The revenue cutters overhauled and took possession of six or seven Canadian schooners in Bering Sea, put prize crews of one man on each vessel, and sent them to Sitka. The Canadians went out of Bering Sea all right. But what did they do? They steamed straight into Victoria, prize crews and all. This seizure raised an awful howl in Ottawa, which quickly reached London. Very soon afterwards Mr. Blaine was served with a note from Lord Salisbury and a warning from Great Britain that no further seizures would be permitted. Mr. Blaine then made an offer to submit the question to arbitration, as in state letter of December 17, 1890. This unfortunate letter, with this mistaken idea of Mr. Blaine's of, first, jurisdiction over the open waters of Bering Sea and, second, the property right in the body of a wild animal, was the cause of his undoing. It seems that from then up to the present hour, except for the interference of John Hay, nothing but botch work and failure have characterized every step taken by the agents of the Government in this matter of the fur seals.

When Benjamin Harrison and the two Fosters-John W. and Charles—turned over their respective portfolios of the State and Treasury Departments to Grover Cleveland and his Cabinet March 4, 1893, they informed him that they had made up an impregnable case for the fur seal and were going over to Paris before the Bering Sea tribunal to rout the British in advance. They had spent three years of investigation into the subject, at the public cost, and now the public were to reap the rich reward for its patience in this investigation.

Secretary Gresham, Mr. John W. Foster's successor as Secretary of State, was incredulous, but said that since President Harrison had placed Mr. Foster in charge of every detail of this business, in view of his astuteness and the ability of this man, Mr. Gresham would not interfere. He gave this Foster-Phelps management all the rope he could, and could do nothing else, as there was no time then for any change. At the time Judge Gresham was made Secretary of State the new Secretary of the Treasury was Mr. John G. Carlisle, and they both said that this case as prepared by Mr. Phelps, J. C. Carter, F. R. Coudert, and a whole swarm of lesser lawyers was a deliberate mistake; but he declared that no obstacle should be placed in the path of these bad managers of a good cause; and so Mr. Gresham made regulations for the preservation of the first seal herd, which Messrs. Foster and Phelps secured at Paris August 16, 1893, as the award of that tribunal after a full and perfect trial. He allowed them to frame this act putting the agreement

of that tribunal into effect, and that act was framed by ex-President Harrison with the most anxious solicitation, and it is a model legal bill. But after it was faithfully enforced during 1894 and the utter failure of those regulations to protect the seals was demonstrated, at the close of that season it left the seals completely at the mercy of the pelagic sealers.

These sealing regulations, secured at Paris, for this herd

were first published in August, 1893.

Secretary Gresham, Speaker Reed, and Mr. Dingley secured the passage, February 25, 1896, by the House, of a measure prepared by them, and is the only measure left for us which would have worked the first seal reform.

Death struck Secretary Gresham down suddenly, and before he could render his assistance to the passage of the Dingley bill (H. R. 3206) in the Senate. His successor, Richard Olney, was unequal to the task and the pelagic sealers went on their way rejoicing. Private interests flattered him into the belief that he could negotiate for the proper preservation of this herd without the use of this bill of Mr. Dingley's. His negotiations were a failure. Before Mr. Olney refired he managed to get a joint commission of American and Canadian "experts" sent up to the Pribilof Islands during the sumsent up to the Pribilof Islands during the summer of 1896, or in the latter part of that summer. headed by Dr. David Starr Jordan, who was selected by Charles S. Hamlin, who was Assistant Secretary of the Treasury, and to whom Mr. Carlisle gave the whole management in so far as the Treasury Department was concerned, and Prof. Darcey Thompson, for the British. It landed on the islands during the middle of July, 1896; put in about four weeks there. Neither Dr. Jordan nor Prof. Thompson had ever seen a live fur seal before, and, in fact, had never been on a seal island. The result of their brief examination—they left September 8was that Dr. Jordan announced to the public the fact that the fur seal was not a seal at all. He was able to tell positively that this was a fact, and yet he had never visited the islands before; and he further said he had discovered the chief natural factor preventing the increase in the herd, and that was the self-trampling to death of the young pups by their parents: that it was a positive fact that they became so crowded on the rookeries that the pups were trampled to death, and that it would be a mercy and proper thing to kill off the young males! He also announced his theory that the young females could be branded, and that this would eliminate the pelagic sealer from the question! He completed that botch work with a letter to United States Senator Perkins, which that gentleman read to the open Senate February 28, 1807, declaring that the British agent agreed with him "on all questions of policy as well as on matters of fact." (See Congressional Record, Feb. 28, 1897. pp. 26-29.) That was his amazing record; but that record is rendered into thin air when summing up the results. First, Dr. Jordan himself, in his final report of 1898, admitted that he was wrong in his theory of the trampling to death of the pups, but not wrong in his theory of branding the pups or of its practicability. He admitted that he was wrong in having any sensible agreement with the British agent. But the Canadians made an agreement with him. (See pp. 1602 et seq., in-corporated in Congressional Record, Feb. 2, 1903, headed "Exhibit B.") It was easy to make such a claim of agreement as that over this business. And then he tells us that there never were more than three times as many seals on the breeding grounds in any prior year, or of finer form and number, than he saw in 1896, and then he saw only 545,000, counting bulls, cows, and pups!

Never were more than three times as many, he says. worse than all that, that there was no such thing as injury by driving or killing on those islands. (See pp. CONGRESSIONAL RECORD, as cited.) He said that it does not hurt them any to drive them; that it was best to get all the males killed off each year. Therefore he would have no limit to the killing actually fixed in advance by the Treasury Department; that that power to fix it should be left in the hands of the agent on the grounds, and when that agent was appointed by these controlling private killing interests. But he closes this record of error with the statement that there was no danger of the extermination of the herd. it! This great scientist, who was introduced to the Committee on Foreign Affairs with the modest notice that he was "the greatest living authority on the fur seals" by the officialdom of the Bureau of Fisheries. This great scientist. facing that work of slaughter on the islands and on the sea, declaring that with this "seal-life candle thus burning at both ends" there was no danger of its going out. This great scientist said that. Nothing is gained, gentlemen, in the long run by any nation or individual attempting to conceal any abuses or wrongdoing. It is true that the Canadians and Americans alike are responsible for the damage done since 1886.

The articles of this convention enable us at once to cure the abuses of both land and sea killing, and that is why it is best to have a close time on the islands during the life of that convention, whereby all killing of fur seals for commercial purposes is to be suspended during the next 15 years. The agent of the Bureau of Fisheries, in his effort to discredit the argument of Mr. Elliott in favor of this restoration, declares that he, Mr. Elliott, had been on all sides of this question, and read from a report of a committee-in 1888-of this House where Mr. Elliott had in response to a question said that he did not think there was any harm being done by the methods then in progress, of killing seals on the islands, to the rest of the herd. Mr. Elliott at that time had not been on the islands since he had written his report of 1874. In 1890 Mr. Elliott again visited the islands at the official request of the Secretary of the Treasury, and, after the lapse of over 16 years from his first visit, he found then that he had been mistaken in his theory of 1874, which was quoted by Dr. Everman from his report of 1874. He manfully acknowledged his error in 1890 and apologized for it to the department, and it is there that he gets on the right side. So while it is literally true that he was on all sides, yet he left the wrong side in 1890 and remained on the right side ever since. (See report of Henry W. Elliott on The Present Condition of the Fur Seal, submitted Nov. 17, 1890, to the Secretary of the Treasury, pp. 5-15, inclusive; H. Doc. No. 175, 54th Cong., 1st sess.) Mr. Elliott brought out very distinctly the full effect of the land killing as well as the full effect of the pelagic killing. He showed, however, that if there had been no pelagic killing and that if the present conditions of the land killing were observed, the extermination of this life was absolutely inevitable. To illustrate the truth of this statement he went back to the Russian period of decline and restoration—from 1804 to 1834 of decline and from 1834 to 1857 of restoration. He showed that the conduct and progress of that work of killing seals on the islands in 1890 was almost a perfect replica of the work of the Russian régime from 1804 to 1834. But he also showed that the Russian method of working was radically different from that of the American as to the method of driving the seals and the methods of curing the skins.

Under the Russian order the seals were driven on small daily drives all through the season, from June to November, at that time when the herds were on the islands. The Russians took all of the 1, 2, and 3 year old males. They only rejected the short or very small ones. The Americans last summer drove only in July; there were not seals enough to drive later. The Russian method of curing the great bulk of the skins was by "air drying" and not by "salting." That caused them to be able to handle only a very limited number daily. Air drying in that climate of the Pribilof Islands is very slow work as compared with salting. Under the American order the exclusive use of salt was quickly made, and the very difficult question of curing the skins was at once solved. Their method was to so drive in the early part of June as to take 100,000 skins, and then get the whole catch properly cured by August, so that they could be ready for sale in the London market by October, in order to be able to be sold at the regular auction annually held there, which is attended by all the buyers of the world, in the early part of December. Therefore the Americans were able to drive in three or four weeks and cure the skins of as many seals as the Russians would have taken in five months. Now, since they were taxed as much for a fine skin as for a poor skin, and as the finest skins were the hides of 3 and 4 year old males-8 to 13 pound skinsthe American began at once the practice which the Russian had abandoned in 1834, which is known as "culling" all the best young male seals in the herd and taking no others. A practice of infinite harm to the herd, and a practice that was in existence in 1872 and 1874, when Mr. Elliott first reported it. But it seems that this practice of culling out the males, the fine young males, was not unknown to the Russians, because in 1820 some of them seem to have been convinced that the practice of "culling" was injurious, and that this was the cause of the herd being destroyed; and this was at a time when no such a thing as pelagic sealing was known or even dreamed of, and which did not come into existence until 1886, as a feature of the slightest importance to the destruction of that life. It seems that way back in 1819 the Russians became alarmed at the inability of their agents to get the required number of skins wanted; and when asked to get more skins that agent reported that if he did he would destroy the herd. It seems that they sent a special commissioner from the board of directors in St. Petersburg to make an examination into this question, as to the reason why such a short supply should exist on the islands. It seems that this investigator remained there during the summer of 1819, and that he made a report, after looking into every

detail of the business and what he saw. Let me epitomize what he said:

It is due to the fact that so far has this practice of culling the best males for slaughter gone that if any of the young breeders are not killed by autumn they are sure to be killed by the following spring.

Think of it! He penned those words on January 18, 1820, right in Sitka, after spending the summer and autumn on St. Paul Island, closely observing the condition of affairs; and yet this Dr. Jordan, who was introduced to your Committee on Foreign Affairs as the "greatest living authority" on this life, denies that. But the negation is futile; the facts remain. (See Congressional Record, p. 1602, Feb. 2, 1903, above cited.)

Yanovsky closed his report to the St. Petersburg Board of Directors by urging them to stop all killing for a term of years, and then, when resumed, it was to be more careful, and that the herd would be exterminated if this reform was not instituted. That is, the reform of not "culling" the herds. This board did not agree with him, just as Dr. Jordan does not agree with Mr. Elliott. They continued this slaughter. What was the result? In 1834 there were only "8,118 fresh, young," live seals on the hauling grounds of St. Paul Island—this by actual count and as published by Veniaminov in St. Petersburg, 1842. This is said, in volume 2, page 506, of the work above cited:

But instead of curing 12,200, only 4,052 were taken, leaving in 1835 for commercial purposes only 8,118 fresh young seals remaining there altogether.

At the close of 1834, and for a period of 10 years, practically all commercial killing was suspended there; but in 1844 the Russians were able to resume the killing and to safely take 10,000 young male seals; by 1857 they had gradually increased annually, so that they then took safely 50,000; and by 1867, when they were turned over to us, 75,000 were annually safely taken. That shows what had been done on the sealing islands when no such thing as pelagic sealing was known. That was left for us to face for the first time in 1884-1886. It has been said, and it was said the other day before our committee, that it was true that they did not have the pelagic sealers, but that the "Rus-sians killed females indiscriminately" and "drove them off of the rookeries." This was quoted by one of the bureau officials as being an authoritative extract from Elliott's monograph, published in 1884. But it seems that this monograph, from which that quotation was made and charged up to Mr. Elliott, includes Mr. Elliott's denial of the truth of this Russian author. All of this was carefully omitted by the bureau official, who attempted to place the statement in Mr. Elliott's mouth as a correct record of the Russian work. But Mr. Elliott brought the proof before the Committee on Foreign Affairs that the Russians did nothing of the sort. They contemplated the danger in just the same manner as we have done. They never went on the rookeries and drove the females off. The Russian drives were protracted through the whole season. This they were obliged to do, as they had to dry their pelts in their huts or barrabkies by smoking and slow fires. The Russian drives were made over and across the flanks of the breeding grounds, in going to and from the hauling grounds, just as our people do to-day and have been doing for the last 20 years, during August, September, October, and November. In doing this they would bring up a certain proportion of young females known as nubiles, or virgin females, which then were scattered out from the rookeries or breeding organization.

Mr. Elliott tells us that the proportion of this female life so driven up was unknown; and he could not, and no man could, precisely determine it from the present analysis, judging from the average female life during that period after breeding has closed and the harems broken up. He said that the Russian female catch never exceeded 20 per cent of the daily drives after the end of August, and prior to that date not over 5 per cent. That would make an average of 15 per cent killed during the Russian period of diminution, from 1817 to 1834, when the land killing, without any pelagic sealing, actually exterminated that herd. And yet Dr. Jordan and this bureau official want to continue this work during the life of the present convention, or during the next 15 years. I am entirely opposed to it.

Was this lesson of Russian destruction heeded by the McKinley administration? This Jordan-Thompson joint conclusion of agreement of facts was made and signed in State Department November 16, 1897. No. It failed to be seen by the officials; and in this amazing state paper Mr. Jordan declares that under the existing conditions the fur seals of Alaska are entirely safe from extermination. That they had reached in 1897 as low an ebb in number as they ever would, since the killing on the land had become unprofitable. In fact that an "equilibrium" had been obtained. (See articles 15 and 16, "Exhibit B," of "Joint statement of conclusions of fact," Nov. 16, 1897,

pp. 1604 and 1605, in Congressional Record, Feb. 2, 1903.) The exact reverse of this joint conclusion as to the facts in the case is the truth; and yet those men stood before our committee and renewed the nonsense. When Mr. Elliott made his report in 1874 of the condition of affairs in Alaska, he said:

That the facts of the abundant supply were too plain for argument. He did not question them, because there were overwhelmingly more seals than desired by the killers there, but that these sources of supply could not last with such a strain as the killing and culling on the land. He urged the following action on the part of the Treasury Department:

It is therefore very important that the Government should have an agent on these rookeries, who should be a man of capacity and have a reasonable education, to observe and report the condition of the rookeries year by year.

No record whatever of this kind was written by any officer of the Treasury Department, who succeeded Mr. Elliott. And not until his report of the summer of 1890 was any reliable information to be had of what had taken place during all those 16 years of his absence. Of the 3,193,670 breeding fur seals and young on the rookeries in 1872, he found 959,455, or scarcely 1,000,000. It was easy for him to account for this, for the pelagic sealer had been at work. However, that was not all of the trouble. How about that loss of the young males on the hauling grounds? If the pelagic sealer was the cause for this ruin of the herd, why should that class of seals which he then killed, as he kills now, the fewest number be the one class so fearfully decimated? No answer has been given by any authority. But Mr. Elliott went up in 1890, as he with a strong prejudice against the pelagic sealer. prejudice could make no answer to these facts, as above stated. The fact is that this increased difficulty of getting the required number of skins caused them to take everything, no matter how small, so that in 1890 they were making such rapid development as to be able to destroy the whole life unless checked in the immediate future.

This whole fur-seal business since 1890 has been badly conducted by the executive agents of our Government, except for that brief interference by Mr. Gresham and Mr. Dingley in 1895, and the interference by John Hay in 1905—a brief interference which was cut short by his untimely death. This record is due entirely to the worthless, inexperienced, and worse than notoriously unfit agents. Their entire "negotiation," which is now spread over 20 years, has resulted in nothing that reflects any credit upon us. It has been an epoch of licensing an annual exhibition of the most indecent and barbarous killing of harmless animals, and the terrible work of slaughtering "mother seals in milk," leaving tens of thousands of the young to slowly starve to death annually since 1800 on the islands. It fairly beggars description.

This startling decline of the Alaskan herd and its contrast with the Russian loss also is best expressed in the following table:

Table showing the relative sizes of the Alaskan and Russian fur-seal herds 22 years ago, 4. e., 1890.

	eals of all
On the Pribilof or Alaskan islands:	ages.
1890. St. Paul and St. George Islands, grand sum total (see p. 57, H. Doc. 175, 54th Cong., 1st sess.)	
1911. St. Paul and St. George Islands, grand sum total	127, 745
On the Kommandor or Russian islands: 1890, Bering and Copper Islands, grand sum total (see p.	
226, H. Doc. 175, 54th Cong., 1st sess.)	450,000

1911. Bering and Copper Islands, grand sum total	8, 000
Prime skins taken from Alaskan islands, 1890	22,000
Eve plaster skins taken from Alaskan islands, 1911	12,000
Prime and eye plaster skins taken from Russian islands, 1890_	50, 341
Eye plaster skins taken from Russian islands, 1911	300

The minority would stay the butcher's club and sheath the butcher's knife at the same time it stops the spear and the gun of the pelagic hunter. Where the greed and the avarice of man have interposed in all natural history to regulate all natural wild life, destruction and extermination and not its conservation have followed in the wake. For one I dissent from that absurd and illogical contention, and believe that way back in the councils of eternity the Great Creator ordained and decreed that natural selection and the survival of the fittest would balance and sustain all wild life and bring it to its complete and majestic fruition.

Mr. KENDALL. Mr. Chairman, when this matter was presented to the attention of the House last week, the occasion was extremely hurried, and no fair opportunity was afforded, either for those who favor a closed season upon the Pribilof Islands or those who favor allowing the department a discretion as to the slaughter of seals there, to be heard. I am glad we have now this afternoon a more generous allotment of time in which this important question may be submitted to the House.

I am familiar with nothing more interesting in our literature than the history of the wild life in the North Pacific Ocean. In 1786 a venturesome Russian explorer by the name of Pribilof discovered the islands which now bear his name, and almost concurrently with that discovery it was ascertained that a herd of seals made their habitat upon those islands at certain periods of the year. We have no suggestion in literature or legend prior to that as to the origin or history of this seal herd.

In 1786 the Pribilof Islands, in virtue of the fact that their discoverer was a Russian, became Russian territory, and continued as such until the year 1867, when William H. Seward, with his marvelous prevision as a statesman, acquired that domain for the United States Government. There is no absolutely authentic record as to the number of fur seals that were on the Pribilof Islands in 1786, but the most reliable authorities which are available to us agree that they enumerated substantially 5,000,000 seals. And it ought to be remembered here now that the fur-seal herd on the Pribilof and adjacent islands constitute all the fur seals of that species known to exist in the world.

As I have said, in 1786 there were 5,000,000 seals on the Pribilof Islands. The Russian Government upon discovering that valuable asset began to slaughter the seals under a leasing system, the revenue derived being covered into the imperial treasury. They prosecuted that system until 1834, when it developed, upon examination, that this splendid herd, aggregating 5,000,000 of seals in 1786, had diminished to fewer than 60,000 in 1834, and the Russian Government apprehended immediately that if their program then being pursued should continue that wild life in the North Pacific Ocean would speedily become entirely extinguished. So in 1834, by an order which emanated from St. Petersburg, the slaughter of the fur seals was suspended by the Russian Government itself.

It is idle to insist that the diminution of that herd, as I have described it, was the proximate or incidental result of pelagic sealing. There was no pelagic sealing in the North Pacific Ocean or elsewhere prior to 1886. That is a modern practice that has exhibited its ugly manifestations in this commercial age.

As I say, in 1834 the Russian Government decreed a practical embargo on the butchery of fur seals except such as was necessary for the maintenance of the inhabitants of the islands.

Now, I ask the committee to consider the result of the Russian prohibition. The herd immediately began to rehabilitate itself following 1834, and up to 1867, when we acquired title to the islands and entered into occupancy, in pursuance of an almost absolutely closed season, that herd of seals had advanced from 60,000 in 1834 to 4,700,000 in 1872, the first year when any authentic or reliable census of the seals was taken.

These seals are of a peculiar species. They breed on the Pribilof Islands in June or July of each year, remain until November, and then with their young put out to sea. Their location has been traced month by month. They go south after leaving the Pribilof Islands, down by the Aleutian Islands opposite the southern extremity of the State of California, then circle back to the Pribilof Islands, arriving there every year at a date not varying 10 days from the date of their advent the year previous. They return annually to breed on these islands, and as soon as the pups become old enough they embark on this annual journey.

annual journey.

No scientist has discovered why they take this tour; it is a part of the wild life of that region. They are not controlled by domestic regulations as are domestic animals. Annually, from time immemorial, the herds have made that migration south and back up the California coast to the Pribilof Islands, As a Member near me suggests, it is the instinct of their wild life.

The immigration of this herd was first discovered by Henry W. Elliott, who has been assailed on the floor of this House and in the public prints as a faker and a fraud. He went there in 1872 as a representative of the Government of the United States to investigate and report in respect of that wild life. He found 4,700,000 splendid seals there on the Pribilof Islands. In 1870 the United States Government, imitating the Russian Government, entered into a leasing contract with the North Alaska Fur Co. by which seals were to be slaughtered and the revenue transferred to the Federal Treasury, to continue for 20 years. In 1890, at the expiration of that agreement, another was entered into with another company which expired in 1910. In the latter year the United States Government terminated contractual relations with these companies and entered upon the work of slaughtering the seals under the jurisdiction of the Department of Commerce and Labor.

Department of Commerce and Labor.

Gentlemen advocate a limited killing as contrasted with a closed season. What has been demonstrated in connection with the fur seals? In 1872 they numbered 4,700,000, a splendid, magnificent herd, and in 1911, after 40 years of exploitation—and there is no more generous term that can be applied to it—in 1911, after our Government has exercised 40 years of control, there are now fewer than 120,000 seals on these islands in the

North Pacific Ocean. These, gentlemen, are the facts, and they

can not be refuted by deriding Henry W. Elliott.
Mr. SHARP. Mr. Chairman, I will ask if it is not true that the testimony of all of the witnesses at the hearings bears out the statement of the gentleman that there are not over 120,000

of that herd at the present time?

Mr. KENDALL. The testimony is uncontradicted. Henry W. Elliott was before the Committee on Foreign Affairs and made the statement that there was that number of seals there, and Mr. Lembkey, who is the Government agent there, said that the statement made by Prof. Elliott was substantially accurate—and when we speak of the Department of Commerce and Labor we mean Mr. Lembkey, because he is the Government agent there upon the islands. So in the last 40 years, starting with 4,700,000 seals, we find that they are now rapidly approaching extinction. What should we do? Do we want to preserve that wild life, or do we want to extinguish it entirely? We are all in favor of the committee bill to abolish pelagic That is a most fiendish and brutal resort of modern What we propose to do by way of amendment commercialism. is to prohibit the killing entirely for a limited season, so that this herd may have an opportunity to rehabilitate itself to the proportions it enjoyed in 1872.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield? Mr. KENDALL. Certainly.

Mr. CAMPBELL. What effect will that amendment have on

the treaties entered into with Great Britain and Japan?

Mr. KENDALL. That is a very pertinent inquiry. I will say in response that this original bill was prepared by the Secretary of State, and as it was presented to the Committee on Foreign Affairs it included a provision for the domestic control of killing on the islands. So no treaty provision can be contravened by the amendment we propose.

Mr. CAMPBELL. As I understand, we are to give up 15 per

cent of the receipts arising from our seal fishing.

Mr. KENDALL. Yes
Mr. CAMPBELL. Suppose we refuse to kill any of the herd; what effect will that have on the provisions of the treaty? Will it not justify Japan or England in withdrawing from the

Mr. KENDALL. Not in the slightest degree. The treaty is now effective. It went into operation on the 15th of last December, and it is the supreme law of the nations that are parties

Mr. CAMPBELL. The question is, Would they withdraw from the treaty if we refuse to go on with our seal fishing and

give them their proportion of the revenue?

Mr. KENDALL. I have no apprehension on that score whatever, Mr. Chairman, for the reason that one of the provisions of the treaty itself contemplates that the United States Govern-ment may establish a close season. Mr. Chairman, the butchery and slaughter of that seal herd in the North Pacific Ocean have become an international scandal, and the whole civilized world is looking upon it with reproach and abhorrence.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. Yes.
Mr. DYER. The gentleman speaks of an international question in the slaughter of these seals. What time does he mean to cover by his statement by saying that there has been a great slaughter of seals up there?

Mr. KENDALL. I mean to cover, for the purposes of this

discussion, the time from 1872 down to this moment.

Mr. DYER. Does the gentleman mean from the time the Government of the United States has had charge of it?

Mr. KENDALL. The Government of the United States has had charge since 1867.

Mr. DYER. Under contract with different companies.
Mr. KENDALL. Yes; but the Government of the United
States absolutely controlled the contract.
Mr. DYER. The last two years the Government had direct

control of the killing.

Mr. KENDALL. Yes. The gentleman is correct

Mr. DYER. I would like to ask the gentleman if he has any criticism to make of the Government's action during the last

Mr. KENDALL. If the gentleman will read the reports-

Mr. DYER. I have read them.

Mr. KENDALL. He will discover that the seal herd under Government supervision is disappearing, and that the quality of the sealskin itself is diminishing in the markets of the world.

Mr. DYER. There have been how many killed during the last two years?
Mr. KENDALL. We killed 12,000 last year and 13,000 the

year before.

Mr. DYER. And equally that number was killed on the high

Mr. KENDALL. That, I think, is not true. The gentleman is laboring under a delusion which has been inculcated with some enthusiasm by different people around this Capitol. lagic sealing, which I admit to be cruel and reprehensible, is not responsible for the disappearance of the seal life in the North Pacific Ocean.

Mr. DYER. Will the gentleman yield further?

Mr. KENDALL. For a question, but not for an observation. Mr. DYER. I will ask if the gentleman's statement is not controverted by every scientist and naturalist who testified before the committee?

Mr. KENDALL. No; if the gentleman had read the hearings he would not have asked a question of that character.

Mr. DYER. I have read the hearings.

Mr. KENDALL. I mean if the gentleman had read them with more understanding.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. KENDALL. For a question.
Mr. GOODWIN of Arkansas. Did not the chairman of the committee last Wednesday, in discussing this proposition, give the figures of the seals killed both upon the sea and land since 1870?

Mr. KENDALL. The chairman gave a good many things here last Wednesday, some fact and some fiction.

Mr. GOODWIN of Arkansas. And did not the gentleman reflect the fact that 900,000 had been killed at sea since 1870 as against 2,200,000 killed on land?

Mr. KENDALL. Perhaps so.

Mr. NENDALL. Perhaps so.

Mr. DYER. If the gentleman will permit—

Mr. KENDALL. Now, Mr. Chairman, I have been much diverted by reading the report submitted by the gentleman from Virginia [Mr. Flood] in support of his bill H. R. 20047. He says that Dr. Leonhard Stejneger, head curator of biology, United States National Museum, has spent a number of years on the Russian seal islands studying seal life, and concludes that there ought not to be a closed season. I have had curiosity enough to investigate as to how much time Dr. Stejneger has devoted to studying seal life on the islands, and that investigation reveals that this renowned scientist has spent all of 10 full days on the Pribilof Islands studying this complex and difficult scientific question. Dr. David Starr Jordan has been cited as an authority, and as an educator he is an authority; but Dr. David Starr Jordan in all the years which have elapsed since 1872 down to this moment, years in which this question has been the subject of vital debate, has spent but 73 days cruising about the Pribilof Islands. Henry W. Elliott went to the Pribilof Islands under appointment of the Treasury Department in 1872, remained there for 19 months studying this wild life. He prepared a chart showing where this herd was in January, where it was in February, where it was in March, where it was in April, where it was in May, and throughout the year. In the elapse of time his chart was adopted by the United States Government and published as a public document. Now, let me submit a circumstance, interesting as reflecting somewhat upon the nice sense of propriety which actuates Dr. David Starr Jordan. Dr. David Starr Jordan wrote a book. He appropriated this chart of Prof. Elliott's and incorporated it into his book as his own. Dr. William T. Hornaday, of New York, subsequently wrote a book. He saw Dr. Jordan's book containing this Elliott chart, and Dr. Hornaday reproduced that chart in his book crediting it to Dr. Jordan. About that time Prof. Elliott became alive to the situation and wrote a letter of protest to Dr. David Starr Jordan. Dr. Jordan was compelled to admit the plagiarism of the chart and that Dr. Elliott was the author of it and the discoverer of the facts it exhibits. [Applause.]

Now, further, Dr. Elliott during his sojourn upon the islands prepared a monograph on the seal question—the first and the most authentic contribution which has ever been made to the literature of that subject. These gentlemen—my good friend from Virginia and my equally good friend from New York—are determined to eliminate Dr. Elliott from this discussion. I admit that he is a troublesome fellow, for he is resolved upon the preservation of this herd, if possible. He went up there wrote this monograph, and the Director of the Census had it printed as a public document for distribution by the Government of the United States. And this is the character of man upon whose testimony we rely here to justify our demand that

the season be closed entirely.

Mr. DYER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KENDALL. For a question.

Mr. DYER. The gentleman refers to a monograph of Dr. Elliott. I would like to ask if the views which the gentleman expressed before the committee in its recent hearings were similar to those expressed in the monograph?

Mr. KENDALL. I think the views expressed by Dr. Elliott before the committee and those in the monograph are identical.

Mr. COX of Ohio. Will the gentleman yield for a question? Mr. KENDALL. Certainly. Mr. COX of Ohio. The statement has been made in this discussion that the killing off of a certain number of bulls each year will benefit rather than harm the herd. I think the committee would like to hear the gentleman on that point.

Mr. KENDALL. The gentleman from Ohio suggests a con-

tention which is advanced by some estimable people who be-

lieve that the best way to preserve life is to destroy it.

Mr. GREEN of Iowa. I would like to ask if Dr. Elliott has not admitted that he has changed his views since his original monograph was issued?

Mr. KENDALL. I am very much surprised that my colleague has accumulated so much misinformation. Dr. Elliott

has never made any such admission as that.

Mr. McGUIRE of Oklahoma. I understood, in reply to the question of the gentleman from Missouri [Mr. DYER], that there were not as many seals killed last year—in 1911—by the pelagic sealers as were killed by the United States. I would like to ask the gentleman if that was not his answer?

Mr. KENDALL. I said that the pelagic sealing had been hurtful to this herd. I never have controverted that. That it has been fatal I deny, because I claim that the killing on the land has been more largely responsible for the destruction of

the herd.

Mr. McGUIRE of Oklahoma. Has the gentleman made investigation, and does he know that there were a little more than 2,300 seals killed last year by pelagic sealers than were killed by the United States, and that 85 per cent of the seals killed by pelagic sealers were females?

Mr. KENDALL. I do not know that.

Mr. McGUIRE of Oklahoma. Well, that is a fact.

Mr. KENDALL. I do not think there is any responsible authority who will assert that to be the fact, but I do not intend to yield simply for a controversy with the gentleman from Oklahoma. This quesion has become so acute that the imminence of total fur-seal destruction engaged the attention of the President of the United States, and in his message on March 15, 1910, he said:

The herds have been reduced to such an extent that the question of profit has become a mere incident, and the controlling question has become one of conservation.

The President of the United States scorned the argument made by the gentleman from Virginia [Mr. Floop] that this is a commercial enterprise in which the Government ought to engage, and says that the herd has become so reduced that the question of profit is subordinate to the question of conservation.

There will be an amendment proposed here by the gentleman from Virginia [Mr. Flood] which is an improvement over the existing situation, I assume—an amendment limiting the killing on those islands. We propose to offer a substitute to that amendment establishing a complete closed season on those islands for a term of years, until the herd shall have an oppor-tunity to be restored to its original proportions. I agree it will cost us some money-that we will forego the revenue which we now derive—but in 10 years that herd will increase from practically 100,000 now to 3,000,000, and they will be the property of the United States Government. Then the Government may enter upon a seasonable and rational taking of sealskins for its own profit.

Mr. COX of Ohio. Will the gentleman yield at that juncture? Mr. KENDALL. I will. How much more time have I, Mr.

Chairman?

The CHAIRMAN. Eleven minutes. Mr. COX of Ohio. I will not detail I will not detain the gentleman long, but I would like, if possible, to have the gentleman add to the full measure of information. You are familiar with the fact that the opposition to your theory contends that a multiplicity in the number of bulls leads not only to the destruction of the bulls themselves but the destruction of the cows?

Mr. KENDALL. Yes.

Mr. COX of Ohio. I would respectfully ask the gentleman to go into that phase of the case a bit.

Mr. KENDALL. Mr. Chairman, the suggestion of the gentleman from Ohio is a very apt one. I have discovered that there is a class of men who believe that nature does not understand its own processes, and that the intelligence of man is more adequate to control the reproduction of wild life than the more adequate to control the reproduction of which hier than the Almighty himself, notwithstanding He established the regulations which prevail. A most interesting contribution to this subject is from Prof. Henry Fairfield Osborne, who is, according to my distinguished friend from New York, a biologist, a zoologist, a paleontologist, and a naturalist. He says in the first clause of his letter—and mark this, gentlemen, as the very

absurdity of this proposition ought not to escape observationhe says that if a closed season is established on the Pribilof Islands it will result in the "complete extermination" of that herd. How that could possibly occur we leave to Dr. Osborne himself to explain to a benighted world.

Mr. BUTLER. There was a closed season once before the killing began. If so, how did this herd multiply?

Mr. KENDALL. They multiplied under a closed season until

they were 5,000,000, when we came into control. After the first closed season the herd multiplied until there were 4,700,000 seals. But you would be regarded as unorthodox if you questioned the wisdom of these scientists.

Mr. BUTLER. I am in favor of a closed season for 20

Mr. KENDALL. I am glad the gentleman has good views on The natural condition of the fur seal is one of that subject. absolute noninterference by man. Whenever that program has been allowed to operate the fur seals have increased in number. Whenever we have intervened they have diminished in number. And there is only one inference to be drawn from that fact. Nature herself, by the principle of natural selection, provides most wisely for the reproduction of that species. I know that the gentleman from Virginia [Mr. Flood] says that only one bull is required for 500 cows.

Mr. ROTHERMEL. May I ask the gentleman if fish destroy

themselves in the ocean or in the rivers?

Mr. KENDALL. No. But it is the history of wild life that it never has been interfered with by man without peril to itself.

There are some strange terms in the vernacular that applies to the seal herd. The old males are called "bulls"; the females are called "cows"; whereas the progeny are called

pups." [Laughter.]

Now, I appeal to this House, in view of our history upon this subject, in view of the immediate danger that this valuable seal life will become entirely extinct, that a proper sense of propriety and caution command us to close the season absolutely and suspend killing entirely for a limited term of years [Applause.]

I yield 10 minutes, Mr. Chairman, to the gentleman from Ohio

[Mr SHARP]

Mr. SHARP. Mr. Chairman, if there are other gentlemen who have not spoken on this subject and who desire to speak, I would be glad to yield to them my time. I spoke at considerable length on this subject one week ago to-day, and I am glad the majority of the committee have seen fit since then to make some reasonable concession, to the extent that they now agree to offer an amendment to the original bill which does limit the killing of seals entirely for at least the first year. To that extent the amendment is good. I am heartily in favor of the substitute that will be offered here to-day to the amendment, and I wish to raise my voice in indorsement of all that the brilliant gentleman from Iowa [Mr. Kendall] has just stated.

I wish to say, further, that I am firmly convinced that if the American people understood to-day—and I do not believe that 1 out of 100 does understand—that in addition to pelagic sealing, which has greatly destroyed the herd of seals during the past 30 or 40 years, the United States Government itself is engaged in slaughtering from 12,000 to 13,000 of these animals every year, they would disapprove that policy. It is not a partisan question. It is not a reflection in any sense of the word upon the integrity or the good faith of the policy pursued by the Government itself, but a challenge as to the wisdom of that policy which seeks to rehabilitate a herd of valuable seals by confessedly destroying at least 90 per cent of the entire number of male seals.

Since I had the pleasure of speaking upon this subject a week ago I have had some correspondence with Dr. William T. Hornaday, of the Zoological Gardens in New York City—probably one of the greatest zoologist in the United States—and I am going to occupy two or three minutes of my time in briefly reading an extract from a letter which he sends to me to-day.

In that letter he says:

It is urged that the alleged "surplus" of seals must be kept down by man's intervention, for the good of the herds. I undertake to say that this is the most novel, the most ingenious, and the most amazing theory—for it is only a theory—that ever yet has been propounded by scientific men regarding a wild-animal species. Who can match it with any other theory one-half as absurd? The broad common sense of all mankind will immediately reject it. It is a waste of time to discuss such a proposition.

In another letter, received the day before the one just read,

However, I may at least remind you that my views regarding the necessity for a long close season are already on record in the hearings of at least two Congressional committees—Senator Dixon's and Representative ROTHERMEL'S.

I will add that not only have my views remained unchanged, but it seems to me that the necessity for the 10-year close season that we demanded of Congress in 1910 is now greater than ever before.

At the head of that letter, which comes from the Campfire Club of America, I find this little sentence that, I think, is very apropos to this discussion, and if I only had time I would like to use it at length as the text of my remarks:

The wild life of to-day is not wholly ours to dispose of as we please. It has been given to us in trust. We must account for it to those who come after us and audit our records.

I understand that my friend and colleague from Ohio [Mr. Howland would like to occupy just one or two minutes of my time, and inasmuch as the whole time for our side closes in two minutes I desire to surrender the balance of my time to the gentleman from Ohio.

Mr. HOWLAND. Mr. Chairman, it was not my purpose to engage in this debate, and I should not ask the indulgence of the House if it had not been for a telegram which was received the other day and which has been circulated upon the floor here which seriously reflects upon Prof. Elliott, who is an honored constituent of mine. I therefore send to the Clerk's desk now and ask to have read in my time the following statement from Prof. Henry W. Elliott.
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., February 8, 1912.

Hon. Paul Howland,

House of Representatives.

DEAR SIR: Yesterday, during the debate on the Sulzer fur-seal bill, H. R. 16571, the following telegram was exhibited to certain Members of the House, and references to a lobby against the bill "by pelagic sealers" were made in one or more speeches on the floor:

PALO ALTO, CAL., February 5, 1912.

Hon. WM. Sulzer,

House of Representatives, Washington, D. C.

To incorporate a clause establishing in fur-seal bill a close season prohibiting killing of superfluous males would do no good to herd, but would kill treaty. No one knows this better than the pelagic sealers' lobby, which for 20 years has been led by Henry W. Elliott.

DAVID STARR JORDAN.

It is my duty to the Members of the House, as a good citizen, to present to them the following self-evident proof, that the sender of this telegram, above quoted, is not telling the truth—that he can not tell the truth either—in regard to seal life.

The following record which I have established in the premises declares me to be the most determined and persistent enemy that the pelagic sealer ever has had, or has to-day, and it also makes a crushing denial of the statement of the Hon. Mr. Flood, who emphatically said in his remarks that I "have been discredited by every committee of the House." This mistaken statement of Mr. Flood is marked by "applause."

his remarks that I "have been discredited by every committee of the House." This mistaken statement of Mr. Flood is marked by "applause."

Witness the following facts of record in Congress: In 1894, on December 11, Hon. Nelson Dingley, jr., sent to the Clerk's desk of the House a letter from me, and had it read there. In this letter I anticipated the cruel work of the pelagic sealer, under the license given him by the new and abortive rules of the Bering Seal Tribunal, and urged the enactment of legislation which would put him out of business forever.

Pursuant to my letter Mr. Dingley drew a bill, H. R. 8633, and I appeared before the Ways and Means Committee of the House and urged its passage. The lessees of the seal islands (D. O. Mills and United States Senator Elkins) bitterly opposed me. But the committee sustained me; the chairman, Hon. W. L. Wilson reported the bill (Rept. 1849), and the House passed it February 22 following. But lack of time in which to reach it in the Senate prior to sine die adjournment, March 4, 1895, defeated it.

Again, January 19, 1896, Gov. Dingley reintroduced this bill as H. R. 3206. Again I appeared and urged its passage in Ways and Means. Again the committee sustained me over the bitter opposition of the lessees and the pelagic sealers. The chairman, Hon. Nelson Dingley, jr., reported the bill (Rept. 491), and again it was passed in the House, February 28, 1896. It was defeated in the Senate after a favorable report on it had been made, March 4, 1896, by the Committee on Foreign Relations (by Senator Frye) and placed on the calendar, by the mistaken intervention, March 11, of Richard Olney, Secretary of State.

Again, in 1902, on February 18, I appeared before the Ways and

on Foreign Relations (by Senator Frye) and placed on the calendar, by the mistaken intervention, March 11, of Richard Olney, Secretary of State.

Again, in 1902, on February 18, I appeared before the Ways and Means Committee, Hon. Sereno Panne, chairman, and urged the Dingley-Beidler bill, H. R. 13387. Again I was bitterly opposed by the lessees, and this "Scientist" Jordan joined them, and the pelagic-sealing Interest, too—all bound by a bond of common sympathy against me. Again this Ways and Means Committee sustained me, and Hon. J. A. Tawney reported the bill, June 2, 1902 (Rept. 2303). Again the House passed this bill for the third time at my request, under suspension of the rules after full debate, February 2, 1903. But this good bill was tricked to death in the Senate Committee on Foreign Relations after it had been favorably passed upon therein, February 18, 1903.

Again I appeared, in 1904, and urged the passage of the Dillingham bill in the Senate Foreign Relations Committee, and it was passed in the Senate, reported by Senator Foraker March 17, 1904, and by the House, April 3 following, reported by the Hon. Mr. Hitt, chairman.

This act of April 8, 1904 (the Dillingham bill), securing the power for John Hay to unite with me and frame up the Hay-Elliott fur-seal treaty plan of March 7, 1905 (and which is now at last before the House), was of my own initiation and promotion. It is true that I knew that I had the silent but effective approval of John Hay in the premises, who, as an official, could not promote legislation.

To complete this record of infinite credit thus given me by committees of this House, the chairman of the Committee on Expenditures in the Department of Commerce and Labor, before whom I have filed grave charges of official malfeasance in the killing of fur seals by officials of the Department of Commerce and Labor, can speak for my standing in his committee himself; no one else can.

In conclusion, it is proper for me to call the attention of the Members of this House to the fact that

reported from the Ways and Means Committee by Hon. H. L. Dawes, chairman, and the act of April 5, 1890, was reported from the Ways and Means Committee by William McKinley, jr., chairman, and both passed for the express purpose as stated on the floor of the Senate and House at the time, of sending me to Alaska to investigate the condition of the seal herd on the Pribliof Islands.

In the clear light of these official records of this House, what warrant is there for the statement so loudly made on the floor that I have been "discredited by every committee of the House" before whom I have appeared?

appeared?
And also in that clear light does Dr. Jordan appear as a truthful man? A "scientist" must be truthful, or he is a faker.
I submit therefore that Dr. Jordan owes an abject apology to those Members of this House whom he has deceived—especially does he owe that apology to the gentleman from Virginia.

Very truly, yours,

HENRY W. ELLIOTT.

[By unanimous consent Mr. Howland was given leave to extend his remarks in the Record.]

The CHAIRMAN. The time for general debate has expired.

The Clerk will proceed to read the bill by sections.

The Clerk read as follows:

Be it enacted, etc., That no citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any of their vessels, nor any vessel of the United States, nor any person belonging to or on board of such vessel, shall kill, capture, or pursue, at any time or in any manner whateven, any fur seal in the waters of the North Pacific Ocean north of the thirtieth parallel of north latitude and including the seas of Bering, Kamchatka, Okhotsk, and Japan; nor shall any such person or vessel kill, capture, or pursue sea otter in any of the waters mentioned beyond the distance of 3 miles from the shore line of the territory of the United States.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the last word. I can not agree with the statement of the chairman of the committee [Mr. Sulzer], who, in the discussion of this matter last Wednesday, said that those who are in favor of this amendment for a closed season are against pelagic killing. Neither can I agree with the gentleman from New York [Mr. Harrison], who spoke in advocacy of the amendment for a closed season, and who said that those on the committee who opposed that amendment for a closed season were in favor of no legislation at this session of Congress relative to land killing. I believe, Mr. Chairman, that every member of the Foreign Affairs Committee wants to legislate in the interest of the people in this matter and for the preservation of this herd of seals.

There were different ideas expressed in the committee relative to the preservation of this herd. For my part I favored, and every man on that committee favored, the stopping of pelagic killing, because they believed, as I believe, that it is the killing of seals in the open sea, or pelagic killing, that has brought more deterioration and diminution of the herd than anything else, because the evidence in the hearings reveals the fact that in the pelagic killing 60 or 65 per cent of the seals killed were females. It showed further that when a female seal was killed the unborn fetus was killed, too, and the nursing pup on the rookeries died; so that when a female seal was killed three. seals went out of the herd.

Gentlemen have referred in this discussion to the enormous increase of the herd from 1835 to 1867, reciting that it went up to as many as 5,000,000 seals in that time. Why did they not tell you that this herd has diminished since that time through pelagic killing of seals and not through the land killing of seals? The hearings revealed the fact that pelagic killing started in 1881, that it increased year by year since that time, and that in 1894 it reached the crux, when 65 cruisers plowed those waters engaged in pelagic killing and 60,000 seals were destroyed through pelagic killing, while only 18,000 seals were killed upon the land. There is the evidence in the hearing that the stopping of pelagic killing is essential and that the cessation of land killing is not essential to the preservation of the herd. [Applause.]

The amendment proposed by the gentleman from Virginia [Mr. Flood] was adopted by the Foreign Affairs Committee to be reported as a bill. It would not be offered at this time if it were not for the fact that a small minority of the Foreign Affairs Committee proposed to bring in this bill for a closed season. That is the only reason the gentleman from Virginia [Mr. Flood] offers the amendment. What does that amendment propose? It proposes a restriction and regulation of land killing. I am glad to say that every member on the Foreign Affairs Committee favors this bill stopping pelagic killing; but the bill agreed to by our committee by an overwhelming majority, and which is in the form of the amendment offered by the gentleman from Virginia [Mr. Flood], is to the effect that there shall be no killing of seals upon land this year.

Next year there will be reserved a sufficient number of healthy male seals to serve the cows. In the hearings it was uncontradicted that one bull seal is sufficient to serve 30 cows or female seals. In view of that fact it looks to me to be unreasonable to try to stop land killing altogether for 10 or 15 years, thereby depriving the Government of a very large rev-

enue. [Applause.] It is unnecessarily taking money from the pockets of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON of Mississippi. I should like to have five minutes more.

Mr. FOSTER of Illinois. I ask unanimous consent that the time of the gentleman from Mississippi be extended five min-

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. HARRISON of Mississippi. Mr. Chairman, I want to ask the gentlemen who favor the amendment offered by the gentleman from Arkansas [Mr. Goodwin] for a closed season of 10 or 15 years, if it should be adopted what will be the outcome? I want to say to the committee that we purchased Alaska for \$7,200,000. Within the time we have owned it we have received \$11,000,000 revenue from the seal herds alone. We received last year practically half a million dollars.

By restriction and regulation of the killing of the male seals on the rookeries we can preserve the herds the same as if we stopped the killing altogether. If you have a closed season for 10 years, the United States Government will lose a revenue

of \$10,000,000.

I would like to go to the home of my distinguished friend from Arkansas [Mr. Goodwin], and upon his poultry farm there see if he allowed 100 hens and 100 roosters to run together. Why, if such should be the case the people in his district would think him foolish, and would know that he knew nothing about chickens. [Laughter.]

I would like to go to the stock farm of my distinguished friend from Ohio [Mr. Sharp] and see if on that farm he kept 100 mares in the same lot with 100 stallions. Why, if such was the case he, too, would be placed in the foolish class by

his constituents. [Laughter.]

Mr. Chairman and gentlemen of the committee, it is the same proposition to reserve an equal number of bull seals with the female seals. We can by this amendment which is offered by the gentleman from Virginia [Mr. Flood] restrict the regulation on the land to that extent that in 15 years we will have sufficient males for all purposes during the future years. We will preserve the herd and get millions of dollars of revenue from the herd. [Applause.] Mr. Chairman, the life of a seal is approximately 12 years. Should you adopt the amendment for a close season for 15 years every seal now in the herd and that will be born in the next 3 years will be dead and the Government will lose a large revenue that it is entitled to receive.

[Applause.]

Mr. MADDEN. Mr. Chairman, this is a bill providing for the necessary legislation to give effect to the treaty entered into last summer between the United States, Great Britain, Japan, and Russia, the primary object of which is to stop pelagic sealing, or the killing of seals at sea, for a period of 15 years. It is contended by everyone that the pelagic sealers kill as many or more seals than are killed on the Pribilof Islands, and that the majority of them are female seals. Whatever figures may be taken as to the number of the seals now comprising the seal herd, it is admitted that the number now is very small compared with what it was previously. Everyone admits that pelagic sealing tends to further decrease the number of the herd, and no objection has been raised on the floor of the House or elsewhere to a cessation of this killing. That being true this bill should pass.

It is urged by some that land killing should also be stopped. Under the law passed in 1910 the killing of seals on land, which is the only kind allowed, is done by Government agents and under regulations of the Department of Commerce and Labor, the law forbidding the killing of any seal under 1 year of age or of any female seal. The Committee on Expenditures in the Department of Commerce and Labor have held a number of hearings at which it has been charged that the Government agents during the past two years, while the matter has been in the hands of the Department of Commerce and Labor, have killed seals under 1 year of age and female seals con-trary to the law and to the regulations of the department, and it has further been urged at these hearings that killing on land should be stopped at least for several years.

Practically all of the time of the hearings before this committee has been given to one Henry W. Elliott, who, a number of years ago, was Treasury agent on the Pribilof or seal Islands, and some of the time to Mr. W. T. Hornaday, ex-chairman of the committee on game-protection legislation of the Camp Fire Club of America and at present in charge of the Bronx Zoological Garden. Mr. Elliott disagreed almost entirely with the furseal advisory board, which is composed of the following

zoologists and scientists, who were appointed during the last administration of the Department of Commerce and Labor: Dr. David Starr Jordan, president Leland Stanford University; Dr. Leonhard Steinegar, head curator of biology, National Museum; Dr. C. Hart Merriam, late Chief of the Bureau of Biological Survey, Department of Agriculture; Dr. Frederick A. Lucas, director of the American Museum of Natural History; Dr. Charles H. Townsend, director of the New York Aquarium; Edwin W. Sims, of Chicago; and Frank H. Hitchcock, Post-master General. Mr. Hornaday has never been on the seal islands and has never seen the fur-seal herd, but has seen two fur seals at the New York Aquarium and in the Bureau of Fisheries in this city that were brought here two years ago. The committee of the Camp Fire Club, which has taken upon itself to criticize the opinions and views of the fur-seal boardall of them, with the exception, perhaps, of the last two, scientific men and zoologists of national reputation, who have visited the fur-seal islands and studied the matter at first hand, some of them several times—is composed of nine New York lawyers, two Wall Street brokers, and one professor, all of whom, like Mr. Hornaday, have never been on the seal islands, and have never seen the fur-seal herd, though, perhaps, one or two of them have seen the two captive fur seals that Mr. Hornaday has seen.

.The Committee on Expenditures in the Department of Commerce and Labor has heard one side of this controversy, composed of two questions-first, whether the present Government officials in the Department of Commerce and Labor have violated the law and the regulations of the department, and second, whether or not the killing of seals on land should be stopped. The committee has not heard the agent in charge of the islands, who has been in Washington for several months, or the Chief of the Division of Alaskan Fisheries, who has immediate care and full knowledge of these matters. At the last meeting of the committee it was voted that before a final report should be made the members of the fur-seal advisory board, upon whose advice the Department of Commerce and Labor has acted, should be given an opportunity and should be invited to be heard before the committee.

The bill now before the House, so far as it goes, is approved by everyone, and it should not in any way be amended or modified with respect to matters that have been since last May and will continue to be the subject of the most thorough and searching inquiry and investigation by a committee of the House, namely, the Committee on Expenditures in the Department of Commerce and Labor. When the committee has reported, and after hearing both sides of this question, it will then be time for the House to decide whether the existing law should be changed. [Applause.]

[The time of Mr. Madden having expired, by unanimous con-

sent it was extended five minutes.]

Now, Mr. Chairman, I wish to call the attention of the House to some statements made by the witnesses in the hearings be-fore the Committee on Expenditures in the Department of Commerce and Labor, which will be found on pages 294, 295,

Mr. Cable is Assistant Secretary of the Department of Commerce and Labor:

Mr. Cable. Mr. Hornaday, upon whose advice did the Camp Fire Club act in this matter of sending out this letter to the public?

Dr. Hornaday. Well, I might say upon my advice, but I do not wish to take too much credit to myself in saying so. The committee consisted of 15 members, and the committee was unanimous in considering that the sending out of that document was necessary.

Mr. Cable. Will you give the names of the committee and their occurations?

Mr. CABLE. Will you give the names of the committee and their occupations?

Dr. Horndan. I will, with great pleasure. I will first give you the names of the gentlemen who signed the statement that is published in this pamphlet. First appears my name as chairman; then A. S. Houghton, secretary, attorney at law; next, Mr. Julius H. Seymour, who is here as counsel, attorney at law; Mr. Bayard Dominick, jr., treasurer, broker; Mr. Robert B. Lawrence, attorney; Mr. George W. Burleigh, attorney; Leonidas Dennis, attorney; Joseph C. Howe, attorney; Charles D. Cleveland, attorney; Oscar A. Campbell, attorney; Marshall McLean, attorney; E. W. Sanborn, professor; and Stanley D. McGraw, broker.

Mr. Cable. Do you know whether or not these various members of the advisory board have ever visited the seal islands, the Pribilof Islands?

Dr. Hornaday. Yes; I am informed that several of them have.

Mr. Cable. What is the general reputation of the zoologists that you have just mentioned who are members of this board, such as Dr. Lucas, Dr. Townsend, Dr. Stejneger, and Dr. Merriam?

Dr. Hornaday. They are men of good standing in the scientific world. I could go further than that and say they are men of high standing, speaking generally.

Mr. Cable. Now, Doctor, have you visited the Pribilof Islands yourself?
Dr. HORNADAY. No, sir.
Mr. CARLE. You never have?
Dr. HORNADAY, No.

Mr. Cable. Have you ever seen a fur-seal herd?
Dr. Hornaday. No.
Mr. Cable. A live herd?
Dr. Hornaday. Never.
Mr. Cable. Have you ever seen a live fur seal?
Dr. Hornaday. Yes.
Mr. Cable. Where?
Dr. Hornaday. At the New York Aquarium and at the aquarium at the Fish Commission in this city.
Mr. Cable. About when did you see them?
Dr. Hornaday. A year ago last spring was the first time.
Mr. Cable. Have you ever attended one of the sales of the fur-seal skin in London?

Mr. Cable. Do you know whether any of this committee of the Camp Fire Club have visited the Pribilof Islands?
Dr. Hornaday. Not one.
Mr. Cable. None of them has seen a seal herd?
Dr. Hornaday. No, sir.
Mr. Cable. Have any of them ever seen a live seal?
Dr. Hornaday. Oh, yes.
Mr. Cable. Where have they seen them?
Dr. Hornaday. I could not say. I am not sufficiently acquainted with their comings and goings to know where they have seen them, but these men have hunted in the arctic regions, in Labrador, along the coast of Alaska, and in southern California, and they have undoubtedy seen a great many seals.
Mr. Bowers. Fur seals.
Dr. Hornaday. No; I will not say they have seen many fur seals. I do not regard it as at all necessary that a man should be familiar with the anatomy of a fur seal and with the skin weights of fur seal, I will go so far as to say, to know something about the political history of the matter and what is necessary to save them from annihilation by fur-seal poachers.

fur-seal poachers

Mr. CLINE. Mr. Speaker, in the limited time that I have at my command I want to make an observation bearing upon the statement of the gentleman from Arkansas [Mr. Goodwin] with reference to the division of the majority members of the Committee on Foreign Affairs. It never has been contended by the majority members or by the committee itself that this bill could not be amended. It was a matter of policy among the members of the committee that the original bill ought first to deal with the international question.

Mr. GOODWIN of Arkansas. Will the gentleman yield?
Mr. CLINE. No; not now—and consequently that there
ought to be a bill introduced limiting and controlling the number of seals to be taken as a mere domestic proposition; but it has never been contended that this bill was not subject to amendment. It was merely a matter of policy, Mr. Chairman, and I agree with the chairman of this committee on that policy because from the indefinite information that we have with reference to this seal question we may want to legislate next year on the domestic proposition, and we may want to legislate the next year on that proposition again. But we do want to settle the question of pelagic sealing for the entire 15 years, as provided for under the treaty, without reference to any other proposition. That was the policy of the committee, not that the bill could not be amended. The distinguished gentleman from Arkansas issues a sweeping invitation to any member of this committee to show from any authority that the depreciation of the herd in the early part of the nineteenth century was due to the killing of the females.

Mr. GOODWIN of Arkansas. Upon the rookeries to any ap-

Mr. CLINE. It was the killing that depleted the herd, no matter whether it was upon the rookeries or upon the open sea. I am going to quote from the monograph of Dr. Elliott on page 114 of the hearings, for whom the distinguished gentleman holds authority to appear here; and it can not be said now, Mr. Chairman, that Dr. Elliott made a misrepresentation of the facts when he was representing the American Government in that business and offered to the American people a statement of fact that he expected the American Government to rely upon as being true. He said:

From this time up to 1822 taking fur seals progressed on both islands without economy, as if there was a race in killing for the most skins. Cows were taken in a drive and killed and were also driven from the rookerles to places where they were slaughtered.

That was on the islands and in the rookeries, and that is the statement of Dr. Elliott. I am not so sure that credence ought not to be given to everything that Dr. Elliott says, but these distinguished gentlemen who are anchoring their defense on this proposition in Dr. Elliott's testimony are in no position to criticize what he says in his book, which he issued, and which afterwards became a state paper.

My distinguished friend from Iowa [Mr. Kendall], for whom

I have as high regard as any Member of this House, takes occasion to differ with the distinguished gentleman from Arkansas [Mr. Goodwin]. The distinguished gentleman says that pelagic sealing is not responsible for the depreciation of seal life. Not a single man has testified before that committee who has not said that pelagic sealing was destructive of seal life, and every man who presumed to have any knowledge upon that subject said that in the killing of seals in the

ocean 85 per cent of the females were killed. Why? Because the males were back upon the land at that particular period. And they not only killed 85 per cent of the females, but every time they killed a female they killed three seals. They killed the seal that the mother was carrying, they took away the sustenance of the pup upon the island, and they also killed the mother.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from New York unanimous consent that the time of the gentleman from Indiana may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE. Now, Mr. Chairman, one other proposition. There is not a man in this House but who wants every female seal on the Pribilof Islands protected—not one—any intimation with reference to the majority of this committee to the contrary notwithstanding. What we propose to do is to regulate and protect every female seal on the islands. Why, my friend says pelagic sealing was not the cause of the depletion of the herd, but it was the killing on the islands. What difference does it make, gentlemen, where the female seal is killed? What difference does it make in the result?

The difference is three to one as against the killing in the open sea, because when you kill in the open sea you kill three instead of one. Now, Mr. Chairman, my distinguished friend from Iowa [Mr. Kendall] says that Dr. David Starr Jordan was only upon the islands 60 days, and some other gentleman here testified that another scientist was only upon the islands for 10 days, but he forgets this fact that Mr. Lembkey, who has been in the employ of the Government, has been on the islands for 10 years, winter and summer, and had the opportunity to investigate and from observation form a proper conclusion with reference to the protection of this seal herd and agrees with the report of the committee, Mr. Floop's amendment, that it is the proper course to pursue. On the contrary, the theory advanced by other members of this committee is not supported by a single man, except Mr. Elliott. Mr. Elliott was invited by the committee and by the distinguished gentleman from Arkansas to bring in the scientists

Mr. KENDALL. Will the gentleman yield?

Mr. CLINE. Yes. Mr. KENDALL. Did not Mr. Elliott there present to the chairman of the committee the names of six distinguished sci-

entists and ask that they be summoned before the committee?

Mr. CLINE. I do not know, but I was saying—

Mr. KENDALL. Then the gentleman ought not to make a statement without being advised.

Mr. FLOOD of Virginia. Will the gentleman allow me to interrupt him?

Mr. CLINE. I yield to the gentleman from Virginia. Mr. FLOOD of Virginia. I want to state I undertook to find out from the gentleman from Arkansas [Mr. Goodwin] yesterday who those gentlemen were and he did not know.

Mr. GOODWIN of Arkansas. Mr. CLINE. I yield. Will the gentleman yield?

Mr. GOODWIN of Arkansas. I will ask the gentleman from Virginia and the gentleman from Indiana, if I did not myself at least half a dozen times and the last time insist that these hearings might be opened again to give these gentlemen, whose names were given to me by Dr. Elliott, a chance to appear be-

fore the committee and the request was denied.

Mr. FLOOD of Virginia. The gentleman did not know who they were and we did not know who they were, and if the gentleman had known who they were he would not be maintaining their cause here to-day.

Mr. CLINE. I am going to read from the hearings, on page

Mr. Elliott. Do you want me to prepare a list and submit it? Mr. Goodwin. Yes; and put it in the record. Mr. Elliott. Yes; that would be the best plan.

And that was in January of this year. This was Mr. Elliott's response in regard to eminent scientists who were able to support him in his contention.

Mr. TOWNER. Will the gentleman permit a question? Mr. CLINE. Yes.

Mr. TOWNER. Is it not true that at no time has Mr. Elliott, or any Member of the House speaking for him, ever given to the committee the names of a single man—scientist—except Dr. Elliott himself?

Mr. CLINE. There has not been a period during the hearings on this subject but what Dr. Elliott could have come before the committee and put in his corroborative testimony of different scientists of the country if he had any to offer.

Mr. KENDALL. Did not Mr. Elliott furnish the names in open committee meeting of six scientists to the chairman of the committee and request the chairman to subpoena those witnesses before the committee in its hearings? Is not that

Mr. GOODWIN. And did not-Mr. CLINE. One at a time, gentlemen.

Mr. KENDALL. Is not that true? Mr. CLINE. I am unable to answer that question; but the distinguished chairman of the committee may, and I will yield to the chairman to answer that.

Mr. BARTHOLDT. Mr. Chairman, perhaps I can answer this question. I was the one who took down the names that Dr. Elliott mentioned, and there were five or six of them, if I remember. But I learned afterwards that these gentlemen did not agree

Mr. KENDALL. Why did you have them before the committee, then?

The CHAIRMAN. The time of the gentleman has expired. Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

Mr. CLINE. Two minutes will be sufficient.

Mr. KENDALL. Two minutes in order to give the gentleman from New York [Mr. Sulzer] an opportunity to answer. The CHAIRMAN. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, all through this matter I want to say that I have been very courteous to Mr. Elliott. I have indulged him in every way. Mr. Elliott looks at this proposition from one angle. He says he wants to preserve wild animal life in this country, and to that end I am with him. I have been working along those lines ever since I was a boy, and I am going to work along those lines as long as I live. That is the reason I have been so kind and courteous to Mr. Elliott. gave him all the time before the committee he wanted, not only for himself, but for every friend he could summon from every part of this country to testify before the committee. He produced not a witness

Mr. CLINE. I think that answers the question. [Laughter.]
Mr. SULZER. Evidently he could not produce a witness.
Mr. KENDALL. Will you answer the question now? Did

he not furnish the names of six witnesses and ask you to subpoena them?

Mr. SULZER. As chairman of the committee I have no power to subpœna witnesses. That power lies with the committee. I have here testimony from some of these gentlemen. I am going to read it when I get a chance. It does not corroborate Mr. Elliott.

Mr. CLINE. You do that in your own time. Mr. FLOOD of Virginia. Mr. Chairman, I think the time of the gentleman from Indiana ought to be extended. It has all been consumed by the gentleman from New York [Mr. Sulzer].

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Indiana may be extended two minutes

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Indiana be extended for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Indiana be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE. I understand I get a guaranty with that that I have the five minutes. [Laughter.]

Mr. Chairman, I want to direct the attention of the Chair to the fact that the gentleman from New Jersey [Mr. Townsend]

is a member of the Committee on Foreign Affairs.

The CHAIRMAN. The Chair is aware of that fact, and will recognize him at the proper time.

The gentleman from Iowa [Mr. KENDALL] Mr. SULZER. should have yielded time from the 50 minutes he had at the

Mr. Chairman, this one fact stands out very apparent in this discussion, and that is that Dr. Elliott has never presented the testimony of a single individual, although he has had the opportunity for days and weeks in which to do so. On the contrary, the position of the committee, as evidenced by the amendment that it offers to this bill, is supported by whom? It is supported by Mr. Earl, by Mr. Smith, and by Mr. Evermann, gentlemen who have been upon the islands and have visited this herd, and know what its habits are, and have formed their opinion from observation and coming in contact with the actual facts as they exist. It is further supported by David Starr Jordan, by Leonhard Steineger, F. A. Lucas, George A. Clark, and Joseph Stanley Browne, and other gen-tlemen whose reputations have never been attacked in any

court or by any person. Are these men to be discredited simply because they believed in the proposition that to limit the number of males in the herd is for the best interests of all concerned and the best interests of the Government?

Why, it is considered in the evidence, Mr. Chairman and gentlemen of the committee, that when a male seal becomes 7 years old he is absolutely worthless so far as his commercial value is concerned; and yet these gentlemen want to increase the number of male seals on the islands, that have no commercial value whatever, when the American Government could obtain a revenue for the purpose of discharging its obligations to these three different powers that have entered into a compact with it. mere assertion of what the result would be, unaccompanied with the opinions of distinguished men who are authority upon this question, ought not to be taken very seriously. Each member of the committee is in favor of measures that will protect every female seal upon the island.
Mr. TOWNSEND rose.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that there is no amendment pending at the present time.

Mr. TOWNSEND. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] was whimsical and interesting in his argument that the testimony of Dr. Hornaday should not be received with respect, because Dr. Hornaday has never visited the Pribilof Islands. As a corollary, Mr. Chairman, we should cease our studies of Mars, because none of our astronomers have ever visited Mars. [Applause.] We should cease trying to determine how the architects of the Pyramids or of the palace of Persepolis worked, because none of us has the honor of the acquaintance of those architects. [Applause.]

Dr. Hornaday is the best-known zoologist and biologist in America. He is opposed in the association, a part of whose operation he is in charge of, the Zoological Park in the Bronx, by Mr. Osborne and a certain Madison Grant. It occurred to me during the deliberations of our committee to send for that useful volume, Who's Who in America; and when our distinguished chairman was informing us that the Madison Grant and Mr. Osborne's testimony could be taken as opposed to Dr. Hornaday's, we looked over Who's Who in America, and we found that Mr. Osborne is distinguished solely as a paleontologist, and Mr. Madison Grant is chiefly distinguished because he is a member of the Knickerbocker Club, of Fifth Avenue, New York. [Applause.]

Mr. SULZER. That is terrible. [Laughter.]
Mr. TOWNSEND. As opposed to the testimony of Mr. Madison Grant, of the Knickerbocker Club, of New York, and Mr. Osborne, some time or frequently of the Deserts of the Sahara, we had the testimony of Dr. Hornaday, as I say, the most distinguished zoologist in this country. It has been charged here in debate recently that Prof. Elliott had no corroborative testimony to his testimony before the committee. In a rather disorderly way, unfortunately, that question was discussed. I will say—and if I am not accurately right I will ask the distinguished chairman of our committee to correct me—upon one occasion Dr. Elliott, being asked by another member of the committee to do so, did name six scientists who were willing to come before the committee and testify in behalf of the Elliott Upon a later occasion two members of the committee distinctly asked the chairman if he would not postpone, or have postponed, the report of this matter to the House until Dr. Elliott could be thus corroborated.

Mr. SULZER. Mr. Chairman, will the gentleman from New Jersey yield?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from New York? Mr. TOWNSEND. I yield.

Mr. SULZER. I would like to ask the gentleman from New Jersey if he can tell us the names of the scientists to whom he

Mr. TOWNSEND. No; I have not the names. Some one took the names down. It is not the part or the duty of every member of the committee to take stenographic notes of affairs of this kind. The gentleman from Missouri [Mr. BARTHOLDT] took them down at the time.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield right there?

Mr. TOWNSEND. No; I refuse to yield at this time.
Mr. BARTHOLDT. Just for a minute. It is not true, as has been stated here by the gentleman from Iowa [Mr. Ken-DALL], who, I believe, made the statement inadvertently, it is not true that Dr. Elliott asked that these men be sent for, but he was asked the question by the chairman of the committee, or

some member of the committee, as to whether he could name any other scientists in the United States who would corroborate him.

Mr. TOWNSEND. I will say to the gentleman from Missouri that something very much more important than the request of a witness was asked. Three members of the committee asked it, and we were refused.

Mr. BARTHOLDT. He did not request the committee to send

for these men

Mr. TOWNSEND. Does the gentleman from Missouri insist that it is more important that the wishes of a witness should be complied with than that the expressed wishes of three members of the committee should be complied with?

Mr. BARTHOLDT. I will answer the question. Prof. Elliott had more time before the committee than any other witness. If he was really as much interested in this subject as his friends here on the floor try to make the House believe, then it was his business to try and secure corroborative evidence. But he did not produce one single witness. The only witness on that side of the question was himself.

Mr. TOWNSEND. What the gentleman from Missouri has said may be interesting as applied to something that has noth-

ing to do with this case, but-

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask that the time of the gentleman be extended two minutes, in order that I may have an

opportunity to ask him a question.

Mr. TOWNSEND. Mr. Chairman, I observe that the chairman of the committee asked for five minutes for people on his

Mr. SULZER. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from New York [Mr. Sulzer] asks unanimous consent that the time of the gentleman from New Jersey [Mr. Townsend] be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNSEND. Now I will hear the gentleman's question

with pleasure.

Mr. SULZER. The gentleman from New Jersey and myself are old friends, and I know he would not do his committee an injustice. I would like the gentleman, who has given a great deal of time and consideration to this fur-seal proposition ever since he has been a Member of Congress, to tell us if he knows of any man in the United States who corroborates Mr. Elliott in favor of a closed season except Dr. Hornaday-and the latter only favors it for a period of 10 years?

Mr. TOWNSEND. In answer to that, Mr. Chairman, I will say that I would be much better equipped to answer the chairman's question if the chairman had granted the request of three members of the committee to subpæna six men to testify.

[Applause.]

Mr. SULZER. That request was never made to the committee until the hearings were closed and the evidence printed.
Mr. TOWNSEND. Mr. Chairman, in the limited time that

I have I can not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. SULZER. The gentleman has been conducting an investigation before another committee. What of that?

Mr. TOWNSEND. I can not yield further. I want to say that a week ago to-day the distinguished chairman of the Foreign Affairs Committee eloquently portrayed the unhappy lot of the seals upon the high seas. All he said was true, and nothing that he said could have been better expressed. Unfortunately, his inclination or his time did not permit him to picture the unhappy lot of the seals upon the Pribilof Islands, and that is something that this committee should be earnestly engaged in learning about. [Applause.]

For every two seals that have been killed upon the high seas in the last 25 or 30 years, five seals have been killed upon the Pribliof Islands. They say that pelagic sealing is responsible for the depletion and almost complete extinction of the herd. In the bringing about of this horrible condition of this herd, for which the Department of Commerce and Labor is responsible. sible, two and one-half times as many seals have been killed

upon the land as have been killed upon the sea.

Mr. GOODWIN of Arkansas. Did not the gentleman from New York [Mr. Harrison], in his speech one week ago to-day, give a table of all the seals killed, both upon land and upon the sea, from 1870 until 1911, inclusive, showing that 900,000 seals have been killed upon the sea as against 2,200,000 seals killed upon the islands?

Mr. TOWNSEND. I thank the gentleman for that corrobora-

tion.

Now, in the minute that I have left, let me depict, without the eloquence of our distinguished chairman, the unhappy lot

of the seals upon the land. Early in the morning, during the very brief time of the killing on the islands, the drivers go down to the edge of the sea, wearing long coats that make them look like ghosts, and slowly move up the young male seals, and among them some young females, toward the killing grounds. These killing grounds are at various distances from the seashore, some of the salting houses being two miles and a half from the shore. They drive them up there in order to make them carry their own skins up to the place where they are to be deprived of them. As this driving proceeds other natives stand on either side and form this unhappy procession to the slaughter into rather narrow columns of three, four, or five seals. When they get to a convenient place to remove the skins and take them to the salting houses men stand there with clubs.

The seal is an animal of tremendous physical endurance, but unfortunately it has a very thin skull, almost like a sheet of ivory; and as this overworked, overheated, unnaturally driven herd are going up there to the killing grounds they are rapped

on their heads with clubs and laid low.

The CHAIRMAN. The time of the gentleman has expired. Mr. TOWNSEND. I ask two minutes more. I should like to finish this description.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. TOWNSEND. At a convenient time a skinner comes along and skins the dead seals. The bodies of these seals are left there in great numbers. Not all of them are left. Some of them are used immediately for food by the natives, but a great number are left there.

Now, what I want to impress upon this committee in relation to the amendments that will be offered is this, that there is something more than the necessity of leaving a sufficient number of adult males to serve the cows on that island. I believe that a wild life like that can be destroyed in a very considerable degree by the unnatural conditions under which the seals are forced to live and breed. I mean that the breeding cows on the rookeries are absolutely made aware of the fact that this horrible and bloody slaughter is going on, in one case within 150 yards of them. I have been told that they make such an uproar that they are not aware of the noise of the killing. But the same authority states that the scent of a human being will frighten a seal at a very much greater distance than the distance between the killing grounds and the rookeries. Therefore I say a closed season of some limit should be imposed, because we are destroying that herd not only by this tremendous killing but by disturbing the natural conditions under which the greatest and most successful breeding is carried on. [Applause.]

I withdraw my pro forma amendment.
Mr. FLOOD of Virginia. Mr. Chairman, I would like to have

the amendment that I sent to the desk read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

The Clerk read as follows:

To determine the number of fur seals to be taken annually on the Pribliof Islands, or any other islands, or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States, to which any seal herds hereafter resort, and to direct the taking of the same: Provided, however, That no seals shall be killed in the fiscal year beginning July 1, 1912, except such as may be necessary for food purposes only: And provided further, That no seals shall be killed at any time except 3-year-old males not needed for breeding purposes: And provided further, That the number of 3-year-old males selected from among the finest and most perfect seals of that age, found on the hauling grounds, to be reserved for breeding purposes in each year ending August 1 shall not be fewer than the following: In 1913, 2,000; in 1914, 2,500; in 1915, 3,000; in 1916, 3,500; in 1917, and in each year thereafter until 1926, inclusive, 4,000; and in 1922, and in each year thereafter until 1926, inclusive, 5,000.

Mr. MANN. Mr. Chairman, e. realignments we incurive incurive.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this offered as a substitute for the committee amendment to strike out? I notice that the language to be inserted is the identical language that the committee recommends to be stricken out.

Mr. FLOOD of Virginia. A portion of it is.
Mr. MANN. Is this offered as a substitute for the motion to strike out?

Mr. FLOOD of Virginia. Yes. There is considerably more to this amendment than that which is stricken out.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. FLOOD of Virginia. Certainly.

Mr. BARTHOLDT. Has the gentleman from Virginia changed his opinion as to the confusion of international and domestic policies in this respect?

Mr. FLOOD of Virginia. I will say to the gentleman from Missouri that I have not; but at a meeting of the Committee on Foreign Affairs this morning it was decided in deference to the views of the minority on this question in the committee to pursue this course.

Mr. KENDALL. If the gentleman will allow me, was not

Mr. KENDALL. If the gentleman will allow me, was not that proposition advanced by the chairman of the committee?

Mr. FLOOD of Virginia. The chairman made the proposition as a peace offering to the minority.

Mr. KENDALL. We have not had anything yet from the chairman but war clubs.

Mr. FLOOD of Virginia. I think the war clubs came principally from the gentleman from Iowa. I think the chairman of the committee was inclined to be peaceful, but the gentleman from Iowa and those who stood with him were inclined to make war on the chairman.

Mr. KENDALL. There has been only one section of the bill read; will the chairman allow me to make a suggestion? Does not the gentleman from Virginia think that it would be wiser to read the bill until we reach the place where his amendment

comes in?

Mr. FLOOD of Virginia. I would be glad to see that done. Mr. SULZER. I ask, Mr. Chairman, that the bill be now read, section by section, until we come to section 11.

The Clerk, proceeding with the reading of the bill, read as

follows:

SEC. 2. That no citizen of the United States, nor person above described in the first section, shall equip, use, or employ, or furnish aid in equipping, using, or employing, or furnish supplies to any vessel used or employed, or to be used or employed, in carrying on or taking part in pelagic sealing in said waters, nor shall any of their vessels nor any vessel of the United States be so used or employed; and no person or vessel shall use any of the ports or harbors of the United States, or any part of the territory of the United States, for any purposes whatsoever connected with the operations of pelagic sealing in the waters named in the first section of this act; and no vessel which is engaged or employed, or intended to be engaged or employed, for or in connection with pelagic sealing in such waters shall use any of the ports or harbors or any part of the territory of the United States for any purpose whatsoever.

Mr. SULZER. Mr. Chairman, on line 20, page 2, after the word "sealing," I move to amend by inserting the words "or in sea-otter hunting."

The Clerk will report the amendment. The CHAIRMAN.

The Clerk read as follows:

Page 2, line 20, after the word "sealing" insert the words "or in sea-otter hunting." $\,$

The question was taken, and the amendment was agreed to. Mr. SULZER. Mr. Chairman, I also move to amend on page 3, line 2, after the word "sealing," by inserting the words "or sea-otter hunting."

The amendment was agreed to.

Mr. SULZER. Also, on page 3, line 5, after the word "sealing" insert the words "or sea-otter hunting."

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word

Mr. SULZER. Will the gentleman from Iowa allow the bill to be read until we get to section 11?

Mr. GREEN of Iowa. Yes; with the understanding that I shall be recognized at that time.

Mr. SHERLEY. But there are quite a number of gentlemen

who want to speak, not particularly with reference to section 11. The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed with the reading of the bill until section 11 is reached.

Mr. Chairman, I do not think unanimous con-Mr. MANN. sent can be given to that without violating the rules of the

Mr. GREEN of Iowa. Mr. Chairman, when at the opening of this discussion I inquired of the gentleman from Iowa [Mr. KENDALL] if Dr. Elliott had not admitted before the committee that he had changed his views on this question, the gentleman very courteously replied that he was surprised that I had so much misinformation and that Dr. Elliott had stated nothing of the kind. For the information of this committee, I desire now to read a portion of Dr. Elliott's testimony, reported on page 146 of the hearings before the Committee on Foreign Affairs. Dr. Elliott said:

Affairs. Dr. Elliott said:

Mr. Chairran and gentlemen of the committee, Dr. Evermann has read to you an extract from my testimony, given to a House committee in 1888, which declares that I then had no objection to the land killing as it was then conducted and is to-day.

That is a statement which I made in good faith, as I had stated it in my report of 1874, and 14 years after I had surveyed the work officially.

But when I again visited the islands in 1890 my studies then opened my eyes to the fact that I had been mistaken in my opinion of 1874, and, as quoted by Dr. Evermann, I called attention to this fact in my report of 1890 to the Secretary of the Treasury; that I was wrong in my theory of 1874; that the work done during the 16 years which had elapsed between 1874 and 1890 had satisfied me of my error.

And further, Mr. Elliott then said:

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GOODWIN of Arkansas. Is it not a fact that in 1874, after Prof. Elliott had been on the islands from 1872 to 1874, 3 years instead of 16 months, as the gentleman said, the herd was so large, numbering 4,700,000, that he thought that the killing then going on would be unappreciable so far as the extinction of the herd was concerned, but that when he returned to the island in 1890, at the instance of Congress, he found that herd reduced to less than 1,000,000, because not only pelagic sealing but land killing had been going on and had exterminated the wild life.

Mr. GREEN of Iowa. Mr. Chairman, I decline to yield fur-

ther, but I will answer the gentleman as I proceed.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gen-

tleman yield?

Mr. GREEN of Iowa. I do not think I have the time. regret that I can not yield. I want to show to this committee by the record of the fur-seal rookeries that the killing of a proper number of males upon land will not diminish the herd. The facts are as stated by my colleague from Iowa, that when Russia took possession of the Pribilof Islands there were somewhere between four and five million seals on the islands, and it is a fact that by indiscriminate killing they were reduced in 1835 to something like 60,000. Then, contrary to the impression given by my colleague, and by a number of gentlemen upon this floor, the killing did not entirely cease up to the time when Alaska was ceded to the United States. It is true that there was a close season, but that was for only 10 years, and after the expiration of that time, under certain regulations, a grad-ually increasing number of the male seals were killed, until just the year before 1867, when Alaska was ceded to the United States, 75,000 male seals were killed by the Russians, and the herd was increasing all the time. There were between four and five million at the time that Alaska was ceded to this country. The first year we held it there were no regulations, and an enormous number, estimated at 360,000, were killed. After that time we proceeded under regulations to kill about 100,000 males each year without any perceptible diminution of the herd, until along in 1885, after pelagic sealing had commenced. That is the record, that under the supervision of the Russian Government, notwithstanding the fact that male seals were being killed right along, that herd continued to increase, and did not decrease, until pelagic sealing commenced. Pelagic sealing commenced in 1881, but did not reach any great proportions until 1885. Then, and not until then, it was found that the herd commenced to diminish. These facts are uncon-troverted and can not be controverted. They show that there is no necessity for a complete close season upon the islands, and that the herd will, under proper regulations, continue to increase if only a limited number of the male seals are killed.

Mr. SULZER. Mr. Chairman, I now ask that section 3 be

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

Mr. SHERLEY. Mr. Chairman, I would like to be heard against the pro forma amendment.

Mr. SULZER. Mr. Chairman, I move that all debate on section 2 be closed after the gentleman from Kentucky speaks. Mr. FLOOD of Virginia. I would suggest that there has

been a sort of understanding that the reading would continue down to the point where I desire to offer an amendment, and that then I would have the floor.

Mr. SHERLEY. But the gentleman had the floor and ielded.

Mr. FLOOD of Virginia. I yielded for the purpose of reading the bill down to the point where my amendment is germane. Mr. MANN. Will the gentleman yield for a suggestion? Mr. FLOOD of Virginia. Certainly.

Mr. MANN. The gentleman from Kentucky will understand that we have agreed to vote on the bill and amendments at half after 3 o'clock. It might be possible to delay, by talking on previous sections, so that the section which is really the subject of controversy would not be reached by half past 3, and I think no one desires that.

Mr. SHERLEY. I have no desire to do that, and I will yield the floor with the understanding that at the end of the reading of this paragraph the gentleman from Virginia be recognized

and that I then be recognized.

Mr. SULZER. When we reach section 12.

Mr. SHERLEY. The point is that I do not want to lose the opportunity of being heard.

Mr. SULZER. The gentleman will not lose that opportunity. The CHAIRMAN. The gentleman from Kentucky will understand that the Chair has no power in the matter.

Mr. SHERLEY. Unquestionably not; but there is an understanding that can be carried out.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

Mr. KENDALL. But is the gentleman from Kentucky taken off his feet?

The CHAIRMAN. No; but the pro forma amendment has been withdrawn, and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

SEC. 3. That the provisions of the first and second sections of this act shall not apply to Indians, Alous, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in the first section of this act who carry on pelagic scaling in canoes or undecked boats propelled wholly by paddles, oars, or salls, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way hitherto practiced by the said Indians, Aleuts, or other aborigines, and without the use of firearms: Provided, however, That the exception made in this section shall not apply to Indians, Alnos, Aleuts, or other aborigines in the employment of other persons or who shall kill, capture, or pursue fur seals under contract to deliver the skins to any person.

The following committee amendment was read:

Page 3, line 20, after the word "seals," insert "or sea otters."

The question was taken, and the amendment was agreed to. Mr. SULZER. Mr. Chairman, in line 9, after the word "Indians," strike out the word "Ainos."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 9, after the word "Indians," strike out the word "Ainos."

The question was taken, and the amendment was agreed to. Mr. SULZER. In line 16, after the letter "g" in the word "aborignes," insert the letter "i."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 16, in the word "aborignes," after the letter "g," insert the

The question was taken, and the amendment was agreed to.
Mr. SULZER. And in line 18, after the word "Indians,"
strike out the word "Ainos."
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 18, after the word "Indians," strike out the word "Ainos."

The question was taken, and the amendment was agreed to. Mr. WICKERSHAM. Mr. Chairman, just before the word "coast," line 10, the word "American" ought to be inserted to cover that defect, which was also attempted to be cured by striking out-

Mr. SULZER. I have no objection to that.
Mr. WICKERSHAM. I move that amendment.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Line 10, after the first "the," insert the word "American."

The question was taken, and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Sec. 4. That the importation or bringing into territory of the United States, by any person whatsoever, of skins of fur seals taken in the waters mentioned in the first section of this act, or of skins identified as those of the species known as Callorhinus alascanus, Callorhinus ursinus, and Callorhinus kurilensis, or belonging to the American, Russian, or Japanese herds, whether raw, dressed, dyed, or manufactured, except such as have been taken under the authority of the respective parties to said convention, to which the breeding grounds of such herds belong, and have been officially marked and certified as having been so taken, is hereby prohibited; and all such articles imported or brought in after this act shall take effect shall not be permitted to be exported, but shall be seized and forfeited to the United States.

Mr. SULZER. Mr. Chairman, on page 3, line 24, after the word "seals," insert the words "or sea otters."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 24, after the word "seals," insert the words "or sea otters."

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Sec. 6. That every person guilty of a violation of the provisions of said convention, or of this act, or of any regulations made thereunder, shall, for each offense, be fined not less than \$200 or more than \$2,000, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of this act, or of the regulations made thereunder, shall be forfeited to the United States.

Mr. SULZER. Mr. Chairman, in the first line of section 6, after the word "violation," insert the words "of any," so that it will read "guilty of a violation of any of the provisions."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 1, section 6, page 5, insert after the word "violation" the words "of any."

The question was taken, and the amendment was agreed to.
Mr. SULZER. And on line 3, the word "regulations" should
be "regulation." Strike out the letter "s."

The CHAIRMAN. The Clerk will report the amendment,

The Clerk read as follows:

Line 3, strike out the letter "s" at the end of "regulations."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 7. That if any vessel shall be found within the waters to which this act applies, having on board fur-seal skins, or bodies of seals, or apparatus or implements for killing or taking seals, it shall be presumed that such vessel was used or employed in the killing of said seals, or that said apparatus or implements were used in violation of this act, until the contrary is proved to the satisfaction of the court, in so far as such vessel, apparatus, and implements are subject to the jurisdiction of the United States.

The committee amendments were read, as follows:

On page 5, line 12, after the word "skins," insert the words "or sea-otter skins," and after the word "seals," in line 12, same page, linsert the words "or sea otters." In line 13, after the word "seals," insert the words "or sea otters."

The question was taken, and the amendments were agreed to. The Clerk read as follows:

The Clerk read as follows:

Sec. 9. That it shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herd or herds and sea otter, in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service; and any officer of any such vessel engaged in such service and any other officers duly designated by the President may search any vessel of the United States, in port, or in territorial waters of the United States, or on the high seas, when suspected of having violated, or being about to violate, the provisions of said convention, or of this act, or of any regulations made thereunder, and may seize such vessel and the officers and crew thereof and bring them into the most accessible port of the Territory and States mentioned in the eighth section of this act for trial.

Mr. SULLZER. Mr. Chairman, in line 12, the word "regula-

Mr. SULZER. Mr. Chairman, in line 12, the word "regulations" should be "regulation." I move to strike out the letter "s."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 12, page 6, strike out the letter "s" in the word "regulations." The question was taken, and the amendment was agreed to.

Mr. SULZER. In line 15, after the word "Territory," strike out the word "and "and insert the words" or of any of the."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 15, after the word "Territory," strike out the word "and" and insert "or of any of the."

The question was taken, and the amendment was agreed to. Mr. SULZER. Mr. Chairman, I ask unanimous consent to return to section 7, line 15, and after the word "seals" to insert the words "or sea otters."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amend-

The Clerk read as follows:

Line 15, section 7, after the word "seals" insert the words "or sea otters." $\ensuremath{^{15}}$

The question was taken, and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Sec. 10. That any vessel or person described in the first section of this act offending or being about to offend against the prohibitions of the said convention, or of this act, or of the regulations made thereunder, may be seized and detained by the naval or other duly commissioned officers of any of the parties to the said convention other than the United States, except within the territorial jurisdiction of one of the other of said parties, on condition, however, that when such vessel or person is so seized and detained by officers of any party other than the United States such vessel or person shall be delivered as soon as practicable at the nearest point to the place of seizure, with the witnesses and proofs necessary of establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: Provided, however, That the said officers of any party to said convention other than the United States shall arrest and detain vessels and persons, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized the naval or other officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the proper officers of such party vessels and subjects under the jurisdiction of that Government offending against said convention or any statutes or regulations made by that Government to enforce said convention. The President of the United States shall determine by proclamation when such authority has been given by the other parties to said convention, and his determination shall be conclusive upon the question; and such proclamation may be modified, amended, or revoked by proclamation of the President whenever, in his judgment, it is deemed expedient.

Mr. SULIZER. Mr. Chairman, on line 17, the word "stat-

Mr. SULZER. Mr. Chairman, on line 17, the word "statutes" should be "statute." Strike out the letter "s."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the letter "s" in "statutes," on line 17, page 7.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. SULZER. I also move to strike out the letter "s" in regulations," so that it will be "regulation."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 7, line 17, strike out the letter "s" in the word "regulations."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

SEC. 11. That the Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market at such times and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. And the Secretary of Commerce and Labor shall likewise have authority to determine the number of fur seals to be taken annually on the Pribliof Islands, or any other lands or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States to which any seal herds hereafter resort; to direct the taking of the same; to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, releventh, thirteenth, and fourteenth articles of said convention; and to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000.

Mr. SULZER. Mr. Chairman, on page 8, line 3, after the

Mr. SULZER. Mr. Chairman, on page 8, line 3, after the word "any," I move to insert the words "and all," so it shall read "any and all fur-seal skins."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 3, insert, after the word "any," the words "and all." The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 8, strike out all of lines 14, 15, 16, 17, and 18, after the word "authority," in line 14, and before the word "to," in line 19.

Mr. SULZER. Mr. Chairman, I ask for a vote on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Chairman, the amendment which I offered, which was read a few minutes ago

The CHAIRMAN. No amendment has been offered as yet by the gentleman from Virginia [Mr. FLOOD]

Mr. FLOOD of Virginia. I offer it now, then.
The CHAIRMAN. The Clerk will report the amendment. The CHAIRMAN. The Clerk read as follows:

The Clerk read as follows:

Amend page 8 by inserting, after the word "authority," in line 14, the following words:

"To determine the number of fur seals to be taken annually on the Pribilof Islands, or any other islands or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States, to which any seal herds hereafter resort, and to direct the taking of the same: Provided, however, That no seals shall be killed in the fiscal year beginning July 1, 1912, except such as may be necessary for food purposes only: And provided further, That no seals shall be killed at any time except 3-year-old males not needed for breeding purposes: And provided further, That the number of 3-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds to be reserved for breeding purposes in each year ending August 1 shall not be fewer than the following: In 1913, 2,000; in 1914, 2,500; in 1915, 3,000; in 1916, 3,500; in 1917, and in each year thereafter until 1921, inclusive, 4,000; and in 1922, and in each year thereafter until 1926, inclusive, 5,000."

Mr. GOODWIN of Arkansas. Mr. Chairman.

Mr. GOODWIN of Arkansas. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman from Arkansas rise?

Mr. GOODWIN of Arkansas. I wish to offer an amendment and have it pending while the gentleman from Virginia addresses the House.

The CHAIRMAN. Does the gentleman from Virginia [Mr. Flood | yield for that purpose?

Mr. FLOOD of Virginia. Yes.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend H. R. 16571 by striking out section 11 and substituting the

Amend H. R. 165/I by striking out section 11 and substituting the following:

"Sec. 11. That from and after the approval of this act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska. shall be suspended for a period of five years and shall be, and is hereby, declared to be unlawful, and all pun-

ishments and penalties heretofore enacted for the killing of fur seals shall be applicable and inflicted upon offenders under this section: Provided, That this prohibition shall not apply to the annual killing on St. Paul Island of 1,500 small male seals for natives' food and 500 small male seals for natives' food on St. George Island, the skins of which shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: Provided further, That at the expiration of the said five years' suspension of all commercial killing on the said Pribliof Islands said killing may be resumed thereon as the Government shall thereafter determine to be safe and proper."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this offered as a substitute for the amendment offered by the gentleman from Virginia [Mr. Flood] or as

a substitute for section 11 of the bill?

Mr. SULZER. I understand the gentleman from Arkansas offers a substitute for the amendment offered by the gentleman

from Virginia

The CHAIRMAN. The Chair understood the gentleman from Arkansas to offer this as a substitute for the pending amendment offered by the gentleman from Virginia.

Mr. MANN. It is not a substitute for the pending amend-

ment.

The CHAIRMAN. The Chair is trying to ascertain the manner in which it was proposed to be offered by the gentleman from Arkansas [Mr. Goodwin].

Mr. GOODWIN of Arkansas. Mr. Chairman, I offered that as a substitute for section 11, as I understood.

Mr. MANN. It should read "strike out section 11 and insert," and so forth.

Mr. GOODWIN of Arkansas. That is the motion as set forth in the substitute and read by the Clerk.

The CHAIRMAN. Does the gentleman from Arkansas desire to consider that substitute as pending?

Mr. GOODWIN of Arkansas. Yes.

Mr. MANN. The gentleman has the right to make that re-

Mr. FLOOD of Virginia. Mr. Chairman, the amendment which I have offered is what was a bill, which was reported by the Committee on Foreign Affairs, and is now offered as an amendment to the pending bill in order to allay the fears of some members of the committee, who were apprehensive lest, after we pass the pending bill, this subsequent bill might not be enacted into law.

The bill, or amendment as it now is, is the result of a careful investigation by the Committee on Foreign Affairs of the fur-scal question, so far as it relates to the killing of the seals upon the American islands. It provides that there shall be a close season for one year. That was provided because there are now supposed to be only about 3,000 or 3,500 3-year-old males in the herd, and it was the sense of the committee that there should be no seals killed except 3-year-olds. The pelts of the 3-year-olds are more valuable than at any other age, and the committee had reached a determination to limit the killing to 3-year-olds. Then we ascertained, as I stated, that during the season of 1912 there would probably be only about

3,500 3-year olds. The treaty provides—
Mr. TILSON. Mr. Chairman, may I interrupt the gentleman right there?

The CHAIRMAN. Does the gentleman from Virginia yield

to the gentleman from Connecticut? Mr. FLOOD of Virginia. Yes.

Mr. TILSON. May I ask, for information purely, how it is determined what age they are, and what prevents the killing of

others than male seals only?

Mr. FLOOD of Virginia. I would say to the gentleman that the natives who do the killing seem to know the age prescribed, because they have killed very few in the past few years under the age limit prescribed by the department here, which is 2 years.

Mr. TILSON. So that an expert may tell by looking at them?

Mr. FLOOD of Virginia. Yes; by looking at them. We were informed by the gentlemen who appeared before our committee that there would be no trouble in determining the 3-year-olds.

Now, as I was going on to say, the treaty provides that if there is any killing for commercial purposes, as distinguished from killing for food purposes, we shall deliver to England 1,000 skins and Japan 1,000. These 3-year-old skins are worth \$40 apiece, so that the value of what we would give to each one of these nations would be \$40,000, or \$50,000 for the two. If we do not kill any for commercial purposes, but only for food purposes, the treaty provides that we shall pay these nations \$10,000 each, so that there is a difference involved to us of \$60,000 between killing any for commercial purposes and killing only for food purposes. For this reason we decided for the year 1912 that there should be no killing except for food purposes, and after that the purpose of the committee was to provide a sufficient number of males for breeding purposes

Mr. SHARP. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Virginia yield Mr. Chairman, will the gentleman yield? to the gentleman from Ohio?

Mr. FLOOD of Virginia. With pleasure.

Mr. SHARP. In the amendment which the gentleman proposes here the different numbers that he cites are not the number of male seals that are to be killed, but the number that are to be left. Is that correct?

Mr. FLOOD of Virginia. This amendment provides the number to be reserved, and they are to be the very best of these 3-year-old seals. We do not want to let the best of them be killed and reserve, as the gentleman from Ohio suggested once, the runts for breeding purposes. If this becomes a law, we provide that the very best of these 3-year-old seals shall be preserved for breeding purposes.

Mr. SHARP. The gentleman does not understand me, I think. In the numbers indicated of the different years the gentleman refers to the number left and not the number killed?

Mr. FLOOD of Virginia. Exactly.

Mr. SHARP. So that in six or seven years, if the seals should multiply to such an extent that there should be 40,000 male seals, you could then slaughter 36,000 of those males and still have 3,500 or 4,000 remaining?

Mr. FLOOD of Virginia. Exactly. We have proceeded upon the theory that when you reserve a sufficient number of the very best of these male seals for breeding purposes, every one you reserve above that is a loss to the Government and a disadvantage to the herd; and that position is sustained by the statement of every responsible person who has ever visited the islands and claims to have scientific knowledge on that subject.

Mr. HARRISON of Mississippi. Mr. Chairman, will the

gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Mississippi?
Mr. FLOOD of Virginia. Certainly.

Mr. HARRISON of Mississippi. I would like to ask the gentleman how many 3-year-old seals were reserved last year?

Mr. FLOOD of Virginia. I think about a thousand were reserved last year. That is my understanding.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentle-

The CHAIRMAN. Does the gentleman from Virginia yield

to the gentleman from Arkansas?

Mr. FLOOD of Virginia. Yes.

Mr. GOODWIN of Arkansas. If so, why were more than 8,000 seals of less than 2 years of age killed last year, as is shown by the report of the American agent in London?

Mr. FLOOD of Virginia. No man has made such a stateman except this man Elliott. I have before me the statement of the Secretary of Commerce and Labor, and he says that only 92 seals out of over 12,000 were killed at a younger age than that required by the regulations of his department.

Mr. BUTLER. Younger than 2 years?

Mr. FLOOD of Virginia. Yes; younger than 2 years. law provides 1 year, but the rules of the department provide that none can be killed under 2 years of age, and no human being has made a contrary statement except Mr. Elliott.

Mr. GOODWIN of Arkansas. Will the gentleman yield? The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Virginia be extended five

The CHAIRMAN. The gentleman from New York [Mr. Sulzer] asks unanimous consent that the time of the gentleman from Virginia [Mr. Flood] be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNSEND. Will the gentleman yield for a question? Mr. FLOOD of Virginia. If I can have an assurance that I

will have sufficient time to complete my remarks.

Mr. TOWNSEND. I only want to ask the gentleman from Virginia if he has ever heard any reputable authority deny the accuracy of the table of weights and measures by which Prof. Elliott determined the age of the seal from which a particular skin was taken?

Mr. FLOOD of Virginia. And that table of weights and measures is the table that the Secretary of Commerce and Labor relies upon in his letter to Senator Jones, when he says that by that table of weights and measures only 92 seals under the age of 2 years were killed in 1910. And I understand

there was not a greater number in 1911.

Mr. TOWNSEND. The testimony before the Committee on Expenditures in the Department of Commerce and Labor did

not controvert the testimony of Prof. Elliott that something

like 8,000 seals under the legal age had been killed.

Mr. FLOOD of Virginia. The letter of Secretary Nagel was in the hearings before the Rothermel committee, and the accuracy of Elliott's statement is disputed and drawn in question, and the accuracy of Elliott's statements about everything else that he stated was drawn in question. [Applause.]

The amendment goes on to provide that 2,000 3-year-old male seals shall be reserved next year, 2,500 the next year, 3,000 the next year, 3,500 the year after, and for the next five years 4,000 yearly, and for the next five years 5,000 yearly. The gentleman who prepared this bill went over this matter carefully and ascertained that at the end of the 15 years that this treaty runs there would be 60,000 male seals reserved from the very best 3-year-olds that had been born upon those islands for breeding purposes. We undertook to find out how many cows there would be at the end of that period.

Dr. Evermann, of the Department of Commerce and Labor, who has had charge of this matter, said there would be 300,000 cows. Mr. Elliott said there would be 800,000 cows; but if there were 800,000 there would be 1 bull for every 14 cows. If there were 300,000 cows there would be 1 bull for every 6 cows; and no man, not even Elliott, has disputed the fact that the average seal harem upon those islands is 1 bull for every 30 cows; that is, that 1 bull for every 30 cows would be sufficient.

So the amendment which I have offered certainly provides a sufficient number of bull seals for breeding purposes upon these islands, regardless of whether Elliott is right about the number of cows that will be there at-the end of 15 years or whether Dr. Everman is right.

Mr. SHERLEY. As I read the gentleman's amendment, it provides that in 1926 there shall be at least 5,000 bulls.

Mr. FLOOD of Virginia. Five thousand 3-year-olds reserved

Mr. SHERLEY. I understand; but it does not necessarily follow that there would be a greater number than that.

Mr. FLOOD of Virginia. There will have been 5,000 reserved during each of the four years preceding, and 4,000 each year during the five years preceding that, and from 2,000 and 3,500 for the years preceding that period. These seals live to be from 12 to 15 years of age, and the seals that we have reserved for this purpose at the end of the 15-year period would number 60,000. There can be no question that that will be a sufficient number for the purpose of breeding.

Now, the only remaining question was whether it was advantageous to this herd to allow all of the male seals to remain and rely upon the process of natural selection, or to have the officers of the Government pick out the best of the seal herd for that purpose. In order to ascertain what was the wise policy to pursue in this regard, the committee got the opinion of experts upon this subject. Ten gentlemen gave opinions upon this subject, and they were some of the most distinguished men in this country; some of them have spent years in investigating this question.

My friend from Iowa [Mr. KENDALL] says that Dr. Jordan, president of Leland Stanford University only spent 72 days there. The gentleman they call upon to dispute the conclusions by Dr. Jordan, Dr. Hornaday, never has been there a minute in his life, and all he knows about it is from the investigation of other people. Dr. Evermann spent season after season there. Mr. Lembkey spends every season there. Dr. Townsend, Dr. True, Dr. Stejneger, Dr. Lucas, and these other gentlemen who are accredited as scientists on this subject have been there, and all agree that the best thing that can be done for the herds is to kill the surplus males and only leave sufficient males for the purpose of breeding.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. MANN. Mr. Chairman, I ask that the gentleman from Virginia control 18 minutes, and the gentleman from Arkansa. 28 minutes, and that will take us up to half past 3, the limit for debate

Mr. FLOOD of Virginia. Why does the gentleman specify 18 minutes for me?

Mr. MANN. Because the gentleman has already used 10 minutes.

Mr. FLOOD of Virginia. The gentleman does not take into consideration the fact that the opposition had 50 minutes to

begin with.

Mr. KENDALL. But that was to even us up.

Mr. McGUIRE of Oklahoma. Mr. Chairman, there are a number of us that would like to speak on this subject.

Mr. MANN. I will withdraw the request.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Virginia be extended five minutes. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. This amendment is a wise provision for the seal herds, with due and proper regard to the welfare of the financial side of the question. I notice that the amendment offered as a substitute for section 11 by the gentleman from Arkansas [Mr. Goodwin] provides a close season for five years. The gentleman did not offer that the other day; his amendment then provided for a longer period. Elliott and Dr. Hornaday did not advocate a close season of 5 years, but of 15 years. These gentlemen who never have been upon the islands and have no knowledge of the subject, except what they have gleaned from others, have cut their closed season down to oneclosed season of 15 years, it would have been a loss to the United States of \$15,000,000. If the closed season is for 5 years it will be less than one-third, but a very considerable amount. Now, I want to call attention to the fact that when we do our duty by that great Towniters of Alberta and the less than we do our

duty by that great Territory of Alaska and give them a Territorial form of government, they have got to have some resources to support it, and among the best and most fruitful of the resources is the fur-seal herds of the Pribilof Islands. We ought not to cut off the revenue of Alaska upon a mere empty sentiment. The best thing that can be done for the seal herd aside from the financial question is to kill off the surplus male seals, and that position is sustained by everyone who has ever been there, except Prof. Elliott-if he is a professor-and I do not think that his testimony should have much weight, because he is first one way and then the other. His position seems always to have been controlled by his interest. In 1870 the right to kill seals on these islands was leased to the Alaska Com-In 1870 the right mercial Co., and Mr. Elliott was the hired attorney, agent, and lobbyist of that, and so testified before one of the committees of this House.

Mr. GOODWIN of Arkansas. Will the gentleman name the committee and when it was?

Mr. FLOOD of Virginia. I think it was the Committee on Ways and Means, and it was in 1888, when the Alaska Com-mercial Co. was doing the butchering, if butchering was done. Prof. Elliott appeared before the Ways and Means Committee and said that the killing of the surplus seals was no disadvantage to the herds. In 1890 this company that he represented lost that contract, and then he changed his position and became a great advocate for the preservation of the seal herd by stopping all killing. [Applause.]

In considering the question of the effect upon the increase of the species of killing these surplus males the views of scientists and those perfectly familiar with the subject have been taken into account. It may be said that of all those who have testified before this committee only two persons were found to be op-posed to this killing of the young males, while a much larger number of eminent experts have given their testimony in favor of a moderate and properly restricted killing.

Dr. David Starr Jordan, president of Stanford University, was the head of a distinguished commission in 1896-97 that visited the seal islands and made an exhaustive study of the seal herd. In the report of this commission, made as the result of this investigation, Dr. Jordan said:

Owing to the polygamous habit of the fur seals, the greater part of the male life born is superfluous for breeding purposes. For the 130,000 breeding cows found on the rookerles of St. Paul and St. George Islands in the season of 1897, 4,418 bulls were adequate, or at least out of fully 10,000 adult bulls ready and willing to serve harems, only this number were able to obtain them. Therefore only 1 bull in 30 is absolutely necessary under present conditions. That this limit could be materially lowered without positive danger to the herd is conclusively shown by the history of the Russian herd on Bering Island, where the observations of the past three years, as detailed by Dr. Stejneger, show that a male fur seal is capable of attending to the wants of between 100 and 200 cows.

male fur seal is capable of attending to the wants of between 100 and 200 cows.

Moreover, the removal of the superfluous male life is not only possible, but is really beneficial to the herd. As already indicated, the only deaths among adult bulls and cows discovered upon the rookerles of the islands resulted from the struggles of the bulls among themselves to obtain possession of the cows. In the death of young pups also this fighting and struggling of the bulls is a small, but by no means insignificant, cause of loss. In 1896 the great early mortality among nursing pups was wrongly ascribed to the trampling of the fighting bulls. But while the more complete and satisfactory investigation of 1897 shows another and more important cause, there still remains a considerable loss from this source. This loss is now insignificant, compared with what it was in the wild state of the herd. When the number of adult males and females was practically equal, the destruction both among the cows and among the pups must have been enormous.

Dr. Leonhard Stejneger, head curator of biology, United States National Museum, who has spent a number of years on the Russian seal islands studying seal life, and who was a mem-

ber of the Jordan commission of 1896-97, makes the following statement:

ber of the Jordan commission of 1896-97, makes the following statement:

It was the unanimous opinion of the American-British Commission (Dr. D. S. Jordan, F. A. Lucas, L. Steineger, Prof. d'Arcy W. Thompson, J. M. Macoun, and G. E. H. Barrett-Hamilton) that the proportion of 1 bull to 30 cows was so excessive that a number of bulls were ordered killed off. The Islands are at present (1897) grossly overstocked with bulls, and yet the average size of the harem is about 30 cows. (Treasury Doc. 1994, p. 22.)

The present ratio of 1 to 40 is consequently a great improvement and, even if it should fall as low as 1 to 50, or even 1 to 60, as it may in 1905, no alarm need be felt, as 1 bull to 50 cows is probably the most satisfactory ratio to be had.

That close killing of males on land may have had an influence is utterly denied. The whole reasoning involved in such an explanation rests upon the fallacy of the assumption that all the male seals "haul out" on land each year. If all the seals "hauled out" and the killing were as close as alleged, there would be nothing but yearlings the next year, and we know, of course, that such is not the case. I need not enlarge upon this theme here, but will only quote the expert commission of 1896-97 to the following effect: "It is, indeed, to be doubted whether at any time the killing on the Islands could by any possibility be made close enough to endanger the supply of bulls, etc."

One of the British commissioners, Mr. Barrett-Hamilton, who in his report for 1896 held similar views with regard to the scarcity of bulls on North Rockery, Bering Island, abandoned them later after his additional experience of 1897.

From what I have stated above, it will be seen that I regard the status of the fur-seal herd on the Pribliof Islands to be as satisfactory as under the present circumstances (i. e., continued, though diminishing, pelagic sealing) It could possibly be. My own policy, therefore, would be to let well enough alone.

I realize, however, that the department may wish to be "

only sufferer.

The taking of these young bachelors can not, by any possibility, affect the status of the herd, and from the standpoint of the Government must be regarded as desirable, in so much as there will be that many seals less for the pelagic sealers to prey upon. The company, therefore, might properly be encouraged to take as many yearling males as they can.

* * From what I have explained in the two foregoing chapters, it may be inferred that I am opposed to any stoppage of the killing of seals on land.

Dr. F. A. Lucas, now curator in chief of the American Museum of Natural History in New York, as a member of the Jordan Commission of 1896-97, reported as follows on this subject:

AMERICAN MUSEUM OF NATURAL HISTORY, New York, August 17, 1911.

American Museum of Natural History,

New York, August 17, 1911.

Dear Sir: I beg to acknowledge receipt of your letter of August 14, with its accompanying documents, in which you ask for my opinion regarding the merits of House resolution 277, suspending the killing of fur seals on the seal islands of Alaska for 15 years.

In response to this, I wish to say that I regard such suspension of killing as absolutely unnecessary as well as impractical and unscientific. I have never seen the slightest reason to modify my view that up to the present time the killing on land has had no effect in diminishing the numbers of the fur-seal herd; and there is no reason why a carefully regulated killing should do so in the future.

The suspension of land killing is impractical, because it would result in the absolute waste of many thousands of sealskins and many hundreds of thousands of dollars; this, too, at a time when, by treaty, Japan and Canada are to have a share in the proceeds of seals killed by the United States. Incidentally, I would say that in a period of 15 years every seal now living would die from old age or from other natural causes. Furthermore, it would seem that such suspension would be a direct attempt to evade our treaty obligations to Japan and Canada.

The cessation of killing is unscientific for the following reasons: We have for the first time an opportunity to test the conditions of the seal herd when unaffected by the attack of pelagic sealers, and it is of the utmost importance, for the making of future treaties and regulations, that we should know the exact facts in the case. The arbitrary suspension of killing for a period of 15 years would be extremely unside the winds importance, for the making of future treaties and regulations, that we should know the exact facts in the case. The arbitrary suspension of killing for a period of 15 years would be extremely under seal herd that has been reduced almost to extinction will so recover in from 5 to 10 years as to yield a large number of killable males

Dr. F. W. True, for many years head curator of biology, United States National Museum, now assistant secretary of the Smithsonian Institution, and special investigator on the seal islands in 1895, says:

It does not appear to me that any serious concern need be felt as regards the condition of the herd in 1903 and the prospects for the immediate future. It appears that in the breeding herd in 1903 there was approximately 1 bull to 42 cows. Should the increase in bulls and increase in cows continue in the same ratio in 1904 as in 1903, there would be approximately 1 bull to 54 cows. I think that the decrease in bulls might proceed until there was only 1 bull to 100 cows without

menacing the welfare of the herd. If this view is correct, there is time for many years' observation before it would be imperatively necessary to take steps for the preservation of the herd from extinction.

The following extracts are taken from the report of the Bering Sea fur-seal investigations, by David Starr Jordan, assisted by Leonard Stejneger, Frederic Augustus Lucas, and George Archibald Clark, 1897 (Second Preliminary Report, Treasury Doc. 1994):

Doc. 1994):

The investigations of the present season have only served to confirm the conclusion reached last year, that killing, as practiced on land, has no conection whatever with the decline of the herd. Such killing is, and has been for half a century, confined to superfluous males, whose removal is a benefit rather than an injury. It would have been better for the herd if land killing had not been limited by the modus vivendl. The rockerles to-day are overstocked with adult bulls, which in their struggles to gain possession of the females tear them to pieces and trample their offspring.

The only way in which land killing could injuriously affect the herd is through a reduction of the male life to a point below that required for propagation. The records of the islands show that there was never anything approaching a dearth of breeding bulls on the rockerles. The mere fact that 14 years after the islands came into the possession of the United States approximately 100,000 seals were taken each year without difficulty shows that the usual birth rate was maintained. That the land killing was not connected with the decline of the herd at its beginning—about the years 1882—1885—may reasonably be inferred from the fact that in the years 1876-77 only 175,000 males were killed, whereas the total for 1875 and 1878 was 215,000, and for the five years preceding and succeeding a like proportionate number was taken. (This included pups taken for food in the fall.) The 40,000 males thus saved out in 1876-77 were of breeding age in 1882, and were still in their prime in 1885 and the subsequent years of decline.

Dr. Charles H. Townsend, director of the New York Aqua-

Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the Fisheries steamer Alba-tross, member of the Fur-Seal Commission of 1896 and 1897, and for nine seasons special investigator on the seal islands, says:

Says:

My last visit to the islands was in the year 1900, when the number of surplus of nonbreeding males was much larger than it is now. At that time and for years before the number of large nonbreeding males in the rear of the breeding grounds was so large that I advised a closer degree of killing by the lessees than had been the custom. The slaughter of females by pelagic sealers had been for years very heavy, and the relative number of breeding males was on the increase. The lessees were then taking only the skins of what we were accustomed to regard as 3-year-olds, weighing perhaps 9 pounds or over. As the younger class of males, unlike the breeding males, wander away from the islands at times to feed, I advised that the lessees be permitted to take the smaller 4-year-olds. This was for the double purpose of increasing the catch by the lessees and decreasing the sea catch. This has naturally resulted in lessening the relative number of nonbreeding males.

I am well acquainted with the present Government agents on the islands, having had them associated with, me for several seasons while making the annual counts of both male and female seals present. I accept the figures which they furnish, knowing that they come from conscientious and careful observers.

Your statistics show that there is still a margin of over 500 young idle bulls. This surplus has occurred naturally, and shows that the policy of close killing of males has been a safe one.

As this surplus is decreasing from year to year, the time has evidently come to make provision for the saving of more breeding males. I would advise that the number taken by the lessees annually be curtailed and that the catch on land consist, as in former years, of practically 3-year-olds; tertainly none of the larger size, i. e., those whose skins weigh over 9 pounds, should be taken.

Your statistics do not show what proportion of the land catch-consisted of seals over 3 years old. Your agents can furnish you that information.

Indeed, if you wish to secure an immed

Your statistics do not show what proportion of the land catch-consisted of seals over 3 years old. Your agents can furnish you that information.

Indeed, if you wish to secure an immediate increase in the number of surplus males, you might restrict the catch absolutely to 3-year-olds. This will cover the number required for food and will give the lessees a chance to continue operations for two or three years on a small scale. I am not willing to admit that the danger point is reached until all idle bulls adjacent to the rookeries disappear.

A complete cessation of killing would remedy such a condition very rapidly, but in order that your department may be provided against criticism, I would counsel an immediate curtailment in about the manner above described. A total cessation of killing would increase the number of males more rapidly than is necessary, and would simply add an important number of valuable male skins to the pelagic catch.

As above stated, as long as there is a surplus of any kind the breeding grounds are safe. If there were any lack of adult males in the rookeries the so-called half bulls adjacent to the breeding grounds would at once be absorbed by the rookeries.

This subject has received the most thorough study at different times during the last dozen years at the hands of the foremost biologists of this country, spending months on the islands. I don't believe that the natural history of any wild animal of commercial importance is as well known as that of the fur seal.

The diminution of the fur seal:

The diminution of the fur seal:

I am not in sympathy with the measures set forth in the Senate bill referred to. It is not necessary to entirely cease killing males on land, for the reasons stated above. I would not for a single instant be party to any proposed killing of females. It would be an utterly immoral proceeding. We have no right to destroy the source of supply of anything useful to man simply because we can not control all the output.

Negotiations looking toward the cessation of

George A. Clark, secretary Stanford University, secretary furseal commissions of 1896 and 1897, and special investigator (for the Government) on the seal islands in 1909, says:

I do not see that Mr. Elliott's contention that the land killing has yet endangered the breeding herd, or is likely to in the near future, is

worthy of serious consideration. The very fact that the herd has supplied a quota of from 20,000 to 15,000 skins each year since 1896 is in itself proof that there has been no lack of breeding males for the rookeries. That there should be a decline in the quota must be conceded, but the cause of this is naturally to be sought in the killing of breeding females, with the attendant loss of young through starvation and otherwise due to pelagic sealing. (Clark in letter to Hitchcock, Dec. 30, 1903.)

No naturalist has enjoyed better opportunities for studying fur-seal problems than has Dr. Leonhard Stejneger, head curator of biology in the United States National Museum. After living for several years on the Commander Islands, where he carefully studied the Russian seal rookeries, he again returned to those islands in 1897 as a member of the fur-seal commission and made very exhaustive investigations on the rookeries and hauling grounds. He also visited and carefully studied the Japanese seal rookeries and our own seal islands. No one is better qualified by ability as a biologist or by experience to speak authoritatively on the various fur-seal questions.

From Dr. Stejneger's official report on the rookeries of the

From Dr. Stejneger's official report on the rookeries of the Commander Islands, season of 1897, page 16, in speaking of the action of the Russian managers of the Pribliof Islands in 1835, when they prohibited all land killing of males under the mistaken idea that thereby they could increase the species, and an identical action of the American Government in dealing with the same herd in 1891-1893, says:

What was the result? A single additional female on the rookeries? No; loss to the lessees and the Government of the bachelors spared; a corresponding gain to the pelagic sealers; a deplorable superabundance of bulls on the Pribilof rookeries, and numerous pups trampled to death soon after their birth. America has thus paid very dearly for her blunder. Are the Russians going to repeat it?

Edwin W. Sims, United States attorney for northern district of Illinois, solicitor Department of Commerce and Labor, and special investigator on the seal islands in 1906, says:

Special investigator on the seal islands in 1906, says:

That the decrease in seal life on the Pribilof Islands is due solely to pelagic sealing can not be seriously questioned. "Owing to the polygamous habit of fur seals," states the report of the Jordan Commission, "the greater part of the male life born is superfluous for breeding purposes. For the 130,000 breeding cows found on the rookeries of St. Paul and St. George Islands in the season of 1897, 4,418 bulls were adequate, or at least out of fully 10,000 bulls ready and willing to serve harems only this number were able to obtain them. Therefore, only 1 bull in 30 is absolutely necessary under present conditions. That this limit could be materially lowered without positive danger to the herd, is conclusively shown by the history of the Russian herd on Bering Island, where the observations of the past three years, as detailed by Dr. Stejneger, show that a male fur seal is capable of attending to the wants of between 100 and 200 cows." (Report of Fur Seal Investigations, 1896-97, pt. 1, p. 119.)

These quotations might be multiplied to show the belief of these gentlemen that abstention of land killing of surplus males is not an advantage to the herd, but is a positive detriment in that it increases the fighting amongst the adult bulls, causes an increase in the death rate through the crushing of the newly born, and the tearing of cows to pieces in endeavoring to snatch them from other harems, and involves a great money loss to the Government represented by the value of the pelts which could have been taken. Enough has been given, however, to show that such action on the part of this Government would be useless and without reason. [Applause.]

Mr. SHERLEY. Mr. Chairman, I should like to have 10 minutes of time, and I ask that I be permitted to speak for 10

minutes. I do not know that I shall use the whole time.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may be permitted to proceed for 10 minutes? Is there objection?

There was no objection. Mr. SHERLEY. Mr. Chairman, in the midst of this conflict of expert opinion a layman may well hesitate to express any views of his own. I should certainly not attempt it now if I was not required by the presentation of these particular amendments to exercise a judgment in voting. For my own part, I am totally indifferent to the financial phase of this question. I hope the time has gone by in America when we will consider dollars and cents in considering the question of the preservation of the wild life of America or any of its possessions. [Applause.]

Now, the proposition as presented by the majority of the committee is that we can afford to kill a certain number of the male seals without interfering with the increase or the character of the seal herd. That places the burden upon them, and, in doubt, I propose to throw my vote on the side of safety. [Applause.]

We can not hurt the seal herd by having a closed season for a few years. We are told, and told with a backing of eminent authorities, that it is perfectly possible for man by interposing to so change the order of nature as to improve a breed or a species, or even to increase its numbers. When the proposition is stated that way it has my unquestioned assent. But I desire to call to the attention of the committee this idea: I know of no instance where man by interfering with nature and her law of the survival of the fittest has ever so improved a breed or increased its number without at the same time controlling the environment and the habits of the species.

plause.] The proposition presented here is not a proposition to what we are all familiar with as to selection in regard to domesticated animals. It is not a proposition where you are able to control the environment. Something was said about the breeding of cattle and horses. We have carried that to a very advanced stage, but in the breeding of the modern race horse we not only make a selection as to sires and mares but we protect by shoeing; we feed, we house, we protect from all of the natural enemies of the animals, and we create an entirely artificial condition under which this breeding is to take place. Here, however, you have animals that by their nature are migratory, animals that go out to sea and return after a certain number of months. There is no attempt in any way to regulate their habits of life. There is no attempt to protect them against their natural enemies at sea. There is no attempt to change nature's law but in one particular. Under the present plan nature, by the law of the survival of the fittest, selects as the progenitors of this species the strongest and most capable. It is now proposed by man's interposition to limit that selection of nature and to arbitrarily select or at least to reduce the number from which the selection can be made by nature. I, for one, with that condition confronting me, am not willing, with the testimony that has been adduced here, to accede to the proposition that no harm will result to the seal herd. It seems to me we can well afford to wait five years and to give a full chance to this herd. Nobody desires to see it ex-There is nobody who does not desire to see the herd increased at the most rapid rate possible, and yet we are asked here now to make this interference.

Bear in mind another thing, that no matter what regulations we may pass as to prohibiting the killing of the seals, when they are away from the islands, those regulations can not be and will not be entirely enforced. There will be evasions of the law. There will be enough human enemies who will evade the law and enough natural enemies to lessen this herd without our adding to it, and the whole proposition, when you strip it, is that we should authorize the killing of some of this herd for the value of the sealskin. You can not get away from that. That is what underlies it all. I have listened very carefully, and I can find no serious testimony to the effect that it is necessary to kill some of these seals who are 3 years old in order to let the herd increase.

Mr. FLOOD of Virginia. Mr. Chairman, will the gentleman vield?

Mr. SHERLEY. Yes. Mr. FLOOD of Virginia. I will say to the gentleman that all of those who testified on the subject said it would be far better for the herd to kill the surplus males.

Mr. SHERLEY. As against the statement of even these eminent authorities I put the fact of a great herd when there was no interference by man. [Applause.] I am not undertaking to put myself up as an authority on this most intricate question—
Mr. FLOOD of Virginia. Is the gentleman aware of the fact

that there was no pelagic sealing at that time?

Mr. SHERLEY. I am aware of the statements made in that connection. I present to this House the practical question. The burden is upon these gentlemen, and I do not think that they have taken care of that burden, to show that no injury will come to this herd. They have shifted their ground entirely. They made a plea here the other day that you must not touch this sacred bill which was to carry into effect the treaty, or we might interfere with the treaty, and yet the gentleman from Virginia [Mr. Floop] himself comes now and proposes a close season for a year and then a limitation for the following years. If we are going to deal with the matter at all let us deal with We have made mistakes in the past in permitting the extermination of the wild life of America. I know of no mistake that has been made by the Congress of the United States in undue care in preserving such life, and I beg of this committee that they do not now take a step that even though it be backed by this eminent authority may lead us to a condition where we will find that we have not done that which we ought to do in the preservation of the seal.

I have nothing further to say. It is not with the idea that I speak as an expert. I am disgusted and unconcerned with the constant criminations and recriminations as to the characters of these various scientists who have testified. It seems to me that the eminent authorities who are sustaining the position of the majority of the committee could have spent their time in better demonstration of their case than in abuse and the questioning of the motives of those who differed with them.

[Applause.]

Mr. SULZER. Mr. Chairman, it is often difficult to do what is just and right concerning a matter of much public moment in the face of adverse criticism. I am trying to-day to perform a public duty-the duty of carrying out in good faith a

treaty which is a governmental obligation. In doing so I have endeavored to look at the question involved from every angle, I am not prejudiced. There should be no petty politics in this matter. I have tried to be fair to all and courteous to all and patient with all. I have no disposition to find fault with gentlemen who differ with the position I take, or that a majority of the Committee on Foreign Affairs takes, in regard to the subject now under consideration. I want to give effect to the treaty. I want to stop pelagic sealing. I want to protect and preserve the fur seals and the sea otters of the North Pacific Ocean. I regret that a few Members on that side of the House see fit to criticize me when I am doing a public duty to the best of my ability.

Suffice it to say that the bill before the House and now under consideration was introduced by me in response to the following letter from the State Department:

DEPARTMENT OF STATE, Washington, December 20, 1911.

The Hon. WILLIAM SULZER,

Chairman of the Committee of Foreign Affairs, House of Representatives, Washington.

SIR: I have the honor to inclose a bill drafted by this department, after consultation with the Departments of Commerce and Labor, Treasury, and Justice, to give effect to the conven-tion between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection

of the fur seals and sea otter frequenting the North Pacific Ocean, concluded at Washington July 7, 1911.

I am sending this draft bill to you in the hope that, owing to the importance of the international relations involved in the prompt enforcement of this convention, which, it will be recalled, went into effect on the 15th instant, in accordance with Article XVI thereof, you will take the very earliest opportunity to introduce this draft bill into the House, in order that it may receive that early consideration of Congress which, as pointed out in the President's message of December 7 last, the discharge of the international obligations assumed by the United States under the convention necessitates. I have the honor to be, sir,

Your obedient servant,

The negotiation and conclusion of this convention for the preservation and protection of the fur seals and sea otters which frequent the waters of the North Pacific Ocean was a signal triumph of American statesmanship and diplomacy, and when the convention is carried into effect by the high contracting parties, pelagic sealing, which is and has been the scourge of the fur-seal herd, will be a thing of the past, and those best able to judge confidently declare the fur seals will rapidly increase

and the herd grow in a few years to its former proportions.

The fur-seal controversy, which for nearly 25 years has been the source of serious friction between the United States and the powers bordering upon the North Pacific Ocean, whose subjects have been permitted to engage in pelagic sealing against the fur-seal herds having their breeding grounds within the jurisdiction of the United States, has at last been satisfactorily adjusted by the conclusion of the north Pacific sealing convention entered into between the United States, Great Britain, Japan, and Russia on the 7th of July last. This convention is a conservation measure of very great importance, and if it is carried out in the spirit of reciprocal concession and advantage upon which it is based, there is every reason to believe that not only will it result in preserving the fur-seal herds of the North Pacific Ocean and restoring them to their former value for the purposes of commerce, but also that it will afford a permanently satisfactory settlement of a question the only other solution of which seemed to be the total destruction of the fur seals.

Now, what is the controversy here to-day? . We are all agreed that we should stop pelagic sealing. We have been trying for a quarter of a century to do that. This bill carries into effect the treaty to stop pelagic sealing. Last week in my speech on the floor of this House I dwelt at length upon that. This morning the Committee on Foreign Affairs, as a concession to some of its members, and on my suggestion, agreed to accept the amendment to be offered by the gentleman from Virginia to section 11 of the bill, to regulate the killing of the surplus male fur seals on the Pribilof Islands. I shall support the amend-ment, when offered by the gentleman from Virginia, because it was agreed to in our committee, and I believe when that amendment is adopted and this bill is passed two things will be done: First, pelagic sealing will be stopped and become a thing of the past—pelagic sealing has been the great scourge of the fur-seal herd, as everybody who knows anything about it has abundantly testified. Second, we will then be able, under proper governmental supervision, to regulate the killing of the surplus males on the Pribilof Islands in a scientific way, so that there will

always be enough left of virile young males for breeding purposes, and I believe in this way the seal herd will hereafter increase and multiply until, at the expiration of the treaty, it will probably number upward of a million.

There has been a good deal of controversy about the scientists and the so-called experts. They seem to agree generally about the subject. I rest my contention to-day on their testimony. Let me read to the House what is said by one of the greatest living scientists, in my judgment, in this country.

Mr. KENDALL. Was he before the committee? Mr. SULZER. He is Dr. C. Hart Merriam. He was a member of the Fur Seals Commission and for many years Chief of the Bureau of Biological Survey in the Department of Agriculture. I wrote him a letter the other day and asked for his opinion regarding this matter.

The letter I have just received in reply to my inquiry is as

follows:

WASHINGTON, D. C., February 13, 1912.

Hon. WM. SULZER,

Chairman Committee on Foreign Affairs,

House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of the 12th instant, I would state that I have twice visited the Pribilof Islands, in Bering Sea-first in 1891, as one of the commissioners representing the United States in the fur-seal controversy; second. in 1899, as a member of the Harriman Alaska expedition.

The decrease in the number of fur seals on the rookeries at the time of the second visit was appalling-the result of con-

tinued pelagic sealing.

In 1891 I visited every rookery on both islands (St. Paul and St. George) for the purpose of learning as much as possible of the condition and habits of the fur seals. The more important results of this investigation were published by Prof. Mendenhall and myself, in 1892, in the report of the first Bering Sea Commission.

With respect to the recently suggested prohibition of the killing of nonbreeding males (known as holluschickie), three important facts should be borne in mind:

(1) That the number of male and female seals at birth are

approximately equal.

(2) That the fur seal is polygamous, the breeding seals arranging themselves in what are called harems, each male or

bull having from 15 or 20 up to 50 or more females.

(3) That outside of the breeding rookeries the bachelor seals (holluschickie), comprising those up to the age of 5 or 6 years, haul out and herd by themselves-apart from the breeding seals. The bachelor seals, when they attain the age of 6 or 7 years, fight the older bulls for positions on the breeding rookeries, but owing to the polygamous nature of the animals it is obvious that only a small proportion of them can ever secure positions on the breeding grounds.

There is, therefore, as everybody knows, an immense disproportion of male seals, which not only are of no use whatever in the perpetuation and growth of the herd, but which, by reason of the large quantity of food they consume, must be an actual detriment, making it more difficult for the nursing mothers to secure the food necessary to produce milk for their

Inasmuch as this great excess of bachelor seals is of no use to the breeding herd, and, in fact, is a positive detriment to it, what is the objection to killing annually a large percentage of them, always leaving more than enough, of course, to replace from year to year the older bulls on the breeding grounds? The sale of skins of such seals should in a few years afford revenue sufficient to maintain the Government service at the islands.

If the number of bachelor seals killed each year did not exceed 75 or 80 per cent of the number present on the holluschickie hauling grounds, I firmly believe, not only that there would be no deterioration of the breeding herd, but that the virility and growth of the herd would be improved.

Respectfully,

C. HART MERRIAM.

As I said, Dr. C. Hart Merriam was a member of the Fur Seal Commission of 1801. For many years he was Chief of the Bureau of Biological Survey of the Department of Agriculture, and is one of the ablest and most distinguished living mammalogists. He states that not to kill the surplus male seals each year would be absurd and worse than useless. It would result in great injury to the herd. His letter speaks for itself and needs no further comment.

Mr. KENDALL. Will the gentleman yield? Mr. SULZER. I yield for a question,

Mr. KENDALL. Was that letter written in response to the statement of Dr. Elliott that this man agreed with him?

Mr. SULZER. I am informed he is one of the gentlemen to whom Dr. Elliott referred.

Mr. KENDALL. Did you have this gentleman before the

Mr. SULZER. No. I did not know about the matter in time or the gentleman would have been asked to appear.

Mr. KENDALL. Did the gentleman ever read that letter before the Committee on Foreign Affairs?

Mr. SULZER. This letter is dated the 13th instant-Mr. KENDALL. Why did not the gentleman read it this

morning when we had a session of the committee? Mr. SULZER. I received the letter only a little while ago-

too late to do that.

But to continue. Let me read the following from President

David Starr Jordan, of Leland Stanford University, California: "A bill has been introduced into the present session of Congress by Congressman Sulzer designed to give effect to the fur-seal treaty of last July, which does away with pelagic sealing. This treaty binds the four nations concerned to the abolition of hunting of the seals at sea when beyond the 3-mile limit, the United States and Russia agreeing to pay a percentage of the land catch taken under Government supervision to Great Britain and Japan in lieu of the waiving by citizens of these countries of their right of pelagic sealing. Pelagic sealing is necessarily indiscriminate, and affects most heavily the female portion of the herd, 65 to 85 per cent of the animals killed at sea in recent years being gravid or nursing females, their death being attended by the death of their unborn or dependent young. It is this indiscriminate slaughter which has brought the herd to its present low condition, about 5 per cent of what it was in 1870. A vigorous nucleus of the herd remains, and with proper care it will recuperate and increase at a steady rate, probably increasing the quota of animals which may be taken on the land under Government supervision from its present minimum of about 12,000 to between 40,000 and 50,000 in 15 years. These skins are worth to the Government about \$35 apiece with only nominal expenses, the cost of patrolling Bering Sea being done away with. The treaty provides that 15 per cent of the Government catch on the islands be given to Great Britain and a like percentage to Japan. This payment insures the cooperation of these nations in the abolition of pelagic seal-That the bargain is an advantageous one to the Government is shown by the fact that in the past 15 years at least 300,000 seals have been killed, most of them breeding females. from the herd of the United States, and their skins have been marketed by the pelagic sealers at an average price of from

\$15 to \$20.
"Certain influences are at work to defeat or nullify this treaty. I may mention the Rothermel resolution of August 12 last (H. Res. 277), having for its avowed object the suspension of land killing for a period of 15 years, the period of the treaty. The intent, however, was evidently to cause the United States. to default in its payment of the percentage under the treaty; that is, no quota on land being taken, there would be nothing to share with Great Britain and Japan. The pelagic sealing interests would become dissatisfied, one or both nations would withdraw from the treaty, and pelagic sealing would inevitably be resumed. There is no necessity for the suspension of land killing. It is confined to the superfluous males of a herd of polygamous animals, being identical with the process by which domestic animals are treated.

"The Sulzer bill, being the logical continuation of the beneficent action taken in the treaty of last July, should by all means become a law without delay. Pelagic sealing would normally begin next month, the sealers starting out from Victoria and from Yokohama to prey upon the herd on its return journey along the coast. The animals come south in the early winter to the latitude of Santa Barbara and return slowly along the 100-fathom curve, reaching the islands in June, where their young are born and where they remain during the summer. It is on the spring migration and on the summer feeding grounds in Bering Sea that the destructive work of the pelagic sealers is done to the herd.

"DAVID STARR JORDAN."

Let me read some more expert testimony. Dr. Leonhard Stejneger, head curator of biology, United States National Museum, member of the Bering Sea Fur Seal Commissions of 1896 and 1897, and one of the ablest and sanest naturalists in the world. Dr. Stejneger lived on the Commander Islands for several years, where he made a special study of the Russian fur seal. Since then he has repeatedly visited not only our seal islands, but also those of Russia and Japan, and his opinions, based as they are upon personal study on the rookeries and hauling grounds, should have great weight. Dr. Stejneger

"It was the unanimous opinion of the American-British commission that the proportion of 1 bull to 30 cows was so excessive that a number of bulls were ordered to be killed off. With only 30 cows to the harem the rookeries were greatly overstocked with bulls. * * * It is, indeed, to be doubted whether at any time the killing on the islands could by any possibility be made close enough to endanger the supply of bulls. * * * There should be no restriction on the killing of the smaller bachelor seals. * * * That close killing of males on land may have had an influence (in decreasing the herd) is utterly denied. The whole reasoning involved in such an explanation rests upon the fallacy that all the male seals out on land each year.

"* * * The taking of these young bachelors can not by any possibility affect the status of the herd, and from the standpoint of the Government must be regarded as desirable. "* * The sole cause of the decline of the fur-seal herd is found in pelagic sealing."

Dr. Frederic A. Lucas, director of the American Museum of Natural History, member of the fur-seal commissioners of 1896 and 1897, and one of the ablest, keenest, and most cautious naturalists in America, has been on the Pribilof Islands, where he spent many months studying as only a scientific man can study these very questions in the life history of the fur seal. Let me quote from his remarks at a hearing given by the Camp Fire Club last June. Dr. Lucas said:

"These surplus males are the ones that are killed. are allowed to grow up they grow up into idle bulls—bulls that are not wanted—and create trouble. * * * If there is no killing on the islands there is going to be an undue increase in the number of these large bulls, and they will disturb the breeding grounds. * * * It is believed by all naturalists breeding grounds. * that the check on the tremendous increase of fur seals in nature was the attacks of the unoccupied bulls. When a few years ago the Government agents noticed that the number of bulls was getting small, they allowed a certain number of large bachelors to escape, and in three years there were a plenty of spare bulls on hand to take the place of any that might die from natural causes. * * * To put a stop to killing on the islands would not do a bit of good."

George A. Clark, secretary of Leland Stanford University and secretary to the fur-seal commissions of 1896 and 1897, has given much study to the fur seal. He has spent at least three entire seasons on the Pribilof Islands, the last being in 1909, when he made very comprehensive and careful investiga-tions of the herd. Mr. Clark not only believes that a close season on the islands would serve no useful purpose whatever, but would really prove very detrimental to the herd, because it would result in great injury to the breeding cows and the trampling to death of many pups by the surplus and wholly unnecessary bulls that would invade the rookeries as a result of saving more bulls than are needed for breeding purposes. "The fur seal," he says, "is a polygamous animal, a fact which the Campfire Club seems to overlook. Actual enumeration shows that 29 out of every 30 males born are superfluous for breeding purposes. A reasonable proportion of these 29 may be killed for commercial uses without injury to the herd, and their withdrawal will have no more effect on the life of the herd than the killing of a like number of steers would have on a herd of cattle. Moreover, it is not merely feasible and safe to take these animals, but it is beneficial to the herd that they should be removed. To let these young males grow up to adult age would precipitate a condition of fighting and struggle on the rockeries which would be injurious in a high degree to the welfare of the herd. To illustrate by another analogy, the condition which their exemption from killing would produce would be exactly like that which would exist on a cattle and horse range if all the young male calves and colts were allowed to grow up as bulls and stallions to contest with one another the supremacy of the herd."

Let me say here that Dr. Barton W. Evermann, chief of the Alaska fisheries service and a member of the Fur-Seal Commission of 1892, when he devoted six months to field investigations concerning the habits of the fur seal, has testified before the Committee on Foreign Affairs to the effect that, now that pelagic sealing will cease, the fur-seal herd can be handled on the Pribilof Islands just as a stockman would handle his flock of sheep or his herd of cattle.

Mr. Joseph Stanley-Brown, for many years resident on the Pribilof Islands as Treasury agent, a careful, painstaking ob-

server, who made a very thorough study of all matters pertaining to the fur-seal herd, and this is what he says. I read:

"Can anyone successfully maintain that in case of polygamous animals the taking of the surplus male life and reserving the females can destroy the herd? If this can be demonstrated, then our stock raisers are at fault and the evidence derived from Russian management goes for naught.

"The bachelor seals are a merchantable commodity of great value to the United States Government, and, being largely in excess of the requirements for breeding purposes, it would be utter folly, ridiculous folly, for the Government not to take them and market the skins. * * * More than that, it is very essential to keep up the market for first-class sealskins if these rookeries are to continue to be of value. The business organization required to maintain the sealskin business and to make this fur a fashionable article of wearing apparel is very considerable.

"You can make the selection of males for breeding purposes with exactly the same ease as you can a stock farm. when a matter is so completely under control, there is no good reason why the excess of marketable male seals should not be taken. If there is any sound reason to the contrary I have never heard of it. It is just as easy intelligently to select these young seals as it is to take from your stock farm the excess of male life and market it, and there is no more risk of injury to the seal herd.'

Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the steamer Albatross, member of the Fur Seal Commissions of 1896 and 1897, has spent many seasons on the Pribilof Islands and has made careful study of the habits of the fur seal. He says:

"I am well acquainted with the Government agents on the islands * * * and know them to be conscientious and careful observers. * * * A total cessation of killing would inislands * crease the number of males more rapidly than is necessary.

* * This subject has received the most thorough study at different times during the last dozen years at the hands of the foremost biologists of this country, spending months on the islands. * * * The diminution of the herd is due to pelagic sealing. It is worse than idle to attribute it in any way to our management of the islands."

Prof. James M. Macoun, naturalist of the Canadian Government and member of the Fur Seal Commissions of 1891, 1892, 1896, and 1897, has spent many seasons on the Pribilof Islands and is the best-informed foreign naturalist who has ever visited those islands. He was also the expert adviser of the British plenipotentiaries during the conferences resulting in the signing of a fur-seal treaty last July. Prof. Macoun agreed entirely with the other members of the Fur Seal Commissions of 1896 and 1897 that the sole cause of the decrease of the herd was pelagic sealing, and that the killing of the surplus males on land was essential to the best management of the herd.

Let me read a few lines from what Prof. Macoun says:

"There is no doubt that fighting bulls have caused incalculable injury to the seal rookeries, and judicious killing of the surplus males should be carried on from the date that there is known to be more than a sufficient supply for breeding purposes. There is no doubt that with proper management an increasing number of the surplus males may be killed every year with great advantage to the rookeries."

It has been urged by some who have never seen a fur seal that the only way to rehabilitate the herd is to let it severely alone; let nature, they say, take its course for 15 years. These persons ask if man can improve upon the methods of nature. The answer to this question is "Yes"; and the correctness of that answer will be easily understood by anyone who gives the matter a moment's thought. That man has improved upon the methods of nature is evidenced by every domesticated or semidomesticated animal in the world; by every grain, by every fruit, by every berry, and by every flower that man cultivates. Compare the little scrawny native potato, the highest product of nature's method, with the score and more splendid varieties of potatoes which we now have as the result of the application of the methods of Luther Burbank and others like him. Compare the wild horses of the plains with the modern race horse. Nature's methods produced the little, wild mustang; man's method produced Salvator, Lou Dillon, and Dan Patch. Nature's method produced the little, sour raspberry, while Luther Burbank's method produced the famous Logan berry. Nature produced the little, bitter, wild crabapple, with no market value at all, as the best she could do in that line; man's method has given us the delicious Grimes Golden, the Roman Beauty, and the splendid Albemarle Pippin, worth \$6 to \$10 a barrel. Nature's method gave us the

various kinds of wild roses, with few petals and little fragrance; man produced the American Beauty.

Man's method of selective breeding, reserving the best and eliminating the unfit, has improved the quality and increased the quantity enormously with the great multitude of species of animals and plants with which he has worked. Of course, nature's methods can be improved upon. Darwin has demonstrated it; every great scientist has proved it conclusively. Were it not so we should have no stock farms, no orchards, and no fields of growing grain. We should have no agriculture, no horticulture, no factories, no cooking of food, no clothing; in fact, no civilization.

The fur seal is highly polygamous, just as are sheep, cattle, and poultry. The sexes are born in approximately equal numbers in each of these animals, and this results in an excess of male life. Every stockman who knows the first principles of animal breeding and farm management will save only so many rams, bulls, and roosters as may be needed to serve the ewes, the cows, and the hens on his farm; the surplus males he will market at the time when they will yield the maximum financial return; to do otherwise would show a total lack of biological knowledge, of animal-breeding sense, and business judgment and foresight.

Are the dozen or more well-known zoologists and eminent naturalists who have devoted many seasons to studying the fur seal on the Pribilofs, and have long worked for the cessation of pelagic sealing, to be deprived in the end of the opportunity to put into practice what they believe to be a rational system of fur-seal farming? If Congress should be persuaded to let sentimentalists dictate the policy to be pursued on the national seal farm it would mean a very slow rehabilitation of the seal herd. We can not afford to ignore what has been learned about the fur seal by the patient investigations of the past 25 years and thus take a long step backward.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. BARTHOLDT. Mr. Chairman and gentlemen of the committee, I have often been accused of being swayed by too much sentiment in the consideration of questions of this kind, and I have often reproved myself for that reason. On first blush—even in this case, Mr. Chairman—I was inclined to side with those who oppose the killing of seals. But I came to the conclusion, upon hearing the testimony of distinguished experts on both sides of the question—I say on both sides, but they were really all on one side, with the exception of one; and there is, in fact, only one side to this question—after also hearing the Secretary of Commerce and Labor—and a more conscientious and painstaking official does not exist in the Government of the United States-I came to the conclusion, as I said, that there must be consistency even in sentiment. In other words, if we are opposed to the killing of seals for humanitarian or sentimental reasons, then we should extend the sway of our sentiment to other fields. We should oppose, for instance, the killing that is going on in the slaughterhouses of Chicago, and we should also oppose the killing that is going on daily in the farmhouses of this country, in order to be con-But this is not a sentimental question. It is a question to be determined by scientific facts.

I regret that a change has been made in the disposition of this bill. I was in favor of carrying out the treaty first, and then passing a separate bill treating with a domestic question then passing a separate bill treating with a domestic question as to whether any seals should be killed, or how many, in the future. That treaty, Mr. Chairman, was a shining example of American statesmanship. We induced Japan, Great Britain, and Russia to finally agree with us to stop pelagic sealing. That was one of the scourges, if not the main scourge, which diminished the hard diminished the herd.

If you stop pelagic sealing, Mr. Chairman, the whole question is really solved. The second scourge was the practice of turning over the seal herd to a private company for private profit. That has been stopped and the Government of the United States has taken charge of that proposition. Now, I am going to state this question just as it portrays itself in my mind, and I do not know whether I will succeed in giving the House a descriptive photograph of my mind on the subject or not. Certainly I shall not be influenced by any Anglo-Saxon prudery on this question, and shall call a spade a spade.

There are certain questions upon which all sides agree, Mr. Chairman. One is that just as many males are born as females. On that we all agree. The second proposition upon which there is no disagreement among scientists is that each male seal requires from 20 to 80 females. That question has not been disputed before the committee. Consequently there must necessarily be a surplus of male seals, and if you do not dispose of

that surplus of male seals there will be contests and fights between the males, which will result in the trampling to death of the pups and the killing of the male seals. On that proposition there is no dispute. Now, consequently, Mr. Chairman, I think we will be on the side of safety, that safety which has been described so well by the gentleman from Kentucky [Mr. SHERLEY], if we allow a certain number of surplus male seals to be killed annually. To do so will be better for the propagation of the herd, so we have been told by every expert before the committee save one, and that one is unreliable, in my judgment, because he has been on both sides of the question.

In favoring that proposition I am not controlled in any way by the financial element involved in it. I do not care whether or not this Government receives any revenue. But one thing is certain, and that is, if we do not carry out in good faith the treaty stipulations which we have made with Japan and Russia and Great Britain, at the expiration of the term of that treaty these countries will not be willing to enter into another agreement with us, and consequently pelagic sealing will go on again. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. COOPER. Mr. Chairman, one very important phase of this problem has not been discussed, and therefore I desire briefly to call it to the attention of the committee. A principle is involved here, a principle of great importance. It is found in the answer to this question, namely, Shall a seal herd, property of the United States, worth millions of dollars now, and to be worth many more millions in the future, be turned over without any restriction in the law, to be killed or kept in the discretion of an executive officer? That is the question in this

Mr. BARTHOLDT. Mr. Chairman, will the gentleman permit an interruption right there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?
Mr. COOPER. I have only a very few minutes.

Mr. BARTHOLDT. I merely wanted to suggest to the gentle-man from Wisconsin this fact, that if we can not trust our own officials, the officials of our own Government, then we might as well go out of business.

Mr. COOPER. Mr. Chairman, I am surprised that a libertyloving man like my friend, the gentleman from Missouri, should say that if we can not trust our own officials the Government of the United States should go out of business. That would apply to any officer of the Government. Why not trust the President of the United States with unrestricted authority? Why not give any man in authority in this Republic all that he asks for, simply because if we can not trust our officials we had better go out of business? There is no force in the gentleman's suggestion; none whatever. This is a Government of laws and not of men. [Applause.]

Mr. DIFENDERFER. Mr. Chairman, will the gentleman permit one question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania? Mr. COOPER. No; I can not yield.

Mr. DIFENDERFER. Just for one question. Mr. COOPER. Well, I will yield.

Mr. DIFENDERFER. Is it not a fact that, according to the Bible, the very first two people that God created were tempted? Mr. HAMILTON of Michigan. Only one of them. [Laugh-

Mr. MANN. How pertinent that is!
Mr. COOPER. Mr. Chairman, with all respect to the gentleman from Pennsylvania, I beg to observe, and in no spirit of unkindness, that in my judgment the interrogatory that he propounded to me is not germane, and to suggest that if he will now kindly subside before propounding another such question I shall be obliged to him, and I think the committee will. [Laughter.]

Mr. DIFENDERFER. I desire to explain—
Mr. COOPER. I can not yield. The gentleman's desire would be gratified if I had a little more time, but I have not the

Mr. DIFENDERFER. Did not the gentleman's expression contain a reflection on me?

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. DIFENDERFER. Will not the gentleman yield?

Mr. COOPER. Oh, well, I will yield to him. [Laughter.] Mr. DIFENDERFER. The point I wanted to make is this:

That I do not believe as sacred a proposition as this should be intrusted without restrictions to the discretion of an executive officer. I take the same position as the gentleman does. I think the law should prevail, and this herd should be protected, because the disposition of man is to destroy if temptation is

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman if there is an interrogation point or an exclamation point after that? [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. Dyer] asks that the time of the gentleman from Wisconsin [Mr. Cooper] be extended for five minutes. Is there objection?

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, I want to state that I will not object to extending the time of the gentleman from Wisconsin, but it occurs to me that this question has been very fully discussed, and that all the members of this committee understand it, and have their minds made up about it and as to how they are going to vote upon this question; and, therefore, I am inclined to object to extensions for a much further length of time for debate in regard

The CHAIRMAN. If there is no objection, the gentleman from Wisconsin is recognized for five additional minutes.

Mr. COOPER. My friend, the gentleman from Illinois [Mr. Buchanan], for whom I have a high regard, will remember that I am a member of the Committee on Foreign Affairs, and that, from the time this bill first came before the House a week ago, I have not asked the indulgence of the Committee of the Whole nor trespassed upon its attention even to the extent of asking a question.

Mr. BUCHANAN. I have no objection to the extension of

the gentleman's time, Mr. Chairman.

Mr. COOPER. Mr. Chairman, during this debate we have heard much about the necessity of having the provisions of the pending bill relate only to the question of suppressing pelagic sealing-killing at sea-and of leaving to subsequent legislation the question of killing on land.

Now, in order that the committee may understand exactly what that suggestion means, in view of the bill as reported and now before us, I ask the attention of every member of the committee, including the gentleman from Illinois [Mr. Buchanan].

It is said this bill as reported is for no other purpose than to control pelagic sealing; that it is not intended that it should have anything to do with the regulation of land killing. And yet section 11 originally provided that-

The Secretary of Commerce and Labor shall likewise have authority-

That is authority without limitto determine the number of fur seals-

It did not even say male seals, but the number of fur sealsto be taken annually on the Pribilof Islands, or any other islands or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States, to which any seal herds hereafter resort, to direct the taking of the same—

And so forth.

Mr. SULZER. The committee struck that out.
Mr. COOPER. But I am going to show the point, if the gentleman will give me an opportunity to explain to the House just what it means. The gentleman knows perfectly well what it means, and so do I.

Mr. SULZER. This committee has just struck that out.

Mr. COOPER. The gentleman knows the already

Mr. COOPER. The gentleman knows the circumstances under which it was stricken out; and, inasmuch as the gentleman has referred to that meeting, he knows that it was directly charged that there had been, if not a violation of an explicit understanding, at least an utter forgetfulness of it that was surprising. Now, I know that that clause has been stricken out and that, on the face of the bill, it would appear that absolute power over the seal herd is to be done away with; but if the pending bill, in its present form, were to become a law would the present absolute power of the Secretary of Com-merce and Labor over the herd be done away with? The gentleman knows that it would not. I know that it would not, and I shall demonstrate that it would not.

Section 1, chapter 183, of Thirty-sixth United States Statutes at Large, passed in April, 1910, to regulate the seal industry, gives to the Secretary of Commerce and Labor practically unis the same authority originally contained in lines 14 to 19, inclusive, of section 11 of the bill before us, but which were stricken out of the bill as reported. But, although that provi-sion is stricken from this bill, it still leaves section 1, of chapter 183, of Thirty-sixth Statutes at Large, passed in April, 1910, unrepealed.

Mr. FLOOD of Virginia. Mr. Chairman, may I interrupt the gentleman?

Mr. COOPER. One moment. It leaves that section 1 unrepealed, and so leaves unrestricted authority in the Secretary of Commerce and Labor. There are good reasons why we know this to be true. First, there is no clause in this bill providing for the repeal of section 1, chapter 183, of the Statutes at Large, under which the Secretary now has such authority; and, second, because repeal by implication is not favored in the law, and, moreover, there is nothing here to justify a claim of repeal by implication. That this is the construction which the courts by implication. That this is the construction which the courts would give it if called upon is made still more certain by a reading of lines 19 to 22, on page 8 of the bill, by which the Secretary is given authority to deliver to the agents of the Canadian Government and the Japanese Government the skins to which they are entitled, and so forth, thus clearly showing that killing on land is contemplated. I make no attack upon any official; I speak simply for a principle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, one moment. I ask five min-

utes more, if I may have it.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. Will the gentleman yield for another

question there?

Mr. COOPER. Mr. Chairman, this bill appears upon its face not to deal with the killing of seals upon the land, yet if made a law would have that practical effect, because it would leave section 1 of chapter 183, Thirty-sixth United States Statutes at Large, unrepealed. This being so, we would, in effect, by passing this bill as reported, make a law governing killing on land and leave to the Secretary of Commerce and Labor unrestricted control. Is not that true, Mr. Chairman? Let the gentleman from New York answer.

Mr. SULZER. I think the gentleman from Wisconsin is laboring under a misapprehension.

Mr. COOPER. Will the gentleman permit me—

Mr. SULZER. The committee has already stricken out of the

bill the matter to which the gentleman refers, and there is pending an amendment offered by the gentleman from Virginia and a substitute offered by the gentleman from Arkansas,
Mr. COOPER. The gentleman from New York does not

answer the question. The gentleman can not answer it truthfully, except as I have myself answered it. For if we enact this bill into law

Mr. SULZER. Has the gentleman heard read the amendment offered by the gentleman from Virginia?

Mr. COOPER. That has nothing to do with it. The gentle-

man can not get away from that question. [Laughter.]
Mr. SULZER. I wish to give the gentleman all the time he wants, but I want to pass this bill to-day. Will the gentleman ask his question again?

Mr. COOPER. I want to know if the claim the gentleman made the other day when he said this bill, if enacted into law, would have nothing to do with the regulation of land killing

Mr. SULZER. I never said anything of the kind. answers that question.

Mr. COOPER. Why, I am astounded. I have the gentleman's speech delivered a week ago, in which he says:

The bill proposed legislates on the subject matter without regard to the question of killing the surplus seals on the Pribilof Islands; that is purely a national or domestic question about which there is much difference of opinion.

Repeatedly in the same speech he said that this bill was confined exclusively to pelagic sealing.

Mr. SULZER. So it was at that time. Mr. COOPER. The bill has not been changed on that point. Mr. SULZER. The bill has been amended to-day, and amendments have been offered by the gentleman from Virginia, and one also by the gentleman from Arkansas to regulate

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SULZER. Mr. Chairman, the gentleman is not familiar

with what has been done here to-day.

Mr. COOPER. I want to inform the gentleman that I have been here all of the time, and also that the amendment to which the gentleman refers has not been adopted. The gentleman from Virginia was offered an opportunity to present an amendment, but his amendment is only pending and can not become a part of the bill until it shall have been adopted.

Mr. SULZER. It will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODWIN of Arkansas. Mr. Chairman, in support of

the proposition of the gentleman from Wisconsin, perhaps I can make it plain to the House. He says, in effect, that the

last section of the proposed bill does not repeal the law which now gives the Secretary of Commerce and Labor the discretion of killing as many seals as he may think best. There is no repeal of that law, and that is the point the gentleman desires to make

Mr. SULZER. Mr. Chairman, I understand that all debate is closed.

The CHAIRMAN. All debate will close at 3 o'clock and 30 minutes

Mr. GOODWIN of Arkansas. Mr. Chairman, I said, in the outset of my remarks this morning which were limited to 15 minutes, that this report was based upon a fiction; that there was not one single word of testimony of a reliable nature in itnot one word has been brought into the record upon which that report could have been based. The gentleman from Indiana [Mr. CLINE] quoted from Prof. Elliott. That quotation is the same CLINE] quoted from Prof. Elliott. That quotation is the san old myth and fiction which Prof. Elliott says is full of errors.

Mr. KENDALL. Will the gentleman yield?

Mr. GOODWIN of Arkansas. Yes.

Mr. KENDALL. Is it not true that the only two men who appeared before the Committee on Foreign Affairs to testify on the subject at all against the closed season were Mr. Evermann and Mr. Lembky?

Mr. GOODWIN of Arkansas. Both in the employ of the

Government.

Mr. KENDALL. Is it not true that all the other scientific testimony to which the gentleman from Virginia has so often referred is simply private correspondence alleged to be received from eminent men?

Mr. FLOOD of Virginia. Why does the gentleman say "pri-

vate correspondence"?

Mr. GOODWIN of Arkansas. I will say that there were ex parte statements made by individuals that the gentleman from Virginia brought before the committee. They were addressed to the distinguished chairman, some of which were read and others not disclosed, and all of which were incorporated in the report of the chairman, and yet Prof. Elliott, having seen some correspondence, has given the distinguished chairman of the committee his answers thereto, with not the implied but the express promise of the chairman that his answers should be incorporated in the report.

The CHAIRMAN. The hour of 3 o'clock and 30 minutes has

arrived. By order of the House the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Davis of West Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and had further directed him to report that there is now pending an amendment to section 11 of the bill, and a substitute for that amendment, and on those amendments the committee had come to no resolution.

Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent that the amendment which I sent to the desk in committee be withdrawn and that the following be substituted

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the amendment which he offered be withdrawn and that that which he now sends to the desk be substituted therefor. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SULZER. Mr. Speaker, I ask that the amendments agreed to in the committee be now adopted, and that a separate vote be had upon the amendments offered by the gentleman from Virginia [Mr. Flood] and the gentleman from Arkansas [Mr. GOODWIN]

The SPEAKER. Is there a separate vote demanded on any particular amendment to which the committee agreed?

Mr. SULZER. Yes.

Mr. MANN. A separate vote is only asked upon the amendments to section 11, one offered by the gentleman from Virginia and the other by the gentleman from Arkansas, and I think that is done by agreement. Mr. SULZER. That is right.

The SPEAKER. The question will then be taken en gros on the amendments excepting those two.

The question was taken, and the amendments were agreed to.
The SPEAKER. The question will now be taken on the amendment offered by the gentleman from Virginia [Mr. Flood], which, without objection, the Clerk will again report.

There was no objection, and the Clerk again reported the amendment

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Arkansas.

The Clerk read as follows:

The Clerk read as follows:

Amend H. R. 16571 by striking out section 11 and substituting the following:

"Sec. 11. That from and after the approval of this act all killing of fur seals on the Pribliof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of 10 years, and shall be and is hereby declared to be unlawful, and all punlshments and penalties heretofore enacted for the killing of fur seals shall be applicable and inflicted upon offenders under this section: Provided, That this prohibition shall not apply to the annual killing on St. Paul Island of 1,500 small male seals for natives' food an 1500 small male seals for natives' food on St. George Island, the skins of which shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: Provided further, That at the expiration of the said 10 years' suspension of all commercial killing on the said Pribliof Islands said killing may be resumed thereon as the Government shall thereafter determine to be safe and proper: And provided further, That the Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

Mr. GOODWIN of Arkansas. One moment, Mr. Speaker.

The SPEAKER. Debate is not in order.

Mr. HUGHES of New Jersey. Mr. Speaker, I want to call the attention of the Chair to a clerical error in the amendment. Mr. KENDALL. Mr. Speaker, I desire to submit a parlia-

mentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENDALL. The gentleman from Arkansas [Mr. Goop-WIN] presents a substitute restricting the killing to 5 years, and it reads 10 years as read from the Clerk's desk.

Mr. GOODWIN of Arkansas. That is an inadvertence, Mr. Speaker. I failed to strike it out in the carbon copy. [Cries of "Regular order!"]

Mr. GOODWIN of Arkansas. I ask unanimous consent that the word "ten" may be stricken out and the word "five" be

substituted therefor.
The SPEAKER. What is the statement the gentleman from

Arkansas is making?

Mr. GOODWIN of Arkansas. The words "10 years" are an inadvertence. It should read "5 years." The original said 5 years and this carbon copy has it 10 years.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to correct an inadvertence in figures. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "ten" and insert the word "five."

Mr. GOODWIN of Arkansas. Wherever it may appear. The Clerk read as follows:

Strike out the word "ten" and insert the word "five" wherever it may appear.

The SPEAKER. Is there objection to that change? [After a pause.] The Chair hears none. The question is on agreeing to the substitute offered by the gentleman from Arkansas.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. KENDALL. Mr. Speaker, I demand the yeas and nays. Mr. FLOOD of Virginia. Mr. Speaker, a parliamentary in-niry. [Cries of "Regular order!"]

The SPEAKER. The gentleman will state it.

Mr. FLOOD of Virginia. When the vote was taken just now the Chair announced that the ayes had it.

The SPEAKER. No; the gentleman is mistaken; the Chair never announced that the ayes had it, but the Chair announced that the ayes seemed to have it, whereupon the gentleman from Iowa [Mr. Kendall] arose and demanded the year and nays.

Mr. FLOOD of Virginia. My inquiry is, Which side had it-

the ayes or noes?

The SPEAKER. As a matter of fact, neither side had it, but, as a matter of fact further, the noes seemed to have it. Thirty-five gentleman have arisen in the affirmative and 125

in the negative, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 98, nays 177, answered "present" 11, not voting 106, as follows;

YEAS-98.

Alexander	Floyd, Ark.	Konop	Rubey
Anderson, Minn.	Fordney	Lafean	Russell
Anderson, Ohio	Fowler	Lafferty	Sharp
Ansberry	Francis	La Follette	Sherley
Anthony	French	Lee, Pa.	Sims
Ashbrook	Godwin, N. C.	Lenroot	Slavden
Ayres	Goodwin, Ark.	Lindbergh	Smith, N. Y.
Berger	Gray	Littlepage	Stack
Booher	Gregg, Pa.	McCov	Stephens, Tex.
Buchanan	Hamilton, Mich.	Macon	Sterling
Bulkley	Hamilton, W. Va.	Martin, S. Dak.	Stone
Burke, S. Dak.	Hanna	Miller	Sulloway
Burke, Wis.	Hardy	Neeley	Taggart
Campbell	Harrison, N. Y.	Nelson	Taylor, Ohio
Cannon	Helgesen	Padgett	Thayer
Claypool	Helm	Patten, N. Y.	Thomas
Cooper	Hensley	Peters	Townsend
Cox, Ohio	Howland	Post	Tribble
Currier	Hubbard	Pujo	Tuttle
Daugherty	Hughes, N. J.	Randell, Tex.	Underhill
Dickinson	Jackson	Redfield	White
Difenderfer	Jacoway	Rees	Wilson, N. Y.
Esch	Johnson, S. C.	Reyburn	Woods, Iowa
Ferris	Kendall	Roddenbery	11 00003 10114
Finley	Kindred	Rothermel	

NAYS-177. Humphrey, Wash. Prouty
Humphreys, Miss. Rainey
Johnson, Ky. Raker
Jones Ransde
Kahn Rauch
Kennedy Reilly
Kent Richard
Knowland Roberts
Kania Roberts Adair Akin, N. Y. Allen Donohoe Doremus Doughton Allen Ames Austin Barchfeld Barnhart Bartholdt Bathrick Beall, Tex. Bell, Ga. Blackmon Boehne Bowman Brantley Broussard Brown Browning Draper
Draper
Driscoll, D. A.
Dupre
Dyer
Edwards
Ellerbe
Evans
Fairchild
Faison
Farr
Fergusson
Flood, Va.
Foster, Vt.
Fuller
Gallagher
Gardner, N. J.
Garner
Garnert
Good
Green, Iowa
Greene, Mass.
Gregg, Tex.
Griest
Gudger
Guernsey
Hammond
Hardwick
Harris
Hartman
Hawley
Hayes
Heald
Hefin
Henry, Conn.
Henry, Tex.
Higgins
Hill
Holland
Howard
Hull Ransdell, La. Rauch Reilly Richardson Roberts, Mass. Roberts, Nev. Rodenberg Rucker, Colo. Rucker, Mo. Sabath Shackleford Sisson Knowland
Konig
Lamb
Lawrence
Lee, Ga.
Legare
Lever
Levy
Lewis
Lloyd
Longworth Sisson Smith, Tex. sisson
Smith, Tex.
Speer
Stedman
Steenerson
Stephens, Cal.
Stephens, Miss.
Stephens, Nebr.
Sulzer
Switzer
Talcott, N. Y.
Taylor, Colo.
Thistlewood
Tilson
Towner
Turnbull
Underwood
Utter
Volstead
Watkins
Wickliffe
Wilder
Wilson, Ill.
Wilson, Pa.
Witherspoon
Wood, N. J.
Young, Kans.
Young, Tex. Lewis
Lioyd
Longworth
Loud
McGuire, Okla.
McKellar
McKellar
McKenzie
McKinney
McMorran
Madden
Maguire, Nebr.
Mann
Martin, Colo.
Moore, Pa.
Moore, Tex.
Morkan
Morrison
Moss, Ind.
Murdock
Murray
Needham
Norris
Nye
Olmsted
Page Browning Browning Burgess Burleson Burnett Byrnes, S. C. Byrns, Tenn. Callaway Candler Carlin Carter Catlin Catlin Clark, Fla. Clayton Clayton
Cline
Collier
Connell
Covington
Crago
Cullop Curry Dalzell Davis, Minn. Davis, W. Va. Page Palmer Pepper Pickett Plumley Dent Denver Dickson, Miss.

Pou NEWERED "PRESENT"-11.

	TELLEVILL TATERATE	T TATACOTAL T
Adamson	Foster, Ill.	James
Bates	Glass	Lobeck
Butler	Hamlin	McDermott
	22000 22	

Alken, S. C. Ainey Andrus Bartlett Bingham Borland Bradley Burke, Pa. Calder Cantrill Focht Fornes Foss Gardner, Mass. George Gillett Goeke Goldfogle Gould Graham Hamill Cantrill
Cary
Conry
Copley
Cox, Ind.
Cravens
Crumpacker
Curley
Danforth
Davenort Davenport
Davidson
De Forest
Dodds
Driscoll, M. E.
Dwight
Estoning

Dixon, Ind.

Estopinal

Fitzgerald

Fields

Hamiil Haugen Hinds Hobson Houston Howell Hughes, Ga. Hughes, W. Va. Kinkaid, Nebr. Kinkaid, Nebr. Kinkead, N. J. Kitchin Kopp Korbly Langham So the substitute was rejected.

NOT VOTING-106. ING—106.
Littleton
McCall
McCall
McCreary
McGillieuddy
McHenry
McKinley
McLaughlin
Maher
Malby
Matthews
Mays
Mondell
Moon, Tenn.
Morse, Wis.
Mott
Oldfield
O'Shaunessy
Parran O'Shauness; Parran Patton, Pa. Payne Porter Powers Pray Prince Riordan Robinson Rouse Rouse

Saunders
Scully
Sells
Sells
Sheppard
Sherwood
Simmons
Slemp
Sloan
Small
Smith, J. M. C.
Smith, Saml. W.
Smith, Cal.
Sparkman
Stanley
Stevens, Minn.
Sweet

Saunders Sweet
Taylor, Ala,
Vreeland
Warburton
Webb
Wedemeyer Weeks Whitacre Willis Young, Mich.

Moon, Pa. Talbott, Md.

The Clerk announced the following pairs: For the session:

Mr. Fornes with Mr. Bradley. Mr. Adamson with Mr. Stevens of Minnesota.

Mr. Glass with Mr. Slemp. Mr. Riordan with Mr. Andrus. Mr. BARTLETT with Mr. BUTLER. Until further notice:

Mr. Webb with Mr. Young of Michigan. Mr. Taylor of Alabama with Mr. Weeks.

Mr. Sweet with Mr. Vreeland. Mr. Stanley with Mr. Prince. Mr. SAUNDERS with Mr. PRAY.

Mr. SHERWOOD with Mr. POWERS. Mr. Rouse with Mr. Porter. Mr. Robinson with Mr. Payne

Mr. O'SHAUNESSY with Mr. MOTT. Mr. MAYS with Mr. MORSE of Wisconsin.

Mr. Maher with Mr. Mondell. Mr. McGillicuddy with Mr. Matthews. Mr. McHenry with Mr. McCreary.

Mr. LINDSAY with Mr. LANGHAM. Mr. KITCHIN with Mr. KINKAID of Nebraska. Mr. KINKEAD of New Jersey with Mr. Howell.

Mr. Hobson with Mr. GILLETT.

Mr. Hamill with Mr. Gardner of Massachusetts, Mr. Fitzgerald with Mr. Dodds, Mr. Estopinal with Mr. De Forest. Mr. Sparkman with Mr. Davidson. Mr. DAVENPORT WITH Mr. DAVENBORTH,
Mr. CURLEY WITH Mr. CRUMPACKER.
Mr. Cox of Indiana with Mr. Copley.
Mr. Aiken of South Carolina with Mr. Burke of Pennsyl-

vania.

Mr. Foster of Illinois with Mr. Kopp.

Mr. Fields with Mr. Langley. Mr. Moon of Tennessee with Mr. Ainey.

Mr. McDermort with Mr. McGuire of Oklahoma. Mr. Linthicum with Mr. Bingham.

Mr. Houston with Mr. Moon of Pennsylvania.

Mr. Goldfogle with Mr. Griest.

Mr. Littleton with Mr. Dwight. Mr. Conby with Mr. J. M. C. Smith. Mr. WHITACRE with Mr. SELLS.

Mr. Korbly with Mr. Hamilton of Michigan. Mr. Gould with Mr. Hinds, Mr. Graham with Mr. Willis. Mr. Stack with Mr. Smith of California.

Mr. Hughes of Georgia with Mr. Hughes of West Virginia, Mr. George with Mr. Malby.

Mr. TALCOTT of New York with Mr. McKinley, Mr. Talbott of Maryland with Mr. Parran.

Mr. Borland with Mr. Focht. Mr. Sheppard with Mr. Bates. Mr. Cantrill with Mr. Calder. Mr. Scully with Mr. Patton of Pennsylvania.

Until Wednesday

Mr. HAMLIN with Mr. MICHAEL E. DRISCOLL.

Until Thursday: Mr. Lobeck with Mr. Sloan.

For one week:

Mr. GOEKE with Mr. McLaughlin.

From February 5 for two weeks: Mr. Cravens with Mr. Samuel W. Smith.

From February 10 to February 16: Mr. Oldfield with Mr. Wedemeyer.

Until February 17:

Mr. JAMES with Mr. McCALL.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The motion of Mr. Sulzer to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. HUMPHREY of Washington, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John B. Hunker, Sixtieth Congress, no adverse report kaving been made thereon.

LEAVE OF ABSENCE.

Mr. Boehne, by unanimous consent, was granted leave of absence for five days on account of important business.

ADJOURNMENT.

Mr. SULZER. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until Thursday, February 15, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, submitting estimates of appropriations required for certain public buildings under control of the Treasury Department (H. Doc. No. 539); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Allegheny River, Pa.; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17009) granting a pension to Wood C. Wilson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. SHERLEY: A bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ESCH: A bill (H. R. 20112) for the appointment of a commission for the investigation and consideration of the conflicting claims of the State of Wisconsin and its grantees and the Menominee, Munsee, and Stockbridge Tribes and the Lac du Flambeau, La Pointe, and Lac Courte Oreille Bands of Chippewa Indians to certain school and swamp lands in the reservations of said Indians in Wisconsin, and for other purposes; to the Committee on Indian Affairs.

By Mr. FRANCIS: A bill (H. R. 20113) granting pensions to

those soldiers who served in the Departmental Corps of Ohio Volunteer Infantry and the Departmental Corps of Monongahela Volunteers and other designations of the Departmental Corps in

the late Civil War; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 20114) granting school lands to the State of Louisiana; to the Committee on the Publie Lands.

By Mr. LAMB: A bill (H. R. 20115) to promote the safety of travelers upon railroads by compelling common carriers engaged in interstate commerce to have mail, baggage, express, and passenger cars constructed of iron, steel, and noninflammable material; to the Committee on Interstate and Foreign Com-

Also, a bill (H. R. 20116) to promote the safety of travelers upon railroads by compelling common carriers engaged in interstate commerce to have licensed engineers and enginemen to operate locomotives propelled by steam power; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: A bill (H. R. 20117) to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 20118) to provide for the establishment and regulation of bonded districts at the ports of the

United States; to the Committee on Ways and Means. By Mr. BURNETT: Concurrent resolution (H. Con. Res. 37) to extend the time for the Ragland Water Power Co. to begin the work of raising the dam at Lock No. 4, Coosa River, Ala., and for other purposes; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 20119) granting an increase of pension to Aaron L. Avery; to the Committee on Invalid Pen-

By Mr. ASHBROOK: A bill (H. R. 20120) granting an increase of pension to Lewis Belt; to the Committee on Invalid Also, a bill (H. R. 20121) granting an increase of pension to Harriet Gale; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 20122) for the relief of Louis Wasem; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 20123) granting a pension to Edward Cook; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20124) for the relief of E. Rosenwald & Bro.; to the Committee on Ways and Means.

By Mr. CANTRILL: A bill (H. R. 20125) for the relief of Charles Wells; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 20126) for the relief of the estate of Dr. Robert E. Peyton; to the Committee on War Claims.

Also, a bill (H. R. 20127) granting a pension to Laura C. Anderson; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 20128) for the relief of Hen-

derson B. Alverson; to the Committee on War Claims. By Mr. CLARK of Missouri: A bill (H. R. 20129) granting an increase of pension to Edward Dreher; to the Committee on

Invalid Pensions. By Mr. CRAGO: A bill (H. R. 20130) to remove the charge of desertion from the record of Francis Wilhelm; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 20131) granting a pen-

sion to Susan Querry; to the Committee on Invalid Pensions. By Mr. DOREMUS: A bill (H. R. 20132) granting a pension to Maria Roehm; to the Committee on Invalid Pensions

Also, a bill (H. R. 20133) granting an increase of pension to Patrick Culhan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20134) granting an increase of pension to Capt. W. R. Dodsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20135) granting an increase of pension to

Daniel J. Falvey; to the Committee on Invalid Pensions. By Mr. DUPRE: A bill (H. R. 20136) granting a pension to -Florence Herman; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 20137) granting an increase of pension to James Heley; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H: R. 20138) granting an increase of pension to W. J. K. Bowen; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey; A bill (H. R. 20139) restoring pension to Sarah R. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20140) granting a pension to Mary E. Gage; to the Committee on Invalid Pensions.

By Mr. GARNER (by request): A bill (H. R. 20141) for the relief of the heirs of Thomas J. Noakes, deceased; to the Committee on Claims.

Also (by request), a bill (H. R. 20142) for the relief of the heirs or legal representatives of John C. Gooch, James T. Ward, and Jesse Mercer, of the late firm of Ward & Co., of the State of Texas; to the Committee on Claims.

By Mr. GLASS: A bill (H. R. 20143) granting a pension to Pyrrhus Williams; to the Committee on Pensions. By Mr. GOULD: A bill (H. R. 20144) granting a pension to

Preston E. Smith; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 20145) for the relief of Augustus Thomas; to the Committee on Military Affairs.

Also, a bill (H. R. 20146) granting an increase of pension to

Abner O. Davis; to the Committee on Invalid Pensions. By Mr. HAWLEY: A bill (H. R. 20147) granting an increase of pension to Benjamin F. James; to the Committee on Invalid

Pensions. Also, a bill (H. R. 20148) granting an increase of pension to

Rebecca M. Gaunt; to the Committee on Invalid Pensions. By Mr. HENRY of Texas: A bill (H. R. 20149) for the relief of the heirs of Elijah S. C. Robertson, deceased; to the Com-

mittee on War Claims. By Mr. JAMES: A bill (H. R. 20150) for the relief of John

C. Henley; to the Committee on War Claims.

By Mr. KNOWLAND: A bill (H. R. 20151) granting a pension to Mary J. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20152) granting an increase of pension to George W. Harbinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20153) granting a pension to Frank H. Fetherolf; to the Committee on Pensions.

Ry Mr. LA FOLLETTE: A bill (H. R. 20154) granting an

By Mr. LA FOLLETTE: A bill (H. R. 20154) granting an increase of pension to Hugh J. Clevenger; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 20155) granting an increase of pension to William H. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20156) granting an increase of pension to Hiram Abbott; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 20157) for the relief of Michael Z. Hammen; to the Committee on Claims.

By Mr. LITTLEPAGE: A bill (H. R. 20158) granting an increase of pension to Townsend Roberts; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 20159) granting a pension to Mary Horran; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 20160) granting pension to Mary E. Mellon; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 20161) for the relief of

Thomas M. Jones; to the Committee on Military Affairs. By Mr. PATTON of Pennsylvania: A bill (H. R. 20162) granting an increase of pension to Franklin P. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20163) granting an increase of pension to George W. Brink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20164) to correct the military record of

Abraham T. Bloom; to the Committee on Military Affairs.

By Mr. PEPPER: A bill (H. R. 20165) for the relief of George Humphrey; to the Committee on Military Affairs.

Also, a bill (H. R. 20166) for the relief of Edward Shufeldt;

to the Committee on Military Affairs.

Also, a bill (H. R. 20167) granting an increase of pension to Henry F. Bodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20168) granting an increase of pension to Martin McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20169) granting an increase of pension to

Samuel P. Reed; to the Committee on Invalid Pensions. By Mr. PUJO: A bill (H. R. 20170) for the relief of Ernest J.

Lyons; to the Committee on Claims. Also, a bill (H. R. 20171) for the relief of the heirs of Felix

Dejean; to the Committee on War Claims.

Also, a bill (H. R. 20172) for the relief of the heirs of J.

Casimir Le Blanc; to the Committee on War Claims, Also, a bill (H. R. 20173) for the relief of the heirs of Joseph

D. Guidry; to the Committee on War Claims.

Also, a bill (H. R. 20174) for the relief of the heirs of Ru-

dolphe Chachere; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 20175) granting an increase of pension to Eliza E. Tuttle; to the Committee on Invalid Pen-

By Mr. TAGGART: A bill (H. R. 20176) granting an increase of pension to Lewis H. Walker; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20177) granting an increase of pension to Henry W. Unger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20178) granting an increase of pension to George JV. Tyler; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 20179) granting a pension to Elizabeth A. Forknall; to the Committee on Invalid Pensions. By Mr. WHITE: A bill (H. R. 20180) granting an increase of pension to Henry H. Garrett; to the Committee on Invalid

By Mr. WILSON of Illinois: A bill (H. R. 20181) granting an increase of pension to Andrew Young; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Evangelistic Churches in and near Flanagan, Ill., for world-wide peace as outlined by The Hague tribunal; to the Committee on Foreign

By Mr. AINEY: Petitions of Keiserville Grange, No. 508; Hope Grange, No. 1166; Salem Grange, No. 965; Mehoopany Grange, No. 1139; Middletown Grange, No. 1209; and Harvest No. 892, all of the State of Pennsylvania, asking that certain changes be made in the Federal oleomargarine laws; to the Committee on Agriculture.

Also, petition of Brooklyn Grange, No. 246, of Brooklyn, Pa., protesting against the removal of special tax on oleomargarine;

to the Committee on Agriculture.

Also, petition of Woman's Christian Temperance Union of Thompson and East Rush, and certain citizens of the State of Pennsylvania, favoring the enactment of the Kenyon-Sheppard bill regulating the interstate commerce of liquor; to the Committee on the Judiciary.

By Mr. ANDERSON of Minnesota: Petition of C. M. Allen

and others, of Wykoff, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany bill for the relief of Sarah Lane (H. R. 16470); to the Committee on Invalid Pensions.

Also, petition of the Hand Ladder Works, of Cleveland, Ohio, favoring the passage of a bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Petition of citizens of New York City, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BRADLEY: Petition of citizens of the town of Cornwall, N. Y., favoring the passage of House bill 16313, to provide for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of business men of Liberty, N. Y., favoring legis-lation extending and increasing the power of the Interstate Commerce Commission so as to give the commission jurisdiction in the classification and making of express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of business men of Liberty, N. Y., remonstrating

against the passage of legislation tending to the establishment of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BOEHNE: Petition of Parsons & Scoville Co. and others, of Evansville, Ind., protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of Methodist Episcopal Church of Clayton, N. J., for the passage of the Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

By Mr. CATLIN: Resolution of the Common Council of the town of Valdez, Alaska, petitioning Congress to make an appropriation to protect the town from glacier streams; to the Committee on the Territories.

Also, resolution of the St. Barbara School Building Association, of St. Louis, Mo., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, resolution of the Chamber of Commons of the State

Also, resolution of the Chamber of Commerce of the State of New York, for exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Petition of certain citizens of Somerset County, Pa., asking for the enactment into law the Postal Progress League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of the Order of the Patrons of Husbandry of Smithfield, Pa., to remedy certain defects in the Federal statutes governing the traffic in oleomargarine; to the Committee on Agriculture.

Also, petition of members of Local Union No. 615, of the United Workers of America, of Fayette City, Pa., for the abolishment of the injunction law; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union and Frances Willard Woman's Christian Temperance Union, of Waynesburg, Pa., and of the Methodist Episcopal Church of Pinebank, Pa., asking for the passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. CURRIER: Petitions of J. M. Jessman and others, of Franconia, N. H., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. DALZELL: Petitions of the Woman's Christian Tem-

perance Union of Braddock, McKeesport, and Pittsburgh, Pa.; of the Young Men's Christian Association and the First United Presbyterian Church of McKeesport, Pa.; of the Session Homewood United Presbyterian Church, of Pittsburgh, Pa.; of the Women's Union Missionary Society of Allegheny County, Pa.; of Mount Washington Presbyterian Church, of Pittsburgh, Pa.; and of the Braddock (Pa.) Ministerial Association, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Resolutions of the Troy (N. Y.) Musical Association, protesting against installing power presses in the Bureau of Engraving and Printing; to the Committee on

By Mr. ESCH: Resolutions of the Wisconsin Agricultural Experiment Association, opposing 1-cent letter postage and favoring the enactment of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. FOSTER of Vermont: Petition of citizens of Proctor and Rutland, Vt., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. FRANCIS: Petition of Emerson Grange, of Emerson, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petitions of citizens of the State of Idaho, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Bonner County, Idaho, for passage of Kenyon-Sheppard interstate liquor bill; to the Com-

mittee on the Judiciary.

Also, petition of citizens of Lewiston, Idaho, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Club of Meadows, Idaho, for reduction in tax on oleomargarine; to the Committee on Agriculture.

By Mr. FULLER: Papers to accompany bill for the relief of Sophie Ekstedt (H. R. 18742); to the Committee on Pensions.

Also, petition of the Chicago Art Institute, of Chicago, Ill., in favor of the proposed Potomac Park site for the Lincoln memorial; to the Committee on the Library.

By Ms. GALLAGHER: Petition of Chicago Local No. 1, Commercial Telegraphers' Union of America, for Government ownership of telegraph and telephone; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of New Jersey: Petitions of church or-ganizations, Women's Christian Temperance Unions, and residents of the second congressional district of New Jersey, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GARNER: Papers to accompany bill for the relief of

the heirs of T. J. Noakes; to the Committee on Claims.

Also, petition of C. F. McAlister and other citizens of Aransas Pass, Tex., for the improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GLASS: Petitions of citizens of the State of Virginia, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Virginia, for regulation of express rates; to the Committee on Interstate and For-

eign Commerce.

Also, petitions of citizens of Bedford City, Va., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of the State of Virginia, urging passage of old-age pension bill; to the Committee on Pensions.

By Mr. HANNA: Petition of a citizen of Colgate, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Goodrich, N. Dak., for passage of House bill 14; to the Committee on the Post Office and Post

Also, petition of citizens of Haynes, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of North Dakota, for amending the land laws; to the Committee on the Public Lands.

Also, petition of citizens of Manfred, N. Dak., protesting against passage of the bill for observance of Sunday in the District of Columbia; to the Committee on the District of Co-

Also, petition of citizens of Cavalier, N. Dak., for an effective

interstate liquor law; to the Committee on the Judiciary.

By Mr. HARTMAN: Petitions of Ministerial Association of Johnstown, Pa., for constitutional amendment to prohibit the sale, manufacture, etc., of alcoholic beverages in the United States, and for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of the Woman's hristian Temperance Union and of the Demarest Methodist Episcopal Church, of Demarest, N. J., and of the Congregational Church of Closter, N. J., for the passage of the Kenyon-Sheppard

Also, petition of the Atlantic City Turn-Verein, of Atlantic

City, N. J., against interstate liquor laws; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington (by request): Petitions of citizens of Washington, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of citizens of Washington, in favor of House bill 14, for extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Everett, Wash., favoring the erection of an American Indian memorial and museum building at Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Woman's Christian Temperance Union of Port Angeles, Wash., for passage of the Kenyon-Sheppard inter-state liquor law; to the Committee on the Judiciary.

By Mr. KAHN: Petition of J. C. Astredo, of San Francisco, al., in favor of children's bureau; to the Committee on Labor. Also, petition of Langley & Michaels Co., of San Francisco, in favor of 1-cent postage; to the Committee on the Post Office and

Post Roads.

Also, petition of Alice Memsdorffer, of San Francisco, favoring appropriations for improving Yosemite Park; to the Committee on the Public Lands.

Also, petition of Chickering & Gregory, of San Francisco, Cal., against house bill 17485; to the Committee on the Public

Lands.

Also, petition of George E. Billings, of San Francisco, Cal., favoring appropriation for improving Willapa Harbor; to the Committee on Rivers and Harbors.

Also, petition of A. A. Hanks, of San Francisco, Cal., against House bill 17033; to the Committee on Mines and Mining.

By Mr. KINKEAD of New Jersey: Petition of New York Produce Exchange, against the abolishment of the Remsen Board of Reference; to the Committee on Agriculture. Also, resolutions of the Chamber of Commerce of the city of

Milwaukee, Wis., protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Resolutions of the Federated Trades of Vallejo, Cal., urging the building of a battleship at the Mare Island Navy Yard, Cal.; to the Committee on Naval Affairs.

Also, petitions of numerous residents of Oakland, Cal., requesting a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petitions of citizens of Foley, Minn., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Lamson, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nevis, Minn., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, memorial of Tri-State Grain and Stock Growers' Convention, for increased appropriations to agricultural colleges; to the Committee on Agriculture.

Also, petition of a German Catholic society, for passage of the Esch phosphorus bill; to the Committee on Ways and

By Mr. LINDSAY: Resolutions of the American Board of Commissioners for Foreign Missions, favoring bill to reimburse those American citizens who advanced \$66,000 ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

Also, petition of E. Elcock, of Sheepshead Bay, N. Y., urging an appropriation to dredge the channel of Sheepshead Bay; to

the Committee on Rivers and Harbors.

By Mr. LITTLEPAGE: Petitions of citizens of West Virginia, asking for a reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of residents of Moline and Rock Island, Ill., for the passage of the Berger old-age pension

bill; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of Omaha (Nebr.) Woman's Club, favoring the Owen health bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Resolution of the Flatbush Taxpayers' Association, of Brooklyn, N. Y., favoring the removal of the post-office building in the Borough of Manhattan, New York City; to the Committee on Public Buildings and Grounds.

Also, petition of the New York Produce Exchange, protesting

Also, petition of the New York Produce Exchange, protesting against the abolishment of the Remsen Board of Reference; to the Committee on Agriculture.

By Mr. MALBY: Petitions of Silas Wright Grange, Kendrew Grange, Chase Mills Grange, Au Sable Valley Grange, Potsdam Grange, Westville Grange, West Chazy Grange, Wadhams Mills Grange, Gouverneur Grange, Hammond Grange, Lake View Grange, Peru Grange, Heuvelton Grange, Richville Grange, Stockholm Grange, South Colton Grange, Ticonderoga Grange, De Peyster Grange, Scotch Bush Grange, Crary Mills Grange, Brushton Grange, Waddington Grange, Rennselaer Falls Grange, Valley Grange, and Placid Grange, Patrons of Husbandry, pro-testing against the repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of F. R. Kirk, S. H. Kerry, John Mooney, Irving Ladd, P. E. Ladd, S. A. Ladd, Edwin Trim, Frank Murphy, A. D. Hoose, H. A. Hunter, Nathan Trim, Charles Harrington, and B. D. Law, of New York State, praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Trades and Labor Council of Ogdensburg, N. Y., for the passage of House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of Railroad Young Men's Christian Association of Rouses Point, N. Y., for passage of Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Norwood, N. Y., for extension of mail delivery by carriers to villages of 1,000 inhabitants; to the

Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of C. E. Hill, of Chicago, Ill., in favor of reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Milwaukee (Wis.) Chamber of Commerce, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Art Institute, of Chicago, Ill., favoring a monument as a memorial to Lincoln instead of a memorial road-

way; to the Committee on the Library.

By Mr. NEEDHAM: Resolution of the Merced County (Cal.) Chamber of Commerce, for the improvement of Yosemite Park; to the Committee on the Public Lands.

By Mr. PAGE: Petition of High Point Grocery Co., of High Point, N. C., asking that the duties on raw and refined sugars

be reduced; to the Committee on Ways and Means.
Also, petition of citizens of Waxhaw, N. C., for passage of an effective interstate liquor law; to the Committee on the Judi-

By Mr. PATTON of Pennsylvania: Petitions of the Woman's By Mr. PATTON of Pennsylvania; Petitions of the Woman's Christian Temperance Unions of Clearfield, Rixford, and Kane; also of the Bible Class of First Methodist Church; and of the Swedish Lutheran, First Baptist, and African Methodist Episcopal Churches of Bradford, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary. By Mr. PUJO: Papers to accompany bill for relief of Ernest

J. Lyons; to the Committee on Claims.

Also, petition of citizens of the State of Louisiana, for old-

age pensions; to the Committee on Pensions.

By Mr. RAKER: Resolutions of the American Board of Commissioners for Foreign Missions, of Boston, Mass., favoring bill to reimburse those American citizens who advanced \$66,000, ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

Also, resolutions of the Men's League, First Congregational Church, Oakland, Cal., favoring the enforcement of the whiteslave traffic act; to the Committee on Immigration and Nat-

Also, resolutions of the Raymond Commercial Club, of Raymond, Wash., favoring the improvement of the Willapa River, Wash.; to the Committee on Rivers and Harbors

By Mr. REILLY: Petition of German Catholic Society of Meriden, Conn., for passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of German-American Alliance of Danbury, Conn., against interstate liquor legislation; to the Committee on the Judiciary

By Mr. ROBERTS of Nevada: Petitions of citizens of Reno, Sparks, and Paradise Valley, Nev., favoring passage of the oldage pension bill; to the Committee on Pensions.

By Mr. SABATH: Resolutions of the Chamber of Commerce of the city of Milwaukee, Wis., protesting against any change being made in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Valdez, Alaska, for building wagon roads and trails in Alaska; to the Committee on the Territories.

Also, resolutions of Chicago Newspaper Webb Pressmen's Union, No. 7, praying for enactment of legislation to increase the compensation of pressmen employed in the Government

Printing Office 10 cents per hour; to the Committee on Printing. By Mr. SAMUEL W. SMITH: Petitions of citizens of Duffield, Linden, and Davison, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Ralph Martinez and others, of Brooklyn, N. Y., in favor of House bill 17253, known as the Reilly bill; to the Committee on Ways and Means,

Also, petitions of numerous citizens of Red River, N. Mex., and other sections of the country, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland: Petitions of residents of the

By Mr. TALBOTT of Maryland: Petitions of residents of the State of Maryland, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of the German Catholic Society of Utica, N. Y., for passage of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of members of the Improved Order of Red Men of the twenty-fifth congressional district of Illinois, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TOWNER: Petition of A. I. Gwinn and others of

By Mr. TOWNER: Petition of A. J. Gwinn and others, of Lucas, Iowa, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of A. Stone and other citizens of Mystic, Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petitions of churches and Woman's Christian Temperance Unions of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Papers to accompany bill for relief of Elizabeth B. Schofield (H. R. 19856); to the Committee on Invalid

Also, petition of Providence (R. I.) Central Federated Union, favoring the Lloyd bill permitting Government employees to join labor unions; to the Committee on Reform in the Civil

Also, petitions of the Woman's Christian Temperance Unions of Providence, Avondale, Warren, Woodville, and Portsmouth; also of the Christian Endeavor Society of Woonsocket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEBB: Petitions of L. H. Youngblood and others, of Charlotte, N. C., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of citizens of New York City, for passage of old-age pension bill; to the Committee

on Pensions.

By Mr. YOUNG of Kansas: Petition of citizens of Tipton, Kans., for parcel-post law; to the Committee on the Post Office and Post Roads.